

“(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

“(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

“(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

“(f) REPORT.—Not later than March 31, 2005, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

“(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

“(2) the persons or entities to which the aircraft were sold; and

“(3) an accounting of the current use of the aircraft sold.

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.

“(h) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.”

#### **§ 2576a. Excess personal property: sale or donation for law enforcement activities**

(a) TRANSFER AUTHORIZED.—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

(A) suitable for use by the agencies in law enforcement activities, including counterdrug, counterterrorism, disaster-related emergency preparedness, and border security activities; and

(B) excess to the needs of the Department of Defense.

(2) The Secretary shall carry out this section in consultation with the Attorney General, the Director of National Drug Control Policy, and the Secretary of Homeland Security, as appropriate.

(b) CONDITIONS FOR TRANSFER.—The Secretary of Defense may transfer personal property under this section only if—

(1) the property is drawn from existing stocks of the Department of Defense;

(2) the recipient accepts the property on an as-is, where-is basis;

(3) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment;

(4) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient;

(5) the recipient, on an annual basis, and with the authorization of the relevant local governing body or authority, certifies that it has adopted publicly available protocols for the appropriate use of controlled property, the supervision of such use, and the evaluation of the effectiveness of such use, including auditing and accountability policies; and

(6) after the completion of the assessment required by section 1051(e) of the National Defense Authorization Act for Fiscal Year 2016, the recipient, on an annual basis, certifies that it provides annual training to relevant personnel on the maintenance, sustainment, and appropriate use of controlled property, including respect for the rights of citizens under the Constitution of the United States and de-escalation of force.

(c) CONSIDERATION.—Subject to subsection (b)(4), the Secretary may transfer personal property under this section without charge to the recipient agency.

(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to applications indicating that the transferred property will be used in the counterdrug, counterterrorism, disaster-related emergency preparedness, or border security activities of the recipient agency. Applications that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference.

(e) PROPERTY NOT TRANSFERRABLE.—The Secretary may not transfer to a Tribal, State, or local law enforcement agency under this section the following:

(1) Bayonets.

(2) Grenades (other than stun and flash-bang grenades).

(3) Weaponized tracked combat vehicles.

(4) Weaponized drones.

(f) PUBLICLY ACCESSIBLE WEBSITE.—(1) The Secretary shall create and maintain a publicly available Internet website that provides information on the controlled property transferred under this section and the recipients of such property.

(2) The contents of the Internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and re-possession of controlled property under this section, including—

(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by the name of the recipient and the year of the transfer;

(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers; and

(C) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

(g) CONTROLLED PROPERTY.—In this section, the term “controlled property” means any item assigned a demilitarization code of B, C, D, E, G,

or Q under Department of Defense Manual 4160.21-M, “Defense Materiel Disposition Manual”, or any successor document.

(Added Pub. L. 104-201, div. A, title X, § 1033(a)(1), Sept. 23, 1996, 110 Stat. 2639; amended Pub. L. 114-92, div. A, title X, §§ 1051(a)-(c), 1052, Nov. 25, 2015, 129 Stat. 979-981; Pub. L. 115-91, div. A, title X, § 1081(a)(43), Dec. 12, 2017, 131 Stat. 1596; Pub. L. 116-283, div. A, title X, § 1053, Jan. 1, 2021, 134 Stat. 3850.)

#### Editorial Notes

#### REFERENCES IN TEXT

Section 1051(e) of the National Defense Authorization Act for Fiscal Year 2016, referred to in subsec. (b)(6), is section 1051(e) of Pub. L. 114-92, div. A, title X, Nov. 25, 2015, 129 Stat. 980, which is not classified to the Code.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-189, div. A, title XII, § 1208, Nov. 29, 1989, 103 Stat. 1566, as amended, which was set out as a note under section 372 of this title, prior to repeal by Pub. L. 104-201, § 1033(b)(1). Section 372 of this title was renumbered section 272 of this title by Pub. L. 114-328, div. A, title XII, § 1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

#### AMENDMENTS

2021—Subsec. (a)(1)(A). Pub. L. 116-283, § 1053(a)(1), inserted “disaster-related emergency preparedness,” after “counterterrorism.”

Subsec. (b)(6). Pub. L. 116-283, § 1053(b)(1), inserted “, including respect for the rights of citizens under the Constitution of the United States and de-escalation of force” before period at end.

