

## AMENDMENTS

2011—Subsec. (c). Pub. L. 111-383 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to the amount of monthly special compensation payable to a member under subsec. (a).

## CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

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### SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

#### § 451. Definitions

(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

(1) The term “administering Secretary” or “administering Secretaries” means the following:

(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

(2) The term “authorized traveler” means a person who is authorized travel and transpor-

<sup>1</sup> So in original. Does not conform to section catchline.

tation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

- (A) A member of the uniformed services.
- (B) A family member of a member of the uniformed services.
- (C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member or as an escort or attendant for dependents of a member for necessary travel performed not later than one year after the member is unable to accompany the dependents who are incapable of traveling alone.
- (D) A person who participates in a military funeral honors detail.
- (E) A Senior Reserve Officers' Training Corps cadet or midshipman.
- (F) An applicant or rejected applicant for enlistment.
- (G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.
- (H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of the following:
  - (i) Transportation of survivors to attend burial services or transfer of deceased members after death overseas as provided in section 481f of this title.
  - (ii) Transportation of designated individuals incident to the hospitalization of members as provided in section 481h of this title.
  - (iii) Transportation of designated individuals incident to the repatriation of members as provided in section 481j of this title.
  - (iv) Transportation of non-medical attendants as provided in section 481k of this title.
  - (v) Transportation of designated individuals to attend Yellow Ribbon Reintegration Program events as provided in section 481l of this title.
  - (vi) Transportation of a person with regard to a single event when the administering Secretary determines that the travel is necessary to ensure fairness and equity, respond to emergency or humanitarian circumstances, or serve the best interests of the Government.

(3) The term "family member", with respect to a member of the uniformed services, means the following:

- (A) A dependent, as defined in section 401(a) of this title.
- (B) A child, as defined in section 401(b)(1) of this title.
- (C) A parent, as defined in section 401(b)(2) of this title.

- (D) A sibling of the member.
- (E) A former spouse of the member.

(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

(1) The term "official travel" means the following:

- (A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.
- (B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.
- (C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.
- (D) Local travel in or around the temporary duty or permanent duty station.
- (E) Other travel as authorized or ordered by the administering Secretary.

(2) The term "actual and necessary expenses" means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

(3) The term "travel allowances" means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

(4) The term "transportation allowances" means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

(5) The term "transportation-, lodging-, or meals-in-kind" means transportation, lodging, or meals provided by the Government without cost to an authorized traveler.

(6) The term "miscellaneous expenses" means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

(7) The term "personal property", with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

(8) The term "relocation allowances" means the costs associated with relocating a member of the uniformed services and the member's dependents between an old and new temporary or permanent duty assignment location or other authorized location.

(9) The term "dislocation allowances" means the costs associated with relocation of the household of a member of the uniformed services and the member's dependents in relation to a change in the member's permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

(Added Pub. L. 112-81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1453; amended Pub. L.

113-66, div. A, title VI, §621(a)(1), Dec. 26, 2013, 127 Stat. 783.)

#### AMENDMENTS

2013—Subsec. (a)(2)(C). Pub. L. 113-66 inserted “or as an escort or attendant for dependents of a member for necessary travel performed not later than one year after the member is unable to accompany the dependents who are incapable of traveling alone” before period at end.

#### PURPOSE OF CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES

Pub. L. 112-81, div. A, title VI, §631(a), Dec. 31, 2011, 125 Stat. 1452, provided that: “This section [see Tables for classification] establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section [see Tables for classification] provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.”

#### TRANSITION PROVISIONS

Pub. L. 112-81, div. A, title VI, §632, Dec. 31, 2011, 125 Stat. 1465, provided that:

“(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 631(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

“(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

“(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

“(1) the Secretary of Homeland Security, with respect to the Coast Guard;

“(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

“(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act [Dec. 31, 2011].

“(e) TRANSITION PERIOD.—In this section, the term ‘transition period’ means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.”

#### § 452. Allowable travel and transportation: general authorities

(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services

or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

(4) Recruiting duties for the armed forces.

(5) Assignment or detail to another Government department or agency.

(6) Rest and recuperative leave.

(7) Convalescent leave.

(8) Reenlistment leave.

(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

(10) Ready Reserve muster duty.

(11) Unusual, extraordinary, hardship, or emergency circumstances.

(12) Presence of family members at a military medical facility incident to the illness or injury of members.

(13) Presence of family members at the repatriation of members held captive.

(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

(15) Attendance at Yellow Ribbon Reintegration Program events.

(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

(1) Allowances for transportation, lodging, and meals.

(2) Dislocation or relocation allowances paid in connection with a change in a member's temporary or permanent duty assignment location.

(3) Other related miscellaneous expenses.

(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

(1) as an actual expense;

(2) as an authorized allowance;

(3) in-kind; or

(4) using a combination of the authorities under paragraphs (1), (2), and (3).

(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization.

(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

(Added Pub. L. 112-81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1455.)

**§ 453. Allowable travel and transportation: specific authorities**

(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

(c) MOVEMENT OF PERSONAL PROPERTY.—(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including household goods in temporary storage, but excluding packing and crating), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in

the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

(3) A member who is discharged under section 1173 of title 10.

(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

(Added Pub. L. 112-81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1457; amended Pub. L. 113-66, div. A, title VI, §621(c)(1), (h), Dec. 26, 2013, 127 Stat. 783, 784; Pub. L. 114-328, div. A, title V, §522(c), Dec. 23, 2016, 130 Stat. 2116.)

AMENDMENTS

2016—Subsec. (g). Pub. L. 114-328 struck out subsec. (g). Text read as follows: “A member may be reimbursed as specified in regulations prescribed under section 464 of this title for travel and related expenses incurred by the member as a result of the cancellation of previously approved leave when the leave is cancelled in conjunction with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced. The settlement for reimbursement under this subsection is final and conclusive.”

2013—Subsec. (c)(3). Pub. L. 113-66, §621(h), substituted “(including household goods in temporary storage, but excluding packing and crating)” for “(including packing, crating, and household goods in temporary storage)”.

Subsec. (g). Pub. L. 113-66, §621(c)(1), added subsec. (g).

**§ 454. Travel and transportation: pilot programs**

(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be

conducted so as to evaluate one or more of the following:

- (1) Alternative methods for performing and reimbursing travel.
- (2) Means for limiting the need for travel.
- (3) Means for reducing the environmental impact of travel.

(b) LIMITATIONS.—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

(2) The duration of a pilot program may not exceed four years.

