

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve housing and environmental health and safety protections for members of the Armed Forces and their families residing in military family housing.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. _____

To authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

1 At the appropriate place in title XXVIII, insert the
2 following:

3 **SEC. 28 _____. DEVELOPMENT AND IMPLEMENTATION OF**
4 **MINIMUM HEALTH AND SAFETY STANDARDS**
5 **FOR MILITARY FAMILY HOUSING.**

6 (a) STANDARDS.—

7 (1) INITIAL GUIDANCE.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of the enactment of this
10 Act, the Secretary of Defense shall issue in-

1 terim guidance for acceptable levels of relative
2 humidity, ventilation, dampness, and water in-
3 trusion to be applied at all covered housing.

4 (B) EFFECT.—Interim guidance issued
5 under subparagraph (A) shall remain in effect
6 until final standards are published under para-
7 graph (2).

8 (2) FINAL STANDARDS.—Not later than one
9 year after the date of the enactment of this Act, the
10 Secretary of Defense shall issue final standards for
11 acceptable levels of relative humidity, ventilation,
12 dampness, and water intrusion to be applied at all
13 covered housing, which shall include—

14 (A) acceptable levels of relative humidity
15 indoors;

16 (B) required ventilation and moisture con-
17 trol measures;

18 (C) environmental inspection and testing
19 methods; and

20 (D) the standard of care for mold remedi-
21 ation adopted under subsection (f).

22 (3) REPORTING AND AVAILABILITY OF TEST-
23 ING.—The final standards established under para-
24 graph (2) shall require results of environmental in-
25 spection and testing methods under subparagraph

1 (C) of such paragraph to be reported to the Sec-
2 retary of Defense and made available to tenants of
3 affected housing units not later than 10 days after
4 sample collection.

5 (b) CERTIFICATION OF COMPLIANCE.—Not less fre-
6 quently than annually, each housing office of the Depart-
7 ment shall certify to Congress that the housing office is
8 in compliance with health and safety standards for covered
9 housing required under this section.

10 (c) ESTABLISHMENT OF INDEPENDENT INSPECTION
11 PROTOCOL FOR PRIVATIZED MILITARY HOUSING.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense shall ensure that each installation
15 of the Department of Defense conducts, using inde-
16 pendent certified third-party inspectors, mold and
17 environmental health inspections for all covered
18 housing that is privatized military housing—

19 (A) upon receipt of any tenant complaint
20 regarding safety and habitability of a housing
21 unit; and

22 (B) following any remediation effort, struc-
23 tural repair, or response to an identified envi-
24 ronmental hazard at a housing unit.

1 (2) ELEMENTS OF INSPECTIONS.—Inspections
2 conducted under paragraph (1) shall include, at min-
3 imum—

4 (A) evaluation of heating, ventilation, and
5 air conditioning (HVAC) systems, plumbing,
6 electrical systems, and structural integrity;

7 (B) inspection for signs of water intrusion,
8 dampness, humidity, visible or non-visible mold,
9 microbial growth, and other indoor air quality
10 concerns;

11 (C) review of current and past work order
12 records and completion timelines; and

13 (D) review of contractor compliance with
14 privatized military housing contract require-
15 ments and housing regulations of the Depart-
16 ment of Defense.

17 (3) RECORDING AND MAINTENANCE OF
18 RECORDS.— All findings of inspections conducted
19 under paragraph (1) shall be—

20 (A) recorded in a standardized Federal
21 Government inspection record;

22 (B) certified by the inspector with a clear
23 “pass” or “fail” status;

24 (C) maintained in an accessible, historical
25 housing record for each housing unit; and

1 (D) made available to the relevant installa-
2 tion commander and military housing office.

3 (4) DOCUMENTATION AND SUBMISSION OF RE-
4 SULTS.—The commander of each installation of the
5 Department shall—

6 (A) document results of inspections con-
7 ducted under paragraph (1); and

8 (B) submit the results of such inspections
9 to—

10 (i) the Secretary;

11 (ii) the Office of Inspector General of
12 the Department of Defense; and

13 (iii) the Committees on Armed Serv-
14 ices of the Senate and the House of Rep-
15 resentatives.

