

written notification to the appropriate State officials stating the reasons for, and extent of, the waiver. The notification shall be provided at least 30 days before implementation of the waiver.

(c) VIOLATIONS.—Whoever is guilty of an act or omission which violates a requirement prescribed under subsection (a)(1) or (2), which act or omission would be punishable if committed or omitted within the jurisdiction of the State in which the installation or facility is located, by the laws thereof in effect at the time of that act or omission, is guilty of a like offense and is subject to a like punishment.

(d) RELATION TO TREATY RIGHTS.—This section does not modify any rights granted by the treaty or otherwise to any Indian tribe or to the members thereof.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(Added Pub. L. 85-337, §4(1), Feb. 28, 1958, 72 Stat. 29; amended Pub. L. 107-107, div. B, title XXVIII, §2811, Dec. 28, 2001, 115 Stat. 1307; Pub. L. 109-163, div. A, title X, §1057(a)(2), Jan. 6, 2006, 119 Stat. 3440; Pub. L. 111-383, div. A, title X, §1075(b)(42), Jan. 7, 2011, 124 Stat. 4371.)

#### AMENDMENTS

2011—Subsec. (a)(2). Pub. L. 111-383 substituted “armed forces” for “Armed Forces”.

2006—Subsecs. (a) to (c). Pub. L. 109-163 struck out “or Territory” after “State” wherever appearing.

2001—Subsec. (a). Pub. L. 107-107, §2811(b)(1), inserted heading.

Subsec. (b). Pub. L. 107-107, §2811(a)(2), added subsec. (b). Former subsec. (b) redesignated (e).

Subsec. (c). Pub. L. 107-107, §2811(b)(2), inserted heading.

Subsec. (d). Pub. L. 107-107, §2811(b)(3), inserted heading.

Subsec. (e). Pub. L. 107-107, §2811(a)(1), redesignated subsec. (b) as (e), inserted heading, and transferred subsec. to end of section.

#### INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS

Pub. L. 109-364, div. A, title X, §1077(a), Oct. 17, 2006, 120 Stat. 2406, provided that: “Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.”

#### [§§ 2672, 2672a. Repealed. Pub. L. 109-163, div. B, title XXVIII, §2821(f), Jan. 6, 2006, 119 Stat. 3513]

Section 2672, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1459; amended Pub. L. 87-651, title I, §112(a), Sept. 7, 1962, 76 Stat. 511; Pub. L. 92-145, title VII, §707(2), (3), Oct. 27, 1971, 85 Stat. 411; Pub. L. 96-418, title VIII, §806(a), Oct. 10, 1980, 94 Stat. 1777; Pub. L. 99-167, title VIII, §810(a), (b)(1), Dec. 3, 1985, 99 Stat. 989, 990; Pub. L. 99-661, div. A, title XIII, §1343(a)(16), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100-456, div. B, title XXVIII, §2804, Sept. 29, 1988, 102 Stat. 2115; Pub. L. 105-85, div. B, title XXVIII, §2811(a), (b)(1), Nov. 18, 1997, 111 Stat. 1991; Pub. L. 108-136, div. B, title XXVIII, §2811(a)-(b)(2), Nov. 24, 2003, 117 Stat. 1724, 1725; Pub. L. 108-375, div. B, title XXVIII, §2821(d)(1), Oct. 28, 2004, 118 Stat. 2130;

Pub. L. 109-163, div. B, title XXVIII, §2821(a)(2), Jan. 6, 2006, 119 Stat. 3511, related to authority to acquire low-cost interests in land. See section 2663(c) of this title.

Section 2672a, added Pub. L. 94-107, title VI, §607(8), Oct. 7, 1975, 89 Stat. 566; amended Pub. L. 98-525, title XIV, §1405(39), Oct. 19, 1984, 98 Stat. 2624; Pub. L. 104-106, div. A, title XV, §1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, §1031(a)(29), Nov. 24, 2003, 117 Stat. 1599; Pub. L. 108-375, div. A, title X, §1084(d)(23), Oct. 28, 2004, 118 Stat. 2062; Pub. L. 109-163, div. B, title XXVIII, §2821(a)(6), Jan. 6, 2006, 119 Stat. 3511, related to acquisition of interests in land when need is urgent. See section 2663(d) of this title.

#### [§ 2673. Repealed. Pub. L. 108-375, div. B, title XXVIII, §2821(d)(2), Oct. 28, 2004, 118 Stat. 2130]

Section, added Pub. L. 100-370, §1(l)(1), July 19, 1988, 102 Stat. 849, related to availability of funds for acquisition of certain interests in land.

A prior section 2673, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1459, related to restoration or replacement of facilities damaged or destroyed, 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. See section 2854 of this title.

#### §2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region

(a)(1) Jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation is transferred to the Secretary of Defense.

(2) Before March 1 of each year, the Secretary of Defense shall transmit to the congressional committees specified in paragraph (3) a report on the state of the renovation of the Pentagon Reservation and a plan for the renovation work to be conducted in the fiscal year beginning in the year in which the report is transmitted.

