



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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05 AUG 2002

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY
(ENVIRONMENT, SAFETY AND OCCUPATIONAL
HEALTH)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ENVIRONMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(ENVIRONMENT, SAFETY AND OCCUPATIONAL
HEALTH)
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Access to Outdoor Recreation Programs on Military Installations for
Persons with Disabilities

I want to reaffirm the Department of Defense's support for outdoor recreation programs on military installations for disabled veterans, military dependents with disabilities, and other persons with disabilities. The attached amendment to Section 103 of the Sikes Act (also known as the Disabled Sportsmen's Access Act) passed as part of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 provides explicit guidance for this program. This amendment requires that, consistent with the military mission, and to the extent reasonably practicable, DoD installations ensure that persons with disabilities have access to the same outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) as the general public.

In carrying out this legislation, DoD shall consult with the Secretary of Veterans Affairs and with organizations that participate in outdoor recreation projects for the disabled. This includes national service, military, and veterans' organizations and sporting organizations in the private sector. In addition, the legislation permits DoD to accept the voluntary services of individuals and organizations, as well as donations of property, whether real or personal, to facilitate the purposes of the provision. It should be used rather than the more general gift provision of 10 USC 2601.

I encourage you to work with these individuals and organizations whenever possible. If you have any questions, please contact Mr. Peter Boice at (703) 604-0524.

John Paul Woodley, Jr.
Assistant Deputy Under Secretary
of Defense (Environment)

Attachment:
As stated



105TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
105-736

**STROM THURMOND NATIONAL DEFENSE
AUTHORIZATION ACT FOR
FISCAL YEAR 1999**

CONFERENCE REPORT

TO ACCOMPANY

H.R. 3616



SEPTEMBER 22, 1998.—Ordered to be printed

SEC. 3212. OUTDOOR RECREATION DEVELOPMENT ON MILITARY INSTALLATIONS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.

(a) **ACCESS ENHANCEMENT.**—Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by adding at the end the following new subsections:

"(b) ACCESS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.—(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the extent reasonably practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide access for persons described in paragraph (2) when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment.

"(2) Persons referred to in paragraph (1) are the following:

"(A) Disabled veterans.

"(B) Military dependents with disabilities.

"(C) Other persons with disabilities, when access to a military installation for such persons and other civilians is not otherwise restricted.

"(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, United States Code, the volunteer shall be considered to be a Federal employee; and

"(2) for the purposes of subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation: to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(D) of title 5, United States Code, and the provisions of such subchapter shall apply."

(b) CONFORMING AMENDMENT.—Such section is further amended by striking out "SEC. 103." and inserting in lieu thereof the following:

"SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.**"(a) PROGRAM AUTHORIZED.—"****SEC. 2614. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.**

(a) REPORT REQUIRED.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the authority of the military departments and Defense Agencies to lease to the private sector non-excess real and personal property. The Secretary shall prepare the report in consultation with the Secretaries of the military departments and the Director of the Office of Management and Budget.

(b) REQUIRED ELEMENTS OF REPORT.—The report shall set forth the following:

(1) The number and purpose of all leases entered into under sections 2667 and 2667a of title 10, United States Code, other than leases under section 2667(f) of that title, during the five-year period ending on the date of the enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1) and the costs, if any, foregone as a result of the leases.

(3) An assessment of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential effect of the use of the leases on force protection and the military functions of the installations.

(4) An assessment of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(5) An assessment of the proposal of the Secretary of the Air Force to reduce infrastructure costs at Brooks Air Force Base, Texas, using the authority provided in section 2667 of title 10, United States Code, and the proposal of the Secretary of the Navy regarding the potential for development of Ford Island as part of Naval Complex, Pearl Harbor, Hawaii.

(6) An assessment (including an economic analysis) of the ability of the military departments and Defense Agencies to reduce the quantity of real property leased by them through the relocation of activities located in such leased space to property of a military installation, or another Federal agency, that is unutilized or underutilized, while also lowering operational and maintenance costs and minimizing the need for new construction.

(c) ADDITIONAL ELEMENTS OF REPORT.—In the event that the Secretary of Defense considers the authority under section 2667 or 2667a of title 10, United States Code, to be insufficient, the Secretary shall also include in the report—

(1) a proposal for authority to conduct a pilot project based on the assessment made under subsection (b)(5) or for such general legislative authority as the Secretary considers appropriate to enhance the ability of the Department of Defense to utilize surplus capacity at military installations in order to improve