

“(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;