(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

(c) REPORTS.—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

- (A) The purpose of the pilot program.
- (B) The duration of the pilot program.

(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

(A) A description of results of the pilot program.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1458.)

**§ 455. Appropriations for travel: may not be used for attendance at certain meetings**

Appropriations of the Department of Defense that are available for travel may not, without the approval of the Secretary concerned or his designee, be used for expenses incident to attendance of a member of an armed force under that department at a meeting of a technical, scientific, professional, or similar organization.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 476, §412; renumbered §455, Pub. L. 112–81, div. A, title VI, §631(d)(1), Dec. 31, 2011, 125 Stat. 1460.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
412 .....	5:174a.	Aug. 1, 1953, ch. 305, §605, 67 Stat. 349.

The words “may not . . . be used” are substituted for the words “shall not be available”. The words “on and after August 1, 1953” are omitted as executed. The

words “Secretary concerned” are substituted for the words “Secretary of the department concerned” to conform to other sections of this revised title and to the definition in section 101(5) of this revised title. So much of the source statute as relates to civilian employees is omitted as superseded by the Act of July 7, 1958, Pub. L. 85–507, 72 Stat. 327.

PRIOR PROVISIONS

Act Aug. 1, 1953, cited as the source of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following prior appropriation acts:

- July 10, 1952, ch. 630, title VI, §606, 66 Stat. 531.
- Oct. 18, 1951, ch. 512, title VI, §606, 65 Stat. 445.
- Sept. 6, 1950, ch. 896, ch. X, title VI, §607, 64 Stat. 752.
- Oct. 29, 1949, ch. 787, title VI, §607, 63 Stat. 1018.
- June 24, 1948, ch. 632, 62 Stat. 652.
- July 30, 1947, ch. 357, title I, 61 Stat. 554.
- July 16, 1946, ch. 583, 60 Stat. 545.
- July 3, 1945, ch. 265, 59 Stat. 388.
- June 28, 1944, ch. 303, 58 Stat. 577.

AMENDMENTS

2011—Pub. L. 112–81 renumbered section 412 of this title as this section.

SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

**§ 461. Relationship to other travel and transportation authorities**

An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1459.)

**§ 462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment**

(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

(b) EXCEPTION.—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1459.)

**§ 463. Programs of compliance; electronic processing of travel claims**

(a) PROGRAMS OF COMPLIANCE.—The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

(b) ELEMENTS.—The programs of compliance under subsection (a) shall—

(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other means as the administering Secretaries may establish for purposes of the programs of compliance; and

(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

(c) ELECTRONIC PROCESSING OF TRAVEL CLAIMS.—(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

(2) The administering Secretary, or the Secretary's designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1459.)

## REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 112–81, which was approved Dec. 31, 2011.

**§ 464. Regulations**

This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1460.)

**SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW****§ 471. Travel authorities transition expiration date**

In this subchapter, the term “travel authorities transition expiration date” means the last

day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1460.)

## REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, referred to in text, is the date of enactment of Pub. L. 112–81, which was approved Dec. 31, 2011.

**§ 472. Definitions and other incorporated provisions of chapter 7**

(a) DEFINITIONS.—The provisions of section 401 of this title apply to this subchapter.

(b) OTHER PROVISIONS.—The provisions of sections 421 and 423 of this title apply to this subchapter.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1460.)

**§ 474. Travel and transportation allowances: general**

(a) Except as provided in subsection (f) and under regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel performed or to be performed under orders, without regard to the comparative costs of the various modes of transportation—

(1) upon a change of permanent station, or otherwise, or when away from his designated post of duty regardless of the length of time he is away from that post;

(2) upon appointment, call to active duty, enlistment, or induction, from his home or from the place from which called or ordered to active duty to his first station;

(3) upon separation from the service, placement on the temporary disability retired list, release from active duty, or retirement, from his last duty station to his home or the place from which he was called or ordered to active duty, whether or not he is or will be a member of a uniformed service at the time the travel is or will be performed;

(4) when away from home to perform duty, including duty by a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, in his status as a member of the National Guard, for which he is entitled to, or has waived, pay under this title;

(5) when not on active duty, if assigned to a Reserve school, and attending a reserve training meeting for the purpose of performing duties as an instructor at such meeting, if such meeting is 100 or more miles from the site at which the member would attend paid drills of the Reserve school to which he is assigned; and

(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if—

(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as character-

ized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

(C) the member is—

(i) qualified in a skill designated as critically short by the Secretary concerned; or

(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

(b)(1) The Secretaries concerned may prescribe—

(A) the conditions under which travel and transportation allowances are authorized, including advance payments thereof; and

(B) the allowances for the kinds of travel, but not more than the amounts authorized in this section.

(2) In prescribing such conditions and allowances, the Secretaries concerned shall provide that a member who is performing travel under orders away from his designated post of duty and who is authorized a per diem under clause (2) of subsection (d) shall be paid for the meals portion of that per diem in a cash amount at a rate that is not less than the rate established under section 1011(a) of this title for meals sold to members. The preceding sentence shall not apply with respect to a member on field duty or sea duty (as defined in regulations prescribed under section 403(f)(3) of this title) or a member of a unit with respect to which the Secretary concerned has determined that unit messing is essential to the accomplishment of the unit's training and readiness.

(c)(1) Under uniform regulations prescribed by the Secretaries concerned and as provided in paragraph (2), a member who—

(A) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10;

(B) is retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein or more than 90 days, is discharged with separation pay or severance pay or is involuntarily released from active duty with separation pay or readjustment pay; or

(C) is involuntarily separated from active duty during the period beginning on October 1, 1990, and ending on December 31, 2001,

may, not later than one year from the date he is so retired, placed on that list, involuntarily separated, discharged, or released, except as prescribed in regulations by the Secretaries concerned, select his home for the purposes of the travel and transportation allowances authorized by subsection (a).

(2) A member authorized under paragraph (1) to select a home for the purposes of such allowances may select as his home—

(A) any place within the United States;

(B) the place outside the United States from which the member was called or ordered to active duty to his first duty station; or

(C) any other place.

However, if the member selects as his home a place other than a place described in clause (A) or (B) of the preceding sentence, the travel and transportation allowances authorized by subsection (a) may not exceed the allowances which would be payable if the place selected as his home were in the United States (other than Hawaii or Alaska).

(d)(1) The travel and transportation allowances authorized for each kind of travel may not be more than one of the following:

(A) Transportation in kind, reimbursement therefor, or, under regulations prescribed by the Secretaries concerned, when travel by privately owned conveyance is authorized or approved as more advantageous to the Government, a monetary allowance in place of the cost of transportation, at the rates provided in section 5704 of title 5.

