

119TH CONGRESS
2D SESSION

S. 4153

To phase out production of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances, to prohibit releases of all perfluoroalkyl or polyfluoroalkyl substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2026

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To phase out production of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances, to prohibit releases of all perfluoroalkyl or polyfluoroalkyl substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Forever Chemical Regulation and Accountability Act of
6 2026”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—PHASEOUT OF NONESSENTIAL PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND ALL RELEASES

Sec. 101. Agreement with the National Academies concerning the essential uses of perfluoroalkyl or polyfluoroalkyl substances.

Sec. 102. Manufacturing and use phaseout program.

Sec. 103. United States perfluoroalkyl or polyfluoroalkyl substance policy.

Sec. 104. Perfluoroalkyl or polyfluoroalkyl substance release phaseout.

Sec. 105. Use for research.

Sec. 106. Inspections, monitoring, and entry.

Sec. 107. Enforcement.

Sec. 108. Citizen suits.

Sec. 109. Imminent hazard.

Sec. 110. Application of Federal, State, and local law to Federal agencies.

Sec. 111. Judicial review.

Sec. 112. Regulatory authority.

Sec. 113. Funding.

Sec. 114. Severability.

Sec. 115. Retention of State authority.

TITLE II—OTHER MATTERS WITH RESPECT TO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES

Sec. 201. Centers of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions.

Sec. 202. Actions under State law for damages from exposure to hazardous substances.

Sec. 203. Bankruptcy provision relating to persistent, bioaccumulative, and toxic chemicals defendants and debtors.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) CENTERS OF EXCELLENCE.—The term
7 “Centers of Excellence” means—

8 (A) the Center of Excellence for Assessing
9 Perfluoroalkyl and Polyfluoroalkyl Substances
10 in Water Sources and Perfluoroalkyl and

Polyfluoroalkyl Substance Remediation Solutions established under section 201(c)(1)(A); and

(B) the Rural Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under section 201(c)(1)(B).

(3) ESSENTIAL USE.—The term “essential use”, with respect to a perfluoroalkyl or polyfluoroalkyl substance, means a use of the perfluoroalkyl or polyfluoroalkyl substance that is designated under section 102(c), as reflected under a review or recommendation under any applicable report under section 101(h) (including a subsequent report), as being an essential use because the use of the perfluoroalkyl or polyfluoroalkyl substance in an item or process is—

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

(B) necessary for the item or process to function; and

(C) a use for which a safer alternative is not available.

(4) MANUFACTURER.—

1 (A) IN GENERAL.—The term “manufac-
2 turer” means any person who—

3 (i) imports into the United States, a
4 territory of the United States, or a Freely
5 Associated State a perfluoroalkyl or
6 polyfluoroalkyl substance;

7 (ii) exports from the United States, a
8 territory of the United States, or a Freely
9 Associated State a perfluoroalkyl or
10 polyfluoroalkyl substance;

11 (iii) produces a perfluoroalkyl or
12 polyfluoroalkyl substance;

13 (iv) manufactures a perfluoroalkyl or
14 polyfluoroalkyl substance; or

15 (v) processes a perfluoroalkyl or
16 polyfluoroalkyl substance.

17 (B) INCLUSIONS.—The term “manufac-
18 turer” includes importers and exporters of
19 products that are known to contain
20 perfluoroalkyl or polyfluoroalkyl substances.

21 (C) EXCLUSION.—The term “manufac-
22 turer” does not include an entity that neither
23 manufactures nor uses perfluoroalkyl or
24 polyfluoroalkyl substances, but receives
25 perfluoroalkyl or polyfluoroalkyl substances in

1 the normal course of operations of the entity,
2 including a solid waste management facility, a
3 composting facility, a public water system (as
4 defined in section 1401 of the Safe Drinking
5 Water Act (42 U.S.C. 300f)), and a publicly or
6 privately owned or operated treatment works
7 (as defined in section 212 of the Federal Water
8 Pollution Control Act (33 U.S.C. 1292)).

9 (5) NATIONAL ACADEMIES.—The term “Na-
10 tional Academies” means the National Academies of
11 Sciences, Engineering, and Medicine.

12 (6) NONESSENTIAL USE.—The term “non-
13 essential use” means a use of a perfluoroalkyl or
14 polyfluoroalkyl substance that is not an essential
15 use.

16 (7) PERFLUOROALKYL OR POLYFLUOROALKYL
17 SUBSTANCE.—The term “perfluoroalkyl or
18 polyfluoroalkyl substance” means a substance that is
19 a perfluoroalkyl substance or a polyfluoroalkyl sub-
20 stance (as those terms are defined in section
21 7331(2)(B) of the PFAS Act of 2019 (15 U.S.C.
22 8931(2)(B))), including a mixture of those sub-
23 stances.

24 (8) PROCESS.—The term “process”, with re-
25 spect to a perfluoroalkyl or polyfluoroalkyl sub-

1 stance, means the preparation of the perfluoroalkyl
2 or polyfluoroalkyl substance, including preparation
3 that includes the mixture of multiple perfluoroalkyl
4 or polyfluoroalkyl substances, after the manufacture
5 of that perfluoroalkyl or polyfluoroalkyl substance
6 for distribution in commerce—

7 (A) in the same form or physical state as,
8 or in a different form or physical state from,
9 that in which the perfluoroalkyl or
10 polyfluoroalkyl substance was received by the
11 person so preparing the perfluoroalkyl or
12 polyfluoroalkyl substance; or

13 (B) as part of an article containing the
14 perfluoroalkyl or polyfluoroalkyl substance.

15 (9) SAFER ALTERNATIVE.—The term “safer al-
16 ternative”, with respect to the use of a
17 perfluoroalkyl or polyfluoroalkyl substance, means a
18 use that—

19 (A) does not require the use of a
20 perfluoroalkyl or polyfluoroalkyl substance to
21 achieve the intended function;

22 (B) demonstrates adequate performance
23 for the intended use;

24 (C) does not pose an unreasonable chronic
25 or acute risk to the environment or public

1 health as compared to the substance being re-
2 placed, including any harm that may result
3 from persistence, bioaccumulation, and toxicity
4 in any environment or human system, either by
5 itself or cumulatively with other substances that
6 cause similar harms; and

7 (D) has other risk characteristics that the
8 Administrator determines appropriate, in con-
9 sultation with the heads of relevant Federal
10 agencies and stakeholders as the Administrator
11 determines to be appropriate.

12 (10) STATE.—The term “State” means—

13 (A) each State;

14 (B) a territory of the United States;

15 (C) a Freely Associated State;

16 (D) an Indian Tribe included on the list
17 most recently published by the Secretary of the
18 Interior under section 104 of the Federally Rec-
19 ognized Indian Tribe List Act of 1994 (25
20 U.S.C. 5131); and

21 (E) the District of Columbia.

22 (11) USER.—

23 (A) IN GENERAL.—Subject to subpara-
24 graphs (B) and (C), the term “user”, with re-
25 spect to a perfluoroalkyl or polyfluoroalkyl sub-

stance, has the meaning given the term by the Administrator.

(B) CONSIDERATIONS.—In determining the definition of the term “user” under subparagraph (A), the Administrator shall consider—

(i) the volume of a perfluoroalkyl or polyfluoroalkyl substance used by an entity;

(ii) risks associated with releases of or exposure to a perfluoroalkyl or polyfluoroalkyl substance as a result of actions of an entity, including—

(I) toxicity;

(II) bioaccumulative properties;

(III) persistence in the environment;

(IV) interactions with other perfluoroalkyl or polyfluoroalkyl substances and other toxic chemicals;

(V) contamination and pollution burden of impacted communities; and

(VI) associated human health effects;

1 (iii) past or possible future releases of
2 a perfluoroalkyl or polyfluoroalkyl sub-
3 stance into the environment by an entity;
4 and

5 (iv) the use and fate of a
6 perfluoroalkyl or polyfluoroalkyl substance
7 used by an entity.

8 (C) EXCLUSION.—The term “user” does
9 not include an entity that neither manufactures
10 nor uses perfluoroalkyl or polyfluoroalkyl sub-
11 stances, but receives perfluoroalkyl or
12 polyfluoroalkyl substances in the normal course
13 of operations of the entity, including a solid
14 waste management facility, a composting facil-
15 ity, a public water system (as defined in section
16 1401 of the Safe Drinking Water Act (42
17 U.S.C. 300f)), and a publicly or privately owned
18 or operated treatment works (as defined in sec-
19 tion 212 of the Federal Water Pollution Control
20 Act (33 U.S.C. 1292)).

1 **TITLE I—PHASEOUT OF NON-**
2 **ESSENTIAL**
3 **PERFLUOROALKYL AND**
4 **POLYFLUOROALKYL SUB-**
5 **STANCES AND ALL RELEASES**

6 **SEC. 101. AGREEMENT WITH THE NATIONAL ACADEMIES**
7 **CONCERNING THE ESSENTIAL USES OF**
8 **PERFLUOROALKYL OR POLYFLUOROALKYL**
9 **SUBSTANCES.**

10 (a) PURPOSES.—The purposes of this section are to
11 provide for the National Academies, an independent non-
12 profit scientific organization with appropriate expertise
13 that is not part of the Federal Government—

14 (1) to review and evaluate the available sci-
15 entific evidence regarding categories of essential uses
16 of perfluoroalkyl or polyfluoroalkyl substances; and

17 (2) to provide guidance on prioritizing the
18 phaseout of nonessential uses of perfluoroalkyl or
19 polyfluoroalkyl substances.

20 (b) AGREEMENT.—

21 (1) IN GENERAL.—Not later than 60 days after
22 the date of enactment of this Act, the Administrator
23 (in consultation, as the Administrator determines
24 appropriate, with the heads of other Federal depart-
25 ments and agencies with relevant expertise regarding

1 the essential uses of perfluoroalkyl or polyfluoroalkyl
2 substances) shall seek to enter into a 10-year agree-
3 ment to carry out the duties described in this sec-
4 tion.

5 (2) EXTENSION.—The Administrator and the
6 National Academies may extend the agreement de-
7 scribed in paragraph (1) in 5-year increments.

8 (c) REVIEW OF SCIENTIFIC EVIDENCE.—

9 (1) IN GENERAL.—Under an agreement under
10 subsection (b), the National Academies shall, in ac-
11 cordance with the policy described in section 103(a),
12 review and summarize the scientific evidence, and
13 assess the strength of that scientific evidence, with
14 respect to—

15 (A) uses of perfluoroalkyl or
16 polyfluoroalkyl substances that should be des-
17 ignated as essential uses;

18 (B) the criteria for designating essential
19 uses; and

20 (C) nonessential uses of perfluoroalkyl or
21 polyfluoroalkyl substances that should be
22 prioritized for phaseout by the Administrator.

23 (2) INCLUSIONS.—In carrying out the review
24 described in paragraph (1), the National Academies
25 shall—

1 (A) analyze the definition of the term “es-
2 sential use” under section 2(3) as it relates to
3 perfluoroalkyl or polyfluoroalkyl substances;

4 (B) conduct an assessment of how
5 perfluoroalkyl or polyfluoroalkyl substances are
6 integrated into the society of the United States,
7 in which sectors of the economy of the United
8 States perfluoroalkyl or polyfluoroalkyl sub-
9 stances are used, and in which sectors those
10 uses are essential uses;

11 (C) describe any research gaps with re-
12 spect to the uses of perfluoroalkyl or
13 polyfluoroalkyl substances, including consider-
14 ation of mitigation strategies and safer alter-
15 natives; and

16 (D) develop recommendations with respect
17 to—

18 (i) the research and development ac-
19 tivities necessary to transition the United
20 States from the use of perfluoroalkyl or
21 polyfluoroalkyl substances; and

22 (ii) how the Federal Government
23 may—

24 (I) best ensure the conduct of the
25 research and development activities

1 described in clause (i) to ensure that
2 safer alternatives minimize health,
3 safety, and environmental risks; and
4 (II) best address the research
5 gaps identified under subparagraph
6 (C) and the research and development
7 needs identified under clause (i)
8 through collaboration or coordination
9 of programs and other efforts with
10 State, local, and Tribal governments
11 and nongovernmental organizations,
12 including private sector organizations.

13 (3) TIMING.—The initial review carried out
14 under paragraph (1) pursuant to an agreement
15 under subsection (b) shall conclude not later than 3
16 years after the date on which the review begins.

17 (d) SCIENTIFIC DETERMINATIONS OF ESSENTIAL
18 USES.—For each essential use, the National Academies
19 shall, to the extent that available scientific data permit
20 meaningful determinations, determine—

21 (1) categories of uses of perfluoroalkyl or
22 polyfluoroalkyl substances that can inform regu-
23 latory requirements under this title;

1 (2) a framework to guide decisionmakers in
2 making designations of essential uses under section
3 102(c), which shall include—

4 (A) the integration of findings with respect
5 to perfluoroalkyl or polyfluoroalkyl substances,
6 including findings on human health effects that
7 have sufficient or limited evidence of an associa-
8 tion, from authoritative reviews (such as re-
9 views by national or international bodies) and
10 high-quality systematic reviews; and

11 (B) a review of emerging evidence with re-
12 spect to perfluoroalkyl or polyfluoroalkyl sub-
13 stances that is impactful in decisionmaking; and

14 (3)(A) whether certain perfluoroalkyl or
15 polyfluoroalkyl substances in certain consumer prod-
16 ucts pose an unreasonable risk to consumers, such
17 as risks due to perfluoroalkyl or polyfluoroalkyl sub-
18 stance toxicity, persistence, or bioaccumulation;

19 (B) the contribution of the uses identified
20 under subparagraph (A) to the cumulative im-
21 pact of perfluoroalkyl or polyfluoroalkyl sub-
22 stances on the environment and public health;
23 and

24 (C) recommendations for possible methods
25 to eliminate perfluoroalkyl or polyfluoroalkyl

1 substances from consumer products described
2 in subparagraph (A).

