

A, title X, §1062(a)(13), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-136, div. A, title X, §1031(a)(31), Nov. 24, 2003, 117 Stat. 1600, related to leases of land for special operations activities, prior to repeal by Pub. L. 111-383, div. B, title XXVIII, §2814(a), Jan. 7, 2011, 124 Stat. 4464.

Another prior section 2680, added Pub. L. 87-651, title I, §112(c), Sept. 7, 1962, 76 Stat. 511; amended Pub. L. 89-718, §20, Nov. 2, 1966, 80 Stat. 1118, authorized reimbursement of moving expenses to owners of property acquired for public works projects, prior to repeal by Pub. L. 91-646, title II, §220(a)(3), Jan. 2, 1971, 84 Stat. 1903. See section 4601 et seq. of Title 42, The Public Health and Welfare.

#### Statutory Notes and Related Subsidiaries

##### EFFECT OF REPEAL

Pub. L. 111-383, div. B, title XXVIII, §2814(b), Jan. 7, 2011, 124 Stat. 4464, provided that: “The amendment made by subsection (a) [repealing former section 2680 of this title] shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.”

#### § 2681. Renumbered § 4175]

##### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2681, added Pub. L. 87-651, title II, §209(a), Sept. 7, 1962, 76 Stat. 523; amended Pub. L. 88-174, title V, §508, Nov. 7, 1963, 77 Stat. 326; Pub. L. 96-513, title V, §511(93), Dec. 12, 1980, 94 Stat. 2928, related to construction or acquisition of family housing and community facilities in foreign countries, 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.

#### § 2682. Facilities for defense agencies

(a) MAINTENANCE AND REPAIR.—Subject to subsection (c), the maintenance and repair of a real property facility for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense will be accomplished by or through a military department designated by the Secretary of Defense.

(b) JURISDICTION.—Subject to subsection (c), a real property facility under the jurisdiction of the Department of Defense which is used by an activity or agency of the Department of Defense (other than a military department) shall be under the jurisdiction of a military department designated by the Secretary of Defense.

(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—(1) The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.

(2) Not later than 48 hours after using the waiver authority under paragraph (1) for any facility for intelligence collection conducted under the authorities of the Department of Defense or special operations activity, the Secretary of Defense shall submit, in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice of the use of the authority, including the

justification for the waiver and the estimated cost of the project for which the waiver applies.

(3) In this subsection, the term “appropriate congressional committees” means the following:

(A) With respect to a waiver regarding special operations activities, the congressional defense committees.

(B) With respect to a waiver regarding intelligence collection conducted under the authorities of the Department of Defense—

(i) the congressional defense committees; and

(ii) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) The waiver authority provided by paragraph (1) expires December 31, 2020.

(Added Pub. L. 88-174, title VI, §609(a)(1), Nov. 7, 1963, 77 Stat. 329; amended Pub. L. 97-214, §10(a)(7), July 12, 1982, 96 Stat. 175; Pub. L. 112-81, div. A, title IX, §926, Dec. 31, 2011, 125 Stat. 1541; Pub. L. 114-92, div. A, title XVI, §1632, Nov. 25, 2015, 129 Stat. 1111; Pub. L. 115-91, div. B, title XXVIII, §2811(f), Dec. 12, 2017, 131 Stat. 1848.)

##### Editorial Notes

##### AMENDMENTS

2017—Subsec. (c)(2). Pub. L. 115-91 substituted “, in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice” for “to the appropriate congressional committees written notification”.

2015—Subsecs. (a), (b). Pub. L. 114-92, §1632(b)(2), repealed Pub. L. 112-81, §926(b). See 2011 Amendment notes below.

Subsec. (c). Pub. L. 114-92, §1632(b)(2), repealed Pub. L. 112-81, §926(b). See 2011 Amendment note below.

Pub. L. 114-92, §1632(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (c)(4). Pub. L. 114-92, §1632(b)(1), added par. (4).

2011—Pub. L. 112-81, §926(a)(1), (2), designated first and second sentences as subsecs. (a) and (b), respectively, inserted headings, and realigned margins of subsec. (b).

Subsec. (a). Pub. L. 112-81, §926(b)(1), which directed the substitution of “The maintenance and repair” for “Subject to subsection (c), the maintenance and repair”, subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114-92, §1632(b)(2).

Pub. L. 112-81, §926(a)(1), substituted “Subject to subsection (c), the maintenance and repair” for “The maintenance and repair”.

