

§ 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 concerned, in exercising the authority to collect the claim by administrative offset under section 3716 of title 31, may apply paragraphs (2) and (3) of subsection (a) of that section with respect to that collection after (rather than before) the claim is so collected.

(2) Regulations prescribed by the Secretary of Defense under subsection (b) of section 3716 of title 31—

(A) shall include provisions to carry out paragraph (1); and

(B) shall provide the carrier for a claim subject to paragraph (1) with an opportunity to offer an alternative method of repaying the claim (rather than by administrative offset) if the collection of the claim by administrative offset has not already been made.

(3) In this subsection, the term “simplified acquisition threshold” has the meaning given that term in section 134 of title 41.

(Added Pub. L. 97-258, §2(b)(5)(B), Sept. 13, 1982, 96 Stat. 1053; amended Pub. L. 106-398, §1 [[div. A], title X, §1009(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-250; Pub. L. 111-350, §5(b)(43), Jan. 4, 2011, 124 Stat. 3846.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 2636 | 31:489a. | June 25, 1956, ch. 442, §1, 70 Stat. 336. |

The words “An amount deducted from an amount due” are substituted for “Moneys arising from deductions made from” for clarity. The words “military or naval” and “account of” are omitted as surplus. The words “a military department” are substituted for “the Departments of the Army, Navy, or Air Force” because of 10:101(7). The Department of War was designated the Department of the Army by section 205(a) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501), and by sections 1 and 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 157, 676). The Department of the Air Force is included because of sections 205(a) and 207(a) and (f) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501, 502), and section 1 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 488).

AMENDMENTS

2011—Subsec. (b)(3). Pub. L. 111-350 substituted “section 134 of title 41” for “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))”.

2000—Pub. L. 106-398 amended section catchline and text generally. Prior to amendment, text read as follows: “An amount deducted from an amount due a carrier because of loss of or damage to material in transit for a military department shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title X, §1009(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-251, provided that: “Subsections (a)(2) and (b) of section 2636 of title 10, United States Code, as added by subsection (a)(1), shall apply with respect to contracts entered into after the date of the enactment of this Act [Oct. 30, 2000].”

§ 2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers

(a) PROCUREMENT OF COVERAGE.—The Secretary of Defense shall include in a contract for the transportation at Government expense of baggage and household effects for members of the armed forces or civilian employees of the Department of Defense (or both) a clause that requires the carrier under the contract to pay the full replacement value for loss or damage to the baggage or household effects transported under the contract.

(b) DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—In the case of a loss or damage of baggage or household effects transported under a contract with a carrier that includes a clause described in subsection (a), the amount equal to the full replacement value for the baggage or household effects shall be deducted from the amount owed by the United States to the carrier under the contract upon a failure of the carrier to settle a claim for such loss or total damage within a reasonable time. The amount so deducted shall be remitted to the claimant, notwithstanding section 2636 of this title.

(c) INAPPLICABILITY OF RELATED LIMITS.—The limitations on amounts of claims that may be settled under section 3721(b) of title 31 do not apply to a carrier’s contractual obligation to pay full replacement value under this section.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for administering this section. The regulations shall include policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement. The regulations may include a requirement that a member of the armed forces or civilian employee of the Department of Defense comply with reasonable restrictions or conditions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).

(e) TRANSPORTATION DEFINED.—In this section, the terms “transportation” and “transport”, with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unpacking of the baggage or household effects.

(Added Pub. L. 108-136, div. A, title VI, §634(a), Nov. 24, 2003, 117 Stat. 1509; amended Pub. L.

109-364, div. A, title III, §363(a), (b), Oct. 17, 2006, 120 Stat. 2167; Pub. L. 110-181, div. A, title III, §373, Jan. 28, 2008, 122 Stat. 82.)

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-181 inserted at end “The regulations may include a requirement that a member of the armed forces or civilian employee of the Department of Defense comply with reasonable restrictions or conditions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).”

2006—Subsec. (a). Pub. L. 109-364, §363(b)(1), substituted “shall include” for “may include”.

Pub. L. 109-364, §363(a), substituted “at Government expense of baggage and household effects for members of the armed forces or civilian employees of the Department of Defense (or both)” for “of baggage and household effects for members of the armed forces at Government expense”.

