

§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft

(a) **AUTHORITY.**—Whenever space is unavailable on commercial lines and is available on vessels, vehicles, or aircraft operated by the Department of Defense, civilian passengers and commercial cargo may, in the discretion of the Secretary of Defense, be transported on those vessels, vehicles, or aircraft. Rates for transportation under this section may not be less than those charged by commercial lines for the same kinds of service, except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation.

(b) **CREDITING OF RECEIPTS.**—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

(c) **TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.**—Until January 6, 2016, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 267, §4745; Pub. L. 96-513, title V, §512(22), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 97-31, §12(3)(C), Aug. 6, 1981, 95 Stat. 154; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; renumbered §2649 and amended Pub. L. 108-375, div. A, title X, §1072(a), (b)(2), Oct. 28, 2004, 118 Stat. 2057; Pub. L. 111-383, div. A, title III, §352(a)-(c), (e)(2), Jan. 7, 2011, 124 Stat. 4193, 4194; Pub. L. 112-239, div. A, title X, §1076(e)(4), Jan. 2, 2013, 126 Stat. 1951.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4745(a)	10:1367 (less last 20 words).	June 5, 1920, ch. 240 (6th proviso under "Transportation of the Army and Its Supplies"), 41 Stat. 960.
4745(b)	10:1367 (last 20 words).	

In subsection (a), the words "Federal Maritime Board" are substituted for the words "United States Maritime Commission", since the functions of the chairman of that commission were transferred to the chairman of the Board by 1950 Reorganization Plan No. 21, effective May 24, 1950, 64 Stat. 1273. The words "the same kinds of service" are substituted for the words "the same class of accommodations". The words "shipments of" and "between the same ports" are omitted as surplusage. (See also third sentence of revision note for section 4746 of this title, below.)

AMENDMENTS

2013—Subsec. (c). Pub. L. 112-239 substituted "Until January 6, 2016" for "During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011".

2011—Pub. L. 111-383, §352(e)(2), substituted "Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft" for "Civilian passengers and commercial cargoes: transportation on Department of Defense vessels" in section catchline.

Subsec. (a). Pub. L. 111-383, §352(a), (b)(1), inserted heading, inserted "vehicles, or aircraft" after "vessels" in two places in first sentence, and inserted "except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation" before period at end of second sentence.

Subsec. (b). Pub. L. 111-383, §352(b)(2), inserted heading and substituted "Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts" for "Amounts".

Subsec. (c). Pub. L. 111-383, §352(c), added subsec. (c).

2004—Pub. L. 108-375, §1072(a), (b)(2)(A), renumbered section 4745 of this title as this section and substituted "Civilian passengers and commercial cargoes: transportation on Department of Defense vessels" for "Civilian passengers and commercial cargoes: transports in trans-Atlantic service" in section catchline.

Subsec. (a). Pub. L. 108-375, §1072(b)(2)(B)-(D), struck out "(1) on vessels operated by Army transport agencies, or (2) within bulk space allocations made to the Department of the Army" after "available" and "any transport agency of" before "the Department of Defense" and substituted "Secretary of Defense, be transported" for "Secretary of the Army and the Secretary of Homeland Security, be transported".

2002—Subsec. (a). Pub. L. 107-296 substituted "Secretary of Homeland Security" for "Secretary of Transportation".

1981—Subsec. (a). Pub. L. 97-31 substituted "Secretary of Transportation" for "Secretary of Commerce".

1980—Subsec. (a). Pub. L. 96-513 substituted "Secretary of Commerce" for "Chairman of the Federal Maritime Board".

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.

§ 2650. Civilian personnel in Alaska

Persons residing in Alaska who are and have been employed there by the United States for at least two years, and their families, may be transported on vessels or airplanes operated by the Department of Defense, if—

- (1) the Secretary of Defense considers that accommodations are available;
- (2) the transportation is without expense to the United States;
- (3) the transportation is limited to one round trip between Alaska and the United States.