

sions as subsec. (a), inserted heading, substituted “this subsection” for “this section” in concluding provisions, and added subsec. (b).

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 108-375, div. B, title XXVIII, §2821(c)(3), Oct. 28, 2004, 118 Stat. 2129, provided that: “The regulations prescribed to carry out [former] section 2679 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act [Oct. 28, 2004], shall remain in effect with regard to section 2670(c) of such title, as added by paragraph (1), until changed by joint action of the Secretary concerned (as defined in section 101(9) of such title [now 10 U.S.C. 101(a)(9)]) and the Secretary of Veterans Affairs.”

§ 2671. Military reservations and facilities: hunting, fishing, and trapping

(a) GENERAL REQUIREMENTS FOR HUNTING, FISHING, AND TRAPPING.—The Secretary of Defense shall, with respect to each military installation or facility under the jurisdiction of any military department in a State—

(1) require that all hunting, fishing, and trapping at that installation or facility be in accordance with the fish and game laws of the State in which it is located;

(2) require that an appropriate license for hunting, fishing, or trapping on that installation or facility be obtained, except that with respect to members of the armed forces, such a license may be required only if the State authorizes the issuance of a license to a member on active duty for a period of more than thirty days at an installation or facility within that State, without regard to residence requirements, and upon terms otherwise not less favorable than the terms upon which such a license is issued to residents of that State; and

(3) develop, subject to safety requirements and military security, and in cooperation with the Governor (or his designee) of the State in which the installation or facility is located, procedures under which designated fish and game or conservation officials of that State may, at such time and under such conditions as may be agreed upon, have full access to that installation or facility to effect measures for the management, conservation, and harvesting of fish and game resources.

(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive or otherwise modify the fish and game laws of a State otherwise applicable under subsection (a)(1) to hunting, fishing, or trapping at a military installation or facility if the Secretary determines that the application of such laws to such hunting, fishing, or trapping without modification could result in undesirable consequences for public health or safety at the installation or facility. The authority to waive such laws includes the authority to extend, but not reduce, the specified season for certain hunting, fishing, or trapping. The Secretary may not waive the requirements under subsection (a)(2) regarding a license for such hunting, fishing, or trapping or any fee imposed by a State to obtain such a license.

(2) If the Secretary determines that a waiver of fish and game laws of a State is appropriate under paragraph (1), the Secretary shall provide

written notification to the appropriate State officials stating the reasons for, and extent of, the waiver. The notification shall be provided at least 30 days before implementation of the waiver.

(c) VIOLATIONS.—Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a)(1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

(d) RELATION TO TREATY RIGHTS.—This section does not modify any rights granted by the treaty or otherwise to any Indian tribe or to the members thereof.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(Added Pub. L. 85-337, §4(1), Feb. 28, 1958, 72 Stat. 29; amended Pub. L. 107-107, div. B, title XXVIII, §2811, Dec. 28, 2001, 115 Stat. 1307; Pub. L. 109-163, div. A, title X, §1057(a)(2), Jan. 6, 2006, 119 Stat. 3440; Pub. L. 111-383, div. A, title X, §1075(b)(42), Jan. 7, 2011, 124 Stat. 4371.)

Editorial Notes

AMENDMENTS

2011—Subsec. (a)(2). Pub. L. 111-383 substituted “armed forces” for “Armed Forces”.

2006—Subsecs. (a) to (c). Pub. L. 109-163 struck out “or Territory” after “State” wherever appearing.

2001—Subsec. (a). Pub. L. 107-107, §2811(b)(1), inserted heading.

Subsec. (b). Pub. L. 107-107, §2811(a)(2), added subsec. (b). Former subsec. (b) redesignated (e).

Subsec. (c). Pub. L. 107-107, §2811(b)(2), inserted heading.

Subsec. (d). Pub. L. 107-107, §2811(b)(3), inserted heading.

Subsec. (e). Pub. L. 107-107, §2811(a)(1), redesignated subsec. (b) as (e), inserted heading, and transferred subsec. to end of section.

Statutory Notes and Related Subsidiaries

INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS

Pub. L. 109-364, div. A, title X, §1077(a), Oct. 17, 2006, 120 Stat. 2406, provided that: “Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.”

§ 2672. Protection of buildings, grounds, property, and persons

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

(b) DESIGNATION OF OFFICERS AND AGENTS.—(1) The Secretary of Defense may designate military or civilian personnel of the Department of

Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

(2) A designation under paragraph (1) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

(3) In making a designation under paragraph (1) with respect to any category of personnel, the Secretary shall specify each of the following:

(A) The personnel or positions to be included in the category.

