

services described in subsection (c) in connection with an annual conference or convention of a national military association.

(b) **CONDITIONS FOR PROVIDING SERVICES.**—Services may be provided under this section only if—

(1) the provision of the services in any case is approved in advance by the Secretary concerned;

(2) the services can be provided in conjunction with training in appropriate military skills; and

(3) the services can be provided within existing funds otherwise available to the Secretary concerned.

(c) **COVERED SERVICES.**—Services that may be provided under this section are—

(1) limited air and ground transportation;

(2) communications;

(3) medical assistance;

(4) administrative support; and

(5) security support.

(d) **NATIONAL MILITARY ASSOCIATIONS.**—The Secretary of Defense shall designate those organizations which are national military associations for purposes of this section.

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

(Added Pub. L. 101-189, div. A, title III, § 329(a)(1), Nov. 29, 1989, 103 Stat. 1417, § 2548; renumbered § 2558, Pub. L. 106-398, § 1 [[div. A], title X, § 1033(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260.)

#### Editorial Notes

##### AMENDMENTS

2000—Pub. L. 106-398 renumbered section 2548 of this title as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 101-189, div. A, title III, § 329(b), Nov. 29, 1989, 103 Stat. 1417, provided that: “Section 2548 [now 2558] of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Nov. 29, 1989].”

#### § 2559. Provision of medical care to foreign military and diplomatic personnel: reimbursement required; waiver for provision of reciprocal services

(a) **REIMBURSEMENT REQUIRED.**—Except as provided in subsection (b), whenever the Secretary of Defense provides medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents, the Secretary shall require that the United States be reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which charges were made for the provision of such care.

(b) **WAIVER WHEN RECIPROCAL SERVICES PROVIDED UNITED STATES MILITARY PERSONNEL.**—Notwithstanding subsection (a), the Secretary of Defense may provide inpatient medical care in the United States without cost to military per-

sonnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel and their dependents in that foreign country.

(Added Pub. L. 101-510, div. A, title XIV, § 1481(f)(1), Nov. 5, 1990, 104 Stat. 1707, § 2549; renumbered § 2559, Pub. L. 106-398, § 1 [[div. A], title X, § 1033(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-165, title IX, § 9020, Nov. 21, 1989, 103 Stat. 1133, which was set out as a note under section 2241 of this title, prior to repeal by Pub. L. 101-510, § 1481(f)(3).

##### AMENDMENTS

2000—Pub. L. 106-398 renumbered section 2549 of this title as this section.

#### § 2560. Aircraft and vehicles: limitation on leasing to non-Federal agencies

The Secretary of Defense (or Secretary of a military department) may not lease to a non-Federal agency in the United States any aircraft or vehicle owned or operated by the Department of Defense if suitable aircraft or vehicles are commercially available in the private sector. However, nothing in the preceding sentence shall affect authorized and established procedures for the sale of surplus aircraft or vehicles.

(Added Pub. L. 101-510, div. A, title XIV, § 1481(g)(1), Nov. 5, 1990, 104 Stat. 1707, § 2550; renumbered § 2560, Pub. L. 106-398, § 1 [[div. A], title X, § 1033(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-165, title IX, § 9025, Nov. 21, 1989, 103 Stat. 1134, which was set out as a note under section 2241 of this title, prior to repeal by Pub. L. 101-510, § 1481(g)(4).

##### AMENDMENTS

2000—Pub. L. 106-398 renumbered section 2550 of this title as this section.

#### § 2561. Humanitarian assistance

(a) **AUTHORIZED ASSISTANCE.**—(1) To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide.

(2) The Secretary of Defense may use the authority provided by paragraph (1) to transport supplies intended for use to respond to, or mitigate the effects of, an event or condition, such as an oil spill, that threatens serious harm to the environment, but only if other sources to provide such transportation are not readily available. The Secretary may require reimbursement for costs incurred by the Department of

Defense to transport supplies under this paragraph.

(b) AVAILABILITY OF FUNDS.—To the extent provided in appropriation Acts, funds appropriated for humanitarian assistance for the purposes of this section shall remain available until expended.

(c) NOTICE BEFORE PROVISION OF ASSISTANCE.—

(1) If the Secretary of Defense uses the authority under subsection (a) to provide assistance for any program or activity in an amount in excess of \$5,000,000, the Secretary shall provide to the congressional committees specified in subsection (g) notice in writing of the use of such authority in accordance with paragraph (2). Notice under this subsection shall include an identification of each of the following:

(A) The amount, type, and purpose of assistance to be provided and the recipient of the assistance.

