

§ 2737. Property loss; personal injury or death: incident to use of property of the United States and not cognizable under other law

(a) Under such regulations as the Secretary concerned may prescribe, he or his designee may settle and pay, in an amount not more than \$1,000, a claim against the United States, not cognizable under any other provision of law, for—

- (1) damage to, or loss of, property; or
- (2) personal injury or death;

caused by a civilian official or employee of a military department or the Coast Guard, or a member of the armed forces, incident to the use of a vehicle of the United States at any place, or any other property of the United States on a Government installation.

(b) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department with respect to a claim, not cognizable under any other provision of law, for—

- (1) damage to, or loss of, property; or
- (2) personal injury or death;

caused by a civilian official or employee of the Department of Defense not covered by subsection (a), incident to the use of a vehicle of the United States at any place, or any other property of the United States on a Government installation.

(c) A claim may not be allowed under subsection (a) or (b) if the damage to, or loss of, property, or the personal injury or death was caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee.

(d) A claim for personal injury or death under this section may not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, and not otherwise furnished or paid by the United States.

(e) No claim may be allowed under this section unless it is presented in writing within two years after it accrues.

(f) A claim may not be paid under subsection (a) or (b) unless the amount tendered is accepted by the claimant in full satisfaction.

(g) No claim or any part thereof, the amount of which is legally recoverable by the claimant under an indemnifying law or indemnity contract, may be paid under this section. No subrogated claim may be paid under this section.

(h) So far as practicable, regulations prescribed under this section shall be uniform. Regulations prescribed under this section by the Secretaries of the military departments must be approved by the Secretary of Defense.

(Added Pub. L. 87-769, §1(1)(A), Oct. 9, 1962, 76 Stat. 767, §2736; renumbered §2737, Pub. L. 89-718, §21(a), Nov. 2, 1966, 80 Stat. 1118.)

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.

§ 2738. Property loss: reimbursement of members for certain losses of household effects caused by hostile action

(a) **AUTHORITY TO REIMBURSE.**—The Secretary concerned may reimburse a member of the armed forces in an amount not more than \$100,000 for a loss described in subsection (b).

(b) **COVERED LOSSES.**—This section applies with respect to a loss of household effects sustained during a move made incident to a change of permanent station when, as determined by the Secretary, the loss was caused by a hostile action incident to war or a warlike action by a military force.

(c) **LIMITATION.**—The Secretary may provide reimbursement under this section for a loss described in subsection (b) only to the extent that the loss is not reimbursed under insurance or under the authority of another provision of law.

(d) **APPLICABILITY OF OTHER AUTHORITIES AND REQUIREMENTS.**—Subsections (b), (d), (e), (f), and (g) of section 2733 of this title shall apply to a request for a reimbursement under this section as if the request were a claim against the United States.

(Added Pub. L. 103-337, div. A, title V, §557(a), Oct. 5, 1994, 108 Stat. 2775.)

EFFECTIVE DATE

Section 557(c) of Pub. L. 103-337 provided that:

“(1) Section 2738 of title 10, United States Code, as added by subsection (a), applies with respect to losses incurred after June 30, 1990.

“(2) In the case of a loss incurred after June 30, 1990, and before the date of the enactment of this Act [Oct. 5, 1994], a request for reimbursement shall be filed with the Secretary of the military department concerned not later than two years after such date of enactment.”

§ 2739. Amounts recovered from third parties for loss or damage to personal property shipped or stored at Government expense: crediting to appropriations

(a) **CREDITING OF COLLECTIONS.**—Any qualifying military department third-party collection shall be credited to the appropriate current appropriation. Amounts so credited shall be merged with the funds in that appropriation and shall be available for the same period and purposes as the funds with which merged.

(b) **APPROPRIATE CURRENT APPROPRIATION.**—For purposes of subsection (a), the appropriate current appropriation with respect to a qualifying military department third-party collection is the appropriation currently available, as of the date of the collection, for the payment of claims by that military department for loss or damage of personal property shipped or stored at Government expense.

(c) **QUALIFYING MILITARY DEPARTMENT THIRD-PARTY COLLECTIONS.**—For purposes of subsection (a), a qualifying military department third-party collection is any amount that a military department collects under sections 3711, 3716, 3717, and 3721 of title 31 from a third party for a loss or damage to personal property that occurred during shipment or storage of the prop-

erty at Government expense and for which the Secretary of the military department paid the owner in settlement of a claim.

