

“(2) an electronic part is a suitable replacement for an obsolete electronic part if—

“(A) the part could be substituted for an obsolete part without incurring unreasonable expense and without degrading system performance; and

“(B) the part is or will be available in sufficient quantity to meet the requirements of such an acquisition program.”

§ 2571. Interchange of supplies and services

(a) If either of the Secretaries concerned requests it and the other approves, supplies may be transferred, without compensation, from one armed force to another.

(b)(1) If its head approves, a department or organization within the Department of Defense may, upon request, perform work and services for, or furnish supplies to, any other of those departments or organizations, with or without reimbursement or transfer of funds.

(2) Use of the authority under this section for reimbursable support is limited to support for the purpose of providing assistance to a foreign partner pursuant to section 333 and section 345 of this title.

(c) If military or civilian personnel of a department or organization within the Department of Defense are assigned or detailed to another of those departments or organizations, and if the head of the department or organization to which they are transferred approves, their pay and allowances and the cost of transporting their dependents and household goods may be charged to an appropriation that is otherwise available for those purposes to that department or organization.

(d) No agency or official of the executive branch of the Federal Government may establish any regulation, program, or policy or take any other action which precludes, directly or indirectly, the Secretaries concerned from exercising the authority provided in this section.

(e)(1) An order placed by a department or organization on a reimbursable basis pursuant to subsection (b) shall be considered to be an obligation in the same manner as an order placed under section 6307 of title 41.

(2) Amounts received as reimbursement shall be credited in accordance with section 2205 of this title to the appropriation of the supporting department or organization used in incurring the obligation in the year or years that support is provided.

(Aug. 10, 1956, ch. 1041, 70A Stat. 143; Pub. L. 85–861, §1(49), Sept. 2, 1958, 72 Stat. 1459; Pub. L. 99–167, title VIII, §821, Dec. 3, 1985, 99 Stat. 991; Pub. L. 109–364, div. B, title XXVIII, §2825(c)(1), (d)(1)(A), Oct. 17, 2006, 120 Stat. 2477; Pub. L. 117–81, div. A, title XII, §1202, Dec. 27, 2021, 135 Stat. 1958.)

HISTORICAL AND REVISION NOTES 1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2571(a) [now (b)].	5:171t (less clause (2)).	Oct. 29, 1949, ch. 787, §621, 63 Stat. 1020.
2571(b) [now (c)].	5:171t (clause 2)).	

In subsection (a), the words “After June 30, 1949” are omitted as executed. The words “may perform work

and services for, or furnish supplies to” are substituted for the words “services, work, supplies, materials, and equipment may be rendered or supplied”, since the word “supplies”, as defined in section 101(26) of this title, includes “equipment” and “material”. The words “upon request” are inserted for clarity.

In subsection (b), the words “on a reimbursable or other basis as authorized by law”, “to duty”, and “naval” are omitted as surplusage.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2571(a)	14:640.	June 15, 1955, ch. 142, 69 Stat. 134.

In subsection (a), the first 12 words are substituted for 14:640 (last 20 words). The words “may be transferred” are substituted for the words “The interchange . . . is authorized”, since the words “without compensation” authorize a simple one-way transfer, while the word “interchange” normally means a mutual exchange. The words “military stores . . . and equipment of every character” are omitted as covered by the word “supplies” as defined in section 101(26) of this title. The words “armed force” are substituted for the enumeration of the armed forces.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117–81, §1202(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “If its head approves, a department or organization within the Department of Defense may, upon request, perform work and services for, or furnish supplies to, any other of those departments or organizations, without reimbursement or transfer of funds.”

Subsec. (e). Pub. L. 117–81, §1202(2), added subsec. (e). 2006—Pub. L. 109–364, §2825(d)(1)(A), substituted “supplies” for “property” in section catchline.

Subsec. (a). Pub. L. 109–364, §2825(c)(1), struck out “and real estate” after “supplies”.

1985—Subsec. (d). Pub. L. 99–167 added subsec. (d). 1958—Pub. L. 85–861, §1(49)(A), substituted “property” for “supplies” in section catchline.

