

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:

1 **SEC. 3___ . PAYMENTS TO STATES FOR THE TREATMENT OF**
2 **PERFLUOROCTANE SULFONIC ACID AND**
3 **PERFLUOROCTANOIC ACID IN DRINKING**
4 **WATER.**

5 (a) IN GENERAL.—The Secretary of the Air Force
6 shall pay a local water authority located in the vicinity
7 of an installation of the Air Force, or a State in which
8 the local water authority is located, for the treatment of
9 perfluorooctane sulfonic acid and perfluorooctanoic acid in
10 drinking water from the wells owned and operated by the
11 local water authority to attain the lifetime health advisory
12 level for such acids established by the Environmental Pro-
13 tection Agency and in effect on June 15, 2022. If there
14 is no local water authority in an area of contamination
15 with only private residential wells, the Secretary shall pay
16 the State for such treatment, or alternate water source
17 cost, including installation, operation, and maintenance of

1 a water pipeline from a clean water source to serve the
2 residents of the contaminated area.

3 (b) ELIGIBILITY FOR PAYMENT.—To be eligible to
4 receive payment under subsection (a)—

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

7 (A) request such a payment from the Sec-
8 retary of the Air Force for—

9 (i) reimbursable expenses not already
10 covered under a cooperative agreement en-
11 tered into by the Secretary relating to
12 treatment of perfluorooctane sulfonic acid
13 and perfluorooctanoic acid contamination
14 before the date on which funding is made
15 available to the Secretary for payments re-
16 lating to such treatment; and

17 (ii) expenses of the State to provide
18 for an alternative clean water source before
19 the date on which funding is made avail-
20 able to the Secretary for payments relating
21 to such alternative water sources; and

22 (B) upon acceptance of such a payment,
23 waive all legal causes of action arising under
24 chapter 171 of title 28, United States Code
25 (commonly known as the “Federal Tort Claims

1 Act”), and any other Federal tort liability stat-
2 ute for expenses for treatment and mitigation
3 of perfluorooctane sulfonic acid and
4 perfluorooctanoic acid incurred before January
5 1, 2018, and otherwise covered under this sec-
6 tion;

7 (2) the elevated levels of perfluorooctane sul-
8 fonic acid and perfluorooctanoic acid in the water
9 must be the result of activities conducted by or paid
10 for by the Department of the Air Force; and

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

14 (A) December 31, 2023; or

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

20 (c) AGREEMENTS.—

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

1 sharing arrangements with the local water authority
2 or State.

3 (2) USE OF MEMORANDUM OF AGREEMENT.—
4 The Secretary of the Air Force may use the applica-
5 ble Defense State Memorandum of Agreement to
6 pay amounts under subsection (a) that would other-
7 wise be eligible for payment under that agreement
8 were those costs paid using amounts appropriated to
9 the Environmental Restoration Account, Air Force,
10 established under section 2703(a)(4) of title 10,
11 United States Code.

12 (3) PAYMENT WITHOUT REGARD TO EXISTING
13 AGREEMENTS.—Payment may be made under sub-
14 section (a) to a State or a local water authority in
15 that State without regard to existing agreements re-
16 lating to environmental response actions or indem-
17 nification between the Department of the Air Force
18 and that State.

19 (d) LIMITATION.—Any payment made under sub-
20 section (a) may not exceed the actual cost of treatment
21 of perfluorooctane sulfonic acid and perfluorooctanoic acid
22 resulting from the activities conducted by or paid for by
23 the Department of the Air Force.

24 (e) AVAILABILITY OF AMOUNTS.—Of the amounts
25 authorized to be appropriated to the Department of De-

1 fense for Operation and Maintenance, Air Force, not more
2 than \$10,000,000 shall be available to carry out this sec-
3 tion.

