

(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.

(5) The use of sheet piles, riprap, armor stone, sea walls, natural plantings, or any other technologies created to address shoreline erosion control.

(e) PROJECT COORDINATION.—(1) In the case of a project carried out under this section on or related to a military installation and any project related to the same installation carried out under section 2391, 2684, 2815, or 2914 of this title, the Secretary concerned shall ensure coordination between the projects regarding the water access, management, conservation, security, and resilience aspects of the projects.

(2) The Assistant Secretary of Defense for Energy, Installations, and Environment shall designate an official to be responsible for coordinating projects under this section among the military departments.

(f) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, each Secretary concerned shall submit to the congressional defense committees a report describing—

(A) the status of planned and active projects carried out by that Secretary under this section; and

(B) all projects completed by the Secretary concerned during the previous fiscal year.

(2) Each report shall include the following information with respect to each project described in the report:

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

(B) The rationale for how the project will—

(i) improve military installation resilience or the resilience of a defense access road or other essential civilian infrastructure supporting a military installation;

(ii) protect waterways and stormwater-stressed ecosystems;

(iii) improve, protect, or repair shoreline to protect infrastructure of a military installation or a defense access road from shoreline erosion; or

(iv) provide water storage and filtration, flood mitigation, or otherwise support water resilience.

(C) Such other information as the Secretary concerned considers appropriate.

(g) DEFINITIONS.—In this section:

(1) The term “defense access road” means a road certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.

(2) The terms “facility” and “State” have the meanings given those terms in section 18232 of this title.

(3) The term “military installation” includes a facility of a reserve component owned by a State rather than the United States.

(4) The term “military installation resilience” has the meaning given that term in section 101 of this title.

(5) The term “Secretary concerned” means—

(A) the Secretary of a military department with respect to military installations under the jurisdiction of that Secretary; and

(B) the Secretary of Defense with respect to matters concerning the Defense Agencies

and facilities of a reserve component owned by a State rather than the United States.

(6) The term “water resilience” means the capacity of a military installation to mitigate, respond, or adapt to changes in water availability due to manmade or natural phenomena.

(Added Pub. L. 117–81, div. B, title XXVIII, § 2803, Dec. 27, 2021, 135 Stat. 2186; amended Pub. L. 118–159, div. B, title XXVIII, § 2847, Dec. 23, 2024, 138 Stat. 2264.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, § 2847(a)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Stormwater management projects for installation and defense access road resilience and waterway and ecosystems conservation”.

Subsec. (a). Pub. L. 118–159, § 2847(a)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary concerned may carry out a stormwater management project on or related to a military installation for the purpose of—

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

“(2) protecting nearby waterways and stormwater-stressed ecosystems.”

Subsec. (b). Pub. L. 118–159, § 2847(a)(3)(A), struck out “stormwater management” before “project under this section” in introductory provisions.

Subsec. (b)(5) to (8). Pub. L. 118–159, § 2847(a)(3)(B), (C), added par.(5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

Subsec. (c). Pub. L. 118–159, § 2847(a)(4), amended subsec. (c) generally. Prior to amendment, text read as follows: “In selecting stormwater management projects to be carried out under this section, the Secretary concerned shall give a priority to project proposals involving the retrofitting of buildings and grounds on a military installation or retrofitting a defense access road to reduce stormwater runoff and ponding or standing water that includes the combination of stormwater runoff and water levels resulting from extreme weather conditions.”

Subsec. (d). Pub. L. 118–159, § 2847(a)(5)(A), struck out “stormwater management” before “project” in introductory provisions.

Subsec. (d)(1). Pub. L. 118–159, § 2847(a)(5)(B), substituted “, retention, or filtration measures to address storm water management” for “and retention measures”.

Subsec. (d)(4), (5). Pub. L. 118–159, § 2847(a)(5)(C), added pars. (4) and (5).

Subsec. (e). Pub. L. 118–159, § 2847(a)(6), designated existing provisions as par. (1), struck out “stormwater management” before “project carried”, substituted “section 2391, 2684,” for “section 2391(d),”, and added par. (2).

Subsec. (f)(1)(A). Pub. L. 118–159, § 2847(a)(7)(A), struck out “stormwater management” before “projects”.

Subsec. (f)(2). Pub. L. 118–159, § 2847(a)(7)(A), struck out “stormwater management” before “project” in introductory provisions.

Subsec. (f)(2)(B)(iii), (iv). Pub. L. 118–159, § 2847(a)(7)(B), added cls. (iii) and (iv).

Subsec. (g)(4). Pub. L. 118–159, § 2847(b), substituted “section 101” for “section 101(e)(8)”.

Subsec. (g)(6). Pub. L. 118–159, § 2847(a)(8), added par. (6).

§ 2816. Consideration of energy security and energy resilience in life-cycle cost for military construction

(a) IN GENERAL.—(1) The Secretary concerned, when evaluating the life-cycle designed cost of a