S. RES. 158

At the request of Mr. PETERS, the name of the Senator from Pennsylvania (Mr. FETTERMAN) was added as a cosponsor of S. Res. 158, a resolution condemning the deportation of children from Ukraine to the Russian Federation and the forcible transfer of children within territories of Ukraine that are temporarily occupied by Russian forces.

S. RES. 466

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. Res. 466, a resolution calling upon the United States Senate to give its advice and consent to the ratification of the United Nations Convention on the Law of the Sea.

At the request of Ms. HIRONO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 466, supra.

S. RES. 569

At the request of Mr. COONS, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 569, a resolution recognizing religious freedom as a fundamental right, expressing support for international religious freedom as a cornerstone of United States foreign policy, and expressing concern over increased threats to and attacks on religious freedom around the world.

S. RES. 599

At the request of Mr. TILLIS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 599, a resolution protecting the Iranian political refugees, including female former political prisoners, in Ashraf-3 in Albania.

S. RES. 628

At the request of Mr. SCHATZ, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. Res. 628, a resolution supporting the goals and ideals of the Rise Up for LGBTQI+ Youth in Schools Initiative, a call to action to communities across the country to demand equal educational opportunity, basic civil rights protections, and freedom from erasure for all students, particularly LGBTIQI+ young people, in K–12 schools.

S. RES. 638

At the request of Mr. MCCONNELL, the names of the Senator from Alabama (Mrs. BRITT), the Senator from North Carolina (Mr. BUDD), the Senator from West Virginia (Mrs. CAPITO), the Senator from Idaho (Mr. CRAPO), the Senator from Montana (Mr. DAINES), the Senator from Nebraska (Mrs. FISCHER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Tennessee (Mr. HAGERTY), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. Res. 638, a resolution calling for the immediate release of Ryan Corbett, a United States citizen who was wrongfully detained by the Taliban on August 10, 2022, and condemning the wrongful detention of Americans by the Taliban.

AMENDMENT NO. 1820

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Kansas (Mr. MARSHALL), the Senator from New Jersey (Mr. BOOKER), the Senator from Utah (Mr. LEE), the Senator from Hawaii (Ms. HIRONO) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of amendment No. 1820 intended to be proposed to H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

AMENDMENT NO. 1822

At the request of Mr. MERKLEY, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of amendment No. 1822 intended to be proposed to H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PADILLA (for himself and Mr. TILLIS):

S. 4157. A bill to amend the Water Resources Development Act of 1986 to improve compensatory mitigation, and for other purposes; to the Committee on Environment and Public Works.

Mr. PADILLA. Madam President, I rise to introduce bipartisan legislation that aims to improve flexibility around compensatory and environmental mitigation for U.S Army Corps of Engineers Civil Works infrastructure projects. This legislation would provide the Army Corps with the authority to contract with a third-party provider for the full-scale delivery of compensatory mitigation for Civil Works projects.

Compensatory mitigation refers to the restoration, establishment, enhancement, or preservation of wetlands, streams, or other aquatic resources for the purpose of offsetting unavoidable adverse impacts authorized by Clean Water Act section 404 permits and other Department of the Army permits. Not only does the Army Corps require Clean Water Act permittees to mitigate for discharges into U.S. waters, the Corps itself must also mitigate for impacts from Civil Works flood control, navigation, and water supply projects

U.S. Army Corps of Engineers Civil Works projects often impact jurisdictional waters under the Clean Water Act or terrestrial and aquatic species which require mitigation offsets. However, since 2015, the Corps has started or completed an average of just 58 percent of its required annual mitigation, which means about 42 percent of Civil Works projects have been constructed without their impacts timely addressed through mitigation, according to annual status reports on construction projects requiring mitigation.

The urgent need to improve the delivery and durability of mitigation alongside Civil Works projects is even greater in California's Sacramento region, which is one of the most at-risk areas for flooding in the United States due to its location at the confluence of and within the floodplain of the American and Sacramento Rivers.

American River Common Features is a Corps Civil Works flood control project that is critical to protect the growing city of Sacramento and surrounding areas. However, due to a mitigation bank credit shortage in the Sacramento Region, there are no available credits to offset the projects impacts for the Corps, and the inability to directly contract with a third-party risks delaying construction of this critical public safety project.

This legislation would allow the Corps to directly contract with a third-party for the use of permittee-responsible compensatory mitigation, mitigation banks, and in-lieu programs, and apply performance standards and criteria outlined by the U.S. Army Corps of Engineers, DoD, and U.S. Environmental Protection Agency regulations issued in 2008 to improve the quality and success of compensatory mitigation projects for activities authorized by Department of the Army permits.

As stated in the Federal Register, ''This rule improves the planning, implementation and management of compensatory mitigation projects by emphasizing a watershed approach in selecting compensatory mitigation project locations, requiring measurable, enforceable ecological performance standards and regular monitoring for all types of compensation and specifying the components of a complete compensatory mitigation plan, including assurances of long-term protection of compensation sites, financial assurances, and identification of the parties responsible for specific project tasks.''

While the bill does not require Corps Civil Works to utilize this authority, clarifying the Corps' authority to directly contract with third-parties, as this legislation does, would improve the delivery and durability of compensatory mitigation projects for Civil Works projects across the country to ensure the construction of critical flood control, navigation, and water supply projects.

I thank my colleague Senator TILLIS from North Carolina for introducing this bill with me, and I look forward to its consideration for the 2024 Water Resources Development Act.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4164. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Cahokia Mounds and surrounding land in the States of Illinois and Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cahokia Mounds Mississippian Culture Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the city of Cahokia—

(A) was inhabited from approximately A.D. 700 to 1400; and

(B) at its peak from A.D. 1050 to 1200—

(i) covered nearly 6 square miles; and

(ii) was home to 10,000 to 20,000 people;

(2) more than 120 mounds were built over time at the site of the city of Cahokia;

(3) the site of the city of Cahokia is named for the Cahokia subtribe of the Illinois Confederation, who moved into the area in the 1600s;

(4) the city of Cahokia was the central hub and largest city of the Mississippian culture that ruled and traded across half of North America, more than 1,250,000 square miles;

(5) the city of Cahokia—

(A) was the first known organized urbanization and government north of Mexico; and

(B) at its peak, was larger than most European cities, including London;

(6) some of the Cahokia Mounds, which were built from A.D. 900 to 1400, still stand as earthen monuments and remnants of Mississippian culture, which is the greatest prehistoric ancient culture in North America, the people of which are ancestors to many of today's First People and Nations; and

(7) the Cahokia Mounds are designated as—

(A) a National Historic Landmark;

(B) an Illinois State Historic Site; and

(C) a United Nations Educational, Scientific, and Cultural Organization World Heritage Site.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means—

(A) the Cahokia Mounds site;

(B) land in Collinsville and Monroe, Madison, and St. Clair Counties, Illinois, and St. Louis County, Missouri, surrounding the Cahokia Mounds site;

(C) satellite sites thematically connected to the Cahokia Mounds site; and

(D) Mitchell Mound, Sugarloaf Mound, Emerald Mound, Pulcher Mounds, East St. Louis Mounds, and the St. Louis Mound Group.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested entities of the Federal Government or State or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 1 year after the date on which funds are first made available to conduct the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study required under subsection (a) shall be carried out using existing funds of the National Park Service.

By Mr. DURBIN:

S. 4187. 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; to the Committee on Environment and Public Works.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Forever Chemical Regulation and Accountability Act of 2024''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CENTERS OF EXCELLENCE.—The term ''Centers of Excellence'' means—

(A) the 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)(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.—

(A) IN GENERAL.—The term ''manufacturer'' means any person who—

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

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

(iii) produces a perfluoroalkyl or polyfluoroalkyl substance;

(iv) manufactures a perfluoroalkyl or polyfluoroalkyl substance; or

(v) processes a perfluoroalkyl or polyfluoroalkyl substance.

(B) INCLUSIONS.—The term ''manufacturer'' includes importers and exporters of products that are known to contain perfluoroalkyl or polyfluoroalkyl substances.

(C) EXCLUSION.—The term ''manufacturer'' does not include an entity that neither manufactures nor uses perfluoroalkyl or polyfluoroalkyl substances, but receives perfluoroalkyl or polyfluoroalkyl substances in the normal course of operations of the entity, including a solid waste management facility, a composting facility, a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), and a publicly or privately owned or operated treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(5) NATIONAL ACADEMIES.—The term ''National Academies'' means the National Academies of Sciences, Engineering, and Medicine.

(6) NONESSENTIAL USE.—The term ''nonessential use'' means a use of a perfluoroalkyl or polyfluoroalkyl substance that is not an essential use.

(7) PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE.—The term ''perfluoroalkyl or polyfluoroalkyl substance'' means a substance that is a perfluoroalkyl substance or a polyfluoroalkyl substance (as those terms are defined in section 7331(2)(B) of the PFAS Act of 2019 (15 U.S.C. 8931(2)(B))), including a mixture of those substances.

