

- Sec.
2692. Storage, treatment, and disposal of non-defense toxic and hazardous materials.
[2693. Repealed.]
2694. Conservation and cultural activities.
2694a. Conveyance of surplus real property for natural resource conservation.
2694b. Participation in wetland mitigation banks.
2694c. Participation in conservation banking programs.
2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
2696. Real property: transfer between armed forces and screening requirements for other Federal use.
2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.

HISTORICAL AND REVISION NOTES

1962 ACT

This section makes necessary clerical amendments to chapter analysis.

AMENDMENTS

- 2017—Pub. L. 115–91, div. B, title XXVIII, § 2814(c), Dec. 12, 2017, 131 Stat. 1850, substituted “Restoration of land used by permit or damaged by mishap; reimbursement of State costs of fighting wildland fires” for “Restoration of land used by permit or lease” in item 2691.
2015—Pub. L. 114–92, div. B, title XXVIII, § 2811(b), Nov. 25, 2015, 129 Stat. 1174, added item 2672.
2014—Pub. L. 113–291, div. A, title III, § 351(c)(2), Dec. 19, 2014, 128 Stat. 3347, added item 2679.
2011—Pub. L. 111–383, div. A, title III, § 341(b), div. B, title XXVIII, § 2814(c), Jan. 7, 2011, 124 Stat. 4190, 4464, struck out item 2680 “Leases: land for special operations activities” and added item 2697.
2009—Pub. L. 111–84, div. B, title XXVIII, § 2822(a)(2), Oct. 28, 2009, 123 Stat. 2666, added item 2687a.
2008—Pub. L. 110–417, [div. A], title III, § 311(b), div. B, title XXVIII, § 2812(f)(2), Oct. 14, 2008, 122 Stat. 4409, 4728, added items 2667 and 2694c and struck out former items 2667 “Leases: non-excess property of military departments” and 2667a “Leases: non-excess property of Defense agencies”.
Pub. L. 110–181, div. B, title XXVIII, § 2822(b)(2), Jan. 28, 2008, 122 Stat. 544, struck out item 2677 “Options: property required for military construction projects”.
2006—Pub. L. 109–364, div. B, title XXVIII, §§ 2822(d), 2823(b), 2825(d)(2)(B), 2851(c)(3), Oct. 17, 2006, 120 Stat. 2475–2477, 2495, added item 2668a, substituted “Real property: transfer between armed forces and screening requirements for other Federal use” for “Screening of real property for further Federal use before conveyance” in item 2696, and struck out items 2669 “Easements for rights-of-way: gas, water, sewer pipe lines”, 2689 “Development of geothermal energy on military lands”, 2690 “Fuel sources for heating systems; prohibition on converting certain heating facilities”, and 2693 “Conveyance of certain property: Department of Justice correctional options program”.
Pub. L. 109–163, div. B, title XXVIII, § 2821(g), Jan. 6, 2006, 119 Stat. 3513, added items 2663 and 2664 and struck out former item 2663 “Acquisition” and items 2672 “Authority to acquire low-cost interests in land”, 2672a “Acquisition: interests in land when need is urgent”, and 2676 “Acquisition: limitation”.
2004—Pub. L. 108–375, div. B, title XXVIII, § 2821(e)(3), Oct. 28, 2004, 118 Stat. 2130, 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 item 2670 and struck out items 2664 “Acquisition of property for lumber production”, 2666 “Acquisition: land purchase contracts; limitation on commission”, 2673 “Acquisition of certain interests in land: availability of funds”, and 2679 “Representatives of veterans’ organizations: use of space and equipment”.

2003—Pub. L. 108–136, div. A, title III, § 314(a)(2), div. B, title XXVIII, § 2811(b)(3), Nov. 24, 2003, 117 Stat. 1431, 1725, substituted “Authority to acquire low-cost interests in land” for “Acquisition: interests in land when cost is not more than \$500,000” in item 2672 and added item 2694b.

2002—Pub. L. 107–314, div. B, title XXVIII, §§ 2811(b), 2812(a)(2), Dec. 2, 2002, 116 Stat. 2707, 2709, added items 2684a and 2694a.

