

103D CONGRESS
2D SESSION

S. 2223

To amend title 10, United States Code, to authorize the Secretary of Defense to provide assistance to promote public participation in defense environmental restoration activities.

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 7), 1994

Mr. KOHL (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize the Secretary of Defense to provide assistance to promote public participation in defense environmental restoration activities.

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. ASSISTANCE FOR PUBLIC PARTICIPATION IN**

4 **DEFENSE ENVIRONMENTAL RESTORATION**

5 **ACTIVITIES.**

6 (a) ESTABLISHMENT OF RESTORATION ADVISORY

7 BOARDS.—Section 2705 of title 10, United States Code,

8 is amended by adding after subsection (c) the following:

1 “(d) RESTORATION ADVISORY BOARD.—In lieu of es-
2 tablishing a technical review committee under subsection
3 (c), the Secretary may permit the establishment of a res-
4 toration advisory board in connection with any installation
5 (or group of nearby installations) where the Secretary is
6 planning or implementing environmental restoration ac-
7 tivities. The Secretary shall prescribe regulations regard-
8 ing the characteristics, composition, and establishment of
9 restoration advisory boards pursuant to this subsection.
10 The Secretary shall provide for the payment of routine ad-
11 ministrative expenses of a restoration advisory board from
12 funds available for the operation and maintenance of the
13 installation (or installations) for which the board is estab-
14 lished.”.

15 (b) ASSISTANCE FOR CITIZEN PARTICIPATION ON
16 TECHNICAL REVIEW BOARDS AND RESTORATION ADVI-
17 SORY BOARDS.—Such section is further amended by add-
18 ing after subsection (d), as added by subsection (a), the
19 following:

20 “(e) ASSISTANCE FOR CITIZEN PARTICIPATION.—
21 (1)(A) Subject to subparagraph (B), the Secretary shall
22 make grants using amounts available under paragraph (5)
23 to facilitate the participation of individuals from the pri-
24 vate sector on technical review committees and restoration
25 advisory boards for the purpose of ensuring public input

1 into the planning and implementation of environmental
2 restoration activities at installations where such commit-
3 tees and boards are in operation. Such grants shall be
4 made through an appropriate trustee selected pursuant to
5 regulations prescribed by the Secretary for that purpose.

6 “(B) A committee or advisory board for an installa-
7 tion is eligible for grants under this subsection only if the
8 committee or board is composed of individuals from the
9 private sector who reside in a community in the vicinity
10 of the installation and who are not potentially responsible
11 parties with respect to environmental hazards at the in-
12 stallation.

13 “(2) Individuals who are local community members
14 of a technical review committee or restoration advisory
15 board may use a grant awarded under this subsection
16 only—

17 “(A) to obtain technical assistance in interpret-
18 ing scientific and engineering issues with regard to
19 the nature of environmental hazards at an installa-
20 tion and the restoration activities proposed or con-
21 ducted at the installation; and

22 “(B) to assist such members and affected citi-
23 zens to participate more effectively in environmental
24 restoration activities at the installation.

1 “(3) The members of a technical review committee
2 or technical advisory board may, in the sole discretion of
3 such members, employ technical or other experts.

4 “(4) The total amount of funds to be provided under
5 this subsection in a fiscal year to a technical review com-
6 mittee or restoration advisory board established for a par-
7 ticular installation (or group of installations) may not ex-
8 ceed the lesser of—

9 “(A) one tenth of one percent of the total cost
10 of environmental restoration activities at the instal-
11 lation (or group of installations); or

12 “(B) \$100,000.

13 “(5)(A) Subject to subparagraph (B), the Secretary
14 shall make grants under this subsection using funds in
15 the following accounts:

16 “(i) The Defense Environmental Restoration
17 Account established in section 2703(a) of this title.

18 “(ii) In the case of a technical review committee
19 or restoration advisory board established for a mili-
20 tary installation to be closed or realigned, the De-
21 partment of Defense Base Closure Account 1990 es-
22 tablished under section 2906(a) of the Defense Base
23 Closure and Realignment Act of 1990 (part A of
24 title XXIX of Public Law 101–510; 10 U.S.C. 2687
25 note).

1 “(B) The total amount of funds available for grants
2 under this subsection for a fiscal year may not exceed the
3 lesser of—

4 “(i) one quarter of one percent of the appro-
5 priated funds available to the Secretary through the
6 accounts referred to in subparagraph (A); or
7 “(ii) \$7,500,000.”.

8 (c) INVOLVEMENT OF COMMITTEES AND BOARDS IN
9 DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—
10 Such section is further amended by adding after sub-
11 section (e), as added by subsection (b), the following:

12 “(f) INVOLVEMENT IN DEFENSE ENVIRONMENTAL
13 RESTORATION PROGRAM.—If a technical review commit-
14 tee or restoration advisory board is established with re-
15 spect to an installation, the Secretary shall consult with
16 and seek the advice of the committee or board on the fol-
17 lowing issues:

18 “(1) Identifying environmental restoration ac-
19 tivities and projects at the installation.

20 “(2) Monitoring progress on these activities and
21 projects.

22 “(3) Collecting information regarding restora-
23 tion priorities for the installation.

24 “(4) Addressing land use, level of restoration,
25 acceptable risk, and waste management and tech-

1 nology development issues related to environmental
2 restoration at the installation.

3 “(5) Developing environmental restoration
4 strategies for the installation.”.

5 (d) IMPLEMENTATION REQUIREMENTS.—Not later
6 than 180 days after the date of the enactment of this Act,
7 the Secretary of Defense shall—

8 (1) prescribe the regulations required under
9 subsections (d) and (e)(1) of title 10, United States
10 Code, as added by this section; and

11 (2) take appropriate actions to notify the public
12 of the availability of technical assistance grants
13 under subsection (e) of such section, as so added.

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