

Calendar No. 462

117TH CONGRESS
2^D SESSION

S. 3662

[Report No. 117–138]

To temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2022

Mr. PETERS (for himself, Mr. MORAN, Ms. DUCKWORTH, Mrs. CAPITO, Ms. KLOBUCHAR, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 2, 2022

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing PFAS
3 Runoff at Airports Act”.

4 **SEC. 2. TEMPORARY INCREASED COST SHARE AUTHORITY**
5 **FOR AQUEOUS FILM FORMING FOAM INPUT-**
6 **BASED TESTING EQUIPMENT.**

7 (a) IN GENERAL.—Section 47109 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing new subsection:

10 “(g) SPECIAL RULE FOR COVERED EQUIPMENT.—

11 “(1) IN GENERAL.—The Government’s share of
12 allowable project costs for covered equipment and its
13 installation shall be 100 percent.

14 “(2) DEFINITION OF COVERED EQUIPMENT.—

15 For purposes of this subsection, the term ‘covered
16 equipment’ means aqueous film forming foam input-
17 based testing equipment that is eligible for Airport
18 Improvement Program funding based on PGL 21-
19 01, titled ‘Extension of Eligibility for stand-alone ac-
20 quisition of input-based testing equipment and truck
21 modification’, dated October 5, 2021 (or any other
22 successor program guidance letter).

23 “(3) SUNSET.—The higher cost share authority
24 established in this subsection shall terminate 180
25 days after the date on which the eligibility of covered
26 equipment for Airport Improvement Program fund-

1 ing under the authority described in paragraph (2)
 2 terminates or is discontinued by the Administrator,
 3 whichever is earlier.”.

4 (b) ~~OUTREACH EFFORTS.~~—Not later than 90 days
 5 after the date of enactment of this Act, the Administrator
 6 of the Federal Aviation Administration shall conduct an
 7 outreach effort to make airports aware of the higher cost
 8 share authority established in section 47109(g) of title 49,
 9 United States Code, as added by subsection (a).

10 (c) ~~FORWARD-LOOKING AIRPORTS.~~—Not later than
 11 18 months after the date of enactment of this Act, the
 12 Administrator of the Federal Aviation Administration
 13 shall provide a briefing to the Committee on Commerce,
 14 Science, and Transportation of the Senate and the Com-
 15 mittee on Transportation and Infrastructure of the House
 16 of Representatives that reviews—

17 (1) potential options for Congress to reimburse
 18 airports that—

19 (A) are certificated under part 139 of title
 20 14, Code of Federal Regulations; and

21 (B) acquired covered equipment (as de-
 22 fined in section 47109(g) of title 49, United
 23 States Code) as added by subsection (a), with-
 24 out Federal funding;

1 ~~(2) information relevant to estimating the po-~~
 2 ~~tential cost of providing such reimbursement;~~

3 ~~(3) the status of the Federal Aviation Adminis-~~
 4 ~~tration's outreach efforts as required under sub-~~
 5 ~~section (b); and~~

6 ~~(4) any additional information the Adminis-~~
 7 ~~trator of the Federal Aviation Administration con-~~
 8 ~~siders appropriate.~~

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Preventing PFAS Run-*
 11 *off at Airports Act”.*

12 **SEC. 2. TEMPORARY INCREASED COST SHARE AUTHORITY**
 13 **FOR AQUEOUS FILM FORMING FOAM INPUT-**
 14 **BASED TESTING EQUIPMENT.**

15 (a) *IN GENERAL.*—Section 47109 of title 49, United
 16 States Code, is amended by adding at the end the following
 17 new subsection:

18 “(g) *SPECIAL RULE FOR COVERED EQUIPMENT.*—

19 “(1) *IN GENERAL.*—The Government’s share of
 20 allowable project costs for covered equipment and its
 21 installation shall be 100 percent.

22 “(2) *DEFINITION OF COVERED EQUIPMENT.*—For
 23 purposes of this subsection, the term ‘covered equip-
 24 ment’ means aqueous film forming foam input-based
 25 testing equipment that is eligible for Airport Improve-

1 *ment Program funding based on Federal Aviation*
 2 *Administration PGL 21-01, titled ‘Extension of Eligi-*
 3 *bility for stand-alone acquisition of input-based test-*
 4 *ing equipment and truck modification’, dated October*
 5 *5, 2021 (or any other successor program guidance let-*
 6 *ter).*

7 *“(3) SUNSET.—The higher cost share authority*
 8 *established in this subsection shall terminate on the*
 9 *earlier of—*

10 *“(A) 180 days after the date on which the*
 11 *eligibility of covered equipment for Airport Im-*
 12 *provement Program funding under the authority*
 13 *described in paragraph (2) terminates or is dis-*
 14 *continued by the Administrator; or*

15 *“(B) 5 years after the date of enactment of*
 16 *this subsection.”.*

17 *(b) OUTREACH EFFORTS.—Not later than 90 days*
 18 *after the date of enactment of this Act, the Administrator*
 19 *of the Federal Aviation Administration shall conduct an*
 20 *outreach effort to make airports aware of the higher cost*
 21 *share authority established in section 47109(g) of title 49,*
 22 *United States Code, as added by subsection (a).*

23 *(c) FORWARD-LOOKING AIRPORT REIMBURSE-*
 24 *MENTS.—Not later than 18 months after the date of enact-*
 25 *ment of this Act, the Administrator of the Federal Aviation*

1 *Administration shall provide a briefing to the Committee*
 2 *on Commerce, Science, and Transportation of the Senate*
 3 *and the Committee on Transportation and Infrastructure*
 4 *of the House of Representatives that reviews—*

5 (1) *potential options for Congress to reimburse*
 6 *airports that—*

7 (A) *are certificated under part 139 of title*
 8 *14, Code of Federal Regulations; and*

9 (B) *acquired covered equipment (as defined*
 10 *in section 47109(g) of title 49, United States*
 11 *Code) as added by subsection (a)—*

12 (i) *with Federal funding but with a*
 13 *Government's share less than 100 percent;*
 14 *or*

15 (ii) *without Federal funding;*

16 (2) *information relevant to estimating the poten-*
 17 *tial cost of providing such reimbursement;*

18 (3) *the status of the Federal Aviation Adminis-*
 19 *tration's outreach efforts as required under subsection*
 20 *(b); and*

21 (4) *any additional information the Adminis-*
 22 *trator of the Federal Aviation Administration con-*
 23 *siders appropriate.*

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