AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MS. McCOLLUM OF MINNESOTA

At the end of subtitle C of title III, insert the following new section:

SEC. 3. GRANT PROGRAM FOR RESEARCH AND DEVELOPMENT RELATING TO PFAS-FREE ALTERNATIVES.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a grant program (in this section referred to as the “program”) to fund research and development projects for the development of alternatives to items that contain a perfluoroalkyl substance or polyfluoroalkyl substance and with respect to which such substance is a currently unavoidable use, with a particular focus on such uses that the Secretary determines are critical to the national security of the United States.

(b) GRANT AUTHORITY.—

(1) AWARD.—In carrying out the program, the Secretary of Defense may award a grant on a competitive basis to any covered entity selected pursuant to subsection (c). Amounts so awarded may only be
used by the covered entity for the purpose of carrying out a project described in subsection (d).

(2) DURATION OF GRANTS.—A grant awarded under paragraph (1) may provide funding for a single fiscal year or for multiple fiscal years.

(c) SELECTION OF ENTITIES.—

(1) CRITERIA.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Administrator of the Environmental Protection Agency (and, to the extent the Secretary of Defense determines it appropriate, in consultation with the Secretary of Commerce, the Secretary of Energy, the Director of the Agency for Toxic Substances and Disease Registry, the Director of the National Science Foundation, and the head of any other Federal department or agency determined appropriate by the Secretary of Defense) shall establish criteria for the selection of covered entities that have submitted an application under subsection (c) for the award of a grant under subsection (b)(1).

(B) PRIORITIZATION.—The criteria established under subparagraph (A) shall include a requirement that the Secretary of Defense give
priority to any project described in subsection (d) that—

(i) is a project to address a currently unavoidable use of a perfluoroalkyl substance or polyfluoroalkyl substance that has a well-documented toxicity risk, as determined by the Secretary of Defense, in consultation with the heads of the Federal departments and agencies referred to in subparagraph (A); or

(ii) involves the use of sustainable chemistry approaches.

(d) ELIGIBLE PROJECTS.—A project described in this subsection is a project for the research and development of an alternative item that does not contain a perfluoroalkyl substance or polyfluoroalkyl substance for use in lieu of an item—

(1) that contains such a substance; and

(2) with respect to which such substance is a currently unavoidable use.

(e) APPLICATIONS.—To be eligible for a grant under the program, a covered entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary determines appropriate, including with respect to the criteria established
under subsection (c). Such application shall include, at a
minimum, the following:

(1) A certification that the applicant is in com-
pliance with all applicable local, State, or Federal air
or water quality regulations or requirements.

(2) A research plan by the covered entity for
the conduct of the project described in subsection
(d) of that entity that, in the case of a project under
which an alternative is to be researched and devel-
oped, a study of the toxicology (including potential
health and environmental effects) of such alter-
native. In determining the toxicology of such alter-
native, the covered entity shall prioritize non-animal
methods for the toxicology study to the extent prac-
ticable, including the following:

(A) Computational toxicology,
bioinformatics, and in silico modeling.

(B) High-throughput screening methods
and the prediction models of those methods.

(C) Tiered testing methods.

(D) In vitro studies.

(E) Systems biology.

(F) Advanced cell cultures.

(G) Technology such as 3D organoids.

(H) Artificial intelligence.
(I) New or revised methods identified by validation bodies such as the Interagency Co-ordinating Committee on the Validation of Alternative Methods or the Organization for Economic Co-operation and Development.

(J) Industry consortia that develop information submitted under the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Public Law 114–182).

(K) Other innovative methods, as determined by the Secretary of Defense.

(f) REPORTING.—

(1) REQUIREMENT.—As a condition of receiving a grant under subsection (b)(1), the prospective recipient shall agree to—

(A) submit to the Secretary of Defense, on an annual basis, a report containing the results of the research and development project conducted using such grant amounts; and

(B) have the final results of such project published on a publically available website of the Department of Defense.

(2) MATTERS IN REPORTS FOR MULTI-YEAR GRANTS.—In the case of a grant providing funding for multiple fiscal years, each report under para-
(A) a description of progress in research and development made using such grant amounts since the prior fiscal year;

(B) an updated plan for research and development activities to be conducted during the subsequent fiscal year using such grant amounts, if any; and

(C) any updates with respect to toxicology or potential environmental and health effects of the alternative researched and developed using such grant amounts.

(3) SHARING; PUBLICATION.—The Secretary of Defense—

(A) may share any report submitted under paragraph (1)(A) with the interagency working group under section 332 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 8963) or the Director of the White House Office of Science and Technology Policy; and

(B) shall publish the final results specified in paragraph (1)(B) on a publically available website of the Department of Defense, subject
to section 14 of the Toxic Substances Control

(g) DEFINITIONS.—In this section:

(1) The term “covered entity” means the fol-

owing:

(A) An institution of higher education, in-
cluding a minority-serving institution, a histori-
cally Black college or university, and a Tribal
College or University.

(B) A nonprofit research organization.

(C) A State research agency.

(D) A partnership or consortium of two or
more entities specified in subparagraphs (A)
through (C).

(2) The term “currently unavoidable use”
means, with respect to a perfluoroalkyl substance or
polyfluoroalkyl substance, the use of such a sub-
stance in an item or process that the Secretary of
Defense determines, prior to the conduct of a re-
search and development project for an alternative—

(A) is essential for the health, safety, or
functioning of society;

(B) is essential for that item or process to
function; and
(C) for which safer alternatives are not reasonably available.

(3) The term “historically Black college or university” has the meaning given “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) The term “minority-serving institution” has the meaning given the term “eligible institution” in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(6) The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(7) The term “polyfluoroalkyl substance” means a man-made chemical containing at least one fully fluorinated carbon atom and at least one nonfluorinated carbon atom.

(8) The term “sustainable chemistry” has the meaning developed for that term pursuant to section 262 of the William M. (Mac) Thornberry National

(9) The term “Tribal College or University” has the meaning given that term in section 316(a) of the Higher Education Act of 1965 (20 U.S.C. 1059c(a)).