(B) The goals and objectives of the assistance.

(C) The number and role of any members of the Armed Forces involved in the provision of the assistance.

(D) Any other information the Secretary determines is relevant.

(2) Notice required under paragraph (1) shall be provided—

(A) before the provision of assistance under subsection (a) using funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance; or

(B) not later than 48 hours after the provision of such assistance, if the Secretary determines that extraordinary circumstances that affect the national security interests of the United States exist.

(d) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (g) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

(A) The total amount of funds obligated for humanitarian assistance under this section.

(B) A comprehensive list of humanitarian assistance efforts for which support was provided under this section, disaggregated by foreign partner country, amount obligated, and purpose specified in subsection (b).

(C) A description of the manner in which such efforts address—

(i) the humanitarian needs of the foreign partner country; and

(ii) Department of Defense objectives and broader United States national security objectives.

(D) A description of any transfer of non-lethal excess supplies of the Department of

Defense made available for humanitarian relief purposes under section 2557 of this title, including, for each such transfer—

(i) the date of the transfer;

(ii) the entity to which the transfer is made; and

(iii) the quantity of items transferred.

(e) REPORT REGARDING RELIEF FOR UNAUTHORIZED COUNTRIES.—In any case in which the Secretary of Defense provides for the transportation of humanitarian relief to a country to which the transportation of humanitarian relief has not been specifically authorized by law, the Secretary shall notify the congressional committees specified in subsection (g) and the Committees on Appropriations of the Senate and House of Representatives of the Secretary's intention to provide such transportation. The notification shall be submitted not less than 15 days before the commencement of such transportation.

(f) DEFINITION.—In this section, the term “defense authorization Act” means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114(a) of this title.

(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1), (d)(1), and (e) are the following:

(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(Added Pub. L. 102-484, div. A, title III, § 304(c)(1), Oct. 23, 1992, 106 Stat. 2361, § 2551; amended Pub. L. 104-106, div. A, title XIII, § 1312, Feb. 10, 1996, 110 Stat. 474; Pub. L. 106-65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; renumbered § 2561 and amended Pub. L. 106-398, § 1 [[div. A], title X, § 1033(b)(1), (c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260; Pub. L. 108-136, div. A, title III, § 312(d), Nov. 24, 2003, 117 Stat. 1430; Pub. L. 112-239, div. A, title X, § 1076(f)(31), Jan. 2, 2013, 126 Stat. 1953; Pub. L. 117-263, div. A, title X, § 1053(a), Dec. 23, 2022, 136 Stat. 2777; Pub. L. 118-159, div. A, title XVII, § 1702, Dec. 23, 2024, 138 Stat. 2207.)

## Editorial Notes

### AMENDMENTS

2024—Subsec. (c). Pub. L. 118-159, § 1702(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 118-159, § 1702(1), (4), redesignated subsecs. (c) and (d) as (d) and (e), respectively, and substituted “subsection (g)” for “subsection (f)”. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 118-159, § 1702(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 118-159, § 1702(1), (5), redesignated subsec. (f) as (g) and substituted “subsections (c)(1), (d)(1), and (e)” for “subsections (c)(1) and (d)” in introductory provisions.

2022—Subsec. (c)(3)(A). Pub. L. 117-263, § 1053(a)(1), substituted “assistance” for “relief”.

Subsec. (c)(3)(B) to (D). Pub. L. 117-263, § 1053(a)(2), added subpars. (B) to (D) and struck out former subpars. (B) and (C) which read as follows:

“(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

“(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2557 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.”

2013—Subsec. (f)(2). Pub. L. 112-239 substituted “Committee on Foreign Affairs” for “Committee on International Relations”.

2003—Subsec. (a). Pub. L. 108-136 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1033(b)(1)], renumbered section 2551 of this title as this section.

Subsec. (c)(3)(C). Pub. L. 106-398, § 1 [[div. A], title X, § 1033(c)(1)], substituted “section 2557” for “section 2547”.