(3) The committees referred to in paragraph (2) are—

(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(b)(1) The Secretary may appoint military or civilian personnel or contract personnel to perform law enforcement and security functions for property occupied by, or under the jurisdiction, custody, and control of the Department of Defense, and located in the National Capital Region. Such individuals—

(A) may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status; and

(B) shall have the same powers (other than the service of civil process) as sheriffs and constables upon the property referred to in the first sentence to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace and suppress affrays or unlawful assemblies, and to enforce

any rules or regulations with respect to such property prescribed by duly authorized officials.

(2) For positions for which the permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with personnel of other similar Federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed the basic pay for personnel performing similar duties in the United States Secret Service Uniformed Division or the United States Park Police.

(c)(1) The Secretary may prescribe such rules and regulations as the Secretary considers appropriate to ensure the safe, efficient, and secure operation of the Pentagon Reservation, including rules and regulations necessary to govern the operation and parking of motor vehicles on the Pentagon Reservation.

(2) Any person who violates a rule or regulation prescribed under this subsection is liable to the United States for a civil penalty of not more than \$1,000.

(3) Any person who willfully violates any rule or regulation prescribed pursuant to this subsection commits a Class B misdemeanor.

(d) The Secretary of Defense may establish rates and collect charges for space, services, protection, maintenance, construction, repairs, alterations, or facilities provided at the Pentagon Reservation.

(e)(1) There is established in the Treasury of the United States a revolving fund to be known as the Pentagon Reservation Maintenance Revolving Fund (hereafter in this section referred to as the "Fund"). There shall be deposited into the Fund funds collected by the Secretary for space and services and other items provided an organization or entity using any facility or land on the Pentagon Reservation pursuant to subsection (d).

(2) Subject to paragraphs (3) and (4), monies deposited into the Fund shall be available, without fiscal year limitation, for expenditure for real property management, operation, protection, construction, repair, alteration and related activities for the Pentagon Reservation.

(3) If the cost of a construction or alteration activity proposed to be financed in whole or in part using monies from the Fund will exceed the limitation specified in section 2805 of this title for a comparable unspecified minor military construction project, the activity shall be subject to authorization as provided by section 2802 of this title before monies from the Fund are obligated for the activity.

(4) The authority of the Secretary to use monies from the Fund to support construction or alteration activities at the Pentagon Reservation expires on September 30, 2012.

(f) In this section:

(1) The term "Pentagon Reservation" means that area of land (consisting of approximately 280 acres) and improvements thereon, located in Arlington, Virginia, on which the Pentagon

Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located, including various areas designated for the parking of vehicles.

(2) The term "National Capital Region" means the geographic area located within the boundaries of (A) the District of Columbia, (B) Montgomery and Prince Georges Counties in the State of Maryland, (C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia, and (D) all cities and other units of government within the geographic areas of such District, Counties, and City.

(g) For purposes of subsections (b), (c), (d), and (e), the terms "Pentagon Reservation" and "National Capital Region" shall be treated as including the land and physical facilities at the Raven Rock Mountain Complex.

(Added Pub. L. 101-510, div. B, title XXVIII, §2804(a)(1), Nov. 5, 1990, 104 Stat. 1784; amended Pub. L. 102-190, div. A, title X, §1061(a)(18), div. B, title XXVIII, §2864, Dec. 5, 1991, 105 Stat. 1473, 1561; Pub. L. 104-106, div. A, title XV, §1502(a)(24), Feb. 10, 1996, 110 Stat. 505; Pub. L. 104-201, div. A, title III, §369(a), (b)(1), Sept. 23, 1996, 110 Stat. 2498; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 107-107, div. A, title XI, §1101, Dec. 28, 2001, 115 Stat. 1234; Pub. L. 108-136, div. A, title IX, §933, Nov. 24, 2003, 117 Stat. 1581; Pub. L. 111-383, div. B, title XXVIII, §2802, Jan. 7, 2011, 124 Stat. 4458.)

#### PRIOR PROVISIONS

A prior section 2674, added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1459; amended Pub. L. 87-651, title I, §112(b), Sept. 7, 1962, 76 Stat. 511; Pub. L. 88-174, title VI, §608, Nov. 7, 1963, 77 Stat. 328; Pub. L. 89-188, title VI, §613, Sept. 16, 1965, 79 Stat. 819; Pub. L. 89-568, title VI, §608, Sept. 12, 1966, 80 Stat. 756; Pub. L. 91-511, title VI, §607(2)-(4), Oct. 26, 1970, 84 Stat. 1224; Pub. L. 92-145, title VII, §707(1), Oct. 27, 1971, 85 Stat. 411; Pub. L. 93-166, title VI, §608(1), Nov. 29, 1973, 87 Stat. 682; Pub. L. 94-107, title VI, §607(2)-(4), Oct. 7, 1975, 89 Stat. 566; Pub. L. 95-82, title VI, §608(a), Aug. 1, 1977, 91 Stat. 377; Pub. L. 95-356, title VI, §603(h)(1), Sept. 8, 1978, 92 Stat. 582; Pub. L. 96-125, title VIII, §801, Nov. 26, 1979, 93 Stat. 947; Pub. L. 97-99, title IX, §907, Dec. 23, 1981, 95 Stat. 1385, related to minor construction projects, 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 2805 of this title.

