

(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

(c) Acceptance of donations

In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

- (1) the voluntary services of individuals and organizations; and
- (2) donations of property, whether real or personal.

(d) Treatment of volunteers

A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

- (1) for the purposes of the tort claims provisions of chapter 171 of title 28, the volunteer shall be considered to be a Federal employee; and
- (2) for the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, and the provisions of such subchapter shall apply.

(Pub. L. 86-797, title I, §103, formerly §3, Sept. 15, 1960, 74 Stat. 1053; Pub. L. 90-465, §1, Aug. 8, 1968, 82 Stat. 661; renumbered title I, §103, Pub. L. 93-452, §3(1), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 105-85, div. B, title XXIX, §§2904(b)(6), 2913(6), Nov. 18, 1997, 111 Stat. 2018, 2022; Pub. L. 105-261, div. B, title XXVIII, §2813, Oct. 17, 1998, 112 Stat. 2206.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-261 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsecs. (b) to (d).

1997—Pub. L. 105-85 substituted “military installations” for “military reservations”, “an integrated natural resources management plan” for “a cooperative plan”, and “the installations” for “such reservations”.

1968—Pub. L. 90-465 authorized the carrying out of a public outdoor recreation resources program under a cooperative plan between Secretary of Defense, Secretary of the Interior, and State agencies, and struck out provisions for expenditure of funds collected and purposes therefor, now incorporated in section 670f(a) of this title.

§ 670c-1. Cooperative and interagency agreements for land management on installations

(a) Authority of Secretary of military department

The Secretary of a military department may enter into cooperative agreements with States, local governments, Indian tribes, nongovernmental organizations, and individuals, and into

interagency agreements with the heads of other Federal departments and agencies, to provide for the following:

(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, military installations and State-owned National Guard installations.

(2) The maintenance and improvement of natural resources located off of a military installation or State-owned National Guard installation if the purpose of the cooperative agreement or interagency agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.

(b) Multiyear agreements

(1) Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement or interagency agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31 during any 18-month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.

(2) In the case of a cooperative agreement under subsection (a)(2), such funds—

(A) may be paid in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities provided for under the agreement; and

(B) may be placed by the recipient in an interest-bearing or other investment account, and any interest or income shall be applied for the same purposes as the principal.

(3) If any funds are placed by a recipient in an interest-bearing or other investment account under paragraph (2)(B), the Secretary of Defense shall report biennially to the congressional defense committees on the disposition of such funds.

(c) Availability of funds; agreement under other laws

(1) Cooperative agreements and interagency agreements entered into under this section shall be subject to the availability of funds.

(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the United States Government.

(Pub. L. 86-797, title I, §103a, as added Pub. L. 101-189, div. B, title XXVIII, §2845(a), Nov. 29, 1989, 103 Stat. 1664; amended Pub. L. 105-85, div. B, title XXIX, §2908, Nov. 18, 1997, 111 Stat. 2021; Pub. L. 110-417, [div. A], title III, §313, Oct. 14, 2008, 122 Stat. 4409; Pub. L. 111-84, div. A, title III, §313, Oct. 28, 2009, 123 Stat. 2248; Pub. L. 112-81, div. A, title III, §312(a)(3), (b)(3), Dec. 31, 2011, 125 Stat. 1352, 1353; Pub. L. 112-239, div. A, title III, §312(a), Jan. 2, 2013, 126 Stat. 1691; Pub. L. 113-291, div. A, title III, §312, Dec. 19, 2014, 128 Stat. 3336.)

Editorial Notes

CODIFICATION

Pub. L. 113-291, §312, which directed amendment of section “103A” of the Sikes Act, was executed to this section, which is section 103a of that Act, to reflect the probable intent of Congress. See 2014 Amendment notes below.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-291, §312(a), designated existing provisions as par. (1) and added pars. (2) and (3). See Codification note above.

Subsec. (c). Pub. L. 113-291, §312(b), amended subsec. (c) generally. See Codification note above. Prior to amendment, text read as follows: “Cooperative agreements and interagency agreements entered into under this section shall be subject to the availability of funds and shall not be considered, nor be treated as, cooperative agreements to which chapter 63 of title 31 applies.”

