

## AMENDMENTS

2011—Subsec. (b)(3). Pub. L. 111-350 substituted “section 134 of title 41” for “section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))”.

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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 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.  
 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.