

117TH CONGRESS
1ST SESSION

S. 2518

To require the Secretary of Defense to disclose testing and results of testing for perfluoroalkyl or polyfluoroalkyl substances and to provide additional requirements for testing for such substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2021

Ms. ROSEN (for herself and Mr. ROUNDS) 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 disclose testing and results of testing for perfluoroalkyl or polyfluoroalkyl substances and to provide additional requirements for testing for such substances, 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 “Military PFAS Testing
5 Disclosure Act”.

1 **SEC. 2. PUBLIC DISCLOSURE OF TESTING AND RESULTS OF**
2 **DEPARTMENT OF DEFENSE TESTING FOR**
3 **PERFLUOROALKYL OR POLYFLUOROALKYL**
4 **SUBSTANCES AND ADDITIONAL REQUIRE-**
5 **MENTS FOR TESTING.**

6 (a) PUBLIC DISCLOSURE OF PFAS TESTING RE-
7 SULTS.—Not later than 10 days after receipt of validated
8 testing results, the Secretary of Defense shall publicly dis-
9 close the validated results of any testing for perfluoroalkyl
10 or polyfluoroalkyl substances (commonly referred to as
11 “PFAS”) conducted on or at areas surrounding military
12 installations of the Department of Defense in the United
13 States or facilities of the National Guard, as authorized
14 under section 2707(e) of title 10, United States Code, in-
15 cluding—

16 (1) the results of all such testing conducted by
17 the Department; and

18 (2) the results of all such testing conducted by
19 a non-Department entity (including any Federal
20 agency or any public or private entity) under con-
21 tract by or pursuant to an agreement with the De-
22 partment.

23 (b) PUBLIC DISCLOSURE OF PLANNED PFAS TEST-
24 ING.—Not later than 60 days after the date of the enact-
25 ment of the Act, and every 90 days thereafter, the Sec-
26 retary of Defense shall disclose the expected timing and

1 general location of any planned testing for perfluoroalkyl
2 or polyfluoroalkyl substances conducted on or at areas sur-
3 rounding military installations of the Department of De-
4 fense in the United States or facilities of the National
5 Guard, as authorized under section 2707(e) of title 10,
6 United States Code, including—

7 (1) all such testing to be conducted by the De-
8 partment; and

9 (2) all such testing to be conducted by a non-
10 Department entity (including any Federal agency
11 and any public or private entity) under contract by
12 or pursuant to an agreement with the Department.

13 (c) NATURE OF DISCLOSURE.—The Secretary of De-
14 fense may satisfy the disclosure requirements under sub-
15 sections (a) and (b) by publishing the information,
16 datasets, and results relating to the testing described in
17 such subsections—

18 (1) on the publicly available website established
19 under section 331(b) of the National Defense Au-
20 thorization Act for Fiscal Year 2020 (Public Law
21 116–92; 10 U.S.C. 2701 note);

22 (2) on another publicly available website of the
23 Department of Defense; or

24 (3) in the Federal Register.

1 (d) REQUIREMENTS OF INFORMATION TO BE DIS-
2 CLOSED.—The information required to be disclosed by the
3 Secretary of Defense under subsections (a) and (b) and
4 published under subsection (c)—

5 (1) shall constitute a record for the purposes of
6 chapters 21, 29, 31, and 33 of title 44, United
7 States Code;

8 (2) shall include any underlying datasets or ad-
9 ditional information of interest to the public, as de-
10 termined by the Secretary; and

11 (3) may exclude information as authorized by
12 law.

13 (e) LOCAL NOTIFICATION.—Prior to conducting any
14 testing for perfluoroalkyl or polyfluoroalkyl substances, in-
15 cluding any testing not previously planned and reported,
16 the Secretary of Defense shall provide notice to—

17 (1) the managers of the public water system
18 serving the areas located immediately adjacent to
19 the military installation where such testing is to
20 occur;

21 (2) the municipal government serving the areas
22 located immediately adjacent to the military installa-
23 tion where such testing is to occur; and

1 (3) all members of the Restoration Advisory
2 Board for the military installation where such test-
3 ing is to occur, as applicable.

4 (f) TYPE OF TESTING.—When testing for
5 perfluoroalkyl or polyfluoroalkyl substances, the Secretary
6 of Defense shall test for all perfluoroalkyl or
7 polyfluoroalkyl substances included in that method of
8 measuring the amount of such substances in drinking
9 water that has been validated by the Administrator of the
10 Environmental Protection Agency.

11 (g) DEFINITIONS.—In this section:

12 (1) The term “military installation” has the
13 meaning given such term in section 2801(c)(4) of
14 title 10, United States Code.

15 (2) The term “perfluoroalkyl or polyfluoroalkyl
16 substance” means any man-made chemical with at
17 least one fully fluorinated carbon atom.

18 (3) The term “public water system” has the
19 meaning given such term under section 1401(4) of
20 the Safe Drinking Water Act (42 U.S.C. 300f(4)).

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