

discounts, or commissions or other fees may be determined on the basis of the volume (measured in the number or total amount of transactions or otherwise) of the travel-related sales that are made by the contractor under the contract.

(2) The evaluation factors applicable to offers for a contract under this section may include a factor that relates to the estimated aggregate value of any credits, discounts, commissions, or other fees that would accrue to the Department of Defense for the travel-related sales made under the contract.

(3) Commissions or fees received by the Department of Defense as a result of travel-related sales made under a contract entered into under this section shall be distributed as follows:

(A) For amounts relating to sales for official travel, credit to appropriations available for official travel for the fiscal year in which the amounts were charged.

(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

(c) DEFINITIONS.—In this section:

(1) The term “head of an agency” has the meaning given that term in section 3004 of this title.

(2) The term “official travel” means travel at the expense of the Federal Government.

(3) The term “unofficial travel” means personal travel or other travel that is not paid for or reimbursed by the Federal Government out of appropriated funds.

(d) INAPPLICABILITY TO COAST GUARD AND NASA.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy, nor to the National Aeronautics and Space Administration.

(Added Pub. L. 105–261, div. A, title VIII, §813(a), Oct. 17, 1998, 112 Stat. 2087; amended Pub. L. 116–283, div. A, title XVIII, §1806(e)(1)(B), Jan. 1, 2021, 134 Stat. 4155.)

#### Editorial Notes

##### AMENDMENTS

2021—Subsec. (c)(1). Pub. L. 116–283 substituted “section 3004” for “section 2302(1)”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

##### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 2647. Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings

The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from an annual meeting in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.

(Added Pub. L. 107–107, div. A, title V, §574(a), Dec. 28, 2001, 115 Stat. 1122.)

#### Statutory Notes and Related Subsidiaries

##### AVAILABILITY OF FUNDS FOR NEXT-OF-KIN OF VIETNAM ERA INDIVIDUALS

Pub. L. 107–117, div. A, title VIII, §8018, Jan. 10, 2002, 115 Stat. 2251, provided that: “Funds available in this Act [see Tables for classification] and hereafter may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106–259, title VIII, §8018, Aug. 9, 2000, 114 Stat. 678.

Pub. L. 106–79, title VIII, §8018, Oct. 25, 1999, 113 Stat. 1235.

Pub. L. 105–262, title VIII, §8018, Oct. 17, 1998, 112 Stat. 2301.

Pub. L. 105–56, title VIII, §8018, Oct. 8, 1997, 111 Stat. 1224.

Pub. L. 104–208, div. A, title I, §101(b) [title VIII, §8019], Sept. 30, 1996, 110 Stat. 3009–71, 3009–92.

Pub. L. 104–61, title VIII, §8025, Dec. 1, 1995, 109 Stat. 657.

Pub. L. 103–335, title VIII, §8031, Sept. 30, 1994, 108 Stat. 2625.

Pub. L. 103–139, title VIII, §8034, Nov. 11, 1993, 107 Stat. 1447.

Pub. L. 102–396, title IX, §9046, Oct. 6, 1992, 106 Stat. 1912.

Pub. L. 102–172, title VIII, §8047, Nov. 26, 1991, 105 Stat. 1182.

Pub. L. 101–511, title VIII, §8051, Nov. 5, 1990, 104 Stat. 1886.

Pub. L. 101–165, title IX, §9065, Nov. 21, 1989, 103 Stat. 1143.

#### § 2648. Persons and supplies: sea, land, and air transportation

Whenever the Secretary of Defense considers that space is available, the following persons and supplies may be transported on vessels, vehicles, or aircraft operated by the Department of Defense:

(1) Members of Congress.

(2) Other officers of the United States traveling on official business.

(3) Secretaries and supplies of the Armed Services Department of the Young Men's Christian Association.

(4) Officers and employees of the Commonwealth of Puerto Rico on official business.

(5) The families of members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described in paragraphs (1), (2), and (4).