Subsec. (b). Pub. L. 112-81, §926(b)(2), which directed the substitution of “A real property” for “Subject to subsection (c), a real property”, subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114-92, §1632(b)(2).

Pub. L. 112-81, §926(a)(3), substituted “Subject to subsection (c), a real property” for “A real property”.

Subsec. (c). Pub. L. 112-81, §926(b)(3), which directed the striking out of subsec. (c), subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114-92, §1632(b)(2).

Pub. L. 112-81, §926(a)(4), added subsec. (c).

1982—Pub. L. 97-214 substituted “maintenance and repair” for “construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title IX, §926(b), Dec. 31, 2011, 125 Stat. 1541, as amended by Pub. L. 113-291, div. A,

title XVI, §1624, Dec. 19, 2014, 128 Stat. 3633, which provided in part that the amendments made to this section by section 926(b) were to be effective on the later of Sept. 30, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, was repealed by Pub. L. 114-92, div. A, title XVI, §1632(b)(2), Nov. 25, 2015, 129 Stat. 1112.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 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 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

### § 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

(a) Notwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(b) The authority granted by subsection (a) is in addition to and not instead of that granted by any other provision of law.

(c)(1) Except as provided in paragraphs (2) and (3), the Secretary concerned shall establish and enforce as the minimum drinking age on a military installation located in a State the age established by the law of that State as the State minimum drinking age.

(2)(A) In the case of a military installation located—

- (i) in more than one State; or
- (ii) in one State but within 50 miles of another State or Mexico or Canada,

the Secretary concerned may establish and enforce as the minimum drinking age on that military installation the lowest applicable age.

(B) In subparagraph (A), the term “lowest applicable age” means the lowest minimum drinking age established by the law—

- (i) of a State in which a military installation is located; or
- (ii) of a State or jurisdiction of Mexico or Canada that is within 50 miles of such military installation.

(3)(A) The commanding officer of a military installation may waive the requirement of paragraph (1) if such commanding officer determines that the exemption is justified by special circumstances.

(B) The Secretary of Defense shall define by regulations what constitute special circumstances for the purposes of this paragraph.

(4) In this subsection:

(A) The term “State” includes the District of Columbia.

(B) The term “minimum drinking age” means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

(Added Pub. L. 91-511, title VI, §613(1), Oct. 26, 1970, 84 Stat. 1226; amended Pub. L. 92-545, title VIII, §707, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93-283, §3, May 14, 1974, 88 Stat. 141; Pub. L. 99-145, title XII, §1224(a), (b)(1), (c)(1), Nov. 8, 1985, 99 Stat. 728, 729; Pub. L. 99-661, div. A, title XIII, §1343(a)(18), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100-526, title I, §106(b)(2), Oct. 24, 1988, 102 Stat. 2625.)

### Editorial Notes

#### AMENDMENTS

1988—Subsec. (c)(2)(B). Pub. L. 100-526, §106(b)(2)(A), substituted “the term ‘lowest applicable age’” for “‘lowest age’”.

Subsec. (c)(4)(A). Pub. L. 100-526, §106(b)(2)(B)(i), substituted “The term ‘State’” for “‘State’”.

Subsec. (c)(4)(B). Pub. L. 100-526, §106(b)(2)(B)(ii), substituted “The term ‘minimum’” for “‘Minimum’”.

1986—Subsec. (b). Pub. L. 99-661 struck out “this” before “subsection (a)”.

1985—Pub. L. 99-145, §1224(c)(1), inserted “; minimum drinking age on military installations” in section catchline.

Subsec. (b). Pub. L. 99-145, §1224(b)(1), substituted “subsection (a)” for “section”.

Subsec. (c). Pub. L. 99-145, §1224(a), added subsec. (c).

1974—Subsec. (a). Pub. L. 93-283 substituted “Secretary concerned” for “Secretary of a military department”.

1972—Subsec. (a). Pub. L. 92-545 provided for relinquishment of all or part of legislative jurisdiction of the United States over lands or interests to Commonwealths, territories, or possessions of the United States.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title XII, §1224(d), Nov. 8, 1985, 99 Stat. 729, provided that: “The amendments made by this section [amending this section and provisions set out as a note under section 113 of this title] shall take effect 90 days after the date of the enactment of this Act [Nov. 8, 1985].”

### § 2684. Cooperative agreements for management of cultural resources

(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government or other entity for the preservation, management, maintenance, and improvement of cultural resources located on a site authorized by subsection (b) and for the conduct of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

(b) AUTHORIZED CULTURAL RESOURCES SITES.—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

- (1) on a military installation; or
- (2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might