

tice of a usage or spill of greater than 10 gallons of concentrate, or greater than 300 gallons of mixed foam. Each such notice shall include each of the following information:

- (1) The name of the installation where the usage or spill occurred.
- (2) The date on which the usage or spill occurred.
- (3) The amount, type, and specified concentration of aqueous film-forming foam that was used or spilled.
- (4) The cause of the usage or spill.
- (5) A summary narrative of the usage or spill.

(b) ACTION PLAN.—Not later than 60 days after submitting notice of a usage or spill under subsection (a), the Deputy Assistant Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an action plan for addressing such usage or spill. The action plan shall include the following:

- (1) A description of what actions have been taken to arrest and clean up a spill.
- (2) A description of any coordination with relevant local and State environmental protection agencies.

(Added Pub. L. 116-283, div. A, title III, §318(a), Jan. 1, 2021, 134 Stat. 3519.)

**§ 2713. Native American lands environmental mitigation program**

(a) ESTABLISHMENT.—The Secretary of Defense may establish and carry out a program to mitigate the environmental effects of actions by the Department of Defense on Indian lands and on other locations where the Department, an Indian tribe, and the current land owner agree that such mitigation is appropriate.

(b) PROGRAM ACTIVITIES.—The activities that may be carried out under the program established under subsection (a) are the following:

- (1) Identification, investigation, and documentation of suspected environmental effects attributable to past actions by the Department of Defense.
- (2) Development of mitigation options for such environmental effects, including development of cost-to-complete estimates and a system for prioritizing mitigation actions.
- (3) Direct mitigation actions that the Secretary determines are necessary and appropriate to mitigate the adverse environmental effects of past actions by the Department.
- (4) Demolition and removal of unsafe buildings and structures used by, under the jurisdiction of, or formerly used by or under the jurisdiction of the Department.
- (5) Training, technical assistance, and administrative support to facilitate the meaningful participation of Indian tribes in mitigation actions under the program.
- (6) Development and execution of a policy governing consultation with Indian tribes that have been or may be affected by action by the Department, including training personnel of the Department to ensure compliance with the policy.

(c) COOPERATIVE AGREEMENTS.—(1) In carrying out the program established under subsection

(a), the Secretary of Defense may enter into a cooperative agreement with an Indian tribe or an instrumentality of tribal government.

(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit of the United States Government.

(3) A cooperative agreement under this section for the procurement of severable services may begin in one fiscal year and end in another fiscal year only if the total period of performance does not exceed two calendar years.

(d) DEFINITIONS.—In this section:

- (1) The term “Indian land” includes—
  - (A) any land located within the boundaries and a part of an Indian reservation, pueblo, or rancheria;
  - (B) any land that has been allotted to an individual Indian but has not been conveyed to such Indian with full power of alienation;
  - (C) Alaska Native village and regional corporation lands; and
  - (D) lands and waters upon which any federally recognized Indian tribe has rights reserved by treaty, Act of Congress, or action by the President.
- (2) The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(e) LIMITATION.—Nothing in this section shall be interpreted to require, compel, or otherwise authorize access to any lands without the landowner’s consent.

(Added Pub. L. 116-283, div. A, title III, §319(a), Jan. 1, 2021, 134 Stat. 3520.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (d)(2), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

**CHAPTER 161—PROPERTY RECORDS AND REPORT OF THEFT OR LOSS OF CERTAIN PROPERTY**

Sec.	
2721.	Property records: maintenance on quantitative and monetary basis.
2722.	Theft or loss of ammunition, destructive devices, and explosives: report to Secretary of the Treasury.
2723.	Notice to congressional committees of certain security and counterintelligence failures within defense programs.

AMENDMENTS

1999—Pub. L. 106-65, div. A, title X, §1042(b), Oct. 5, 1999, 113 Stat. 760, added item 2723.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(17)(B), Dec. 5, 1991, 105 Stat. 1473, substituted “Property records: maintenance on quantitative and monetary basis” for “Basis” in item 2721.

1990—Pub. L. 101-510, div. A, title XIII, §1331(7), Nov. 5, 1990, 104 Stat. 1673, substituted “Basis” for “Basis: reports” in item 2721.