(8) PROCESS.—The term ''process'', with respect to a perfluoroalkyl or polyfluoroalkyl substance, means the preparation of the perfluoroalkyl or polyfluoroalkyl substance, including preparation that includes the mixture of multiple perfluoroalkyl or polyfluoroalkyl substances, after the manufacture of that perfluoroalkyl or polyfluoroalkyl substance for distribution in commerce—

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

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

(9) SAFER ALTERNATIVE.—The term ''safer alternative'', with respect to the use of a perfluoroalkyl or polyfluoroalkyl substance, means a use that—

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

(B) demonstrates adequate performance for the intended use;

(C) does not pose an unreasonable chronic or acute risk to the environment or public health as compared to the substance being replaced, including any harm that may result from persistence, bioaccumulation, and toxicity in any environment or human system, either by itself or cumulatively with other substances that cause similar harms; and

(D) has other risk characteristics that the Administrator determines appropriate, in consultation with the heads of relevant Federal agencies and stakeholders as the Administrator determines to be appropriate.

(10) STATE.—The term ''State'' means—

(A) each State;

(B) a territory of the United States;

(C) a Freely Associated State;

(D) an Indian Tribe included on the list most recently published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131); and

(E) the District of Columbia.

(11) USER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term ''user'', with respect to a perfluoroalkyl or polyfluoroalkyl substance, 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;

(iii) past or possible future releases of a perfluoroalkyl or polyfluoroalkyl substance into the environment by an entity; and

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

(C) EXCLUSION.—The term ''user'' does not include an entity that neither manufactures nor uses perfluoroalkyl or polyfluoroalkyl substances, but receives perfluoroalkyl or polyfluoroalkyl substances in the normal course of operations of the entity, including a solid waste management facility, a composting facility, a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), and a publicly or privately owned or operated treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

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.

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

(1) to review and evaluate the available scientific evidence regarding categories of essential uses of perfluoroalkyl or polyfluoroalkyl substances; and

(2) to provide guidance on designating perfluoroalkyl or polyfluoroalkyl substances as essential or nonessential.

(b) AGREEMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator (in consultation, as the Administrator determines appropriate, with the heads of other Federal departments and agencies with relevant expertise regarding the essential uses of perfluoroalkyl or polyfluoroalkyl substances) shall seek to enter into a 10-year agreement to carry out the duties described in this section.

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

(c) REVIEW OF SCIENTIFIC EVIDENCE.—

(1) IN GENERAL.—Under an agreement under subsection (b), the National Academies shall, in accordance with the policy described in section 103(a), review and summarize the scientific evidence, and assess the strength of that scientific evidence, with respect to—

(A) uses of perfluoroalkyl or polyfluoroalkyl substances that should be designated as essential uses; and

(B) the criteria for designating essential uses.

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

(A) analyze the definition of the term ''essential use'' under section 2(3) as it relates to perfluoroalkyl or polyfluoroalkyl substances;

(B) conduct an assessment of how perfluoroalkyl or polyfluoroalkyl substances are integrated into the society of the United States, in which sectors of the economy of the United States perfluoroalkyl or polyfluoroalkyl substances are used, and in which sectors those uses are essential uses;

(C) describe any research gaps with respect to the uses of perfluoroalkyl or polyfluoroalkyl substances, including consideration of mitigation strategies and safer alternatives; and

(D) develop recommendations with respect to—

(i) the research and development activities necessary to transition the United States from the use of perfluoroalkyl or polyfluoroalkyl substances; and

(ii) how the Federal Government may—

(I) best ensure the conduct of the research and development activities described in clause (i) to ensure that safer alternatives minimize health, safety, and environmental risks; and

(II) best address the research gaps identified under subparagraph (C) and the research and development needs identified under clause (i) through collaboration or coordination of programs and other efforts with State, local, and Tribal governments and nongovernmental organizations, including private sector organizations.

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

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

(1) categories of uses of perfluoroalkyl or polyfluoroalkyl substances that can inform regulatory requirements under this title and amendments made by this title;

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

(A) the integration of findings with respect to perfluoroalkyl or polyfluoroalkyl substances, including findings on human health effects that have sufficient or limited evidence of an association, from authoritative reviews (such as reviews by national or international bodies) and high-quality systematic reviews; and

(B) a review of emerging evidence with respect to perfluoroalkyl or polyfluoroalkyl substances that is impactful in decisionmaking; and

(3)(A) whether certain perfluoroalkyl or polyfluoroalkyl substances in certain consumer products pose an unreasonable risk to consumers, such as risks due to perfluoroalkyl or polyfluoroalkyl substance toxicity, persistence, or bioaccumulation;

(B) the contribution of the uses identified under subparagraph (A) to the cumulative impact of perfluoroalkyl or polyfluoroalkyl substances on the environment and public health; and

(C) recommendations for possible methods to eliminate perfluoroalkyl or polyfluoroalkyl substances from consumer products described in subparagraph (A).

(e) COMMUNITY ENGAGEMENT.—In carrying out reviews and studies under this section, the National Academies shall integrate robust, transparent, meaningful, and public community outreach.

(f) COOPERATION OF FEDERAL AGENCIES.—The head of each relevant Federal agency, including the Administrator, shall cooperate fully with the National Academies in carrying out the agreement under subsection (b).

(g) RECOMMENDATIONS FOR ADDITIONAL STUDIES.—

(1) IN GENERAL.—The National Academies shall make any recommendations for additional scientific studies determined appropriate by the National Academies to resolve areas of continuing scientific uncertainty relating to essential uses of perfluoroalkyl or polyfluoroalkyl substances.

(2) REQUIREMENTS.—In making recommendations under paragraph (1), the National Academies shall consider—

(A) the scientific information that is available at the time of the recommendation;

(B) the value and relevance of the information that could result from additional studies; and

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

(h) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the Administrator, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives an initial report on the activities of the National Academies under the agreement under subsection (b).

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

(i)(I) a description of the determinations, if any, made under subsection (d); and

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

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

(2) SUBSEQUENT REPORTS.—Not less frequently than once every 2 years after the date on which the initial report under paragraph (1) is submitted, the National Academies shall submit to the Administrator, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives an update of that report.

(i) ADDITIONAL STUDIES.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date that the National Academies completes the review under subsection (c), the Administrator may initiate not more than 5 additional studies with the National Academies—

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

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

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection.

(j) ALTERNATIVE CONTRACTING SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Administrator is unable to enter into an agreement under subsection (b) with the National Academies within the 60-day period described in that subsection on terms acceptable to the Administrator, the Administrator shall seek to enter into an agreement for purposes of carrying out this section with another appropriate scientific organization that—

(A) is not part of the Federal Government;

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

(C) has expertise and objectivity comparable to that of the National Academies.

(2) EFFECT OF ALTERNATIVE ORGANIZATION.—If the Administrator enters into an agreement with an alternative scientific organization under paragraph (1), any reference in this title to ''the National Academies'' shall be deemed to be a reference to that alternative scientific organization.

SEC. 102. MANUFACTURING AND USE PHASEOUT PROGRAM.

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

(1) PURPOSE.—The purposes of the amendments made by this subsection are—

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

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

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

(2) AMENDMENTS.—Section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)) is amended—

(A) by striking ''Not later'' and inserting the following:

''(A) IN GENERAL.—Not later''; and

(B) by adding at the end the following:

''(B) ANNUAL SUPPLEMENTS.—

''(i) DEFINITIONS OF ESSENTIAL USE; MANUFACTURER; PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE; SAFER ALTERNATIVE; USER.—In this subparagraph, the terms 'essential use', 'manufacturer', 'perfluoroalkyl or polyfluoroalkyl substance', 'safer alternative', and 'user' have the meanings given those terms in section 2 of the Forever Chemical Regulation and Accountability Act of 2024.

''(ii) MANUFACTURER AND USER REPORT REQUIRED.—Not later than 3 years after the date of enactment of this subparagraph but in a manner that does not otherwise delay the implementation of this paragraph (as in effect on the day before the date of enactment of this subparagraph), the Administrator shall require each manufacturer and user of perfluoroalkyl or polyfluoroalkyl substance to submit a report described in subparagraph (A) if that manufacturer or user was not required to do so on the day before the date of enactment of this subparagraph.

