

117TH CONGRESS
1ST SESSION

H. R. 5262

To amend title 10, United States Code, to establish a Department of Defense program to carry out stormwater management projects on or related to military installations to improve the resilience of military installations and defense access roads and protect waterways and stormwater-stressed ecosystems.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2021

Mr. SCOTT of Virginia (for himself, Mr. WITTMAN, Mr. SARBANES, Mr. BROWN, Mrs. LURIA, and Ms. MACE) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to establish a Department of Defense program to carry out stormwater management projects on or related to military installations to improve the resilience of military installations and defense access roads and protect waterways and stormwater-stressed ecosystems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “EMBRACE Storm-
5 water Management Act” or the “Enhancing Military Base

1 Resilience And Conserving Ecosystems through
2 Stormwater Management Act”.

3 **SEC. 2. DEPARTMENT OF DEFENSE STORMWATER MANAGE-**
4 **MENT PROJECTS FOR MILITARY INSTALLA-**
5 **TIONS AND DEFENSE ACCESS ROADS.**

6 Chapter 169 of title 10, United States Code, is
7 amended by inserting after section 2815 the following new
8 section:

9 **“§ 2815a. Stormwater management projects for instal-**
10 **lation and defense access road resilience**
11 **and waterway and ecosystems conserva-**
12 **tion**

13 “(a) PROJECTS AUTHORIZED.—The Secretary con-
14 cerned may carry out a stormwater management project
15 on or related to a military installation for the purpose of—

16 “(1) improving military installation resilience or
17 the resilience of a defense access road or other es-
18 sential civilian infrastructure supporting the military
19 installation; and

20 “(2) protecting nearby waterways and storm-
21 water-stressed ecosystems.

22 “(b) PROJECT METHODS AND FUNDING SOURCES.—
23 A stormwater management project may be carried out
24 under this section as, or as part of, any of the following:

1 “(1) An authorized military construction
2 project.

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

8 “(3) A military installation resilience project
9 under section 2815 of this title, including the use of
10 appropriations available for operations and mainte-
11 nance subject to the limitation of subsection (e)(3)
12 of such section.

13 “(4) A defense community infrastructure resil-
14 ience project under section 2391(d) of this title.

15 “(5) A construction project under section 2914
16 of this title.

17 “(6) A reserve component facility project under
18 section 18233 of this title.

19 “(7) A defense access road project under sec-
20 tion 210 of title 23.

21 “(c) PROJECT PRIORITIES.—In selecting stormwater
22 management projects to be carried out under this section,
23 the Secretary concerned shall give a priority to project
24 proposals involving the retrofitting of buildings and

1 grounds on a military installation or retrofitting a defense
2 access road to reduce stormwater runoff.

3 “(d) PROJECT ACTIVITIES.—Activities carried out as
4 part of a stormwater management project under this sec-
5 tion may include, but are not limited to, the following:

6 “(1) The installation, expansion, or refurbish-
7 ment of stormwater ponds and other water-slowing
8 and retention measures.

9 “(2) The installation of permeable pavement in
10 lieu of, or to replace existing, nonpermeable pave-
11 ment.

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

14 “(e) PROJECT COORDINATION.—In the case of a
15 stormwater management project carried out under this
16 section on or related to a military installation and any
17 project related to the same installation carried out under
18 section 2391(d), 2815, or 2914 of this title, the Secretary
19 concerned shall ensure coordination between the projects
20 regarding the water access, management, conservation, se-
21 curity, and resilience aspects of the projects.

22 “(f) ANNUAL REPORT.—(1) Not later than 90 days
23 after the end of each fiscal year, each Secretary concerned
24 shall submit to the congressional defense committees a re-
25 port describing—

1 “(A) the status of planned and active
2 stormwater management projects carried out by that
3 Secretary under this section; and

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

6 “(2) Each report shall include the following informa-
7 tion with respect to each stormwater management project
8 described in the report:

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

12 “(B) The rationale for how the project will—

13 “(i) improve military installation resilience
14 or the resilience of a defense access road or
15 other essential civilian infrastructure supporting
16 a military installation; and

17 “(ii) protect waterways and stormwater-
18 stressed ecosystems.

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

21 “(g) DEFINITIONS.—In this section:

22 “(1) The term ‘defense access road’ means a
23 road certified to the Secretary of Transportation as
24 important to the national defense under the provi-
25 sions of section 210 of title 23.

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

4 “(3) The term ‘military installation’ includes a
5 facility of a reserve component owned by a State
6 rather than the United States.

7 “(4) The term ‘military installation resilience’
8 has the meaning given that term in section
9 101(e)(8) of this title.

10 “(5) The term ‘Secretary concerned’ means—

11 “(A) the Secretary of a military depart-
12 ment with respect to military installations
13 under the jurisdiction of that Secretary; and

14 “(B) the Secretary of Defense with respect
15 to matters concerning the Defense Agencies and
16 facilities of a reserve component owned by a
17 State rather than the United States.”.

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