

118TH CONGRESS  
1ST SESSION

# S. 2130

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

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

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## 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. LIMITATION ON AVAILABILITY OF TRAVEL FUNDS**  
8 **UNTIL SUBMITTAL OF PLAN FOR RESTORING**  
9 **DATA SHARING ON TESTING OF WATER FOR**  
10 **PERFLUOROALKYL OR POLYFLUOROALKYL**  
11 **SUBSTANCES.**

12 (a) IN GENERAL.—Of the funds authorized to be ap-  
13 propriated by this Act for operation and maintenance, de-  
14 fense-wide, for travel for the Office of the Under Secretary  
15 of Defense for Acquisition and Sustainment, not more  
16 than 75 percent may be obligated or expended until the  
17 Under Secretary of Defense for Acquisition and  
18 Sustainment submits to the congressional defense commit-  
19 tees a plan to restore data sharing pertaining to the test-  
20 ing of water for perfluoroalkyl or polyfluoroalkyl sub-  
21 stances, as required under section 345 of the National De-  
22 fense Authorization Act for Fiscal Year 2022 (Public Law  
23 117–81; 10 U.S.C. 2715 note), which shall include the fol-  
24 lowing:

1           (1) A plan to restore data sharing with each  
2 relevant State agency tasked with regulation of envi-  
3 ronmental contamination by perfluoroalkyl or  
4 polyfluoroalkyl substances in each State or territory  
5 of the United States.

6           (2) A plan to restore data sharing with restora-  
7 tion advisory boards established under section  
8 2705(d) of title 10, United States Code.

9           (3) Information on the geographic specificity of  
10 the data to be provided under paragraphs (1) and  
11 (2) and a timeline for the implementation of the  
12 plans under such paragraphs.

13       (b) INABILITY TO MEET TRANSPARENCY REQUIRE-  
14 MENTS.—If the Under Secretary of Defense for Acquisi-  
15 tion and Sustainment determines that they are unable to  
16 meet the requirements under subsection (a), the Under  
17 Secretary shall brief the congressional defense committees  
18 on the rationale for why the restoration of data sharing  
19 required under such subsection is not possible, including  
20 a description of any legislative action required to restore  
21 such data sharing.



1 **SEC. 6. DASHBOARD OF FUNDING RELATING TO**  
2 **PERFLUOROALKYL SUBSTANCES AND**  
3 **POLYFLUOROALKYL SUBSTANCES.**

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

- 13 (1) research and development efforts;  
14 (2) testing;  
15 (3) remediation;  
16 (4) contaminant disposal;  
17 (5) community outreach; and  
18 (6) unfunded requirements.

19 **SEC. 7. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
20 **ON TESTING AND REMEDIATION OF**  
21 **PERFLUOROALKYL SUBSTANCES AND**  
22 **POLYFLUOROALKYL SUBSTANCES.**

23 Not later than one year after the date of the enact-  
24 ment of this Act, and once every five years thereafter, the  
25 Comptroller General of the United States shall submit to  
26 the congressional defense committees a report assessing

1 the state of ongoing testing and remediation by the De-  
2 partment of Defense of current or former military installa-  
3 tions contaminated with perfluoroalkyl substances or  
4 polyfluoroalkyl substances, including—

5           (1) assessments of the thoroughness, pace, and  
6           cost-effectiveness of efforts of the Department to  
7           conduct testing and remediation relating to those  
8           substances;

9           (2) recommendations to improve those efforts;  
10          and

11           (3) such other matters as the Comptroller Gen-  
12          eral determines appropriate.

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