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To require the Secretary of Defense to conduct testing, removal, and remediation of perfluoroalkyl substances and polyfluoroalkyl substances at all military installations, formerly used defense sites, and State-owned facilities of the National Guard in the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2021

Mrs. GILLIBRAND (for herself, Mr. PADILLA, Mr. DURBIN, Ms. WARREN, Mr. MARKEY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. BOOKER, Mrs. SHAHEEN, Ms. STABENOW, Mr. VAN HOLLEN, Ms. HASSAN, and Mr. PETERS) 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, removal, and remediation of perfluoroalkyl substances and polyfluoroalkyl substances at all military installations, formerly used defense sites, and State-owned facilities of the National Guard in the United States.

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 “Filthy Fifty Act”.

1 **SEC. 2. TESTING, REMOVAL, AND REMEDIATION BY DE-**
2 **PARTMENT OF DEFENSE OF**
3 **PERFLUOROALKYL SUBSTANCES AND**
4 **POLYFLUOROALKYL SUBSTANCES.**

5 (a) TESTING.—Not later than two years after the
6 date of the enactment of this Act, the Secretary of Defense
7 shall complete testing for PFAS at all military installa-
8 tions, formerly used defense sites, and State-owned facili-
9 ties of the National Guard in the United States.

10 (b) REMOVAL.—Not later than 60 days following the
11 detection of PFAS at a military installation, formerly used
12 defense site, or State-owned facility of the National Guard
13 in the United States, the Secretary shall take removal ac-
14 tions to ensure that all individuals served by a drinking
15 water source contaminated by PFAS from the installation,
16 site, or facility have access to drinking water that meets
17 the applicable standard under subsection (d), regardless
18 of whether the Secretary is the drinking water purveyor.

19 (c) REMEDIATION.—Not later than ten years after
20 the date of the enactment of this Act, the Secretary shall
21 complete all physical construction required for the remedi-
22 ation of PFAS at all military installations, formerly used
23 defense sites, and State-owned facilities of the National
24 Guard in the United States.

25 (d) STANDARDS FOR REMOVAL OR REMEDIAL AC-
26 TIONS WITH RESPECT TO PFAS CONTAMINATION.—In

1 conducting removal or remedial actions under this section,
2 the Secretary of Defense shall ensure that such actions
3 result in a level that meets or exceeds the most stringent
4 of the following standards for PFAS in any environmental
5 media:

6 (1) An enforceable State standard, in effect in
7 that State, for drinking, surface, or ground water, or
8 soil.

9 (2) An enforceable Federal standard for drink-
10 ing, surface, or ground water, or soil.

11 (3) A health advisory under section
12 1412(b)(1)(F) of the Safe Drinking Water Act (42
13 U.S.C. 300g-1(b)(1)(F)).

14 (e) DEFINITIONS.—In this section:

15 (1) FORMERLY USED DEFENSE SITE.—The
16 term “formerly used defense site” means any site
17 formerly used by the Department of Defense or Na-
18 tional Guard eligible for environmental restoration
19 by the Secretary of Defense funded under the “En-
20 vironmental Restoration Account, Formerly Used
21 Defense Sites” account established under section
22 2703(a)(5) of title 10, United States Code.

23 (2) PERFLUOROALKYL SUBSTANCE.—The term
24 “perfluoroalkyl substance” means a man-made

1 chemical of which all of the carbon atoms are fully
2 fluorinated carbon atoms.

3 (3) PFAS.—The term “PFAS” means a
4 perfluoroalkyl substance or a polyfluoroalkyl sub-
5 stance.

6 (4) POLYFLUOROALKYL SUBSTANCE.—The
7 term “polyfluoroalkyl substance” means a man-made
8 chemical containing a mix of fully fluorinated carbon
9 atoms, partially fluorinated carbon atoms, and
10 nonfluorinated carbon atoms.

11 (5) MILITARY INSTALLATION.—The term “mili-
12 tary installation” has the meaning given that term
13 in section 2801(c)(4) of title 10, United States
14 Code.

15 **SEC. 3. STATUS OF REMEDIATION OF PERFLUOROALKYL**
16 **SUBSTANCES AND POLYFLUOROALKYL SUB-**
17 **STANCES AT CERTAIN PRIORITY LOCATIONS.**

18 (a) REPORT.—Not later than 60 days after the date
19 of the enactment of this Act, the Secretary of Defense
20 shall submit to Congress a report identifying the status
21 of efforts to remediate perfluoroalkyl substances and
22 polyfluoroalkyl substances at the following sites:

23 (1) England Air Force Base, Louisiana.

