

1979—Pub. L. 96-125, §807(c)(1), inserted “and on military installations” after “places of employment” in section catchline.

Subsec. (a). Pub. L. 96-125, §807(a), substituted reference to Secretary of a military department and to the Secretary of Defense for references to Secretary concerned and inserted reference to any military installation (including any subinstallation thereof) under the jurisdiction of that department.

Subsec. (b). Pub. L. 96-125, §807(b), designated existing provisions as par. (1) and cls. (1) to (3) as cls. (A) to (C), substituted “subsection (a)(2)” for “subsection (a)” and added par. (2).

1978—Subsec. (a). Pub. L. 95-362, §1(1), substituted “concerned” for “of a military department” and “of his department” for “of that department”.

Subsec. (b). Pub. L. 95-362, §1(2), struck out “of the military department” before “concerned”.

Subsec. (c)(2)(A). Pub. L. 95-362, §1(3), inserted reference to the Coast Guard.

REGULATIONS

Section 318(d) of Pub. L. 100-180 required that regulations to implement amendments to this section be prescribed not later than 90 days after Dec. 4, 1987.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 2633. Stevedoring and terminal services: vessels carrying cargo or passengers sponsored by military department

(a) Notwithstanding section 1301(a) of title 31, the Secretary of a military department may, under such regulations as he may prescribe, furnish stevedoring and terminal services and facilities to vessels carrying cargo, or passengers, or both, sponsored by his department.

(b) The furnishing of services and facilities under this section shall be at fair and reasonable rates.

(c) The proceeds from furnishing services and facilities under this section shall be paid to the credit of the appropriation or fund out of which the services or facilities were supplied.

(Added Pub. L. 85-44, §1, June 1, 1957, 71 Stat. 45; amended Pub. L. 87-651, title I, §111(a), Sept. 7, 1962, 76 Stat. 510; Pub. L. 96-513, title V, §511(87), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 97-258, §3(b)(7), Sept. 13, 1982, 96 Stat. 1063.)

HISTORICAL AND REVISION NOTES

1962 ACT

Section 2633 is restated, without substantive change, to conform to the style adopted for title 10.

AMENDMENTS

1982—Subsec. (a). Pub. L. 97-258 substituted “section 1301(a) of title 31” for “section 3678 of the Revised Statutes (31 U.S.C. 628)”.

1980—Subsec. (a). Pub. L. 96-513 substituted “section 3678 of the Revised Statutes (31 U.S.C. 628)” for “section 628 of title 31”.

1962—Pub. L. 87-651 amended section generally without substantive change to conform to the style adopted for the revision 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.

§ 2634. Motor vehicles: transportation or storage for members on change of permanent station or extended deployment

(a) When a member of an armed force is ordered to make a change of permanent station, one motor vehicle that is owned or leased by the member (or a dependent of the member) and is for the personal use of the member or his dependents may, unless a motor vehicle owned or leased by him (or a dependent of his) was transported in advance of that change of permanent station under section 476(h) of title 37, be transported, at the expense of the United States, to his new station or such other place as the Secretary concerned may authorize—

(1) on a vessel owned, leased, or chartered by the United States;

(2) by privately owned American shipping services;

(3) by foreign-flag shipping services if shipping services described in clauses (1) and (2) are not reasonably available; or

(4) by other surface transportation if such means of transport does not exceed the cost to the United States of other authorized means.

When the Secretary concerned determines that a replacement for that motor vehicle is necessary for reasons beyond the control of the member and is in the interest of the United States, and he approves the transportation in advance, one additional motor vehicle of the member (or a dependent of the member) may be so transported.

(b)(1) When a member receives a vehicle storage qualifying order, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned. In the case of a vehicle storage qualifying order that is to make a change of permanent station, such storage is in lieu of transportation authorized by subsection (a).

(2) In this subsection, the term “vehicle storage qualifying order” means any of the following:

(A) An order to make a change of permanent station to a foreign country in a case in which the laws, regulations, or other restrictions imposed by the foreign country or by the United States either—

(i) preclude entry of a motor vehicle described in subsection (a) into that country; or

(ii) would require extensive modification of the vehicle as a condition to entry.

(B) An order to make a change of permanent station to a nonforeign area outside the continental United States in a case in which the laws, regulations, or other restrictions imposed by that area or by the United States either—

(i) preclude entry of a motor vehicle described in subsection (a) into that area; or

(ii) would require extensive modification of the vehicle as a condition to entry.

(C) An order under which a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days but which is not considered a change of permanent station.

(3) Authorized expenses under this subsection include costs associated with the delivery of the motor vehicle for storage and removal of the vehicle for delivery to a destination approved by the Secretary concerned.

