

AMENDMENTS

2013—Pub. L. 112-239 amended section generally. Prior to amendment, section related to increased priority for space-available transportation on Department of Defense aircraft for certain members and former members of the uniformed services.

§ 2642. Transportation services provided to certain non-Department of Defense agencies and entities: use of Department of Defense reimbursement rate

(a) **AUTHORITY.**—Subject to subsection (b), the Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military transportation services provided by a component of the Department of Defense as follows:

(1) For military transportation services provided to the Central Intelligence Agency, if the Secretary of Defense determines that those military transportation services are provided for activities related to national security objectives.

(2) For military transportation services provided to the Department of State for the transportation of armored motor vehicles to a foreign country to meet requirements of the Department of State for armored motor vehicles associated with the overseas travel of the Secretary of State in that country.

(3) For military transportation services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of transportation capacity without any negative effect on the national security objectives or the national security interests contained within the United States commercial transportation industry.

(4) For military transportation services provided in support of foreign military sales.

(5) For military transportation services provided to a State, local, or tribal agency (including any organization composed of State, local, or tribal agencies).

(6) For military transportation services provided to a Department of Defense contractor when transporting supplies that are for, or destined for, a Department of Defense entity.

(b) **TERMINATION OF AUTHORITY FOR CERTAIN CATEGORIES OF TRANSPORTATION.**—The provisions of paragraphs (3), (4), (5), and (6) of subsection (a) shall apply only to military transportation services provided before October 1, 2019.

(c) **DEFINITION.**—In this section, the term “Department of Defense reimbursement rate” means the amount charged a component of the Department of Defense by another component of the Department of Defense.

(Added Pub. L. 102-88, title V, § 501(a), Aug. 14, 1991, 105 Stat. 435; amended Pub. L. 108-136, div. A, title X, § 1006(a), (b)(1), Nov. 24, 2003, 117 Stat. 1585; Pub. L. 111-84, div. A, title III, § 351(a), Oct. 28, 2009, 123 Stat. 2262; Pub. L. 111-383, div. A, title X, § 1075(b)(40), Jan. 7, 2011, 124 Stat. 4371; Pub. L. 113-66, div. A, title X, § 1073(a), (b), Dec. 26, 2013, 127 Stat. 869; Pub. L. 113-291, div. A, title

X, §§ 1044(a)–(c)(1), 1071(f)(22), (g)(4), Dec. 19, 2014, 128 Stat. 3493, 3494, 3511.)

AMENDMENTS

2014—Pub. L. 113-291, § 1044(c)(1), amended section catchline generally, substituting “Transportation services provided to certain non-Department of Defense agencies and entities: use of Department of Defense reimbursement rate” for “Transportation services provided to certain other agencies: use of Department of Defense reimbursement rate”.

Subsec. (a). Pub. L. 113-291, § 1044(a)(1), substituted “Subject to subsection (b), the Secretary” for “The Secretary” in introductory provisions.

Subsec. (a)(3). Pub. L. 113-291, § 1071(g)(4), amended Pub. L. 113-66, § 1073(a)(2)(B). See 2013 Amendment note below.

Pub. L. 113-291, § 1071(f)(22), inserted “and” before “military transportation services provided in support”. Amendment was executed prior to amendment by Pub. L. 113-291, § 1044(a)(2)(B), see below, pursuant to section 1071(k) of Pub. L. 113-291, set out as a note under section 101 of this title.

Pub. L. 113-291, § 1044(a)(2)(B), substituted “Department of Defense” for “Department of Defense and military transportation services provided in support of foreign military sales”.

Pub. L. 113-291, § 1044(a)(2)(A), which directed substitution of “For” for “During the period beginning on October 28, 2009, and ending on October 28, 2019, for”, was executed by making the substitution for “During the period beginning on October 28, 2009, and ending on September 30, 2019, for” to reflect the probable intent of Congress.

Subsec. (a)(4) to (6). Pub. L. 113-291, § 1044(a)(3), added pars. (4) to (6).

Subsecs. (b), (c). Pub. L. 113-291, § 1044(b), added subsec. (b) and redesignated former subsec. (b) as (c).

2013—Pub. L. 113-66, § 1073(b), substituted “Transportation” for “Airlift” in section catchline.

Subsec. (a). Pub. L. 113-66, § 1073(a)(1), substituted “transportation services” for “airlift services” wherever appearing and “transportation capacity” for “airlift capacity” in par. (3).

Subsec. (a)(3). Pub. L. 113-66, § 1073(a)(2)(B), as amended by Pub. L. 113-291, § 1071(g)(4), inserted “military transportation services provided in support of foreign military sales” after “Department of Defense”.

Pub. L. 113-66, § 1073(a)(2)(A), (C), substituted “September 30, 2019” for “October 28, 2014” and “transportation industry” for “air industry”.

2011—Subsec. (a)(3). Pub. L. 111-383 substituted “During the period beginning on October 28, 2009, and ending on October 28, 2014” for “During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010”.

2009—Subsec. (a)(3). Pub. L. 111-84 added par. (3).

2003—Pub. L. 108-136, § 1006(b)(1), substituted “Airlift services provided to certain other agencies: use of Department of Defense reimbursement rate” for “Reimbursement rate for airlift services provided to Central Intelligence Agency” as section catchline.

Subsec. (a). Pub. L. 108-136, § 1006(a), inserted “as follows:

“(1) For military airlift services provided” before “to the Central Intelligence Agency”, and added par. (2).

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. A, title X, § 1071(g), Dec. 19, 2014, 128 Stat. 3511, provided that the amendment made by section 1071(g)(4) is effective as of Dec. 26, 2013, and as if included in Pub. L. 113-66 as enacted.

§ 2643. Commissary and exchange services: transportation overseas

(a) **TRANSPORTATION OPTIONS.**—The Secretary of Defense shall authorize the officials respon-