''(iii) SUPPLEMENTAL REPORTS REQUIRED.—Not later than 18 months after the date on which the Administrator publishes the final rule carrying out this subparagraph and not less frequently than annually thereafter, subject to clause (v), each manufacturer or user of a perfluoroalkyl or polyfluoroalkyl substance shall—

''(I) supplement the report required described in subparagraph (A) (including a report submitted pursuant to clause (ii)) by—

''(aa) including, as applicable, any updates to the information included in the report under that subparagraph; and

''(bb) including in the report—

''(AA) a description of any essential uses of perfluoroalkyl or polyfluoroalkyl substances carried out by the manufacturer or user;

''(BB) any safer alternatives for uses of perfluoroalkyl or polyfluoroalkyl substances used by the manufacturer or user;

''(CC) any environmental releases of a perfluoroalkyl or polyfluoroalkyl substance, at any detectable level;

''(DD) any use of a perfluoroalkyl or polyfluoroalkyl substance that is required pursuant to Federal law (including regulations), Federal standards, or Federal Government specifications; and

''(EE) any additional information that the Administrator may require; and

''(II) submit the supplemental report to the Administrator in such a manner and at such time as the Administrator requires.

''(iv) USE OF REPORTS.—

''(I) PUBLICATION.—Not later than 180 days after the date on which the Administrator receives a supplemental report from a manufacturer or user under clause (iii), the Administrator shall publish the supplemental report for a period of public comment and review of not less than 90 days.

''(II) DATA QUALITY.—The Administrator shall conduct data quality assurance and scientific integrity reviews of supplemental reports received under clause (iii)—

''(aa) to ensure the quality of reported data; and

''(bb) to provide comment on the validity of the supplemental reports of the manufacturer.

''(III) CONFIDENTIAL BUSINESS INFORMATION.—The Administrator shall carry out this clause in accordance with section 14.

''(v) NO FURTHER REPORTS REQUIRED.—

''(I) IN GENERAL.—No further supplemental reports under clause (iii) shall be required from a manufacturer or user if the manufacturer or user—

''(aa) permanently ceases use of all perfluoroalkyl or polyfluoroalkyl substances; and

''(bb) notifies the Administrator in writing that the requirement under item (aa) has been met.

''(II) FINAL REPORT.—Notwithstanding the submission of a notice under subclause (I)(bb), a manufacturer or user shall submit to the Administrator a final supplemental report under clause (iii) if, at any time during the 1-year period beginning on the date on which the manufacturer or user submitted the previous supplemental report under that clause, the manufacturer or user used a perfluoroalkyl or polyfluoroalkyl substance.

''(III) PUBLIC NOTICE OF CESSATION.—The Administrator shall issue a public notice describing each notification received under subclause (I)(bb).''.

(3) SAVINGS PROVISION.—Nothing in paragraph (2) or the amendments made by paragraph (2) affects the requirements under subparagraph (A) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)) or any timeline established for the implementation of that section (as in effect on the day before the date of enactment of this Act).

(b) PRODUCTION AND CONSUMPTION PHASEOUTS REQUIRED.—

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

(2) PLANS REQUIRED.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each manufacturer and user shall submit to the Administrator, in such a manner as the Administrator may require, a plan and schedule for the full phaseout of nonessential uses of perfluoroalkyl and polyfluoroalkyl substances within the 10-year period described in paragraph (1).

(B) INCLUSION.—

(i) IN GENERAL.—A plan submitted by a manufacturer or user under subparagraph (A) may include verifiable transfer of perfluoroalkyl or polyfluoroalkyl substance stocks in the possession of the manufacturer or user to an accredited research consortium, including Centers of Excellence, National Laboratories of the Department of Energy, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), and other relevant entities, as determined by the Administrator, for the purposes of—

(I) research into the destruction, detection, and remediation of perfluoroalkyl or polyfluoroalkyl substances; and

(II) other related research.

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

(I) affects an obligation of a manufacturer or user to comply with a regulation or requirement associated with the removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance; or

(II) prohibits a manufacturer or user from using a method of removal, disposal, or destruction of a perfluoroalkyl or

polyfluoroalkyl substance in accordance with applicable law.

(C) PUBLIC AVAILABILITY.—The Administrator shall make the plans submitted by manufacturers and users under subparagraph (A) publicly available in accordance with section 14 of the Toxic Substances Control Act (15 U.S.C. 2614).

(3) ACCELERATED SCHEDULE.—

(A) IN GENERAL.—The Administrator may, after a period of notice and opportunity for public comment of not less than 180 days, require that the full phaseout of nonessential uses of perfluoroalkyl or polyfluoroalkyl substances required under paragraph (1) occur on a schedule that is more stringent than the schedule required under that paragraph.

(B) PETITION.—

(i) IN GENERAL.—Any person may petition the Administrator to establish a more stringent schedule under subparagraph (A).

(ii) REQUIREMENTS.—A petition submitted under clause (i) shall—

(I) be made at such time, in such manner, and containing such information as the Administrator shall require; and

(II) include a showing by the petitioner that there are scientific data with respect to nonessential uses of perfluoroalkyl or polyfluoroalkyl substances to support the petition.

(iii) RESPONSE TIMELINE.—

(I) IN GENERAL.—If the Administrator receives a petition under clause (i), the Administrator shall—

(aa) not later than 180 days after the date on which the Administrator receives the petition—

(AA) make the complete petition available to the public; and

(BB) when making the petition available pursuant to subitem (AA), propose and seek public comment, for a period of not less than 90 days, on the proposal of the Administrator to grant or deny the petition; and

(bb) not later than 1 year after the date on which the Administrator receives the petition, take final action on the petition.

(II) REVISED PLANS AND SCHEDULES.—

(aa) IN GENERAL.—If, after receiving public comment with respect to a petition received under clause (i), the Administrator grants the petition, each manufacturer and user shall revise and submit to the Administrator an update to the plan and schedule required under paragraph (2)(A) to reflect the more stringent schedule described in the petition.

(bb) REQUIREMENT.—A revised plan and schedule under item (aa) shall be submitted in accordance with paragraph (2).

(4) ACCELERATED PHASE-OUT IN CERTAIN PRODUCTS.—

(A) PHASE-OUT WITHIN 1 YEAR.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 1 year after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce—

(I) a carpet or rug that contains perfluoroalkyl or polyfluoroalkyl substances;

(II) a fabric treatment that contains perfluoroalkyl or polyfluoroalkyl substances;

(III) food packaging and containers that contains perfluoroalkyl or polyfluoroalkyl substances;

(IV) a juvenile product that contains perfluoroalkyl or polyfluoroalkyl substances; or

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

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in subclauses (I), (II), and (IV) of that clause.

(B) PHASE-OUT WITHIN 2 YEARS.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 2 years after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce—

(I) a cosmetic that contains perfluoroalkyl or polyfluoroalkyl substances;

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

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

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

(V) except for a product described in subparagraph (D), indoor and outdoor apparel that contains perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in each of subclauses (II) through (V) of that clause.

(C) PHASE-OUT WITHIN 4 YEARS.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 4 years after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce—

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

(II) outdoor upholstered furniture that contains perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in that clause.

(D) PHASEOUT WITHIN 5 YEARS.—

(i) IN GENERAL.—Notwithstanding any other provision of this Act but subject to clause (ii), beginning on the date that is 5 years after the date of enactment of this Act, no person may sell, offer for sale, or distribute for sale in interstate commerce outdoor apparel for severe wet conditions that contain intentionally used perfluoroalkyl or polyfluoroalkyl substances.

(ii) EXCEPTION FOR RESALE.—The prohibition under clause (i) does not apply to the sale or resale of used products described in that clause.

(c) DESIGNATIONS OF NONESSENTIAL AND ESSENTIAL USES.—

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

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

(B) any use of a perfluoroalkyl or polyfluoroalkyl substance shall be considered a nonessential use unless the Administrator, consistent with applicable recommendations or other analysis, if any, under a report under section 101(h) (including a subsequent report), has designated the use as an essential use under paragraph (2) or (3).

(2) PETITION.—

(A) IN GENERAL.—A person may submit to the Administrator a petition to designate a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use at such time (including on a 1-time, periodic, or continuing basis within such timeframe as the Administrator may require), in such manner, and containing such information as the Administrator may require.

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

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

(ii) the petitioner shall provide any information requested by the Administrator, on a 1-time, periodic, or continuous basis within such timeframe as the Administrator may require, to inform a determination under subparagraph (C).

(C) DETERMINATION.—

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

(I) the best available science; and

(II) the applicable recommendations or other analysis, if any, under a report under section 101(h) (including a subsequent report).

(ii) TIMELINE.—

(I) IN GENERAL.—Subject to subclause (II), the Administrator shall finalize a determination to grant or deny a petition submitted under subparagraph (A) by not later than 270 days after the date of receipt of the petition.

(II) REQUIREMENT.—The Administrator may not finalize a determination to grant or deny a petition submitted under subparagraph (A) before the date that is 1 year after the date on which the first report under subsection (h) of section 101 is submitted after the date on which the review under subsection (c) of that section is completed.

(iii) PUBLIC AVAILABILITY.—

(I) IN GENERAL.—In making a determination to grant or deny a petition submitted under subparagraph (A), the Administrator shall—

(aa) make all materials submitted with the petition available for public review and comment for a period of not less than 180 days; and

(bb) consider all public comments submitted with respect to the materials made available under item (aa).

