

(Added Pub. L. 106-398, §1 [[div. A], title X, §1085(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-287.)

**CHAPTER 439—SALE OF SERVICEABLE MATERIAL**

- Sec.
- 4621. Quartermaster supplies: members of armed forces; veterans; executive or military departments and employees; prices.
- 4622. Rations: commissioned officers in field.
- [4623. Repealed.]
- 4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home.
- 4625. Ordnance property: officers of armed forces; civilian employees of Army; American National Red Cross; educational institutions; homes for veterans' orphans.
- 4626. Aircraft supplies and services: foreign military or air attaché.
- 4627. Supplies: educational institutions.
- 4628. Airplane parts and accessories: civilian flying schools.
- 4629. Proceeds: disposition.

**AMENDMENTS**

1990—Pub. L. 101-510, div. A, title XV, §1533(a)(5)(C), Nov. 5, 1990, 104 Stat. 1734, amended item 4624 generally, substituting "Armed Forces Retirement Home" for "Soldiers' and Airmen's Home".

1980—Pub. L. 96-513, title V, §512(18)(C), Dec. 12, 1980, 94 Stat. 2930, inserted "and Airmen's" after "Soldiers'" in item 4624.

1970—Pub. L. 91-482, §2B, Oct. 21, 1970, 84 Stat. 1082, struck out item 4623 "Tobacco: enlisted members of Army".

**§ 4621. Quartermaster supplies: members of armed forces; veterans; executive or military departments and employees; prices**

(a) The Secretary of the Army shall procure and sell, for cash or credit—

(1) articles specified by the Secretary of the Army or a person designated by him, to members of the Army; and

(2) items of individual clothing and equipment, to officers of the Army, under such restrictions as the Secretary may proscribe.

An account of sales on credit shall be kept and the amount due reported to any branch, office, or officer designated by the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Army.

(c) The Secretary may sell serviceable quartermaster property, other than subsistence supplies, to an officer of another armed force for his use in the service, in the same manner as these articles are sold to an officer of the Army.

(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force, or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence

supplies and other supplies, except articles of uniform, at the prices at which like property is sold to a member of the Army.

(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged from the Army honorably or under honorable conditions, at the prices at which like articles are sold to members of the Army. This subsection does not modify section 772 or 773 of this title.

(f) Whenever, under regulations to be prescribed by the Secretary, subsistence supplies are furnished to any branch of the Army or sold to employees of any executive department other than the Department of Defense, payment shall be made in cash or by commercial credit.

(g) The Secretary may, by regulation, provide for the procurement and sale of stores designated by him to such civilian officers and employees of the United States, and such other persons, as he considers proper—

(1) at military installations outside the United States; and

(2) at military installations inside the United States where he determines that it is impracticable for those civilian officers, employees, and persons to obtain those stores from private agencies without impairing the efficient operation of military activities.

However, sales to officers and employees inside the United States may be made only to those residing within military installations.

(h) Appropriations for subsistence of the Army may be applied to the purchase of subsistence supplies for sale to members of the Army on active duty for the use of themselves and their families.

(Aug. 10, 1956, ch. 1041, 70A Stat. 257; Pub. L. 87-651, title I, §118, Sept. 7, 1962, 76 Stat. 513; Pub. L. 96-513, title V, §512(17), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 100-180, div. A, title III, §313(c), Dec. 4, 1987, 101 Stat. 1074; Pub. L. 101-189, div. A, title XVI, §1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 104-106, div. A, title III, §375(b)(1), Feb. 10, 1996, 110 Stat. 283.)

**HISTORICAL AND REVISION NOTES  
1956 ACT**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4621(a) .....	10:904. 10:1231. 10:1237. 32:156.	Aug. 31, 1918, ch. 166, §9 (less 17th through 22d words), 40 Stat. 957. R.S. 1144; June 28, 1950, ch. 383, §402(a), 64 Stat. 272.
4621(b) .....	10:1238.	June 3, 1916, ch. 134, §109; restated June 4, 1920, ch. 227, subch. I, §47; restated June 3, 1924, ch. 244, §3; restated Oct. 14, 1940, ch. 875, §3, 54 Stat. 1136; Mar. 25, 1948, ch. 157, §5(b), 62 Stat. 91; Oct. 12, 1949, ch. 681, §501(f)(2) and (3) (as applicable to §109 of the Act of June 3, 1916, ch. 134), 63 Stat. 827; July 9, 1952, ch. 608, §803 (12th par.), 66 Stat. 505.
4621(c) .....	10:1233.	June 30, 1922, ch. 253, Title I (last proviso under "Clothing and Equipage"), 42 Stat. 729.
4621(d) .....	10:1234. 34:539	
4621(e) .....	10:1235.	
4621(f) .....	10:1395 (less last sentence).	
4621(g) .....	10:1253.	
4621(h) .....	10:1241.	
4621(i) .....	10:1196.	

