

conditions” are omitted as covered by the word “terms”. The words “two-year period” are substituted for the words “a period of two consecutive years”. The words “of rights granted under authority hereof” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-181 substituted “and (e)” for “and (d)”.

2006—Subsec. (a). Pub. L. 109-364, § 2822(a)(1), (b)(1), inserted heading and, in introductory provisions, substituted “the Secretary may” for “he may”, “the Secretary considers” for “he considers”, and “the Secretary’s control” for “his control, to a State, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession.”.

Pub. L. 109-163 struck out “Territory,” after “a State,” in two places in introductory provisions.

Subsec. (a)(2). Pub. L. 109-364, § 2822(a)(2), substituted “gas, water, sewer, and oil pipe lines” for “oil pipe lines”.

Subsec. (a)(13). Pub. L. 109-364, § 2822(a)(3), substituted “the Secretary considers advisable” for “he considers advisable, except a purpose covered by section 2669 of this title”.

Subsecs. (b) to (e). Pub. L. 109-364, § 2822(b)(2)–(5), inserted subsec. headings.

2003—Subsec. (e). Pub. L. 108-136 substituted “Subsections (c) and (d)” for “Subsection (d)” and “subsections apply to in-kind consideration and” for “subsection applies to” and inserted “in-kind consideration and” before “proceeds”.

2000—Subsec. (e). Pub. L. 106-398 added subsec. (e).

1996—Subsec. (a)(3). Pub. L. 104-201, § 2861(b)(1), struck out “, telephone lines, and telegraph lines,” after “transmission lines”.

Subsec. (a)(9). Pub. L. 104-201, § 2861(a)(1), struck out “and” at end.

Subsec. (a)(10) to (12). Pub. L. 104-201, § 2861(a)(3), added pars. (10) to (12). Former par. (10) redesignated (13).

Subsec. (a)(13). Pub. L. 104-201, § 2861(a)(2), (b)(2), redesignated par. (10) as (13) and struck out “or by the Act of March 4, 1911 (43 U.S.C. 961)” after “2669 of this title”.

1984—Subsec. (a)(10). Pub. L. 98-525 substituted “the Act of March 4, 1911 (43 U.S.C. 961)” for “section 961 of title 43”.

§ 2668a. Easements: granting restrictive easements in connection with land conveyances

(a) **AUTHORITY TO INCLUDE RESTRICTIVE EASEMENT.**—In connection with the conveyance of real property by the Secretary concerned under any provision of law, the Secretary concerned may grant an easement to an entity specified in subsection (b) restricting future uses of the conveyed real property for a conservation purpose consistent with section 170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

(b) **AUTHORIZED RECIPIENTS.**—An easement under subsection (a) may be granted only to—

(1) a State or local government; or

(2) a qualified organization, as that term is defined in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).

(c) **LIMITATIONS ON USE OF EASEMENT AUTHORITY.**—An easement under subsection (a) may not be granted unless—

(1) the proposed recipient of the easement consents to the receipt of the easement;

(2) the Secretary concerned determines that the easement is in the public interest and the conservation purpose to be promoted by the easement cannot be effectively achieved through the application of State law by the State or a local government without the grant of restrictive easements;

(3) the jurisdiction that encompasses the property to be subject to the easement authorizes the grant of restrictive easements; and

(4) the Secretary can give or assign to a third party the responsibility for monitoring and enforcing easements granted under this section.

(d) **CONSIDERATION.**—Easements granted under this section shall be without consideration from the recipient.

(e) **ACREAGE LIMITATION.**—No easement granted under this section may include more land than is necessary for the easement.

(f) **TERMS AND CONDITIONS.**—The grant of an easement under this section shall be subject to such additional terms and conditions as the Secretary concerned considers appropriate to protect the interests of the United States.

(Added Pub. L. 109-364, div. B, title XXVIII, § 2823(a), Oct. 17, 2006, 120 Stat. 2475.)

§ 2669. Transfer of land and facilities to support contracts with federally funded research and development centers

(a) **LEASE OF LAND, FACILITIES, AND IMPROVEMENTS.**—(1) The Secretary of a military department may lease, for no consideration, land, facilities, infrastructure, and improvements to a covered FFRDC if the lease is to further the purposes of a contract between the Department of Defense and the covered FFRDC.

(2) A lease entered into under paragraph (1) shall terminate on the earlier of the following dates:

(A) The date that is 50 years after the date on which the Secretary enters into the lease.

(B) The date of the termination or non-renewal of the contract between the Department of Defense and the covered FFRDC related to the lease.

(b) **CONVEYANCE OF FACILITIES AND IMPROVEMENTS.**—(1) The Secretary of a military department may convey, for no consideration, ownership of facilities and improvements located on land leased to a covered FFRDC to further the purposes of a contract between the Department of Defense and the covered FFRDC.

(2) The ownership of any facilities and improvements conveyed by the Secretary of a military department or any improvements made to the leased land by the covered FFRDC under this subsection shall, as determined by the Secretary of a military department, revert or transfer to the United States upon the termination or non-renewal of the underlying land lease.

(3) Any facilities and improvements conveyed by the Secretary of a military department shall be demolished by the covered FFRDC as determined by such Secretary.