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

(D) EXPEDITED CONSIDERATION.—The Administrator shall, to the maximum extent practicable, expedite the consideration of petitions submitted under subparagraph (A) from a Federal agency.

(E) TERMINATION OF PETITION PROCESS.—The Administrator shall continue to accept petitions under this paragraph until such time as all perfluoroalkyl or polyfluoroalkyl substances and uses of perfluoroalkyl or polyfluoroalkyl substances are eliminated in accordance with the policy described in section 103(a).

(3) ALTERNATIVE DESIGNATION PROCESS.—

(A) IN GENERAL.—On a continuing basis and in consultation with relevant Federal agencies as the Administrator determines necessary, the Administrator may review and, through a public rulemaking, designate as a nonessential use or an essential use a use of a perfluoroalkyl or polyfluoroalkyl substance.

(B) REQUIREMENT.—The decision of the Administrator to designate a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A) shall be consistent with—

(i) the best available science; and

(ii) the applicable recommendations or other analysis, if any, under a report under section 101(h) (including a subsequent report).

(C) TIMELINE.—

(i) REPORT REQUIRED.—The Administrator may not designate a use of a perfluoroalkyl

or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A) before the date that is 1 year after the date on which the first report under subsection (h) of section 101 is submitted after the date on which the review under subsection (c) of that section is completed.

(ii) PUBLIC REVIEW.—Before designating a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A), the Administrator shall publish the proposed designation for public review and comment for a period of not less than 180 days.

(iii) FINAL DESIGNATION.—The Administrator shall publicly issue a final designation of a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use under subparagraph (A) by not later than 270 days after the date on which the public review and comment period under clause (ii) ends.

(4) DATA TRANSPARENCY.—The Administrator may, to inform a designation under paragraph (2) or (3), require a manufacturer, user, person who manufacturers equipment for a manufacturer or user, person who the Administrator believes may have necessary information to inform a designation under paragraph (2) or (3), or a person subject to the requirements of this title or an amendment made by this title to provide relevant information (on a 1-time, periodic, or continuing basis for such timeframe as the Administrator determines appropriate).

(5) REQUIRED PETITIONS.—

(A) IN GENERAL.—Stakeholders shall use the petition process under paragraph (2) to identify and list products and processes that use a perfluoroalkyl or polyfluoroalkyl substance that have a use in a product that is required to be used under Federal law (including regulations), Federal standards, or Federal Government specifications.

(B) SUBMISSION TO OTHER AGENCIES.—If the Administrator receives a petition under paragraph (2) or begins to carry out the alternative designation process under paragraph (3) with respect to a use described in subparagraph (A), the Administrator shall, on receipt of the petition, share the petition with the head of the Federal agency that required the use for a review and comment period of not less than 30 days.

(6) REVIEW OF PREVIOUS DESIGNATIONS.—The Administrator may, pursuant to a petition from a petitioner or at the discretion of the Administrator, review the designation of a use of a perfluoroalkyl or polyfluoroalkyl substance as a nonessential use or an essential use and redesignate that use as a nonessential use or an essential use in accordance with the process under which the designation was originally made.

(d) ADMINISTRATOR PRIORITIZATION DISCRETION.—The Administrator may prioritize the establishment of a report under this section or a designation of the use of a class or subclass perfluoroalkyl or polyfluoroalkyl substances as a nonessential use or an essential use under subsection (c) in accordance with—

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

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

(e) PROHIBITION OF SALES OF NONESSENTIAL PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—Beginning on the date that is 10 years after the date of enactment of this Act, a manufacturer or user shall not engage in the sale of perfluoroalkyl or polyfluoroalkyl substances that remain in the possession of the manufacturer or user on that date for nonessential uses.

(2) PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE STOCKS.—The Administrator may approve verifiable transfers of perfluoroalkyl or polyfluoroalkyl substance stocks in the possession of a manufacturer or user to an accredited research consortium, including Centers of Excellence, National Laboratories of the Department of Energy, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), and other relevant entities that contribute to the achievement of the policy described in section 103(a).

(3) SAVINGS PROVISION.—Nothing in this subsection—

(A) affects an obligation of a manufacturer or user to comply with a regulation or requirement associated with the removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance; or

(B) prohibits a manufacturer or user from using a method of removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance in accordance with applicable law.

SEC. 103. UNITED STATES PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE POLICY.

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

(1) contamination of any environmental media by a perfluoroalkyl or polyfluoroalkyl substance should be remediated to levels that do not present an unreasonable risk to public health and the environment;

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

(A) is considered most essential to the elimination of perfluoroalkyl or polyfluoroalkyl substances, which are also known as ''forever chemicals''; and

(B) should be prioritized as part of any perfluoroalkyl or polyfluoroalkyl substance remediation strategy in a manner that presents the lowest risk of environmental release and the lowest risk to public health and the environment;

(3) the use of perfluoroalkyl or polyfluoroalkyl substances in consumer products should be eliminated; and

(4) in cases in which the use of perfluoroalkyl or polyfluoroalkyl substances is essential, in accordance with any applicable report under section 101(h) (including a subsequent report), and no safer alternative for that use is available, those perfluoroalkyl or polyfluoroalkyl substances should be removed or replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risk to human health and the environment, including risks due to chronic, acute, and cumulative impacts.

(b) FEDERAL PROCUREMENT.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the heads of Federal agencies, in coordination with the Administrator and the Administrator of General Services, shall, to the maximum extent practicable, eliminate the procurement of products known to contain perfluoroalkyl or polyfluoroalkyl substances.

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

(A) carry out surveys of the products procured by the Federal agency to determine whether the products contain perfluoroalkyl or polyfluoroalkyl substances; and

(B) pause or cease procurement of products that have not been identified as not containing perfluoroalkyl or polyfluoroalkyl substances within a reasonable timeline that accounts for—

(i) survey completion and product return; and

(ii) identifying and securing safer alternatives for the product.

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

(d) SAVINGS PROVISION.—Nothing in this section affects any other duty or obligation under Federal law.

SEC. 104. PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCE RELEASE PHASEOUT.

(a) IN GENERAL.—Beginning on the date that is 10 years after the date of enactment of this Act, it shall be unlawful for any manufacturer or user to release any quantity of perfluoroalkyl or polyfluoroalkyl substance above the threshold of detection of a detection method for perfluoroalkyl or polyfluoroalkyl substances that is validated by the Administrator in a manner that permits that perfluoroalkyl or polyfluoroalkyl substance to enter the environment.

(b) RULEMAKING REQUIRED.—

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

(A) establishes a schedule for the phaseout of the releases above the threshold of detection described in subsection (a) by the date described in that subsection; and

(B) establishes applicable detection methods and relevant thresholds.

(2) UPDATE.—The Administrator may update, in whole or in part, the schedule required under subparagraph (A) of paragraph (1) in accordance with that paragraph.

(3) EARLY ADOPTION.—The Administrator may, in accordance with the policy described in section 103(a) and after a period of notice and opportunity for public comment, finalize a rule before the rule required under paragraph (1) that—

(A) establishes a schedule for the phaseout or banning of releases of individual perfluoroalkyl or polyfluoroalkyl substances, mixtures of perfluoroalkyl or polyfluoroalkyl substances, or subclasses of perfluoroalkyl or polyfluoroalkyl substances above the threshold of detection described in subsection (a) by the date described in that subsection; and

(B) establishes applicable detection methods and relevant thresholds.

(c) SAVINGS PROVISION.—Nothing in this section affects any other duty or obligation under any other Federal law.

SEC. 105. USE FOR RESEARCH.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Administrator may allow the use and detectable release of perfluoroalkyl or polyfluoroalkyl substances described in subsections (b) and (c) that do not place unreasonable risk on human health or the environment for research, development, testing, and other similar purposes to assist in the achievement of the policy described in section 103(a).

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

(1) IN GENERAL.—A manufacturer or user with remaining stocks of perfluoroalkyl or polyfluoroalkyl substances in the possession of the manufacturer or user following cessation of the manufacture or use of perfluoroalkyl or polyfluoroalkyl substances may enter into an agreement with the Administrator, an accredited research consortium, including Centers of Excellence, National Laboratories of the Department of Energy, institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), and other relevant entities, as determined by the Administrator, in order for such stocks to be available for use in accordance with subsection (a).

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

(3) SAVINGS PROVISION.—Nothing in this subsection—

(A) affects an obligation of a manufacturer or user to comply with a regulation or requirement associated with the removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance; or

(B) prohibits a manufacturer or user from using a method of removal, disposal, or destruction of a perfluoroalkyl or polyfluoroalkyl substance in accordance with applicable law.