3 (e) COMMUNITY ENGAGEMENT.—In carrying out re-
4 views and studies under this section, the National Acad-
5 emies shall integrate robust, transparent, meaningful, and
6 public community outreach.

7 (f) COOPERATION OF FEDERAL AGENCIES.—The
8 head of each relevant Federal agency, including the Ad-
9 ministrator, shall cooperate fully with the National Acad-
10 emies in carrying out the agreement under subsection (b).

11 (g) RECOMMENDATIONS FOR ADDITIONAL STUD-
12 IES.—

13 (1) IN GENERAL.—The National Academies
14 shall make any recommendations for additional sci-
15 entific studies determined appropriate by the Na-
16 tional Academies to resolve areas of continuing sci-
17 entific uncertainty relating to essential uses of
18 perfluoroalkyl or polyfluoroalkyl substances.

19 (2) REQUIREMENTS.—In making recommenda-
20 tions under paragraph (1), the National Academies
21 shall consider—

22 (A) the scientific information that is avail-
23 able at the time of the recommendation;

1 (B) the value and relevance of the informa-
 2 tion that could result from additional studies;
 3 and

4 (C) the cost and feasibility of carrying out
 5 those additional studies.

6 (h) REPORTS.—

7 (1) INITIAL REPORT.—

8 (A) IN GENERAL.—Not later than 1 year
 9 after the date of enactment of this Act, the Na-
 10 tional Academies shall submit to the Adminis-
 11 trator, the Committee on Environment and
 12 Public Works of the Senate, and the Committee
 13 on Energy and Commerce of the House of Rep-
 14 resentatives an initial report on the activities of
 15 the National Academies under the agreement
 16 under subsection (b).

17 (B) INCLUSIONS.—The report required
 18 under subparagraph (A) shall include—

19 (i)(I) a description of the determina-
 20 tions, if any, made under subsection (d);
 21 and

22 (II) a full explanation of the scientific
 23 evidence and reasoning that led to those
 24 determinations; and

1 (ii) any recommendations made under
2 subsection (g).

3 (2) SUBSEQUENT REPORTS.—Not less fre-
4 quently than once every 2 years after the date on
5 which the initial report under paragraph (1) is sub-
6 mitted, the National Academies shall submit to the
7 Administrator, the Committee on Environment and
8 Public Works of the Senate, and the Committee on
9 Energy and Commerce of the House of Representa-
10 tives an update of that report.

11 (i) ADDITIONAL STUDIES.—

12 (1) IN GENERAL.—Beginning on the date that
13 is 2 years after the date that the National Acad-
14 emies completes the review under subsection (c), the
15 Administrator may initiate not more than 5 addi-
16 tional studies with the National Academies—

17 (A) to update the review carried out under
18 subsection (c) based on new evidence; and

19 (B) to address the recommendations made
20 under subsection (g).

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to the Ad-
23 ministrator such sums as are necessary to carry out
24 this subsection.

1 (j) ALTERNATIVE CONTRACTING SCIENTIFIC ORGA-
 2 NIZATION.—

3 (1) IN GENERAL.—If the Administrator is un-
 4 able to enter into an agreement under subsection (b)
 5 with the National Academies within the 60-day pe-
 6 riod described in that subsection on terms acceptable
 7 to the Administrator, the Administrator shall seek to
 8 enter into an agreement for purposes of carrying out
 9 this section with another appropriate scientific orga-
 10 nization that—

11 (A) is not part of the Federal Government;

12 (B) operates as a not-for-profit entity; and

13 (C) has expertise and objectivity com-
 14 parable to that of the National Academies.

15 (2) EFFECT OF ALTERNATIVE ORGANIZA-
 16 TION.—If the Administrator enters into an agree-
 17 ment with an alternative scientific organization
 18 under paragraph (1), any reference in this title to
 19 “the National Academies” shall be deemed to be a
 20 reference to that alternative scientific organization.

21 **SEC. 102. MANUFACTURING AND USE PHASEOUT PROGRAM.**

22 (a) ANNUAL PERFLUOROALKYL OR
 23 POLYFLUOROALKYL SUBSTANCE MANUFACTURER AND
 24 USER MONITORING AND REPORTING REQUIREMENTS.—

1 (1) PURPOSE.—The purposes of this subsection
2 are—

3 (A) to make available and accessible data
4 to inform a nationwide phaseout of the use and
5 environmental release of perfluoroalkyl or
6 polyfluoroalkyl substances;

7 (B) to put in place a process for that
8 phaseout; and

9 (C) to increase transparency for the public
10 and interested stakeholders with respect to the
11 use, release, and prevalence of perfluoroalkyl or
12 polyfluoroalkyl substances.

13 (2) ANNUAL REPORTS.—

14 (A) IN GENERAL.—Not later than 3 years
15 after the date of enactment of this Act, the Ad-
16 ministrator shall issue a final rule requiring
17 each manufacturer and user of a perfluoroalkyl
18 or polyfluoroalkyl substance to submit a report
19 pursuant to this paragraph.

20 (B) REPORTS REQUIRED.—Not later than
21 18 months after the date on which the Adminis-
22 trator publishes the final rule carrying out this
23 paragraph and not less frequently than annu-
24 ally thereafter, subject to subparagraph (D),
25 each manufacturer or user of a perfluoroalkyl

1 or polyfluoroalkyl substance shall submit to the
2 Administrator at such time and in such manner
3 as the Administrator may require a report that
4 includes—

5 (i) a description of any essential uses
6 of perfluoroalkyl or polyfluoroalkyl sub-
7 stances carried out by the manufacturer or
8 user, including—

9 (I) the function of the
10 perfluoroalkyl or polyfluoroalkyl sub-
11 stances in the product or process;

12 (II) the volume and concentra-
13 tion, as applicable, of the
14 perfluoroalkyl or polyfluoroalkyl sub-
15 stances used in the product or proc-
16 ess; and

17 (III) the trade name, chemical
18 identity, and molecular structure of
19 the perfluoroalkyl or polyfluoroalkyl
20 substances used in the product or
21 process;

22 (ii) any safer alternatives for uses of
23 perfluoroalkyl or polyfluoroalkyl substances
24 used by the manufacturer or user;

1 (iii) any environmental releases of a
2 perfluoroalkyl or polyfluoroalkyl substance,
3 at any detectable level;

4 (iv) any use of a perfluoroalkyl or
5 polyfluoroalkyl substance that is required
6 pursuant to Federal law (including regula-
7 tions), Federal standards, or Federal Gov-
8 ernment specifications;

9 (v) a description of any nonessential
10 uses of perfluoroalkyl or polyfluoroalkyl
11 substances carried out by the manufac-
12 turer or user;

13 (vi) the total amount of each
14 perfluoroalkyl or polyfluoroalkyl substance
15 manufactured or processed by the manu-
16 facturer or user, reasonable estimates of
17 the total amount of perfluoroalkyl or
18 polyfluoroalkyl substances to be manufac-
19 tured or processed by the manufacturer or
20 user, the amount of perfluoroalkyl or
21 polyfluoroalkyl substance manufactured or
22 processed by the manufacturer or user for
23 each of its categories of use, and reason-
24 able estimates of the amount of
25 perfluoroalkyl or polyfluoroalkyl substance

1 to be manufactured or processed by the
2 manufacturer or user for each of its cat-
3 egories of use;

4 (vii) a description of the byproducts
5 resulting from the manufacture, proc-
6 essing, use, or disposal by the manufac-
7 turer or user of each perfluoroalkyl or
8 polyfluoroalkyl substance;

9 (viii) all existing information con-
10 cerning the environmental and health ef-
11 fects of the perfluoroalkyl or
12 polyfluoroalkyl substance;

13 (ix) the number of individuals ex-
14 posed, and reasonable estimates of the
15 number of individuals who will be exposed,
16 to each perfluoroalkyl or polyfluoroalkyl
17 substance in their places of employment
18 and the duration of that exposure;

19 (x)(I) in the initial report required
20 under this subparagraph, a description of
21 the manner or method of disposal of each
22 perfluoroalkyl or polyfluoroalkyl substance
23 identified pursuant to clause (i)(III); and

24 (II) in each subsequent report re-
25 quired under this subparagraph, any

1 change in the manner or method described
2 in subclause (I); and

3 (xi) any additional information that
4 the Administrator may require.

5 (C) USE OF REPORTS.—

6 (i) PUBLICATION.—Not later than
7 180 days after the date on which the Ad-
8 ministrator receives a report from a manu-
9 facturer or user under subparagraph (B),
10 the Administrator shall publish the report
11 for a period of public comment and review
12 of not less than 90 days.

13 (ii) DATA QUALITY.—The Adminis-
14 trator shall conduct data quality assurance
15 and scientific integrity reviews of reports
16 received under subparagraph (B)—

17 (I) to ensure the quality of re-
18 ported data; and

19 (II) to provide comment on the
20 validity of the reports of the manufac-
21 turer.

22 (iii) CONFIDENTIAL BUSINESS INFOR-
23 MATION.—The Administrator shall carry
24 out this clause in accordance with section

1 14 of the Toxic Substances Control Act
2 (15 U.S.C. 2613).

3 (D) NO FURTHER REPORTS REQUIRED.—

4 (i) IN GENERAL.—No further reports
5 under subparagraph (B) shall be required
6 from a manufacturer or user if the manu-
7 facturer or user—

8 (I) permanently ceases use or
9 manufacture of all perfluoroalkyl or
10 polyfluoroalkyl substances; and

11 (II) notifies the Administrator in
12 writing that the requirement under
13 subclause (I) has been met.

14 (ii) FINAL REPORT.—Notwithstanding
15 the submission of a notice under clause
16 (i)(II), a manufacturer or user shall sub-
17 mit to the Administrator a final report
18 under subparagraph (B) if, at any time
19 during the 1-year period beginning on the
20 date on which the manufacturer or user
21 submitted the previous report under that
22 subparagraph, the manufacturer or user
23 used a perfluoroalkyl or polyfluoroalkyl
24 substance.

1 (iii) PUBLIC NOTICE OF CESSATION.—

2 The Administrator shall issue a public no-
 3 tice describing each notification received
 4 under clause (i)(II).

5 (b) PRODUCTION AND CONSUMPTION PHASEOUTS
 6 REQUIRED.—

7 (1) GENERAL PHASEOUT TIMELINE.—Not later
 8 than 10 years after the date of enactment of this
 9 Act, manufacturers and users shall complete the full
 10 phaseout of nonessential uses of perfluoroalkyl or
 11 polyfluoroalkyl substances.

12 (2) PLANS REQUIRED.—

13 (A) IN GENERAL.—Not later than 3 years
 14 after the date of enactment of this Act, each
 15 manufacturer and user shall submit to the Ad-
 16 ministrator, in such a manner as the Adminis-
 17 trator may require, a plan and schedule for the
 18 full phaseout of nonessential uses of
 19 perfluoroalkyl and polyfluoroalkyl substances
 20 within the 10-year period described in para-
 21 graph (1).

22 (B) INCLUSION.—

23 (i) IN GENERAL.—A plan submitted
 24 by a manufacturer or user under subpara-
 25 graph (A) may include verifiable transfer

1 of perfluoroalkyl or polyfluoroalkyl sub-
2 stance stocks in the possession of the man-
3 ufacturer or user to an accredited research
4 consortium, including Centers of Excel-
5 lence, National Laboratories of the Depart-
6 ment of Energy, institutions of higher edu-
7 cation (as defined in section 101(a) of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1001(a))), and other relevant entities, as
10 determined by the Administrator, for the
11 purposes of—

12 (I) research into the destruction,
13 detection, and remediation of
14 perfluoroalkyl or polyfluoroalkyl sub-
15 stances; and

16 (II) other related research.

17 (ii) SAVINGS PROVISION.—Nothing in
18 this subparagraph—

19 (I) affects an obligation of a
20 manufacturer or user to comply with
21 a regulation or requirement associated
22 with the removal, disposal, or destruc-
23 tion of a perfluoroalkyl or
24 polyfluoroalkyl substance; or

1 (II) prohibits a manufacturer or
2 user from using a method of removal,
3 disposal, or destruction of a
4 perfluoroalkyl or polyfluoroalkyl sub-
5 stance in accordance with applicable
6 law.

7 (C) PUBLIC AVAILABILITY.—The Adminis-
8 trator shall make the plans submitted by manu-
9 facturers and users under subparagraph (A)
10 publicly available in accordance with section 14
11 of the Toxic Substances Control Act (15 U.S.C.
12 2614).

13 (3) ACCELERATED SCHEDULE.—

14 (A) IN GENERAL.—The Administrator
15 may, after a period of notice and opportunity
16 for public comment of not less than 180 days,
17 require that the full phaseout of nonessential
18 uses of perfluoroalkyl or polyfluoroalkyl sub-
19 stances required under paragraph (1) occur on
20 a schedule that is more stringent than the
21 schedule required under that paragraph.

