

AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. CRITZ

At the end of subtitle F of title III, insert the following:

1 **SEC. 3 ____ . AUTHORITY FOR PAYMENT OF FULL REPLACE-**
2 **MENT VALUE FOR LOSS OR DAMAGE TO**
3 **HOUSEHOLD GOODS IN LIMITED CASES NOT**
4 **COVERED BY CARRIER LIABILITY.**

5 (a) CLAIMS AUTHORITY.—

6 (1) IN GENERAL.—Chapter 163 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 2740. Property loss: reimbursement of members**
10 **and civilian employees for full replace-**
11 **ment value of household effects when**
12 **contractor reimbursement not available**

13 “The Secretary of Defense and the Secretaries of the
14 military departments, in paying a claim under section
15 3721 of title 31 arising from loss or damage to household
16 goods stored or transported at the expense of the Depart-
17 ment of Defense, may pay the claim on the basis of full
18 replacement value in any of the following cases in which
19 reimbursement for the full replacement value for the loss

1 or damage is not available directly from a carrier under
2 section 2636a of this title:

3 “(1) A case in which—

4 “(A) the lost or damaged goods were
5 stored or transported under a contract, tender,
6 or solicitation in accordance with section 2636a
7 of this title that requires the transportation
8 service provider to settle claims on the basis of
9 full replacement value; and

10 “(B) the loss or damage occurred under
11 circumstances that exclude the transportation
12 service provider from liability.

13 “(2) A case in which—

14 “(A) the loss or damage occurred while the
15 lost or damaged goods were in the possession of
16 an ocean carrier that was transporting, loading,
17 or unloading the goods under a Department of
18 Defense contract for ocean carriage; and

19 “(B) the land-based portions of the trans-
20 portation were under contracts, in accordance
21 with section 2636a of this title, that require the
22 land carriers to settle claims on the basis of full
23 replacement value.

24 “(3) A case in which—

1 “(A) the lost or damaged goods were
2 transported or stored under a contract or solici-
3 tation that requires at least one of the trans-
4 portation service providers or carriers that han-
5 dled the shipment to settle claims on the basis
6 of full replacement value pursuant to section
7 2636a of this title;

8 “(B) the lost or damaged goods have been
9 in the custody of more than one independent
10 contractor or transportation service provider;
11 and

12 “(C) a claim submitted to the delivering
13 transportation service provider or carrier is de-
14 nied in whole or in part because the loss or
15 damage occurred while the lost or damaged
16 goods were in the custody of a prior transpor-
17 tation service provider or carrier or government
18 entity.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of such chapter is amended
21 by adding at the end the following new item:

“2740. Property loss: reimbursement of members and civilian employees for full
replacement value of household effects when contractor reim-
bursement not available.”.

22 (b) EFFECTIVE DATE.—Section 2740 of title 10,
23 United States Code, as added by subsection (a), shall

- 1 apply with respect to losses incurred after the date of the
- 2 enactment of this Act.