#### AMENDMENTS

2011—Subsec. (e)(2). Pub. L. 111-383, §2802(1), substituted "Subject to paragraphs (3) and (4), monies" for "Monies".

Subsec. (e)(3), (4). Pub. L. 111-383, §2802(2), added pars. (3) and (4).

2003—Subsec. (g). Pub. L. 108-136 added subsec. (g).

2001—Subsec. (b). Pub. L. 107-107 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

1999—Subsec. (a)(3)(B). Pub. L. 106-65 substituted "Committee on Armed Services" for "Committee on National Security".

1996—Pub. L. 104-201, §369(b)(1), substituted "of Pentagon Reservation and defense facilities in National

Capital Region” for “of the Pentagon Reservation” in section catchline.

Subsec. (a)(2). Pub. L. 104-106, §1502(a)(24)(A), substituted “congressional committees specified in paragraph (3)” for “Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives”.

Subsec. (a)(3). Pub. L. 104-106, §1502(a)(24)(B), added par. (3).

Subsec. (b). Pub. L. 104-201, §369(a), substituted “in the National Capital Region” for “at the Pentagon Reservation”.

1991—Subsec. (b)(2). Pub. L. 102-190, §2864, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “shall have the same powers as sheriffs and constables to enforce the laws, rules, or regulations enacted for the protection of persons and property.”

Subsec. (c)(3). Pub. L. 102-190, §1061(a)(18), substituted “misdemeanor” for “misdeameanor”.

#### TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### COST OF PENTAGON RENOVATION

Pub. L. 108-287, title VIII, §8055, Aug. 5, 2004, 118 Stat. 982, provided that:

“(a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

“(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

“(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

“(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

“(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

“(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

“(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

“(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

“(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

“(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-87, title VIII, §8055, Sept. 30, 2003, 117 Stat. 1084.

Pub. L. 107-248, title VIII, §8056, Oct. 23, 2002, 116 Stat. 1549.

Pub. L. 107-117, div. A, title VIII, §8060, Jan. 10, 2002, 115 Stat. 2260.

ESTABLISHMENT OF MEMORIAL TO VICTIMS OF TERRORIST ATTACK ON PENTAGON RESERVATION AND AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR MEMORIAL AND REPAIR OF PENTAGON

Pub. L. 107-107, div. B, title XXVIII, §2864, Dec. 28, 2001, 115 Stat. 1333, provided that:

“(a) MEMORIAL AUTHORIZED.—The Secretary of Defense may establish a memorial at the Pentagon Reservation dedicated to the victims of the terrorist attack on the Pentagon that occurred on September 11, 2001. The Secretary shall use necessary amounts in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code, including amounts deposited in the Fund under subsection (c), to plan, design, construct, and maintain the memorial.

“(b) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Defense may accept monetary contributions made for the purpose of assisting in—

“(1) the establishment of the memorial to the victims of the terrorist attack; and

“(2) the repair of the damage caused to the Pentagon Reservation by the terrorist attack.

“(c) DEPOSIT OF CONTRIBUTIONS.—The Secretary of Defense shall deposit contributions accepted under subsection (b) in the Pentagon Reservation Maintenance Revolving Fund. The contributions shall be available for expenditure only for the purposes specified in subsection (b).”

#### § 2675. Leases: foreign countries

(a) LEASE AUTHORITY; DURATION.—The Secretary of a military department may acquire by lease in foreign countries structures and real property relating to structures that are needed for military purposes other than for military family housing. A lease under this section may be for a period of up to 10 years, or 15 years in the case of a lease in Korea, and the rental for each yearly period may be paid from funds appropriated to that military department for that year.

(b) AVAILABILITY OF FUNDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of interests in land under this section.

(Added Pub. L. 85-861, §1(51), Sept. 2, 1958, 72 Stat. 1460; amended Pub. L. 91-511, title VI, §608, Oct. 26, 1970, 84 Stat. 1224; Pub. L. 94-107, title VI, §607(10), (11), Oct. 7, 1975, 89 Stat. 567; Pub. L. 95-82, title V, §505(a), Aug. 1, 1977, 91 Stat. 371; Pub. L. 95-356, title V, §503(b), Sept. 8, 1978, 92 Stat. 579; Pub. L. 96-125, title V, §502(b), Nov. 26, 1979, 93 Stat. 940; Pub. L. 96-418, title V, §504(b), Oct. 10, 1980, 94 Stat. 1765; Pub. L. 97-99, title VI, §604, Dec. 23, 1981, 95 Stat. 1374; Pub. L. 97-214, §8, July 12, 1982, 96 Stat. 174; Pub. L. 98-525, title XIV, §1405(40), Oct. 19, 1984, 98 Stat. 2624; Pub. L. 101-510, div. A, title XIII, §1322(a)(11), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 108-136, div. B, title