

“(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), (6), 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 provi-

sion 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 Stat. 4193, 4194; Pub. L. 112-239, div. A, title X, § 1076(e)(4), Jan. 2, 2013, 126 Stat. 1951; Pub. L. 114-328, div. A, title X, § 1041, Dec. 23, 2016, 130 Stat. 2392.)

**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.)

**Editorial Notes**

**AMENDMENTS**

2016—Subsec. (b). Pub. L. 114-328, § 1041(c), substituted “subsection (a)” for “this section” in two places.

Subsec. (c). Pub. L. 114-328, § 1041(a), substituted “and Civilian Personnel and Cargo” for “Personnel” in heading and substituted in text “When” for “Until January 6, 2016, when” and “allied and civilian personnel and cargo” for “allied forces or civilians”.

Subsec. (d). Pub. L. 114-328, § 1041(b), added subsec. (d).

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”.

**Statutory Notes and Related Subsidiaries**

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 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”.

**Editorial Notes**

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”.

**Statutory Notes and Related Subsidiaries**

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