HISTORICAL AND REVISION NOTES—CONTINUED  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
		<p>July 5, 1884, ch. 217 (proviso under "Subsistence of the Army"), 23 Stat. 108.</p> <p>Aug. 29, 1916, ch. 418 (words before semicolon of 3d proviso under "Subsistence of the Army"), 39 Stat. 630.</p> <p>Mar. 4, 1915, ch. 143 (last proviso under "Clothing, and Camp and Garrison Equipage"), 38 Stat. 1079; June 28, 1950, ch. 383, § 402(k), 64 Stat. 273.</p> <p>June 5, 1920, ch. 240 (par. under "Purchase of Army Stores by Discharged Receiving Treatment from the Public Health Service"), 41 Stat. 976.</p> <p>Feb. 14, 1927, ch. 134 (less last sentence), 44 Stat. 1096.</p> <p>Mar. 3, 1911, ch. 209 (last par. under "Subsistence Department"), 36 Stat. 1047.</p> <p>Aug. 8, 1953, ch. 390, § 1, 67 Stat. 499.</p> <p>Mar. 3, 1875, ch. 131 (proviso of 1st sentence of 1st par. under "War Department"), 18 Stat. 410.</p>

In subsection (a), the word "members" is substituted for the words "officers and enlisted men" in 10:1237. Clause (2) is substituted for 10:904. 32:156 is omitted as covered by 10:904, since the words "officers of the Army" necessarily cover all persons named in 32:156. The words "the Secretary of the Army or a person designated by him" are substituted for the words "by whatever branch, office, or officers of the Army the Secretary of the Army may from time to time designate", inserted by the Editors of the United States Code. R.S. 1114 which provided that this function should be invested in the Inspector General was not amended in this respect by section 402(a) of the Army Organization Act of 1950 (64 Stat. 272). However, these functions have now been transferred to the Secretary of the Army or a person designated by him. (See memorandum of the Secretary of Defense, dated October 29, 1954, subject "Transfer of Authority from the Inspector General to the Secretary of the Army to Designate Subsistence Articles for Sale," and opinion of the Judge Advocate General of the Army (JAGA 1954/9712, 2 December 1954).) The words "Except for articles and items acquired through the use of working capital funds under sections 172-172j of title 5" are inserted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

In subsection (b), the first sentence states expressly the rule which is implicit in 10:1238. The word "members" is substituted for the words "officers and enlisted men". The words "shall be understood, in all cases of such sales" are omitted as surplusage. The last sentence is inserted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Deputy General Counsel of the Office of the Secretary of Defense, March 28, 1956.)

In subsection (c), the word "members" is substituted for the words "officers and enlisted men". The words

"prices at which like property is sold to" are substituted for the words "same price as is charged".

In subsections (c) and (d), the words "other armed forces" are substituted for the words "Navy and Marine Corps", since such sales are authorized to members of the Coast Guard by section 144(b) of title 14.

In subsection (d), the words "other than subsistence supplies" are inserted, since the sale of subsistence supplies is covered by subsection (c).

In subsection (e), the words "a person who has been discharged" are substituted for the words "discharged officers and enlisted men". The words "Navy \* \* \* or Marine Corps", omitted from the 1952 Edition of the United States Code, are inserted to conform to the source statute. The words "may buy" are substituted for the words "shall \* \* \* be permitted to purchase". The words "at the prices at which like property is sold" are substituted for the words "at the same price as charged". The word "member" is substituted for the words "officers and enlisted men". The words "while undergoing such care and treatment" are omitted as surplusage.

In subsection (f), the words "person who has been discharged" are substituted for the words "former members \* \* \* who have been separated therefrom". The words "at the prices at which like articles are sold to members" are inserted to conform to the last sentence of subsection (a) and subsection (e).

In subsection (g), the words "regulations to be prescribed by the Secretary" are substituted for the words "Army Regulations". The words "of the Government" are omitted as surplusage. 10:1253 (last 22 words of 1st sentence) is omitted as surplusage. The words "or to another executive department of the Government" are omitted as superseded by section 7 of the Act of May 21, 1920, ch. 194, as amended (31 U.S.C. 686). The provisions of 10:1253 relating to computation of costs are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

In subsection (h), the word "outside" is substituted for the words "beyond the continental limitations". The words "or in Alaska" are omitted, since, under section 101(1) of this title, the words "United States" are defined to include only the States and the District of Columbia. The word "continental", after the words "within the", is omitted for the same reason. The last sentence is substituted for 10:1241 (proviso).

In subsection (i), 10:1196 (last 30 words) is omitted as superseded by the Act of April 27, 1914, ch. 72 (last proviso under "Subsistence of the Army"), 38 Stat. 361. The words "So much of the" and "as may be necessary" are omitted as surplusage. The words "members \* \* \* on active duty, for the use of themselves and their families" are substituted for the words "officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations", to conform to 10:1237 and 1238. Those sections provide the basic authority for procurement and sale of subsistence supplies to all members. This interpretation conforms to established administrative practice under those sections. The word "supplies" is substituted for the word "stores".

