

§ 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

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 projects for installation and defense access road resilience and waterway and ecosystems conservation

(a) PROJECTS AUTHORIZED.—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.

(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 stormwater management 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 construction project under section 2914 of this title.
- (6) A reserve component facility project under section 18233 of this title.
- (7) A defense access road project under section 210 of title 23.

(c) PROJECT PRIORITIES.—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.

(d) PROJECT ACTIVITIES.—Activities carried out as part of a stormwater management 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 and retention measures.

(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.

(e) PROJECT COORDINATION.—In the case of a stormwater management 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(d), 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.

(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 stormwater management 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 stormwater management 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; and
 - (ii) protect waterways and stormwater-stressed ecosystems.
- (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(e)(8) 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.

(Added Pub. L. 117-81, div. B, title XXVIII, § 2803, Dec. 27, 2021, 135 Stat. 2186.)

§ 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.)

SUBCHAPTER II—MILITARY FAMILY HOUSING

Sec. 2821.	Requirement for authorization of appropriations for construction and acquisition of military family housing.
2822.	Requirement for authorization of number of family housing units.
[2823.	Repealed.]
2824.	Authorization for acquisition of existing family housing in lieu of construction.
2825.	Improvements to family housing units.
2826.	Military family housing: local comparability of room patterns and floor areas.
2827.	Relocation of military family housing units.
2828.	Leasing of military family housing.
2829.	Multi-year contracts for supplies and services.

Sec. [2830. 2831.	Repealed.] Military family housing management account.
2832.	Homeowners assistance program.
2833.	Family housing support.
2834.	Participation in Department of State housing pools.
2835.	Long-term leasing of military family housing to be constructed.
2835a.	Use of military family housing constructed under build and lease authority to house other members.
2836. [2837.	Military housing rental guarantee program. Repealed.]
2838.	Leasing of military family housing to Secretary of Defense.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. B, title XXVIII, § 2812(b), Jan. 1, 2021, 134 Stat. 4327, struck out item 2830 “Occupancy of substandard family housing units”.

2013—Pub. L. 113–66, div. B, title XXVIII, § 2802(a)(2), Dec. 26, 2013, 127 Stat. 1006, struck out item 2837 “Limited partnerships with private developers of housing”.

2008—Pub. L. 110–417, div. B, title XXVIII, §§ 2803(b), 2804(b), Oct. 14, 2008, 122 Stat. 4720, 4721, added items 2835a and 2838.

2006—Pub. L. 109–364, div. B, title XXVIII, § 2803(b), Oct. 17, 2006, 120 Stat. 2467, struck out item 2823 “Determination of availability of suitable alternative housing for acquisition in lieu of construction of new family housing”.

2000—Pub. L. 106–398, § 1 [div. B, title XXVIII, § 2803(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–413, substituted “Military family housing: local comparability of room patterns and floor areas” for “Limitations on space by pay grade” in item 2826.

1994—Pub. L. 103–337, div. B, title XXVIII, § 2803(b), Oct. 5, 1994, 108 Stat. 3053, added item 2837.

1991—Pub. L. 102–190, div. B, title XXVIII, §§ 2806(a)(2), 2809(a)(2), Dec. 5, 1991, 105 Stat. 1540, 1543, added items 2835 and 2836.

1985—Pub. L. 99–167, title VIII, §§ 804(b)(2), 808(b), Dec. 3, 1985, 99 Stat. 987, 989, added items 2833 and 2834.

§ 2821. Requirement for authorization of appropriations for construction and acquisition of military family housing

(a) Except as provided in subsection (b), funds may not be appropriated for the construction, acquisition, leasing, addition, extension, expansion, alteration, relocation, or operation and maintenance of family housing under the jurisdiction of the Department of Defense unless the appropriation of such funds has been authorized by law.

(b) In addition to the funds authorized to be appropriated by law in any fiscal year for the purposes described in subsection (a), there are authorized to be appropriated such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds appropriated for the purposes described in such subsection.

(c) Amounts authorized by law for construction of military family housing units include amounts for (1) site preparation (including demolition), (2) installation of utilities, (3) ancillary supporting facilities, (4) shades, screens, ranges, refrigerators, and all other equipment and fixtures installed in such units, and (5) construction supervision, inspection, and overhead.