

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

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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.
 Oct. 15, 1966, Pub. L. 89-687, title VI, §606, 80 Stat. 991.
 Sept. 29, 1965, Pub. L. 89-213, title VI, §606, 79 Stat. 873.
 Aug. 19, 1964, Pub. L. 88-446, title V, §506, 78 Stat. 475.
 Oct. 17, 1963, Pub. L. 88-149, title V, §506, 77 Stat. 264.
 Aug. 9, 1962, Pub. L. 87-577, title V, §506, 76 Stat. 328.
 Aug. 17, 1961, Pub. L. 87-144, title VI, §606, 75 Stat. 375.
 July 7, 1960, Pub. L. 86-601, title V, §506, 74 Stat. 350.
 Aug. 18, 1959, Pub. L. 86-166, title V, §606, 73 Stat. 378.
 Aug. 22, 1958, Pub. L. 85-724, title VI, §606, 72 Stat. 724.
 Aug. 2, 1957, Pub. L. 85-117, title VI, §607, 71 Stat. 323.
 July 2, 1956, ch. 488, title VI, §607, 70 Stat. 468.
 July 13, 1955, ch. 358, title VI, §609, 69 Stat. 315.
 June 30, 1954, ch. 432, title VII, §709, 68 Stat. 351.
 Aug. 1, 1953, ch. 305, title VI, §614, 67 Stat. 351.
 July 10, 1952, ch. 630, title VI, §616, 66 Stat. 533.
 Oct. 18, 1951, ch. 512, title VI, §616, 65 Stat. 446.
 Sept. 6, 1950, ch. 896, Ch. X, title VI, §619, 64 Stat. 755.
 Oct. 29, 1949, ch. 787, title VI, §625, 63 Stat. 1021.
 June 24, 1948, ch. 632, §2, 62 Stat. 667.
 July 30, 1947, ch. 357, title I, §2, 61 Stat. 569.

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.

§ 2640. Charter air transportation of members of the armed forces

(a) REQUIREMENTS.—(1) The Secretary of Defense may not enter into a contract with an air carrier for the charter air transportation of members of the armed forces unless the air carrier—

(A) meets, at a minimum, the safety standards established by the Secretary of Transportation under chapter 447 of title 49;

(B) has at least 12 months of experience operating services in air transportation that are substantially equivalent to the service sought by the Department of Defense; and

(C) undergoes a technical safety evaluation.

(2) For purposes of paragraph (1)(C), a technical safety evaluation—

(A) shall include inspection of a representative number of aircraft; and

(B) shall be conducted in accordance with regulations prescribed by the Secretary, after consultation with the Secretary of Transportation.

(b) INSPECTIONS.—The Secretary shall provide for inspections of each air carrier that contracts with the Department of Defense for the charter air transportation of members of the armed forces. The inspections shall be conducted in accordance with standards established by the Secretary, after consultation with the Secretary of Transportation, and shall include, at a minimum, the following:

(1) An on-site capability survey of the air carrier conducted at least once every two years.

(2) A performance evaluation of the air carrier conducted at least once every six months.

(3) A preflight safety inspection of each aircraft conducted at any time during the operation of, but not more than 72 hours before, each internationally scheduled charter mission departing the United States.

(4) A preflight safety inspection of each aircraft used for domestic charter missions conducted to the greatest extent practical.

(5) Operational check-rides on aircraft conducted periodically.

(c) COMMERCIAL AIRLIFT REVIEW BOARD.—The Secretary shall establish a Commercial Airlift Review Board within the Department of Defense. The Board shall consist of personnel from the Department of Defense and other Government personnel as may be appropriate. The duties of the Board shall be—

(1) to make recommendations to the Secretary on suspension and reinstatement of air carriers under subsection (d);

(2) to make recommendations to the Secretary on waivers under subsection (g); and

(3) to carry out such other duties and make recommendations on such other matters as the Secretary considers appropriate.

(d) SUSPENSION AND REINSTATEMENT.—(1) The Secretary shall establish guidelines for the suspension of air carriers under contract with the Department of Defense for the charter air transportation of members of the armed forces and for the reinstatement of air carriers that have been so suspended. The guidelines—

(A) shall require the immediate determination of whether to suspend an air carrier if an aircraft of the air carrier is involved in a fatal accident; and

(B) may require the suspension of an air carrier—

(i) if the carrier is in violation of any order, rule, regulation, or standard prescribed under chapter 447 of title 49; or

(ii) if an aircraft of the air carrier is involved in a serious accident.

(2) The Commercial Airlift Review Board shall make recommendations to the Secretary on suspension and reinstatement under this subsection.

(3) The Secretary shall include in each contract subject to this section the provisions on suspension and reinstatement established under this subsection.

(e) AUTHORITY TO LEAVE UNSAFE AIRCRAFT.—A representative of the Military Airlift Command, the Military Traffic Management Command, or such other agency as may be designated by the Secretary of Defense (or if there is no such representative reasonably available, the senior officer on board a chartered aircraft) may order members of the armed forces to leave a chartered aircraft if the representative (or officer) determines that a condition exists on the aircraft which may endanger the safety of the members.

(f) FAA INFORMATION.—The Secretary shall request the Secretary of Transportation to provide to the Secretary a report on each inspection performed by Federal Aviation Administration personnel, and the status of corrective actions taken, on each aircraft of an air carrier under contract with the Department of Defense for the charter air transportation of members of the armed forces.

(g) WAIVER.—After considering recommendations by the Commercial Airlift Review Board, the Secretary may waive any provision of this section in an emergency.

(h) AUTHORITY TO PROTECT SAFETY-RELATED INFORMATION VOLUNTARILY PROVIDED BY AN AIR