22 (B) PETITION.—

23 (i) IN GENERAL.—Any person may
24 petition the Administrator to establish a

1 more stringent schedule under subpara-
2 graph (A).

3 (ii) REQUIREMENTS.—A petition sub-
4 mitted under clause (i) shall—

5 (I) be made at such time, in such
6 manner, and containing such informa-
7 tion as the Administrator shall re-
8 quire; and

9 (II) include a showing by the pe-
10 titioner that there are scientific data
11 with respect to nonessential uses of
12 perfluoroalkyl or polyfluoroalkyl sub-
13 stances to support the petition.

14 (iii) RESPONSE TIMELINE.—

15 (I) IN GENERAL.—If the Admin-
16 istrator receives a petition under
17 clause (i), the Administrator shall—

18 (aa) not later than 180 days
19 after the date on which the Ad-
20 ministrator receives the peti-
21 tion—

22 (AA) make the com-
23 plete petition available to
24 the public; and

1 (BB) when making the
 2 petition available pursuant
 3 to subitem (AA), propose
 4 and seek public comment,
 5 for a period of not less than
 6 90 days, on the proposal of
 7 the Administrator to grant
 8 or deny the petition; and
 9 (bb) not later than 1 year
 10 after the date on which the Ad-
 11 ministrator receives the petition,
 12 take final action on the petition.

13 (II) REVISED PLANS AND SCHED-
 14 ULES.—

15 (aa) IN GENERAL.—If, after
 16 receiving public comment with re-
 17 spect to a petition received under
 18 clause (i), the Administrator
 19 grants the petition, each manu-
 20 facturer and user shall revise and
 21 submit to the Administrator an
 22 update to the plan and schedule
 23 required under paragraph (2)(A)
 24 to reflect the more stringent

1 schedule described in the peti-
2 tion.

3 (bb) REQUIREMENT.—A re-
4 vised plan and schedule under
5 item (aa) shall be submitted in
6 accordance with paragraph (2).

7 (4) ACCELERATED PHASEOUT IN CERTAIN
8 PRODUCTS.—

9 (A) PHASEOUT WITHIN 1 YEAR.—

10 (i) IN GENERAL.—Notwithstanding
11 any other provision of this Act but subject
12 to clause (ii), beginning on the date that is
13 1 year after the date of enactment of this
14 Act, no person may sell, offer for sale, or
15 distribute for sale in interstate com-
16 merce—

17 (I) a carpet or rug that contains
18 perfluoroalkyl or polyfluoroalkyl sub-
19 stances;

20 (II) a fabric treatment that con-
21 tains perfluoroalkyl or polyfluoroalkyl
22 substances;

23 (III) food packaging and con-
24 tainers that contains perfluoroalkyl or
25 polyfluoroalkyl substances;

1 (IV) a juvenile product that con-
2 tains perfluoroalkyl or polyfluoroalkyl
3 substances; or

4 (V) an oil or gas product that
5 contains perfluoroalkyl or
6 polyfluoroalkyl substances.

7 (ii) EXCEPTION FOR RESALE.—The
8 prohibition under clause (i) does not apply
9 to the sale or resale of used products de-
10 scribed in subclauses (I), (II), and (IV) of
11 that clause.

12 (B) PHASEOUT WITHIN 2 YEARS.—

13 (i) IN GENERAL.—Notwithstanding
14 any other provision of this Act but subject
15 to clause (ii), beginning on the date that is
16 2 years after the date of enactment of this
17 Act, no person may sell, offer for sale, or
18 distribute for sale in interstate com-
19 merce—

20 (I) a cosmetic that contains
21 perfluoroalkyl or polyfluoroalkyl sub-
22 stances;

23 (II) an indoor textile furnishing
24 that contains perfluoroalkyl or
25 polyfluoroalkyl substances;

1 (III) indoor upholstered furniture
2 that contains perfluoroalkyl or
3 polyfluoroalkyl substances;

4 (IV) an accessory or handbag
5 that contains perfluoroalkyl or
6 polyfluoroalkyl substances; or

7 (V) except for a product de-
8 scribed in subparagraph (D), indoor
9 and outdoor apparel that contains
10 perfluoroalkyl or polyfluoroalkyl sub-
11 stances.

12 (ii) EXCEPTION FOR RESALE.—The
13 prohibition under clause (i) does not apply
14 to the sale or resale of used products de-
15 scribed in each of subclauses (II) through
16 (V) of that clause.

17 (C) PHASEOUT WITHIN 4 YEARS.—

18 (i) IN GENERAL.—Notwithstanding
19 any other provision of this Act but subject
20 to clause (ii), beginning on the date that is
21 4 years after the date of enactment of this
22 Act, no person may sell, offer for sale, or
23 distribute for sale in interstate com-
24 merce—

1 (I) an outdoor textile furnishing
2 that contains perfluoroalkyl or
3 polyfluoroalkyl substances; or

4 (II) outdoor upholstered fur-
5 niture that contains perfluoroalkyl or
6 polyfluoroalkyl substances.

7 (ii) EXCEPTION FOR RESALE.—The
8 prohibition under clause (i) does not apply
9 to the sale or resale of used products de-
10 scribed in that clause.

11 (D) PHASEOUT WITHIN 5 YEARS.—

12 (i) IN GENERAL.—Notwithstanding
13 any other provision of this Act but subject
14 to clause (ii), beginning on the date that is
15 5 years after the date of enactment of this
16 Act, no person may sell, offer for sale, or
17 distribute for sale in interstate commerce
18 outdoor apparel for severe wet conditions
19 that contain intentionally used
20 perfluoroalkyl or polyfluoroalkyl sub-
21 stances.

22 (ii) EXCEPTION FOR RESALE.—The
23 prohibition under clause (i) does not apply
24 to the sale or resale of used products de-
25 scribed in that clause.

1 (c) DESIGNATIONS OF NONESSENTIAL AND ESSEN-
2 TIAL USES.—

3 (1) 10-YEAR REQUIREMENT.—Beginning on the
4 date that is 10 years after the date of enactment of
5 this Act—

6 (A) all nonessential uses of a
7 perfluoroalkyl or polyfluoroalkyl substance shall
8 be prohibited; and

9 (B) any use of a perfluoroalkyl or
10 polyfluoroalkyl substance shall be considered a
11 nonessential use unless the Administrator, con-
12 sistent with applicable recommendations or
13 other analysis, if any, under a report under sec-
14 tion 101(h) (including a subsequent report),
15 has designated the use as an essential use
16 under paragraph (2) or (3).

17 (2) PETITION.—

18 (A) IN GENERAL.—A person may submit
19 to the Administrator a petition to designate a
20 use of a perfluoroalkyl or polyfluoroalkyl sub-
21 stance as a nonessential use or an essential use
22 at such time (including on a 1-time, periodic, or
23 continuing basis within such timeframe as the
24 Administrator may require), in such manner,

1 and containing such information as the Admin-
2 istrator may require.

3 (B) BURDEN OF PROOF.—In submitting a
4 petition under subparagraph (A)—

5 (i) the burden of proof shall be on the
6 petitioner to demonstrate that a use of a
7 perfluoroalkyl or polyfluoroalkyl substance
8 is a nonessential use or an essential use;
9 and

10 (ii) the petitioner shall provide any in-
11 formation requested by the Administrator,
12 on a 1-time, periodic, or continuous basis
13 within such timeframe as the Adminis-
14 trator may require, to inform a determina-
15 tion under subparagraph (C).

16 (C) DETERMINATION.—

17 (i) BEST AVAILABLE SCIENCE.—The
18 determination of the Administrator to
19 grant or deny a petition submitted under
20 subparagraph (A) shall be based on—

21 (I) the best available science; and

22 (II) the applicable recommenda-
23 tions or other analysis, if any, under
24 a report under section 101(h) (includ-
25 ing a subsequent report).

1 (ii) TIMELINE.—

2 (I) IN GENERAL.—Subject to
3 subclause (II), the Administrator shall
4 finalize a determination to grant or
5 deny a petition submitted under sub-
6 paragraph (A) by not later than 270
7 days after the date of receipt of the
8 petition.

9 (II) REQUIREMENT.—The Ad-
10 ministrator may not finalize a deter-
11 mination to grant or deny a petition
12 submitted under subparagraph (A) be-
13 fore the date that is 1 year after the
14 date on which the first report under
15 subsection (h) of section 101 is sub-
16 mitted after the date on which the re-
17 view under subsection (c) of that sec-
18 tion is completed.

19 (iii) PUBLIC AVAILABILITY.—

20 (I) IN GENERAL.—In making a
21 determination to grant or deny a peti-
22 tion submitted under subparagraph
23 (A), the Administrator shall—

24 (aa) make all materials sub-
25 mitted with the petition available

1 for public review and comment
2 for a period of not less than 180
3 days; and

4 (bb) consider all public com-
5 ments submitted with respect to
6 the materials made available
7 under item (aa).

8 (II) CONFIDENTIAL BUSINESS
9 INFORMATION.—Subclause (I) shall be
10 carried out in accordance with section
11 14 of the Toxic Substances Control
12 Act (15 U.S.C. 2613).

13 (D) EXPEDITED CONSIDERATION.—The
14 Administrator shall, to the maximum extent
15 practicable, expedite the consideration of peti-
16 tions submitted under subparagraph (A) from a
17 Federal agency.

18 (E) TERMINATION OF PETITION PROC-
19 ESS.—The Administrator shall continue to ac-
20 cept petitions under this paragraph until such
21 time as all perfluoroalkyl or polyfluoroalkyl sub-
22 stances and uses of perfluoroalkyl or
23 polyfluoroalkyl substances are eliminated in ac-
24 cordance with the policy described in section
25 103(a).

1 (3) ALTERNATIVE DESIGNATION PROCESS.—

2 (A) IN GENERAL.—On a continuing basis
3 and in consultation with relevant Federal agen-
4 cies as the Administrator determines necessary,
5 the Administrator may review and, through a
6 public rulemaking, designate as a nonessential
7 use or an essential use a use of a perfluoroalkyl
8 or polyfluoroalkyl substance.

9 (B) REQUIREMENT.—The decision of the
10 Administrator to designate a use of a
11 perfluoroalkyl or polyfluoroalkyl substance as a
12 nonessential use or an essential use under sub-
13 paragraph (A) shall be consistent with—

14 (i) the best available science; and

15 (ii) the applicable recommendations or
16 other analysis, if any, under a report under
17 section 101(h) (including a subsequent re-
18 port).

19 (C) TIMELINE.—

20 (i) REPORT REQUIRED.—The Admin-
21 istrator may not designate a use of a
22 perfluoroalkyl or polyfluoroalkyl substance
23 as a nonessential use or an essential use
24 under subparagraph (A) before the date
25 that is 1 year after the date on which the

1 first report under subsection (h) of section
2 101 is submitted after the date on which
3 the review under subsection (c) of that sec-
4 tion is completed.

5 (ii) PUBLIC REVIEW.—Before desig-
6 nating a use of a perfluoroalkyl or
7 polyfluoroalkyl substance as a nonessential
8 use or an essential use under subpara-
9 graph (A), the Administrator shall publish
10 the proposed designation for public review
11 and comment for a period of not less than
12 180 days.

13 (iii) FINAL DESIGNATION.—The Ad-
14 ministrator shall publicly issue a final des-
15 ignation of a use of a perfluoroalkyl or
16 polyfluoroalkyl substance as a nonessential
17 use or an essential use under subpara-
18 graph (A) by not later than 270 days after
19 the date on which the public review and
20 comment period under clause (ii) ends.

21 (4) DATA TRANSPARENCY.—The Administrator
22 may, to inform a designation under paragraph (2) or
23 (3), require a manufacturer, user, person who manu-
24 facturers equipment for a manufacturer or user, per-
25 son who the Administrator believes may have nec-

1 essary information to inform a designation under
2 paragraph (2) or (3), or a person subject to the re-
3 quirements of this title to provide relevant informa-
4 tion (on a 1-time, periodic, or continuing basis for
5 such timeframe as the Administrator determines ap-
6 propriate).

7 (5) REQUIRED PETITIONS.—

8 (A) IN GENERAL.—Stakeholders shall use
9 the petition process under paragraph (2) to
10 identify and list products and processes that
11 use a perfluoroalkyl or polyfluoroalkyl substance
12 that have a use in a product that is required to
13 be used under Federal law (including regula-
14 tions), Federal standards, or Federal Govern-
15 ment specifications.

16 (B) SUBMISSION TO OTHER AGENCIES.—If
17 the Administrator receives a petition under
18 paragraph (2) or begins to carry out the alter-
19 native designation process under paragraph (3)
20 with respect to a use described in subparagraph
21 (A), the Administrator shall, on receipt of the
22 petition, share the petition with the head of the
23 Federal agency that required the use for a re-
24 view and comment period of not less than 30
25 days.

1 (6) REVIEW OF PREVIOUS DESIGNATIONS.—The
2 Administrator may, pursuant to a petition from a
3 petitioner or at the discretion of the Administrator,
4 review the designation of a use of a perfluoroalkyl or
5 polyfluoroalkyl substance as a nonessential use or an
6 essential use and redesignate that use as a non-
7 essential use or an essential use in accordance with
8 the process under which the designation was origi-
9 nally made.

10 (d) ADMINISTRATOR PRIORITIZATION DISCRE-
11 TION.—The Administrator may prioritize the establish-
12 ment of a report under this section or a designation of
13 the use of a class or subclass perfluoroalkyl or
14 polyfluoroalkyl substances as a nonessential use or an es-
15 sential use under subsection (c) in accordance with—

16 (1) the National PFAS Testing Strategy of the
17 Environmental Protection Agency (or a successor
18 strategy); or

19 (2) any other method that is based on the best
20 available science.