(B) Transportation in kind, reimbursement therefor, or a monetary allowance as provided in subparagraph (A), plus a payment in lieu of subsistence as provided in paragraph (2) in an amount sufficient to meet normal and necessary expenses in the area to which travel is performed.

(C) A mileage allowance at a rate per mile prescribed by the Secretaries concerned and based on distances established under subparagraph (A).

(2) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service entitled to travel and transportation allowances under subsection (a) is entitled to any of the following:

(A) A per diem allowance at a rate not to exceed that established by the Secretaries concerned.

(B) Reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Secretaries concerned.

(C) A combination of payments described in subparagraphs (A) and (B).

(3) A per diem allowance or maximum amount of reimbursement established for purposes of paragraph (2) shall be established, to the extent feasible, by locality.

(4) For travel consuming less than a full day, the payment prescribed by regulation under paragraph (2) shall be allocated in such manner as the Secretaries concerned prescribe.

(5) Effective January 1, 2003, the per diem rates established under paragraph (2)(A) for travel performed in connection with a change of permanent station or for travel described in paragraph (2) or (3) of subsection (a) shall be equal to the standard per diem rates established in the Federal travel regulation for travel within the continental United States of civilian employees and their dependents, unless the Secretaries concerned determine that a higher rate for members is more appropriate.

(e) A member who is on duty with, or is undergoing training for, the Air Mobility Command,

the Marine Corps Transport Squadrons, the Fleet Tactical Support Squadrons, the Naval Aircraft Ferrying Squadrons, or any other unit determined by the Secretary concerned to be performing duties similar to the duties performed by such command or squadrons, and who is away from his permanent station, may be paid a per diem in lieu of subsistence in an amount not more than the amount to which he would be entitled if he were performing travel in connection with temporary duty without, in either case, the issuance of orders for specific travel.

(f)(1) The travel and transportation allowances authorized under this section for a member who is separated from the service or released from active duty may be paid or provided only for travel actually performed.

(2)(A) Except as provided in subparagraph (B), a member who is separated from the service or released from active duty and who—

(i) on the date of his separation from the service or release from active duty, has not served on active duty for a period of time equal to at least 90 percent of the period of time for which he initially enlisted or otherwise initially agreed to serve; or

(ii) is separated from the service or released from active duty under other than honorable conditions, as determined by the Secretary concerned;

may be provided travel and transportation under this section only by transportation in kind by the least expensive mode of transportation available or by a monetary allowance that does not exceed the cost to the Government of such transportation in kind.

(B) Subparagraph (A) does not apply to a member—

(i) who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10;

(ii) who is separated from the service or released from active duty for a medical condition affecting the member, as determined by the Secretary concerned;

(iii) who is separated from the service or released from active duty because the period of time for which the member initially enlisted or otherwise initially agreed to serve has been reduced by the Secretary concerned and is separated or released under honorable conditions;

(iv) who is discharged under section 1173 of title 10; or

(v) who is involuntarily separated from active duty during the period beginning on October 1, 1990, and ending on December 31, 2001.

(3) For purposes of entitlement to per diem in place of subsistence under subsection (d)(2), a member shall not be considered under subsection (a)(1) to be performing travel under orders away from his designated post of duty if such member—

(A) is an enlisted member serving his first tour of active duty;

(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(C) is not actually traveling between stations pursuant to orders directing a change of station.

(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.

(g)(1) Subject to paragraph (2), a member of the armed forces accompanying a Member of Congress or a congressional employee on official travel may be authorized reimbursement for actual travel and transportation expenses incurred for such travel.

(2) The reimbursement authorized in paragraph (1) may be paid—

(A) at a rate that does not exceed the rate approved for official congressional travel; and

(B) only when the travel of the member is directed or approved by the Secretary of Defense or the Secretary concerned.

(3) In this subsection:

(A) The term “Member of Congress” means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(B) The term “congressional employee” means an employee of a Member of Congress or an employee of Congress.

(h) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service entitled to travel and transportation allowances under subsection (a) is entitled to reimbursement for parking fees, ferry fares, and bridge, road, and tunnel tolls actually incurred incident to such travel.

(i)(1) In the case of a member of a reserve component performing active duty for training or inactive-duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty under subsection (a), the Secretary concerned may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty. If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a).

(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretaries concerned.

(3) The Secretary may pay service charge expenses under paragraph (1) and expenses of providing lodging in kind under such paragraph out of funds appropriated for operation and maintenance for the reserve component concerned. Use of Government charge cards is authorized for payment of these expenses.

(4) Decisions regarding the availability or adequacy of government housing at a military installation under paragraph (1) shall be made by the installation commander.

(j) In this section (except subsection (a)(6)), the term “involuntarily separated” has the



meaning given that term in section 1141 of title 10.

