

“(1) The initial inventory required by subsection (a) of such section shall be completed not later than May 31, 2003.

“(2) The proposed prioritization protocol required by subsection (b) of such section shall be available for public comment not later than November 30, 2002.”

§ 2711. Annual report on defense environmental programs

(a) **REPORT REQUIRED.**—Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report on progress made by environmental programs of the Department of Defense during the preceding fiscal year.

(b) **ELEMENTS.**—Each report under subsection (a) shall include, for the year covered by the report, the following:

(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, information on the Defense Environmental Restoration Program under section 2701 of this title, including—

(A) the total number of sites at which such program was carried out;

(B) the progress of remediation for sites that have not yet completed cleanup;

(C) the remaining cost to complete cleanup of known sites; and

(D) an assessment by the Secretary of Defense of the overall progress of such program.

(2) An assessment by the Secretary of achievements for environmental conservation and planning by the Department.

(3) An assessment by the Secretary of achievements for environmental compliance by the Department.

(4) An assessment by the Secretary of achievements for climate resiliency by the Department.

(5) An assessment by the Secretary of the progress made by the Department in achieving the objectives and goals of the Environmental Technology Program of the Department.

(c) **CONSOLIDATION.**—The Secretary of Defense may consolidate, attach with, or otherwise include in any report required under subsection (a) any annual report or other requirement that is aligned or associated with, or would be better understood if presented as part of a consolidated report addressing environmental restoration, compliance, and resilience.

(Added Pub. L. 112–81, div. A, title III, §317(a), Dec. 31, 2011, 125 Stat. 1359; amended Pub. L. 117–263, div. A, title III, §314(a), Dec. 23, 2022, 136 Stat. 2503.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263 added subsecs. (a) to (c) and struck out former subsecs. (a) and (b) which related to report required and definitions, respectively.

Statutory Notes and Related Subsidiaries

REPORTING ON LEAD SERVICE LINES AND LEAD PLUMBING

Pub. L. 117–263, div. B, title XXVIII, §2853, Dec. 23, 2022, 136 Stat. 3009, provided that:

“(a) **INITIAL REPORT.**—Not later than January 1, 2025, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that includes—

“(1) a list of military installations (including Government-owned family housing facilities), military housing, and privatized military housing projects that, as of the date of the report, are being serviced by lead service lines or lead plumbing for the purposes of receiving drinking water;

“(2) an evaluation of whether military installations and privatized military housing projects are in compliance with the Lead and Copper Rule and, to the extent that such installations and projects are not in compliance, an identification of—

“(A) the name and location of each such installation or project that is not in compliance; and

“(B) the timeline and plan for bringing each such installation or project into compliance; and

“(3) an identification of steps and resources needed to remove any remaining lead plumbing from military installations and housing.

“(b) **INCLUSION OF INFORMATION IN ANNUAL REPORT.**—If, after reviewing the initial report required under subsection (a), the Secretary of Defense finds that any military installation or privatized family housing project is not in compliance with the Lead and Copper Rule, the Secretary shall include in the annual report on defense environmental programs required under section 2711 of title 10, United States Code, for each year after the year in which the initial report is submitted, an update on the efforts of the Secretary, including negotiations with privatized military family housing providers, to fully comply with the Lead and Copper Rule.”

§ 2712. Reporting on usage and spills of aqueous film-forming foam

(a) **IN GENERAL.**—Not later than 48 hours after the Deputy Assistant Secretary of Defense for Environment receives notice of the usage or spill of aqueous film forming foam, either as concentrate or mixed foam, at any military installation, the Deputy Assistant Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives notice 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 five 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; amended Pub. L. 118-159, div. A, title III, §312, Dec. 23, 2024, 138 Stat. 1851.)

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.

AMENDMENTS

2024—Subsec. (c)(3). Pub. L. 118-159 substituted “five calendar years” for “two calendar years”.

§ 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.