21 (e) PROHIBITION OF SALES OF NONESSENTIAL
22 PERFLUOROALKYL OR POLYFLUOROALKYL SUB-
23 STANCES.—

24 (1) IN GENERAL.—Beginning on the date that
25 is 10 years after the date of enactment of this Act,

1 a manufacturer or user shall not engage in the sale
2 of perfluoroalkyl or polyfluoroalkyl substances that
3 remain in the possession of the manufacturer or user
4 on that date for nonessential uses.

5 (2) PERFLUOROALKYL OR POLYFLUOROALKYL
6 SUBSTANCE STOCKS.—The Administrator may ap-
7 prove verifiable transfers of perfluoroalkyl or
8 polyfluoroalkyl substance stocks in the possession of
9 a manufacturer or user to an accredited research
10 consortium, including Centers of Excellence, Na-
11 tional Laboratories of the Department of Energy, in-
12 stitutions of higher education (as defined in section
13 101(a) of the Higher Education Act of 1965 (20
14 U.S.C. 1001(a))), and other relevant entities that
15 contribute to the achievement of the policy described
16 in section 103(a).

17 (3) SAVINGS PROVISION.—Nothing in this sub-
18 section—

19 (A) affects an obligation of a manufacturer
20 or user to comply with a regulation or require-
21 ment associated with the removal, disposal, or
22 destruction of a perfluoroalkyl or
23 polyfluoroalkyl substance; or

24 (B) prohibits a manufacturer or user from
25 using a method of removal, disposal, or destruc-

1 tion of a perfluoroalkyl or polyfluoroalkyl sub-
2 stance in accordance with applicable law.

3 **SEC. 103. UNITED STATES PERFLUOROALKYL OR**
4 **POLYFLUOROALKYL SUBSTANCE POLICY.**

5 (a) GENERAL POLICY.—It is the policy of the United
6 States that, to the maximum extent practicable and as
7 permitted under applicable law—

8 (1) contamination of any environmental media
9 by a perfluoroalkyl or polyfluoroalkyl substance
10 should be remediated to levels that do not present
11 an unreasonable risk to public health and the envi-
12 ronment;

13 (2) the destruction and disposal of
14 perfluoroalkyl or polyfluoroalkyl substances—

15 (A) is considered most essential to the
16 elimination of perfluoroalkyl or polyfluoroalkyl
17 substances, which are also known as “forever
18 chemicals”; and

19 (B) should be prioritized as part of any
20 perfluoroalkyl or polyfluoroalkyl substance re-
21 mediation strategy in a manner that presents
22 the lowest risk of environmental release and the
23 lowest risk to public health and the environ-
24 ment;

1 (3) the use of perfluoroalkyl or polyfluoroalkyl
2 substances in consumer products should be elimi-
3 nated; and

4 (4) in cases in which the use of perfluoroalkyl
5 or polyfluoroalkyl substances is essential, in accord-
6 ance with any applicable report under section 101(h)
7 (including a subsequent report), and no safer alter-
8 native for that use is available, those perfluoroalkyl
9 or polyfluoroalkyl substances should be removed or
10 replaced by chemicals, product substitutes, or alter-
11 native manufacturing processes that reduce overall
12 risk to human health and the environment, including
13 risks due to chronic, acute, and cumulative impacts.

14 (b) FEDERAL PROCUREMENT.—

15 (1) IN GENERAL.—Beginning on the date of en-
16 actment of this Act, the heads of Federal agencies,
17 in coordination with the Administrator and the Ad-
18 ministrator of General Services, shall, to the max-
19 imum extent practicable, eliminate the procurement
20 of products known to contain perfluoroalkyl or
21 polyfluoroalkyl substances.

22 (2) SURVEY.—In carrying out paragraph (1),
23 the heads of Federal agencies may—

24 (A) carry out surveys of the products pro-
25 cured by the Federal agency to determine

1 whether the products contain perfluoroalkyl or
2 polyfluoroalkyl substances; and

3 (B) pause or cease procurement of prod-
4 ucts that have not been identified as not con-
5 taining perfluoroalkyl or polyfluoroalkyl sub-
6 stances within a reasonable timeline that ac-
7 counts for—

8 (i) survey completion and product re-
9 turn; and

10 (ii) identifying and securing safer al-
11 ternatives for the product.

12 (c) BEST AVAILABLE SCIENCE.—A determination
13 that an action complies with the policy described in sub-
14 section (a) or an action taken under subsection (b) shall
15 be based on the best available science.

16 (d) SAVINGS PROVISION.—Nothing in this section af-
17 fects any other duty or obligation under Federal law.

18 **SEC. 104. PERFLUOROALKYL OR POLYFLUOROALKYL SUB-**
19 **STANCE RELEASE PHASEOUT.**

20 (a) IN GENERAL.—Beginning on the date that is 10
21 years after the date of enactment of this Act, it shall be
22 unlawful for any manufacturer or user to release any
23 quantity of perfluoroalkyl or polyfluoroalkyl substance
24 above the threshold of detection of a detection method for
25 perfluoroalkyl or polyfluoroalkyl substances that is vali-

1 dated by the Administrator in a manner that permits that
2 perfluoroalkyl or polyfluoroalkyl substance to enter the en-
3 vironment.

4 (b) RULEMAKING REQUIRED.—

5 (1) IN GENERAL.—Not later than 7 years after
6 the date of enactment of this Act and after a period
7 of notice and opportunity for public comment, the
8 Administrator shall finalize a rule that—

9 (A) establishes a schedule for the phaseout
10 of the releases above the threshold of detection
11 described in subsection (a) by the date de-
12 scribed in that subsection; and

13 (B) establishes applicable detection meth-
14 ods and relevant thresholds.

15 (2) UPDATE.—The Administrator may update,
16 in whole or in part, the schedule required under sub-
17 paragraph (A) of paragraph (1) in accordance with
18 that paragraph.

19 (3) EARLY ADOPTION.—The Administrator
20 may, in accordance with the policy described in sec-
21 tion 103(a) and after a period of notice and oppor-
22 tunity for public comment, finalize a rule before the
23 rule required under paragraph (1) that—

24 (A) establishes a schedule for the phaseout
25 or banning of releases of individual

1 perfluoroalkyl or polyfluoroalkyl substances,
2 mixtures of perfluoroalkyl or polyfluoroalkyl
3 substances, or subclasses of perfluoroalkyl or
4 polyfluoroalkyl substances above the threshold
5 of detection described in subsection (a) by the
6 date described in that subsection; and

7 (B) establishes applicable detection meth-
8 ods and relevant thresholds.

9 (c) SAVINGS PROVISION.—Nothing in this section af-
10 fects any other duty or obligation under any other Federal
11 law.

12 **SEC. 105. USE FOR RESEARCH.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of this title, the Administrator may allow the use and
15 detectable release of perfluoroalkyl or polyfluoroalkyl sub-
16 stances described in subsections (b) and (c) that do not
17 place unreasonable risk on human health or the environ-
18 ment for research, development, testing, and other similar
19 purposes to assist in the achievement of the policy de-
20 scribed in section 103(a).

21 (b) REMAINING STOCKS OF PERFLUOROALKYL OR
22 POLYFLUOROALKYL SUBSTANCES.—

23 (1) IN GENERAL.—A manufacturer or user with
24 remaining stocks of perfluoroalkyl or polyfluoroalkyl
25 substances in the possession of the manufacturer or

1 user following cessation of the manufacture or use of
2 perfluoroalkyl or polyfluoroalkyl substances may
3 enter into an agreement with the Administrator, an
4 accredited research consortium, including Centers of
5 Excellence, National Laboratories of the Department
6 of Energy, institutions of higher education (as de-
7 fined in section 101(a) of the Higher Education Act
8 of 1965 (20 U.S.C. 1001(a))), and other relevant
9 entities, as determined by the Administrator, in
10 order for such stocks to be available for use in ac-
11 cordance with subsection (a).

12 (2) REQUIREMENT.—The Administrator may
13 only enter into an agreement under paragraph (1) if
14 the actions to be carried out under that agreement
15 directly contribute to the achievement of the policy
16 described in section 103(a), as determined by the
17 Administrator.

18 (3) SAVINGS PROVISION.—Nothing in this sub-
19 section—

20 (A) affects an obligation of a manufacturer
21 or user to comply with a regulation or require-
22 ment associated with the removal, disposal, or
23 destruction of a perfluoroalkyl or
24 polyfluoroalkyl substance; or

1 (B) prohibits a manufacturer or user from
 2 using a method of removal, disposal, or destruc-
 3 tion of a perfluoroalkyl or polyfluoroalkyl sub-
 4 stance in accordance with applicable law.

5 (c) PROHIBITION.—It shall be unlawful to develop or
 6 produce a perfluoroalkyl or polyfluoroalkyl substance sole-
 7 ly for the purposes of activities authorized under sub-
 8 section (a) unless the Administrator determines it nec-
 9 essary to comply with the policy described in section
 10 103(a).

11 **SEC. 106. INSPECTIONS, MONITORING, AND ENTRY.**

12 (a) IN GENERAL.—For the purpose of determining
 13 whether a person is in violation of this title or for the pur-
 14 poses of carrying out any provision of this title—

15 (1) the Administrator may require any manu-
 16 facturer, user, person who manufactures equipment
 17 for a manufacturer or user, person who the Adminis-
 18 trator believes may have information necessary for
 19 the purposes described in this paragraph, or person
 20 who is subject to the requirements of this title, on
 21 a 1-time, periodic, or continuous basis—

22 (A) to install, use, and maintain such mon-
 23 itoring equipment, and use such audit proce-
 24 dures or methods, as the Administrator may re-
 25 quire;

1 (B) to sample such releases (in accordance
2 with such procedures or methods, at such loca-
3 tions, at such intervals, during such periods,
4 and in such manner as determined by the Ad-
5 ministrator) as the Administrator may require;

6 (C) to keep such records on control equip-
7 ment parameters, production variables, or other
8 equivalent indirect data as the Administrator
9 may require when direct monitoring of releases
10 is impractical;

11 (D) to provide such other information as
12 the Administrator may require; and

13 (E) to provide records and reports within
14 30 days of the date of a request by the Admin-
15 istrator for that record or report; and

16 (2) the Administrator (including an authorized
17 representative of the Administrator), on presentation
18 of the credentials of the Administrator (or author-
19 ized representative of the Administrator) shall—

20 (A) have a right of entry to, on, or through
21 any premises of the person or any premises in
22 which any records required to be maintained
23 under paragraph (1) are located; and

24 (B) at reasonable times, have a right to ac-
25 cess and copy any records, to inspect any moni-

1 toring equipment or method required under
2 paragraph (1), and to sample any releases that
3 the person is required to sample under that
4 paragraph.

5 (b) PUBLIC AVAILABILITY.—Any record, report, or
6 information obtained by the Administrator under sub-
7 section (a) shall, subject to section 14 of the Toxic Sub-
8 stances Control Act (15 U.S.C. 2613), be made available
9 to the public as soon as reasonably practicable.

10 **SEC. 107. ENFORCEMENT.**

11 (a) COMPLIANCE ORDERS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), whenever, on the basis of any informa-
14 tion, the Administrator determines that a person
15 may have violated, or may be in violation of, any re-
16 quirement of this title, the Administrator may—

17 (A) issue an order—

18 (i) assessing a civil penalty for any
19 past or current violation in an amount that
20 the Administrator determines would re-
21 move any economic benefit from the viola-
22 tion;

23 (ii) requiring compliance with that re-
24 quirement, either immediately or within a
25 specified period of time; or

1 (iii) that both assesses a civil penalty
2 in accordance with clause (i) and requires
3 compliance in accordance with clause (ii);
4 or

5 (B) commence a civil action for appro-
6 priate relief, including a temporary or perma-
7 nent injunction, in the United States district
8 court for—

9 (i) the district in which the violation
10 is alleged to have occurred, or is occurring;
11 or

12 (ii) the district in which the defendant
13 resides or in which the principal place of
14 business of the defendant is located.

15 (2) NOTICE TO STATE.—Before issuing an
16 order or commencing an action under paragraph (1)
17 for a violation of a requirement of this title, the Ad-
18 ministrator shall give notice to the State in which
19 the violation is alleged to have occurred.

20 (3) SUSPENSION AND REVOCATION.—An order
21 issued pursuant to this subsection—

22 (A) may include a suspension or revocation
23 of any use of a perfluoroalkyl or polyfluoroalkyl
24 substance authorized under this title by the Ad-
25 ministrator or a State; and

1 (B) shall state with reasonable specificity
2 the nature of the violation for which the order
3 was issued.

4 (4) CIVIL PENALTY.—

5 (A) FACTORS.—In assessing a civil penalty
6 under paragraph (1)(A)(i), the Administrator
7 shall take into account, as applicable—

8 (i) the seriousness of the violation;

9 (ii) the full compliance history of the
10 defendant and any good faith efforts to
11 comply;

12 (iii) the size of the business of the de-
13 fendant;

14 (iv) the economic impact of the pen-
15 alty on the business of the defendant;

16 (v) the duration of the violation, as
17 established by credible evidence (including
18 evidence other than the applicable test
19 method);

20 (vi) the amount of penalties previously
21 assessed for the same violation;

22 (vii) the economic benefit of the viola-
23 tion;

24 (viii) the cumulative impacts of—

1 (I) the full compliance history of
2 the defendant and any good faith ef-
3 forts to comply; and

4 (II) other environmental contami-
5 nant exposures in impacted commu-
6 nities and ecosystems; and

7 (ix) any other factor that justice may
8 require.