(c) PROHIBITION.—It shall be unlawful to develop or produce a perfluoroalkyl or polyfluoroalkyl substance solely for the purposes of activities authorized under subsection (a) unless the Administrator determines it necessary to comply with the policy described in section 103(a).

SEC. 106. INSPECTIONS, MONITORING, AND ENTRY.

(a) IN GENERAL.—For the purpose of determining whether a person is in violation of this title or an amendment made by this title or for the purposes of carrying out any provision of this title or an amendment made by this title—

(1) the Administrator may require any manufacturer, user, person who manufactures equipment for a manufacturer or user, person who the Administrator believes may have information necessary for the purposes described in this paragraph, or person who is subject to the requirements of this title or an amendment made by this title, on a 1-time, periodic, or continuous basis—

(A) to install, use, and maintain such monitoring equipment, and use such audit procedures or methods, as the Administrator may require;

(B) to sample such releases (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as determined by the Administrator) as the Administrator may require;

(C) to keep such records on control equipment parameters, production variables, or other equivalent indirect data as the Administrator may require when direct monitoring of releases is impractical;

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

(E) to provide records and reports within 30 days of the date of a request by the Administrator for that record or report; and

(2) the Administrator (including an authorized representative of the Administrator), on presentation of the credentials of the Administrator (or authorized representative of the Administrator) shall—

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

(B) at reasonable times, have a right to access and copy any records, to inspect any monitoring equipment or method required under paragraph (1), and to sample any releases that the person is required to sample under that paragraph.

(b) PUBLIC AVAILABILITY.—Any record, report, or information obtained by the Administrator under subsection (a) shall, subject to section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), be made available to the public as soon as reasonably practicable.

SEC. 107. ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), whenever, on the basis of any information, the Administrator determines that a person may have violated, or may be in violation of, any requirement of this title or an amendment made by this title, the Administrator may—

(A) issue an order—

(i) assessing a civil penalty for any past or current violation in an amount that the Administrator determines would remove any economic benefit from the violation;

(ii) requiring compliance with that requirement, either immediately or within a specified period of time; or

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

(B) commence a civil action for appropriate relief, including a temporary or permanent injunction, in the United States district court for—

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

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

(2) NOTICE TO STATE.—Before issuing an order or commencing an action under paragraph (1) for a violation of a requirement of this title or an amendment made by this title, the Administrator shall give notice to the State in which the violation is alleged to have occurred.

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

(A) may include a suspension or revocation of any use of a perfluoroalkyl or polyfluoroalkyl substance authorized under this title by the Administrator or a State; and

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

(4) CIVIL PENALTY.—

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

(i) the seriousness of the violation;

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

(iii) the size of the business of the defendant;

(iv) the economic impact of the penalty on the business of the defendant;

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

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

(vii) the economic benefit of the violation;

(viii) the cumulative impacts of—

(I) the full compliance history of the defendant and any good faith efforts to comply; and

(II) other environmental contaminant exposures in impacted communities and ecosystems; and

(ix) any other factor that justice may require.

(B) SAVINGS PROVISION.—Nothing in this paragraph affects the existing authority of the Administrator to exercise enforcement discretion, including consideration of supplemental environmental projects.

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

(c) CRIMINAL PENALTIES.—A person who recklessly violates any material condition or requirement of any applicable standard under this title (including regulations) or an amendment made by this title shall, on conviction, be subject to—

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

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

(3) both a fine under paragraph (1) and imprisonment under paragraph (2).

(d) RELATIONSHIP TO OTHER LAWS.—The Administrator shall carry out this title and amendments made by this title in accordance with—

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

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

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

(4) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

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

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

SEC. 108. CITIZEN SUITS.

(a) CITIZEN SUITS AUTHORIZED.—

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

(A) any manufacturer or user subject to the requirements of this title or an amendment made by this title (including a manufacturer, user, the United States, and, to the extent permitted by the 11th Amendment of the Constitution of the United States, any other governmental instrumentality or agency) that is alleged to be in violation of any standard, regulation, condition, requirement, prohibition, schedule, deadline, or order under this title;

(B) any manufacturer or user subject to the requirements of this title or an amendment made by this title (including the United States and, to the extent permitted by the 11th Amendment of the Constitution of the United States, any other governmental instrumentality or agency) that is using a perfluoroalkyl or polyfluoroalkyl substance that may present an imminent and substantial endangerment to human health or the environment; or

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

(2) JURISDICTION.—

(A) APPROPRIATE COURTS.—

(i) VIOLATIONS AND ENDANGERMENT CLAIMS.—An action brought under subparagraph (A) or (B) of paragraph (1) shall be brought in the district court for the district in which the alleged violation or endangerment occurred.

(ii) CLAIMS AGAINST THE ADMINISTRATOR.—An action brought under paragraph (1)(C) may be brought in—

(I) the United States district court for the district in which the alleged violation occurred; or

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

(B) AUTHORITY.—A district court described in subparagraph (A) shall have jurisdiction—

(i) with respect to an action described in paragraph (1)(A), to enforce the standard, regulation, condition, requirement, prohibition, schedule, deadline, or order described 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.—

(A) NOTICE OF VIOLATION.—

(i) IN GENERAL.—No action may be brought under subsection (a)(1)(A) unless, not less than 60 days before the date on which the action is brought, notice of the violation of the standard, regulation, condition, requirement, prohibition, schedule, deadline, or order for which the action would be brought is provided to—

(I) the Administrator;

(II) the State in which the alleged violation occurred; and

(III) except as provided in clause (ii), the alleged violator of the applicable standard, regulation, condition, requirement, prohibition, schedule, deadline, or order.

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

(B) NO ACTION IF SUIT ONGOING.—No action may be brought under subsection (a)(1)(A) if the Administrator or a State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with the standard, regulation, condition, requirement, prohibition, schedule, deadline, or order for which the action under subsection (a)(1)(A) would be brought.

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

(2) ACTIONS FOR ENDANGERMENT.—

(A) NOTICE OF ENDANGERMENT.—No action may be brought under subsection (a)(1)(B) unless, not less than 90 days before the date on which the action is brought, notice of the imminent and substantial endangerment to human health or the environment is provided to—

(i) the Administrator;

(ii) the State in which the endangerment may occur; and

(iii) the person that is alleged to be contributing to the use of the perfluoroalkyl or polyfluoroalkyl substance causing the endangerment.

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

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

(D) NOTICE OF ACTION.—A person bringing an action under subsection (a)(1)(B) in a court of the United States shall serve a copy of the complaint on—

(i) the Attorney General; and

(ii) the Administrator.

(3) ACTIONS AGAINST THE ADMINISTRATOR.—

(A) NOTICE TO ADMINISTRATOR.—No action may be brought under subsection (a)(1)(C) unless, not less than 60 days before the date on which the action is brought, the person bringing the action has given notice to the Administrator of the intent to bring the action.

(B) FORM.—The Administrator shall prescribe the form in which the notice under subparagraph (A) shall be provided.

(c) COSTS.—

(1) ATTORNEY AND EXPERT WITNESS FEES.—A court, in issuing any final order in an action brought pursuant to this section, may award the costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, as the court determines to be appropriate.

(2) BOND.—A court, in any action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, may require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

SEC. 109. IMMINENT HAZARD.

(a) AUTHORITY OF THE ADMINISTRATOR.—Notwithstanding any other provision of this title or an amendment made by this title, on receipt of evidence that the use of any perfluoroalkyl or polyfluoroalkyl substance presents an imminent and unreasonable risk of serious or widespread injury to public health or environment, without consideration of costs or other nonrisk factors, the Administrator may issue an order to or bring suit against any manufacturer or user subject to the requirements of this title or an amendment made by this title that is determined by the Administrator to be causing the imminent and unreasonable risk—

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

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

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

(b) VIOLATIONS.—A manufacturer or user who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce that order, be fined in an amount that the Administrator determines removes any economic benefit of noncompliance for each day in which the violation occurs or the failure to comply continues.

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

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

(A) the appropriate local government agencies and public services, including impacted utilities, including drinking water treatment plants, and public health, law enforcement, and environmental protection officials; and

(B) the community in which the endangerment is occurring, including publicly accessible areas of community congregation, including community recreation and health centers, public libraries, public schools, government offices, online message boards, listservs, and social media used by members of that community, and not-for-profit community services;

(2) to require—

(A) immediate and public notice to impacted members of the community that is provided across communication media and is easily accessible; and

(B) public meetings, in partnership with the Administrator and local authorities and leaders, for direct community engagement to provide health, safety, and additional information to the community and to field questions and concerns; and

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

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

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term ''covered agency'' means a department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government that—

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

(B) is engaged in any activity that results, or may result, in the treatment, disposal, or release of a perfluoroalkyl or polyfluoroalkyl substance into the environment.