16 (5) ACCESS AND TRANSPARENCY.—Inspection
17 reports certified under paragraph (3)(B) and hous-
18 ing history records required under paragraph (3)(C)
19 shall be—

20 (A) provided in full to current tenants of
21 the inspected unit;

22 (B) made available upon request to any in-
23 coming tenants; and

24 (C) maintained in a secure portal acces-
25 sible to staff of the relevant military housing of-

1 fice, the Committees on Armed Services of the
2 Senate and the House of Representatives, and
3 military family advocacy personnel.

4 (6) REMEDIATION OR TENANT RELOCATION.—

5 In the case of a housing unit failing inspection con-
6 ducted under paragraph (1), the Secretary shall en-
7 sure that the unit is remediated or the tenants of
8 such unit are relocated not later than 30 days after
9 such failed inspection, if such tenants wish to be re-
10 located.

11 (d) REQUIREMENTS FOR PRIVATIZED MILITARY
12 HOUSING.—

13 (1) HEALTH AND SAFETY STANDARDS FOR
14 MILITARY HOUSING.—The Secretary of each military
15 department shall ensure that all housing project
16 agreements and renewals for privatized military
17 housing under the jurisdiction of the Secretary con-
18 cerned entered into on or after the date of the enact-
19 ment of this Act are compliant with the appropriate
20 environmental health and safety standards estab-
21 lished by the Department of Defense.

22 (2) FUTURE CONTRACT AGREEMENTS AND RE-
23 NEWALS.—For all housing project agreements and
24 renewals for privatized military housing entered into
25 on or after the date of the enactment of this Act,

1 and to the extent practicable for agreements in place
2 as of such date of enactment, not later than 180
3 days after the date of the enactment of this Act, the
4 Secretary of Defense shall incorporate enforceable
5 provisions related to environmental hazard response,
6 inspection, and tenant relocation protections which
7 shall include—

8 (A) enforceable environmental health and
9 safety clauses; and

10 (B) requirements that providers of
11 privatized military housing bear full financial
12 responsibility for—

13 (i) required third-party inspections;

14 (ii) maintenance;

15 (iii) mold remediation;

16 (iv) all relocation expenses for military
17 families forced to vacate uninhabitable
18 units;

19 (v) property loss; and

20 (vi) refunding any amounts paid
21 through a basic allowance for housing
22 under section 403 of title 37, United
23 States Code, for military families forced to
24 vacate uninhabitable units.

1 (e) CERTIFICATION REQUIREMENTS FOR MOLD AS-
2 SESSMENT AND REMEDIATION.—The Secretary shall en-
3 sure that all maintenance personnel, contracted mold as-
4 sessors, indoor environmental professionals, and mold re-
5 mediators responsible for assessing or remediating mold
6 and water damage in covered housing shall possess and
7 maintain current certifications issued by a nationally rec-
8 ognized, third-party, nonprofit certifying body, which may
9 include the following:

10 (1) The Institute of Inspection Cleaning and
11 Restoration Certification.

12 (2) The National Organization of Remediators
13 and Microbial Inspectors.

14 (3) The American Council for Accredited Cer-
15 tification.

16 (f) STANDARD OF CARE FOR MOLD REMEDIATION.—
17 All mold remediation activities conducted in covered hous-
18 ing shall comply with the American National Standards
19 Institute and Institute of Inspection Cleaning and Res-
20 toration Certification S520 Standard for Professional
21 Mold Remediation, Fourth Edition, or any subsequent edi-
22 tion published by the Institute of Inspection Cleaning and
23 Restoration Certification or successor organization.

1 (g) ISSUANCE OF GUIDANCE.—Not later than 180
2 days after the date of the enactment of this Act, the Sec-
3 retary shall—

4 (1) issue guidance with respect to the imple-
5 mentation of this section; and

6 (2) provide written notification to all providers
7 of privatized military housing regarding the require-
8 ments of this section.

9 (h) WITHHOLDING AND ABATEMENT OF AMOUNTS
10 FOR PRIVATIZED MILITARY HOUSING UNITS.—

11 (1) IN GENERAL.—The Secretary of Defense, in
12 consultation with the Secretary of Housing and
13 Urban Development, shall establish procedures to
14 allow a tenant living in a unit of privatized military
15 housing that receives a failed inspection result under
16 this section to withhold or abate payment of the
17 basic allowance for housing under section 403 of
18 title 37, United States Code, for such unit.