9 (B) SAVINGS PROVISION.—Nothing in this
10 paragraph affects the existing authority of the
11 Administrator to exercise enforcement discre-
12 tion, including consideration of supplemental
13 environmental projects.

14 (b) VIOLATION OF COMPLIANCE ORDERS.—If a per-
15 son subject to an order issued under subsection (a)(1) fails
16 to take corrective action within the period specified in that
17 order, the Administrator may assess a civil penalty in an
18 amount that the Administrator determines would remove
19 any economic benefit from the violation for each day of
20 continuing violation in accordance with subsection (a)(4).

21 (c) CRIMINAL PENALTIES.—A person who recklessly
22 violates any material condition or requirement of any ap-
23 plicable standard under this title (including regulations)
24 shall, on conviction, be subject to—

1 (1) a fine in an amount that the Administrator
 2 determines removes any economic benefit of the vio-
 3 lation for each day of continuing violation;

4 (2) imprisonment for a period of not more than
 5 5 years; or

6 (3) both a fine under paragraph (1) and impris-
 7 onment under paragraph (2).

8 (d) RELATIONSHIP TO OTHER LAWS.—The Adminis-
 9 trator shall carry out this title in accordance with—

10 (1) the Clean Air Act (42 U.S.C. 7401 et seq.);

11 (2) the Toxic Substances Control Act (15
 12 U.S.C. 2601 et seq.);

13 (3) the Federal Water Pollution Control Act
 14 (33 U.S.C. 1251 et seq.);

15 (4) the Marine Protection, Research, and Sanc-
 16 tuaries Act of 1972 (33 U.S.C. 1401 et seq.);

17 (5) the Safe Drinking Water Act (42 U.S.C.
 18 300f et seq.); and

19 (6) the Solid Waste Disposal Act (42 U.S.C.
 20 6901 et seq.) (commonly known as the “Resource
 21 Conservation and Recovery Act of 1976”).

22 **SEC. 108. CITIZEN SUITS.**

23 (a) CITIZEN SUITS AUTHORIZED.—

1 (1) IN GENERAL.—Except as provided in sub-
2 sections (b) and (c), any person may commence a
3 civil action on their own behalf against—

4 (A) any manufacturer or user subject to
5 the requirements of this title (including a man-
6 ufacturer, user, the United States, and, to the
7 extent permitted by the 11th Amendment of the
8 Constitution of the United States, any other
9 governmental instrumentality or agency) that is
10 alleged to be in violation of any standard, regu-
11 lation, condition, requirement, prohibition,
12 schedule, deadline, or order under this title;

13 (B) any manufacturer or user subject to
14 the requirements of this title (including the
15 United States and, to the extent permitted by
16 the 11th Amendment of the Constitution of the
17 United States, any other governmental instru-
18 mentality or agency) that is using a
19 perfluoroalkyl or polyfluoroalkyl substance that
20 may present an imminent and substantial
21 endangerment to human health or the environ-
22 ment; or

23 (C) the Administrator, if the Administrator
24 is alleged to have failed to perform any act or
25 duty under this title that is not discretionary.

1 (2) JURISDICTION.—

2 (A) APPROPRIATE COURTS.—

3 (i) VIOLATIONS AND ENDANGERMENT
4 CLAIMS.—An action brought under sub-
5 paragraph (A) or (B) of paragraph (1)
6 shall be brought in the district court for
7 the district in which the alleged violation
8 or endangerment occurred.

9 (ii) CLAIMS AGAINST THE ADMINIS-
10 TRATOR.—An action brought under para-
11 graph (1)(C) may be brought in—

12 (I) the United States district
13 court for the district in which the al-
14 leged violation occurred; or

15 (II) the United States District
16 Court for the District of Columbia.

17 (B) AUTHORITY.—A district court de-
18 scribed in subparagraph (A) shall have jurisdic-
19 tion—

20 (i) with respect to an action described
21 in paragraph (1)(A), to enforce the stand-
22 ard, regulation, condition, requirement,
23 prohibition, schedule, deadline, or order de-
24 scribed in that paragraph;

(ii) with respect to an action described in paragraph (1)(B), to order a person described in that paragraph—

(I) to refrain from the use of the perfluoroalkyl or polyfluoroalkyl substance that may be contributing to the imminent and substantial endangerment;

(II) to take any action as may be necessary to prevent the imminent and substantial endangerment described in that paragraph; or

(III) to carry out any combination of actions described in subclauses (I) and (II);

(iii) with respect to an action described in paragraph (1)(C), to order the Administrator to perform the act or duty referred to in that paragraph; and

(iv) with respect to any action described in paragraph (1), to apply any appropriate civil remedy under this title.

(b) ADDITIONAL REQUIREMENTS.—

(1) ACTIONS FOR ENFORCEMENT OF REQUIREMENTS.—

1 (A) NOTICE OF VIOLATION.—

2 (i) IN GENERAL.—No action may be
3 brought under subsection (a)(1)(A) unless,
4 not less than 60 days before the date on
5 which the action is brought, notice of the
6 violation of the standard, regulation, condi-
7 tion, requirement, prohibition, schedule,
8 deadline, or order for which the action
9 would be brought is provided to—

10 (I) the Administrator;

11 (II) the State in which the al-
12 leged violation occurred; and

13 (III) except as provided in clause
14 (ii), the alleged violator of the applica-
15 ble standard, regulation, condition, re-
16 quirement, prohibition, schedule,
17 deadline, or order.

18 (ii) EXCEPTION.—Notwithstanding
19 clause (i)(III), an action may be brought
20 under subsection (a)(1)(A) immediately
21 after the notice described in that clause is
22 provided to the alleged violator if the ac-
23 tion is for a violation of this title.

24 (B) NO ACTION IF SUIT ONGOING.—No ac-
25 tion may be brought under subsection (a)(1)(A)

1 if the Administrator or a State has commenced
 2 and is diligently prosecuting a civil or criminal
 3 action in a court of the United States or a
 4 State to require compliance with the standard,
 5 regulation, condition, requirement, prohibition,
 6 schedule, deadline, or order for which the action
 7 under subsection (a)(1)(A) would be brought.

8 (C) INTERVENTION AS MATTER OF
 9 RIGHT.—In an action under brought under sub-
 10 section (a)(1)(A) in a court of the United
 11 States, any person may intervene as a matter
 12 of right.

13 (2) ACTIONS FOR ENDANGERMENT.—

14 (A) NOTICE OF ENDANGERMENT.—No ac-
 15 tion may be brought under subsection (a)(1)(B)
 16 unless, not less than 90 days before the date on
 17 which the action is brought, notice of the immi-
 18 nent and substantial endangerment to human
 19 health or the environment is provided to—

- 20 (i) the Administrator;
- 21 (ii) the State in which the
- 22 endangerment may occur; and
- 23 (iii) the person that is alleged to be
- 24 contributing to the use of the

1 perfluoroalkyl or polyfluoroalkyl substance
2 causing the endangerment.

3 (B) NO ACTION IF SUIT IS ONGOING.—No
4 action may be commenced under subsection
5 (a)(1)(B) if the Administrator, in order to re-
6 strain or abate acts or conditions that may have
7 contributed or are contributing to the activities
8 which may present the alleged endangerment,
9 has commenced and is diligently acting on an
10 authority provided under an applicable law.

11 (C) INTERVENTION AS MATTER OF
12 RIGHT.—In an action brought under subsection
13 (a)(1)(B) in a court of the United States, any
14 person may intervene as a matter of right.

15 (D) NOTICE OF ACTION.—A person bring-
16 ing an action under subsection (a)(1)(B) in a
17 court of the United States shall serve a copy of
18 the complaint on—

19 (i) the Attorney General; and

20 (ii) the Administrator.

21 (3) ACTIONS AGAINST THE ADMINISTRATOR.—

22 (A) NOTICE TO ADMINISTRATOR.—No ac-
23 tion may be brought under subsection (a)(1)(C)
24 unless, not less than 60 days before the date on
25 which the action is brought, the person bringing

1 the action has given notice to the Administrator
2 of the intent to bring the action.

3 (B) FORM.—The Administrator shall pre-
4 scribe the form in which the notice under sub-
5 paragraph (A) shall be provided.

6 (c) COSTS.—

7 (1) ATTORNEY AND EXPERT WITNESS FEES.—

8 A court, in issuing any final order in an action
9 brought pursuant to this section, may award the
10 costs of litigation (including reasonable attorney and
11 expert witness fees) to the prevailing or substantially
12 prevailing party, as the court determines to be ap-
13 propriate.

14 (2) BOND.—A court, in any action brought pur-
15 suant to this section in which a temporary restrain-
16 ing order or preliminary injunction is sought, may
17 require the filing of a bond or equivalent security in
18 accordance with the Federal Rules of Civil Proce-
19 dure.

20 **SEC. 109. IMMINENT HAZARD.**

21 (a) AUTHORITY OF THE ADMINISTRATOR.—Notwith-
22 standing any other provision of this title, on receipt of evi-
23 dence that the use of any perfluoroalkyl or polyfluoroalkyl
24 substance presents an imminent and unreasonable risk of
25 serious or widespread injury to public health or environ-

1 ment, without consideration of costs or other nonrisk fac-
2 tors, the Administrator may issue an order to or bring
3 suit against any manufacturer or user subject to the re-
4 quirements of this title that is determined by the Adminis-
5 trator to be causing the imminent and unreasonable risk—

6 (1) to restrain that manufacturer or user from
7 that use;

8 (2) to order that manufacturer or user to take
9 such other action as may be necessary; or

10 (3) for the purposes described in paragraphs
11 (1) and (2).

12 (b) VIOLATIONS.—A manufacturer or user who will-
13 fully violates, or fails or refuses to comply with, any order
14 of the Administrator under subsection (a) may, in an ac-
15 tion brought in the appropriate United States district
16 court to enforce that order, be fined in an amount that
17 the Administrator determines removes any economic ben-
18 efit of noncompliance for each day in which the violation
19 occurs or the failure to comply continues.

20 (c) IMMEDIATE NOTICE.—On receipt of information
21 that there is a perfluoroalkyl or polyfluoroalkyl substance
22 that presents an imminent and substantial endangerment
23 to human health or the environment, the Administrator
24 shall require the violating manufacturer or user, at cost
25 to the violating manufacturer or user—

1 (1) to provide immediate and public notice,
2 within an estimated radius of impact as determined
3 appropriate by the Administrator, to—

4 (A) the appropriate local government agen-
5 cies and public services, including impacted util-
6 ities, including drinking water treatment plants,
7 and public health, law enforcement, and envi-
8 ronmental protection officials; and

9 (B) the community in which the
10 endangerment is occurring, including publicly
11 accessible areas of community congregation, in-
12 cluding community recreation and health cen-
13 ters, public libraries, public schools, government
14 offices, online message boards, listservs, and so-
15 cial media used by members of that community,
16 and not-for-profit community services;

17 (2) to require—

18 (A) immediate and public notice to im-
19 pacted members of the community that is pro-
20 vided across communication media and is easily
21 accessible; and

22 (B) public meetings, in partnership with
23 the Administrator and local authorities and
24 leaders, for direct community engagement to
25 provide health, safety, and additional informa-

1 tion to the community and to field questions
2 and concerns; and

3 (3) to provide regular updates with respect to
4 the endangerment in accordance with the methods
5 described in paragraphs (1) and (2).

6 **SEC. 110. APPLICATION OF FEDERAL, STATE, AND LOCAL**
7 **LAW TO FEDERAL AGENCIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED AGENCY.—The term “covered
10 agency” means a department, agency, or instrumen-
11 tality of the executive, legislative, or judicial branch
12 of the Federal Government that—

13 (A) has jurisdiction over a facility that
14 manufactures a perfluoroalkyl or polyfluoroalkyl
15 substance; or

16 (B) is engaged in any activity that results,
17 or may result, in the treatment, disposal, or re-
18 lease of a perfluoroalkyl or polyfluoroalkyl sub-
19 stance into the environment.

20 (2) NATIONAL SECURITY.—The term “national
21 security” has the meaning given the term in section
22 1400.102(a) of title 5, Code of Federal Regulations
23 (as in effect on March 4, 2026).

24 (3) REASONABLE SERVICE CHARGE.—The term
25 “reasonable service charge”, with respect to a re-

1 requirement under Federal, State, interstate, or local
2 law, includes—

3 (A) fees or charges assessed in connection
4 with enforcement, compliance, and investigation
5 activities with respect to that requirement; and

6 (B) any other nondiscriminatory charge
7 that is assessed in connection with a Federal,
8 State, interstate, or local perfluoroalkyl or
9 polyfluoroalkyl regulatory program.

10 (b) APPLICABILITY OF LAWS.—

11 (1) IN GENERAL.—Each covered agency shall
12 be subject to, and comply with, all Federal, State,
13 interstate, and local laws regulating perfluoroalkyl or
14 polyfluoroalkyl substances, including substantive and
15 procedural requirements, in the same manner and to
16 the same extent as any person that is subject to
17 those requirements, including any requirements for
18 the payment of reasonable service charges.