(2) REASONABLE SERVICE CHARGE.—The term ''reasonable service charge'', with respect to a requirement under Federal, State, interstate, or local law, includes—

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

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

(b) APPLICABILITY OF LAWS.—

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

(2) INCLUSIONS.—The Federal, State, interstate, and local requirements, including substantive and procedural requirements, described in paragraph (1) include—

(A) an administrative order; and

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

(i) punitive or coercive in nature; or

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

(c) WAIVER OF IMMUNITY.—

(1) IN GENERAL.—The United States expressly waives any immunity otherwise applicable to the United States with respect to a Federal, State, interstate, or local requirement described in subsection (b)(1), including any immunity with respect to injunctive relief, an administrative order, or a civil or administrative penalty or fine described in subsection (b)(2)(B).

(2) NO EXEMPTION.—Neither the United States nor an agent, employee, or officer of the United States shall be immune or exempt from any process or sanction of any Federal or State court with respect to the enforcement of any injunctive relief described in paragraph (1).

(3) NO PERSONAL LIABILITY.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law regulating perfluoroalkyl or polyfluoroalkyl substances with respect to

any act or omissions that is within the scope of the official duties of the agent, employee, or officer.

(4) CRIMINAL LIABILITY.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including fine or imprisonment) under any Federal or State law regulating perfluoroalkyl or polyfluoroalkyl substances, but no department, agency, or instrumentality of the Federal Government shall be subject to such a criminal sanction.

(d) EXEMPTION.—

(1) IN GENERAL.—Subject to paragraph (4), the President may exempt, in direct consultation with the Administrator, any department, agency, or instrumentality of the executive branch of the Federal Government from compliance with a requirement under a Federal, State, interstate, or local law regulating perfluoroalkyl or polyfluoroalkyl substances if the President determines that the exemption is in the paramount interest of the United States.

(2) REQUIREMENTS.—

(A) TERM.—An exemption under paragraph (1) shall be for a period of not to exceed 1 year.

(B) RENEWAL.—The President may, in accordance with paragraph (1), renew an exemption under that paragraph for a period not to exceed 1 year for each renewal.

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

(3) PUBLIC NOTICE OF EXEMPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the President, the Administrator, and the head of the department, agency, or instrumentality subject to an exemption under paragraph (1) shall immediately make public the exemption, including any renewal of an exemption under paragraph (2)(B).

(B) WAIVER OF PUBLIC NOTICE REQUIREMENT.—The President, in consultation with the Administrator, may waive the requirement under subparagraph (A) if the President, in consultation with the Administrator, determines that the waiver is in the paramount interest of national security.

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

SEC. 111. JUDICIAL REVIEW.

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

(1) IN GENERAL.—Subject to paragraphs (2) and (3), any judicial review of a final regulation promulgated pursuant to this title or an amendment made by this title or a denial by the Administrator for a petition for the promulgation, amendment, or repeal of a regulation under this title or an amendment made by this title shall be in accordance with this title and any amendments made by this title.

(2) LIMITATIONS ON BRINGING CLAIMS.—

(A) IN GENERAL.—A petition for the judicial review of an action of the Administrator in promulgating any regulation or requirement under this title or an amendment made by this title, or the denial of any petition for the promulgation, amendment, or repeal of a regulation under this title or an amendment made by this title, may only be brought—

(i) in the United States Court of Appeals for the District of Columbia; and

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

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

(C) NO REVIEW.—An action of the Administrator with respect to which review could have been obtained under this subsection within the 90-day period described in subparagraph (A)(ii), but was not, shall not be subject to judicial review in any civil or criminal proceeding for enforcement of this title or an amendment made by this title.

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

(A) IN GENERAL.—With respect to a petition for the judicial review of a determination for which this title or an amendment made by this title requires notice and opportunity for hearing, if the party seeking the judicial review applies to the court for leave to adduce additional evidence, and demonstrates to the satisfaction of the court that the evidence is material and that there were reasonable grounds for the failure to adduce that evidence in the proceeding before the Administrator, the court may order that—

(i) additional evidence (and any rebuttal evidence) be taken before the Administrator; and

(ii) the Administrator adduce that evidence in the hearing in such a manner and on such terms and conditions as the court determines to be appropriate.

(B) REVISION.—Based on any evidence adduced pursuant to subparagraph (A)(ii), the Administrator—

(i) may—

(I) modify the findings of the Administrator as to the facts; or

(II) make new findings; and

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

(I) any modified or new findings made; and

(II) the recommendation of the Administrator, if any, regarding whether to modify or set aside the determination of the Administrator being reviewed.

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

(b) REVIEW OF OTHER ACTIONS.—

(1) IN GENERAL.—Any interested person may, in the court of appeals of the United States for the judicial circuit in which the person resides or transacts business, apply for review of the actions of the Administrator in carrying out any mandatory duties required under this title or an amendment made by this title.

(2) TIME LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), an application for review under paragraph (1) shall be made not later than 90 days after the date of the applicable issuance, denial, modification, revocation, grant, or withdrawal.

(B) EXCEPTION.—An application for review under paragraph (1) may be made after the date described in subparagraph (A) only if the application is based solely on grounds that arose after the end of the 90-day period described in that subparagraph.

(3) NO LATER REVIEW.—An action of the Administrator with respect to which review could have been obtained under paragraph (1) within the 90-day period described in paragraph (2)(B), but was not, shall not be subject to judicial review in any civil or criminal proceeding for enforcement of this title or an amendment made by this title.

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

(c) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this title or an amendment made by this title restricts any right that a person or class of persons may have under statutory or common law to seek enforcement of this title or an amendment made by this title or to seek any other relief (including relief against the Administrator or a State agency).

(d) NONRESTRICTION OF OTHER RIGHTS.—Nothing in this title or an amendment made by this title or in any other law of the United States prohibits, excludes, or restricts any State, local, or interstate authority from bringing any enforcement action or obtaining any judicial remedy or sanction in any State or local court with respect to the manufacture or release of perfluoroalkyl or polyfluoroalkyl substances.

SEC. 112. REGULATORY AUTHORITY.

(a) GENERAL AUTHORITY.—The Administrator may promulgate such regulations as are necessary to carry out this title and the amendments made by this title consistent with the policy described in section 103(a).

(b) REQUIREMENT.—In carrying out any rulemaking under this title or an amendment made by this title that requires a period of notice and opportunity for public comment, that rulemaking shall be carried out in accordance with section 553 of title 5, United States Code.

SEC. 113. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this title and the amendments made by this title, except for section 101(i), for each of fiscal years 2024 through 2033.

(b) FEE COLLECTION.—

(1) DEFINITIONS.—In this subsection:

(A) 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 substance as a nonessential use or an essential use under section 102(c).

(B) 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).

(C) SUPPLEMENTAL REPORT FEE.—The term ''supplemental report fee'' means the fee established by the Administrator under paragraph (2)(B)(i)(I) to submit a supplemental report under subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)).

(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 and the amendments made by 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 Administrator completes the workload assessment analysis under subparagraph (A), and using that workload assessment analysis, the Administrator shall complete a public and transparent rulemaking to establish the requirements and fees necessary to submit—

(I) the supplemental reports under subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)), including any necessary requirements for supplemental reports under that subparagraph; and

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

(aa) a separate fee for each use for which a designation is requested in the petition; and

(bb) any necessary requirements for the petition process under that section.

(ii) PUBLIC REVIEW AND COMMENT.—The 1-year period described in clause (i) shall include not less than 90 days for public review and comment on the proposed rulemaking under that clause.

(iii) FACTORS.—In determining the amount of the supplemental report fee and the petition fee in the rulemaking required under clause (i), the Administrator—

(I) shall consider—

(aa) usage of perfluoroalkyl or polyfluoroalkyl substances;

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

(cc) the known toxicological risks of individual perfluoroalkyl or polyfluoroalkyl substances, mixtures of perfluoroalkyl or polyfluoroalkyl substances, and subclasses of perfluoroalkyl or polyfluoroalkyl substances, as determined by sources of information determined relevant by the Administrator, including the National PFAS Testing Strategy and the Computational Toxicology Chemicals Dashboard of the Environmental Protection Agency; and

(II) may consider the expected total annual costs of administering the non-discretionary provisions of this title, including collecting, processing, reviewing, providing access to, and protecting from disclosure confidential business information that is subject to section 14 of the Toxic Substances Control Act (15 U.S.C. 2613).

(C) SMALL MANUFACTURERS.—The Administrator may, in the rulemaking required under subparagraph (B)(i), reduce the supplemental report fee and the petition fee for small manufacturers.

(D) TIMELINE; REQUIRED MINIMUM FEES.—

(i) IN GENERAL.—The Administrator shall finalize the amount of the supplemental report fee and the petition fee, including any reduced fees for small manufacturers under subparagraph (C), by the date that is not later than 2 years after the date of enactment of this Act.

