

## TRANSFERS FROM SPECIAL ACCOUNTS

Pub. L. 108-287, title VIII, §8034, Aug. 5, 2004, 118 Stat. 978, provided that: “Amounts deposited during the current fiscal year and hereafter to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) [now 2667(e)(1)] are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B) [now 2667(e)(1)(B)], to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-87, title VIII, §8035, Sept. 30, 2003, 117 Stat. 1080.

Pub. L. 107-248, title VIII, §8035, Oct. 23, 2002, 116 Stat. 1544.

Pub. L. 107-117, div. A, title VIII, §8038, Jan. 10, 2002, 115 Stat. 2255.

Pub. L. 106-259, title VIII, §8038, Aug. 9, 2000, 114 Stat. 682.

Pub. L. 106-79, title VIII, §8040, Oct. 25, 1999, 113 Stat. 1239.

Pub. L. 105-262, title VIII, §8040, Oct. 17, 1998, 112 Stat. 2306.

Pub. L. 105-56, title VIII, §8044, Oct. 8, 1997, 111 Stat. 1230.

Pub. L. 104-61, title VIII, §8056, Dec. 1, 1995, 109 Stat. 663.

Pub. L. 103-335, title VIII, §8063, Sept. 30, 1994, 108 Stat. 2634.

Pub. L. 103-139, title VIII, §8074, Nov. 11, 1993, 107 Stat. 1457.

Pub. L. 102-396, title IX, §9107, Oct. 6, 1992, 106 Stat. 1927.

## LEASING OF DEFENSE PROPERTY; NOTIFICATION OF CONGRESS; WAIVER; REPORT TO CONGRESS; DEFINITION

Pub. L. 96-533, title I, §109(a)-(e), Dec. 16, 1980, 94 Stat. 3137, provided that before the Secretary of a military department exercised his authority under section 2667 of title 10, United States Code, in order to lease defense property to a foreign government for a period of more than six months, the President had to transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a written notification of the particulars of the proposed lease, prior to repeal by Pub. L. 97-113, title I, §109(d)(1), Dec. 29, 1981, 95 Stat. 1526. See section 2795 et seq. of Title 22, Foreign Relations and Intercourse.

**[§ 2667a. Repealed. Pub. L. 110-417, div. B, title XXVIII, §2812(e)(1), Oct. 14, 2008, 122 Stat. 4727]**

Section, added Pub. L. 105-85, div. A, title X, §1062(a), Nov. 18, 1997, 111 Stat. 1891; amended Pub. L. 107-217, §3(b)(13), Aug. 21, 2002, 116 Stat. 1296; Pub. L. 108-136, div. A, title X, §1031(a)(28), Nov. 24, 2003, 117 Stat. 1599, related to leases of non-excess property of Defense agencies.

## PRIOR PROVISIONS

A prior section 2667a, added Pub. L. 98-115, title VIII, §807(a)(1), Oct. 11, 1983, 97 Stat. 786, provided for sale and replacement of nonexcess real property, prior to repeal by Pub. L. 98-115, title VIII, §807(c), Oct. 11, 1983, 97 Stat. 789, as amended by Pub. L. 99-167, title VIII, §806(a), Dec. 3, 1985, 99 Stat. 988, effective Oct. 1, 1986.

## SAVINGS PROVISION

Pub. L. 110-417, div. B, title XXVIII, §2812(e)(2), (3), Oct. 14, 2008, 122 Stat. 4727, provided that:

“(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or terms of any lease with respect to

property of a Defense Agency entered into by the Secretary of Defense under such section before the date of the enactment of this Act [Oct. 14, 2008].

“(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall—

“(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

“(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary of Defense by subsection (e) of section 2667 of such title, as amended by subsection (d)(2) of this section.”

## § 2668. Easements for rights-of-way

(a) AUTHORIZED TYPES OF EASEMENTS.—If the Secretary of a military department finds that it will not be against the public interest, the Secretary may grant, upon such terms as the Secretary considers advisable, easements for rights-of-way over, in, and upon public lands permanently withdrawn or reserved for the use of that department, and other lands under the Secretary’s control for—

- (1) railroad tracks;
- (2) gas, water, sewer, and oil pipe lines;
- (3) substations for electric power transmission lines and pumping stations for gas, water, sewer, and oil pipe lines;
- (4) canals;
- (5) ditches;
- (6) flumes;
- (7) tunnels;
- (8) dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other improvements relating to fish-culture;
- (9) roads and streets;
- (10) poles and lines for the transmission or distribution of electric power;
- (11) poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals);
- (12) structures and facilities for the transmission, reception, and relay of such signals; and
- (13) any other purpose that the Secretary considers advisable.

(b) LIMITATION ON SIZE OF EASEMENT.—No easement granted under this section may include more land than is necessary for the easement.

(c) TERMINATION.—The Secretary of the military department concerned may terminate all or part of any easement granted under this section for—

- (1) failure to comply with the terms of the grant;
- (2) nonuse for a two-year period; or
- (3) abandonment.

(d) NOTICE TO DEPARTMENT OF THE INTERIOR.—Copies of instruments granting easements over public lands under this section shall be furnished to the Secretary of the Interior.

(e) DISPOSITION OF CONSIDERATION.—Subsections (c) and (e) of section 2667 of this title shall apply with respect to in-kind consideration and proceeds received by the Secretary of a mili-