

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2668(c) .....	43:931b (3d proviso of 1st sentence).	
2668(d) .....	43:931b (last sentence) [43:931b is made applicable to the Navy by 50:171-1 (16th through 21st words)].	

In subsection (a), the word “conditions” is omitted as covered by the word “terms”. The description of the persons covered in the opening paragraph and the lands covered in clauses (1)–(10) is restated to reflect an opinion of the Judge Advocate General of the Army (JAGR 1952/3179, 27 Mar. 1952). The exceptions to clause (10) make express the fact that the revised section does not cover certain easements authorized by earlier law. The word “over” includes the word “across”. The words “of the United States”, “and empowered”, “acquired lands”, “jurisdiction and”, and “municipality” are omitted as surplusage. The word “Commonwealth” is inserted to reflect the present status of Puerto Rico.

In subsection (b), the words “for the easement” are substituted for the words “for the purpose for which granted”.

In subsections (b) and (c), the word “easement” is substituted for the word “rights-of-way”.

In subsection (c), the word “terminate” is substituted for the words “annulled and forfeited”. The words “and 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.

## 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. Repealed. Pub. L. 109–364, div. B, title XXVIII, § 2822(c), Oct. 17, 2006, 120 Stat. 2475]**

Section, 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.

**§ 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) the 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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”.

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

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) 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