

118TH CONGRESS
1ST SESSION

S. 1360

To require the Secretary of Defense to include exposure to perfluoroalkyl substances and polyfluoroalkyl substances in periodic health assessments of members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the Secretary of Defense to include exposure to perfluoroalkyl substances and polyfluoroalkyl substances in periodic health assessments of members of the Armed Forces, and for other purposes.

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 Exposure As-
5 sessment and Documentation Act”.

1 **SEC. 2. INCLUSION OF EXPOSURE TO PERFLUOROALKYL**
2 **SUBSTANCES AND POLYFLUOROALKYL SUB-**
3 **STANCES AS PART OF PERIODIC HEALTH AS-**
4 **SESSMENTS.**

5 (a) PERIODIC HEALTH ASSESSMENT.—The Sec-
6 retary of Defense shall ensure that any periodic health as-
7 sessment provided to a member of the Armed Forces in-
8 cludes an evaluation of whether the member has been—

9 (1) based or stationed at a military installation
10 identified by the Department of Defense as a loca-
11 tion with a known or suspected release of
12 perfluoroalkyl substances or polyfluoroalkyl sub-
13 stances during the period in which the member was
14 based or stationed at the military installation; or

15 (2) exposed to such substances, including by
16 evaluating any information in the health record of
17 the member.

18 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
19 TIONS.—Section 1145(a)(5) of title 10, United States
20 Code, is amended—

21 (1) in subparagraph (A), by striking “subpara-
22 graph (D)” and inserting “subparagraph (E)”;

23 (2) by redesignating subparagraph (D) as sub-
24 paragraph (E); and

25 (3) by inserting after subparagraph (C) the fol-
26 lowing new subparagraph (D):

1 “(D) The Secretary concerned shall ensure that each
2 physical examination of a member under subparagraph
3 (A) includes an assessment of whether the member was—

4 “(i) based or stationed at a military installation
5 identified by the Department as a location with a
6 known or suspected release of perfluoroalkyl sub-
7 stances or polyfluoroalkyl substances during the pe-
8 riod in which the member was based or stationed at
9 the military installation; or

10 “(ii) exposed to such substances, including by
11 assessing any information in the health record of the
12 member.”.

13 (c) DEPLOYMENT ASSESSMENTS.—Section
14 1074f(b)(2) of title 10, United States Code, is amended
15 by adding at the end the following new subparagraph:

16 “(E) An assessment of whether the member
17 was—

18 “(i) based or stationed at a military instal-
19 lation identified by the Department as a loca-
20 tion with a known or suspected release of
21 perfluoroalkyl substances or polyfluoroalkyl sub-
22 stances during the period in which the member
23 was based or stationed at the military installa-
24 tion; or

1 “(ii) exposed to such substances, including
 2 by assessing any information in the health
 3 record of the member.”.

4 **SEC. 3. PROVISION OF BLOOD TESTING FOR MEMBERS OF**
 5 **THE ARMED FORCES, FORMER MEMBERS OF**
 6 **THE ARMED FORCES, AND THEIR FAMILIES**
 7 **TO DETERMINE EXPOSURE TO**
 8 **PERFLUOROALKYL SUBSTANCES OR**
 9 **POLYFLUOROALKYL SUBSTANCES.**

10 (a) MEMBERS OF THE ARMED FORCES.—

11 (1) IN GENERAL.—If a covered evaluation of a
 12 member of the Armed Forces results in a positive
 13 determination of potential exposure to perfluoroalkyl
 14 substances or polyfluoroalkyl substances, the Sec-
 15 retary of Defense shall provide to that member, dur-
 16 ing that covered evaluation, blood testing to deter-
 17 mine and document potential exposure to such sub-
 18 stances.

19 (2) INCLUSION IN HEALTH RECORD.—The re-
 20 sults of blood testing of a member of the Armed
 21 Forces conducted under paragraph (1) shall be in-
 22 cluded in the health record of the member.

23 (b) FORMER MEMBERS OF THE ARMED FORCES AND
 24 FAMILY MEMBERS.—The Secretary shall pay for blood
 25 testing to determine and document potential exposure to

1 perfluoroalkyl substances or polyfluoroalkyl substances for
2 any covered individual, at the election of the individual,
3 either through the TRICARE program for individuals oth-
4 erwise eligible for such program or through the use of
5 vouchers to obtain such testing.

