

117TH CONGRESS
1ST SESSION

S. 1970

To require the Secretary of Defense to conduct testing for and remediation of perfluoroalkyl substances and polyfluoroalkyl substances at or surrounding installations of the Department of Defense located in the United States, formerly used defense sites, and State-owned facilities of the National Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2021

Mr. PADILLA (for himself, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Ms. WARREN, Mr. MERKLEY, Mr. BOOKER, Mrs. FEINSTEIN, Mr. MARKEY, Mr. SCHUMER, Ms. STABENOW, Mr. SANDERS, Mr. DURBIN, Mrs. SHAHEEN, Mr. PETERS, and Ms. HASSAN) 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 conduct testing for and remediation of perfluoroalkyl substances and polyfluoroalkyl substances at or surrounding installations of the Department of Defense located in the United States, formerly used defense sites, and State-owned facilities of the National Guard, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Water For Mili-
3 tary Families Act”.

4 **SEC. 2. TESTING FOR AND REMEDIATION OF**
5 **PERFLUOROALKYL SUBSTANCES AND**
6 **POLYFLUOROALKYL SUBSTANCES BY DE-**
7 **PARTMENT OF DEFENSE.**

8 (a) IN GENERAL.—The Secretary of Defense shall—

9 (1) conduct investigations into releases of
10 PFAS, including testing for the presence of PFAS
11 in groundwater, surface and drinking water, soil,
12 and soil vapor, at or surrounding installations of the
13 Department of Defense located in the United States,
14 formerly used defense sites, and State-owned facili-
15 ties of the National Guard; and

16 (2) conduct response actions relating to PFAS
17 contamination at or surrounding installations of the
18 Department located in the United States, formerly
19 used defense sites, or State-owned facilities of the
20 National Guard if—

21 (A) any detection of PFAS exceeds the
22 standards under subsection (b); or

23 (B) the Secretary finds remediation of
24 PFAS to be appropriate to protect human
25 health or the environment.

1 (b) STANDARDS FOR RESPONSE ACTIONS WITH RE-
2 SPECT TO PFAS CONTAMINATION.—In conducting re-
3 sponse actions under subsection (a)(2) with respect to
4 PFAS contamination, the Secretary shall conduct such ac-
5 tions to achieve a level of PFAS in the environmental
6 media that meets or provides more protection than the
7 most stringent of the following standards for PFAS in any
8 environmental media:

9 (1) A State standard as described in clause (ii)
10 of section 121(d)(2)(A) of the Comprehensive Envi-
11 ronmental Response, Compensation, and Liability
12 Act (42 U.S.C. 9621(d)(2)(A)).

13 (2) A Federal standard as described in clause
14 (i) of such section.

15 (3) A health advisory under section
16 1412(b)(1)(F) of the Safe Drinking Water Act (42
17 U.S.C. 300g–1(b)(1)(F)).

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated for fiscal year 2022 to the
20 Department of Defense \$10,000,000,000, to remain avail-
21 able until expended, to carry out this section.

22 (d) SAVINGS CLAUSE.—Except with respect to the
23 specific level required to be met under subsection (b),
24 nothing in this section affects the application of the Com-

1 prehensive Environmental Response, Compensation, and
2 Liability Act of 1980 (42 U.S.C. 9601 et seq.).

3 (e) DEFINITIONS.—In this section:

4 (1) FORMERLY USED DEFENSE SITE.—The
5 term “formerly used defense site” means any site
6 formerly used by the Department of Defense or Na-
7 tional Guard eligible for environmental restoration
8 by the Secretary of Defense funded under the “En-
9 vironmental Restoration Account, Formerly Used
10 Defense Sites” account established under section
11 2703(a)(5) of title 10, United States Code.

12 (2) PFAS.—The term “PFAS” means a
13 perfluoroalkyl substance or polyfluoroalkyl substance
14 with at least one fully fluorinated carbon atom.

15 (3) RESPONSE ACTION.—The term “response
16 action” means an action taken pursuant to section
17 104 of the Comprehensive Environmental Response,
18 Compensation, and Liability Act (42 U.S.C. 9604).

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