(ii) REQUIRED FEE.—If the Administrator fails to finalize the amount of the supplemental report fee and the petition fee within the 2-year period described in clause (i)—

(I) the amount of the supplemental report fee shall be $100,000 for each supplemental report submitted under subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)), which may be lower for small manufacturers as determined by the Administrator; and

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

(iii) FINALIZATION OF AMOUNTS.—Nothing in this subparagraph requires the Administrator to use the minimum fee amounts imposed by clause (ii) after completion of the rulemaking process required under subparagraph (B), even if that rulemaking process is not completed within the 2-year period described in clause (i).

(3) ADJUSTMENT OF FEE AMOUNTS.—

(A) ADJUSTMENT FOR INFLATION.—

(i) IN GENERAL.—On the date that is 3 years after the date on which the Administrator establishes the amount of the supplemental report fee and the petition fee, and every 3 years thereafter, the Administrator shall adjust the amount of the supplemental report fee and the petition fee to reflect changes for the 36-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistic of the Department of Labor.

(ii) ADJUSTMENT OF MANDATORY MINIMUMS.—If the minimum fee amounts under paragraph (2)(D)(ii) are in effect, clause (i) shall be applied by substituting ''the date on which the Administrator establishes the amount of the supplemental report fee and the petition fee'' for ''the date on which minimum fee amounts under paragraph (2)(D)(ii) come into effect'' until such time as the Administrator completes the rulemaking process required under paragraph (2)(B).

(B) ADDITIONAL ADJUSTMENT.—In addition to the adjustment required under subparagraph (A), the Administrator may, after a period of notice and opportunity for public comment, further adjust the amount of the supplemental report fee and the petition fee.

(4) WAIVER OF FEES.—The Administrator shall waive the petition fee for any petition from a Federal agency or a State agency to designate a use of a perfluoroalkyl substance as a nonessential use or an essential use under section 102(c).

(5) FUNDS.—

(A) PFAS REPORT ASSESSMENT FUND.—

(i) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''PFAS Report Assessment Fund'', to be administered by the Administrator.

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

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

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

(II) any appropriations made by Congress.

(iv) USE OF FUNDS.—Amounts in the PFAS Report Assessment Fund may be used, without further appropriation, to carry out subparagraph (B) of section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(7)).

(B) PFAS PETITION ASSESSMENT FUND.—

(i) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''PFAS Petition Assessment Fund'', to be administered by the Administrator.

(ii) DEPOSITS.—Each fiscal year, the Secretary of the Treasury shall deposit into the PFAS Petition Assessment Fund an amount equal to all petition fees collected during the previous fiscal year.

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

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

(II) any appropriations made by Congress.

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

(C) INTERFUND TRANSFERS.—The Administrator may, at the discretion of the Administrator and without further appropriation, transfer amounts between the PFAS Report Assessment Fund and the PFAS Petition Assessment Fund.

(6) TERMINATION OF FEES.—The Administrator may terminate collection of the supplemental report fee and the petition fee only after the Administrator determines, using a rulemaking with a public comment period of not less than 90 days, a science-based reason that the fee program is no longer necessary.

SEC. 114. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of that provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

SEC. 115. RETENTION OF STATE AUTHORITY.

(a) GENERAL POLICY.—

(1) IN GENERAL.—Except as provided in paragraph (2), beginning on the effective date of the regulations to carry out this title or an amendment made by this title, no State or political subdivision of a State may impose any requirement that is less stringent than the requirements under this title (including regulations) or an amendment made by this title with respect to the same matters that are regulated under this title (including regulations) or amendment.

(2) EXCEPTION.—If the application of any requirement under this title (including regulations) or an amendment made by this title is postponed or enjoined by action of a court, a State or political subdivision of a State may impose requirements described in paragraph (1) until such time as the requirements under this title (including amendments made by this title) take effect.

(b) SAVINGS PROVISION.—Nothing in this title or an amendment made by this title prohibits a State or political subdivision of a State from imposing requirements that are more stringent than those imposed by this title (including regulations) or an amendment made by this title.

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.

(a) PURPOSE.—The purpose of this section is to dedicate resources to advancing, and expanding access to, perfluoroalkyl or polyfluoroalkyl substance detection and remediation science, research, and technologies through Centers of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs of the Senate; and

(C) the Committee on Energy and Commerce, the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Veterans' Affairs of the House of Representatives.

(2) CENTER.—The term ''Center'' means the Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under subsection (c)(1)(A).

(3) CENTERS.—The term ''Centers'' means—

(A) the Center; and

(B) the Rural Center.

(4) ELIGIBLE RESEARCH UNIVERSITY.—The term ''eligible research university'' means an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that—

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

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

(5) ELIGIBLE RURAL UNIVERSITY.—The term ''eligible rural university'' means an institution of higher education that—

(A) is located in a State described in section 1703(d)(1)(C)(iii)(I) of title 38, United States Code; and

(B) is a member of the National Security Innovation Network in the Rocky Mountain Region.

(6) EPA METHOD 533.—The term ''EPA Method 533'' means the method described in the document of the Environmental Protection Agency entitled ''Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem mass Spectrometry'' (or a successor document).

(7) EPA METHOD 537.1.—The term ''EPA Method 537.1'' means the method described in the document of the Environmental Protection Agency entitled ''Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)'' (or a successor document).

(8) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(9) RURAL CENTER.—The term ''Rural Center'' means the Rural Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions established under subsection (c)(1)(B).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall—

(A)(i) select from among the applications submitted under paragraph (2)(A) an eligible research university and a National Laboratory applying jointly for the establishment of a center, to be known as the ''Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions'', which shall be a bi-institutional collaboration between the eligible research university and National Laboratory co-applicants; and

(ii) guide and assist the eligible research university and National Laboratory in the establishment of that center; and

(B)(i) select from among the applications submitted under paragraph (2)(B) an eligible rural university for the establishment of an additional center, to be known as the ''Rural Center of Excellence for Assessing Perfluoroalkyl and Polyfluoroalkyl Substances in Water Sources and Perfluoroalkyl and Polyfluoroalkyl Substance Remediation Solutions''; and

(ii) guide and assist the eligible rural university in the establishment of that center.

(2) APPLICATIONS.—

(A) CENTER.—

(i) IN GENERAL.—An eligible research university and National Laboratory desiring to establish the Center shall jointly submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) CRITERIA.—In evaluating applications submitted under clause (i), the Administrator shall only consider applications that—

(I) include evidence of an existing partnership between the co-applicants that is dedicated to supporting and expanding shared scientific goals with a clear pathway to collaborating on furthering science and research relating to perfluoroalkyl or polyfluoroalkyl substances;

(II) demonstrate a history of collaboration between the co-applicants on the advancement of shared research capabilities, including instrumentation and research infrastructure relating to perfluoroalkyl or polyfluoroalkyl substances;

(III) indicate that the co-applicants have the capacity to expand education and research opportunities for undergraduate and graduate students to prepare a generation of experts in sciences relating to perfluoroalkyl or polyfluoroalkyl substances;

(IV) demonstrate that the National Laboratory co-applicant is equipped to scale up newly discovered materials and methods for perfluoroalkyl or polyfluoroalkyl substance detection and perfluoroalkyl or polyfluoroalkyl substance removal processes for low-risk, cost-effective, and validated commercialization; and

(V) identify 1 or more staff members of the eligible research university co-applicant and 1 or more staff members of the National Laboratory co-applicant who—

(aa) have expertise in sciences relevant to perfluoroalkyl or polyfluoroalkyl substance detection and remediation; and

(bb) have been jointly selected, and will be jointly appointed, by the co-applicants to lead, and carry out the purposes of, the Center.

(B) RURAL CENTER.—An eligible rural university desiring to establish the Rural Center shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(3) TIMING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Centers shall be established not later than 1 year after the date of enactment of this Act.

(B) DELAY.—If the Administrator determines that a delay in the establishment of 1 or both of the Centers is necessary, the Administrator—

(i) not later than the date described in subparagraph (A), shall submit a notification to the appropriate committees of Congress explaining the necessity of the delay; and

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

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

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

(B) in consultation with the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program of the Department of Defense.

(d) DUTIES AND CAPABILITIES OF THE CENTERS.—

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

(A) capabilities for measuring, using methods certified by the Environmental Protection Agency, perfluoroalkyl or polyfluoroalkyl substance contamination in drinking water, ground water, and any other relevant environmental, municipal, industrial, or residential water samples; and

(B) capabilities for—

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

(ii) benchmarking those technologies and methods relative to existing technologies and methods.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Centers shall, at a minimum—

(i) develop instruments and personnel capable of analyzing perfluoroalkyl or polyfluoroalkyl substance contamination in water using EPA method 533, EPA method 537.1, any future method or updated method, or any other relevant method for detecting perfluoroalkyl or polyfluoroalkyl substances in water;

(ii) develop and maintain capabilities for evaluating the removal of perfluoroalkyl or polyfluoroalkyl substances from water using newly developed adsorbents or membranes;

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

(iv) make the capabilities and instruments developed under clauses (i) through (iii) available to researchers throughout the regions in which the Centers are located; and

(v) make reliable perfluoroalkyl or polyfluoroalkyl substance measurement capabilities and instruments available to municipalities and individuals in the region in which the Centers are located at reasonable cost.

