

(4) In this subsection:

(A) The term “State” includes the District of Columbia.

(B) The term “minimum drinking age” means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

(Added Pub. L. 91-511, title VI, §613(1), Oct. 26, 1970, 84 Stat. 1226; amended Pub. L. 92-545, title VIII, §707, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93-283, §3, May 14, 1974, 88 Stat. 141; Pub. L. 99-145, title XII, §1224(a), (b)(1), (c)(1), Nov. 8, 1985, 99 Stat. 728, 729; Pub. L. 99-661, div. A, title XIII, §1343(a)(18), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100-526, title I, §106(b)(2), Oct. 24, 1988, 102 Stat. 2625.)

Editorial Notes

AMENDMENTS

1988—Subsec. (c)(2)(B). Pub. L. 100-526, §106(b)(2)(A), substituted “the term ‘lowest applicable age’” for “‘lowest age’”.

Subsec. (c)(4)(A). Pub. L. 100-526, §106(b)(2)(B)(i), substituted “The term ‘State’” for “‘State’”.

Subsec. (c)(4)(B). Pub. L. 100-526, §106(b)(2)(B)(ii), substituted “The term ‘minimum’” for “‘Minimum’”.

1986—Subsec. (b). Pub. L. 99-661 struck out “this” before “subsection (a)”.

1985—Pub. L. 99-145, §1224(c)(1), inserted “; minimum drinking age on military installations” in section catchline.

Subsec. (b). Pub. L. 99-145, §1224(b)(1), substituted “subsection (a)” for “section”.

Subsec. (c). Pub. L. 99-145, §1224(a), added subsec. (c). 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.

Statutory Notes and Related Subsidiaries

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 provisions set out as a note under section 113 of this title] 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 302101 of title 54.

(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; Pub. L. 114-92, div. A, title X, §1081(a)(10), Nov. 25, 2015, 129 Stat. 1001.)

Editorial Notes

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

2015—Subsec. (d)(1). Pub. L. 114-92 substituted “section 302101 of title 54” for “section 2023.01 of title 54”.

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, as well as a State-owned National Guard 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;

(3) maintaining or improving military installation resilience; or

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

(b) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is any of the following:

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

(2) A private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary concerned.

(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Notwithstanding chapter 63 of title 31, an agreement under this section that is a cooperative agreement or a grant may be used to acquire property or services for the direct benefit or use of the United States Government.

(d) ACQUISITION AND ACCEPTANCE OF PROPERTY AND INTERESTS.—(1) An agreement with an eligible entity or entities under this section shall provide for—

(A) the acquisition by an eligible entity or entities of all right, title, and interest in and to any real property, or any lesser interest in the property, as may be appropriate for purposes of this section; and

(B) the sharing by the United States and an eligible entity or entities of the acquisition costs in accordance with paragraph (3).

(2) Property or interests may not be acquired pursuant to the agreement unless the owner of the property or interests consents to the acquisition.

(3) An agreement with an eligible entity under this section may provide for the management of

natural resources on, and the monitoring and enforcement of any right, title, real property in which the Secretary concerned acquires any right, title, or interest in accordance with this subsection and for the payment by the United States of all or a portion of the costs of such natural resource management and monitoring and enforcement if the Secretary concerned determines that there is a demonstrated need to preserve or restore habitat for the purpose described in subsection (a)(2). Any such payment by the United States—

(A) may be paid in a lump sum and include an amount intended to cover the future costs of natural resource management and monitoring and enforcement; and

(B) may be placed by the eligible entity in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.

(4)(A) The Secretary concerned shall determine the appropriate portion of the acquisition costs to be borne by the United States in the sharing of acquisition costs of real property, or an interest in real property, under paragraph (1)(B).

(B) In lieu of or in addition to making a monetary contribution toward the cost of acquiring a parcel of real property, or an interest therein, pursuant to an agreement under this section, the Secretary concerned may convey, using the authority provided by section 2869 of this title, real property described in paragraph (2) of subsection (a) of such section, subject to the limitation in paragraph (3) of such subsection.

(C) The portion of acquisition costs borne by the United States under subparagraph (A), either through the contribution of funds or excess real property, or both, may not exceed an amount equal to, at the discretion of the Secretary concerned—

(i) the fair market value of any property or interest in property to be transferred to the United States upon the request of the Secretary concerned under paragraph (5); or

(ii) the cumulative fair market value of all properties or interests to be transferred to the United States under paragraph (5) pursuant to an agreement under subsection (a).

(D) The portion of acquisition costs borne by the United States under subparagraph (A) may exceed the amount determined under subparagraph (C), but only if—

(i) the Secretary concerned submits, in an electronic medium pursuant to section 480 of this title, a notice to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives containing—

(I) a certification by the Secretary that the military value to the United States of the property or interest to be acquired justifies a payment in excess of the fair market value of the property or interest; and

(II) a description of the military value to be obtained; and

(ii) the contribution toward the acquisition costs of the property or interest is not made until at least 10 days after the date on which the notice is submitted under clause (i).