

118TH CONGRESS
1ST SESSION

S. 2271

To require community engagement and reporting relating to activities of the Department of Defense with respect to perfluoroalkyl substances and polyfluoroalkyl substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2023

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require community engagement and reporting relating to activities of the Department of Defense with respect to perfluoroalkyl substances and polyfluoroalkyl substances, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Community En-
5 gagement and Transparency Act”.

1 **SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2 In this Act, the term “congressional defense commit-
3 tees” has the meaning given that term in section
4 101(a)(16) of title 10, United States Code.

5 **SEC. 3. OFFICE FOR ENGAGEMENT WITH COMMUNITIES IM-**
6 **PACTED BY PFAS CONTAMINATION.**

7 (a) ESTABLISHMENT.—The Under Secretary of De-
8 fense for Acquisition and Sustainment shall establish,
9 under the Assistant Secretary of Defense for Energy, In-
10 stallations, and Environment, an office to be known as the
11 Office for Engagement with Communities Impacted by
12 PFAS Contamination (referred to in this section as the
13 “Office”).

14 (b) DUTIES.—The Office shall be responsible for—

15 (1) leading engagement by the Department of
16 Defense with communities impacted by releases of
17 perfluoroalkyl substances and polyfluoroalkyl sub-
18 stances through activities of the Department;

19 (2) working in cooperation with the appropriate
20 entities of the military departments responsible for
21 testing, remediation, and outreach relating to such
22 substances;

23 (3) coordinating with the military departments
24 to develop and maintain informational resources for
25 communities and individuals experiencing contami-

1 nation from such substances associated with installa-
2 tions of the Department of Defense; and

3 (4) such other duties as the Assistant Secretary
4 of Defense for Energy, Installations, and Environ-
5 ment may determine appropriate.

6 (c) INITIAL BRIEFING.—Not later than 90 days after
7 the date of the enactment of this Act, the Under Secretary
8 of Defense for Acquisition and Sustainment shall brief the
9 congressional defense committees on the resources, organi-
10 zation, and other matters required to establish the Office.

11 (d) ANNUAL REPORT.—Not later than one year after
12 the date of the enactment of this Act, and annually there-
13 after, the Under Secretary of Defense for Acquisition and
14 Sustainment shall submit to the congressional defense
15 committees a report on metrics relating to community en-
16 gagement conducted by the Office.

17 **SEC. 4. TECHNICAL ASSISTANCE FOR COMMUNITIES AND**
18 **INDIVIDUALS POTENTIALLY AFFECTED BY**
19 **RELEASES AT CURRENT AND FORMER DE-**
20 **PARTMENT OF DEFENSE FACILITIES.**

21 (a) TECHNICAL ASSISTANCE FOR NAVIGATION OF
22 RESPONSE ACTIONS.—

23 (1) IN GENERAL.—Beginning not later than
24 180 days after the date of the enactment of this Act,
25 and subject to such amounts as are provided in ap-

1 appropriations Acts, the Secretary of Defense, acting
2 through the Director of the Office of Local Defense
3 Community Cooperation, shall furnish technical as-
4 sistance services described in paragraph (3) to com-
5 munities, or individuals who are members thereof,
6 that may be affected by a release or threatened re-
7 lease of a pollutant at a facility under the jurisdic-
8 tion of, or formerly used by or under the jurisdiction
9 of, the Department of Defense.

10 (2) IMPLEMENTATION.—The Secretary, acting
11 through the Director of the Office of Local Defense
12 Community Cooperation, may furnish technical as-
13 sistance services pursuant to paragraph (1) through
14 a Federal interagency agreement, a private service
15 provider, or a cooperative agreement entered into
16 with a nonprofit organization.

17 (3) SERVICES PROVIDED.—The technical assist-
18 ance services described in this paragraph are serv-
19 ices to improve public participation in, or assist in
20 the navigation of, environmental response efforts, in-
21 cluding—

22 (A) the provision of advice and guidance to
23 a community or individual specified in para-
24 graph (1) regarding additional technical assist-
25 ance with respect to which such community or

1 individual may be eligible (including pursuant
2 to subsection (b));

3 (B) the interpretation of site-related docu-
4 ments;

5 (C) the interpretation of health-related in-
6 formation;

7 (D) assistance with the preparation of pub-
8 lic comments; and

9 (E) the development of outreach materials
10 to improve public participation.