2001—Pub. L. 107–107, div. A, title X, § 1048(a)(26)(B)(ii), title XVI, § 1607(b)(3), Dec. 28, 2001, 115 Stat. 1225, 1280, 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 item 2670 and “Conveyance of certain property: Department of Justice correctional options program” for “Conveyance of certain property” in item 2693.

1998—Pub. L. 105–261, div. B, title XXVIII, § 2812(b)(2), Oct. 17, 1998, 112 Stat. 2206, struck out “from other agencies” after “lease” in item 2691.

1997—Pub. L. 105–85, div. A, title III, §§ 343(g)(3), 371(c)(2), title X, §§ 1061(c)(2), 1062(b), div. B, title XXVIII, §§ 2811(b)(2), 2812(b), 2813(b), 2814(a)(2), Nov. 18, 1997, 111 Stat. 1688, 1705, 1891, 1892, 1992–1995, inserted “of military departments” after “property” in item 2667, added item 2667a, substituted “\$500,000” for “\$200,000” in item 2672, added items 2686 and 2688, substituted “Storage, treatment, and” for “Storage and” in item 2692, and added items 2695 and 2696.

1996—Pub. L. 104–201, div. A, title III, § 332(a)(2), 369(b)(2), div. B, title XXVIII, § 2862(b), Sept. 23, 1996, 110 Stat. 2485, 2498, 2805, substituted “of Pentagon Reservation and defense facilities in National Capital Region” for “of the Pentagon Reservation” in item 2674 and added items 2684 and 2694.

1993—Pub. L. 103–160, div. A, title VIII, § 846(b), Nov. 30, 1993, 107 Stat. 1723, added item 2681.

1992—Pub. L. 102–496, title IV, § 403(a)(2)(B), Oct. 24, 1992, 106 Stat. 3185, substituted “reports to congressional committees” for “Reports to the Armed Services Committees” in item 2662.

1991—Pub. L. 102–190, div. B, title XXVIII, § 2863(a)(2), Dec. 5, 1991, 105 Stat. 1560, added item 2680.

1990—Pub. L. 101–647, title XVIII, § 1802(b), Nov. 29, 1990, 104 Stat. 4850, added item 2693.

Pub. L. 101–510, div. A, title XIV, § 1481(h)(2), div. B, title XXVIII, § 2804(a)(2), Nov. 5, 1990, 104 Stat. 1708, 1785, added items 2674 and 2678.

1988—Pub. L. 100–370, §§ 1(i)(4), 2(b)(2), July 19, 1988, 102 Stat. 849, 854, added items 2661 and 2673 and struck out item 2693 “Prohibition on contracts for performance of firefighting or security-guard functions”.

1987—Pub. L. 100–224, § 5(b)(3), Dec. 30, 1987, 101 Stat. 1538, inserted “; prohibition on converting certain heating facilities” after “systems” in item 2690.

Pub. L. 100–180, div. A, title XI, § 1112(b)(3), Dec. 4, 1987, 101 Stat. 1147, inserted “or security-guard” before “functions” in item 2693.

1986—Pub. L. 99–661, div. A, title XII, §§ 1205(a)(2), 1222(a)(2), Nov. 14, 1986, 100 Stat. 3972, 3976, substituted “Fuel sources for heating systems” for “Restriction on fuel sources for new heating systems” in item 2690 and added item 2693.

Pub. L. 98–115, title VIII, § 807(c)(2), Oct. 11, 1983, 97 Stat. 789; Pub. L. 99–167, title VIII, § 806(a), Dec. 3, 1985, 99 Stat. 988, struck out item 2667a “Sale and replacement of nonexcess real property”, eff. Oct. 1, 1986.

1985—Pub. L. 99–167, title VIII, § 810(b)(2), Dec. 3, 1985, 99 Stat. 990, substituted “\$200,000” for “\$100,000” in item 2672.

Pub. L. 99–145, title XII, § 1224(c)(2), Nov. 8, 1985, 99 Stat. 729, inserted “; minimum drinking age on military installations” in item 2683.

1984—Pub. L. 98–407, title VIII, §§ 804(b), 805(b), Aug. 28, 1984, 98 Stat. 1519, 1521, added items 2691 and 2692.

1983—Pub. L. 98–115, title VIII, § 807(a)(2), Oct. 11, 1983, 97 Stat. 788, added item 2667a.