Subsecs. (a) to (c). Pub. L. 85–861, §1(49)(B), (C), added subsec. (a) and redesignated former subsecs. (a) and (b) as (b) and (c), respectively.

Statutory Notes and Related Subsidiaries

DISTRIBUTION TO INDIAN HEALTH SERVICE FACILITIES AND CERTAIN HEALTH CENTERS; PROPERTY DISPOSAL PRIORITY

Pub. L. 110–329, div. C, title VIII, §8075, Sept. 30, 2008, 122 Stat. 3638, provided that:

“(a) During the current fiscal year and hereafter, the Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

“(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.”

§ 2572. Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange

(a) The Secretary concerned may lend or give items described in subsection (c) that are not

needed by the military department concerned (or by the Coast Guard, in the case of the Secretary of Homeland Security), to any of the following:

(1) A municipal corporation, county, or other political subdivision of a State.

(2) A servicemen's monument association.

(3) A museum, historical society, or historical institution of a State or a foreign nation or a nonprofit military aviation heritage foundation or association incorporated in a State.

(4) An incorporated museum or memorial that is operated and maintained for educational purposes only and the charter of which denies it the right to operate for profit.

(5) A post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans' association.

(6) A local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation).

(7) A post of the Sons of Veterans Reserve.

(b)(1) Subject to paragraph (2), the Secretary concerned may exchange items described in subsection (c) that are not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

(A) Similar items held by any individual, organization, institution, agency, or nation.

(B) Conservation supplies, equipment, facilities, or systems.

(C) Search, salvage, or transportation services.

(D) Restoration, conservation, or preservation services.

(E) Educational programs.

(2) The Secretary concerned may not make an exchange under paragraph (1) unless the monetary value of property transferred, or services provided, to the United States under the exchange is not less than the value of the property transferred by the United States. The Secretary concerned may waive the limitation in the preceding sentence in the case of an exchange of property for property in any case in which the Secretary determines that the item to be received by the United States in the exchange will significantly enhance the historical collection of the property administered by the Secretary.

(c) This section applies to the following types of property held by a military department or the Coast Guard: books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

(d)(1) A loan or gift made under this section shall be subject to regulations prescribed by the Secretary concerned and to regulations under section 121 of title 40. The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary's delegate.

(2)(A) Except as provided in subparagraph (B), the United States may not incur any expense in connection with a loan or gift under subsection

(a), including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible.

(B) The Secretary concerned may, without cost to the recipient, demilitarize, prepare, and transport in the continental United States for donation to a recognized war veterans' association an item authorized to be donated under this section if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.

(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

(2) In this subsection:

(A) The term "entity controlled by a foreign government" has the meaning given that term in section 4874(c)(1) of this title.

(B) The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

(iii) was brought to the United States from abroad before 1907 as a memorial of combat abroad.

(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

(A) the transfer of that veterans memorial object is specifically authorized by law; or

(B) the transfer is made after September 30, 2022.

(Aug. 10, 1956, ch. 1041, 70A Stat. 143; Pub. L. 96–513, title V, §511(82), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 100–456, div. A, title III, §324(a), Sept. 29, 1988, 102 Stat. 1954; Pub. L. 101–510, div. A, title III, §325, Nov. 5, 1990, 104 Stat. 1531; Pub. L. 102–484, div. A, title III, §373, Oct. 23, 1992, 106 Stat. 2385; Pub. L. 103–337, div. A, title X, §1071, Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104–106, div. A, title III, §372, Feb. 10, 1996, 110 Stat. 280; Pub. L. 107–107, div. A, title X, §1043(d), Dec. 28, 2001, 115 Stat. 1219; Pub. L. 107–217, §3(b)(9), Aug. 21, 2002, 116 Stat. 1296; Pub. L. 107–296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107–314, div. A, title III, §369, Dec. 2, 2002, 116 Stat. 2524; Pub. L. 110–417, [div. A], title III, §352, Oct. 14, 2008, 122 Stat. 4425; Pub. L. 112–239, div. A, title III, §355(a), Jan. 2, 2013, 126 Stat. 1702; Pub. L. 115–91, div. B, title XXVIII, §2864(a), (b), Dec. 12, 2017, 131 Stat. 1869; Pub. L. 116–283, div. A, title XVIII, §1870(d)(4), Jan. 1, 2021, 134 Stat. 4286; Pub. L. 117–81, div. A, title XVII, §1701(t)(4), Dec. 27, 2021, 135 Stat. 2150.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2572	5:150p.	May 22, 1896, ch. 231; restated May 26, 1928, ch. 785; restated Feb. 28, 1933, ch. 137; restated June 19, 1940, ch. 398; July 31, 1947, ch. 421; restated Feb. 27, 1948, ch. 76, §1, 62 Stat. 37; Oct. 31, 1951, ch. 654, §2(2), 65 Stat. 706.

