

tary family housing authorized before, on, or after such date. See section 2854 of this title.

§ 2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region

(a) PENTAGON RESERVATION.—The Secretary of Defense has jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation.

(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

(2) The Secretary may designate military or civilian personnel to perform law enforcement functions and military, civilian, or contract personnel to perform security functions for such buildings, grounds, property, and persons, including, with regard to civilian personnel designated under this section, duty in areas outside the property referred to in paragraph (1) to the extent necessary to protect that property and persons on that property. Subject to the authorization of the Secretary, any such military or civilian personnel so designated may exercise the authorities listed in paragraphs (1) through (5) of section 2672(c) of this title.

(3) The powers granted under paragraph (2) to military and civilian personnel designated under that paragraph shall be exercised in accordance with guidelines prescribed by the Secretary and approved by the Attorney General.

(4) Nothing in this subsection shall be construed to—

(A) preclude or limit the authority of any Defense Criminal Investigative Organization or any other Federal law enforcement agency;

(B) restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority 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;

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

(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

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

(F) 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).

(5) For positions for which the permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with personnel of other similar

Federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed the basic pay for personnel performing similar duties in the United States Secret Service Uniformed Division or the United States Park Police, whichever is greater.

(c) REGULATIONS AND ENFORCEMENT.—(1) The Secretary may prescribe such rules and regulations as the Secretary considers appropriate to ensure the safe, efficient, and secure operation of the Pentagon Reservation, including rules and regulations necessary to govern the operation and parking of motor vehicles on the Pentagon Reservation.

(2) Any person who violates a rule or regulation prescribed under this subsection is liable to the United States for a civil penalty of not more than \$1,000.

(3) Any person who willfully violates any rule or regulation prescribed pursuant to this subsection commits a Class B misdemeanor.

(d) AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—The Secretary of Defense may establish rates and collect charges for space, services, protection, maintenance, construction, repairs, alterations, or facilities provided at the Pentagon Reservation.

(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1) There is established in the Treasury of the United States a revolving fund to be known as the Pentagon Reservation Maintenance Revolving Fund (hereafter in this section referred to as the “Fund”). There shall be deposited into the Fund funds collected by the Secretary for space and services and other items provided an organization or entity using any facility or land on the Pentagon Reservation pursuant to subsection (d).

(2) Subject to paragraphs (3) and (4), monies deposited into the Fund shall be available, without fiscal year limitation, for expenditure for real property management, operation, protection, construction, repair, alteration and related activities for the Pentagon Reservation.

(3) If the cost of a construction or alteration activity proposed to be financed in whole or in part using monies from the Fund will exceed the limitation specified in section 2805 of this title for a comparable unspecified minor military construction project, the activity shall be subject to authorization as provided by section 2802 of this title before monies from the Fund are obligated for the activity.

(4)(A) Except as provided in subparagraph (B), the authority of the Secretary to use monies from the Fund to support construction or alteration activities at the Pentagon Reservation expires on September 30, 2012.

(B) Notwithstanding the date specified in subparagraph (A), the Secretary may use monies from the Fund after that date to support construction or alteration activities at the Pentagon Reservation within the limits specified in section 2805 of this title.

(f) DEFINITIONS.—In this section:

(1) The term “Pentagon Reservation” means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.

(2) The term “National Capital Region” means the geographic area located within the

boundaries of (A) the District of Columbia, (B) Montgomery and Prince Georges Counties in the State of Maryland, (C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia, and (D) all cities and other units of government within the geographic areas of such District, Counties, and City.

(3) The term “Pentagon” means that area of land (consisting of approximately 227 acres) and improvements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

(4) The term “Mark Center Campus” means that area of land (consisting of approximately 16 acres) and improvements thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

(5) The term “Raven Rock Mountain Complex” means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.

(Added Pub. L. 101-510, div. B, title XXVIII, §2804(a)(1), Nov. 5, 1990, 104 Stat. 1784; amended Pub. L. 102-190, div. A, title X, §1061(a)(18), div. B, title XXVIII, §2864, Dec. 5, 1991, 105 Stat. 1473, 1561; Pub. L. 104-106, div. A, title XV, §1502(a)(24), Feb. 10, 1996, 110 Stat. 505; Pub. L. 104-201, div. A, title III, §369(a), (b)(1), Sept. 23, 1996, 110 Stat. 2498; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 107-107, div. A, title XI, §1101, Dec. 28, 2001, 115 Stat. 1234; Pub. L. 108-136, div. A, title IX, §933, Nov. 24, 2003, 117 Stat. 1581; Pub. L. 111-383, div. B, title XXVIII, §2802, Jan. 7, 2011, 124 Stat. 4458; Pub. L. 112-81, div. B, title XXVIII, §2811, Dec. 31, 2011, 125 Stat. 1686; Pub. L. 114-328, div. A, title IX, §952(a), (b), div. B, title XXVIII, §2829E, Dec. 23, 2016, 130 Stat. 2374, 2375, 2733; Pub. L. 115-91, div. A, title X, §1081(d)(16), Dec. 12, 2017, 131 Stat. 1600.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2674, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1459; amended Pub. L. 87-651, title I, §112(b), Sept. 7, 1962, 76 Stat. 511; Pub. L. 88-174, title VI, §608, Nov. 7, 1963, 77 Stat. 328; Pub. L. 89-188, title VI, §613, Sept. 16, 1965, 79 Stat. 819; Pub. L. 89-568, title VI, §608, Sept. 12, 1966, 80 Stat. 756; Pub. L. 91-511, title VI, §607(2)-(4), Oct. 26, 1970, 84 Stat. 1224; Pub. L. 92-145, title VII, §707(1), Oct. 27, 1971, 85 Stat. 411; Pub. L. 93-166, title VI, §608(1), Nov. 29, 1973, 87 Stat. 682; Pub. L. 94-107, title VI, §607(2)-(4), Oct. 7, 1975, 89 Stat. 566; Pub. L. 95-82, title VI, §608(a), Aug. 1, 1977, 91 Stat. 377; Pub. L. 95-356, title VI, §603(h)(1), Sept. 8, 1978, 92 Stat. 582; Pub. L. 96-125, title VIII, §801, Nov. 26, 1979, 93 Stat. 947; Pub. L. 97-99, title IX, §907, Dec. 23, 1981, 95 Stat. 1385, related to minor construction projects, prior to repeal by Pub. L. 97-214, §§7(1), 12(a), July 12, 1982, 96 Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date. See section 2805 of this title.

REFERENCES IN TEXT

The Homeland Security Act of 2002, referred to in subsec. (b)(4)(B), 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.

The date of the enactment of this paragraph, referred to in subsec. (f)(4), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

AMENDMENTS

2017—Subsec. (b)(1). Pub. L. 115-91, §1081(d)(16), repealed Pub. L. 114-328, §2829E(a)(3). See 2016 Amendment note below.

2016—Subsec. (a). Pub. L. 114-328, §2829E(d)(1), inserted heading.

Pub. L. 114-328, §2829E(c), struck out par. (1) designation after subsec. (a) designation and struck out pars. (2) and (3) which related to annual report on the state of the renovation of the Pentagon Reservation for specified congressional committees.

Pub. L. 114-328, §2829E(b), substituted “The Secretary of Defense has jurisdiction” for “Jurisdiction” and struck out “is transferred to the Secretary of Defense” after “management of the Pentagon Reservation”.

Subsec. (b). Pub. L. 114-328, §2829E(d)(2), inserted heading.

Subsec. (b)(1). Pub. L. 114-328, §2829E(a)(3), which directed insertion of “for the Pentagon Reservation and” after “law enforcement and security functions” and could not be executed, was repealed by Pub. L. 115-91, §1081(d)(16).

Pub. L. 114-328, §952(a)(2), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows “The Secretary may appoint military or civilian personnel or contract personnel to perform law enforcement and security functions for property occupied by, or under the jurisdiction, custody, and control of the Department of Defense, and located in the National Capital Region. Such individuals—

“(A) may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status; and

“(B) shall have the same powers (other than the service of civil process) as sheriffs and constables upon the property referred to in the first sentence to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace and suppress affrays or unlawful assemblies, and to enforce any rules or regulations with respect to such property prescribed by duly authorized officials.”

Subsec. (b)(2). Pub. L. 114-328, §952(a)(2), added par. (2). Former par. (2) redesignated (5).

Subsec. (b)(3), (4). Pub. L. 114-328, §952(a)(2), added pars. (3) and (4).

Subsec. (b)(5). Pub. L. 114-328, §952(a)(1), (b), redesignated par. (2) as (5) and inserted “, whichever is greater” before period at end.

Subsec. (c). Pub. L. 114-328, §2829E(d)(3), inserted heading.

Subsec. (d). Pub. L. 114-328, §2829E(d)(4), inserted heading.