1999—Subsec. (f)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (b). Pub. L. 104-106, § 1312(1), (2), redesignated subsec. (d) as (b) and struck out former subsec. (b) which read as follows: “AUTHORITY TO TRANSFER FUNDS.—To the extent provided in defense authorization Acts for a fiscal year, the Secretary of Defense may transfer to the Secretary of State funds appropriated for the purposes of this section to provide for—

“(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

“(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.”

Subsec. (c). Pub. L. 104-106, § 1312(1), (3), added subsec. (c) and struck out former subsec. (c) which read as follows:

“(c) TRANSPORTATION OF HUMANITARIAN RELIEF.—(1) Transportation of humanitarian relief provided with funds appropriated for the purposes of this section shall be provided under the direction of the Secretary of State.

“(2) Such transportation shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide such transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

“(3) Nothing in this subsection shall be construed as waiving the requirements of section 2631 of this title and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).”

Subsec. (d). Pub. L. 104-106, § 1312(4), redesignated subsec. (f) as (d) and substituted “the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the” for “the Committees on Appropriations and on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the”. Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 104-106, § 1312(3), (5), redesignated subsec. (g) as (e) and struck out former subsec. (e) which required status reports and specified time for submission, coverage, and contents.

Subsec. (f). Pub. L. 104-106, § 1312(6), added subsec. (f). Former subsec. (f) redesignated (d).

Subsec. (g). Pub. L. 104-106, § 1312(5), redesignated subsec. (g) as (e).

#### Statutory Notes and Related Subsidiaries

##### NOTIFICATIONS REGARDING HUMANITARIAN RELIEF

Notification provided to appropriate congressional committees with respect to assistance under this sec-

tion to include detailed description of items for which transportation is provided that are excess nonlethal supplies of Department of Defense, including quantity, acquisition value, and value at time of transportation of such items, see section 1504(c) of Pub. L. 103-160, set out in a Humanitarian and Civic Assistance note under section 401 of this title.

##### LAWS COVERED BY INITIAL REPORTS

Pub. L. 102-484, div. A, title III, § 304(d), Oct. 28, 1992, 106 Stat. 2362, provided that for purposes of subsec. (e) of this section, section 304 of Pub. L. 102-190 (105 Stat. 1333) and the humanitarian relief laws referred to in section 304(f)(4) of Pub. L. 102-190 (as in effect on the day before Oct. 23, 1992) were to be considered as provisions of law that authorized appropriations for humanitarian assistance to be available for the purposes of this section.

#### **[§ 2562. Repealed. Pub. L. 114-328, div. A, title XII, § 1253(a)(1)(C), Dec. 23, 2016, 130 Stat. 2532]**

Section, added Pub. L. 102-484, div. D, title XLIII, § 4304(a), Oct. 23, 1992, 106 Stat. 2699, § 2552; renumbered § 2562 and amended Pub. L. 106-398, § 1 [[div. A], title X, § 1033(b)(1), (c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260; Pub. L. 107-217, § 3(b)(8), Aug. 21, 2002, 116 Stat. 1295; Pub. L. 107-314, div. A, title X, § 1062(e)(1), Dec. 2, 2002, 116 Stat. 2651; Pub. L. 111-350, § 5(b)(41), Jan. 4, 2011, 124 Stat. 3846, related to the limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

#### **§ 2563. Articles and services of industrial facilities: sale to persons outside the Department of Defense**

(a) AUTHORITY TO SELL OUTSIDE DOD.—(1) The Secretary of Defense may sell in accordance with this section to a person outside the Department of Defense articles and services referred to in paragraph (2) that are not available from any United States commercial source.

(2)(A) Except as provided in subparagraph (B), articles and services referred to in paragraph (1) are articles and services that are manufactured or performed by any working-capital funded industrial facility of the armed forces.

(B) The authority in this section does not apply to sales of articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, which are governed by regulations required by section 7543 of this title.

(b) DESIGNATION OF PARTICIPATING INDUSTRIAL FACILITIES.—The Secretary may designate facilities referred to in subsection (a) as the facilities from which articles and services manufactured or performed by such facilities may be sold under this section.

(c) CONDITIONS FOR SALES.—(1) A sale of articles or services may be made under this section only if—

(A) the Secretary of Defense determines that the articles or services are not available from a commercial source in the United States;

(B) the purchaser agrees to hold harmless and indemnify the United States, except as provided in paragraph (3), from any claim for damages or injury to any person or property arising out of the articles or services;