1982—Pub. L. 97–321, title VIII, § 805(b)(4), Oct. 15, 1982, 96 Stat. 1573, substituted in item 2689 “Development of

geothermal energy on military lands” for “Development of sources of energy on or for military installations”.

Pub. L. 97-295, §1(31)(B), Oct. 12, 1982, 96 Stat. 1296, struck out item 2661a “Appropriations for advance planning of military public works”.

Pub. L. 97-258, §2(b)(6)(A), Sept. 13, 1982, 96 Stat. 1053, added item 2661a.

Pub. L. 97-214, §§6(c)(2), 10(a)(4), (5)(C), July 12, 1982, 96 Stat. 173, 175, struck out items 2661 “Planning and construction of public works projects by military departments”, 2673 “Restoration or replacement of facilities damaged or destroyed”, 2674 “Minor construction projects”, 2678 “Acquisition of mortgaged housing units”, 2681 “Construction or acquisition of family housing and community facilities in foreign countries”, 2684 “Construction of family quarters; limitations on space”, 2686 “Leases: military family housing”, and 2688 “Use of solar energy systems in new facilities”, substituted “Options: property required for military construction projects” for “Options: property required for public works projects of military departments” in item 2677, and added items 2689 and 2690.

1980—Pub. L. 96-513, title V, §511(89), Dec. 12, 1980, 94 Stat. 2928, struck out item 2680 “Reimbursement of owners of property acquired for public works projects for moving expenses”.

Pub. L. 96-418, title VIII, §806(b), Oct. 10, 1980, 94 Stat. 1777, as amended by Pub. L. 97-22, §11(c), July 10, 1981, 95 Stat. 138, substituted “\$100,000” for “\$50,000” in item 2762.

1979—Pub. L. 96-125, title VIII, §804(a)(2), Nov. 26, 1979, 93 Stat. 948, added item 2688.

1977—Pub. L. 95-82, title V, §504(a)(2), title VI, §§608(b), 612(b), Aug. 1, 1977, 91 Stat. 371, 378, 380, substituted “Minor construction projects” for “Establishment and development of military facilities and installations costing less than \$400,000” in item 2674 and added items 2686 and 2687.

1975—Pub. L. 94-107, title VI, §607(1), (9), (10), Oct. 7, 1975, 89 Stat. 566, 567, substituted “\$400,000” for “\$300,000” in item 2674, struck out “; structures not on a military base” in item 2675, and added item 2672a.

1974—Pub. L. 93-552, title VI, §611, Dec. 27, 1974, 88 Stat. 1765, added item 2685.

1973—Pub. L. 93-166, title V, §509(b), Nov. 29, 1973, 87 Stat. 677, added item 2684.

1971—Pub. L. 92-145, title VII, §707(2), Oct. 27, 1971, 85 Stat. 411, substituted “\$50,000” for “\$25,000” in item 2672.

1970—Pub. L. 91-511, title VI, §§607(1), 613(2), Oct. 26, 1970, 84 Stat. 1223, 1226, substituted “\$300,000” for “\$200,000” in item 2674, and added item 2683.

1963—Pub. L. 88-174, title VI, §609(a)(2), Nov. 7, 1963, 77 Stat. 329, added item 2682.

1962—Pub. L. 87-651, title I, §112(d), title II, §209(b), Sept. 7, 1962, 76 Stat. 512, 524, substituted “\$25,000” for “\$5,000” in item 2672 and added items 2679 to 2681.

1960—Pub. L. 86-500, title V, §511(2), June 8, 1960, 74 Stat. 187, substituted “Reports to the Armed Services Committees” for “Agreement with Armed Services Committees; reports” in item 2662.

1958—Pub. L. 85-861, §1(52), Sept. 2, 1958, 72 Stat. 1461, added items 2672 to 2678.

Pub. L. 85-337, §4(2), Feb. 28, 1958, 72 Stat. 29, added item 2671.

REPLACEMENT OF FLUORINATED AQUEOUS FILM-FORMING FOAM

Pub. L. 116-92, div. A, title III, §§322-324, Dec. 20, 2019, 133 Stat. 1307-1310, provided that:

“SEC. 322. REPLACEMENT OF FLUORINATED AQUEOUS FILM-FORMING FOAM WITH FLUORINE-FREE FIRE-FIGHTING AGENT.

