

# S. 9

*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.*

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MR. HARRIS-CHAREST (for himself, on behalf of the LEMAIRE Administration)  
introduced the following bill.

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## AN ACT

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.

*Be it enacted by the Senate and the House of Representatives of the United States of America  
in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhancing Military Base Resilience And Conserving Ecosystems through Stormwater Management Act of 2023”, or the “EMBRACE Stormwater Management Act”.

**SEC 2. DEPARTMENT OF DEFENSE STORMWATER MANAGEMENT  
PROJECTS FOR MILITARY INSTALLATIONS AND DEFENSE  
ACCESS ROADS.**

Title 10, United States Code, is amended by inserting after section 2815 the following:

“SECTION 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.—A stormwater management project may be carried out 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.

“(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-slowng 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.”.

### **SEC 3. SUPREMACY.**

For the purposes of enacting this Act, any laws in conflict with this Act shall be immediately rescinded and rendered null and void.

### **SEC 5. SEVERABILITY.**

If any provision of this Act, or any amendment made by this Act, or the application of such provision to any person, entity, government, or circumstance, is held to be unconstitutional, the remainder of this Act, or any amendment made thereby, or the application of such provision to all other persons, entities, governments, or circumstances, shall not be affected thereby.

### **SEC 6. EFFECTIVE DATE.**

This act shall come into force immediately upon approval within the process described by [Article I, §7](#) of the Constitution of the United States.

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**META NOTES:**

This act was originally known as [H.R. 5262](#) of the 117th Congress, introduced by Representative Bobby Scott of Virginia's Third District. The act was incorporated into the NDAA for Fiscal Year 2022, and had three Democratic and two Republican cosponsors.