

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.

#### 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 section 473 of Title 50, Appendix, War and National Defense] 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 restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.

(c) **APPLICATION OF OTHER LAWS.**—Section 1535 and chapter 63 of title 31 shall not apply to a cooperative agreement entered into under this section.

(d) **CULTURAL RESOURCE DEFINED.**—In this section, the term “cultural resource” means any of the following:

(1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 2023.01 of title 54.<sup>1</sup>

(2) Cultural items, as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

(3) An archaeological resource, as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

(4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.

(5) An Indian sacred site, as defined in section 1(b)(iii) of Executive Order No. 13007.

(Added Pub. L. 104-201, div. B, title XXVIII, § 2862(a), Sept. 23, 1996, 110 Stat. 2804; amended

Pub. L. 105-85, div. A, title X, § 1073(a)(58), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 110-181, div. B, title XXVIII, § 2824, Jan. 28, 2008, 122 Stat. 545; Pub. L. 113-287, § 5(b), Dec. 19, 2014, 128 Stat. 3264.)

#### REFERENCES IN TEXT

Executive Order No. 13007, referred to in subsec. (d)(5), is set out under section 1996 of Title 42, The Public Health and Welfare.

#### PRIOR PROVISIONS

A prior section 2684, added Pub. L. 93-166, title V, § 509(a), Nov. 29, 1973, 87 Stat. 677, related to construction of family quarters and limitations on space, 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 2826 of this title.

#### AMENDMENTS

2014—Subsec. (d)(1). Pub. L. 113-287, which directed the substitution of “section 2023.01 of title 54” for “section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a))” in subsec. (c)(1), was executed by making the substitution in subsec. (d)(1) to reflect the probable intent of Congress and the prior redesignation of subsec. (c) as (d) by Pub. L. 110-181, § 2824(a)(2). See 2008 Amendment note below.

2008—Subsec. (a). Pub. L. 110-181, § 2824(a)(1), substituted “located on a site authorized by subsection (b)” for “on military installations”.

Subsecs. (b) to (d). Pub. L. 110-181, § 2824(a)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (d)(5). Pub. L. 110-181, § 2824(b), added par. (5). 1997—Subsec. (b). Pub. L. 105-85 struck out “, United States Code,” after “title 31”.

### § 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Defense or the Secretary of a military department may enter into an agreement with an eligible entity or entities described in subsection (b) to address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for purposes of—

(1) limiting any development or use of the property that would be incompatible with the mission of the installation;

(2) preserving habitat on the property in a manner that—

(A) is compatible with environmental requirements; and

(B) may eliminate or relieve current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation; or

(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.

(b) **ELIGIBLE ENTITIES.**—An agreement under this section may be entered into with any of the following:

(1) A State or political subdivision of a State.

<sup>1</sup> So in original. Probably should be “section 302101 of title 54.”