(Added Pub. L. 105-261, div. A, title X, § 1010(a)(1), Oct. 17, 1998, 112 Stat. 2117.)

EFFECTIVE DATE

Pub. L. 105-261, div. A, title X, § 1010(b), Oct. 17, 1998, 112 Stat. 2117, provided that: “Section 2739 of title 10, United States Code, as added by subsection (a), applies with respect to amounts collected by a military department on or after the date of the enactment of this Act [Oct. 17, 1998].”

§ 2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available

The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

- (1) A case in which—
 - (A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and
 - (B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.
- (2) A case in which—
 - (A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods under a Department of Defense contract for ocean carriage; and
 - (B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.
- (3) A case in which—
 - (A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;
 - (B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and
 - (C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part because the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.

(Added Pub. L. 111-383, div. A, title III, § 354(a)(1), Jan. 7, 2011, 124 Stat. 4194.)

EFFECTIVE DATE

Pub. L. 111-383, div. A, title III, § 354(b), Jan. 7, 2011, 124 Stat. 4195, provided that: “Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act [Jan. 7, 2011].”

CHAPTER 165—ACCOUNTABILITY AND RESPONSIBILITY

- Sec. 2771. Final settlement of accounts: deceased members.
- 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home.
- 2773. Designation, powers, and accountability of deputy disbursing officials.
- 2773a. Departmental accountable officials.
- 2773b. Parking of funds: prohibition; penalties.
- 2774. Claims for overpayment of pay and allowances and of travel and transportation allowances.
- 2775. Liability of members assigned to military housing.
- 2776. Use of receipts of public money for current expenditures.
- 2777. Requisitions for advances and removal of charges outstanding in accounts of advances.
- [2778. Repealed.]
- 2779. Use of funds because of fluctuations in currency exchange rates of foreign countries.
- 2780. Debt collection.
- 2781. Availability of appropriations: exchange fees; losses in accounts.
- 2782. Damage to real property: disposition of amounts recovered.
- 2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.
- 2784. Management of purchase cards.
- 2784a. Management of travel cards.
- 2785. Remittance addresses: regulation of alterations.
- 2786. Department of Defense payments by electronic transfers of funds: exercise of authority for waivers.
- 2787. Reports of survey.
- 2788. Property accountability: regulations.
- 2789. Individual equipment: unauthorized disposition.
- 2790. Recovery of improperly disposed of Department of Defense property.

AMENDMENTS

- 2011—Pub. L. 111-383, div. A, title III, § 355(b), Jan. 7, 2011, 124 Stat. 4197, added item 2790.
- 2008—Pub. L. 110-181, div. A, title III, § 375(b), Jan. 28, 2008, 122 Stat. 83, added items 2788 and 2789.
- 2006—Pub. L. 109-364, div. A, title X, § 1053(a)(2), Oct. 17, 2006, 120 Stat. 2396, added item 2773b.
- 2002—Pub. L. 107-314, div. A, title X, §§ 1005(b), 1006(a)(2), 1007(b)(2), 1008(b), Dec. 2, 2002, 116 Stat. 2632-2635, substituted “purchase” for “credit” in item 2784 and added items 2773a, 2784a, and 2787.
- 1999—Pub. L. 106-65, div. A, title IX, § 933(a)(2), title X, § 1008(a)(2), Oct. 5, 1999, 113 Stat. 730, 738, added items 2784 to 2786.
- 1996—Pub. L. 104-316, title I, § 105(d), Oct. 19, 1996, 110 Stat. 3830, struck out item 2778 “Accounts of the military departments”.
- Pub. L. 104-106, div. B, title XXVIII, § 2821(b), Feb. 10, 1996, 110 Stat. 556, added item 2782.
- 1993—Pub. L. 103-160, div. A, title XI, § 1182(a)(8)(C), Nov. 30, 1993, 107 Stat. 1771, added item 2783.
- 1990—Pub. L. 101-510, div. A, title XIV, § 1405(c)(2), title XV, § 1533(a)(4)(B), Nov. 5, 1990, 104 Stat. 1680, 1734,