

(2) the support of a military educational institution program.

(b) COOPERATIVE AGREEMENT DESCRIBED.—For purposes of subsection (a), an authorized cooperative agreement is described in section 6305 of title 31, except that the use of a cooperative agreement by the Secretary concerned is limited to nonprofit entities.

(Added Pub. L. 112-239, div. B, title XXVIII, § 2852(b)(1), Jan. 2, 2013, 126 Stat. 2161.)

## CHAPTER 157—TRANSPORTATION

Sec.	
2631.	Preference for United States vessels in transporting supplies by sea.
2631a.	Contingency planning: sealift and related intermodal transportation requirements.
2632.	Transportation to and from certain places of employment and on military installations.
2633.	Stevedoring and terminal services: vessels carrying cargo or passengers sponsored by military department.
[2634.	Repealed.]
2635.	Medical emergency helicopter transportation assistance and limitation of individual liability.
2636.	Deductions from amounts due carriers.
2636a.	Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers.
2637.	Transportation in certain areas outside the United States.
2638.	Transportation of civilian clothing of enlisted members.
2639.	Transportation to and from school for certain minor dependents.
2640.	Charter air transportation of members of the armed forces or cargo.
2641.	Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft.
2641a.	Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.
2641b.	Space-available travel on Department of Defense aircraft: program authorized and eligible recipients.
2642.	Transportation services provided to certain non-Department of Defense agencies and entities: use of Department of Defense reimbursement rate.
2643.	Commissary and exchange services: transportation overseas.
2644.	Control of transportation systems in time of war.
2645.	Indemnification of Department of Transportation for losses covered by vessel war risk insurance.
2646.	Travel services: procurement for official and unofficial travel under one contract.
2647.	Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings.
2648.	Persons and supplies: sea, land, and air transportation.
2649.	Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.
2650.	Civilian personnel in Alaska.
2651.	Passengers and merchandise to Guam: sea transport.
2652.	Prohibition on charge of certain tariffs on aircraft traveling through channel routes.

## Editorial Notes

### AMENDMENTS

2021—Pub. L. 117-81, div. A, title X, § 1083(d)(2), Dec. 27, 2021, 135 Stat. 1923, substituted “Charter air transportation of members of the armed forces or cargo” for “Charter air transportation of members of the armed forces” in item 2640.

Pub. L. 116-283, div. A, title X, § 1024(a)(2), Jan. 1, 2021, 134 Stat. 3842, substituted “Preference for United States vessels in transporting supplies by sea” for “Supplies: preference to United States vessels” in item 2631.

2017—Pub. L. 115-91, div. A, title X, § 1044(b), Dec. 12, 2017, 131 Stat. 1555, added item 2652.

2014—Pub. L. 113-291, div. A, title X, § 1071(f)(21), Dec. 19, 2014, 128 Stat. 3511, which directed substitution of “rate” for “rates” in item 2642, could not be executed because the word “rates” did not appear after the amendment by Pub. L. 113-291, § 1044(c)(2). See below.

Pub. L. 113-291, div. A, title X, § 1044(c)(2), Dec. 19, 2014, 128 Stat. 3494, amended item 2642 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 rates”.

2013—Pub. L. 113-66, div. A, title VI, § 621(g)(2), title X, § 1073(c), Dec. 26, 2013, 127 Stat. 784, 870, struck out item 2634 “Motor vehicles: transportation or storage for members on change of permanent station or extended deployment”, added item 2642, and struck out former item 2642 “Airlift services provided to certain other agencies: use of Department of Defense reimbursement rate”.

Pub. L. 112-239, div. A, title VI, § 622(b), Jan. 2, 2013, 126 Stat. 1781, substituted in item 2641b “Space-available travel on Department of Defense aircraft: program authorized and eligible recipients.” for “Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services.”

2011—Pub. L. 111-383, div. A, title III, § 352(f), Jan. 7, 2011, 124 Stat. 4194, added items 2648 and 2649 and struck out former items 2648 “Persons and supplies: sea transportation” and 2649 “Civilian passengers and commercial cargoes: transportation on Department of Defense vessels”.

2008—Pub. L. 110-181, div. A, title III, § 374(b), Jan. 28, 2008, 122 Stat. 83, added item 2641b.

2004—Pub. L. 108-375, div. A, title X, § 1072(d)(1), Oct. 28, 2004, 118 Stat. 2058, added items 2648 to 2651.

2003—Pub. L. 108-136, div. A, title VI, § 634(b), title X, § 1006(b)(2), Nov. 24, 2003, 117 Stat. 1510, 1585, added item 2636a and amended item 2642 generally, substituting “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”.

2001—Pub. L. 107-107, div. A, title V, § 574(b), Dec. 28, 2001, 115 Stat. 1122, added item 2647.

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1009(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-251, substituted “Deductions from amounts due carriers” for “Deductions from carriers because of loss or damage to material in transit” in item 2636.

1998—Pub. L. 105-262, title VIII, § 8121(b), Oct. 17, 1998, 112 Stat. 2332, added item 2641a.

Pub. L. 105-261, div. A, title VIII, § 813(b), Oct. 17, 1998, 112 Stat. 2087, added item 2646.

1996—Pub. L. 104-201, div. A, title III, § 368(a)(2)(B), title IX, § 906(d)(1), title X, § 1079(b)(2), Sept. 23, 1996, 110 Stat. 2498, 2620, 2670, substituted “Motor vehicles: transportation or storage for members on change of permanent station or extended deployment” for “Motor vehicles: for members on change of permanent station” in item 2634 and added items 2644 and 2645.

