

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART IV - SERVICE, SUPPLY, AND PROCUREMENT

CHAPTER 159 - REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NON-EXCESS PROPERTY

§ 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) **Acreeage 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.)