

“(2) on another publicly available website of the Department of Defense; or

“(3) in the Federal Register.

“(d) LOCAL NOTIFICATION.—Prior to conducting any testing of water for perfluoroalkyl or polyfluoroalkyl substances, including any testing which has not been planned or publicly disclosed pursuant to subsection (b), the Secretary of Defense shall provide notice of the testing to—

“(1) the managers of the public water system serving the covered area where such testing is to occur;

“(2) the heads of the municipal government serving the covered area where such testing is to occur; and

“(3) as applicable, the members of the restoration advisory board for the military installation where such testing is to occur.

“(e) METHODS FOR TESTING.—In testing water for perfluoroalkyl or polyfluoroalkyl substances, the Secretary of Defense shall adhere to methods for measuring the amount of such substances in drinking water that have been validated by the Administrator of the Environmental Protection Agency.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘covered area’ means an area in the United States that is located immediately adjacent to and down gradient from a military installation, a formerly used defense site, or a facility where military activities are conducted by the National Guard of a State pursuant to section 2707(e) of title 10, United States Code.

“(2) The term ‘formerly used defense site’ means any site formerly used by the Department of Defense or National Guard eligible for environmental restoration by the Secretary of Defense funded under the ‘Environmental Restoration Account, Formerly Used Defense Sites’ account established under section 2703(a)(5) of title 10, United States Code.

“(3) The term ‘military installation’ has the meaning given such term in section 2801(c)(4) of title 10, United States Code.

“(4) The term ‘perfluoroalkyl or polyfluoroalkyl substance’ means any man-made chemical with at least one fully fluorinated carbon atom.

“(5) The term ‘public water system’ has the meaning given such term under section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)).

“(6) The term ‘restoration advisory board’ means a restoration advisory board established pursuant to section 2705(d) of title 10, United States Code.”

CHAPTER 161—PROPERTY RECORDS AND REPORT OF THEFT OR LOSS OF CERTAIN PROPERTY

Sec.	
2721.	Property records: maintenance on quantitative and monetary basis.
2722.	Theft or loss of ammunition, destructive devices, and explosives: report to Secretary of the Treasury.
2723.	Notice to congressional committees of certain security and counterintelligence failures within defense programs.

Editorial Notes

AMENDMENTS

1999—Pub. L. 106-65, div. A, title X, §1042(b), Oct. 5, 1999, 113 Stat. 760, added item 2723.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(17)(B), Dec. 5, 1991, 105 Stat. 1473, substituted “Property records: maintenance on quantitative and monetary basis” for “Basis” in item 2721.

1990—Pub. L. 101-510, div. A, title XIII, §1331(7), Nov. 5, 1990, 104 Stat. 1673, substituted “Basis” for “Basis: reports” in item 2721.

1988—Pub. L. 100-456, div. A, title III, §344(b)(1), Sept. 29, 1988, 102 Stat. 1962, inserted “AND REPORT OF THEFT OR LOSS OF CERTAIN PROPERTY” in chapter heading and added item 2722.

1986—Pub. L. 99-499, title II, §211(a)(3), Oct. 17, 1986, 100 Stat. 1725, redesignated item 2701 as item 2721.

§ 2721. Property records: maintenance on quantitative and monetary basis

(a) Under regulations prescribed by him, the Secretary of Defense shall have the records of the fixed property, installations, major equipment items, and stored supplies of the military departments maintained on both a quantitative and a monetary basis, so far as practicable.

(b) The regulations prescribed pursuant to subsection (a) shall include a requirement that the records maintained under such subsection—

(1) to the extent practicable, provide up-to-date information on all items in the inventory of the Department of Defense;

(2) indicate whether the inventory of each item is sufficient or excessive in relation to the needs of the Department for that item; and

(3) permit the Secretary of Defense to include in the budget submitted to Congress under section 1105 of title 31 for each fiscal year, information relating to—

(A) the amounts proposed for each appropriation account in such budget for inventory purchases of the Department of Defense; and

(B) the amounts obligated for such inventory purchases out of the corresponding appropriations account for the preceding fiscal year.

(Aug. 10, 1956, ch. 1041, 70A Stat. 152, §2701; renumbered §2721, Pub. L. 99-499, title II, §211(a)(1)(A), Oct. 17, 1986, 100 Stat. 1719; amended Pub. L. 101-510, div. A, title XIII, §1322(a)(12), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 102-190, div. A, title III, §347(b), title X, §1061(a)(17)(A), Dec. 5, 1991, 105 Stat. 1347, 1473.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2701(a)	5:172i (less last sentence).	July 26, 1947, ch. 343, § 410; added Aug. 10, 1949, ch. 412, §11(410), 63 Stat. 590.
2701(b)	5:172i (last sentence).	

In subsection (a), the words “equipment” and “materials” are omitted, since the word “supplies”, as defined in section 101(26) of this title, includes equipment and materials. The word “stored” is substituted for the words “held in store by the armed services”.

In subsection (b), the words “on property records maintained under this section” are substituted for the word “thereon”.

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-190, §1061(a)(17)(A), substituted section catchline for one which read “Basis: reports”.

Pub. L. 102-190, §347(b), designated existing provisions as subsec. (a) and added subsec. (b).

1990—Pub. L. 101-510 struck out “(a)” before “Under regulations” and struck out subsec. (b) which read as follows: “The Secretary shall report once a year to Congress and the President on property records maintained under this section.”

Statutory Notes and Related Subsidiaries

IMPLEMENTATION OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title III, §347(c), Dec. 5, 1991, 105 Stat. 1347, provided that: “The Secretary of Defense

shall establish the uniform system of valuation described in section 2458(a)(3) of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by section 2721(b) of such title (as added by subsection (b)), not later than 180 days after the date of the enactment of this Act [Dec. 5, 1991].”

