

§ 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 nec-

essary by the Secretary or the Secretary's delegee.

(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 2536(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 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, 2017.

(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.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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).

AMENDMENTS

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 mate-

riel: 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”.

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.

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.