Subsec. (d). Pub. L. 116-283, § 1053(a)(2), amended subsec. (d) generally. Prior to amendment, text read as follows: “In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to those applications indicating that the transferred property will be used in the counterdrug, counterterrorism, or border security activities of the recipient agency.”

Subsecs. (e) to (g). Pub. L. 116-283, § 1053(b)(2), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

2017—Subsec. (b)(4). Pub. L. 115-91 struck out “and” at end.

2015—Subsec. (a)(1)(A). Pub. L. 114-92, § 1052(1)(A), substituted “counterdrug, counterterrorism, and border security activities” for “counter-drug and counter-terrorism activities”.

Subsec. (a)(2). Pub. L. 114-92, § 1052(1)(B), substituted “the Attorney General, the Director of National Drug Control Policy, and the Secretary of Homeland Security, as appropriate” for “the Attorney General and the Director of National Drug Control Policy”.

Subsec. (b)(5), (6). Pub. L. 114-92, § 1051(b), added pars. (5) and (6).

Subsec. (d). Pub. L. 114-92, § 1052(2), substituted “counterdrug, counterterrorism, or border security activities” for “counter-drug or counter-terrorism activities”.

Subsec. (e). Pub. L. 114-92, § 1051(a), added subsec. (e).

Subsec. (f). Pub. L. 114-92, § 1051(c), added subsec. (f).

#### Statutory Notes and Related Subsidiaries

#### PLAN FOR USE OF EXCESS CONSTRUCTION MATERIALS ON SOUTHWEST BORDER

Pub. L. 118-31, div. B, title XXVIII, § 2890, Dec. 22, 2023, 137 Stat. 785, provided that:

“(a) PLAN.—Not later than 75 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense shall submit to Congress a plan to use,

transfer, or donate to States on the southern border of the United States all covered materials, with prioritization given to the refurbishment and or maintenance of ports of entry along the southwest border and construction projects aimed at stopping illicit human and vehicle traffic along the border of the United States with Mexico.

“(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

“(1) A detailed proposal for the disposition of such covered materials, including a timeline for disposition and the authorities under which such disposition shall occur.

“(2) An assessment of the condition of such materials being stored, including (if applicable) a description of materials that have depreciated in value, become damaged, or been lost.

“(c) REQUIREMENTS OF REQUESTING STATES.—Any State requesting the covered materials made available under this section must certify, in writing, that the materials it accepts will be exclusively used for the refurbishment or maintenance of ports of entry along the southwest border or construction projects aimed at stopping illicit human and vehicle traffic along the border of the United States with Mexico.

“(d) EXECUTION OF PLAN.—Not later than 100 days after the date of submission of the plan required by subsection (a), the Secretary of Defense shall commence execution of such plan until the date on which the Department of Defense is no longer incurring any costs to maintain, store, or protect the covered materials.

“(e) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the following:

“(1) A detailed description of the decision process of the Secretary to forgo the excess property disposal process of the Department of Defense and instead pay to store the covered materials.

“(2) A list of entities the Department is paying for use of their privately owned land to store the covered materials, with appropriate action taken to protect personally identifiable information, such as by making the list of entities available in an annex that is labeled as controlled unclassified information.

“(3) An explanation of the process through which the Department contracted with private landowners to store the covered materials, including whether there was a competitive contracting process and whether the landowners have instituted an inventory review system.

“(4) A description of any investigations by the Inspector General of the Department that have been opened related to storing the covered materials.

“(f) DEFINITIONS.—In this section, the term ‘covered material’ means all remaining construction materials currently possessed by the United States Government that were purchased under section [sic] 2808 and [sic] 284 of title 10, United States Code, from fiscal years 2017 through 2021, including bollards and Nucor tubular square structural tubes.”

#### PROCESS FOR COMMUNICATING AVAILABILITY OF SURPLUS AMMUNITION

Pub. L. 114-328, div. A, title III, § 344, Dec. 23, 2016, 130 Stat. 2084, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall implement a formal process to provide Federal Government agencies outside the Department of Defense with information on the availability of surplus, serviceable ammunition from the Department of Defense for the purpose of reducing costs relating to the storage and disposal of such ammunition.

“(b) IMPLEMENTATION DEADLINE.—The Secretary shall implement the process described in subsection (a) beginning not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016].”