(B) The authorities provided for in subsection (c) that may be exercised by personnel in that category.

(C) In the case of civilian personnel in that category—

(i) the authorities provided for in subsection (c), if any, that are authorized to be exercised outside the property specified in subsection (a); and

(ii) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

(4) The Secretary may make a designation under paragraph (1) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

(A) the exercise of each specific authority provided for in subsection (c) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

(B) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

(c) AUTHORIZED ACTIVITIES.—Subject to subsection (i) and to the extent specifically authorized by the Secretary of Defense, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under subsection (b) may—

(1) enforce Federal laws and regulations for the protection of persons and property;

(2) carry firearms;

(3) make arrests—

(A) without a warrant for any offense against the United States committed in the presence of the officer or agent; or

(B) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

(4) serve warrants and subpoenas issued under the authority of the United States; and

(5) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the De-

partment of Defense or persons on such property.

(d) REGULATIONS.—(1) The Secretary of Defense may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

(2) A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

(e) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b), (c), and (d) may be exercised only by the Secretary or the Deputy Secretary of Defense.

(f) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

(g) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary of Defense determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, Indian tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services. Such services of State, Indian tribal, and local law enforcement, including application of their powers of law enforcement, may be provided notwithstanding that the property is subject to the legislative jurisdiction of the United States.

(h) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary of Defense may enter into agreements with Federal agencies and with State, Indian tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, Indian tribal, and local laws concurrently with other Federal law enforcement officers and with State, Indian tribal, and local law enforcement officers.

(i) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (c) to officers and agents designated under subsection (b) shall be exercised in accordance with guidelines approved by the Attorney General. Such guidelines may include specification of the geographical extent of property outside of the property specified in subsection (a) within which those powers may be exercised.

(j) LIMITATION WITH REGARD TO OTHER FEDERAL AGENCIES.—Nothing in this section shall be construed as affecting the authority of the Secretary of Homeland Security to provide for the protection of facilities (including the buildings, grounds, and properties of the General Services Administration) that are under the jurisdiction,

custody, or control, in whole or in part, of a Federal agency other than the Department of Defense and that are located off of a military installation.

(k) **COOPERATION WITH LOCAL LAW ENFORCEMENT AGENCIES.**—Before authorizing civilian officers and agents to perform duty in areas outside the property specified in subsection (a), the Secretary of Defense shall consult with, and is encouraged to enter into agreements with, local law enforcement agencies exercising jurisdiction over such areas for the purposes of avoiding conflicts of jurisdiction, promoting notification of planned law enforcement actions, and otherwise facilitating productive working relationships.

(l) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to preclude or limit the authority of any Federal law enforcement agency;

(2) to restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 or of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

(4) to affect chapter 47 of this title;

(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

(6) to restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).

(Added Pub. L. 114-92, div. B, title XXVIII, § 2811(a), Nov. 25, 2015, 129 Stat. 1172.)

Editorial Notes

REFERENCES IN TEXT

The Homeland Security Act of 2002, referred to in subsec. (l)(2), is Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, which is classified principally to chapter 1 (§101 et seq.) of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

PRIOR PROVISIONS

A prior section 2672, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1459; amended Pub. L. 87-651, title I, §112(a), Sept. 7, 1962, 76 Stat. 511; Pub. L. 92-145, title VII, §707(2), (3), Oct. 27, 1971, 85 Stat. 411; Pub. L. 96-418, title VIII, §806(a), Oct. 10, 1980, 94 Stat. 1777; Pub. L. 99-167, title VIII, §810(a), (b)(1), Dec. 3, 1985, 99 Stat. 989, 990; Pub. L. 99-661, div. A, title XIII, §1343(a)(16), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100-456, div. B, title XXVIII, §2804, Sept. 29, 1988, 102 Stat. 2115; Pub. L. 105-85, div. B, title XXVIII, §2811(a), (b)(1), Nov. 18, 1997, 111 Stat. 1991; Pub. L. 108-136, div. B, title XXVIII, §2811(a)-(b)(2), Nov. 24, 2003, 117 Stat. 1724, 1725; Pub. L. 108-375, div. B, title XXVIII, §2821(d)(1), Oct. 28, 2004, 118 Stat. 2130; Pub. L. 109-163, div. B, title XXVIII, §2821(a)(2), Jan. 6, 2006, 119 Stat. 3511, related to authority to acquire low-cost interests in land, prior to repeal by Pub. L. 109-163, div. B, title XXVIII, §2821(f), Jan. 6, 2006, 119 Stat. 3513. See section 2663(c) of this title.