(4) Storage costs payable under this subsection may be paid in advance.

(c) When there has been a shipping error, or when orders directing a change of permanent station have been canceled, revoked, or modified after receipt by the member, a motor vehicle transported pursuant to this section may also be reshipped or transshipped in accordance with this section.

(d) When the Secretary concerned makes a determination under section 476(j) of title 37 that the dependents of a member on a permanent change of station are unable to accompany the member to an overseas duty station because of unexpected and uncontrollable circumstances, and the member shipped a motor vehicle pursuant to this section in anticipation of a dependent accompanying the member to the new duty station, the member may reship or transship such motor vehicle in accordance with this section.

(e) The Secretary of Defense (and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations limiting those leased motor vehicles that may be transported pursuant to this section based upon the length of the lease and other terms and conditions of the lease that the Secretary considers appropriate.

(f) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of a motor vehicle being transported under this section.

(g) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this section does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the member's use, or for the use of the dependent for whom the delayed vehicle was transported. The amount reimbursed may not exceed \$30 per day, and the rental period for which reimbursement may be provided expires after 7 days or on the date on which the delayed vehicle arrives at the authorized destination (whichever occurs first).

(h) In the case of a member's change of permanent station described in subparagraph (A) or (B) of subsection (i)(1), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation at the expense of the United States under this section. The Secretary concerned may pay the member a monetary allowance in

lieu of transportation, as established under section 474(d)(1) of title 37, and the member shall be responsible for any transportation costs in excess of such allowance.

(i) In this section:

(1) The term "change of permanent station" means the transfer or assignment of a member of the armed forces from a permanent station inside the continental United States to a permanent station outside the continental United States or from a permanent station outside the continental United States to another permanent station. It also includes the following:

(A) An authorized change in home port of a vessel.

(B) A transfer or assignment between two permanent stations in the continental United States when—

(i) the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations; or

(ii) the Secretary concerned determines that it is advantageous and cost-effective to the United States for one motor vehicle of the member to be transported between the permanent duty stations.

(2) The term "continental United States" does not include Alaska.

(3) The term "nonforeign area outside the continental United States" means any of the following: the States of Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any possession of the United States.

(Added Pub. L. 87-651, title I, §111(b), Sept. 7, 1962, 76 Stat. 510; amended Pub. L. 88-431, §1(b), Aug. 14, 1964, 78 Stat. 439; Pub. L. 89-101, §1(1), July 30, 1965, 79 Stat. 425; Pub. L. 93-548, §§1, 2, Dec. 26, 1974, 88 Stat. 1743; Pub. L. 97-60, title II, §202, Oct. 14, 1981, 95 Stat. 1005; Pub. L. 99-661, div. A, title VI, §§611, 620(b)(2), Nov. 14, 1986, 100 Stat. 3878, 3883; Pub. L. 100-26, §7(j)(6), Apr. 21, 1987, 101 Stat. 283; Pub. L. 100-180, div. A, title VI, §616(a), Dec. 4, 1987, 101 Stat. 1096; Pub. L. 102-484, div. A, title VI, §622(b), Oct. 23, 1992, 106 Stat. 2422; Pub. L. 104-106, div. A, title VI, §642(a)(2), Feb. 10, 1996, 110 Stat. 368; Pub. L. 104-201, div. A, title III, §368(a)(1), (2)(A), Sept. 23, 1996, 110 Stat. 2497; Pub. L. 105-261, div. A, title VI, §§631(b)(2), 653(a), Oct. 17, 1998, 112 Stat. 2044, 2051; Pub. L. 107-107, div. A, title V, §594(a), (b), Dec. 28, 2001, 115 Stat. 1126; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title V, §575(a), (b), Dec. 2, 2002, 116 Stat. 2558, 2559; Pub. L. 108-136, div. A, title VI, §631(a), Nov. 24, 2003, 117 Stat. 1508; Pub. L. 112-81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465.)

HISTORICAL AND REVISION NOTES

The new section 2634 of title 10 combines sections 4748, 6157, and 9748 of this title and section 471a of title 14 (which are being repealed), and reflects the Act of May 28, 1956, ch. 325 (46 U.S.C. 1241(c)).

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of title 37, United States Code, which were transferred and redesignated by "sub-

section (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

AMENDMENTS

2011—Subsecs. (a), (d), (h). Pub. L. 112-81 substituted “476(h)” for “406(h)” in subsec. (a), “476(j)” for “406(j)” in subsec. (d), and “474(d)(1)” for “404(d)(1)” in subsec. (h). See Codification note above.

2003—Subsecs. (h), (i). Pub. L. 108-136 added subsec. (h) and redesignated former subsec. (h) as (i).