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

(e) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Administrator may, as the Administrator determines to be necessary, use staff and other resources from other Federal agencies in carrying out this section.

(f) REPORTS.—

(1) REPORT ON ESTABLISHMENT OF CENTER.—With respect to each of the Center and the Rural Center, not later than 1 year after the date on which the center is established under subsection (c), the Administrator, in coordination with that center, shall submit to the appropriate committees of Congress a report describing—

(A) the establishment of that center; and

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

(2) ANNUAL REPORTS.—With respect to each of the Center and the Rural Center, not later than 1 year after the date on which the report under paragraph (1) for that center is submitted, and annually thereafter until the date on which that center is terminated under subsection (g), the Administrator, in coordination with that center, shall submit to the appropriate committees of Congress a report describing—

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

(B) any policy, research, or funding recommendations relating to the purposes or activities of that center.

(g) TERMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Centers shall terminate on October 1, 2033.

(2) EXTENSION.—If the Administrator, in consultation with the Centers, determines that the continued operation of 1 or both of the Centers beyond the date described in paragraph (1) is necessary to advance science and technologies to address perfluoroalkyl or polyfluoroalkyl substance contamination—

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

(i) a notification of that determination; and

(ii) a description of the funding necessary for the applicable 1 or more Centers to continue in operation and fulfill their purpose; and

(B) subject to the availability of funds, may extend the duration of the applicable 1 or more Centers for such time as the Administrator determines to be appropriate.

(h) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 2024 for the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program of the Department of Defense, $25,000,000 shall be made available to the Administrator to carry out this section, to remain available until September 30, 2033.

(2) ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available to the Administrator under paragraph (1) shall be used by the Administrator for the administrative costs of carrying out this section.

SEC. 202. ACTIONS UNDER STATE LAW FOR DAMAGES FROM EXPOSURE TO HAZARDOUS SUBSTANCES.

Section 309 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9658) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''AND STATUTES OF REPOSE'' after ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the paragraph heading, by inserting ''OF LIMITATIONS'' after ''STATUTES''; and

(ii) by inserting ''statute of'' after ''applicable'';

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

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

''(2) EXCEPTION TO STATE STATUTES OF REPOSE.—In the case of any action brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility, if the applicable statute of repose period for such action (as specified in the State statute of repose or under common law) provides a commencement date which is earlier than the federally required commencement date, such period shall commence at the federally required commencement date in lieu of the date specified in such State statute.''; and

(E) in paragraph (3) (as so redesignated)—

(i) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''; and

(ii) by inserting ''or statute of repose'' after ''statute of limitations''; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the paragraph heading, by inserting ''STATUTE OF'' after ''APPLICABLE''; and

(ii) by inserting ''statute of'' after ''applicable'';

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

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

''(3) APPLICABLE STATUTE OF REPOSE PERIOD.—The term 'applicable statute of repose period' means the period specified in a statute of repose during which a civil action referred to in subsection (a)(2) may be brought.'';

(D) in paragraph (4) (as so redesignated)—

(i) by inserting ''or statute of repose'' after ''statute of limitations''; and

(ii) by striking ''applicable limitations period'' and inserting ''applicable statute of limitations period or applicable statute of repose period, respectively''; and

(E) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A), by striking ''subsection (a)(1)'' and inserting ''paragraph (1) or (2) of subsection (a)''; and

(ii) in subparagraph (B)—

(I) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(II) in the matter preceding subclause (I) (as so redesignated), by striking ''In the case'' and inserting the following:

''(i) MINORS AND INCOMPETENTS.—In the case''; and

(III) by adding at the end the following:

''(ii) NEWLY DESIGNATED HAZARDOUS SUBSTANCES.—In the case of a contaminant of emerging concern, pollutant, chemical, waste, or other substance that is designated as a hazardous substance on or after August 1, 2022, the term 'federally required commencement date' means the latter of—

''(I) the date on which that contaminant of emerging concern, pollutant, chemical, waste, or other substance is designated as a hazardous substance; and

''(II) the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damages referred to in paragraph (1) or (2) of subsection (a) were caused or contributed to by that contaminant of emerging concern, pollutant, chemical, waste, or other substance.''.

SEC. 203. BANKRUPTCY PROVISION RELATING TO PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS DEFENDANTS AND DEBTORS.

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

''SEC. 313. SPECIAL PROVISION RELATING TO PERSISTENT, BIOACCUMULATIVE, AND TOXIC CHEMICALS DEFENDANTS AND DEBTORS.

''(a) DEFINITIONS.—In this section:

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

''(2) ESTATE.—The term 'estate' means an estate of a debtor described in section 541 of title 11, United States Code.

''(3) NONDEBTOR ENTITY.—The term 'nondebtor entity' means an entity that is not a debtor or an estate.

''(4) PBT CLAIM.—The term 'PBT claim' means a claim based on, arising from, or attributable to the presence of, or exposure to—

''(A) a perfluoroalkyl or polyfluoroalkyl substance; or

''(B) any persistent, bioaccumulative, and toxic chemical, as designated under section 6(h) of the Toxic Substances Control Act (15 U.S.C. 2605(h)).

''(b) AUTOMATIC STAY.—The filing of a petition does not operate as a stay under section 362(a) of title 11, United States Code, of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against a nondebtor entity, or any act to obtain or recover property of a nondebtor entity, on account of or with respect to a PBT claim against the nondebtor entity, the debtor, or the estate (including a claim or cause of action against the nondebtor entity that is property of the debtor or the estate).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendment made by this section—

(A) shall take effect on the date of enactment of this Act; and

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

(i) pending as of the date of enactment of this Act; or

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

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 648—PROCLAIMING A DECLARATION OF ENVIRONMENTAL RIGHTS FOR INCARCERATED PEOPLE

Mr. MARKEY submitted the following resolution; which was referred to the Committee on the Judiciary.:

S. RES. 648

Whereas criminal legal systems in the United States are sustaining an incarceration crisis that has put millions of people behind bars, torn families apart, destabilized communities, and allowed others to profit from the mistreatment of human beings;

Whereas, in the United States, almost 2,000,000 people are incarcerated in Federal, State, local, and Tribal prisons and jails, immigration detention facilities, juvenile secure facilities, and treatment and rehabilitation facilities;

Whereas the duration of prison sentences is trending upwards and nearly 57 percent of the Federal and State prison population is now serving a sentence of 10 years or more;

Whereas every year of incarceration in a prison or jail for a person is associated with a 2-year reduction in average life expectancy;

Whereas people incarcerated in prisons and jails are more likely than the general public to have at least 1 preexisting physical or mental health condition or disability, which makes incarcerated people more susceptible to environmental health threats;

Whereas incarceration and systemic patterns of environmental justice violations in the permitting and siting of carceral facilities has greatly increased the exposure of incarcerated people, carceral facility staff, and communities surrounding carceral facilities to toxic and dangerous conditions;

Whereas toxic environments in and around carceral facilities harm the physical, mental, and social well-being of those impacted by incarceration;

Whereas exposure to environmental hazards harms the vitality of incarcerated communities by reducing the availability of programming in carceral facilities;

Whereas the adverse environmental health impacts of incarceration disproportionately harm Black people and other minorities in the United States, including Indigenous, Latino, and LGBTQ+ people, who are more likely to be incarcerated in the United States;

Whereas pregnant, post-natal, and breastfeeding people are at higher risk of adverse health outcomes from exposure to environmental stressors in carceral facilities, yet those people often lack proper medical care or options to minimize exposure to environmental health threats;

Whereas privatized healthcare providers profit from the poisoning of incarcerated populations and often provide incarcerated people with inadequate care;

Whereas nearly 33 percent of Federal and State prisons are located within 3 miles of a federally declared toxic superfund site, which are disproportionately located in or near low-income communities and communities of color;

Whereas people incarcerated in prisons and jails often perform extremely hazardous labor, including electronic waste recycling, forest firefighting, and asbestos removal, without sufficient protection and for meager or no compensation, with the average hourly wage for incarcerated workers being as low as $0.14 and some incarcerated workers earning no wages at all;

Whereas measurements of heat indices inside prison cells have ranged from below freezing to in excess of 150 degrees Fahrenheit;

Whereas incarcerated people often drink and bathe in water contaminated with lead, arsenic, manganese, harmful bacteria, and other hazardous substances and do not have the same access to safer alternatives as nonincarcerated people;

Whereas poor ventilation in carceral facilities contributes to hazardous air quality,