

cerned determines that the material is required or generated in connection with the authorized and compatible use of a facility of the Department of Defense, including the use of such a facility for testing material or training personnel.

(10) The treatment and disposal of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated in connection with the authorized and compatible use of a facility of that military department and the Secretary enters into a contract or agreement with the prospective user that—

(A) is consistent with the best interest of national defense and environmental security; and

(B) provides for the prospective user's continued financial and environmental responsibility and liability with regard to the material.

(11) The storage of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated in connection with the use of a space launch facility located on an installation of the Department of Defense or on other land controlled by the United States.

(c) The Secretary of Defense may grant exceptions to subsection (a) when essential to protect the health and safety of the public from imminent danger if the Secretary otherwise determines the exception is essential and if the storage or disposal authorized does not compete with private enterprise.

(d)(1) The Secretary may assess a charge for any storage or disposal provided under this section. Any such charge shall be on a reimbursable cost basis.

(2) In the case of storage under this section authorized because of an imminent danger, the storage provided shall be temporary and shall cease once the imminent danger no longer exists. In all other cases of storage or disposal authorized under this section, the storage or disposal authorized shall be terminated as determined by the Secretary.

(Added Pub. L. 98-407, title VIII, §805(a), Aug. 28, 1984, 98 Stat. 1520; amended Pub. L. 102-484, div. B, title XXVIII, §2852, Oct. 23, 1992, 106 Stat. 2625; Pub. L. 103-337, div. A, title III, §325, Oct. 5, 1994, 108 Stat. 2711; Pub. L. 105-85, div. A, title III, §343(a)-(g)(2), Nov. 18, 1997, 111 Stat. 1686, 1687; Pub. L. 106-65, div. A, title X, §1066(a)(25), Oct. 5, 1999, 113 Stat. 772; Pub. L. 109-364, div. A, title X, §1071(a)(21), Oct. 17, 2006, 120 Stat. 2399.)

Editorial Notes

AMENDMENTS

2006—Subsec. (b)(9). Pub. L. 109-364 substituted “testing material” for “testing materiel”.

1999—Subsec. (b). Pub. L. 106-65 substituted “apply to the following;” for “apply to—” in introductory provisions, “The” for “the” at the beginning of each of pars. (1) to (11), a period for the semicolon at the end of each of pars. (1) to (9), and a period for “; and” at the end of par. (10).

1997—Pub. L. 105-85, §343(g)(2), substituted “Storage, treatment, and” for “Storage and” in section catchline.

Subsec. (a)(1). Pub. L. 105-85, §343(g)(1), substituted “storage, treatment, or disposal” for “storage or disposal”.

Pub. L. 105-85, §343(a), substituted “either by the Department of Defense or by a member of the armed forces (or a dependent of the member) assigned to or provided military housing on the installation” for “by the Department of Defense”.

Subsec. (b)(1), (2). Pub. L. 105-85, §343(b), added par. (1) and redesignated former par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 105-85, §343(b)(1), (c), redesignated par. (2) as (3) and substituted “Federal, State, or local law enforcement” for “Federal law enforcement” and “Federal, State, or local agency” for “Federal agency”. Former par. (3) redesignated (4).

Subsec. (b)(4) to (8). Pub. L. 105-85, §343(b)(1), redesignated pars. (3) to (7) as (4) to (8), respectively. Former par. (8) redesignated (9).

Subsec. (b)(9). Pub. L. 105-85, §343(b)(1), (d), redesignated par. (8) as (9) and substituted “in connection with the authorized and compatible use of a” for “by a private person in connection with the authorized and compatible use by that person of an industrial-type” and “, including the use of such a facility for testing materiel or training personnel;” for “; and”. Former par. (9) redesignated (10).

Subsec. (b)(10). Pub. L. 105-85, §343(b)(1), (e), redesignated par. (9) as (10) and substituted “in connection with the authorized and compatible use of a” for “by a private person in connection with the authorized and compatible commercial use by that person of an industrial-type”, “or agreement with the prospective user” for “with that person”, “for the prospective user’s” for “for that person’s”, and “; and” for period at end.