2002—Subsec. (b)(1), (2). Pub. L. 107-314, §575(a), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) In lieu of transportation authorized by this section, if a member is ordered to make a change of permanent station to a foreign country and the laws, regulations, or other restrictions imposed by the foreign country or the United States preclude entry of a motor vehicle described in subsection (a) into that country, or would require extensive modification of the vehicle as a condition to entry, the member may elect to have the vehicle stored at the expense of the United States at a location approved by the Secretary concerned.

“(2) If a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days, but the transfer or assignment is not considered a change of permanent station, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned.”

Subsec. (e). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (h)(3). Pub. L. 107-314, §575(b), added par. (3).

2001—Subsec. (b)(4). Pub. L. 107-107, §594(a), added par. (4).

Subsec. (h)(1). Pub. L. 107-107, §594(b), substituted “includes the following:” and subpars. (A) and (B) for “includes an authorized change in home port of a vessel, or a transfer or assignment between two permanent stations in the continental United States when the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations.”

1998—Subsec. (d). Pub. L. 105-261, §631(b)(2), substituted “section 406(j)” for “section 406(k)”.

Subsecs. (g), (h). Pub. L. 105-261, §653(a), added subsec. (g) and redesignated former subsec. (g) as (h).

1996—Pub. L. 104-201, §368(a)(2)(A), substituted “Motor vehicles: transportation or storage for members on change of permanent station or extended deployment” for “Motor vehicles: for members on change of permanent station” in section catchline.

Subsec. (b). Pub. L. 104-201, §368(a)(1)(C), added subsec. (b). Former subsec. (b) redesignated (g).

Subsec. (d). Pub. L. 104-106 substituted “section 406(k) of title 37” for “section 406(l) of title 37”.

Subsec. (g). Pub. L. 104-201, §368(a)(1)(A), (B), redesignated subsec. (b) as (g) and transferred it to end of section.

1992—Subsec. (f). Pub. L. 102-484 added subsec. (f).

1987—Subsec. (a). Pub. L. 100-180, §616(a)(1), inserted “or leased” after “owned” in two places in introductory text.

Subsec. (d). Pub. L. 100-26 redesignated subsec. (f) as (d).

Subsec. (e). Pub. L. 100-180, §616(a)(2), added subsec. (e).

Subsec. (f). Pub. L. 100-26 redesignated subsec. (f) as (d).

1986—Subsec. (a). Pub. L. 99-661, §611(a), substituted “by other surface transportation” for “in the case of movement, the major portion of which is by shipping services described in clause (1) or (2), by other surface transportation between customary ports of embarkation and debarkation” in par. (4), and struck out “, or his designee,” after “When the Secretary concerned” in last sentence.

Subsec. (b). Pub. L. 99-661, §611(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In this section, ‘change of permanent station’ means the transfer or assignment of a member of the armed forces from one permanent station to another. It includes the change from home or from the place from which ordered to active duty to first station upon appointment, call to active duty, enlistment, or induction, and from last duty station to home or to the place from which ordered to active duty upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement. It also includes an authorized change in home yard or home port of a vessel.”

Subsec. (f). Pub. L. 99-661, §620(b)(2), added subsec. (f).

1981—Subsec. (a). Pub. L. 97-60 substituted “one motor vehicle that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents may, unless a motor vehicle owned by him (or a dependent of his) was transported” for “one motor vehicle owned by him and for his personal use or the use of his dependents may, unless a motor vehicle owned by him was transported” in provisions preceding par. (1) and, in provisions following par. (4), inserted “(or a dependent of the member)” after “one additional motor vehicle of the member”.

1974—Subsec. (a)(4). Pub. L. 93-548, §1, added par. (4).

Subsec. (c). Pub. L. 93-548, §2, added subsec. (c).

1965—Pub. L. 89-101 substituted “change of permanent station” for “permanent change of station” in section catchline, designated existing provisions as subsec. (a), substituted “change of permanent station” for “permanent change of station” in two places, inserted “or for the use of his dependents” and “or such other place as the Secretary concerned may authorize”, added cl. 3, provided for the transportation of one additional motor vehicle when replacement is necessary, and added subsec. (b).

1964—Pub. L. 88-431 inserted “, leased, or chartered” and “unless a motor vehicle owned by him was transported in advance of that permanent change of station under section 406(h) of title 37”.

EFFECTIVE DATE OF 2002 AMENDMENTS

Pub. L. 107-314, div. A, title V, §575(c), Dec. 2, 2002, 116 Stat. 2559, provided that: “The amendments made by this section [amending this section] apply to orders to make a change of permanent station to a nonforeign area outside the continental United States (as such term is defined in subsection (h)(3) of section 2634 of title 10, United States Code, as added by subsection (b)) that are issued on or after the date of the enactment of this Act [Dec. 2, 2002].”