2013—Subsec. (a). Pub. L. 112-239, which directed amendment of section 103A of Pub. L. 86-797 by inserting “Indian tribes,” after “local governments,” in introductory provisions of subsec. (a), was executed to this section, which is section 103a of Pub. L. 86-797, to reflect the probable intent of Congress.

2011—Pub. L. 112-81, §312(b)(3)(A), (B), inserted section catchline.

Subsec. (a). Pub. L. 112-81, §312(b)(3)(C), inserted heading.

Subsec. (a)(1). Pub. L. 112-81, §312(a)(3)(A), substituted “military installations and State-owned National Guard installations” for “Department of Defense installations”.

Subsec. (a)(2). Pub. L. 112-81, §312(a)(3)(B), substituted “military installation or State-owned National Guard installation” for “Department of Defense installation”.

Subsec. (c). Pub. L. 112-81, §312(b)(3)(D), inserted heading.

2009—Pub. L. 111-84 inserted, in section catchline, “and interagency” after “Cooperative”, in subsec. (a), “, and into interagency agreements with the heads of other Federal departments and agencies,” after “and individuals” in introductory provisions and “or interagency agreement” after “cooperative agreement” in par. (2), in subsec. (b), “or interagency agreement” after “cooperative agreement”, and, in subsec. (c), “and interagency agreements” after “Cooperative agreements”.

2008—Subsec. (a). Pub. L. 110-417 substituted “to provide for the following:

“(1) The” for “to provide for the” and added par. (2).

1997—Subsec. (a). Pub. L. 105-85, §2908(1), substituted “Secretary of a military department” for “Secretary of Defense”.

Subsec. (b). Pub. L. 105-85, §2908(2), added heading and text of subsec. (b) and struck out former subsec. (b) which read as follows: “A cooperative agreement shall provide for the Secretary of Defense and the other party or parties to the agreement—

“(1) to contribute funds on a matching basis to defray the cost of programs, projects, and activities under the agreement; or

“(2) to furnish services on a matching basis to carry out such programs, projects, and activities, or to do both.”

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (b)(3) of this section requiring submittal of report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of Title 10, Armed Forces.

§ 670d. Liability for funds; accounting to Comptroller General

The Department of Defense is held free from any liability to pay into the Treasury of the

United States upon the operation of the program or programs authorized by this subchapter any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this subchapter, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

(Pub. L. 86-797, title I, §104, formerly §4, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, §104, and amended Pub. L. 93-452, §3(1), (4), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 112-81, div. A, title III, §312(b)(4), Dec. 31, 2011, 125 Stat. 1353.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 112-81 inserted section catchline.

1974—Pub. L. 93-452, §3(4), substituted “title” for “Act” wherever appearing, which for purposes of codification was translated as “subchapter”.

§ 670e. Applicability to other laws; national forest lands

Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85-337, nor as applying to national forest lands administered pursuant to the provisions of section 9 of the Act of June 7, 1924 (43 Stat. 655), nor section 315m of title 43.

(Pub. L. 86-797, title I, §105, formerly §5, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, §105, Pub. L. 93-452, §3(1), Oct. 18, 1974, 88 Stat. 1375; amended Pub. L. 112-81, div. A, title III, §312(b)(5), Dec. 31, 2011, 125 Stat. 1353.)

Editorial Notes

REFERENCES IN TEXT

Public Law 85-337, referred to in text, is Pub. L. 85-337, Feb. 28, 1958, 72 Stat. 28, which is classified to section 2671 of Title 10, Armed Forces; section 472 of former Title 40, Public Buildings, Property, and Works [now 40 U.S.C. 102]; and sections 155 to 158 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables.

Section 9 of the Act of June 7, 1924 [ch. 348, 43 Stat. 655], referred to in text, was classified to the code as follows: The first and fifth sentences were classified to section 471(b) of this title, which was repealed by section 704(a) of Pub. L. 94-579; the second and third sentences were classified to section 505 of this title; and the fourth sentence was classified to section 499 of this title.

AMENDMENTS

2011—Pub. L. 112-81 inserted section catchline.

§ 670e-1. Federal enforcement of other laws

All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.

(Pub. L. 86-797, title I, §106, as added Pub. L. 105-85, div. B, title XXIX, §2909(2), Nov. 18, 1997, 111 Stat. 2021.)

Editorial Notes

PRIOR PROVISIONS

A prior section 106 of Pub. L. 86-797 was renumbered section 108, and is classified to section 670f of this title.