

118TH CONGRESS
1ST SESSION

H. R. 5260

To amend the National Defense Authorization Act for Fiscal Year 2021, to modify the prohibition on the acquisition by the Department of Defense of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 2023

Ms. SLOTKIN (for herself and Mr. POSEY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the National Defense Authorization Act for Fiscal Year 2021, to modify the prohibition on the acquisition by the Department of Defense of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Free Military
5 Purchasing Act”.

1 **SEC. 2. RESTRICTION ON DEPARTMENT OF DEFENSE AC-**
 2 **QUISITION OF COVERED ITEMS CONTAINING**
 3 **OR PRODUCED USING CERTAIN SUBSTANCES.**

4 (a) MODIFICATION.—Section 333 of the National De-
 5 fense Authorization Act for Fiscal Year 2021 (Public Law
 6 116–283; 10 U.S.C. 3062 note; 134 Stat. 3531) is amend-
 7 ed to read as follows:

8 **“SEC. 333. RESTRICTION ON DEPARTMENT OF DEFENSE AC-**
 9 **QUISITION OF COVERED ITEMS CONTAINING**
 10 **OR PRODUCED USING CERTAIN SUBSTANCES.**

11 “(a) PROHIBITION BEGINNING APRIL 1, 2023.—

12 “(1) PROHIBITION.—During the period begin-
 13 ning on April 1, 2023, and ending on April 1, 2025,
 14 the Secretary of Defense may not acquire any cov-
 15 ered item that contains perfluorooctane sulfonate
 16 (PFOS) or perfluorooctanoic acid (PFOA).

17 “(2) COVERED ITEM DEFINED.—In this sub-
 18 section, the term ‘covered item’ means—

19 “(A) nonstick cookware or cooking utensils
 20 for use in galleys or dining facilities; and

21 “(B) upholstered furniture, carpets, and
 22 rugs that have been treated with stain-resistant
 23 coatings.

24 “(b) PROHIBITION BEGINNING APRIL 1, 2025.—

25 “(1) PROHIBITION.—Beginning on April 1,
 26 2025, the Secretary of Defense may not acquire any

covered item that contains or is produced using any
of the following:

“(A) Perfluorooctane sulfonate (PFOS).

“(B) Perfluorooctanoic acid (PFOA).

“(C) Perfluorobutane sulfonate (PFBS).

“(D) Perfluorobutanoic acid (PFBA).

“(E) Perfluorohexanoic acid (PFHxA).

“(F) Perfluoroheptanoic acid (PFHpA).

“(G) Perfluorohexanesulfonic acid
(PFHxS).

“(H) Perfluoroheptane sulfonic acid
(PFHpS).

“(I) Perfluorononanoic acid (PFNA).

“(J) Perfluorodecanoic Acid (PFDA).

“(K) Perfluoroundecanoic acid (PFUnA).

“(L) Perfluorododecanoic acid (PFDoDA).

“(M) Perfluorooctanesulfonamide (PFOSA
or FOSA).

“(N) Hexafluoropropylene Oxide (HFPO)
Dimer Acid (GenX).

“(2) IMPLEMENTATION.—In carrying out this
subsection, the Secretary shall include the prohibi-
tion under paragraph (1) as a term in any contract
or other agreement entered into on or after April 1,

2025, by the Secretary for the acquisition of a covered item.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

“(A) requiring the disposal of, or otherwise affecting, covered items acquired by the Secretary of Defense prior to April 1, 2025; or

“(B) imposing an obligation on the Secretary to test covered items to confirm the absence of perfluoroalkyl substances or polyfluoroalkyl substances.

“(4) DEFINITIONS.—In this subsection:

“(A) The term ‘covered item’ means—

“(i) non-stick cookware or food service ware for use in galleys or dining facilities;

“(ii) food packaging materials;

“(iii) cleaning products, including floor waxes;

“(iv) carpeting;

“(v) rugs, curtains, or upholstered furniture;

“(vi) sunscreen;

“(vii) shoes and clothing for which treatment with a perfluoroalkyl substance

1 or polyfluoroalkyl substance is not nec-
2 essary for an essential function; and

3 “(viii) such other items as may be de-
4 termined by the Secretary.

5 “(B) The term ‘perfluoroalkyl substance’
6 means a man-made chemical of which all of the
7 carbon atoms are fully fluorinated carbon
8 atoms.

9 “(C) The term ‘polyfluoroalkyl substance’
10 means a man-made chemical containing at least
11 one fully fluorinated carbon atom and at least
12 one nonfluorinated carbon atom.”.

13 (b) ANNUAL REPORTS.—

14 (1) REPORTS.—Not later than 270 days after
15 the date of the enactment of this Act, and annually
16 thereafter, the Secretary of Defense shall submit to
17 the Committees on Armed Services of the House of
18 Representatives and the Senate a report containing
19 a detailed description of the following:

20 (A) Steps taken to identify covered items
21 acquired by the Secretary of Defense that con-
22 tain or are produced using perfluoroalkyl sub-
23 stances or polyfluoroalkyl substances.

24 (B) Steps taken to limit the acquisition by
25 the Secretary of covered items that contain or

1 are produced using perfluoroalkyl substances or
2 polyfluoroalkyl substances.

3 (C) Planned steps of the Secretary to limit
4 the acquisition of covered items that contain or
5 are produced using perfluoroalkyl substances or
6 polyfluoroalkyl substances.

7 (2) DEFINITIONS.—In this subsection, the
8 terms “covered item”, “perfluoroalkyl substance”,
9 and “polyfluoroalkyl substance” have the meanings
10 given those terms in section 333(b) of the National
11 Defense Authorization Act for Fiscal Year 2021
12 (Public Law 116–283; 10 U.S.C. 3062 note; 134
13 Stat. 3531), as amended by subsection (a).

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