Pub. L. 104-106, div. A, title III, § 334(b), Feb. 10, 1996, 110 Stat. 262, added item 2643.

1993—Pub. L. 103-160, div. A, title XI, §1173(b), Nov. 30, 1993, 107 Stat. 1767, added item 2631a.

1991—Pub. L. 102-88, title V, §501(b), Aug. 14, 1991, 105 Stat. 435, added item 2642.

1990—Pub. L. 101-510, div. A, title III, §326(a)(2), Nov. 5, 1990, 104 Stat. 1531, added item 2637.

1987—Pub. L. 100-180, div. A, title XII, §1250(a)(2), Dec. 4, 1987, 101 Stat. 1168, added item 2641.

1986—Pub. L. 99-661, div. A, title XII, §1204(a)(2), Nov. 14, 1986, 100 Stat. 3971, added item 2640.

Pub. L. 99-550, §2(a)(2), Oct. 27, 1986, 100 Stat. 3070, struck out item 2637 “Transportation between residence and place of work for senior defense officials”.

1984—Pub. L. 98-525, title VI, §614(b), title XIV, §1401(j)(2), Oct. 19, 1984, 98 Stat. 2540, 2620, added items 2637 to 2639.

1982—Pub. L. 97-258, §2(b)(5)(A), Sept. 13, 1982, 96 Stat. 1053, added item 2636.

1979—Pub. L. 96-125, title VIII, §807(c)(2), Nov. 26, 1979, 93 Stat. 950, inserted “and on military installations” after “places of employment” in item 2632.

1973—Pub. L. 93-155, title VIII, §814(b), Nov. 16, 1973, 87 Stat. 621, added item 2635.

1965—Pub. L. 89-101, §1(2), July 30, 1965, 79 Stat. 425, substituted “change of permanent station” for “permanent change of station” in item 2634.

1962—Pub. L. 87-651, title I, §111(c), Sept. 7, 1962, 76 Stat. 511, substituted “Stevedoring and terminal services: vessels carrying cargo or passengers sponsored by military department” for “Terminal Services, furnish to commercial steamship companies” in item 2633, and added item 2634.

1957—Pub. L. 85-44, §2, June 1, 1957, 71 Stat. 45, added item 2633.

#### Statutory Notes and Related Subsidiaries

##### AIR TRANSPORTATION OF CIVILIAN DEPARTMENT OF DEFENSE PERSONNEL TO AND FROM AFGHANISTAN

Pub. L. 115-91, div. A, title X, §1098, Dec. 12, 2017, 131 Stat. 1626, provided that:

“(a) **POLICY REVIEW.**—Not later than 90 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall conduct a policy review regarding the use of commercial air transportation or alternative forms of air transportation to transport civilian personnel of the Department of Defense to and from Afghanistan.

“(b) **REPORT TO CONGRESS.**—Not later than 90 days after the completion of the policy review required by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of such review.

“(c) **UPDATED GUIDELINES.**—Not later than 90 days after the completion of the policy review required by subsection (a), the Secretary shall issue updated guidelines, based on the report submitted under subsection (b), regarding the use of commercial air transportation or alternative forms of air transportation to transport civilian personnel of the Department to and from Afghanistan.”

#### § 2631. Preference for United States vessels in transporting supplies by sea

(a) **IN GENERAL.**—Supplies bought for the Army, Navy, Air Force, Marine Corps, or Space Force, or for a Defense Agency, or otherwise transported by the Department of Defense, may only be transported by sea in—

(1) a vessel belonging to the United States;

or

(2) a vessel of the United States (as such term is defined in section 116 of title 46).

(b) **WAIVER AND NOTIFICATION.**—(1) The Secretary of Defense may waive the requirement under subsection (a) if such a vessel is—

(A) not available at a fair and reasonable rate for commercial vessels of the United States; or

(B) otherwise not available.

(2) At least once each fiscal year, the Secretary of Defense shall submit, in writing, to the appropriate congressional committees a notice of any waiver granted under this subsection and the reasons for such waiver.

(c) **REQUIREMENTS FOR REFLAGGING OR REPAIR WORK.**—(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that—

(A) any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States); and

(B) any corrective and preventive maintenance or repair work on a vessel under contract pursuant to this section relevant to the purpose of such contract be performed in the United States (including any territory of the United States) for the duration of the contract, to the greatest extent practicable.

(2) The Secretary of Defense may waive a requirement under paragraph (1) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately submit, in writing, to the appropriate congressional committees a notice of any waiver granted under this paragraph and the reasons for such waiver.

(3) In this subsection:

(A) The term “reflagging or repair work” means work performed on a vessel—

(i) to enable the vessel to meet applicable standards to become a vessel of the United States; or

(ii) to convert the vessel to a more useful military configuration.

(B) The term “corrective and preventive maintenance or repair” means—

(i) maintenance or repair actions performed as a result of a failure in order to return or restore equipment to acceptable performance levels; and

(ii) scheduled maintenance or repair actions to prevent or discover functional failures.

(d) **COMPLIANCE.**—The Secretary of Defense shall ensure that contracting officers of the Department of Defense award contracts under this section to responsible offerors and monitor and ensure compliance with the requirements of this section. The Secretary shall—

(1) ensure that timely, accurate, and complete information on contractor performance under this section is included in any contractor past performance database used by an executive agency; and

(2) exercise appropriate contractual rights and remedies against contractors who fail to comply with this section, or subchapter I of chapter 553 of title 46, as determined by the Secretary of Transportation under such subchapter, including by—

(A) determining that a contractor is ineligible for an award of such a contract; or

(B) terminating such a contract or suspension or debarment of the contractor for such contract.