

authorized under subchapter IV of this chapter at Ford Island.

(j) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.**—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of this title.

(2) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(3) Subchapter II of chapter 5 and sections 541–555 of title 40.

(k) **SCORING.**—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget and Emergency Deficit Control Act of 1985.

(l) **PROPERTY SUPPORT SERVICE DEFINED.**—In this section, the term “property support service” means the following:

(1) Any utility service or other service listed in section 2686(a) of this title.

(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

(Added Pub. L. 106–65, div. B, title XXVIII, §2802(a)(1), Oct. 5, 1999, 113 Stat. 845; amended Pub. L. 106–398, §1 [[div. A], title X, §1087(a)(16)], Oct. 30, 2000, 114 Stat. 1654, 1654A–291; Pub. L. 107–107, div. A, title X, §1048(d)(1), Dec. 28, 2001, 115 Stat. 1227; Pub. L. 107–217, §3(b)(18), Aug. 21, 2002, 116 Stat. 1296; Pub. L. 111–383, div. B, title XXVIII, §2803(c), Jan. 7, 2011, 124 Stat. 4459; Pub. L. 115–91, div. B, title XXVIII, §2801(a)(11), Dec. 12, 2017, 131 Stat. 1842.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (k), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

##### AMENDMENTS

2017—Subsec. (g). Pub. L. 115–91 added subsec. (g) and struck out former subsec. (g) which set out notice and wait requirements for a transaction authorized by this section.

2011—Subsec. (g)(2). Pub. L. 111–383 inserted before period at end “or, if earlier, a period of 20 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

2002—Subsec. (j)(3). Pub. L. 107–217 substituted “Subchapter II of chapter 5 and sections 541–555 of title 40” for “Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)”.

2001—Subsec. (j)(2). Pub. L. 107–107 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

2000—Subsec. (k). Pub. L. 106–398 inserted “and” after “Balanced Budget”.

#### § 2815. Military installation resilience projects

(a) **PROJECTS REQUIRED.**—The Secretary of Defense shall carry out military construction projects for military installation resilience, in accordance with section 2802 of this title (except as provided in subsections (d)(3) and (e)).

(b) **CONGRESSIONAL NOTIFICATION.**—(1) When a decision is made to carry out a project under this section, the Secretary of Defense shall notify the congressional defense committees of that decision.

(2) The Secretary of Defense shall include in each notification submitted under paragraph (1) the rationale for how the project would—

- (A) enhance military installation resilience;
- (B) enhance mission assurance;
- (C) support mission critical functions; and
- (D) address known vulnerabilities.

(c) **TIMING OF PROJECTS.**—Except as provided in subsection (e)(2), a project may be carried out under this section only after the end of the 14-day period beginning on the date that notification with respect to that project under subsection (b) is received by the congressional defense committees in an electronic medium pursuant to section 480 of this title.

(d) **LOCATION OF PROJECTS.**—Projects carried out pursuant to this section may be carried out—

- (1) on a military installation;
- (2) on a facility used by the Department of Defense that is owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, even if the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the facility is subject to significant use by the armed forces for testing or training; or

(3) outside of a military installation or facility described in paragraph (2) if the Secretary concerned determines that the project would preserve or enhance the resilience of—

- (A) a military installation;
- (B) a facility described in paragraph (2); or
- (C) community infrastructure determined by the Secretary concerned to be necessary to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.

(e) **ALTERNATIVE FUNDING SOURCE.**—(1) In carrying out a project under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits a notification to the congressional defense committees of the decision to carry out the project using such amounts and includes in the notification—

- (A) the current estimate of the cost of the project;
- (B) the source of funds for the project; and
- (C) a certification that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the 7-day period beginning on the date on which a copy of the notification described in paragraph (1) is provided in an electronic medium pursuant to section 480 of this title.

(3) The maximum aggregate amount that the Secretary concerned may obligate from amounts available to the military department concerned for operation and maintenance in any fiscal year for projects under the authority of this subsection is \$125,000,000.

