

(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

covered military construction project, shall include as a facility requirement the long-term consideration of energy security and energy resilience that would ensure that the resulting facility is capable of continuing to perform its missions, during the life of the facility, in the event of a natural or human-caused disaster, an attack, or any other unplanned event that would otherwise interfere with the ability of the facility to perform its missions.

(2) A facility requirement under paragraph (1) shall not be weighed, for cost purposes, against other facility requirements in determining the design of the facility.

(b) **INCLUSION IN THE BUILDING LIFE-CYCLE COST PROGRAM.**—The Secretary shall include the requirements of subsection (a) in applying the latest version of the building life-cycle cost program, as developed by the National Institute of Standards and Technology, to consider on-site distributed energy assets in a building design for a covered military construction project.

(c) **COVERED MILITARY CONSTRUCTION PROJECT DEFINED.**—(1) In this section, the term “covered military construction project” means a military construction project for a facility that is used to perform critical functions during a natural or human-caused disaster, an attack, or any other unplanned event.

(2) For purposes of paragraph (1), the term “facility” includes at a minimum any of the following:

- (A) Operations centers.
- (B) Nuclear command and control facilities.
- (C) Integrated strategic and tactical warning and attack assessment facilities.
- (D) Continuity of government facilities.
- (E) Missile defense facilities.
- (F) Air defense facilities.
- (G) Hospitals.
- (H) Armories and readiness centers of the National Guard.
- (I) Communications facilities.
- (J) Satellite and missile launch and control facilities.

(Added Pub. L. 116-283, div. B, title XXVIII, § 2804(a), Jan. 1, 2021, 134 Stat. 4320.)

§ 2817. Authority for certain construction projects in friendly foreign countries

(a) **CONSTRUCTION AUTHORIZED.**—Using funds available for operations and maintenance, the Secretary of Defense may carry out a construction project in a friendly foreign country, and perform planning and design to support such a project, that the Secretary determines meets each of the following conditions:

(1) The commander of the geographic combatant command in which the construction project will be carried out identified the construction project as necessary to support vital United States military requirements at an air port of debarkation, sea port of debarkation, or rail or other logistics support location.

(2) The construction project will not be carried out at a military installation.

(3) The funds made available under the authority of this section for the construction project—

- (A) will be sufficient to—

- (i) construct a complete and usable facility or make an improvement to a facility; or

- (ii) complete the repair of an existing facility or improvement to a facility; and

(B) will not require additional funds from other Department of Defense accounts.

(4) The level of construction for the construction project may not exceed the minimum necessary to meet the military requirements identified under paragraph (1).

(5) Deferral of the construction project pending inclusion of the construction project proposal in the national defense authorization Act for a subsequent fiscal year is inconsistent with the military requirements identified under paragraph (1) and other national security or national interests of the United States.

(b) **CONGRESSIONAL NOTIFICATION.**—

(1) **NOTIFICATION REQUIRED.**—Upon determining to carry out a construction project under this section that has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of this title, the Secretary of Defense shall submit to the specified congressional committees a notification of such determination.

(2) **ELEMENTS.**—The notification required by paragraph (1) shall include the following:

- (A) A certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

- (B) A justification for such project.

- (C) An estimate of the cost of such project.

(3) **NOTICE AND WAIT.**—The Secretary of Defense may carry out a construction project only after the end of the 30-day period beginning on the date the notice required by paragraph (1) is received by the specified congressional committees in an electronic medium pursuant to section 480 of this title.

(c) **ANNUAL LIMITATIONS ON USE OF AUTHORITY.**—

(1) **TOTAL COST LIMITATION.**—The Secretary of Defense may not obligate more than \$200,000,000 in any fiscal year under the authority provided by this section.

(2) **ADDITIONAL OBLIGATION AUTHORITY.**—Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional \$10,000,000 from funds available for operations and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts for all construction projects during such fiscal year.

(3) **PROJECT LIMITATION.**—The maximum amount that the Secretary may obligate for a single construction project is \$15,000,000.

(d) **SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “specified congressional committees” means—

- (1) the Committee on Armed Services and the Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and