**§ 2576b. Excess personal property: sale or donation to assist firefighting agencies**

(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense shall transfer to a firefighting agency in a State any personal property of the Department of Defense that the Secretary determines is—

(1) excess to the needs of the Department of Defense; and

(2) suitable for use in providing fire and emergency medical services, including personal protective equipment and equipment for communication and monitoring.

(b) CONDITIONS FOR TRANSFER.—The Secretary of Defense shall transfer personal property under this section only if—

(1) the property is drawn from existing stocks of the Department of Defense;

(2) the recipient firefighting agency accepts the property on an as-is, where-is basis;

(3) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

(4) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

(c) CONSIDERATION.—Subject to subsection (b)(4), the Secretary may transfer personal property under this section without charge to the recipient firefighting agency.

(d) DEFINITIONS.—In this section:

(1) STATE.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(2) FIREFIGHTING AGENCY.—The term “firefighting agency” means any volunteer, paid, or combined departments that provide fire and emergency medical services.

(Added Pub. L. 106-398, §1 [[div. A], title XVII, §1706(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-367; amended Pub. L. 108-375, div. A, title III, §354, Oct. 28, 2004, 118 Stat. 1861.)

**Editorial Notes****AMENDMENTS**

2004—Subsecs. (a), (b). Pub. L. 108-375 substituted “shall” for “may” in introductory provisions.

**Statutory Notes and Related Subsidiaries**

IDENTIFICATION OF DEFENSE TECHNOLOGIES SUITABLE FOR USE, OR CONVERSION FOR USE, IN PROVIDING FIRE AND EMERGENCY MEDICAL SERVICES

Pub. L. 106-398, §1 [[div. A], title XVII, §1707], Oct. 30, 2000, 114 Stat. 1654, 1654A-367, provided that:

“(a) APPOINTMENT OF TASK FORCE; PURPOSE.—The Secretary of Defense shall appoint a task force consisting of representatives from the Department of Defense and each of the seven major fire organizations identified in subsection (b) to identify defense technologies and equipment that—

“(1) can be readily put to civilian use by fire service and the emergency response agencies; and

“(2) can be transferred to these agencies using the authority provided by section 2576b of title 10, United States Code, as added by section 1706 of this Act.

“(b) PARTICIPATING MAJOR FIRE ORGANIZATIONS.—Members of the task force shall be appointed from each of the following:

“(1) The International Association of Fire Chiefs.

“(2) The International Association of Fire Fighters.

“(3) The National Volunteer Fire Council.

“(4) The International Association of Arson Investigators.

“(5) The International Society of Fire Service Instructors.

“(6) The National Association of State Fire Marshals.

“(7) The National Fire Protection Association.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense for activities of the task force \$1,000,000 for fiscal year 2001.”

**§ 2577. Disposal of recyclable materials**

(a)(1) The Secretary of Defense shall prescribe regulations to provide for the sale of recyclable materials held by a military department or defense agency and for the operation of recycling programs at military installations. Such regulations shall include procedures for the designation by the Secretary of a military department (or by the Secretary of Defense with respect to facilities of a defense agency) of military installations that have established a qualifying recycling program for the purposes of subsection (b)(2).

(2) Any sale of recyclable materials by the Secretary of Defense or Secretary of a military department shall be in accordance with the procedures in sections 541-555 of title 40 for the sale of surplus property.

(3) In this section, the term “recyclable materials” may include any quality recyclable material provided to the Department by a State or local government entity, if such material is authorized by the Office of the Secretary of Defense and identified in the regulations prescribed under paragraph (1).

(b)(1) Proceeds from the sale of recyclable materials at an installation shall be credited to funds available for operations and maintenance at that installation in amounts sufficient to cover the costs of operations, maintenance, and overhead for processing recyclable materials at the installation (including the cost of any equipment purchased for recycling purposes).

(2) If after such funds are credited a balance remains available to a military installation and such installation has a qualifying recycling program (as determined by the Secretary of the military department concerned or the Secretary of Defense), not more than 50 percent of that balance may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities. A project may not be carried out under the preceding sentence for an amount greater than 50 percent of the amount established by law as the maximum amount for a minor construction project.

(3) The remaining balance available to a military installation may be transferred to the non-appropriated morale and welfare account of the installation to be used for any morale or welfare activity.

(c) If the balance available to a military installation under this section at the end of any fiscal year is in excess of \$10,000,000, the amount of that excess shall be covered into the Treasury as miscellaneous receipts.