(f) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year until December 31, 2025, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the planned and active projects carried out under this section (including completed projects), and shall include in the report with respect to each such project the following information:

(1) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

(2) The information provided under subsection (b)(2).

(3) Such other information as the Secretary considers appropriate.

(Added Pub. L. 116–92, div. B, title XXVIII, § 2801(b)(1), Dec. 20, 2019, 133 Stat. 1880; amended Pub. L. 116–283, div. A, title III, § 315(a), Jan. 1, 2021, 134 Stat. 3514; Pub. L. 118–31, div. B, title XXVIII, § 2804, Dec. 22, 2023, 137 Stat. 744.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2815, added Pub. L. 106–398, § 1 [div. B, title XXVIII, § 2801(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–412; amended Pub. L. 107–314, div. A, title X, § 1062(a)(14), Dec. 2, 2002, 116 Stat. 2650, related to annual evaluation of joint use military construction projects, prior to repeal by Pub. L. 112–81, div. A, title X, § 1061(23)(A), Dec. 31, 2011, 125 Stat. 1584.

##### AMENDMENTS

2023—Subsec. (e)(3). Pub. L. 118–31 substituted “\$125,000,000” for “\$100,000,000”.

2021—Subsec. (a). Pub. L. 116–283, § 315(a)(1), inserted “(except as provided in subsections (d)(3) and (e))” before period at end.

Subsec. (c). Pub. L. 116–283, § 315(a)(2), substituted “Except as provided in subsection (e)(2), a project” for “A project”.

Subsecs. (d) to (f). Pub. L. 116–283, § 315(a)(3), (4), added subsecs. (d) and (e) and redesignated former subsec. (d) as (f).

#### § 2815a. Stormwater management, shoreline erosion control, and water resilience projects for installations and defense access roads

(a) PROJECTS AUTHORIZED.—The Secretary concerned may carry out one or more of the following projects on or related to a military installation:

(1) A stormwater management project for the purposes of—

(A) improving military installation resilience or the resilience of a defense access road or other essential civilian infrastructure supporting a military installation; and

(B) protecting nearby waterways and stormwater-stressed ecosystems.

(2) A shoreline erosion control project for the purpose of improving, protecting, or repairing shoreline to protect the infrastructure of a military installation or a defense access road.

(3) A project to provide water storage and filtration, flood mitigation, or otherwise support water resilience.

(b) PROJECT METHODS AND FUNDING SOURCES.—Using such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may carry out a project under this section as, or as part of, any of the following:

(1) An authorized military construction project.

(2) An unspecified minor military construction project under section 2805 of this title, including using appropriations available for operation and maintenance subject to the limitation in subsection (c) of such section.

(3) A military installation resilience project under section 2815 of this title, including the use of appropriations available for operations and maintenance subject to the limitation of subsection (e)(3) of such section.

(4) A defense community infrastructure resilience project under section 2391(d) of this title.

(5) A military installation resilience project under section 2684a of this title.

(6) A construction project under section 2914 of this title.

(7) A reserve component facility project under section 18233 of this title.

(8) A defense access road project under section 210 of title 23.

(c) PROJECT PRIORITIES.—In selecting projects to be carried out under this section, the Secretary concerned shall give a priority to a project proposal that—

(1) minimizes the runoff of untreated stormwater into freshwater systems or tidal systems;

(2) protects military installations and defense access roads from stormwater runoff and water levels resulting from extreme weather conditions;

(3) controls shoreline erosion control that involve the improvement, protection, or repair of shoreline subject to wave action or stormwater runoff and water levels resulting from extreme weather condition; or

(4) supports water resilience at military installations.

(d) PROJECT ACTIVITIES.—Activities carried out as part of a project under this section may include, but are not limited to, the following:

(1) The installation, expansion, or refurbishment of stormwater ponds and other water-slowing, retention, or filtration measures to address storm water management.

(2) The installation of permeable pavement in lieu of, or to replace existing, nonpermeable pavement.

(3) The use of planters, tree boxes, cisterns, and rain gardens to reduce stormwater runoff.

(4) The capture or storage of stormwater for use in supporting water resilience at a military installation.