Statutory Notes and Related Subsidiaries

PILOT PROGRAM ON SAFE STORAGE OF PERSONALLY OWNED FIREARMS

Pub. L. 117-263, div. A, title V, §595, Dec. 23, 2022, 136 Stat. 2613, provided that:

“(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a pilot program to promote the safe storage of personally owned firearms.

“(b) **ELEMENTS.**—Under the pilot program under subsection (a), the Secretary of Defense shall furnish to members of the Armed Forces who are participating in the pilot program at military installations selected under subsection (e) locking devices or firearm safes, or both, for the purpose of securing personally owned firearms when not in use (including by directly providing, subsidizing, or otherwise making available such devices or safes).

“(c) **PARTICIPATION.**—

“(1) **VOLUNTARY PARTICIPATION.**—Participation by members of the Armed Forces in the pilot program under subsection (a) shall be on a voluntary basis.

“(2) **LOCATION OF PARTICIPANTS.**—A member of the Armed Forces may participate in the pilot program under subsection (a) carried out at a military installation selected under subsection (e) regardless of whether the member resides at the military installation.

“(d) **PLAN.**—Not later than one year after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of the pilot program under subsection (a).

“(e) **SELECTION OF INSTALLATIONS.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than five military installations at which to carry out the pilot program under subsection (a).

“(f) **EFFECT ON EXISTING POLICIES.**—Nothing in this section shall be construed to circumvent or undermine any existing safe storage policies, laws, or regulations on military installations.

“(g) **REPORT.**—Upon the termination under subsection (h) of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report containing the following information:

“(1) The number and type of locking devices and firearm safes furnished to members of the Armed Forces under the pilot program.

“(2) The cost of carrying out the pilot program.

“(3) An analysis of the effect of the pilot program on suicide prevention.

“(4) Such other information as the Secretary may determine appropriate, which shall exclude any personally identifiable information about participants in the pilot program.

“(h) **TERMINATION.**—The pilot program under subsection (a) shall terminate on the date that is six years after the date of the enactment of this Act.”

STANDARDIZED CREDENTIALS FOR LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT OF DEFENSE

Pub. L. 117-263, div. A, title XI, §1104, Dec. 23, 2022, 136 Stat. 2816, provided that:

“(a) **STANDARDIZED CREDENTIALS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense shall ensure that—

“(1) the Secretary of each military department develops standardized credentials for Defense law enforcement officers under their respective authority;

“(2) the Secretary of each military department issues such credential to each such officer at no cost to such officer; and

“(3) any Department of Defense common access card issued to such an officer clearly identifies the officer as a Defense law enforcement officer.

“(b) **DEFENSE LAW ENFORCEMENT OFFICER DEFINED.**—In this section, the term ‘Defense law enforcement officer’ means a member of the Armed Forces or civilian employee of the Department of Defense who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecu-

tion of, or the incarceration of any person for, any violation of law;

“(2) has statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice); and

“(3) is authorized by the Department to carry a firearm.”

REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT SECURITY AND EMERGENCY RESPONSE RECOMMENDATIONS RELATING TO ACTIVE SHOOTER OR TERRORIST ATTACKS ON INSTALLATIONS OF DEPARTMENT OF DEFENSE

Pub. L. 116-283, div. A, title III, §368, Jan. 1, 2021, 134 Stat. 3552, provided that:

“(a) **REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall implement the applicable security and emergency response recommendations relating to active shooter or terrorist attacks on installations of the Department of Defense made in the following reports:

“(1) The report by the Government Accountability Office dated July 2015 entitled, ‘Insider Threats: DOD Should Improve Information Sharing and Oversight to Protect U.S. Installations’ (GAO-15-543).

“(2) The report prepared by the Department of the Navy relating to the Washington Navy Yard shooting in 2013.

“(3) The report by the Department of the Army dated August 2010 entitled ‘Fort Hood, Army Internal Review Team: Final Report’.

“(4) The independent review by the Department of Defense dated January 2010 entitled ‘Protecting the Force: Lessons from Fort Hood’.

“(5) The report by the Department of the Air Force dated October 2010 entitled ‘Air Force Follow-On Review: Protecting the Force: Lessons from Fort Hood’.