The word “may” is substituted for the words “are each authorized, in their discretion”. The reference to posts of the Grand Army of the Republic is omitted, since that organization disbanded in 1950. The words “under regulations to be prescribed by him” are substituted for the words “subject to rules and regulations covering the same in each department”. The words “without expense to the United States” are substituted for the words “and the Government shall be at no expense in connection with any such loan or gift”. The words “local unit” are inserted in clause (7) to conform to clauses (5), (6), and (8).

Editorial Notes

AMENDMENTS

2021—Subsec. (e)(2)(A). Pub. L. 116–283, §1870(d)(4), as amended by Pub. L. 117–81, §1701(t)(4), substituted “section 4874(c)(1)” for “section 2536(c)(1)”.

2017—Subsec. (e)(2)(B)(iii). Pub. L. 115–91, §2864(a), substituted “from abroad before 1907” for “from abroad”.

Subsec. (e)(3)(B). Pub. L. 115–91, §2864(b), substituted “September 30, 2022” for “September 30, 2017”.

2013—Subsec. (e). Pub. L. 112–239 added subsec. (e).

2008—Subsec. (d)(1). Pub. L. 110–417, §352(1), inserted at end “The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary’s delegatee.”

Subsec. (d)(2)(A). Pub. L. 110–417, §352(2), inserted “, including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible” before period at end.

2002—Subsec. (a). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation” in introductory provisions.

Subsec. (a)(3). Pub. L. 107–314 inserted before period at end “or a nonprofit military aviation heritage foundation or association incorporated in a State”.

Subsec. (d)(1). Pub. L. 107–217 substituted “section 121 of title 40” for “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)”.

2001—Subsec. (a)(1). Pub. L. 107–107, §1043(d)(1), inserted “, county, or other political subdivision of a State” before period at end.

Subsec. (a)(2). Pub. L. 107–107, §1043(d)(2), substituted “servicemen’s monument” for “soldiers’ monument”.

Subsec. (a)(4). Pub. L. 107–107, §1043(d)(3), inserted “or memorial” after “An incorporated museum”.

1996—Subsec. (b)(1). Pub. L. 104–106 substituted “not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:” for “not needed by the armed forces for similar items held by any individual, organization, institution, agency, or nation or for search, salvage, transportation, and restoration services which directly benefit the historical collection of the armed forces.” and added subpars. (A) to (E).

1994—Subsec. (b)(1). Pub. L. 103–337 inserted “transportation,” after “salvage,”.

1992—Subsec. (d)(2). Pub. L. 102–484 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), the” for “The”, and added subpar. (B).

1990—Subsec. (b)(1). Pub. L. 101–510, §325(1), inserted before period at end “or for search, salvage, and restoration services which directly benefit the historical collection of the armed forces”.

Subsec. (b)(2). Pub. L. 101–510, §325(2), inserted “, or services provided,” after “monetary value of property transferred” in first sentence and “in the case of an exchange of property for property” after “preceding sentence” in second sentence.

1988—Pub. L. 100–456 substituted “Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange” for “Condemned or obsolete material: loan or gift to certain organizations” in section catchline, and amended text generally. Prior to amendment, text read as follows: “Subject to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486), the Secretary of a military department, or the Secretary of Transportation, under regulations to be prescribed by him, may lend or give, without expense to the United States, books, manuscripts, works of art, drawings, plans, models, and condemned or obsolete combat material that are not needed by that department to—

“(1) a municipal corporation;

“(2) a soldiers’ monument association;

“(3) a State museum;

“(4) an incorporated museum, operated and maintained for educational purposes only, whose charter denies it the right to operate for profit;

“(5) a post of the Veterans of Foreign Wars of the United States;

“(6) a post of the American Legion;

“(7) a local unit of any other recognized war veterans’ association; or

“(8) a post of the Sons of Veterans Reserve.”

