

tives 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 rancharia;
- (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.)

**Editorial Notes**

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.

**§ 2714. Perfluoroalkyl Substances and Polyfluoroalkyl Substances Task Force**

(a) IN GENERAL.—The Secretary of Defense shall establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense (in this section referred to as the “PFAS Task Force”).

(b) MEMBERSHIP.—The members of the PFAS Task Force are the following:

- (1) The Assistant Secretary of Defense for Energy, Installations, and Environment.
- (2) The Assistant Secretary of the Army for Installations, Energy, and Environment.
- (3) The Assistant Secretary of the Navy for Energy, Installations, and Environment.
- (4) The Assistant Secretary of the Air Force for Installations, Environment, and Energy.
- (5) The Assistant Secretary of Defense for Health Affairs.

(c) CHAIRMAN.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall be the chairman of the PFAS Task Force.

(d) SUPPORT.—The Under Secretary of Defense for Personnel and Readiness and such other individuals as the Secretary of Defense considers appropriate shall support the activities of the PFAS Task Force.

(e) DUTIES.—The duties of the PFAS Task Force are the following:

- (1) Monitoring the health aspects of exposure to perfluoroalkyl substances and polyfluoroalkyl substances, as found by the Secretary of Health and Human Services.
- (2) Identifying, and funding the procurement of, an effective alternative to firefighting

foam containing perfluoroalkyl substances or polyfluoroalkyl substances.

(3) Coordinating within the Department of Defense with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(4) Assessing the perceptions of Congress and the public of the efforts of the Department of Defense with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department.

(f) REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and quarterly thereafter, the Chairman of the PFAS Task Force shall submit to Congress a report on the activities of the task force.

(g) DEFINITIONS.—In this section:

(1) The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(2) The term “polyfluoroalkyl substance” means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(Added Pub. L. 117–81, div. A, title III, §341(a), Dec. 27, 2021, 135 Stat. 1641.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, referred to in subsec. (f), is the date of enactment of Pub. L. 117–81, which was approved Dec. 27, 2021.

#### § 2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at military installations and facilities of the National Guard

(a) IN GENERAL.—Not later than two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary of Defense shall complete preliminary assessment and site inspection testing for perfluoroalkyl substances and polyfluoroalkyl substances at all military installations and facilities of the National Guard located in the United States that are identified as of March 31, 2021, as having a release of perfluoroalkyl substances or polyfluoroalkyl substances.

(b) DETERMINATION OF CONTAMINATION.—Testing conducted under subsection (a) at a military installation or facility of the National Guard shall determine—

(1) whether the installation or facility has contamination from a perfluoroalkyl substance or polyfluoroalkyl substance; and

(2) whether activities in connection with such installation or facility have caused contamination from a perfluoroalkyl substance or polyfluoroalkyl substance outside of such installation or facility.

(c) ADDITIONAL RESPONSE ACTIONS.—Testing conducted under subsection (a) shall provide at least a preliminary basis for determining whether additional environmental response actions are necessary to address contamination from a

perfluoroalkyl substance or polyfluoroalkyl substance.

(d) TYPE OF TESTING.—When testing for perfluoroalkyl substances or polyfluoroalkyl substances under subsection (a) or any other provision of law, the Secretary shall use a method to measure for all perfluoroalkyl substances or polyfluoroalkyl substances in drinking water that has been validated by the Administrator of the Environmental Protection Agency.

(e) DEFINITIONS.—In this section:

(1) The term “military installation” has the meaning given such term in section 2801(c)(4) of this title.

(2) The terms “perfluoroalkyl substance” and “polyfluoroalkyl substance” have the meanings given such terms in section 2714 of this title.

(Added Pub. L. 117–81, div. A, title III, §341(a), Dec. 27, 2021, 135 Stat. 1642.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, referred to in subsec. (a), is the date of enactment of Pub. L. 117–81, which was approved Dec. 27, 2021.

#### Statutory Notes and Related Subsidiaries

PUBLIC DISCLOSURE OF RESULTS OF DEPARTMENT OF DEFENSE TESTING OF WATER FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES

Pub. L. 117–81, div. A, title III, §345, Dec. 27, 2021, 135 Stat. 1645, provided that:

“(a) PUBLIC DISCLOSURE OF RESULTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 20 days after the receipt of a final result of testing water for perfluoroalkyl or polyfluoroalkyl substances (commonly referred to as ‘PFAS’) in a covered area, the Secretary of Defense shall publicly disclose such final result, including—

“(A) the results of all such testing conducted in the covered area by the Department of Defense; and

“(B) the results of all such testing conducted in the covered area by a non-Department entity (including any Federal agency and any public or private entity) under a contract, or pursuant to an agreement, with the Department of Defense.

“(2) CONSENT BY PRIVATE PROPERTY OWNERS.—The Secretary of Defense may not publicly disclose the results of testing for perfluoroalkyl or polyfluoroalkyl substances conducted on private property without the consent of the property owner.

“(b) PUBLIC DISCLOSURE OF PLANNED TESTING OF WATER.—Not later than 180 days after the date of the enactment of the Act [Dec. 27, 2021], and every 90 days thereafter, the Secretary of Defense shall publicly disclose the anticipated timeline for, and general location of, any planned testing for perfluoroalkyl or polyfluoroalkyl substances proposed to be conducted in a covered area, including—

“(1) all such testing to be conducted by the Department of Defense; and

“(2) all such testing to be conducted by a non-Department entity (including any Federal agency and any public or private entity) under a contract, or pursuant to an agreement, with the Department.

“(c) NATURE OF DISCLOSURE.—The Secretary of Defense may satisfy the disclosure requirements under subsections (a) and (b) by publishing the results and information referred to in such subsections—

“(1) on the publicly available website established under section 331(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C 2701 note);