6 (c) DEFINITIONS.—In this section:

7 (1) COVERED EVALUATION.—The term “cov-
8 ered evaluation” means—

9 (A) a periodic health assessment conducted
10 in accordance with section 2(a);

11 (B) a separation history and physical ex-
12 amination conducted under section 1145(a)(5)
13 of title 10, United States Code, as amended by
14 section 2(b); and

15 (C) a deployment assessment conducted
16 under section 1074f(b)(2) of such title, as
17 amended by section 2(c).

18 (2) COVERED INDIVIDUAL.—The term “covered
19 individual” means a former member of the Armed
20 Forces or a family member of a member or former
21 member of the Armed Forces who lived at a location
22 (or the surrounding area of such a location) identi-
23 fied by the Department of Defense as a location
24 with a known or suspected release of perfluoroalkyl
25 substances or polyfluoroalkyl substances during the

1 period in which the individual lived at that location
 2 (or surrounding area).

3 (3) TRICARE PROGRAM.—The term
 4 “TRICARE program” has the meaning given that
 5 term in section 1072(7) of title 10, United States
 6 Code.

7 **SEC. 4. DOCUMENTATION OF EXPOSURE TO**
 8 **PERFLUOROALKYL SUBSTANCES OR**
 9 **POLYFLUOROALKYL SUBSTANCES.**

10 (a) SHARING OF INFORMATION.—The Secretary of
 11 Defense and the Secretary of Veterans Affairs shall enter
 12 into a memorandum of understanding providing for the
 13 sharing by the Department of Defense with the Depart-
 14 ment of Veterans Affairs of the results of covered evalua-
 15 tions regarding the exposure by a member of the Armed
 16 Forces to perfluoroalkyl substances or polyfluoroalkyl sub-
 17 stances.

18 (b) REGISTRY.—

19 (1) ESTABLISHMENT.—The Secretary of De-
 20 fense shall establish a registry of members of the
 21 Armed Forces who have been exposed to, or are sus-
 22 pected to have been exposed to, perfluoroalkyl sub-
 23 stances or polyfluoroalkyl substances.

24 (2) INCLUSION IN REGISTRY.—The Secretary
 25 shall include a member of the Armed Forces in the

1 registry established under paragraph (1) if a covered
2 evaluation of the member establishes that the mem-
3 ber—

4 (A) was based or stationed at a location
5 identified by the Department of Defense as a
6 location with a known or suspected release of
7 perfluoroalkyl substances or polyfluoroalkyl sub-
8 stances during the period in which the member
9 was based or stationed at the location; or

10 (B) was exposed to such substances.

11 (3) BLOOD TESTING.—The results of any blood
12 test conducted under section 4(a) shall be included
13 in the registry established under paragraph (1) for
14 any member of the Armed Forces included in the
15 registry.

16 (4) ELECTION.—A member of the Armed
17 Forces may elect not to be included in the registry
18 established under paragraph (1).

19 (c) PROVISION OF INFORMATION.—The Secretary of
20 Defense shall provide to a member of the Armed Forces
21 more information on perfluoroalkyl substances and
22 polyfluoroalkyl substances and the potential impact of ex-
23 posure to such substances if a covered evaluation of such
24 member establishes that the member—

1 (1) was based or stationed at a location identi-
2 fied by the Department of Defense as a location
3 with a known or suspected release of perfluoroalkyl
4 substances or polyfluoroalkyl substances during the
5 period in which the member was based or stationed
6 at the location; or

7 (2) was exposed to such substances.

8 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed to preclude eligibility of a veteran
10 for benefits under the laws administered by the Secretary
11 of Veterans Affairs by reason of the exposure of the vet-
12 eran to perfluoroalkyl substances or polyfluoroalkyl sub-
13 stances not being recorded in a covered evaluation.

14 (e) COVERED EVALUATION DEFINED.—In this sec-
15 tion, the term “covered evaluation” means—

16 (1) a periodic health assessment conducted in
17 accordance with section 2(a);

18 (2) a separation history and physical examina-
19 tion conducted under section 1145(a)(5) of title 10,
20 United States Code, as amended by section 2(b);
21 and

22 (3) a deployment assessment conducted under
23 section 1074f(b)(2) of such title, as amended by sec-
24 tion 2(c).

○