Subsec. (b)(11). Pub. L. 105-85, §343(f), added par. (11). 1994—Subsec. (b)(9). Pub. L. 103-337 added par. (9). 1992—Subsec. (b)(8). Pub. L. 102-484 added par. (8).

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 105-85, div. A, title III, §343(h), Nov. 18, 1997, 111 Stat. 1688, provided that: “Nothing in the amendments made by this section [amending this section] is intended to modify environmental laws or laws relating to the siting of facilities.”

§ 2693. Sentinel Landscapes Partnership

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the heads of other Federal departments and agencies that elect to become full partners in the program, may establish and carry out a program to preserve and restore sentinel landscapes. The program shall be known as the “Sentinel Landscapes Partnership”.

(b) DESIGNATION OF SENTINEL LANDSCAPES.—The Secretary of Defense, the Secretary of Agriculture, the Secretary of the Interior, and the heads of other Federal departments and agencies that elect to become full partners in the Sentinel Landscapes Partnership may, as such Secretaries and other heads determine appropriate, collectively designate one or more sentinel landscapes.

(c) COORDINATION OF ACTIVITIES.—In carrying out this section, the Secretaries and the other heads of Federal departments and agencies may coordinate actions between their departments and agencies and with other Federal, State, interstate, and local agencies, Indian Tribes, and private entities to more efficiently work together for the mutual benefit of conservation,

resilience, working lands, and national defense, and to encourage owners and managers of land to engage in voluntary land management, resilience, and conservation activities that contribute to the sustainment of military installations, State-owned National Guard installations, and associated airspace.

(d) **PRIORITY CONSIDERATION.**—In carrying out this section, the Secretaries and the other heads of Federal departments and agencies may give to any eligible owner or manager of land within a designated sentinel landscape priority consideration for participation in any easement, grant, or assistance program administered by that Secretary or head. Participation by an eligible owner or manager of land in any such program pursuant to this section shall be voluntary.

(e) **PARTICIPATION BY OTHER AGENCIES.**—Other Federal agencies with programs addressing conservation or resilience may, and are encouraged to—

(1) participate in the activities of the Sentinel Landscapes Partnership; and

(2) become full partners in the Sentinel Landscapes Partnership.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to require an owner or manager of land, including a private landowner or agricultural producer, to participate in any land management, resilience, or conservation activity under this section.

(g) **DEFINITIONS.**—In this section:

(1) **MILITARY INSTALLATION.**—The term “military installation” has the same meaning as provided in section 100(1) of the Sikes Act (16 U.S.C. 670(1)).

(2) **STATE-OWNED NATIONAL GUARD INSTALLATION.**—The term “State-owned National Guard installation” has the same meaning as provided in section 100(3) of the Sikes Act (16 U.S.C. 670(3)).

(3) **SENTINEL LANDSCAPE.**—The term “sentinel landscape” means a landscape-scale area encompassing—

(A) one or more military installations or state-owned National Guard installations and associated airspace; and

(B) the publicly and privately owned lands that serve to protect and support the rural economy, the natural environment, outdoor recreation, and the national defense missions of a military installation or State-owned National Guard installation.

(4) **RESILIENCE.**—The term “resilience” means the capability to avoid, prepare for, minimize the effect of, adapt to, and recover from extreme weather events, flooding, wildfire, or other anticipated or unanticipated changes in environmental conditions.

(Added and amended Pub. L. 118–31, div. A, title III, §311(a), (b), Dec. 22, 2023, 137 Stat. 213, 214.)

Editorial Notes

CODIFICATION

Section, as added and amended by section 311(a) and (b) of Pub. L. 118–31, is based on Pub. L. 115–91, div. A, title III, §317(a)–(f), Dec. 12, 2017, 131 Stat. 1351, 1352, as amended by Pub. L. 117–81, div. A, title III, §317(a), Dec.

27, 2021, 135 Stat. 1631, which was formerly set out as a note under section 2684a of this title before being transferred to this chapter and renumbered as this section. Another section 317(f) of Pub. L. 115–91 repealed section 312(b) of Pub. L. 113–66, see Termination of 2013 Amendment note under section 2684a of this title.

