

AMENDMENT TO RULES COMM. PRINT 116-57
OFFERED BY MR. FITZPATRICK OF
PENNSYLVANIA

At the end of subtitle B of title XXVIII, add the following new section:

1 **SEC. 28___ . IMPROVED DEPARTMENT OF DEFENSE AND**
2 **LANDLORD RESPONSE TO IDENTIFICATION**
3 **AND REMEDIATION OF SEVERE ENVIRON-**
4 **MENTAL HEALTH HAZARDS IN MILITARY**
5 **HOUSING.**

6 (a) DEFINITIONS.—In this section:

7 (1) The terms “landlord”, “privatized military
8 housing”, and “tenant” have the meanings given
9 those terms in section 3001(a) of the Military Con-
10 struction Authorization Act for Fiscal Year 2020
11 (division B of Public Law 116-92; 133 Stat. 1916;
12 10 U.S.C. 2821 note).

13 (2) The term “severe environmental health haz-
14 ard” means asbestos, radon, lead, and such other
15 hazardous substances as the Secretary of Defense
16 may designate.

17 (b) GUIDANCE REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this section, the
3 Secretary of Defense shall issue guidance regarding
4 hazard assessments conducted under section 3052(b)
5 of the Military Construction Authorization Act for
6 Fiscal Year 2020 (division B of Public Law 116–92;
7 10 U.S.C. 2821 note) subsection (b) and under the
8 process developed under section 3053(a) of such Act
9 (10 U.S.C. 2821 note) to improve Department of
10 Defense and landlord identification and resolution of
11 severe environmental health hazards in housing
12 under the jurisdiction of the Department of Defense
13 (including privatized military housing).

14 (2) TESTING AND INSPECTION REQUIRE-
15 MENTS.—The guidance issued under this subsection
16 shall specifically require, on an annual basis or at
17 more frequent intervals as the Secretary considers
18 appropriate, the following:

19 (A) Testing in housing under the jurisdic-
20 tion of the Department of Defense (including
21 privatized military housing) for known severe
22 environmental health hazards.

23 (B) Inspections of such housing to deter-
24 mine the efficacy of mitigation or encapsulation
25 measures regarding severe environmental health

1 hazards. Such inspections shall be performed by
2 qualified home inspectors (as described in sec-
3 tion 3051(d) of the Military Construction Au-
4 thorization Act for Fiscal Year 2020 (division
5 B of Public Law 116–92; 10 U.S.C. 2821 note)
6 and adhere to recognized industry practices and
7 standards.

8 (3) ADDITIONAL REQUIREMENT FOR LEAD EN-
9 CAPSULATION.—The guidance issued under this sub-
10 section shall specifically require that testing of the
11 integrity of lead encapsulation will be performed on
12 an emergency basis at the request of the affected
13 tenant.

14 (4) PROMPT NOTIFICATION REQUIREMENT.—
15 The results of testing and inspections described in
16 paragraphs (2) and (3) shall be shared with the ten-
17 ant of the affected housing within 48 hours after re-
18 ceipt of the results by the housing management of-
19 fice of the military installation for which the housing
20 is provided, the installation commander, or the land-
21 lord, whichever occurs first.

22 (5) ALTERNATIVE HOUSING.—The Secretary of
23 the military department concerned shall provide al-
24 ternative housing to affected tenants until any dis-

1 crepancies are resolved, as provided in the depart-
2 ment's displaced tenants policy.

3 (c) **ADDITIONAL PROTECTIONS FOR CERTAIN MEM-**
4 **BERS.**—Members of the Armed Forces assigned to a mili-
5 tary installation who are required to reside in on-installation
6 housing (including privatized military housing on the
7 installation) because of the members' essential status shall
8 be provided the following information before occupying the
9 housing (and, in the case of privatized military housing,
10 signing lease documents):

11 (1) The most recent results of testing and in-
12 spections described in paragraphs (2) and (3) of
13 subsection (b) regarding the housing.

14 (2) If any of the tests and inspections were
15 positive, information on the mitigation or encapsula-
16 tion measures in place in the housing.

17 (3) Information on required maintenance of
18 mitigation measures.