1962 ACT

The change corrects an internal reference.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106, §375(b)(1)(A), substituted "The Secretary of the Army" for "The branch, office, or officer designated by the Secretary of the Army".

Subsecs. (b), (c). Pub. L. 104-106, §375(b)(1)(B), substituted "The Secretary" for "The branch, office, or officer designated by the Secretary".

Subsec. (f). Pub. L. 104-106, §375(b)(1)(C), inserted “or by commercial credit” before period at end.

1989—Subsec. (d). Pub. L. 101-189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1987—Subsecs. (b) to (i). Pub. L. 100-180 redesignated subsecs. (c) to (i) as subsecs. (b) to (h), respectively, and struck out former subsec. (b) which read as follows: “Subsistence supplies may be sold to members of the Army. The selling price of each article sold under this subsection is the invoice price of the last lot of that article that the officer making the sale received before the first day of the month in which the sale is made. Activities conducted under this subsection shall be consistent with section 2208 of this title.”

1980—Subsec. (f). Pub. L. 96-513 struck out reference to section 3612 of this title.

1962—Subsecs. (a), (b). Pub. L. 87-651 substituted “section 2208 of this title” for “sections 172-172j of title 5”.

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.

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, see note set out under section 802 of this title.

PRICES CHARGED PERSONNEL OF CIVILIAN AGENCIES IN GERMANY

Act June 20, 1956, ch. 414, title I, §101, 70 Stat. 300, provided in part: “When the Department of the Army, under the authority of the Act of March 3, 1911, as amended, furnishes subsistence supplies to personnel of civilian agencies of the United States Government serving in Germany, payment therefor by such personnel shall be made at the same rate as is paid by civilian personnel of the Department of the Army serving in Germany.” Similar provisions were contained in acts Oct. 6, 1949, ch. 621, title I, §101, 63 Stat. 713; Sept. 6, 1950, ch. 896, ch. XI, title III, §301, 64 Stat. 763; Nov. 1, 1951, ch. 664, ch. IX, §901, 65 Stat. 750; July 15, 1952, ch. 758, ch. XI, title II, 66 Stat. 652; Aug. 7, 1953, ch. 340, ch. X, 67 Stat. 433; Aug. 26, 1954, ch. 935, ch. XI, 68 Stat. 823; July 7, 1955, ch. 279, title I, §101, 69 Stat. 269.

§ 4622. Rations: commissioned officers in field

Commissioned officers of the Army serving in the field may buy rations for their own use, on credit, from any officer designated by the Secretary of the Army. Amounts due for these purchases shall be reported monthly to the officer of the Army designated by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 258.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4622 .....	10:1232.	R.S. 1145; June 28, 1950, ch. 383, §402(a), 64 Stat. 272.

The words “at cost prices” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

[§ 4623. Repealed. Pub. L. 91-482, § 1(a), Oct. 21, 1970, 84 Stat. 1082]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 258, provided that the Quartermaster Corps sell not more than

16 ounces of tobacco a month to an enlisted member of the Army on active duty who requests it.

§ 4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home

(a) Under regulations to be prescribed by the Secretary of the Army, a civilian employee of the Department of the Army who is stationed at an Army post may buy necessary medical supplies from the Army when they are prescribed by an officer of the Medical Corps on active duty.

(b) With the approval of the Secretary, the Army Medical Department may sell medical supplies to the American National Red Cross for cash.

(c) Any branch, office, or officer designated by the Secretary may sell medical and hospital supplies to the Armed Forces Retirement Home.

(Aug. 10, 1956, ch. 1041, 70A Stat. 259; Pub. L. 90-329, June 4, 1968, 82 Stat. 170; Pub. L. 96-513, title V, §512(18)(A), (B), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 101-510, div. A, title XV, §1533(a)(5)(A), (B), Nov. 5, 1990, 104 Stat. 1734.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4624(a) .....	10:1236.	Apr. 23, 1904, ch. 1485 (last proviso under “Medical Department”), 33 Stat. 273; Mar. 2, 1905, ch. 1307 (last proviso under “Medical Department”), 33 Stat. 839. Mar. 4, 1915, ch. 143 (2d proviso under “Medical Department”), 38 Stat. 1080. June 4, 1897, ch. 2 (par. under “Soldiers’ Home, District of Columbia”), 30 Stat. 54; June 28, 1950, ch. 383, §402(d), 64 Stat. 272.
4624(b) .....	10:1254.	
4624(c) .....	24:58.	

In subsection (a) the words “an officer of the Medical Corps” are substituted for the words “medical officer”. The words “on active duty” are inserted for clarity.

In subsection (b) the words “rates of charge”, “to cover the cost of purchase, inspection, and so forth”, and “as can be spared without detriment to the military service” are omitted as surplusage. The words “the contract prices paid therefor” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.) The word “equipments” is omitted as covered by the word “supplies”.

In subsection (c), the words “in the District of Columbia” are omitted as surplusage, since there is only one Soldiers’ Home. The words “Upon proper application therefor” are omitted as surplusage. The words “its contract prices” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)