

RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF
MUNITIONS

Pub. L. 109-364, div. A, title III, §314, Oct. 17, 2006, 120 Stat. 2139, provided that:

“(a) IDENTIFICATION OF DISPOSAL SITES.—

“(1) HISTORICAL REVIEW.—The Secretary of Defense shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

“(2) COOPERATION.—The Secretary shall request the assistance of the Coast Guard, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies in conducting the review required by this subsection.

“(3) INTERIM REPORTS.—The Secretary shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.

“(4) INCLUSION OF INFORMATION IN ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—The Secretary shall include the information obtained pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under [former] section 2706 of title 10, United States Code.

“(5) FINAL REPORT.—The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

“(b) IDENTIFICATION OF NAVIGATIONAL AND SAFETY HAZARDS.—

“(1) IDENTIFICATION OF HAZARDS.—The Secretary of Defense shall provide available information to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other navigational materials for coastal waters that identify known or potential hazards posed by disposed military munitions to private activities, including commercial shipping and fishing operations.

“(2) CONTINUATION OF INFORMATION ACTIVITIES.—The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.

“(c) RESEARCH.—

“(1) IN GENERAL.—The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.

“(2) SCOPE.—Research under paragraph (1) shall include—

“(A) the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;

“(B) investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;

“(C) investigation into the impacts any such contamination may have on the ocean environment and those who use it, including public health risks;

“(D) investigation into the feasibility of removing or otherwise remediating the military munitions; and

“(E) the development of effective safety measures for dealing with such military munitions.

“(3) RESEARCH CRITERIA.—In conducting the research required by this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at representative sites, taking into account factors such as depth, water temperature, nature of the military munitions present, and relative proximity to onshore populations. In conducting such research, the Secretary shall select at least two representative sites each in the areas of the Atlantic coast, the Pacific coast (including Alaska), and the Hawaiian Islands.

“(4) AUTHORITY TO MAKE GRANTS AND ENTER INTO COOPERATIVE AGREEMENTS.—In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities.

“(d) MONITORING.—If the historical review required by subsection (a) or the research required by subsection (c) indicates that contamination is being released into the ocean waters from disposed military munitions at a particular site or that the site poses a significant public health or safety risk, the Secretary of Defense shall institute appropriate monitoring mechanisms at that site and report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on any additional measures that may be necessary to address the release or risk, as applicable.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘coastal waters’ means that part of the ocean extending from the coast line of the United States to the outer boundary of the outer Continental Shelf.

“(2) The term ‘coast line’ has the meaning given that term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

“(3) The term ‘military munitions’ has the meaning given that term in section 101(e) of title 10, United States Code.

“(4) The term ‘outer Continental Shelf’ has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).”

INITIAL INVENTORY

Pub. L. 107-107, div. A, title III, §311(b), Dec. 28, 2001, 115 Stat. 1051, provided that: “The requirements of section 2710 of title 10, United States Code, as added by subsection (a), shall be implemented as follows:

“(1) The initial inventory required by subsection (a) of such section shall be completed not later than May 31, 2003.

“(2) The proposed prioritization protocol required by subsection (b) of such section shall be available for public comment not later than November 30, 2002.”

§ 2711. Annual report on defense environmental programs

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on defense environmental programs. Each report shall include:

(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, the following elements:

(A) Information on the Environmental Restoration Program, including the following:

(i) The total number of sites in the Environmental Restoration Program.

(ii) The number of sites in the Environmental Restoration Program that have reached the Remedy in Place Stage and the Response Complete Stage, and the

change in such numbers in the preceding fiscal year.

(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the Environmental Restoration Program during the fiscal year for which the budget is submitted.

(iv) The Secretary's assessment of the overall progress of the Environmental Restoration Program.

(B) Information on the Military Munitions Restoration Program (MMRP), including the following:

(i) The total number of sites in the MMRP.

(ii) The number of sites that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding fiscal year.

(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the MMRP during the fiscal year for which the budget is submitted.

(iv) The Secretary's assessment of the overall progress of the MMRP.

(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

(A) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the current fiscal year, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted; and

(B) an explanation for any significant change in such amounts during the period covered.

(3) With respect to the environmental technology program of the Department of Defense—

(A) a report on the progress made in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years; and

(B) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted.

(b) DEFINITIONS.—For purposes of this section—

(1) the term “environmental quality program” means a program of activities relating to environmental compliance, conservation, pollution prevention, and other activities relating to environmental quality as the Secretary may designate; and

(2) the term “major activities” with respect to an environmental program means—

(A) environmental compliance activities;

(B) conservation activities; and

(C) pollution prevention activities.

(Added Pub. L. 112-81, div. A, title III, §317(a), Dec. 31, 2011, 125 Stat. 1359.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

CHAPTER 161—PROPERTY RECORDS AND REPORT OF THEFT OR LOSS OF CERTAIN PROPERTY

Sec.

2721. Property records: maintenance on quantitative and monetary basis.

2722. Theft or loss of ammunition, destructive devices, and explosives: report to Secretary of the Treasury.

2723. Notice to congressional committees of certain security and counterintelligence failures within defense programs.

AMENDMENTS

1999—Pub. L. 106-65, div. A, title X, §1042(b), Oct. 5, 1999, 113 Stat. 760, added item 2723.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(17)(B), Dec. 5, 1991, 105 Stat. 1473, substituted “Property records: maintenance on quantitative and monetary basis” for “Basis” in item 2721.

1990—Pub. L. 101-510, div. A, title XIII, §1331(7), Nov. 5, 1990, 104 Stat. 1673, substituted “Basis” for “Basis: reports” in item 2721.

1988—Pub. L. 100-456, div. A, title III, §344(b)(1), Sept. 29, 1988, 102 Stat. 1962, inserted “AND REPORT OF THEFT OR LOSS OF CERTAIN PROPERTY” in chapter heading and added item 2722.

1986—Pub. L. 99-499, title II, §211(a)(3), Oct. 17, 1986, 100 Stat. 1725, redesignated item 2701 as item 2721.

§ 2721. Property records: maintenance on quantitative and monetary basis

(a) Under regulations prescribed by him, the Secretary of Defense shall have the records of the fixed property, installations, major equipment items, and stored supplies of the military departments maintained on both a quantitative and a monetary basis, so far as practicable.

(b) The regulations prescribed pursuant to subsection (a) shall include a requirement that the records maintained under such subsection—

(1) to the extent practicable, provide up-to-date information on all items in the inventory of the Department of Defense;

(2) indicate whether the inventory of each item is sufficient or excessive in relation to the needs of the Department for that item; and

(3) permit the Secretary of Defense to include in the budget submitted to Congress under section 1105 of title 31 for each fiscal year, information relating to—

(A) the amounts proposed for each appropriation account in such budget for inventory purchases of the Department of Defense; and

(B) the amounts obligated for such inventory purchases out of the corresponding appropriations account for the preceding fiscal year.

(Aug. 10, 1956, ch. 1041, 70A Stat. 152, §2701; renumbered §2721, Pub. L. 99-499, title II,