

*Min F. Bennett*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of the Air Force to make payments to States for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

**H. R. 4350**

To a	<b>AMENDMENT N<sup>o</sup> 4565</b>	ilitary
By	<i>Bennet</i>	ilitary
To:	<i>Amdt. No. 3867</i>	epart-
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	<b>Page(s)</b>	

GPO: 2018 33-682 (mac)

AMENDMENT intended to be proposed by Mr. BENNET (for himself and Mr. HICKENLOOPER) to the amendment (No. 3867) proposed by Mr. REED

Viz:

- 1 At the end of subtitle D of title III, add the following:
- 2 **SEC. 356. PAYMENTS TO STATES FOR THE TREATMENT OF**
- 3 **PERFLUOROCTANE SULFONIC ACID AND**
- 4 **PERFLUOROCTANOIC ACID IN DRINKING**
- 5 **WATER.**

- 6 (a) IN GENERAL.—The Secretary of the Air Force
- 7 shall pay a local water authority located in the vicinity
- 8 of an installation of the Air Force, or a State in which

1 the local water authority is located, for the treatment of  
2 perfluorooctane sulfonic acid and perfluorooctanoic acid in  
3 drinking water from the wells owned and operated by the  
4 local water authority to attain the lifetime health advisory  
5 level for such acids established by the Environmental Pro-  
6 tection Agency and in effect on October 1, 2017.

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

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

11 (A) request such a payment from the Sec-  
12 retary of the Air Force for reimbursable ex-  
13 penses not already covered under a cooperative  
14 agreement entered into by the Secretary relat-  
15 ing to treatment of perfluorooctane sulfonic  
16 acid and perfluorooctanoic acid contamination  
17 before the date on which funding is made avail-  
18 able to the Secretary for payments relating to  
19 such treatment; and

20 (B) upon acceptance of such a payment,  
21 waive all legal causes of action arising under  
22 chapter 171 of title 28, United States Code  
23 (commonly known as the “Federal Tort Claims  
24 Act”), and any other Federal tort liability stat-  
25 ute for expenses for treatment and mitigation

1 of perfluorooctane sulfonic acid and  
2 perfluorooctanoic acid incurred before January  
3 1, 2018, and otherwise covered under this sec-  
4 tion;

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

9 (3) treatment or mitigation of such acids must  
10 have taken place during the period beginning on  
11 January 1, 2016, and ending on the day before the  
12 date of the enactment of this Act.

13 (c) AGREEMENTS.—

14 (1) IN GENERAL.—The Secretary of the Air  
15 Force may enter into such agreements with a local  
16 water authority or State as the Secretary considers  
17 necessary to implement this section.

18 (2) USE OF MEMORANDUM OF AGREEMENT.—  
19 The Secretary of the Air Force may use the applica-  
20 ble Defense State Memorandum of Agreement to  
21 pay amounts under subsection (a) that would other-  
22 wise be eligible for payment under that agreement  
23 were those costs paid using amounts appropriated to  
24 the Environmental Restoration Account, Air Force,

1 established under section 2703(a)(4) of title 10,  
2 United States Code.

3 (3) PAYMENT WITHOUT REGARD TO EXISTING  
4 AGREEMENTS.—Payment may be made under sub-  
5 section (a) to a State or a local water authority in  
6 that State without regard to existing agreements re-  
7 lating to environmental response actions or indem-  
8 nification between the Department of the Air Force  
9 and that State.

10 (d) LIMITATION.—Any payment made under sub-  
11 section (a) may not exceed the actual cost of treatment  
12 of perfluorooctane sulfonic acid and perfluorooctanoic acid  
13 resulting from the activities conducted by or paid for by  
14 the Department of the Air Force.

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