19 (2) INCLUSIONS.—The Federal, State, inter-
20 state, and local requirements, including substantive
21 and procedural requirements, described in paragraph

22 (1) include—

23 (A) an administrative order; and

1 (B) a civil or administrative penalty or
2 fine, regardless of whether that penalty or fine
3 is—

4 (i) punitive or coercive in nature; or

5 (ii) imposed for isolated, intermittent,
6 or continuing violations.

7 (c) WAIVER OF IMMUNITY.—

8 (1) IN GENERAL.—The United States expressly
9 waives any immunity otherwise applicable to the
10 United States with respect to a Federal, State,
11 interstate, or local requirement described in sub-
12 section (b)(1), including any immunity with respect
13 to injunctive relief, an administrative order, or a
14 civil or administrative penalty or fine described in
15 subsection (b)(2)(B).

16 (2) NO EXEMPTION.—Neither the United
17 States nor an agent, employee, or officer of the
18 United States shall be immune or exempt from any
19 process or sanction of any Federal or State court
20 with respect to the enforcement of any injunctive re-
21 lief described in paragraph (1).

22 (3) NO PERSONAL LIABILITY.—No agent, em-
23 ployee, or officer of the United States shall be per-
24 sonally liable for any civil penalty under any Fed-
25 eral, State, interstate, or local law regulating

1 perfluoroalkyl or polyfluoroalkyl substances with re-
2 spect to any act or omissions that is within the
3 scope of the official duties of the agent, employee, or
4 officer.

5 (4) CRIMINAL LIABILITY.—An agent, employee,
6 or officer of the United States shall be subject to
7 any criminal sanction (including fine or imprison-
8 ment) under any Federal or State law regulating
9 perfluoroalkyl or polyfluoroalkyl substances, but no
10 department, agency, or instrumentality of the Fed-
11 eral Government shall be subject to such a criminal
12 sanction.

13 (d) EXEMPTION.—

14 (1) IN GENERAL.—Subject to paragraph (4),
15 the President may exempt, in direct consultation
16 with the Administrator, any department, agency, or
17 instrumentality of the executive branch of the Fed-
18 eral Government from compliance with a require-
19 ment under a Federal, State, interstate, or local law
20 regulating perfluoroalkyl or polyfluoroalkyl sub-
21 stances if the President determines that the exemp-
22 tion is in the interest of the national security of the
23 United States.

24 (2) REQUIREMENTS.—

1 (A) TERM.—An exemption under para-
2 graph (1) shall be for a period not to exceed 1
3 year.

4 (B) RENEWAL.—The President may, in ac-
5 cordance with paragraph (1), renew an exemp-
6 tion under that paragraph for a period not to
7 exceed 1 year for each renewal.

8 (C) REPORT TO CONGRESS.—Not later
9 than January 31 of each year, the President
10 shall submit to Congress a report that describes
11 all exemptions granted under paragraph (1)
12 during the previous calendar year, including a
13 description of the reason for each exemption.

14 (3) PUBLIC NOTICE OF EXEMPTION.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the President, the Administrator,
17 and the head of the department, agency, or in-
18 strumentality subject to an exemption under
19 paragraph (1) shall immediately make public
20 the exemption, including any renewal of an ex-
21 emption under paragraph (2)(B).

22 (B) WAIVER OF PUBLIC NOTICE REQUIRE-
23 MENT.—The President, in consultation with the
24 Administrator, may waive the requirement
25 under subparagraph (A) if the President, in

1 consultation with the Administrator, determines
2 that the waiver is in the interest of national se-
3 curity.

4 (4) NO EXEMPTION FOR LACK OF APPROPRIA-
5 TIONS.—The President may not grant an exemption
6 under paragraph (1) due to a lack of appropriation
7 of amounts to comply with a requirement described
8 in that paragraph.

9 **SEC. 111. JUDICIAL REVIEW.**

10 (a) REVIEW OF FINAL REGULATIONS AND CERTAIN
11 PETITIONS.—

12 (1) IN GENERAL.—Subject to paragraphs (2)
13 and (3), any judicial review of a final regulation pro-
14 mulgated pursuant to this title or a denial by the
15 Administrator for a petition for the promulgation,
16 amendment, or repeal of a regulation under this title
17 shall be in accordance with this title.

18 (2) LIMITATIONS ON BRINGING CLAIMS.—

19 (A) IN GENERAL.—A petition for the judi-
20 cial review of an action of the Administrator in
21 promulgating any regulation or requirement
22 under this title, or the denial of any petition for
23 the promulgation, amendment, or repeal of a
24 regulation under this title, may only be
25 brought—

1 (i) in the United States Court of Ap-
 2 peals for the District of Columbia; and

3 (ii) subject to subparagraph (B), not
 4 later than 90 days after the date on which
 5 the promulgation or denial occurred.

6 (B) EXCEPTION.—A petition described in
 7 subparagraph (A) may be brought after the 90-
 8 day period described in clause (ii) of that sub-
 9 paragraph if the petition is based solely on
 10 grounds that arose after the end of that 90-day
 11 period.

12 (C) NO REVIEW.—An action of the Admin-
 13 istrator with respect to which review could have
 14 been obtained under this subsection within the
 15 90-day period described in subparagraph
 16 (A)(ii), but was not, shall not be subject to ju-
 17 dicial review in any civil or criminal proceeding
 18 for enforcement of this title.

19 (3) PROCEEDINGS FOR ACTIONS FOR WHICH
 20 NOTICE AND COMMENT IS REQUIRED.—

21 (A) IN GENERAL.—With respect to a peti-
 22 tion for the judicial review of a determination
 23 for which this title requires notice and oppor-
 24 tunity for hearing, if the party seeking the judi-
 25 cial review applies to the court for leave to ad-

1 duce additional evidence, and demonstrates to
 2 the satisfaction of the court that the evidence is
 3 material and that there were reasonable
 4 grounds for the failure to adduce that evidence
 5 in the proceeding before the Administrator, the
 6 court may order that—

7 (i) additional evidence (and any rebut-
 8 tal evidence) be taken before the Adminis-
 9 trator; and

10 (ii) the Administrator adduce that evi-
 11 dence in the hearing in such a manner and
 12 on such terms and conditions as the court
 13 determines to be appropriate.

14 (B) REVISION.—Based on any evidence ad-
 15 duced pursuant to subparagraph (A)(ii), the
 16 Administrator—

17 (i) may—

18 (I) modify the findings of the Ad-
 19 ministrators as to the facts; or

20 (II) make new findings; and

21 (ii) if applicable, shall file with the
 22 court—

23 (I) any modified or new findings
 24 made; and

1 (II) the recommendation of the
2 Administrator, if any, regarding
3 whether to modify or set aside the de-
4 termination of the Administrator
5 being reviewed.

6 (C) RETURN OF EVIDENCE.—On filing the
7 findings and recommendations required under
8 subparagraph (B)(ii), the Administrator shall
9 return any additional evidence that had been
10 adduced.

11 (b) REVIEW OF OTHER ACTIONS.—

12 (1) IN GENERAL.—Any interested person may,
13 in the court of appeals of the United States for the
14 judicial circuit in which the person resides or trans-
15 acts business, apply for review of the actions of the
16 Administrator in carrying out any mandatory duties
17 required under this title.

18 (2) TIME LIMITATIONS.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), an application for review under
21 paragraph (1) shall be made not later than 90
22 days after the date of the applicable issuance,
23 denial, modification, revocation, grant, or with-
24 drawal.

1 (B) EXCEPTION.—An application for re-
2 view under paragraph (1) may be made after
3 the date described in subparagraph (A) only if
4 the application is based solely on grounds that
5 arose after the end of the 90-day period de-
6 scribed in that subparagraph.

7 (3) NO LATER REVIEW.—An action of the Ad-
8 ministrator with respect to which review could have
9 been obtained under paragraph (1) within the 90-
10 day period described in paragraph (2)(B), but was
11 not, shall not be subject to judicial review in any
12 civil or criminal proceeding for enforcement of this
13 title.

14 (4) REQUIREMENT.—A review under paragraph
15 (1) shall be carried out in accordance with chapter
16 7 of title 5, United States Code.

17 (c) STATUTORY OR COMMON LAW RIGHTS NOT RE-
18 STRICTED.—Nothing in this title restricts any right that
19 a person or class of persons may have under statutory or
20 common law to seek enforcement of this title or to seek
21 any other relief (including relief against the Administrator
22 or a State agency).

23 (d) NONRESTRICTION OF OTHER RIGHTS.—Nothing
24 in this title or in any other law of the United States pro-
25 hibits, excludes, or restricts any State, local, or interstate

1 authority from bringing any enforcement action or obtain-
 2 ing any judicial remedy or sanction in any State or local
 3 court with respect to the manufacture or release of
 4 perfluoroalkyl or polyfluoroalkyl substances.

5 **SEC. 112. REGULATORY AUTHORITY.**

6 (a) GENERAL AUTHORITY.—The Administrator may
 7 promulgate such regulations as are necessary to carry out
 8 this title consistent with the policy described in section
 9 103(a).

10 (b) REQUIREMENT.—In carrying out any rulemaking
 11 under this title that requires a period of notice and oppor-
 12 tunity for public comment, that rulemaking shall be car-
 13 ried out in accordance with section 553 of title 5, United
 14 States Code.

15 **SEC. 113. FUNDING.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There
 17 are authorized to be appropriated to the Administrator
 18 such sums as may be necessary to carry out this title, ex-
 19 cept for section 101(i), for each of fiscal years 2027
 20 through 2036.

21 (b) FEE COLLECTION.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) ANNUAL REPORT FEE.—The term
 24 “annual report fee” means the fee established
 25 by the Administrator under paragraph

(2)(B)(i)(I) to submit an annual report under section 102(a)(2).

(B) PETITION FEE.—The term “petition fee” means the fee established by the Administrator under paragraph (2)(B)(i)(II) to submit a petition to designate a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under section 102(c).

(C) SMALL MANUFACTURER.—The term “small manufacturer” has the meaning given the term in section 704.3 of title 40, Code of Federal Regulations (or successor regulations).

(2) ESTABLISHMENT OF FEES.—

(A) WORKLOAD ASSESSMENT ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a workload assessment analysis with respect to the costs expected on the Administrator to carry out this title, which may include an examination of the impacts of a reduced fee for small manufacturers under subparagraph (C).

(B) RULEMAKING.—

(i) IN GENERAL.—Not later than 1 year after the date on which the Adminis-

1 trator completes the workload assessment
2 analysis under subparagraph (A), and
3 using that workload assessment analysis,
4 the Administrator shall complete a public
5 and transparent rulemaking to establish
6 the requirements and fees necessary to
7 submit—

8 (I) the annual reports under sec-
9 tion 102(a)(2), including any nec-
10 essary requirements for additional re-
11 ports under that subparagraph; and

12 (II) a petition to designate a use
13 of a perfluoroalkyl or polyfluoroalkyl
14 substance as a nonessential use or an
15 essential use under section 102(c),
16 which shall include—

17 (aa) a separate fee for each
18 use for which a designation is re-
19 quested in the petition; and

20 (bb) any necessary require-
21 ments for the petition process
22 under that section.

23 (ii) PUBLIC REVIEW AND COMMENT.—

24 The 1-year period described in clause (i)
25 shall include not less than 90 days for pub-

1 lic review and comment on the proposed
2 rulemaking under that clause.

3 (iii) FACTORS.—In determining the
4 amount of the annual report fee and the
5 petition fee in the rulemaking required
6 under clause (i), the Administrator—

7 (I) shall consider—

8 (aa) usage of perfluoroalkyl
9 or polyfluoroalkyl substances;

10 (bb) the volume of used
11 perfluoroalkyl or polyfluoroalkyl
12 substances; and

13 (cc) the known toxicological
14 risks of individual perfluoroalkyl
15 or polyfluoroalkyl substances,
16 mixtures of perfluoroalkyl or
17 polyfluoroalkyl substances, and
18 subclasses of perfluoroalkyl or
19 polyfluoroalkyl substances, as de-
20 termined by sources of informa-
21 tion determined relevant by the
22 Administrator, including the Na-
23 tional PFAS Testing Strategy
24 and the Computational Toxi-
25 cology Chemicals Dashboard of

1 the Environmental Protection
2 Agency; and

3 (II) may consider the expected
4 total annual costs of administering
5 the non-discretionary provisions of
6 this title, including collecting, proc-
7 essing, reviewing, providing access to,
8 and protecting from disclosure con-
9 fidential business information that is
10 subject to section 14 of the Toxic
11 Substances Control Act (15 U.S.C.
12 2613).

13 (C) SMALL MANUFACTURERS.—The Ad-
14 ministrator may, in the rulemaking required
15 under subparagraph (B)(i), reduce the annual
16 report fee and the petition fee for small manu-
17 facturers.

18 (D) TIMELINE; REQUIRED MINIMUM
19 FEES.—

20 (i) IN GENERAL.—The Administrator
21 shall finalize the amount of the annual re-
22 port fee and the petition fee, including any
23 reduced fees for small manufacturers
24 under subparagraph (C), by the date that

1 is not later than 2 years after the date of
2 enactment of this Act.

3 (ii) REQUIRED FEE.—If the Adminis-
4 trator fails to finalize the amount of the
5 annual report fee and the petition fee with-
6 in the 2-year period described in clause
7 (i)—

8 (I) the amount of the annual re-
9 port fee shall be \$100,000 for each
10 annual report submitted under section
11 102(a)(2), which may be lower for
12 small manufacturers as determined by
13 the Administrator; and

14 (II) the amount of the petition
15 fee shall be \$100,000 for each petition
16 submitted under section 102(c), which
17 may be lower for small manufacturers
18 as determined by the Administrator.