(c) **CONSTRUCTION STANDARDS.**—A lease entered into under this section may provide that any facilities constructed on the leased land may be

constructed using commercial standards in a manner that provides force protection safeguards appropriate to the activities conducted in, and the location of, such facilities.

(d) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.**—(1) The conveyance or lease of property or facilities, improvements, and infrastructure under this section shall not be subject to the following provisions of law:

- (A) Section 2667 of this title.
- (B) Section 1302 of title 40.
- (C) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(2) Sections 2662 and 2802 of this title shall not apply to any improvements or facilities constructed by the covered FFRDC on land leased or conveyed to a covered FFRDC described in subsection (a) or (b).

(e) **COMPETITIVE PROCEDURES FOR SELECTION OF CERTAIN LESSEES; EXCEPTION.**—If a proposed lease under this section is with respect to a covered FFRDC, the use of competitive procedures for the selection of the lessee is not required and the provisions of chapter 33 of title 41, United States Code, or chapter 221 of title 10, United States Code, and the related provisions of the Federal Acquisition Regulation shall not apply.

(f) **COVERED FFRDC DEFINED.**—In this section, the term “covered FFRDC” means a federally funded research and development center that is sponsored by, and has entered into a contract with, the Department of Defense.

(Added Pub. L. 117-263, div. B, title XXVIII, § 2831(a), Dec. 23, 2022, 136 Stat. 3002.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2269, act Aug. 10, 1956, ch. 1041, 70A Stat. 151; Pub. L. 106-398, §1 [div. B, title XXVIII, §2812(f)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-418; Pub. L. 108-136, div. B, title XXVIII, §2813(b), Nov. 24, 2003, 117 Stat. 1725; Pub. L. 109-163, div. A, title X, §1057(a)(3), Jan. 6, 2006, 119 Stat. 3440, related to easements for gas, water, and sewer pipe lines, prior to repeal by Pub. L. 109-364, div. B, title XXVIII, §2822(c), Oct. 17, 2006, 120 Stat. 2475.

§ 2670. Use of facilities by private organizations; use as polling places

(a) **USE BY RED CROSS.**—Under such conditions as he may prescribe, the Secretary of any military department may issue a revocable license to the American National Red Cross to—

- (1) erect and maintain, on any military installation under his jurisdiction, buildings for the storage of supplies; or
- (2) use, for the storage of supplies, buildings erected by the United States.

Supplies stored in buildings erected or used under this subsection are available to aid the civilian population in a serious national disaster.

(b) **USE OF CERTAIN FACILITIES AS POLLING PLACES.**—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title) or any other provision of law, the Secretary of Defense or Secretary of a military department may not (except as provided in paragraph (3)) prohibit the designation or use of a qualifying facility under the jurisdiction of the Secretary as an

official polling place for local, State, or Federal elections.

(2) A Department of Defense facility is a qualifying facility for purposes of this subsection if as of December 31, 2000—

- (A) that facility is designated as an official polling place by a State or local election official; or
- (B) the facility has been used as such an official polling place since January 1, 1996.

(3) The limitation in paragraph (1) may be waived by the Secretary of Defense or Secretary of the military department concerned with respect to a particular Department of Defense facility if the Secretary of Defense or Secretary concerned determines that local security conditions require prohibition of the designation or use of that facility as an official polling place for any election.

(c) **USE OF SPACE AND EQUIPMENT BY VETERANS SERVICE ORGANIZATIONS.**—(1) Upon certification to the Secretary concerned by the Secretary of Veterans Affairs, the Secretary concerned shall allow accredited, paid, full-time representatives of the organizations named in section 5902 of title 38, or of other organizations recognized by the Secretary of Veterans Affairs, to function on military installations under the jurisdiction of the Secretary concerned that are on land and from which persons are discharged or released from active duty.

(2) The commanding officer of a military installation allowing representatives to function on the installation under paragraph (1) shall allow the representatives to use available space and equipment at the installation.

(3) This subsection does not authorize the violation of measures of military security.

(Aug. 10, 1956, ch. 1041, 70A Stat. 151; Pub. L. 107-107, div. A, title XVI, §1607(a)–(b)(2), Dec. 28, 2001, 115 Stat. 1279, 1280; Pub. L. 108-375, div. B, title XXVIII, §2821(c)(1), (e)(2), Oct. 28, 2004, 118 Stat. 2129, 2130.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2670	36:12.	June 3, 1916, ch. 134, §127a (5th par.); added June 4, 1920, ch. 227, subch. I, §51 (5th par.); restated July 17, 1953, ch. 222, §3, 67 Stat. 178.

The word “issue” is substituted for the words “grant permission”. The word “use” is substituted for the words “occupy for that purpose”.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-375, §2821(e)(2), substituted “Use of facilities by private organizations; use as polling places” for “Military installations: use by American National Red Cross; use as polling places” in section catchline.

Subsec. (c). Pub. L. 108-375, §2821(c)(1), added subsec. (c).

2001—Pub. L. 107-107 substituted “Military installations: use by American National Red Cross; use as polling places” for “Licenses: military installations; erection and use of buildings; American National Red Cross” in section catchline, designated existing provi-