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 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §594(c), Dec. 28, 2001, 115 Stat. 1126, provided that: “The amendments made by this section [amending this section] apply to orders to make a change of permanent station that are issued on or after the date of the enactment of this Act [Dec. 28, 2001].”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title VI, §653(e), Oct. 17, 1998, 112 Stat. 2052, provided that:

“(1) Reimbursement for motor vehicle rental expenses may not be provided under the amendments made by this section [amending this section and sections 405a, 406, and 554 of Title 37, Pay and Allowances of the Uniformed Services] until after the date on which the Secretary of Defense submits to Congress a report containing a certification that the Department of Defense has in place and operational a system to recover the cost of providing such reimbursement from commercial carriers that are responsible for the delay

in the delivery of the motor vehicles of members of the Armed Forces and their dependents. The Secretary of Defense shall prepare the report in consultation with the Secretary of Transportation, with respect to the Coast Guard.

“(2) The amendments shall apply with respect to rental expenses described in such amendments that are incurred on or after the date of the submission of the report. The report shall be submitted not later than six months after the date of the enactment of this Act [Oct. 17, 1998] and shall include, in addition to the certification, a description of the system to be used to recover from commercial carriers the costs incurred under such amendments.”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 368(c) of Pub. L. 104-201 provided that: “The amendments made by this section [amending this section and section 406 of Title 37, Pay and Allowances of the Uniformed Services] shall take effect on April 1, 1997.”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661, applicable with respect to members whose dependents are unable to accompany them to an overseas permanent duty station because of circumstances arising on or after Nov. 14, 1986, see section 620(c)(2) of Pub. L. 99-661, set out as a note under section 476 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1965 AMENDMENT; REIMBURSEMENT OF EXPENSES

Section 3 of Pub. L. 89-101 provided that: “This Act [amending this section and section 406 of title 37] shall be effective May 1, 1965. Any member who—

“(1) transported a motor vehicle at his personal expense after April 30, 1965, and before the enactment of this Act [July 30, 1965]; and

“(2) would have been entitled to the transportation of such motor vehicle at Government expense under the provisions of this Act; shall be reimbursed for the allowable transportation cost actually expended by him. Appropriations available for permanent change of station travel shall be available for the reimbursements authorized by this Act.”

PUBLIC HEALTH SERVICE

Authority vested by this section in “the Secretary concerned” to be exercised, with respect to commissioned officers of Public Health Service, by Secretary of Health and Human Services or his designee, see section 213a of Title 42, The Public Health and Welfare.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority vested by this section in “the Secretary concerned” to be exercised, with respect to commissioned officer corps of National Oceanic and Atmospheric Administration, by Secretary of Commerce or his designee, see section 3071 of Title 33, Navigation and Navigable Waters.

§ 2635. Medical emergency helicopter transportation assistance and limitation of individual liability

(a) The Secretary of Defense is authorized to assist the Department of Health and Human Services and the Department of Homeland Security in providing medical emergency helicopter transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate and shall be subject to the following specific limitations:

(1) Assistance may be provided only in areas where military units able to provide such assistance are regularly assigned, and military units shall not be transferred from one area to another for the purpose of providing such assistance.

(2) Assistance may be provided only to the extent that it does not interfere with the performance of the military mission.

(3) The provision of assistance shall not cause any increase in funds required for the operation of the Department of Defense.

(b) No individual (or his estate) who is authorized by the Department of Defense to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to providing such services.

(Added Pub. L. 93-155, title VIII, §814(a), Nov. 16, 1973, 87 Stat. 620; amended Pub. L. 96-513, title V, §511(88), Dec. 12, 1980, 94 Stat. 2928; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted “Department of Homeland Security” for “Department of Transportation” in introductory provisions.

1980—Subsec. (a). Pub. L. 96-513 substituted “Department of Health and Human Services” for “Department of Health, Education, and Welfare”.

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.

§ 2636. Deductions from amounts due carriers

(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount deducted from an amount due a carrier shall be credited as follows:

(1) If deducted because of loss of or damage to material in transit for a military department, the amount shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.

(2) If deducted as an administrative offset for an overpayment previously made to the carrier under any Department of Defense contract for transportation services or as liquidated damages due under any such contract, the amount shall be credited to the appropriation or account from which payments for the transportation services were made.

(b) SIMPLIFIED OFFSET FOR COLLECTION OF CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.—(1) In any case in which the total amount of a claim for the recovery of overpayments or liquidated damages under a contract described in subsection (a)(2) does not exceed the simplified acquisition threshold, the Secretary of Defense or the Secretary con-