SEC. ___. CLARIFICATION OF SUPPORT ACTIVITIES OF THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.

Section 2704(c) of title 10, United States Code, is amended by striking "section 104(i) of CERCLA (42 U.S.C. 9604(i))" and inserting "section 104(i)(6) of CERCLA (42 U.S.C. 9604(i)(6))".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would make a technical correction to the Defense Environmental Restoration Program (DERP) statute to accurately reflect current practice. The current reference to "section 104(i) of CERCLA" is overbroad in that subsection (i) contains far more material than is relevant to the purpose of the cross-reference in section 2704(c) of the DERP. Only the statutory material in paragraph (6) of section 104(i) is relevant to the cross-reference. This amendment would clarify the cross-reference to avoid confusion and to reflect the actual practice between the Department of Defense and the Agency for Toxic Substances and Disease Registry.

Budget Implications: This proposal has no budgetary effect. It would reflect current DoD practices of implementing the congressional intent of this statute and is funded in the Fiscal Year 2019 President's Budget Request.

RESOURCE REQUIREMENTS ($ MILLIONS)									
	FY 2019	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
ATSDR Funding, Army ER	$0.159	$0.162	$0.165	$0.168	$0.169	Operations and Maintenance, Environmental Restoration, Army	01	0810AX-493_01	01000049 493_01
ATSDR Funding, Navy ER	$1.506	$1.290	$1.075	$0.860	$0.500	Operations and Maintenance, Environmental Restoration, Navy	02	0810NX-044G_01	02000045 044G_01
ATSDR Funding, Navy BRAC	$0.177	$0.177	$0.177	$0.177	$0.177	BRAC, Navy	01	N/A	N/A
ATSDR Funding, Air Force ER	$0.571	$0.582	$0.594	$0.606	$0.618	Operations and Maintenance, Environmental Restoration, Air Force	03	0810FX-042G_01	03000045 042G_01

ATSDR Funding, Air Force BRAC	$0.356	$0.364	$0.371	$0.379	$0.387	BRAC, Air Force	01	N/A	N/A
ATSDR Funding, FUDS	$0.156	$0.159	$0.162	$0.166	$0.169	Operations and Maintenance, Environmental Restoration, FUDS	05	0811DX-047G_01	05000045 047G_01
Total	$2.925	$2.734	$2.544	$2.356	$2.020	N/A	N/A	N/A	N/A

Changes to Existing Law: This proposal would make the following changes to section 2704 of title 10, United States Code:

§2704. Commonly found unregulated hazardous substances

*****

(c) DOD SUPPORT.—The Secretary of Defense shall transfer to the Secretary of Health and Human Services such toxicological data, such sums from amounts appropriated to the Department of Defense, and such personnel of the Department of Defense as may be necessary (1) for the preparation of toxicological profiles under subsection (b) or (2) for other health related activities under section 104(i)**(6)** of CERCLA (42 U.S.C. 9604(i)**(6)**). The Secretary of Defense and the Secretary of Health and Human Services shall enter into a memorandum of understanding regarding the manner in which this section shall be carried out, including the manner for transferring funds and personnel and for coordination of activities under this section.

*****