AMENDMENT NO._____ Calendar No._____

Purpose: To require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances and exclude airport sponsors from liability for certain releases of per- and polyfluoroalkyl substances.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1790

To authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1   At the appropriate place in subtitle H of title X, in-

2 sert the following:

3 **SEC. 10___. PER- AND POLYFLUOROALKYL SUBSTANCES.**

4   (a) DESIGNATION AS HAZARDOUS SUBSTANCES.—

5 Not later than 1 year after the date of enactment of this

6 Act, the Administrator of the Environmental Protection

7 Agency shall designate all per- and polyfluoroalkyl sub-

8 stances as hazardous substances under section 102(a) of

1 the Comprehensive Environmental Response, Compensa-

2 tion, and Liability Act of 1980 (42 U.S.C. 9602(a)).

3   (b) AIRPORT SPONSORS.—No sponsor (as defined in

4 section 47102 of title 49, United States Code), including

5 a sponsor of the civilian portion of a joint-use airport or

6 a shared-use airport (as those terms are defined in section

7 139.5 of title 14, Code of Federal Regulations (or suc-

8 cessor regulations)), shall be liable under the Comprehen-

9 sive Environmental Response, Compensation, and Liabil-

10 ity Act of 1980 (42 U.S.C. 9601 et seq.) for the costs

11 of responding to, or damages from, releases to the environ-

12 ment of per- or polyfluoroalkyl substances that resulted

13 from the use of aqueous film-forming foam, if that use

14 was required pursuant to, and carried out in accordance

15 with, part 139 of title 14, Code of Federal Regulations

16 (as in effect on the date of enactment of this Act).