

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