19 (iii) FINALIZATION OF AMOUNTS.—
20 Nothing in this subparagraph requires the
21 Administrator to use the minimum fee
22 amounts imposed by clause (ii) after com-
23 pletion of the rulemaking process required
24 under subparagraph (B), even if that rule-

1 making process is not completed within the
 2 2-year period described in clause (i).

3 (3) ADJUSTMENT OF FEE AMOUNTS.—

4 (A) ADJUSTMENT FOR INFLATION.—

5 (i) IN GENERAL.—On the date that is
 6 3 years after the date on which the Admin-
 7 istrator establishes the amount of the an-
 8 nual report fee and the petition fee, and
 9 every 3 years thereafter, the Administrator
 10 shall adjust the amount of the annual re-
 11 port fee and the petition fee to reflect
 12 changes for the 36-month period ending
 13 the preceding November 30 in the Con-
 14 sumer Price Index for All Urban Con-
 15 sumers published by the Bureau of Labor
 16 Statistic of the Department of Labor.

17 (ii) ADJUSTMENT OF MANDATORY
 18 MINIMUMS.—If the minimum fee amounts
 19 under paragraph (2)(D)(ii) are in effect,
 20 clause (i) shall be applied by substituting
 21 “the date on which the Administrator es-
 22 tablishes the amount of the annual report
 23 fee and the petition fee” for “the date on
 24 which minimum fee amounts under para-
 25 graph (2)(D)(ii) come into effect” until

1 such time as the Administrator completes
2 the rulemaking process required under
3 paragraph (2)(B).

4 (B) ADDITIONAL ADJUSTMENT.—In addi-
5 tion to the adjustment required under subpara-
6 graph (A), the Administrator may, after a pe-
7 riod of notice and opportunity for public com-
8 ment, further adjust the amount of the annual
9 report fee and the petition fee.

10 (4) WAIVER OF FEES.—The Administrator shall
11 waive the petition fee for any petition from a Fed-
12 eral agency, a State agency, or a nonprofit entity de-
13 scribed in section 501(c)(3) of the Internal Revenue
14 Code of 1986 and exempt from taxation under sec-
15 tion 501(a) of that Code to designate a use of a
16 perfluoroalkyl or polyfluoroalkyl substance as a non-
17 essential use or an essential use under section
18 102(c).

19 (5) FUNDS.—

20 (A) PFAS REPORT ASSESSMENT FUND.—

21 (i) ESTABLISHMENT.—There is estab-
22 lished in the Treasury a fund, to be known
23 as the “PFAS Report Assessment Fund”,
24 to be administered by the Administrator.

1 (ii) DEPOSITS.—Each fiscal year, the
 2 Secretary of the Treasury shall deposit
 3 into the PFAS Report Assessment Fund
 4 an amount equal to all annual report fees
 5 collected during the previous fiscal year.

6 (iii) CONTENTS.—The PFAS Report
 7 Assessment Fund shall consist of—

8 (I) amounts deposited by the
 9 Secretary of the Treasury under
 10 clause (ii); and

11 (II) any appropriations made by
 12 Congress.

13 (iv) USE OF FUNDS.—Amounts in the
 14 PFAS Report Assessment Fund may be
 15 used, without further appropriation, to
 16 carry out section 102(a)(2).

17 (B) PFAS PETITION ASSESSMENT
 18 FUND.—

19 (i) ESTABLISHMENT.—There is estab-
 20 lished in the Treasury a fund, to be known
 21 as the “PFAS Petition Assessment Fund”,
 22 to be administered by the Administrator.

23 (ii) DEPOSITS.—Each fiscal year, the
 24 Secretary of the Treasury shall deposit
 25 into the PFAS Petition Assessment Fund

1 an amount equal to all petition fees col-
2 lected during the previous fiscal year.

3 (iii) CONTENTS.—The PFAS Petition
4 Assessment Fund shall consist of—

5 (I) amounts deposited by the
6 Secretary of the Treasury under
7 clause (ii); and

8 (II) any appropriations made by
9 Congress.

10 (iv) USE OF FUNDS.—Amounts in the
11 PFAS Petition Assessment Fund may be
12 used, without further appropriation, to
13 carry out section 102(c).

14 (C) INTERFUND TRANSFERS.—The Admin-
15 istrator may, at the discretion of the Adminis-
16 trator and without further appropriation, trans-
17 fer amounts between the PFAS Report Assess-
18 ment Fund and the PFAS Petition Assessment
19 Fund.

20 (6) TERMINATION OF FEES.—The Adminis-
21 trator may terminate collection of the annual report
22 fee and the petition fee only after the Administrator
23 determines, using a rulemaking with a public com-
24 ment period of not less than 90 days, a science-

1 based reason that the fee program is no longer nec-
2 essary.

3 **SEC. 114. SEVERABILITY.**

4 If any provision of this title or the application of that
5 provision to any person or circumstance is held to be un-
6 constitutional, the remainder of this title, and the applica-
7 tion of the provision to any other person or circumstance,
8 shall not be affected.

9 **SEC. 115. RETENTION OF STATE AUTHORITY.**

10 (a) GENERAL POLICY.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), beginning on the effective date of the reg-
13 ulations to carry out this title, no State or political
14 subdivision of a State may impose any requirement
15 that is less stringent than the requirements under
16 this title (including regulations) with respect to the
17 same matters that are regulated under this title (in-
18 cluding regulations).

19 (2) EXCEPTION.—If the application of any re-
20 quirement under this title (including regulations) is
21 postponed or enjoined by action of a court, a State
22 or political subdivision of a State may impose re-
23 quirements described in paragraph (1) until such
24 time as the requirements under this title take effect.

1 (b) SAVINGS PROVISION.—Nothing in this title pro-
 2 hibits a State or political subdivision of a State from im-
 3 posing requirements that are more stringent than those
 4 imposed by this title (including regulations).

5 **TITLE II—OTHER MATTERS**
 6 **WITH RESPECT TO**
 7 **PERFLUOROALKYL OR**
 8 **POLYFLUOROALKYL SUB-**
 9 **STANCES**

10 **SEC. 201. CENTERS OF EXCELLENCE FOR ASSESSING**
 11 **PERFLUOROALKYL AND POLYFLUOROALKYL**
 12 **SUBSTANCES IN WATER SOURCES AND**
 13 **PERFLUOROALKYL AND POLYFLUOROALKYL**
 14 **SUBSTANCE REMEDIATION SOLUTIONS.**

15 (a) PURPOSE.—The purpose of this section is to dedi-
 16 cate resources to advancing, and expanding access to,
 17 perfluoroalkyl or polyfluoroalkyl substance detection and
 18 remediation science, research, and technologies through
 19 Centers of Excellence for Assessing Perfluoroalkyl and
 20 Polyfluoroalkyl Substances in Water Sources and
 21 Perfluoroalkyl and Polyfluoroalkyl Substance Remediation
 22 Solutions.

23 (b) DEFINITIONS.—In this section:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the congressional defense committees
5 (as defined in section 101(a) of title 10, United
6 States Code);

7 (B) the Committee on Environment and
8 Public Works, the Committee on Energy and
9 Natural Resources, and the Committee on Vet-
10 erans’ Affairs of the Senate; and

11 (C) the Committee on Energy and Com-
12 merce, the Committee on Natural Resources,
13 the Committee on Science, Space, and Tech-
14 nology, and the Committee on Veterans’ Affairs
15 of the House of Representatives.

16 (2) CENTER.—The term “Center” means the
17 Center of Excellence for Assessing Perfluoroalkyl
18 and Polyfluoroalkyl Substances in Water Sources
19 and Perfluoroalkyl and Polyfluoroalkyl Substance
20 Remediation Solutions established under subsection
21 (c)(1)(A).

22 (3) CENTERS.—The term “Centers” means—

23 (A) the Center; and

24 (B) the Rural Center.

1 (4) ELIGIBLE RESEARCH UNIVERSITY.—The
 2 term “eligible research university” means an institu-
 3 tion of higher education (as defined in section
 4 101(a) of the Higher Education Act of 1965 (20
 5 U.S.C. 1001(a))) that—

6 (A) has annual research expenditures of
 7 not less than \$750,000,000; and

8 (B) is located near a population center of
 9 not fewer than 5,000,000 individuals.

10 (5) ELIGIBLE RURAL UNIVERSITY.—The term
 11 “eligible rural university” means an institution of
 12 higher education that—

13 (A) is located in a State described in sec-
 14 tion 1703(d)(1)(C)(iii)(I) of title 38, United
 15 States Code; and

16 (B) is a member of the National Security
 17 Innovation Network in the Rocky Mountain Re-
 18 gion.

19 (6) EPA METHOD 533.—The term “EPA Meth-
 20 od 533” means the method described in the docu-
 21 ment of the Environmental Protection Agency enti-
 22 tled “Method 533: Determination of Per- and
 23 Polyfluoroalkyl Substances in Drinking Water by
 24 Isotope Dilution Anion Exchange Solid Phase Ex-

1 traction and Liquid Chromatography/Tandem Mass
2 Spectrometry” (or a successor document).

3 (7) EPA METHOD 537.1.—The term “EPA
4 Method 537.1” means the method described in the
5 document of the Environmental Protection Agency
6 entitled “Determination of Selected Per- and
7 Polyfluorinated Alkyl Substances in Drinking Water
8 by Solid Phase Extraction and Liquid Chroma-
9 tography/Tandem Mass Spectrometry (LC/MS/MS)”
10 (or a successor document).

11 (8) NATIONAL LABORATORY.—The term “Na-
12 tional Laboratory” has the meaning given the term
13 in section 2 of the Energy Policy Act of 2005 (42
14 U.S.C. 15801).

15 (9) RURAL CENTER.—The term “Rural Center”
16 means the Rural Center of Excellence for Assessing
17 Perfluoroalkyl and Polyfluoroalkyl Substances in
18 Water Sources and Perfluoroalkyl and
19 Polyfluoroalkyl Substance Remediation Solutions es-
20 tablished under subsection (c)(1)(B).

21 (c) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Administrator shall—

23 (A)(i) select from among the applications
24 submitted under paragraph (2)(A) an eligible
25 research university and a National Laboratory

1 applying jointly for the establishment of a cen-
2 ter, to be known as the “Center of Excellence
3 for Assessing Perfluoroalkyl and Polyfluoroalkyl
4 Substances in Water Sources and
5 Perfluoroalkyl and Polyfluoroalkyl Substance
6 Remediation Solutions”, which shall be a bi-in-
7 stitutional collaboration between the eligible re-
8 search university and National Laboratory co-
9 applicants; and

10 (ii) guide and assist the eligible research
11 university and National Laboratory in the es-
12 tablishment of that center; and

13 (B)(i) select from among the applications
14 submitted under paragraph (2)(B) an eligible
15 rural university for the establishment of an ad-
16 ditional center, to be known as the “Rural Cen-
17 ter of Excellence for Assessing Perfluoroalkyl
18 and Polyfluoroalkyl Substances in Water
19 Sources and Perfluoroalkyl and Polyfluoroalkyl
20 Substance Remediation Solutions”; and

21 (ii) guide and assist the eligible rural uni-
22 versity in the establishment of that center.

23 (2) APPLICATIONS.—

24 (A) CENTER.—

1 (i) IN GENERAL.—An eligible research
2 university and National Laboratory desir-
3 ing to establish the Center shall jointly
4 submit to the Administrator an application
5 at such time, in such manner, and con-
6 taining such information as the Adminis-
7 trator may require.

8 (ii) CRITERIA.—In evaluating applica-
9 tions submitted under clause (i), the Ad-
10 ministrator shall only consider applications
11 that—

12 (I) include evidence of an existing
13 partnership between the co-applicants
14 that is dedicated to supporting and
15 expanding shared scientific goals with
16 a clear pathway to collaborating on
17 furthering science and research relat-
18 ing to perfluoroalkyl or polyfluoroalkyl
19 substances;

20 (II) demonstrate a history of col-
21 laboration between the co-applicants
22 on the advancement of shared re-
23 search capabilities, including instru-
24 mentation and research infrastructure

1 relating to perfluoroalkyl or
2 polyfluoroalkyl substances;

3 (III) indicate that the co-appli-
4 cants have the capacity to expand
5 education and research opportunities
6 for undergraduate and graduate stu-
7 dents to prepare a generation of ex-
8 perts in sciences relating to
9 perfluoroalkyl or polyfluoroalkyl sub-
10 stances;

11 (IV) demonstrate that the Na-
12 tional Laboratory co-applicant is
13 equipped to scale up newly discovered
14 materials and methods for
15 perfluoroalkyl or polyfluoroalkyl sub-
16 stance detection and perfluoroalkyl or
17 polyfluoroalkyl substance removal
18 processes for low-risk, cost-effective,
19 and validated commercialization; and

20 (V) identify 1 or more staff mem-
21 bers of the eligible research university
22 co-applicant and 1 or more staff mem-
23 bers of the National Laboratory co-
24 applicant who—

1 (aa) have expertise in
2 sciences relevant to perfluoroalkyl
3 or polyfluoroalkyl substance de-
4 tection and remediation; and

5 (bb) have been jointly se-
6 lected, and will be jointly ap-
7 pointed, by the co-applicants to
8 lead, and carry out the purposes
9 of, the Center.

