

116TH CONGRESS
1ST SESSION

S. 675

To authorize the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, and to authorize the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2019

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To authorize the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, and to authorize the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base, 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 “Prompt and Fast Ac-
5 tion to Stop Damages Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) PFAS.—The term “PFAS” means
9 perfluoroalkyl and polyfluoroalkyl substances.

10 (2) PFOA.—The term “PFOA” means
11 perfluorooctanoic acid.

12 (3) PFOS.—The term “PFOS” means
13 perfluorooctane sulfonate.

14 **SEC. 3. FINDINGS AND SENSE OF CONGRESS.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) PFAS have been manufactured and used in
17 a variety of industries around the world, including in
18 the United States since the 1940s.

19 (2) PFAS are found in many consumer prod-
20 ucts like cookware, food packaging, and stain
21 repellants.

22 (3) PFAS manufacturing and processing facili-
23 ties and airports and military installations that use
24 firefighting foams are some of the main sources of

1 PFAS contamination in large concentrations that
2 can lead to human exposure.

3 (4) There is evidence that exposure to PFAS
4 can lead to adverse health effects in humans.

5 (5) PFAS are a group of man-made chemicals
6 that includes PFOA and PFOS.

7 (6) PFOA and PFOS have been the most ex-
8 tensively produced and studied of the PFAS chemi-
9 cals.

10 (7) PFOA and PFOS are very persistent in the
11 environment and in the human body, meaning they
12 do not break down and can accumulate over time.

13 (8) Studies indicate that PFOA and PFOS can
14 cause reproductive and developmental, liver and kid-
15 ney, and immunological effects in laboratory ani-
16 mals.

17 (9) The Environmental Protection Agency is be-
18 ginning the necessary steps—

19 (A) to propose designating PFOA and
20 PFOS as hazardous substances through one of
21 the available statutory mechanisms, including
22 section 102 of the Comprehensive Environ-
23 mental Response, Compensation, and Liability
24 Act of 1980 (42 U.S.C. 9602); and

1 (B) to set a maximum contaminant level
2 under the Safe Drinking Water Act (42 U.S.C.
3 300f et seq.).

4 (10) In the 1970s, the Air Force began pur-
5 chasing and using aqueous film-forming foam con-
6 taining PFOA and PFOS for extinguishing petro-
7 leum fires and during firefighting training activities.

8 (11) The Air Force has used a proactive, com-
9 prehensive approach to identify installations where
10 aqueous film-forming foam containing PFOA or
11 PFOS has been used and there is a suspected re-
12 lease that may impact drinking water and expose
13 humans to PFOA and PFOS.

14 (12) The Air Force uses authorities granted
15 under the Comprehensive Environmental Response,
16 Compensation, and Liability Act of 1980 (42 U.S.C.
17 9601 et seq.) and the Defense Environmental Res-
18 toration Program under chapter 160 of title 10,
19 United States Code, to ensure that no one is drink-
20 ing water containing unacceptable levels of PFOA or
21 PFOS due to Air Force activities.

22 (13) The Air Force provides alternative sources
23 of drinking water, including filters or connections to
24 public utilities, to provide longer-term assurances

1 that individuals are not drinking water containing
2 unacceptable levels of PFOA or PFOS.

3 (14) The Air Force asserts that authorities
4 under the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (42 U.S.C.
6 9601 et seq.) do not extend to the provision of clean
7 water for livestock or agricultural purposes.

8 (15) Livestock and agriculture are produced for
9 human consumption in items such as milk and dairy
10 and provide a direct pathway for human exposure to
11 PFOA and PFOS.

12 (16) Under section 634 of the Departments of
13 Commerce, Justice, and State, the Judiciary, and
14 Related Agencies Appropriations Act, 1998 (Public
15 Law 105–119; 111 Stat. 2525), the Department of
16 Defense was authorized to use available funds to
17 compensate cranberry growers adjacent to the Mas-
18 sachusetts Military Reservation, Cape Code, Massa-
19 chusetts, for commercial loss of crops in 1997 due
20 to the presence of ethylene dibromide in ground-
21 water, demonstrating previous recognition by Con-
22 gress of the need to provide compensation for dam-
23 ages associated with chemical releases at military in-
24 stallations.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
 2 gress that Congress—

3 (1) supports temporary, explicit, authority for
 4 the Department of Defense to address indirect path-
 5 ways to human exposure from PFOA and PFOS
 6 until such time as the Federal agencies with over-
 7 sight over agricultural products and food have estab-
 8 lished regulatory standards; and

9 (2) supports the designation by the Environ-
 10 mental Protection Agency of PFAS as hazardous
 11 chemicals.

12 **SEC. 4. PROVISION OF WATER UNCONTAMINATED WITH**
 13 **PERFLUOROOCTANOIC ACID (PFOA) AND**
 14 **PERFLUOROOCTANE SULFONATE (PFOS) FOR**
 15 **AGRICULTURAL PURPOSES.**

16 (a) AUTHORITY.—

17 (1) IN GENERAL.—Using amounts appropriated
 18 or otherwise made available for operation and main-
 19 tenance for the military department concerned, or
 20 for operation and maintenance Defense-wide in the
 21 case of the Secretary of Defense, the Secretary con-
 22 cerned may provide water sources uncontaminated
 23 with perfluoroalkyl and polyfluoroalkyl substances,
 24 including PFOA and PFOS, or treatment of con-
 25 taminated waters, for agricultural purposes used to

1 produce products destined for human consumption
2 in an area in which a water source has been deter-
3 mined pursuant to paragraph (2) to be contaminated
4 with such compounds by reason of activities on a
5 military installation under the jurisdiction of the
6 Secretary concerned.

7 (2) APPLICABLE STANDARD.—For purposes of
8 paragraph (1), an area is determined to be contami-
9 nated with PFOA or PFOS if—

10 (A) the level of contamination is above the
11 Lifetime Health Advisory for contamination
12 with such compounds issued by the Environ-
13 mental Protection Agency and printed in the
14 Federal Register on May 25, 2016; or

15 (B) on or after the date the Food and
16 Drug Administration sets a standard for PFOA
17 and PFOS in raw agricultural commodities and
18 milk, the level of contamination is above such
19 standard.

20 (b) SECRETARY CONCERNED DEFINED.—In this sec-
21 tion, the term “Secretary concerned” means the following:

22 (1) The Secretary of the Army, with respect to
23 the Army.

1 (2) The Secretary of the Navy, with respect to
2 the Navy, the Marine Corps, and the Coast Guard
3 (when it is operating as a service in the Navy).

4 (3) The Secretary of the Air Force, with re-
5 spect to the Air Force.

6 (4) The Secretary of Defense, with respect to
7 the Defense Agencies.

8 **SEC. 5. ACQUISITION OF REAL PROPERTY BY AIR FORCE.**

9 (a) AUTHORITY.—

10 (1) IN GENERAL.—The Secretary of the Air
11 Force may acquire one or more parcels of real prop-
12 erty within the vicinity of an Air Force base that
13 has shown signs of contamination from PFOA and
14 PFOS due to activities on the base and which would
15 extend the contiguous geographic footprint of the
16 base and increase the force protection standoff near
17 critical infrastructure and runways.

18 (2) IMPROVEMENTS AND PERSONAL PROP-
19 ERTY.—The authority under paragraph (1) to ac-
20 quire real property described in that paragraph shall
21 include the authority to purchase improvements and
22 personal property located on that real property.

23 (3) RELOCATION EXPENSES.—The authority
24 under paragraph (1) to acquire real property de-
25 scribed in that paragraph shall include the authority

1 to provide Federal financial assistance for moving
2 costs, relocation benefits, and other expenses in-
3 curred in accordance with the Uniform Relocation
4 Assistance and Real Property Acquisition Policies
5 Act of 1970 (42 U.S.C. 4601 et seq.).

6 (b) ENVIRONMENTAL ACTIVITIES.—The Air Force
7 shall conduct such activities at a parcel or parcels of real
8 property acquired under subsection (a) as are necessary
9 to remediate contamination from PFOA and PFOS re-
10 lated to activities at the Air Force base.

11 (c) FUNDING.—Funds for the land acquisitions au-
12 thorized under subsection (a) shall be derived from
13 amounts appropriated for fiscal year 2020 for military
14 construction or unobligated balances available for military
15 construction.

16 (d) RULE OF CONSTRUCTION.—The authority under
17 this section constitutes authority to carry out land acqui-
18 sitions for purposes of section 2802 of title 10, United
19 States Code.

20 **SEC. 6. REMEDIATION PLAN.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall submit to Congress a remediation plan for cleanup
24 of all water at or adjacent to a military base that is con-
25 taminated with PFOA or PFOS.

1 (b) STUDY.—In preparing the remediation plan
2 under subsection (a), the Secretary shall conduct a study
3 on the contamination of water at military bases with
4 PFOA or PFOS.

5 (c) BUDGET AMOUNT.—The Secretary shall ensure
6 that each budget of the President submitted to Congress
7 under section 1105(a) of title 31, United States Code, re-
8 quests funding in amounts necessary to address remedi-
9 ation efforts under the remediation plan submitted under
10 subsection (a).

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