(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 472, § 404; Pub. L. 89-680, § 1(1), Oct. 15, 1966, 80 Stat. 957; Pub. L. 89-718, §§ 55, 56, Nov. 2, 1966, 80 Stat. 1122, 1123; Pub. L. 90-168, § 3, Dec. 1, 1967, 81 Stat. 525; Pub. L. 91-183, Dec. 30, 1969, 83 Stat. 840; Pub. L. 94-296, § 1, May 29, 1976, 90 Stat. 584; Pub. L. 96-342, title VIII, § 807(a), Sept. 8, 1980, 94 Stat. 1096; Pub. L. 96-343, § 5(a), Sept. 8, 1980, 94 Stat. 1126; Pub. L. 97-60, title I, § 121(a), Oct. 14, 1981, 95 Stat. 999; Pub. L. 98-94, title IX, § 908(b), Sept. 24, 1983, 97 Stat. 637; Pub. L. 98-525, title V, § 533(g), title VI, § 613(a), title XIV, § 1402(c), Oct. 19, 1984, 98 Stat. 2528, 2539, 2621; Pub. L. 99-145, title VI, § 612(a), Nov. 8, 1985, 99 Stat. 639; Pub. L. 99-500, § 101(c) [title IX, § 9073], Oct. 18, 1986, 100 Stat. 1783-82, 1783-113, and Pub. L. 99-591, § 101(c) [title IX, § 9073], Oct. 30, 1986, 100 Stat. 3341-82, 3341-113; Pub. L. 99-661, div. A, title VI, § 614(a), title XIII, § 1343(b)(2), Nov. 14, 1986, 100 Stat. 3879, 3995; Pub. L. 100-26, § 8(a), (d)(6), Apr. 21, 1987, 101 Stat. 284, 285; Pub. L. 100-180, div. A, title VI, § 617(a), Dec. 4, 1987, 101 Stat. 1096; Pub. L. 101-189, div. A, title VI, § 621(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101-510, div. A, title V, § 503(a), Nov. 5, 1990, 104 Stat. 1558; Pub. L. 102-25, title VII, § 702(b)(1)-(3), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 624, Oct. 23, 1992, 106 Stat. 2423; Pub. L. 103-160, div. A, title V, § 561(l)(1), Nov. 30, 1993, 107 Stat. 1668; Pub. L. 103-337, div. A, title VI, §§ 621, 622, Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104-106, div. A, title VI, § 621, Feb. 10, 1996, 110 Stat. 363; Pub. L. 104-201, div. A, title XII, § 1252, Sept. 23, 1996, 110 Stat. 2698; Pub. L. 105-85, div. A, title VI, § 602(b)(1), Nov. 18, 1997, 111 Stat. 1772; Pub. L. 105-261, div. A, title V, § 561(f), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106-65, div. A, title VI, § 631, Oct. 5, 1999, 113 Stat. 661; Pub. L. 106-398, § 1 [[div. A], title V, § 571(f), title X, § 1087(b)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-134, 1654A-292; Pub. L. 107-107, div. A, title VI, § 631, Dec. 28, 2001, 115 Stat. 1143; renumbered § 474 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(1), Dec. 31, 2011, 125 Stat. 1460, 1461; Pub. L. 112-239, div. A, title VI, § 621(a), Jan. 2, 2013, 126 Stat. 1778.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
404(a) .....	37:253(a) (1st and 3d sentences).	Oct. 12, 1949, ch. 681, § 303(a), (d), 63 Stat. 813, 815; Mar. 31, 1955, ch. 20, § 2(11), 69 Stat. 21; Aug. 11, 1955, ch. 806, § 1, 69 Stat. 691; June 13, 1956, ch. 383, 70 Stat. 275; July 12, 1960, Pub. L. 86-638, § 1, 74 Stat. 471.
404(b) .....	37:253(a) (4th sentence).	
404(c) .....	37:253(a) (2d sentence).	
404(d) .....	37:253(a) (last sentence, less proviso).	
404(e) .....	37:253(d).	
404(f) .....	37:253(a) (proviso of last sentence).	

In subsection (a), the words “that post” are substituted for the words “such designated posts of duty”. In clauses (2) and (3), the words “called or” are inserted to conform to the second phrase of clause (2). The word “competent” is omitted as surplusage.

In subsection (b), the words “The Secretaries concerned” are substituted for the words “The respective

Secretaries concerned” to conform to other subsections of the source statute.

In subsection (c)(1), the words “under chapter 61 of title 10” are inserted for clarity. In clause (2), the words “under any other law” are substituted for the words “for any other reason”.

In subsection (d), the words “may not be more than one of the following” are substituted for the words “shall be limited to one of the following”. The words “or to be established” and “existing” are omitted, since this section, being permanent law, is consistently applicable in the present and does not speak only as of the date of its enactment. The words “of the Army” are substituted for the words “Department of the Army” after the words “Chief of Finance” to conform to section 3036(a)(5) of title 10. The words “under clause (1) of this subsection” are substituted for the words “pursuant to existing law”.

In subsection (e), the words “Fleet Logistic Air Wings” are substituted for the words “Fleet Logistics Support Unit” to reflect present terminology.

In subsection (f), the words “under this section” are substituted for the words “under conditions authorized herein”. The words “on the member’s” are inserted for clarity.

#### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Amendment of section by Pub. L. 99-500 and Pub. L. 99-591 is based on section 615(a) of S. 2638, Ninety-ninth Congress, as passed by the Senate on Aug. 9, 1986, which was enacted into permanent law by Pub. L. 99-500 and Pub. L. 99-591. S. 2638 was subsequently enacted as Pub. L. 99-661.

#### PRIOR PROVISIONS

Provisions similar to those in subsec. (g) of this section were contained in the following appropriations acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(h) [title VIII, § 8053], 98 Stat. 1904, 1933.

Dec. 8, 1983, Pub. L. 98-212, title VII, § 761, 97 Stat. 1449.

Dec. 21, 1982, Pub. L. 97-377, title I, § 101(c) [title VII, § 767], 96 Stat. 1833, 1861.

Dec. 29, 1981, Pub. L. 97-114, title VII, § 771, 95 Stat. 1590.

#### AMENDMENTS

2013—Subsec. (a)(6). Pub. L. 112-239, § 621(a)(1), added par. (6).

Subsec. (f)(4). Pub. L. 112-239, § 621(a)(2), added par. (4).

Subsec. (j). Pub. L. 112-239, § 621(a)(3), inserted “(except subsection (a)(6))” after “In this section”.

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 404 of this title as this section.

Subsec. (k). Pub. L. 112-81, § 631(e)(1), added subsec. (k).

2001—Subsec. (d)(5). Pub. L. 107-107 added par. (5).

2000—Subsec. (b)(2). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(b)(3)], substituted “section 403(f)(3)” for “section 402(e)”.

Subsecs. (c)(1)(C), (f)(2)(B)(v). Pub. L. 106-398, § 1 [[div. A], title V, § 571(f)], substituted “December 31, 2001” for “September 30, 2001”.

1999—Subsec. (i)(1). Pub. L. 106-65, § 631(a), inserted at end “If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a).”

Subsec. (i)(3). Pub. L. 106-65, § 631(b), inserted “and expenses of providing lodging in kind under such paragraph” after “paragraph (1)” and “Use of Government charge cards is authorized for payment of these expenses.” at end.

Subsec. (i)(4). Pub. L. 106-65, § 631(c), added par. (4).

1998—Subsecs. (c)(1)(C), (f)(2)(B)(v). Pub. L. 105-261 substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

1997—Subsecs. (g) to (k). Pub. L. 105-85 redesignated subsecs. (h) to (k) as (g) to (j), respectively, and struck out former subsec. (g) which read as follows: “In the case of an enlisted member who is in a travel status and not entitled to receive per diem in lieu of subsistence for any day (or portion of a day) because the member is furnished meals in a Government mess, the member may not be paid a basic allowance for subsistence for such day (or portion of such day) that the member is furnished meals in a Government mess.”

1996—Subsec. (d)(1)(A). Pub. L. 104-106 struck out “, based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense” after “section 5704 of title 5”.