19 (2) PERIOD.—The Secretary of Defense shall
20 permit withholding or abatement under paragraph
21 (1) of payment of the basic allowance for housing
22 under section 403 of title 37, United States Code,
23 for a unit of privatized military housing during any
24 period in which the unit maintains a failed inspec-
25 tion and until the violations are remedied.

1 (3) RELEASE OF PAYMENT.—Amounts withheld
2 or abated under paragraph (1) with respect to a unit
3 of privatized military housing shall be released if—

4 (A) all violations are remediated; and

5 (B) an independent inspector provides a
6 written certification to the Secretary of the
7 military department concerned verifying such
8 remediation and the compliance of such unit
9 with the requirements under this section.

10 (4) CONTINUED NONCOMPLIANCE.—If defi-
11 ciencies in compliance with the requirements under
12 this section are not corrected within a 30-day pe-
13 riod—

14 (A) the owner or operator of the affected
15 unit of privatized military housing shall not
16 have a right to receive current, future, withheld,
17 or abated payments;

18 (B) amounts withheld or abated under
19 paragraph (1) may be returned to the tenant;
20 and

21 (C) the Secretary concerned shall—

22 (i) pursue additional contractual rem-
23 edies, including termination of the author-
24 ity of the owner or operator of the affected

1 unit to provide privatized military housing;
2 and

3 (ii) ensure that ongoing violations
4 with respect to such unit are disclosed to
5 any prospective tenant before they enter
6 into a rental agreement for such unit.

7 (5) PROTECTION OF TENANTS.—

8 (A) IN GENERAL.—An owner of a unit of
9 privatized military housing may not terminate
10 the tenancy of any tenant because of the with-
11 holding or abatement of payment pursuant to
12 paragraph (1).

13 (B) AUTHORITY OF TENANT TO TERMI-
14 NATE.—During the period that payment is
15 withheld or abated pursuant to paragraph (1)
16 for a unit of privatized military housing, the
17 tenant of such unit may terminate the tenancy
18 by notifying the owner of such unit.

19 (6) ADMINISTRATIVE STRUCTURE.—The Sec-
20 retary of Defense, in consultation with the Secretary
21 of Housing and Urban Development, shall admin-
22 ister this subsection by conducting or authorizing in-
23 spections, certifying clearance inspections, admin-
24 istering withholding and abatement functions, and
25 enforcing payment conditions in a manner similar to

1 that used by the Secretary of Housing and Urban
2 Development under section 8(o) of the United States
3 Housing Act of 1937 (42 U.S.C. 1437f(o)).

4 (i) PUBLIC REPORTING REQUIREMENTS.—Not later
5 than one year after the date of the enactment of this Act,
6 and annually thereafter, the Secretary shall publish on a
7 publicly available website of the Department of Defense,
8 with respect to covered housing—

9 (1) the number of mold complaints received,
10 disaggregated by installation of the Department;

11 (2) the results of inspections under this section
12 and compliance rates;

13 (3) remediation timelines and costs; and

14 (4) the number of relocations made.

15 (j) DEFINITIONS.—In this section:

16 (1) ACCEPTABLE LEVELS OF RELATIVE HUMID-
17 ITY.—The term “acceptable levels of *relative* humid-
18 ity”, with respect to an area, means an area with
19 humidity levels that are less than 50 percent.

20 (2) COVERED HOUSING.—The term “covered
21 housing” means any military family housing owned,
22 leased, or managed by the Department of Defense,
23 including privatized military housing.

24 (3) ENVIRONMENTAL INSPECTION AND TEST-
25 ING METHODS.—The term “environmental *inspection*

1 *and* testing methods” means detailed visual inspec-
2 tion substantiated by mold testing measures that in-
3 clude air sampling, tape lifts, swabs, and carpet
4 samples, and official laboratory analysis of such
5 samples.

6 (4) MOLD.—The term “mold” means any form
7 of multi-cellular fungi found in water-damaged in-
8 door environments and building materials, including,
9 cladosporium, penicillium, alternaria, aspergillus, fu-
10 sarium, chaetomium, trichoderma, memnoniella,
11 mucor, stachybotrys chartarum, streptomyces, and
12 epicoccum often.

13 (5) PRIVATIZED MILITARY HOUSING.—The
14 term “privatized military housing” means military
15 housing under subchapter IV of chapter 169 of title
16 10, United States Code.