PRIOR PROVISIONS

A prior section 2693, added Pub. L. 101–647, title XVIII, §1802(a), Nov. 29, 1990, 104 Stat. 4849; amended Pub. L. 107–107, div. A, title X, §1048(a)(26)(A), (B)(i), Dec. 28, 2001, 115 Stat. 1224, 1225; Pub. L. 109–364, div. B, title XXVIII, §2825(b), Oct. 17, 2006, 120 Stat. 2476, related to conveyance of real property or facility for utilization under the correctional options program, prior to repeal by Pub. L. 109–364, div. B, title XXVIII, §2825(c)(2), Oct. 17, 2006, 120 Stat. 2477. See section 2696(f) of this title.

Another prior section 2693 was renumbered section 2465 of this title.

AMENDMENTS

2023—Pub. L. 118–31, §311(a), transferred section 317 of Pub. L. 115–91, as amended, to this chapter and renumbered it as this section. See Codification note above.

Subsec. (a). Pub. L. 118–31, §311(b)(1), substituted “, the Secretary of the Interior, and the heads of other Federal departments and agencies that elect to become full partners in the program” for “and the Secretary of the Interior”.

Subsec. (b). Pub. L. 118–31, §311(b)(2), substituted “the Secretary of the Interior, and the heads of other Federal departments and agencies that elect to become full partners in the Sentinel Landscapes Partnership may, as such Secretaries and other heads” for “and the Secretary of the Interior, may, as the Secretaries”.

Subsec. (c). Pub. L. 118–31, §311(b)(3), amended subsec. (c) generally. Prior to amendment, text read as follows: “The Secretaries may coordinate actions between their departments and with other agencies and private organizations to more efficiently work together for the mutual benefit of conservation, resilience, working lands, and national defense, and to encourage private landowners to engage in voluntary land management, resilience, and conservation activities that contribute to the sustainment of military installations, ranges, and airspace.”

Subsec. (d). Pub. L. 118–31, §311(b)(4), substituted “In carrying out this section, the Secretaries and the other heads of Federal departments and agencies may give to any eligible owner or manager of land within a designated sentinel landscape priority consideration for participation in any easement, grant, or assistance program administered by that Secretary or head.” for “The Secretary of Agriculture and the Secretary of the Interior may give to any eligible landowner or agricultural producer within a designated sentinel landscape priority consideration for participation in any easement, grant, or assistance programs administered by that Secretary’s department.” and “an eligible owner or manager of land” for “an eligible landowner or agricultural producer”.

Subsec. (f). Pub. L. 118–31, §311(b)(6), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 118–31, §311(b)(5), redesignated subsec. (f) as (g).

Subsec. (g)(1). Pub. L. 118–31, §311(b)(7)(A), substituted “section 100(1) of the Sikes Act (16 U.S.C. 670(1))” for “section 670(1) of title 16, United States Code”.

Subsec. (g)(2). Pub. L. 118–31, §311(b)(7)(B), substituted “section 100(3) of the Sikes Act (16 U.S.C. 670(3))” for “section 670(3) of title 16, United States Code”.

Subsec. (g)(3)(B). Pub. L. 118–31, §311(b)(7)(C), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “the working or natural lands that serve to protect and support the rural economy, the natural environment, outdoor recreation, and the national defense test and training missions of the

military- or State-owned National Guard installation or installations.”

§ 2694. Conservation and cultural activities

(a) **ESTABLISHMENT.**—The Secretary of Defense may establish and carry out a program to conduct and manage in a coordinated manner the conservation and cultural activities described in subsection (b).

(b) **ACTIVITIES.**—(1) A conservation or cultural activity eligible for the program that the Secretary establishes under subsection (a) is any activity—

(A) that has regional or Department of Defense-wide significance and that involves more than one military department or involves a sentinel landscape;

(B) that is necessary to meet legal requirements or to support military operations or that would contribute to maintaining or improving military installation resilience;

(C) that can be more effectively managed at the Department of Defense level; and

(D) for which no executive agency has been designated responsible by the Secretary.

(2) Such activities include the following:

(A) The development of ecosystem-wide land management plans or nature-based climate resilience plans.

(B) The conduct of wildlife studies to ensure the safety and sustainability of military operations.