Subsec. (b). Pub. L. 109-364, §363(b)(2), substituted “shall be deducted” for “may be deducted”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title III, §363(b), Oct. 17, 2006, 120 Stat. 2167, provided that the amendment made by section 363(b) is effective Mar. 1, 2008.

§ 2637. Transportation in certain areas outside the United States

The Secretary of Defense may authorize the commander of a unified combatant command to use Government owned or leased vehicles to provide transportation in an area outside the United States for members of the uniformed services and Federal civilian employees under the jurisdiction of that commander, and for the dependents of such members and employees, if the commander determines that public or private transportation in such area is unsafe or not available. Such transportation shall be provided in accordance with regulations prescribed by the Secretary of Defense.

(Added Pub. L. 101-510, div. A, title III, §326(a)(1), Nov. 5, 1990, 104 Stat. 1531.)

PRIOR PROVISIONS

A prior section 2637, added Pub. L. 98-525, title VI, §614(a), Oct. 19, 1984, 98 Stat. 2540, related to use of passenger motor vehicles of United States for transportation between residences and places of work of senior defense officials, prior to repeal by Pub. L. 99-550, §2(a)(1), Oct. 27, 1986, 100 Stat. 3070.

§ 2638. Transportation of civilian clothing of enlisted members

The Secretary of the military department concerned may provide for the transportation of the civilian clothing of any person entering the armed forces as an enlisted member to the member's home of record.

(Added Pub. L. 98-525, title XIV, §1401(j)(1), Oct. 19, 1984, 98 Stat. 2620.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, §101(h) [title VIII, §8005], 98 Stat. 1904, 1922.

Dec. 8, 1983, Pub. L. 98-212, title VII, §708, 97 Stat. 1438.

Dec. 21, 1982, Pub. L. 97-377, title I, §101(c) [title VII, §708], 96 Stat. 1833, 1850.

Dec. 29, 1981, Pub. L. 97-114, title VII, §708, 95 Stat. 1579.

Dec. 15, 1980, Pub. L. 96-527, title VII, §708, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96-154, title VII, §708, 93 Stat. 1152.

Oct. 13, 1978, Pub. L. 95-457, title VIII, §808, 92 Stat. 1244.

Sept. 21, 1977, Pub. L. 95-111, title VIII, §807, 91 Stat. 899.

Sept. 22, 1976, Pub. L. 94-419, title VII, §707, 90 Stat. 1291.

Feb. 9, 1976, Pub. L. 94-212, title VII, §707, 90 Stat. 168.

Oct. 8, 1974, Pub. L. 93-437, title VIII, §807, 88 Stat. 1225.

Jan. 2, 1974, Pub. L. 93-238, title VII, §707, 87 Stat. 1038.

Oct. 26, 1972, Pub. L. 92-570, title VII, §707, 86 Stat. 1196.

Dec. 18, 1971, Pub. L. 92-204, title VII, §707, 85 Stat. 727.

Jan. 11, 1971, Pub. L. 91-668, title VIII, §807, 84 Stat. 2030.

Dec. 29, 1969, Pub. L. 91-171, title VI, §607, 83 Stat. 480.

Oct. 17, 1968, Pub. L. 90-580, title V, §506, 82 Stat. 1129.

Sept. 29, 1967, Pub. L. 90-96, title VI, §606, 81 Stat. 242.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

§ 2639. Transportation to and from school for certain minor dependents

Funds appropriated to the Department of Defense may be used to provide minor dependents of members of the armed forces and of civilian officers and employees of the Department of Defense with transportation to and from primary and secondary schools if the schools attended by the dependents are not accessible by regular means of transportation.

(Added Pub. L. 98-525, title XIV, §1401(j)(1), Oct. 19, 1984, 98 Stat. 2620.)

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Jan. 2, 1974, Pub. L. 93-238, title VII, §707, 87 Stat. 1038.

Oct. 26, 1972, Pub. L. 92-570, title VII, §707, 86 Stat. 1196.

Dec. 18, 1971, Pub. L. 92-204, title VII, §707, 85 Stat. 727.

Jan. 11, 1971, Pub. L. 91-668, title VIII, §807, 84 Stat. 2030.

Dec. 29, 1969, Pub. L. 91-171, title VI, §607, 83 Stat. 480.

Oct. 17, 1968, Pub. L. 90-580, title V, §506, 82 Stat. 1129.