“(b) **NOTIFICATION OF INAPPLICABLE RECOMMENDATIONS.**—

“(1) **IN GENERAL.**—If the Secretary determines that a recommendation described in subsection (a) is outdated, is no longer applicable, or has been superseded by more recent separate guidance or recommendations set forth by the Government Accountability Office, the Department of Defense, or another entity in related contracted review, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 45 days after the date of the enactment of this Act.

“(2) **IDENTIFICATION AND JUSTIFICATION.**—The notification under paragraph (1) shall include an identification, set forth by report [sic] specified in subsection (a), of each recommendation that the Secretary determines should not be implemented, with a justification for each such determination.”

DEPARTMENT OF DEFENSE POLICY FOR REGULATION IN MILITARY COMMUNITIES OF DANGEROUS DOGS KEPT AS PETS

Pub. L. 116-283, div. B, title XXVIII, §2884, Jan. 1, 2021, 134 Stat. 4372, provided that:

“(a) **POLICY REQUIRED.**—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall establish a uniform policy for the regulation of dangerous dogs kept as pets in military communities.

“(b) **CONSULTATION.**—The policy required by subsection (a) shall be developed in consultation with professional veterinary and animal behavior experts in regard to effective regulation of dangerous dogs kept as pets.

“(c) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations implementing the policy established under subsection (a).

“(2) **BEST PRACTICES.**—The regulations prescribed under paragraph (1) shall include strategies, for im-

plementation within all military communities, for the prevention of dog bites that are consistent with the following best practices:

“(A) Enforcement of regulations relating to dangerous dogs kept as pets, with emphasis on identification of dangerous dog behavior and chronically irresponsible pet owners.

“(B) Enforcement of animal control regulations, such as leash laws and stray animal control policies.

“(C) Promotion and communication of resources for pet spaying and neutering.

“(D) Investment in community education initiatives, such as teaching criteria for pet selection, pet care best practices, owner responsibilities, and safe and appropriate interaction with dogs.

“(d) **EXCLUSIONS.**—This section does not apply with respect to military working dogs and any dog certified as a service animal.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘dangerous dog’ means a dog that—

“(A) has attacked a person or another animal without justification, causing injury or death to the person or animal; or

“(B) exhibits behavior that reasonably suggests the likely risk of such an attack.

“(2) The term ‘military communities’ means—

“(A) all military installations; and

“(B) all military housing, including privatized military housing under subchapter IV of chapter 169 of title 10, United States Code.”

ESTABLISHMENT OF PROCESS BY WHICH MEMBERS OF THE ARMED FORCES MAY CARRY AN APPROPRIATE FIREARM ON A MILITARY INSTALLATION

Pub. L. 114-92, div. A, title V, §526, Nov. 25, 2015, 129 Stat. 813, provided that: “Not later than December 31, 2015, the Secretary of Defense, taking into consideration the views of senior leadership of military installations in the United States, shall establish and implement a process by which the commanders of military installations in the United States, or other military commanders designated by the Secretary of Defense for military reserve centers, Armed Services recruiting centers, and such other defense facilities as the Secretary may prescribe, may authorize a member of the Armed Forces who is assigned to duty at the installation, center or facility to carry an appropriate firearm on the installation, center, or facility if the commander determines that carrying such a firearm is necessary as a personal- or force-protection measure.”

[§ 2672a. Repealed. Pub. L. 109-163, div. B, title XXVIII, §2821(f), Jan. 6, 2006, 119 Stat. 3513]

Section, added Pub. L. 94-107, title VI, §607(8), Oct. 7, 1975, 89 Stat. 566; amended Pub. L. 98-525, title XIV, §1405(39), Oct. 19, 1984, 98 Stat. 2624; Pub. L. 104-106, div. A, title XV, §1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, §1031(a)(29), Nov. 24, 2003, 117 Stat. 1599; Pub. L. 108-375, div. A, title X, §1084(d)(23), Oct. 28, 2004, 118 Stat. 2062; Pub. L. 109-163, div. B, title XXVIII, §2821(a)(6), Jan. 6, 2006, 119 Stat. 3511, related to acquisition of interests in land when need is urgent. See section 2663(d) of this title.

[§ 2673. Repealed. Pub. L. 108-375, div. B, title XXVIII, §2821(d)(2), Oct. 28, 2004, 118 Stat. 2130]

Section, added Pub. L. 100-370, §1(l)(1), July 19, 1988, 102 Stat. 849, related to availability of funds for acquisition of certain interests in land.

A prior section 2673, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1459, related to restoration or replacement of facilities damaged or destroyed, prior to repeal by Pub. L. 97-214, §7(1), July 12, 1982, 96 Stat. 173, eff. Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of mili-