Subsec. (j)(1). Pub. L. 104-201 substituted “active duty for training” for “annual training duty”.

1994—Subsec. (d)(1)(A). Pub. L. 103-337, § 621, substituted “Secretary of Defense” for “Secretary of the Army”.

Subsecs. (j), (k). Pub. L. 103-337, § 622, added subsec. (j) and redesignated former subsec. (j) as (k).

1993—Subsecs. (c)(1)(C), (f)(2)(B)(v). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1992—Subsec. (e). Pub. L. 102-484 substituted “Air Mobility Command” for “Military Airlift Command” and “the Naval Aircraft Ferrying Squadrons, or any other unit determined by the Secretary concerned to be performing duties similar to the duties performed by such command or squadrons,” for “or the Naval Aircraft Ferrying Squadrons.”

1991—Pub. L. 102-25 struck out “of this section”, “of this subsection”, and “of this paragraph” wherever appearing in subsecs. (a) to (d) and (f).

1990—Subsec. (c)(1). Pub. L. 101-510, § 503(a)(1), added subpar. (C) and inserted “involuntarily separated,” after “placed on that list,” in concluding provisions.

Subsec. (f)(2)(B)(v). Pub. L. 101-510, § 503(a)(2), added cl. (v).

Subsec. (j). Pub. L. 101-510, § 503(a)(3), added subsec. (j).

1989—Subsec. (i). Pub. L. 101-189 added subsec. (i).

1987—Subsec. (d). Pub. L. 100-26, § 8(a), terminated amendments by Pub. L. 99-500 and Pub. L. 99-591. See Termination of Amendments by Public Laws 99-500 and 99-591 note below.

Subsec. (d)(1)(A). Pub. L. 100-26, § 8(d)(6), substituted “privately owned” for “privately-owned”.

Subsec. (h). Pub. L. 100-180 added subsec. (h).

1986—Subsec. (d). Pub. L. 99-500 and Pub. L. 99-591 substituted “Subject to paragraph (2), transportation” for “Transportation” in par. (1)(B) and “subparagraph (A) of this paragraph” for “clause (1) of this subsection” in par. (1)(C) and added pars. (2), (4), and (5), and redesignated former par. (2) as (3) and substituted “Except as provided in paragraph (4) of this subsection and under” for “Under”. See Termination of Amendments by Public Laws 99-500 and 99-591 note below.

Subsec. (d)(1)(B). Pub. L. 99-661, § 614(a)(1), (2), substituted “payment in lieu of subsistence as provided in paragraph (2) of this subsection in an amount sufficient” for “per diem in place of subsistence in an amount not more than \$50 determined by the Secretaries concerned to be sufficient” and struck out “to be” after “travel is”.

Subsec. (d)(1)(C). Pub. L. 99-661, § 1343(b)(2), substituted “subparagraph (A) of this paragraph” for “clause (1) of this subsection”.

Subsec. (d)(2) to (4). Pub. L. 99-661, § 614(a)(3), added pars. (2) to (4) and struck out former par. (2) which read as follows: “Under regulations prescribed by the Secretaries concerned, when either travel is to an area designated as a high cost area in those regulations or the per diem of paragraph (1)(B) of this subsection is less than the amount of the actual and necessary expenses

required by the unusual circumstances of the travel assignment, reimbursement may be authorized for actual and necessary expenses, but not for more than \$75 for each day in a travel status.”

1985—Subsec. (d). Pub. L. 99-145 substituted par. (1) for first sentence, designated second sentence as par. (2), and in par. (2) substituted “paragraph (1)(B)” for “clause (2)”. Prior to amendment, first sentence read as follows: “The travel and transportation allowances authorized for each kind of travel may not be more than one of the following—

“(1) transportation in kind, reimbursement therefor, or a monetary allowance in place of the cost of transportation at a rate per mile prescribed by the Secretaries concerned and based on distances established, over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of the Army;

“(2) transportation in kind, reimbursement therefor, or a monetary allowance as provided by clause (1) of this subsection plus a per diem in place of subsistence in an amount sufficient to meet actual and necessary expenses, but in no event more than \$50 a day; or

“(3) a mileage allowance at a rate per mile prescribed by the Secretaries concerned and based on distances established under clause (1) of this subsection.”

1984—Subsec. (a)(5). Pub. L. 98-525, § 613(a), added par. (5).

Subsec. (c)(1)(B). Pub. L. 98-525, § 533(g), inserted “separation pay or” before “severance pay” and before “readjustment pay”.

Subsec. (g). Pub. L. 98-525, § 1402(c), added subsec. (g).

1983—Subsec. (f)(3). Pub. L. 98-94 added par. (3).

1981—Subsec. (a). Pub. L. 97-60, § 121(a)(1), substituted “Except as provided in subsection (f) of this section and under regulations” for “Under regulations”.

Subsec. (b). Pub. L. 97-60, § 121(a)(2), designated existing provisions as par. (1), redesignated existing pars. (1) and (2) as subpars. (A) and (B) of the newly designated par. (1), and added par. (2).

Subsec. (c). Pub. L. 97-60, § 121(a)(3), designated existing provisions as par. (1) and existing pars. (1) and (2) as subpars. (A) and (B) of the newly designated par. (1), inserted “and as provided in paragraph (2) of this subsection” after “Secretaries concerned” in provisions preceding newly designated subpar. (A), and added par. (2).

Subsec. (f). Pub. L. 97-60, § 121(a)(4), designated existing provisions as par. (1), substituted “for a member who is separated from the service or released from active duty may be paid or provided only for travel actually performed” for “may be paid on the member’s separation from the service or release from active duty, whether or not he performs the travel involved” in par. (1) as so designated, and added par. (2).

1980—Subsec. (d). Pub. L. 96-343, § 5(a), substituted in par. (1) “per mile prescribed by the Secretaries concerned and” for “that is not more than 7 cents a mile”, and in par. (3) “at a rate per mile prescribed by the Secretaries concerned and” for “of not more than 10 cents a mile”.

Pub. L. 96-342 substituted in par. (2) “\$50” for “\$35” and in provision following par. (3) “\$75” for “\$50”.

1976—Subsec. (d). Pub. L. 94-296 in cl. (2) substituted “in an amount sufficient to meet actual and necessary expenses, but in no event more than \$35 a day” for “of not more than \$25 a day”, and in text following cl. (3) inserted provisions relating to travel designated as travel to a high cost area by the prescribed regulations and increased the maximum reimbursement from \$40 to \$50.

1969—Pub. L. 91-183 increased from \$16 to \$25, the maximum per diem allowance, and from \$30 to \$40, the maximum per diem allowance in unusual circumstances.

1967—Subsec. (a)(4). Pub. L. 90-168 added cl. (4).

1966—Subsec. (c). Pub. L. 89-680 inserted into the authorization for selection of a home for the purposes of

the travel and transportation allowances authorized by subsection (a) of this section provisions requiring selection not later than one year from the date of retirement, placement, discharge, or release, except as provided in regulations to be prescribed by the Secretaries concerned.

Subsec. (d). Pub. L. 89-718, §55, struck out reference to the Chief of Finance of the Army in cl. (1), substituted “subsection” for “section” and “\$16” for “\$12” in cl. (2), substituted “subsection” for “section” in cl. (3), and inserted provision authorizing reimbursement on an actual expenses basis where, due to unusual circumstances of a travel assignment, per diem reimbursement is not enough, but placing a limit of \$30 for each day in a travel status.

Subsec. (e). Pub. L. 89-718, §56, substituted “Military Airlift Command” for “Military Air Transport Service”.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 602(g) of Pub. L. 105-85, set out as a note under section 402 of this title.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title VI, §621(b), Nov. 29, 1989, 103 Stat. 1446, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to travel and transportation commenced after the date of the enactment of this Act [Nov. 29, 1989].”

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-180 applicable with respect to travel performed after Dec. 4, 1987, see section 617(c) of Pub. L. 100-180, set out as an Effective Date note under section 1591 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 100-180, div. A, title VI, §612(b)(1), Dec. 4, 1987, 101 Stat. 1093, provided that: “The amendments made by section 614(a) of the National Defense Authorization Act for Fiscal Year 1987 [section 614(a) of Pub. L. 99-661, which amended this section] shall be implemented by the Secretaries concerned (as defined in section 101(5) of title 37, United States Code) not later than 90 days after the date of the enactment of this Act [Dec. 4, 1987] and shall apply with respect to travel performed on or after the date of implementation.”

Pub. L. 99-661, div. A, title VI, §614(b), Nov. 14, 1986, 100 Stat. 3879, which provided that amendments made by section 614(a) of Pub. L. 99-661 shall become effective on such date as the President makes a certification regarding savings to the United States by such amendments, was repealed by Pub. L. 100-180, div. A, title VI, §612(a), Dec. 4, 1987, 101 Stat. 1093.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §612(c), Nov. 8, 1985, 99 Stat. 640, provided that: “The amendments made by this section [amending this section and section 406 of this title] shall apply to travel performed after September 30, 1985.”

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title VI, §613(b), Oct. 19, 1984, 98 Stat. 2540, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to travel performed after September 30, 1984.”

Amendment by section 1402(c) of Pub. L. 98-525 effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-60, title I, §121(d), Oct. 14, 1981, 95 Stat. 1002, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239,

div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that:

“(1) Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section [amending this section and sections 405a and 406 of this title] shall take effect on November 1, 1981, and shall apply to members who are separated from the service or released from active duty on or after November 1, 1981.

“(2) Paragraph (2) of section 474(b) of title 37, United States Code, as added by subsection (a)(2)(C), shall apply to travel performed after October 31, 1981.

“(3) Paragraph (3) of section 476(a) of title 37, United States Code, as added by subsection (b)(1)(C), shall take effect on the date of the enactment of this Act [Oct. 14, 1981].

“(4) The amendments made by subsections (a)(3) and (b)(3) [amending this section and section 406 of this title] shall take effect on November 1, 1981, and shall apply to members who are retired, placed on the temporary disability retired list, discharged, or involuntarily released on or after November 1, 1981, except that such amendments shall not apply to any member who before November 1, 1981, had completed eighteen years of active service.

“(5) The amendment made by subsection (b)(2)(C) [amending section 406 of this title] shall take effect on the date of the enactment of this Act [Oct. 14, 1981].”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-343, §5(c), Sept. 8, 1980, 94 Stat. 1126, provided that: “The amendments made by this section [amending this section and section 411 of this title] shall be effective with respect to travel and transportation performed after August 31, 1980.”

Pub. L. 96-342, title VIII, §807(b), Sept. 8, 1980, 94 Stat. 1096, provided that: “The amendments made by subsection (a) [amending this section] shall only apply to travel and transportation expenses incurred after September 30, 1980.”

#### EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-296, §2, May 29, 1976, 90 Stat. 584, provided that: “The amendments made by this Act [amending this section] become effective on the first day of the first calendar month following the date of enactment [May 29, 1976].”

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on first day of first calendar month following Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 138 of Title 10, Armed Forces.

#### TERMINATION OF AMENDMENTS BY PUBLIC LAWS 99-500 AND 99-591

Pub. L. 100-26, §8(a), Apr. 21, 1987, 101 Stat. 284, as amended by Pub. L. 100-180, div. A, title VI, §612(b)(2), Dec. 4, 1987, 101 Stat. 1093; Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The amendments made to section 474(d) of title 37, United States Code, by section 614(a) of the Defense Authorization Act [section 614(a) of Pub. L. 99-661] shall be executed as if that portion of section 9073 of the Defense Appropriations Act [section 101(c) [title IX, §9073] of Pub. L. 99-500 and Pub. L. 99-591, enacting S.2638, §615, which amended subsec. (d) of this section and enacted a provision set out as a note under this section] which is before the proviso had not been enacted. Such portion of section 9073 which is before the proviso shall not be in effect after the date of the enactment of this Act [Apr. 21, 1987], and the reference to ‘this section’ in such proviso shall be deemed to refer to section 614 of the Defense Authorization Act.”

#### MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS

Pub. L. 114-328, div. A, title VI, §672, Dec. 23, 2016, 130 Stat. 2178, provided that:

## “(a) MODIFICATION OF FLAT RATE.—

“(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

“(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act [Dec. 23, 2016].

“(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to an officer at the level of lieutenant general or vice admiral, or above. Such authority may not be delegated to an officer below that level.

“(c) WAIVER OF COLLECTION OF RECEIPTS.—The Secretary concerned or an officer to whom the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submission of receipts by travelers on long-term temporary duty assignments for the purpose of receiving the full per diem rate pursuant to subsection (a) if the Secretary concerned or officer, as described in subsection (b), personally certifies that requiring travelers to submit receipts for that purpose will negatively affect mission performance or create an undue administrative burden.

“(d) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ has the meaning given that term in section 101 of title 37, United States Code.”

## TRANSMISSION OF CERTIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO CONGRESS WITH RESPECT TO FISCAL YEAR 1987

Section 615(b) of S. 2638, as passed by the Senate on Aug. 9, 1986, and as enacted into law by section 101(c) [title IX, §9073] of Pub. L. 99-500 and Pub. L. 99-591, related to transmission to Congress by Secretary of Defense of certification of costs of travel and transportation allowances for fiscal year 1987. See Termination of Amendments by Public Laws 99-500 and 99-591 note above.

## INCREASE IN RATE PER MILE FOR MILEAGE ALLOWANCE

Pub. L. 98-473, title I, §101(h) [title VIII, §8113], Oct. 12, 1984, 98 Stat. 1904, 1944, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The Secretaries concerned (as defined in section 101(5) of title 37, United States Code), under uniform regulations prescribed by them and to the extent that funds are available within the permanent change of station travel account, may increase the rate per mile for mileage allowance under section 474(d)(2) of title 37, United States Code, to 15 cents per mile.”

## 1962 INCREASE IN PER DIEM RATES; REIMBURSEMENT FOR ACTUAL EXPENSES INCIDENT TO TRAVEL

The increase from \$12 to \$16 in the per diem allowance and the provision for reimbursement for actual expenses incident to travel up to \$30 per day provided in the amendment of subsec. (d) of this section by Pub. L. 89-718 had already been put into effect by Pub. L. 87-500, §§1, 2, June 27, 1962, 76 Stat. 111, which although

not amending subsec. (d) of this section, had raised the per diem allowance and provided for the reimbursement for actual expenses up to \$30 per day through the device of effecting an amendment to section 303(a) of the Career Compensation Act of 1949, act Oct. 12, 1949, ch. 681, title III, 63 Stat. 813. Pub. L. 89-500 was repealed by section 75(3) of Pub. L. 89-718, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before November 2, 1966.

## § 474a. Travel and transportation allowances: temporary lodging expenses

(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

(2) Paragraph (1) applies to the following:

(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

(C) In the case of a member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).

(3) Whenever the conditions described in clause (i) or (ii) of subparagraph (A) of section 403(b)(7) of this title exist for a military housing area or portion thereof, the Secretary concerned may increase the period for which subsistence expenses are to be paid or reimbursed under this section in the case of a change of permanent sta-

tion described in subparagraph (A) or (C) of subsection (a)(2) in the same military housing area or portion thereof to a maximum of 60 days.

(d) DAILY SUBSISTENCE RATES.—Regulations prescribed under subsection (a) shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed under section 474(d) of this title for the area where the temporary quarters are located.

(e) MAXIMUM DAILY PAYMENT.—A member may not be paid or reimbursed more than \$290 a day under this section.

(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.

(Added Pub. L. 97-60, title I, §122(a)(1), Oct. 14, 1981, 95 Stat. 1002, §404a; amended Pub. L. 99-145, title VI, §613(a), Nov. 8, 1985, 99 Stat. 640; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §621, Oct. 23, 1992, 106 Stat. 2422; Pub. L. 103-160, div. A, title VI, §621(a), (b), Nov. 30, 1993, 107 Stat. 1682; Pub. L. 106-65, div. A, title VI, §632, Oct. 5, 1999, 113 Stat. 661; Pub. L. 106-398, §1 [[div. A], title VI, §641(a), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-159, 1654A-161; Pub. L. 107-107, div. A, title VI, §632(a), (b), Dec. 28, 2001, 115 Stat. 1144; Pub. L. 109-163, div. A, title VI, §609(b), Jan. 6, 2006, 119 Stat. 3290; Pub. L. 110-181, div. A, title VI, §603(a), Jan. 28, 2008, 122 Stat. 145; Pub. L. 110-417, [div. A], title VI, §603, Oct. 14, 2008, 122 Stat. 4483; renumbered §474a and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(2), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1461, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Subsec. (d). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 404a of this title as this section.

Subsec. (d). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474(d)” for “404(d)”.

Subsec. (f). Pub. L. 112-81, §631(e)(2), added subsec. (f). 2008—Subsec. (c)(3). Pub. L. 110-181 substituted “60 days” for “20 days”.

Subsec. (e). Pub. L. 110-417 substituted “\$290 a day” for “\$180 a day”.

2006—Subsec. (c)(3). Pub. L. 109-163 added par. (3).

2001—Subsec. (a)(2)(C). Pub. L. 107-107, §632(a), substituted “a member who” for “an enlisted member who”.

Subsec. (e). Pub. L. 107-107, §632(b), substituted “\$180” for “\$110”.

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (a) and struck out former subsec. (a) which provided that a member of a uniformed service who was ordered to make certain changes of permanent station was to be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents while occupying temporary quarters.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(1), (c)(1)], redesignated subsec. (b) as (d) and inserted heading.

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(1), (c)(2)], redesignated subsec. (c) as (e) and inserted heading.

1999—Subsec. (a). Pub. L. 106-65 added par. (3) and substituted “paragraph (1) or (3)” for “clause (1)” and “paragraph (2)” for “clause (2)” in concluding provisions.

1993—Subsec. (a). Pub. L. 103-160, §621(a), substituted “10 days” for “four days” in second sentence and “five days” for “two days” in third sentence.

Subsec. (d). Pub. L. 103-160, §621(b), struck out subsec. (d) which read as follows: “In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.”

1992—Subsec. (d). Pub. L. 102-484 added subsec. (d).

1991—Subsec. (a). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “clause (1)” and “clause (2)”.

Subsec. (b). Pub. L. 102-25, §702(b)(1), struck out “of this section” after “subsection (a)”.

1985—Subsec. (a). Pub. L. 99-145 substituted “shall” for “may” in first sentence, and substituted “are to” for “may” the first place it appears in second and third sentences.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-163 applicable with respect to months beginning on or after Sept. 1, 2005, see section 609(c) of Pub. L. 109-163, set out as a note under section 403 of this title.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §632(c), Dec. 28, 2001, 115 Stat. 1144, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 2002, and apply with respect to an order issued on or after that date to a member of the uniformed services to report to the member's first permanent duty station.”

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title VI, §621(c), Nov. 30, 1993, 107 Stat. 1682, provided that: “The amendments made by this section [amending this section] shall take effect on April 1, 1994.”

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §613(b), Nov. 8, 1985, 99 Stat. 640, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

#### EFFECTIVE DATE

Pub. L. 97-60, title I, §122(c), Oct. 14, 1981, 95 Stat. 1003, provided that: “The amendments made by this section [enacting this section and amending section 411 of this title] shall take effect on April 1, 1982.”

