

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 4712, 6522, 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, title V, §511(84), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 101-189, div. A, title III, §322(a), (b), title XVI, §1622(f)(1), Nov. 29, 1989, 103 Stat. 1413, 1605; Pub. L. 101-510, div. A, title XV, §1533(a)(2), Nov. 5, 1990, 104 Stat. 1733; Pub. L. 104-106, div. A, title III, §374(a), Feb. 10, 1996, 110 Stat. 281; Pub. L. 104-316, title II, §202(d), Oct. 19, 1996, 110 Stat. 3842; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i>   | <i>Source (Statutes at Large)</i>      |
|------------------------|---|--|
| 2575(a) .....          | 5:150e.<br>5:150h.<br>[Uncodified: Apr. 14, 1949,<br>ch. 50, § 6, 63 Stat. 45]. | Apr. 14, 1949, ch. 50, 63<br>Stat. 45. |
| 2575(b) .....          | 5:150f.<br>5:150g.  |  |
| 2575(c) .....          | 5:150i.   |  |

In subsection (a), the words “under such regulations as they may respectively prescribe” are substituted for 5:150h. The words “other than property \* \* \* subject to subsection (c)” of this section are substituted for the words “subject to the provisions of section 150i of this title”. The words “other than property subject to sections 4712, 4713, 6522, 9712, or 9713 of this title” are inserted, since uncodified section 6 of the source statute provided that the source statute for this revised section did not repeal or amend the source statutes for those revised sections. The words “that comes into” are substituted for the words “which is now or may hereafter come into”. The word “possession” is omitted as covered by the words “custody or control”. The words “However, property may not be disposed of until” are inserted for clarity. The word “find” is substituted for the words “determine and locate”. The words “until the expiration” are substituted for the words “prior to the expiration of a period”. The words “determined but not found” are substituted for the words “have or has been determined”. The words “or owners”, “or representatives”, and “sold or otherwise” are omitted as surplusage.

In subsection (b), the words “may file \* \* \* within five years” are substituted for the words “may be filed \* \* \* at any time prior to the expiration of five years”, in 5:150g, since the claim must be disallowed if not filed within that period. The words “If not filed within that period” are substituted for the words “If claims are not filed prior to the expiration of five years from the date of the disposal of the property”, in 5:150g. The words “such a claim may not be considered” are substituted for the words “they shall be barred from being acted on”, in 5:150g.

In subsection (c), the words “No property \* \* \* may \* \* \* except” are substituted for the words “Any prop-

erty \* \* \* shall be limited". The last sentence is substituted for 5:1501 (proviso).

## AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

1996—Subsec. (b). Pub. L. 104-106, §374(a)(1), added subsec. (b) and struck out former subsec. (b) which read as follows: "The net proceeds from the sale of property under this section shall be covered into the Treasury as miscellaneous receipts. The owner (or the heirs, next of kin, or legal representative of the owner) may file a claim for those proceeds with the General Accounting Office within five years after the date of the disposal of the property. If not filed within that period, such a claim may not be considered by a court or the General Accounting Office."

Subsec. (d). Pub. L. 104-106, §374(a)(2), added subsec. (d).

Subsec. (d)(2), (3). Pub. L. 104-316 substituted "Secretary of Defense" for "Comptroller General of the United States".

1990—Subsec. (a). Pub. L. 101-510, §1533(a)(2)(A), substituted "section 4712, 6522, or 9712" for "section 4712, 4713, 6522, 9712, or 9713".

Subsec. (c). Pub. L. 101-510, §1533(a)(2)(B), substituted "Armed Forces Retirement Home" for "United States Soldiers' and Airmen's Home" and "Secretary of a military department" for "Secretary of the Army or the Secretary of the Air Force" and struck out at end "The Home shall deliver the property to the owner (or the heirs, next of kin, or legal representative of the owner), if that person establishes a right to it within two years after its receipt by the Home."

1989—Subsec. (a). Pub. L. 101-189, §1622(f)(1), struck out "of this section" after "subsection (c)".

Pub. L. 101-189, §322(b)(2)(A), substituted "the Secretary's department" for "his department".

Pub. L. 101-189, §322(b)(1), substituted "owner (or the heirs, next of kin, or legal representative of the owner)" for "owner, his heirs or next of kin, or his legal representative" in two places.

Pub. L. 101-189, §322(a)(3), inserted after second sentence: "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."

Pub. L. 101-189, §322(a)(1), substituted "45 days" for "120 days".

Pub. L. 101-189, §322(b)(2)(B), substituted "owner (or heirs, next of kin, or legal representative of the owner)" for "owner, his heirs or next of kin, or his legal representatives" after "When diligent effort to determine the".

Pub. L. 101-189, §322(a)(2), substituted "more than \$300, the Secretary may not dispose of the property until 45 days" for "\$25 or more the property may not be disposed of until three months".

Subsec. (b). Pub. L. 101-189, §322(b)(1), substituted "owner (or the heirs, next of kin, or legal representative of the owner)" for "owner, his heirs or next of kin, or his legal representative".

Subsec. (c). Pub. L. 101-189, §322(b)(1), (3), substituted "owner (or the heirs, next of kin, or legal representative of the owner)" for "owner, his heirs or next of kin, or his legal representative", and "that person" for "he" before "establishes a right".

1980—Subsec. (a). Pub. L. 96-513, §511(84)(A), substituted "Secretary of Transportation" for "Secretary of the Treasury".

Subsec. (c). Pub. L. 96-513, §511(84)(B), substituted "United States Soldiers' and Airmen's Home" for "Soldiers' Home".

1965—Subsec. (a). Pub. L. 89-143 provided for notice by certified mail and substituted provision for disposition of property without delay when diligent effort to determine ownership is unsuccessful and after three months

following receipt at designated storage point of property with fair market value of \$25 or more, for former provision for disposition of property one year after receipt at designated storage point.

## 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 1990 AMENDMENT

Amendment by Pub. L. 101-510 effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101-510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

## EFFECTIVE DATE OF 1989 AMENDMENT

Section 322(c) of Pub. L. 101-189 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to property that comes into the custody or control of the Secretary of a military department or the Secretary of Transportation after the date of the enactment of this Act [Nov. 29, 1989]."

## 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.

### § 2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies

(a) The Secretary of Defense, under regulations prescribed by him, may sell to State and local law enforcement, firefighting, homeland security, and emergency management agencies, at fair market value, pistols, revolvers, shotguns, rifles of a caliber not exceeding .30, ammunition for such firearms, gas masks, personal protective equipment, and other appropriate equipment which (1) are suitable for use by such agencies in carrying out law enforcement, firefighting, homeland security, and emergency management activities, and (2) have been determined to be surplus property under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(b) Such surplus military equipment shall not be sold under the provisions of this section to a State or local law enforcement, firefighting, homeland security, or emergency management agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary and suitable for the operation of such agency by the Governor (or such State official as he may designate) of the State in which such agency is located. Equipment sold to a State or local law enforcement, firefighting, homeland security, or emergency management agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency.