AMENDMENT TO RULES COMMITTEE PRINT
118–10
OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

Add at the end of subtitle C of title III the following:

SEC. 3. PAYMENTS TO STATES FOR THE TREATMENT OF PERFLUOROOCTANE SULFONIC ACID AND PERFLUOROOCTANOIC ACID IN DRINKING WATER.

(a) IN GENERAL.—The Secretary of the Air Force shall pay a local water authority located in the vicinity of an installation of the Air Force, or a State in which the local water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority to attain the lifetime health advisory level for such acids established by the Environmental Protection Agency and in effect on June 15, 2022. If there is no local water authority in an area of contamination with only private residential wells, the Secretary shall pay the State for such treatment, or alternate water source cost, including installation, operation, and maintenance of
a water pipeline from a clean water source to serve the residents of the contaminated area.

(b) Eligibility for Payment.—To be eligible to receive payment under subsection (a)—

(1) a local water authority or State, as the case may be, shall—

(A) request such a payment from the Secretary of the Air Force for—

(i) reimbursable expenses not already covered under a cooperative agreement entered into by the Secretary relating to treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid contamination before the date on which funding is made available to the Secretary for payments relating to such treatment; and

(ii) expenses of the State to provide for an alternative clean water source before the date on which funding is made available to the Secretary for payments relating to such alternative water sources; and

(B) upon acceptance of such a payment, waive all legal causes of action arising under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims
Act’’), and any other Federal tort liability statute for expenses for treatment and mitigation of perfluorooctane sulfonic acid and perfluorooctanoic acid incurred before January 1, 2018, and otherwise covered under this section;

(2) the elevated levels of perfluorooctane sulfonic acid and perfluorooctanoic acid in the water must be the result of activities conducted by or paid for by the Department of the Air Force; and

(3) treatment or mitigation of such acids must have taken place during the period beginning on January 1, 2016, and ending on the later of—

(A) December 31, 2023; or

(B) the date on which a national primary drinking water regulation for perfluorooctane sulfonic acid or perfluorooctanoic acid, as applicable, goes into effect under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g–1).

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Air Force may enter into such agreements with a local water authority or State as the Secretary considers necessary to implement this section, to include cost-
sharing arrangements with the local water authority or State.

(2) USE OF MEMORANDUM OF AGREEMENT.—The Secretary of the Air Force may use the applicable Defense State Memorandum of Agreement to pay amounts under subsection (a) that would otherwise be eligible for payment under that agreement were those costs paid using amounts appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code.

(3) PAYMENT WITHOUT REGARD TO EXISTING AGREEMENTS.—Payment may be made under subsection (a) to a State or a local water authority in that State without regard to existing agreements relating to environmental response actions or indemnification between the Department of the Air Force and that State.

(d) LIMITATION.—Any payment made under subsection (a) may not exceed the actual cost of treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid resulting from the activities conducted by or paid for by the Department of the Air Force.

(e) AVAILABILITY OF AMOUNTS.—Of the amounts authorized to be appropriated to the Department of De-
fense for Operation and Maintenance, Air Force, not more than $10,000,000 shall be available to carry out this section.