INVENTORY INVESTIGATIONS

Pub. L. 100-456, div. A, title III, §343, Sept. 29, 1988, 102 Stat. 1961, provided that:

“(a) UNDERCOVER INVESTIGATIONS.—(1) Congress finds that the use of undercover investigative techniques by the Department of Defense enhances the ability of the Department of Defense to detect and investigate theft of Government property (including munitions) from the Department of Defense supply system.

“(2) The Secretary of Defense is urged to continue to conduct undercover investigations to detect and investigate thefts referred to in paragraph (1).

“(b) INVENTORY SECURITY INCIDENT REPOSITORY.—The Secretary of Defense shall establish and maintain a centralized computer system for recording and organizing information on theft, fraud, and breach of security and incidents involving the loss of Department of Defense supplies (including munitions).”

§ 2722. Theft or loss of ammunition, destructive devices, and explosives: report to Secretary of the Treasury

(a) IN GENERAL.—The Secretary of Defense shall report the theft or other loss of any ammunition, destructive device, or explosive material from the stocks of the Department of Defense to the Secretary of the Treasury within 72 hours, if possible, after the discovery of such theft or loss.

(b) EXCLUSION FOR CERTAIN ITEMS.—The Secretary of Defense may exclude from the reporting requirement under subsection (a) any item referred to in that subsection if—

(1) the Secretary determines that the item represents a low risk of danger to the public and would be of minimal utility to any person who may illegally receive such item; and

(2) the exclusion of such item is specified as being excluded from the reporting requirement in a memorandum of agreement between the Secretary of Defense and the Secretary of the Treasury.

(c) DEFINITIONS.—In this section:

(1) The term “explosive material” means explosives, blasting agents, and detonators.

(2) The terms “destructive device” and “ammunition” have the meanings given those terms by paragraphs (4) and (17), respectively, of section 921(a) of title 18.

(Added Pub. L. 100-456, div. A, title III, §344(a), Sept. 29, 1988, 102 Stat. 1961; amended Pub. L. 109-364, div. A, title X, §1071(a)(24), Oct. 17, 2006, 120 Stat. 2399.)

Editorial Notes

AMENDMENTS

2006—Subsec. (c)(2). Pub. L. 109-364 substituted “921(a)” for “921”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 100-456, div. A, title III, §344(c), Sept. 29, 1988, 102 Stat. 1962, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect

with respect to thefts and losses discovered more than 180 days after the date of the enactment of this Act [Sept. 29, 1988].”

INCIDENT REPORTING REQUIREMENTS FOR DEPARTMENT OF DEFENSE REGARDING LOST OR STOLEN WEAPONS

Pub. L. 117-81, div. A, title III, §363, Dec. 27, 2021, 135 Stat. 1661, provided that:

“(a) IN GENERAL.—For each of fiscal years 2022, 2023, and 2024, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on security, control, thefts, losses, and recoveries of sensitive conventional arms, ammunition, and explosives (commonly referred to as ‘AA&E’) of the Department of Defense during such year, including the following:

“(1) M-16 or M4s.

“(2) Light automatic weapons up to and including M249, M2, and 40mm MK19 machine guns.

“(3) Functional launch tube with umbilical squib installed and grip stock for the Stinger missile.

“(4) Launch tube, sight assembly, and grip stock for missiles.

“(5) Tracker for the Dragon missile.

“(6) Mortar tubes up to and including 81mm.

“(7) Grenade launchers.

“(8) Rocket and missile launchers with an unpacked weight of 100 pounds or less.

“(9) Flame throwers.

“(10) The launcher, missile guidance se, or the optical sight for the TOW and the Javelin Command Launch Unit.

“(11) Single shot and semi-automatic (non-automatic) shoulder-fired weapons such as shotguns and bolt action rifles and weapons barrels.

“(12) Handguns.

“(13) Recoil-less rifles up to and including 106mm.

“(14) Man-portable missiles and rockets in a ready-to-fire configuration or when jointly stored or transported with the launcher tube or grip-stock and the explosive round.

“(15) Stinger missiles.

“(16) Dragon, Javelin, light antitank weapon (66mm), shoulder-launched multi-purpose assault weapon rocket (83mm), M136 (AT4) anti-armor launcher and cartridge (84mm).

“(17) Missiles and rockets that are crew-served or require platform-mounted launchers and other equipment to function, including HYDRA-70 rockets and tube-launched optically wire guided (TOW) missiles.

“(18) Missiles and rockets that require platform-mounted launchers and complex hardware equipment to function including the HELLFIRE missile.

“(19) Explosive rounds of any missile or rocket listed in paragraphs (1) through (18).

“(20) Hand or rifle grenades (high-explosive and white phosphorous).

“(21) Antitank or antipersonnel mines.

“(22) Explosives used in demolition operations, C-4, military dynamite, and trinitrotoluene (TNT).

“(23) Warheads for sensitive missiles and rockets weighing less than 50 pounds each.

“(24) Ammunition that is .50 caliber or larger with explosive-filled projectile.

“(25) Incendiary grenades and fuses for high-explosive grenades.

“(26) Blasting caps.

“(27) Supplementary charges.

“(28) Bulk explosives.

“(29) Detonating cord.

“(30) Riot control agents.

“(b) IMMEDIATE REPORTING OF CONFIRMED THEFTS, LOSSES, AND RECOVERIES.—Not later than 72 hours after a confirmed theft, loss, or recovery of a sensitive conventional arm, ammunition, or explosive covered by the report required by subsection (a), the Secretary shall report such theft, loss, or recovery to the National Crime Information Center and local law enforcement.”