(C) The identification and return of Native American human remains and cultural items in the possession or control of the Department of Defense, or discovered on land under the jurisdiction of the Department, to the appropriate Native American tribes.

(D) The control of invasive species that may hinder military activities or degrade military training ranges.

(E) The establishment of a regional curation system for artifacts found on military installations.

(F) The implementation of ecosystem-wide land management plans—

(i) for a single ecosystem—

(I) that encompasses at least two non-contiguous military installations, if those military installations are not all under the administrative jurisdiction of the same Secretary of a military department; and

(II) providing synergistic benefits unavailable if the installations acted separately; or

(ii) for one or more ecosystems within a sentinel landscape.

(c) **COOPERATIVE AGREEMENTS.**—The Secretary may negotiate and enter into cooperative agreements with public and private agencies, organizations, institutions, individuals, or other entities to carry out the program established under subsection (a).

(d) **EFFECT ON OTHER LAWS.**—Nothing in this section shall be construed or interpreted as preempting any otherwise applicable Federal, State, or local law or regulation relating to the management of natural and cultural resources on military installations.

(e) **SENTINEL LANDSCAPE DEFINED.**—In this section, the term “sentinel landscape” has the

meaning given that term in section 2693(g) of this title.

(Added Pub. L. 104-201, div. A, title III, §332(a)(1), Sept. 23, 1996, 110 Stat. 2484; amended Pub. L. 105-85, div. A, title X, §1073(a)(59), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 112-81, div. B, title XXVIII, §2814, Dec. 31, 2011, 125 Stat. 1688; Pub. L. 117-81, div. A, title III, §317(c), Dec. 27, 2021, 135 Stat. 1632; Pub. L. 118-31, div. A, title III, §311(c)(2), Dec. 22, 2023, 137 Stat. 215.)

Editorial Notes

AMENDMENTS

2023—Subsec. (e). Pub. L. 118-31 substituted “meaning given that term in section 2693(g) of this title” for “meaning given that term in section 317(f) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2684a note)”.

2021—Subsec. (b)(1)(A). Pub. L. 117-81, §317(c)(1)(A)(i), inserted “or involves a sentinel landscape” before semicolon at end.

Subsec. (b)(1)(B). Pub. L. 117-81, §317(c)(1)(A)(ii), inserted “or that would contribute to maintaining or improving military installation resilience” before semicolon at end.

Subsec. (b)(2)(A). Pub. L. 117-81, §317(c)(1)(B)(i), inserted “or nature-based climate resilience plans” before period at end.

Subsec. (b)(2)(F)(i). Pub. L. 117-81, §317(c)(1)(B)(ii)(I), inserted a dash after “single ecosystem”, designated remaining existing provisions as subcl. (I), redesignated provisions of existing cl. (ii) as subcl. (II) of cl. (i), and realigned margins.

Subsec. (b)(2)(F)(ii). Pub. L. 117-81, §317(c)(1)(B)(ii)(II), added cl. (ii). Former cl. (ii) redesignated cl. (i)(II).

Subsec. (e). Pub. L. 117-81, §317(c)(2), added subsec. (e).

2011—Subsec. (b)(2)(B). Pub. L. 112-81, §2814(1), inserted “and sustainability” after “safety”.

Subsec. (b)(2)(F). Pub. L. 112-81, §2814(2), added subpar. (F).

1997—Subsec. (b)(1)(D). Pub. L. 105-85 substituted “executive agency” for “executive agency”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 104-201, div. A, title III, §332(b), Sept. 23, 1996, 110 Stat. 2485, provided that: “Section 2694 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1996.”

§ 2694a. Conveyance of surplus real property for natural resource conservation

(a) **AUTHORITY TO CONVEY.**—The Secretary of a military department may convey to an eligible entity described in subsection (b) any surplus real property that—

(1) is under the administrative control of the Secretary;

(2) is suitable and desirable for conservation purposes;

(3) has been made available for public benefit transfer for a sufficient period of time to potential claimants; and

(4) is not subject to a pending request for transfer to another Federal agency or for conveyance to any other qualified recipient for public benefit transfer under the real property disposal processes and authorities under subtitle I of title 40.

(b) **ELIGIBLE ENTITIES.**—The conveyance of surplus real property under this section may be made to any of the following: