

States during any two-year period, except in an emergency such as sickness or death; and

(4) in case of travel by air, the transportation cannot be reasonably handled by a United States commercial air carrier.

(Aug. 10, 1956, ch. 1041, 70A Stat. 267, §4746; Pub. L. 98-443, §9(k), Oct. 4, 1984, 98 Stat. 1708; renumbered §2650 and amended Pub. L. 108-375, div. A, title X, §1072(a), (b)(3), Oct. 28, 2004, 118 Stat. 2057, 2058.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4746	10:1371a.	Nov. 21, 1941, ch. 483; re-stated July 25, 1947, ch. 321, 61 Stat. 423.

Before the enactment of the National Security Act of 1947, the transport functions covered by this section were performed only by the Army. Under section 2(a)(3) of the National Security Act (as it existed before August 10, 1949), the sea and air transportation functions of the Army, Navy, and Air Force were respectively consolidated into the "Military Sea Transportation Service", under the Department of the Navy, and the "Military Air Transport Service", under the Department of the Air Force. Instead of having space on its own transport vessels and airplanes, the Army is now allotted bulk space on vessels and airplanes operated by those transport services. The words "or, within bulk space allocations made to the Department of the Army, on vessels or airplanes operated by any military transport agency of the Department of Defense" are inserted, in accordance with an opinion of the Judge Advocate General of the Army (JAGA 1953/5885, 22 July 1953), to make clear that the rule applicable to Army vessels and airplanes applies to the bulk space allocated to the Army. Since the authority to perform transportation functions could again be transferred as between the military departments, the reference to "vessels or airplanes of Army transport agencies" is retained. The word "considers" is substituted for the words "in the opinion of". The words "Persons residing in Alaska who are and have been employed there by the United States" are substituted for the words "employees of the United States, residing in Alaska, who have been in such employment". The word "commercial" is substituted for the word "civil" for clarity. The words "from and after November 21, 1941", "and the carriage of all such air traffic shall be terminated", "dire", "the privilege herein granted", and "as to each eligible individual" are omitted as surplusage. The words "the continental" are omitted, since section 101(1) of this title defines the United States as "the States and the District of Columbia".

AMENDMENTS

2004—Pub. L. 108-375, §1072(a), (b)(3)(A), renumbered section 4746 of this title as this section and, in introductory provisions, struck out "Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels or airplanes operated by any military transport agency of" before "the Department of Defense".

Par. (1). Pub. L. 108-375, §1072(b)(3)(B), substituted "Secretary of Defense" for "Secretary of the Army".

Par. (4). Pub. L. 108-375, §1072(b)(3)(C), substituted "by air, the transportation cannot" for "by air—

"(A) the Secretary of Transportation has not certified that commercial air carriers of the United States that can handle the transportation are operating between Alaska and the United States; and

"(B) the transportation cannot".

1984—Par. (4)(A). Pub. L. 98-443 substituted "Secretary of Transportation" for "Civil Aeronautics Board".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

§ 2651. Passengers and merchandise to Guam: sea transport

Whenever space is available, passengers, and merchandise produced in the United States, or the Commonwealths and possessions, and consigned to residents and mercantile firms of Guam, may be transported to Guam on vessels operated by the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 267, §4747; renumbered §2651 and amended Pub. L. 108-375, div. A, title X, §1072(a), (b)(4), Oct. 28, 2004, 118 Stat. 2057, 2058; Pub. L. 109-163, div. A, title X, §1057(a)(6), Jan. 6, 2006, 119 Stat. 3441; Pub. L. 111-383, div. A, title X, §1075(h)(4)(A)(ii), Jan. 7, 2011, 124 Stat. 4377.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4747	10:1368. 10:1371 (last 29 words).	Mar. 3, 1911, ch. 209 (4th proviso under "Transportation of the Army and Its Supplies"), 36 Stat. 1051. Mar. 2, 1907, ch. 2511 (last 29 words of 6th proviso under "Transportation of the Army and Its Supplies"), 34 Stat. 1171.

The words "without displacing military supplies" and "of the island of", in 10:1368 and 1371, are omitted as surplusage. The words "produced in the United States, or the Territories, Commonwealths, and possessions" are substituted for the words "of American production".

AMENDMENTS

2011—Pub. L. 111-383 made technical amendment to directory language of Pub. L. 109-163, §1057(a)(6). See 2006 Amendment note below.

2006—Pub. L. 109-163, §1057(a)(6), as amended by Pub. L. 111-383, substituted "Commonwealths and possessions" for "Territories, Commonwealths, and possessions".

2004—Pub. L. 108-375, §1072(b)(4), substituted "the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense" for "Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any transport agency of the Department of Defense, under regulations and at rates to be prescribed by the Secretary of the Army".

Pub. L. 108-375, §1072(a), renumbered section 4747 of this title as this section.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, §1075(h), Jan. 7, 2011, 124 Stat. 4377, provided that amendment by section 1075(h)(4)(A)(ii) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

CHAPTER 159—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NON-EXCESS PROPERTY

Sec. 2661. Miscellaneous administrative provisions relating to real property.

- Sec.
- [2661a. Repealed.]
- 2662. Real property transactions: reports to congressional committees.
- 2663. Land acquisition authorities.
- 2664. Limitations on real property acquisition.
- 2665. Sale of certain interests in land; logs.
- [2666. Repealed.]
- 2667. Leases: non-excess property of military departments and Defense Agencies.
- [2667a. Repealed.]
- 2668. Easements for rights-of-way.
- 2668a. Easements: granting restrictive easements in connection with land conveyances.
- [2669. Repealed.]
- 2670. Use of facilities by private organizations; use as polling places.
- 2671. Military reservations and facilities: hunting, fishing, and trapping.
- 2672. Protection of buildings, grounds, property, and persons.
- [2672a, 2673. Repealed.]
- 2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region.
- 2675. Leases: foreign countries.
- [2676, 2677. Renumbered or Repealed.]
- 2678. Feral horses and burros: removal from military installations.
- 2679. Installation-support services: intergovernmental support agreements.
- [2680. Repealed.]
- 2681. Use of test and evaluation installations by commercial entities.
- 2682. Facilities for defense agencies.
- 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations.
- 2684. Cooperative agreements for management of cultural resources.
- 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- 2685. Adjustment of or surcharge on selling prices in commissary stores to provide funds for construction and improvement of commissary store facilities.
- 2686. Utilities and services: sale; expansion and extension of systems and facilities.
- 2687. Base closures and realignments.
- 2687a. Overseas base closures and realignments and basing master plans.
- 2688. Utility systems: conveyance authority.
- [2689, 2690. Renumbered.]
- 2691. Restoration of land used by permit or lease.
- 2692. Storage, treatment, and disposal of non-defense toxic and hazardous materials.
- [2693. Repealed.]
- 2694. Conservation and cultural activities.
- 2694a. Conveyance of surplus real property for natural resource conservation.
- 2694b. Participation in wetland mitigation banks.
- 2694c. Participation in conservation banking programs.
- 2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
- 2696. Real property: transfer between armed forces and screening requirements for other Federal use.
- 2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.

HISTORICAL AND REVISION NOTES
1962 ACT

This section makes necessary clerical amendments to chapter analysis.

AMENDMENTS

2015—Pub. L. 114-92, div. B, title XXVIII, § 2811(b), Nov. 25, 2015, 129 Stat. 1174, added item 2672.

2014—Pub. L. 113-291, div. A, title III, § 351(c)(2), Dec. 19, 2014, 128 Stat. 3347, added item 2679.

2011—Pub. L. 111-383, div. A, title III, § 341(b), div. B, title XXVIII, § 2814(c), Jan. 7, 2011, 124 Stat. 4190, 4464, struck out item 2680 “Leases: land for special operations activities” and added item 2697.

2009—Pub. L. 111-84, div. B, title XXVIII, § 2822(a)(2), Oct. 28, 2009, 123 Stat. 2666, added item 2687a.

2008—Pub. L. 110-417, [div. A], title III, § 311(b), div. B, title XXVIII, § 2812(f)(2), Oct. 14, 2008, 122 Stat. 4409, 4728, added items 2667 and 2694c and struck out former items 2667 “Leases: non-excess property of military departments” and 2667a “Leases: non-excess property of Defense agencies”.

Pub. L. 110-181, div. B, title XXVIII, § 2822(b)(2), Jan. 28, 2008, 122 Stat. 544, struck out item 2677 “Options: property required for military construction projects”.

2006—Pub. L. 109-364, div. B, title XXVIII, §§ 2822(d), 2823(b), 2825(d)(2)(B), 2851(c)(3), Oct. 17, 2006, 120 Stat. 2475-2477, 2495, added item 2668a, substituted “Real property: transfer between armed forces and screening requirements for other Federal use” for “Screening of real property for further Federal use before conveyance” in item 2696, and struck out items 2669 “Easements for rights-of-way: gas, water, sewer pipe lines”, 2689 “Development of geothermal energy on military lands”, 2690 “Fuel sources for heating systems; prohibition on converting certain heating facilities”, and 2693 “Conveyance of certain property: Department of Justice correctional options program”.

Pub. L. 109-163, div. B, title XXVIII, § 2821(g), Jan. 6, 2006, 119 Stat. 3513, added items 2663 and 2664 and struck out former item 2663 “Acquisition” and items 2672 “Authority to acquire low-cost interests in land”, 2672a “Acquisition: interests in land when need is urgent”, and 2676 “Acquisition: limitation”.

2004—Pub. L. 108-375, div. B, title XXVIII, § 2821(e)(3), Oct. 28, 2004, 118 Stat. 2130, substituted “Use of facilities by private organizations; use as polling places” for “Military installations: use by American National Red Cross; use as polling places” in item 2670 and struck out items 2664 “Acquisition of property for lumber production”, 2666 “Acquisition: land purchase contracts; limitation on commission”, 2673 “Acquisition of certain interests in land: availability of funds”, and 2679 “Representatives of veterans’ organizations: use of space and equipment”.

2003—Pub. L. 108-136, div. A, title III, § 314(a)(2), div. B, title XXVIII, § 2811(b)(3), Nov. 24, 2003, 117 Stat. 1431, 1725, substituted “Authority to acquire low-cost interests in land” for “Acquisition: interests in land when cost is not more than \$500,000” in item 2672 and added item 2694b.

2002—Pub. L. 107-314, div. B, title XXVIII, §§ 2811(b), 2812(a)(2), Dec. 2, 2002, 116 Stat. 2707, 2709, added items 2684a and 2694a.

2001—Pub. L. 107-107, div. A, title X, § 1048(a)(26)(B)(ii), title XVI, § 1607(b)(3), Dec. 28, 2001, 115 Stat. 1225, 1280, substituted “Military installations: use by American National Red Cross; use as polling places” for “Licenses: military installations; erection and use of buildings; American National Red Cross” in item 2670 and “Conveyance of certain property: Department of Justice correctional options program” for “Conveyance of certain property” in item 2693.

1998—Pub. L. 105-261, div. B, title XXVIII, § 2812(b)(2), Oct. 17, 1998, 112 Stat. 2206, struck out “from other agencies” after “lease” in item 2691.

1997—Pub. L. 105-85, div. A, title III, §§ 343(g)(3), 371(c)(2), title X, §§ 1061(c)(2), 1062(b), div. B, title XXVIII, §§ 2811(b)(2), 2812(b), 2813(b), 2814(a)(2), Nov. 18, 1997, 111 Stat. 1688, 1705, 1891, 1892, 1992-1995, inserted “of military departments” after “property” in item 2667, added item 2667a, substituted “\$500,000” for “\$200,000” in item 2672, added items 2686 and 2688, substituted “Storage, treatment, and” for “Storage and” in item 2692, and added items 2695 and 2696.

1996—Pub. L. 104-201, div. A, title III, §§ 332(a)(2), 369(b)(2), div. B, title XXVIII, § 2862(b), Sept. 23, 1996, 110 Stat. 2485, 2498, 2805, substituted “of Pentagon Reserva-