“(a) USE OF FLUORINE-FREE FOAM AT MILITARY INSTALLATIONS.—

“(1) MILITARY SPECIFICATION.—Not later than January 31, 2023, the Secretary of the Navy shall publish a military specification for a fluorine-free fire-fight-

ing agent for use at all military installations and ensure that such agent is available for use by not later than October 1, 2023.

“(2) REPORT TO CONGRESS.—Concurrent with publication of the military specification under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report containing a detailed plan for implementing the transition to a fluorine-free fire-fighting agent by not later than October 1, 2023. The report shall include—

“(A) a detailed description of the progress of the Department of Defense to identify a fluorine-free fire-fighting agent for use as a replacement fire-fighting agent at military installations;

“(B) a description of any technology and equipment required to implement the replacement fire-fighting agent;

“(C) funding requirements, by fiscal year, to implement the replacement fire-fighting agent, including funding for the procurement of a replacement fire-fighting agent, required equipment, and infrastructure improvements;

“(D) a detailed timeline of remaining required actions to implement such replacement.

“(b) LIMITATION.—No amount authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended after October 1, 2023, to procure fire-fighting foam that contains in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances.

“(c) PROHIBITION ON USE.—Fluorinated aqueous film-forming foam may not be used at any military installation on or after the earlier of the following dates:

“(1) October 1, 2024.

“(2) The date on which the Secretary determines that compliance with the prohibition under this subsection is possible.

“(d) EXEMPTION FOR SHIPBOARD USE.—Subsections (b) and (c) shall not apply to firefighting foam for use solely onboard ocean-going vessels.

“(e) WAIVER.—

“(1) IN GENERAL.—Subject to the limitations under paragraph (2), the Secretary of Defense may waive the prohibition under subsection (c) with respect to the use of fluorinated aqueous film-forming foam, if, by not later than 60 days prior to issuing the waiver, the Secretary—

“(A) provides to the congressional defense committees a briefing on the basis for the waiver and the progress to develop and field a fluorine-free fire-fighting agent that meets the military specifications issued pursuant to subsection (a), which includes—

“(i) detailed data on the progress made to identify a replacement fluorine-free fire-fighting agent;

“(ii) a description of the range of technology and equipment-based solutions analyzed to implement replacement;

“(iii) a description of the funding, by fiscal year, applied towards research, development, test, and evaluation of replacement firefighting agents and equipment-based solutions;

“(iv) a description of any completed and projected infrastructure changes;

“(v) a description of acquisition actions made in support of developing and fielding the fluorine-free fire-fighting agent;

“(vi) an updated timeline for the completion of the transition to use of the fluorine-free fire-fighting agent; and

“(vii) a list of the categories of installation infrastructure or specific mobile firefighting equipment sets that require the waiver along with the justification;

“(B) submits to the congressional defense committees certification in writing, that—

“(i) the waiver is necessary for either installation infrastructure, mobile firefighting equipment, or both;

“(ii) the waiver is necessary for the protection of life and safety;

“(iii) no agent or equipment solutions are available that meet the military specific issued pursuant to subsection (a);

“(iv) the military specification issued pursuant to subsection (a) is still valid and does not require revision; and

“(v) includes details of the measures in place to minimize the release of and exposure to fluorinated compounds in fluorinated aqueous film-forming foam; and

“(C) provides for public notice of the waiver.

“(2) LIMITATION.—The following limitations apply to a waiver issued under this subsection:

“(A) Such a waiver shall apply for a period that does not exceed one year.

“(B) The Secretary may extend such a waiver once for an additional period that does not exceed one year, if the requirements under paragraph (1) are met as of the date of the extension of the waiver.

“(C) The authority to grant a waiver under this subsection may not be delegated below the level of the Secretary of Defense.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘perfluoroalkyl substances’ means aliphatic substances for which all of the H atoms attached to C atoms in the nonfluorinated substance from which they are notionally derived have been replaced by F atoms, except those H atoms whose substitution would modify the nature of any functional groups present.