1980—Pub. L. 96–513 substituted “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486), the Secretary of a military department or the Secretary of Transportation” for “section 486 of title 40, the Secretary of a military department or the Secretary of the Treasury”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–91, div. B, title XXVIII, §2864(d), Dec. 12, 2017, 131 Stat. 1869, provided that: “The amendments made by this section [amending this section] shall take effect October 1, 2017.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

ACQUISITION OF HISTORICAL ARTIFACTS THROUGH EXCHANGE OF OBSOLETE OR SURPLUS PROPERTY

Pub. L. 108–136, div. A, title X, §1052, Nov. 24, 2003, 117 Stat. 1614, provided that, during fiscal years 2004 and 2005, the Secretary of a military department could use

the authority provided by this section to acquire an historical artifact that directly benefitted the historical collection of the Armed Forces in exchange for any obsolete or surplus property held by that military department, without regard to whether the property was described in subsec. (c) of this section.

MORATORIUM ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW

Pub. L. 106-65, div. A, title X, §1051, Oct. 5, 1999, 113 Stat. 763, as amended by Pub. L. 109-163, div. A, title X, §1061, Jan. 6, 2006, 119 Stat. 3445, established a moratorium period during which the President was prohibited from transferring a veterans memorial object to a foreign country or an entity controlled by a foreign government unless specifically authorized by law, prior to repeal by Pub. L. 112-239, div. A, title III, §355(b), Jan. 2, 2013, 126 Stat. 1702.

[§ 2573. Repealed. Pub. L. 96-513, title V, § 511(83)(A), Dec. 12, 1980, 94 Stat. 2927]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 143, related to transfer of excess property to the Canal Zone Government.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 2574. Armament: sale of individual pieces

A piece of armament that can be advantageously replaced, and that is not needed for its historical value, may be sold by the military department having jurisdiction over it for not less than cost, if the Secretary concerned considers that there are adequate sentimental reasons for the sale.

(Aug. 10, 1956, ch. 1041, 70A Stat. 144.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2574	10:1262b. 34:545. 50:69.	Mar. 2, 1905, ch. 1307 (last 55 words of last par. under "Ordnance Department"), 33 Stat. 841.

The words "by the military department having jurisdiction over it" are inserted for clarity. The words "if the Secretary concerned considers" are substituted for the words "when there exist * * * in the judgment of the Secretary".

§ 2575. Disposition of unclaimed property

(a) The Secretary of any military department, and the Secretary of Homeland Security, under such regulations as they may respectively prescribe, may each by public or private sale or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into the custody or control of the Secretary's department, other than property subject to section 7712, 8392, or 9712 of this title or subject to subsection (c). However, property may not be disposed of until diligent effort has been made to find the owner (or the heirs, next of kin, or legal representative of the owner). The diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin, to

the maximum extent practicable, not later than seven days after the date on which the property comes into the custody or control of the Secretary. The period for which that effort is continued may not exceed 45 days. If the owner (or the heirs, next of kin, or legal representative of the owner) is determined but not found, the property may not be disposed of until the expiration of 45 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at his last known address. When diligent effort to determine the owner (or heirs, next of kin, or legal representative of the owner) is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of more than \$300, the Secretary may not dispose of the property until 45 days after the date it is received at a storage point designated by the Secretary.

(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.

(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts.

(c) No property covered by this section may be delivered to the Armed Forces Retirement Home by the Secretary of a military department, except papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes.

(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds.

(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Secretary of Defense for proceeds covered into the Treasury under subsection (b)(2).

(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Secretary of Defense (in the case of a claim filed under paragraph (2)).

(Aug. 10, 1956, ch. 1041, 70A Stat. 144; Pub. L. 89-143, Aug. 28, 1965, 79 Stat. 581; Pub. L. 96-513,