24 (2) Naval Air Weapons Station China Lake,
25 California.

- 1 (3) Patrick Air Force Base, Florida.
- 2 (4) Myrtle Beach Air Force Base, South Caro-
- 3 lina.
- 4 (5) Langley Air Force Base, Virginia.
- 5 (6) Naval Air Station Jacksonville, Florida.
- 6 (7) Niagara Falls Air Reserve Station, New
- 7 York.
- 8 (8) Grand Prairie Armed Forces Reserve Com-
- 9 plex, Texas.
- 10 (9) Altus Air Force Base, Oklahoma.
- 11 (10) Charleston Air Force Base, South Caro-
- 12 lina.
- 13 (11) Barksdale Air Force Base, Louisiana.
- 14 (12) Plattsburgh Air Force Base, New York.
- 15 (13) Tyndall Air Force Base, Florida.
- 16 (14) Sheppard Air Force Base, Texas.
- 17 (15) Columbus Air Force Base, Mississippi.
- 18 (16) Chanute Air Force Base, Illinois.
- 19 (17) Marine Corps Air Station Tustin, Cali-
- 20 fornia.
- 21 (18) Travis Air Force Base, California.
- 22 (19) Ellsworth Air Force Base, South Dakota.
- 23 (20) Minot Air Force Base, North Dakota.
- 24 (21) Westover Air Reserve Base, Massachu-
- 25 setts.

- 1 (22) Eaker Air Force Base, Arkansas.
- 2 (23) Naval Air Station Alameda, California.
- 3 (24) Eielson Air Force Base, Alaska.
- 4 (25) Horsham Air Guard Station, Pennsyl-
5 vania.
- 6 (26) Vance Air Force Base, Oklahoma.
- 7 (27) Dover Air Force Base, Delaware.
- 8 (28) Edwards Air Force Base, California.
- 9 (29) Robins Air Force Base, Georgia.
- 10 (30) Joint Base McGuire-Dix-Lakehurst, New
11 Jersey.
- 12 (31) Galena Air Force Base, Alaska.
- 13 (32) Naval Research Laboratory Chesapeake
14 Bay Detachment, Maryland.
- 15 (33) Buckley Air Force Base, Colorado.
- 16 (34) Arnold Air Force Base, Tennessee.
- 17 (35) Tinker Air Force Base, Oklahoma.
- 18 (36) Fairchild Air Force Base, Washington.
- 19 (37) Vandenberg Air Force Base, California.
- 20 (38) Hancock Field Air National Guard Base,
21 New York.
- 22 (39) F.E. Warren Air Force Base, Wyoming.
- 23 (40) Nevada Air National Guard Base - Reno,
24 Nevada.
- 25 (41) K.I. Sawyer Air Force Base, Michigan.

1 (42) Pease Air Force Base, New Hampshire.

2 (43) Whiteman Air Force Base, Missouri.

3 (44) Wurtsmith Air Force Base, Michigan.

4 (45) Shepherd Field Air National Guard Base,
5 West Virginia.

6 (46) Naval Air Station Whidbey Island - Ault
7 Field, Washington.

8 (47) Rosecrans Air National Guard Base, Mis-
9 souri.

10 (48) Joint Base Andrews, Maryland.

11 (49) Iowa Air National Guard Base - Des
12 Moines, Iowa.

13 (50) Stewart Air National Guard Base, New
14 York.

15 (b) COMPLETION OF CONSTRUCTION.—Not later
16 than five years after the date of the enactment of this Act,
17 the Secretary shall complete all physical construction re-
18 quired for the remediation of perfluoroalkyl substances
19 and polyfluoroalkyl substances at the sites specified in
20 subsection (a).

21 (c) DEFINITIONS.—In this section:

22 (1) PERFLUOROALKYL SUBSTANCE.—The term
23 “perfluoroalkyl substance” means a man-made
24 chemical of which all of the carbon atoms are fully
25 fluorinated carbon atoms.

1 (2) POLYFLUOROALKYL SUBSTANCE.—The
2 term “polyfluoroalkyl substance” means a man-made
3 chemical containing a mix of fully fluorinated carbon
4 atoms, partially fluorinated carbon atoms, and
5 nonfluorinated carbon atoms.

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