Subsec. (e). Pub. L. 114-328, §2829E(d)(5), inserted heading.

Subsec. (f). Pub. L. 114-328, §2829E(d)(6), inserted heading.

Subsec. (f)(1). Pub. L. 114-328, §2829E(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘Pentagon Reservation’ means that area of land (consisting of approximately 280 acres) and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located, including various areas designated for the parking of vehicles.”

Subsec. (f)(3) to (5). Pub. L. 114-328, §2829E(a)(2), added pars. (3) to (5).

Subsec. (g). Pub. L. 114-328, §2829E(a)(4), struck out subsec. (g) which read as follows: “For purposes of sub-

sections (b), (c), (d), and (e), the terms ‘Pentagon Reservation’ and ‘National Capital Region’ shall be treated as including the land and physical facilities at the Raven Rock Mountain Complex.”

2011—Subsec. (e)(2). Pub. L. 111-383, §2802(1), substituted “Subject to paragraphs (3) and (4), monies” for “Monies”.

Subsec. (e)(3). Pub. L. 111-383, §2802(2), added par. (3).

Subsec. (e)(4). Pub. L. 112-81 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), the authority” for “The authority”, and added subpar. (B).

Pub. L. 111-383, §2802(2), added par. (4).

2003—Subsec. (g). Pub. L. 108-136 added subsec. (g).

2001—Subsec. (b). Pub. L. 107-107 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

1999—Subsec. (a)(3)(B). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Pub. L. 104-201, §369(b)(1), substituted “of Pentagon Reservation and defense facilities in National Capital Region” for “of the Pentagon Reservation” in section catchline.

Subsec. (a)(2). Pub. L. 104-106, §1502(a)(24)(A), substituted “congressional committees specified in paragraph (3)” for “Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives”.

Subsec. (a)(3). Pub. L. 104-106, §1502(a)(24)(B), added par. (3).

Subsec. (b). Pub. L. 104-201, §369(a), substituted “in the National Capital Region” for “at the Pentagon Reservation”.

1991—Subsec. (b)(2). Pub. L. 102-190, §2864, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “shall have the same powers as sheriffs and constables to enforce the laws, rules, or regulations enacted for the protection of persons and property.”

Subsec. (c)(3). Pub. L. 102-190, §1061(a)(18), substituted “misdemeanor” for “misdeameanor”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title X, §1081(d), Dec. 12, 2017, 131 Stat. 1599, provided that the amendment made by section 1081(d)(16) is effective as of Dec. 23, 2016, and as if included in Pub. L. 114-328 as enacted.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

COST OF PENTAGON RENOVATION

Pub. L. 108-287, title VIII, §8055, Aug. 5, 2004, 118 Stat. 982, provided that:

“(a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

“(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall ad-

just the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

“(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

“(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

“(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

“(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

“(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

“(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

“(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

“(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-87, title VIII, §8055, Sept. 30, 2003, 117 Stat. 1084.

Pub. L. 107-248, title VIII, §8056, Oct. 23, 2002, 116 Stat. 1549.

Pub. L. 107-117, div. A, title VIII, §8060, Jan. 10, 2002, 115 Stat. 2260.

ESTABLISHMENT OF MEMORIAL TO VICTIMS OF TERRORIST ATTACK ON PENTAGON RESERVATION AND AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR MEMORIAL AND REPAIR OF PENTAGON

Pub. L. 107-107, div. B, title XXVIII, §2864, Dec. 28, 2001, 115 Stat. 1333, provided that:

“(a) MEMORIAL AUTHORIZED.—The Secretary of Defense may establish a memorial at the Pentagon Reservation dedicated to the victims of the terrorist attack on the Pentagon that occurred on September 11, 2001. The Secretary shall use necessary amounts in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code, including amounts deposited in the Fund under subsection (c), to plan, design, construct, and maintain the memorial.

“(b) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Defense may accept monetary contributions made for the purpose of assisting in—

“(1) the establishment of the memorial to the victims of the terrorist attack; and

“(2) the repair of the damage caused to the Pentagon Reservation by the terrorist attack.

“(c) DEPOSIT OF CONTRIBUTIONS.—The Secretary of Defense shall deposit contributions accepted under subsection (b) in the Pentagon Reservation Maintenance Revolving Fund. The contributions shall be available for expenditure only for the purposes specified in subsection (b).”

§ 2675. Leases: foreign countries

(a) LEASE AUTHORITY; DURATION.—The Secretary of a military department may acquire by