

# 10 U.S.C. § 2706 : US Code - Section 2706: Annual reports to Congress

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(a) Report on Environmental Restoration Activities.

(1) The Secretary of Defense shall submit to the Congress each year, not later than 45 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental restoration activities at military installations.

(2) Each such report shall include, with respect to environmental restoration activities for each military installation, the following:

- (A) A statement of the number of sites at which a hazardous substance has been identified.
- (B) A statement of the status of response actions proposed for or initiated at the military installation.
- (C) A statement of the total cost estimated for such response actions.
- (D) A statement of the amount of funds obligated by the Secretary for such response actions, and the progress made in implementing the response actions during the fiscal year preceding the year in which the report is submitted, including an explanation of -
  - (i) any cost overruns for such response actions, if the amount of funds obligated for those response actions exceeds the estimated cost for those response actions by the greater of 15 percent of the estimated cost or \$10,000,000; and
  - (ii) any deviation in the schedule (including a milestone schedule specified in an agreement, order, or mandate) for such response actions of more than 180 days.
- (E) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, such response actions during the fiscal year in which the report is submitted.
- (F) A statement of the amount of funds requested for such response actions for the five fiscal years following the fiscal year in which the report is submitted, and the anticipated progress in implementing such response actions for the fiscal year for which the budget is submitted.
- (G) A statement of the total costs incurred for such response actions as of the date of the submission of the report.
- (H) A statement of the estimated cost of completing all environmental restoration activities required with respect to the military installation, including, where relevant, the estimated cost of such activities in each of the five fiscal years following the fiscal year in which the report is submitted.
- (I) A statement of the estimated schedule for completing all environmental restoration activities at the military installation.
- (J) A statement of the activities, if any, including expenditures for administrative expenses and technical assistance under section 2705 of this title, of the technical review committee or restoration advisory board established for the installation under such section during the preceding fiscal year.

(b) Report on Environmental Quality Programs and Other Environmental Activities.

(1) 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 the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.

(2) Each report shall include the following:

- (A) A description of the environmental quality program of the Department of Defense, and of each of the military departments, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year in which the report is submitted, and the fiscal year following the fiscal year in which the report is submitted.
- (B) For each of the major activities under the environmental quality programs:
  - (i) A specification of the amount expended, or proposed to be expended, in each fiscal year of the period covered by the report.
  - (ii) An explanation for any significant change in the aggregate amount to be expended in the fiscal year in which the report is submitted, and in the following fiscal year, when compared with the fiscal year preceding each such fiscal year.
  - (iii) An assessment of the manner in which the scope of the activities have changed over the course of the period covered by the report.
- (C) A summary of the major achievements of the environmental quality programs and of any major problems with the programs.
- (D) A summary of fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, which summary shall include -
  - (i) a trend analysis of such fines and penalties for military installations inside and outside the United States; and
  - (ii) a list of such fines or penalties that exceeded \$1,000,000 and the provisions of law under which such fines or penalties were imposed or assessed.
- (E) A statement of the amounts expended, and anticipated to be expended, during the period covered by the report for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology.

(c) Report on Environmental Technology Program.

(1) 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 the progress made by the Department of Defense 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.

(2) Each such report shall include, with respect to each project under the environmental technology program of the Department of Defense, the following:

- (A) The performance objectives established for the project for the fiscal year and an assessment of the performance achieved with respect to the project in light of performance indicators for the project.
- (B) A description of the extent to which the project met the performance objectives established for the project for the fiscal year.
- (C) If a project did not meet the performance objectives for the project for the fiscal year -
  - (i) an explanation for the failure of the project to meet the performance objectives; and
  - (ii) a modified schedule for meeting the performance objectives or, if a performance objective is determined to be impracticable or infeasible to meet, a statement of alternative actions to be taken with respect to the project.

(d) Definitions. - In this section:

(1) The term "military installation" has the meaning given such term in section 2687(e) of this title, except that such term does not include a homeport facility for any ship and includes -

- (A) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense;
- (B) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and
- (C) each facility or site at which the Secretary is conducting environmental restoration activities.

(2) The term "environmental quality program" means a program of activities relating to environmental compliance, conservation, pollution prevention, and such other activities relating to environmental quality as the Secretary concerned may designate for purposes of the program.

(3) The term "major activities", with respect to an environmental quality program, means the following activities under the program:

- (A) Environmental compliance activities.
- (B) Conservation activities.
- (C) Pollution prevention activities.