

AMENDMENT TO RULES COMMITTEE PRINT 116-

19

OFFERED BY MS. DEAN OF PENNSYLVANIA

Amend section 318 to read as follows:

1 **SEC. 318. REPLACEMENT OF FLUORINATED AQUEOUS**
2 **FILM-FORMING FOAM WITH FLUORINE-FREE**
3 **FIRE-FIGHTING AGENT.**

4 (a) USE OF FLUORINE-FREE FOAM AT MILITARY IN-
5 STALLATIONS.—Not later than January 31, 2023, the
6 Secretary of the Navy shall publish a military specification
7 for a fluorine-free fire-fighting agent for use at all military
8 installations to ensure such agent is available for use by
9 not later than December 31, 2024.

10 (b) PROHIBITION ON USE.—Fluorinated aqueous
11 film-forming foam may not be used at any military instal-
12 lation on or after September 30, 2025, or before such
13 date, if possible.

14 (c) WAIVER.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Secretary of Defense may grant a waiver to the
17 prohibition under subsection (b) with respect to the
18 use of fluorinated aqueous film-forming foam at a
19 specific military installation if the Secretary submits

1 to the congressional defense committees, by not later
2 than 30 days prior to issuing the waiver—

3 (A) notice of the waiver; and

4 (B) certification, in writing, that the waiver
5 is necessary for the protection of life and
6 safety.

7 (2) BASIS FOR WAIVER.—Any certification sub-
8 mitted under paragraph (1)(B) shall document the
9 basis for the waiver and, at a minimum, shall in-
10 clude the following:

11 (A) A detailed description of the threat
12 justifying the waiver and a description of the
13 imminence, urgency, and severity of such
14 threat.

15 (B) An analysis of potential populations
16 impacted by continued use of fluorinated aque-
17 ous film forming foam and why the waiver out-
18 weighs the impact to such populations.

19 (C) An analysis of potential economic ef-
20 fects, including with respect to agriculture, live-
21 stock, and water systems of continued use of
22 fluorinated aqueous film forming foam and why
23 the waiver outweighs such effects.

24 (3) LIMITATION.—A waiver under this sub-
25 section shall apply for a period that does not exceed

1 one year. The Secretary may extend any such waiver
2 once for an additional period that does not exceed
3 one year.