However, a person described in paragraph (4) or (5) may be so transported only if the transportation is without expense to the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 266, § 4744; Pub. L. 86-624, § 4(d), July 12, 1960, 74 Stat. 411; renumbered § 2648 and amended Pub. L. 108-375, div. A, title X, § 1072(a), (b)(1), Oct. 28, 2004, 118 Stat. 2057; Pub. L. 111-383, div. A, title III, § 352(d), (e)(1), Jan. 7, 2011, 124 Stat. 4193.)

## HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code)                                    | Source (Statutes at Large)  |
|-----------------|---|---|
| 4744 .....      | 10:1369.<br>10:1370.<br>10:1371 (less last 29 words). | Mar. 2, 1907, ch. 2511 (6th proviso, less last 29 words under "Transportation of the Army and Its Supplies"), 34 Stat. 1170.<br>June 30, 1921, ch. 33 (8th proviso under "Transportation of the Army and Its Supplies"), 42 Stat. 81.<br>Mar. 3, 1911, ch. 209 (3d proviso under "Transportation of the Army and Its Supplies"), 36 Stat. 1051. |

Reference to the Philippine government, contained in the source statute for 10:1371, is omitted, since the Philippine Republic now has the status of a foreign country and only possessions of the United States are intended to be covered by the source statute. The words "Armed Services Department" are substituted for the words "Army and Navy Department", in 10:1370, to reflect the present name of that Department of the Young Men's Christian Association. (See also third sentence of revision note for section 4746 of this title, below.)

## Editorial Notes

## AMENDMENTS

2011—Pub. L. 111-383 substituted "Persons and supplies: sea, land, and air transportation" for "Persons and supplies: sea transportation" in section catchline and inserted ", vehicles, or aircraft" after "vessels" in introductory provisions.

2004—Pub. L. 108-375, § 1072(b)(1), in introductory provisions, substituted "Secretary of Defense" for "Secretary of the Army" and struck out "Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any military transport agency of" before "the Department of Defense", redesignated pars. (4) to (8) as (1) to (5), respectively, in par. (5), substituted "members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described in paragraphs (1), (2), and (4)" for "persons described in clauses (1), (2), (4), (5), and (7)", in concluding provisions, substituted "paragraph (4) or (5)" for "clause (7) or (8)", and struck out former pars. (1) to (3) which read as follows:

"(1) Members of the Navy, Marine Corps, or Coast Guard.

"(2) Officers and employees of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the Coast Guard.

"(3) Supplies of the Department of the Navy."

Pub. L. 108-375, § 1072(a), renumbered section 4744 of this title as this section.

1960—Pub. L. 86-624 struck out cl. (6) which authorized transportation of officers and employees of the Territory of Hawaii, redesignated cls. (7) to (9) as (6) to (8), respectively, and substituted "clauses (1), (2), (4), (5), and (7)" for "clauses (1), (2), (4), (5), and (8)" in redesignated cl. (8), and "clause (7) or (8)" for "clause (8) or (9)" in closing sentence.

### § 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 subsection (a) 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 subsection (a) shall be covered into the Treasury as miscellaneous receipts.

(c) **TRANSPORTATION OF ALLIED AND CIVILIAN PERSONNEL AND CARGO DURING CONTINGENCIES OR DISASTER RESPONSES.**—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 and civilian personnel and cargo were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.

(d) **COMMERCIAL INSURANCE.**—The Secretary may enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper's cargo. Any such contract or arrangement shall provide that—

(1) any insurance premium is collected by the commercial provider;

(2) any claim for loss or damage is processed and paid by the commercial provider;

(3) the commercial provider agrees to hold the United States harmless and waive any recourse against the United States for amounts paid to an insured as a result of a claim; and

(4) the contract between the commercial provider and the insured shall contain a provision whereby the insured waives any claim against the United States for loss or damage that is within the scope of enumerated risks covered by the insurance product.

(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