11 (b) GRANTS FOR TECHNICAL ASSISTANCE.—

12 (1) AUTHORITY.—Beginning not later than 180
13 days after the date of the enactment of this Act, and
14 subject to such amounts as are provided in appro-
15 priations Acts, the Secretary of Defense, acting
16 through the Director of the Office of Local Defense
17 Community Cooperation, shall administer a grant
18 program under which the Director may award a
19 grant to a community, or individuals who are mem-
20 bers thereof, that may be affected by a release or
21 threatened release of a pollutant at a facility under
22 the jurisdiction of, or formerly used by or under the
23 jurisdiction of, the Department of Defense.

24 (2) USE OF AMOUNTS.—Funds provided under
25 a grant awarded pursuant to paragraph (1) in con-

1 nection with a release or threatened release of a pol-
2 lutant at a facility may be used by the grant recipi-
3 ent only to obtain technical assistance and services
4 for public participation in various stages of the proc-
5 esses of response, remediation, and removal actions
6 at the facility, including—

7 (A) interpreting the nature of the release
8 or threatened release, including monitoring and
9 testing plans and reports associated with site
10 assessment and characterization at the facility;

11 (B) interpreting documents, plans, pro-
12 posed actions, and final decisions related to—

13 (i) an interim remedial action;

14 (ii) a remedial investigation or feasi-
15 bility study;

16 (iii) a record of decision;

17 (iv) a remedial design;

18 (v) the selection and construction of
19 remedial action;

20 (vi) operation and maintenance; and

21 (vii) a five-year review at the facility;

22 (C) a removal action at such facility; and

23 (D) services specified under subsection

24 (a)(3).

1 (c) PROHIBITION ON USE OF AMOUNTS.—None of
2 the amounts made available under this section may be
3 used for the purpose of conducting—

4 (1) lobbying activities; or

5 (2) legal challenges of final decisions of the De-
6 partment of Defense.

7 **SEC. 5. DASHBOARD OF FUNDING RELATING TO**
8 **PERFLUOROALKYL SUBSTANCES AND**
9 **POLYFLUOROALKYL SUBSTANCES.**

10 The Secretary of Defense shall include with the sub-
11 mission to Congress by the President of the annual budget
12 of the Department of Defense for a fiscal year under sec-
13 tion 1105(a) of title 31, United States Code, a separate
14 budget justification document that consolidates all infor-
15 mation pertaining to activities of the Department of De-
16 fense relating to perfluoroalkyl substances and
17 polyfluoroalkyl substances, including funding for and de-
18 scriptions of—

19 (1) research and development efforts;

20 (2) testing;

21 (3) remediation;

22 (4) contaminant disposal;

23 (5) community outreach; and

24 (6) unfunded requirements.

1 **SEC. 6. BIENNIAL REPORT ON TESTING AND REMEDIATION**
2 **OF PERFLUOROALKYL SUBSTANCES AND**
3 **POLYFLUOROALKYL SUBSTANCES.**

4 (a) **IN GENERAL.**—Not later than 270 days after the
5 date of the enactment of this Act, and once every two
6 years thereafter, the Secretary of Defense shall submit to
7 the congressional defense committees a report on the sta-
8 tus of testing for and remediation of perfluoroalkyl sub-
9 stances and polyfluoroalkyl substances at current or
10 former military installations in the United States.

11 (b) **ELEMENTS.**—At a minimum, each report re-
12 quired under subsection (a) shall include—

13 (1) a list of all current or former military in-
14 stallations assessed to have been contaminated by
15 perfluoroalkyl substances or polyfluoroalkyl sub-
16 stances; and

17 (2) the current testing or remediation status of
18 those installations, including remediation phase, esti-
19 mated cost-to-complete, and estimated schedule, in-
20 cluding the estimated number of sites anticipated to
21 reach completion of remedy construction within
22 three years of the date of submission of the report.

1 **SEC. 7. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
2 **ON TESTING AND REMEDIATION OF**
3 **PERFLUOROALKYL SUBSTANCES AND**
4 **POLYFLUOROALKYL SUBSTANCES.**

5 Not later than one year after the date of the enact-
6 ment of this Act, and once every five years thereafter, the
7 Comptroller General of the United States shall submit to
8 the congressional defense committees a report assessing
9 the state of ongoing testing and remediation by the De-
10 partment of Defense of current or former military installa-
11 tions contaminated with perfluoroalkyl substances or
12 polyfluoroalkyl substances, including—

13 (1) assessments of the thoroughness, pace, and
14 cost-effectiveness of efforts of the Department to
15 conduct testing and remediation relating to those
16 substances;

17 (2) recommendations to improve those efforts;
18 and

19 (3) such other matters as the Comptroller Gen-
20 eral determines appropriate.

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