“(2) The term ‘polyfluoroalkyl substances’ means aliphatic substances for which all H atoms attached to at least one (but not all) C atoms have been replaced by F atoms, in such a manner that they contain the perfluoroalkyl moiety C_nF_{2n+1} (for example, $C_8F_{17}CH_2CH_2OH$).

“SEC. 323. PROHIBITION OF UNCONTROLLED RELEASE OF FLUORINATED AQUEOUS FILM-FORMING FOAM AT MILITARY INSTALLATIONS.

“(a) PROHIBITION.—Except as provided by subsection (b), the Secretary of Defense shall prohibit the uncontrolled release of fluorinated aqueous film-forming foam (hereinafter in this section referred to as ‘AFFF’) at military installations.

“(b) EXCEPTIONS.—Notwithstanding subsection (a), fluorinated AFFF may be released at military installations as follows:

“(1) AFFF may be released for purposes of an emergency response.

“(2) A non-emergency release of AFFF may be made for the purposes of testing of equipment or training of personnel, if complete containment, capture, and proper disposal mechanisms are in place to ensure no AFFF is released into the environment.

“SEC. 324. PROHIBITION ON USE OF FLUORINATED AQUEOUS FILM FORMING FOAM FOR TRAINING EXERCISES.

“The Secretary of Defense shall prohibit the use of fluorinated aqueous film forming foam for training exercises at military installations.”

§ 2661. Miscellaneous administrative provisions relating to real property

(a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Appropriations for operation and maintenance of the active forces shall be available for the following:

(1) The repair of facilities.

(2) The installation of equipment in public and private plants.

(b) LEASING AND ROAD MAINTENANCE AUTHORITY.—The Secretary of Defense and the Sec-

retary of each military department may provide for the following:

(1) The leasing of buildings and facilities (including the payment of rentals for special purpose space at the seat of Government). Rental for such leases may be paid in advance in connection with—

(A) the conduct of field exercises and maneuvers; and

(B) the administration of the Act of July 9, 1942 (43 U.S.C. 315q).

(2) The maintenance of defense access roads which are certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.

(c) PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.—(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

(2) In this subsection:

(A) The term “Member of Congress” includes a Delegate or Resident Commissioner to the Congress.

(B) The term “real property” includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.

(d) TREATMENT OF PENTAGON RESERVATION.—In this chapter, the terms “Secretary concerned” and “Secretary of a military department” include the Secretary of Defense with respect to the Pentagon Reservation.

(Added Pub. L. 100-370, §1(l)(3), July 19, 1988, 102 Stat. 849; amended Pub. L. 108-375, div. B, title XXVIII, §2821(a)(1), (e)(1), Oct. 28, 2004, 118 Stat. 2129, 2130; Pub. L. 109-163, div. B, title XXVIII, §2821(d), (e), Jan. 6, 2006, 119 Stat. 3512; Pub. L. 112-81, div. B, title XXVIII, §2863(a), Dec. 31, 2011, 125 Stat. 1701.)

HISTORICAL AND REVISION NOTES

Subsection (a) of this section and sections 2241(a) and 2253(b) of this title are based on Pub. L. 98-212, title VII, §735, Dec. 8, 1983, 97 Stat. 1444, as amended by Pub. L. 98-525, title XIV, §§1403(a)(2), 1404, Oct. 19, 1984, 98 Stat. 2621.

Subsection (b) is based on Pub. L. 99-190, §101(b) [title VIII, §8005(d), (f)], Dec. 19, 1985, 99 Stat. 1185, 1202.

PRIOR PROVISIONS

A prior section 2661, act Aug. 10, 1956, ch. 1041, 70A Stat. 147, related to planning and construction of public works projects by military departments, prior to repeal by Pub. L. 97-214, §7(1), July 12, 1982, 96 Stat. 173, eff. 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.

AMENDMENTS

2011—Subsec. (c). Pub. L. 112-81 added subsec. (c).

2006—Subsec. (c). Pub. L. 109-163, §2821(d), redesignated subsec. (c) as section 2664(b) of this title.

Subsec. (d). Pub. L. 109-163, §2821(e), added subsec. (d). 2004—Subsecs. (a), (b). Pub. L. 108-375, §2821(e)(1), inserted headings.

Subsec. (c). Pub. L. 108-375, §2821(a)(1), added subsec. (c).