10 (B) RURAL CENTER.—An eligible rural
11 university desiring to establish the Rural Center
12 shall submit to the Administrator an applica-
13 tion at such time, in such manner, and con-
14 taining such information as the Administrator
15 may require.

16 (3) TIMING.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the Centers shall be established not
19 later than 1 year after the date of enactment of
20 this Act.

21 (B) DELAY.—If the Administrator deter-
22 mines that a delay in the establishment of 1 or
23 both of the Centers is necessary, the Adminis-
24 trator—

1 (i) not later than the date described in
2 subparagraph (A), shall submit a notifica-
3 tion to the appropriate committees of Con-
4 gress explaining the necessity of the delay;
5 and

6 (ii) shall ensure that the 1 or more
7 Centers for which a delay is necessary are
8 established not later than 3 years after the
9 date of enactment of this Act.

10 (4) REQUIREMENT.—The Administrator shall
11 carry out subparagraphs (A) and (B) of paragraph
12 (1)—

13 (A) in coordination with the Secretary of
14 Energy, as the Administrator determines to be
15 appropriate; and

16 (B) in consultation with the Strategic En-
17 vironmental Research and Development Pro-
18 gram and the Environmental Security Tech-
19 nology Certification Program of the Depart-
20 ment of Defense.

21 (d) DUTIES AND CAPABILITIES OF THE CENTERS.—

22 (1) IN GENERAL.—The Centers shall develop
23 and maintain—

24 (A) capabilities for measuring, using meth-
25 ods certified by the Environmental Protection

1 Agency, perfluoroalkyl or polyfluoroalkyl sub-
2 stance contamination in drinking water, ground
3 water, and any other relevant environmental,
4 municipal, industrial, or residential water sam-
5 ples or other environmental media; and

6 (B) capabilities for—

7 (i) evaluating emerging perfluoroalkyl
8 or polyfluoroalkyl substance removal and
9 destruction technologies and methods; and

10 (ii) benchmarking those technologies
11 and methods relative to existing tech-
12 nologies and methods.

13 (2) REQUIREMENTS.—

14 (A) IN GENERAL.—In carrying out para-
15 graph (1), the Centers shall, at a minimum—

16 (i) develop instruments and personnel
17 capable of analyzing perfluoroalkyl or
18 polyfluoroalkyl substance contamination in
19 water using EPA method 533, EPA meth-
20 od 537.1, any future method or updated
21 method, or any other relevant method for
22 detecting perfluoroalkyl or polyfluoroalkyl
23 substances in water;

24 (ii) develop and maintain capabilities
25 for evaluating the removal of perfluoroalkyl

1 or polyfluoroalkyl substances from water or
2 other environmental media;

3 (iii) develop and maintain capabilities
4 to evaluate the degradation of
5 perfluoroalkyl or polyfluoroalkyl substances
6 in water or other environmental media;

7 (iv) make the capabilities and instru-
8 ments developed under clauses (i) through
9 (iii) available to researchers throughout the
10 regions in which the Centers are located;
11 and

12 (v) make reliable perfluoroalkyl or
13 polyfluoroalkyl substance measurement ca-
14 pabilities and instruments available to mu-
15 nicipalities and individuals in the region in
16 which the Centers are located at reason-
17 able cost.

18 (B) OPEN-ACCESS RESEARCH.—The Cen-
19 ters shall provide open access to the research
20 findings of the Centers.

21 (e) COORDINATION WITH OTHER FEDERAL AGEN-
22 CIES.—The Administrator may, as the Administrator de-
23 termines to be necessary, use staff and other resources
24 from other Federal agencies in carrying out this section.

25 (f) REPORTS.—

1 (1) REPORT ON ESTABLISHMENT OF CEN-
2 TER.—With respect to each of the Center and the
3 Rural Center, not later than 1 year after the date
4 on which the center is established under subsection
5 (c), the Administrator, in coordination with that cen-
6 ter, shall submit to the appropriate committees of
7 Congress a report describing—

8 (A) the establishment of that center; and

9 (B) the activities of that center since the
10 date on which that center was established.

11 (2) ANNUAL REPORTS.—With respect to each
12 of the Center and the Rural Center, not later than
13 1 year after the date on which the report under
14 paragraph (1) for that center is submitted, and an-
15 nually thereafter until the date on which that center
16 is terminated under subsection (g), the Adminis-
17 trator, in coordination with that center, shall submit
18 to the appropriate committees of Congress a report
19 describing—

20 (A) the activities of that center during the
21 year covered by the report; and

22 (B) any policy, research, or funding rec-
23 ommendations relating to the purposes or ac-
24 tivities of that center.

25 (g) TERMINATION.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Centers shall terminate on October 1, 2034.

3 (2) EXTENSION.—If the Administrator, in con-
4 sultation with the Centers, determines that the con-
5 tinued operation of 1 or both of the Centers beyond
6 the date described in paragraph (1) is necessary to
7 advance science and technologies to address
8 perfluoroalkyl or polyfluoroalkyl substance contami-
9 nation—

10 (A) the Administrator shall submit to the
11 appropriate committees of Congress—

12 (i) a notification of that determina-
13 tion; and

14 (ii) a description of the funding nec-
15 essary for the applicable 1 or more Centers
16 to continue in operation and fulfill their
17 purpose; and

18 (B) subject to the availability of funds,
19 may extend the duration of the applicable 1 or
20 more Centers for such time as the Adminis-
21 trator determines to be appropriate.

22 (h) FUNDING.—

23 (1) IN GENERAL.—Of the amounts authorized
24 to be appropriated to the Department of Defense for
25 fiscal year 2027 for the Strategic Environmental Re-

1 search and Development Program and the Environ-
 2 mental Security Technology Certification Program of
 3 the Department of Defense, \$25,000,000 shall be
 4 made available to the Administrator to carry out
 5 this section, to remain available until September 30,
 6 2036.

7 (2) ADMINISTRATIVE COSTS.—Not more than 4
 8 percent of the amounts made available to the Ad-
 9 ministrator under paragraph (1) shall be used by the
 10 Administrator for the administrative costs of car-
 11 rying out this section.

12 **SEC. 202. ACTIONS UNDER STATE LAW FOR DAMAGES**
 13 **FROM EXPOSURE TO HAZARDOUS SUB-**
 14 **STANCES.**

15 Section 309 of the Comprehensive Environmental Re-
 16 sponse, Compensation, and Liability Act of 1980 (42
 17 U.S.C. 9658) is amended—

18 (1) in subsection (a)—

19 (A) in the subsection heading, by inserting
 20 “AND STATUTES OF REPOSE” after “LIMITA-
 21 TIONS”;

22 (B) in paragraph (1)—

23 (i) in the paragraph heading, by in-
 24 serting “OF LIMITATIONS” after “STAT-
 25 UTES”; and

1 (ii) by inserting “statute of” after
 2 “applicable”;

3 (C) by redesignating paragraphs (2) and
 4 (3) as paragraphs (3) and (4), respectively;

5 (D) by inserting after paragraph (1) the
 6 following:

7 “(2) EXCEPTION TO STATE STATUTES OF
 8 REPOSE.—In the case of any action brought under
 9 State law for personal injury, or property damages,
 10 which are caused or contributed to by exposure to
 11 any hazardous substance, or pollutant or contami-
 12 nant, released into the environment from a facility,
 13 if the applicable statute of repose period for such ac-
 14 tion (as specified in the State statute of repose or
 15 under common law) provides a commencement date
 16 which is earlier than the federally required com-
 17 mencement date, such period shall commence at the
 18 federally required commencement date in lieu of the
 19 date specified in such State statute.”; and

20 (E) in paragraph (3) (as so redesign-
 21 nated)—

22 (i) by striking “paragraph (1)” and
 23 inserting “paragraphs (1) and (2)”; and

24 (ii) by inserting “or statute of repose”
 25 after “statute of limitations”; and

1 (2) in subsection (b)—

2 (A) in paragraph (2)—

3 (i) in the paragraph heading, by in-
4 serting “STATUTE OF” after “APPLICA-
5 BLE”; and

6 (ii) by inserting “statute of” after
7 “applicable”;

8 (B) by redesignating paragraphs (3) and
9 (4) as paragraphs (4) and (5), respectively;

10 (C) by inserting after paragraph (2) the
11 following:

12 “(3) APPLICABLE STATUTE OF REPOSE PE-
13 RIOD.—The term ‘applicable statute of repose pe-
14 riod’ means the period specified in a statute of
15 repose during which a civil action referred to in sub-
16 section (a)(2) may be brought.”;

17 (D) in paragraph (4) (as so redesign-
18 nated)—

19 (i) by inserting “or statute of repose”
20 after “statute of limitations”; and

21 (ii) by striking “applicable limitations
22 period” and inserting “applicable statute
23 of limitations period or applicable statute
24 of repose period, respectively”; and

1 (E) in paragraph (5) (as so redesign-
 2 nated)—

3 (i) in subparagraph (A), by striking
 4 “subsection (a)(1)” and inserting “para-
 5 graph (1) or (2) of subsection (a)”; and

6 (ii) in subparagraph (B)—

7 (I) by redesignating clauses (i)
 8 and (ii) as subclauses (I) and (II), re-
 9 spectively, and indenting appro-
 10 priately;

11 (II) in the matter preceding sub-
 12 clause (I) (as so redesignated), by
 13 striking “In the case” and inserting
 14 the following:

15 “(i) MINORS AND INCOMPETENTS.—
 16 In the case”; and

17 (III) by adding at the end the
 18 following:

19 “(ii) NEWLY DESIGNATED HAZ-
 20 ARDOUS SUBSTANCES.—In the case of a
 21 contaminant of emerging concern, pollut-
 22 ant, chemical, waste, or other substance
 23 that is designated as a hazardous sub-
 24 stance on or after August 1, 2022, the

1 term ‘federally required commencement
2 date’ means the latter of—

3 “(I) the date on which that con-
4 taminant of emerging concern, pollut-
5 ant, chemical, waste, or other sub-
6 stance is designated as a hazardous
7 substance; and

8 “(II) the date on which the plain-
9 tiff knew (or reasonably should have
10 known) that the personal injury or
11 property damages referred to in para-
12 graph (1) or (2) of subsection (a)
13 were caused or contributed to by that
14 contaminant of emerging concern, pol-
15 lutant, chemical, waste, or other sub-
16 stance.”.

17 **SEC. 203. BANKRUPTCY PROVISION RELATING TO PER-**
18 **SISTENT, BIOACCUMULATIVE, AND TOXIC**
19 **CHEMICALS DEFENDANTS AND DEBTORS.**

20 (a) IN GENERAL.—Title III of the Comprehensive
21 Environmental Response, Compensation, and Liability Act
22 of 1980 (42 U.S.C. 9651 et seq.) is amended by adding
23 at the end the following:

1 **“SEC. 313. SPECIAL PROVISION RELATING TO PERSISTENT,**
2 **BIOACCUMULATIVE, AND TOXIC CHEMICALS**
3 **DEFENDANTS AND DEBTORS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) CLAIM; DEBTOR; ENTITY; PETITION.—The
6 terms ‘claim’, ‘debtor’, ‘entity’, and ‘petition’ have
7 the meanings given those terms in section 101 of
8 title 11, United States Code.

9 “(2) ESTATE.—The term ‘estate’ means an es-
10 tate of a debtor described in section 541 of title 11,
11 United States Code.

12 “(3) NONDEBTOR ENTITY.—The term ‘non-
13 debtor entity’ means an entity that is not a debtor
14 or an estate.

15 “(4) PBT CLAIM.—The term ‘PBT claim’
16 means a claim based on, arising from, or attrib-
17 utable to the presence of, or exposure to—

18 “(A) a perfluoroalkyl or polyfluoroalkyl
19 substance (as defined in section 2 of the For-
20 ever Chemical Regulation and Accountability
21 Act of 2026); or

22 “(B) any chemical substance possessing
23 characteristics of—

24 “(i) persistence in the environment,
25 with a half-life of the chemical substance
26 equal to or greater than—

1 “(I) 2 months in water, sedi-
2 ment, and soil; or

3 “(II) 2 days in air;

4 “(ii) accumulation in biological orga-
5 nisms, with a bioaccumulation factor of
6 bioconcentration factor equal to or greater
7 than 1,000; and

8 “(iii) toxicity, with the potential to ad-
9 versely affect human health or the environ-
10 ment.

11 “(b) AUTOMATIC STAY.—The filing of a petition does
12 not operate as a stay under section 362(a) of title 11,
13 United States Code, of the commencement or continu-
14 ation, including the issuance or employment of process,
15 of a judicial, administrative, or other action or proceeding
16 against a nondebtor entity, or any act to obtain or recover
17 property of a nondebtor entity, on account of or with re-
18 spect to a PBT claim against the nondebtor entity, the
19 debtor, or the estate (including a claim or cause of action
20 against the nondebtor entity that is property of the debtor
21 or the estate).”.

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), this section and the amendment made by
25 this section—

1 (A) shall take effect on the date of enact-
2 ment of this Act; and

3 (B) shall apply to any case under title 11,
4 United States Code, that is—

5 (i) pending as of the date of enact-
6 ment of this Act; or

7 (ii) commenced or reopened on or
8 after the date of enactment of this Act.

9 (2) VALIDITY OF FINAL ORDERS.—Nothing in
10 this section, or the amendment made by this section,
11 shall affect the validity of any final judgment, order,
12 or decree entered before the date of enactment of
13 this Act.

○