PROHIBITION ON PAYMENT OF TEMPORARY LODGING  
EXPENSES; EXCEPTION

Pub. L. 99-500, §101(c) [title IX, §9097], Oct. 18, 1986, 100 Stat. 1783-82, 1783-117, and Pub. L. 99-591, §101(c) [title IX, §9097], Oct. 30, 1986, 100 Stat. 3341-82, 3341-117, provided that none of the funds appropriated by the Department of Defense Appropriations Act, 1987, Pub. L. 99-500, §101(c), and Pub. L. 99-591, §101(c), were to be available to pay temporary lodging expenses pursuant to subsec. (a) of this section, except that during fiscal year 1987, this provision was not to apply to those military personnel with dependents in grades E-4 and below.

**§ 474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member**

(a) PAYMENT OR REIMBURSEMENT AUTHORIZED.—The Secretary concerned may pay or reimburse a member of the armed forces assigned to temporary duty as described in subsection (b) for lodging expenses incurred by the member at the temporary duty location during an authorized absence of the member from the temporary duty location.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member assigned to temporary duty, for a period of more than 30 days, in support of a contingency operation or in other specific situations designated by the Secretary concerned if the member—

(1) immediately before the authorized absence, was performing the temporary duty at a location away from the home or permanent duty station of the member;

(2) was receiving a per diem allowance under section 474(a)(4) of this title to cover lodging and subsistence expenses incurred at the temporary duty location because quarters of the United States were not available for assignment to the member at that location; and

(3) before the end of the authorized absence, returns to the duty location.

(c) PAYMENT LIMITATION.—The amount paid or reimbursed under subsection (a) for a member may not exceed the lesser of—

(1) the actual daily cost of lodging incurred by the member at the temporary duty location during the authorized absence of the member; and

(2) the lodging portion of the applicable daily per diem rate for the temporary duty location.

(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term “authorized absence”, with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized under regulations prescribed by the Secretary concerned.

(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.

(Added Pub. L. 108-136, div. A, title VI, §635(a), Nov. 24, 2003, 117 Stat. 1510, §404b; amended Pub. L. 109-163, div. A, title VI, §651(a), (b)(1), Jan. 6, 2006, 119 Stat. 3311; renumbered §474b and

amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(3), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1461, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

## AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 404b of this title as this section.

Subsec. (b)(2). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474(a)(4)” for “404(a)(4)”.

Subsec. (e). Pub. L. 112-81, §631(e)(3), added subsec. (e).

2006—Pub. L. 109-163, §651(b)(1), substituted “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member” for “Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave” in section catchline.

Subsec. (a). Pub. L. 109-163, §651(a)(1), substituted “during an authorized absence of the member from the temporary duty location” for “while the member is in an authorized leave status”.

Subsec. (b)(1). Pub. L. 109-163, §651(a)(2)(A), substituted “the authorized absence” for “taking the authorized leave”.

Subsec. (b)(3). Pub. L. 109-163, §651(a)(2)(B), substituted “before the end of the authorized absence” for “immediately after completing the authorized leave”.

Subsec. (c)(1). Pub. L. 109-163, §651(a)(3), substituted “during the authorized absence of the member” for “while the member was in an authorized leave status”.

Subsec. (d). Pub. L. 109-163, §651(a)(4), added subsec. (d).

## EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

**§ 475. Travel and transportation allowances: per diem while on duty outside the continental United States**

(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the continental United States, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary’s jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(d) UNUSUAL OR EXTRAORDINARY EXPENSES.—(1) The Secretary concerned may reimburse a member of the uniformed services on duty as described in subsection (a) or (e) for an unusual or

extraordinary expense incurred by the member incident to such duty that—

(A) is directly related to the conditions or location of the duty or the location of the member's dependents;

(B) is of a nature or a magnitude not normally incurred by members of the uniformed services on duty inside the continental United States; and

(C) is not included in the per diem determined under subsection (b) as payable to the member under subsection (a) or (e).

(2) Any reimbursement provided to a member under paragraph (1) is in addition to a per diem payable to that member under subsection (a) or (e).

(e) **PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.**—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member's dependents and in the best interest of the United States.

(f) **TERMINATION.**—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 473, § 405; Pub. L. 89-718, § 57, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 91-486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96-107, title VIII, § 807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98-525, title VI, § 602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99-145, title XIII, § 1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101-189, div. A, title VI, § 622(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 103-160, div. A, title VI, § 622(a), Nov. 30, 1993, 107 Stat. 1683; Pub. L. 105-85, div. A, title VI, § 603(c)(2), Nov. 18, 1997, 111 Stat. 1781; Pub. L. 105-261, div. A, title VI, § 603(b), Oct. 17, 1998, 112 Stat. 2037; Pub. L. 106-398, § 1 [[div. A], title VI, § 641(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-160; Pub. L. 108-375, div. A, title VI, § 605(a), (b)(1), (2), Oct. 28, 2004, 118 Stat. 1945; Pub. L. 109-163, div. A, title VI, § 612, Jan. 6, 2006, 119 Stat. 3291; renumbered § 475 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(4), Dec. 31, 2011, 125 Stat. 1460, 1462.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
405 .....	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words "Secretaries concerned" are substituted for the words "Secretaries of the uniformed services" to conform to other subsections of the source statute. The words "outside the United States, or in Hawaii or Alaska" are substituted for the words "outside the continental United States or in Alaska" to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

#### AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 405 of this title as this section.

Subsec. (f). Pub. L. 112-81, § 631(e)(4), added subsec. (f). 2006—Subsec. (d). Pub. L. 109-163, § 612(b)(1), substituted "Unusual or Extraordinary" for "Non-recurring" in heading.

Subsec. (d)(1). Pub. L. 109-163, § 612(b)(1), (3)(A), in introductory provisions, inserted "or (e)" after "subsection (a)" and substituted "an unusual or extraordinary" for "a nonrecurring".

Subsec. (d)(1)(A). Pub. L. 109-163, § 612(b)(3)(B), inserted "or the location of the member's dependents" before semicolon.

Subsec. (d)(1)(C), (2). Pub. L. 109-163, § 612(b)(2), inserted "or (e)" after "subsection (a)".

Subsec. (e). Pub. L. 109-163, § 612(a), added subsec. (e). 2004—Pub. L. 108-375, § 605(b)(2), amended section catchline generally, substituting "continental United States" for "United States or in Hawaii or Alaska".

Subsec. (a). Pub. L. 108-375, § 605(b)(1), substituted "outside of the continental United States" for "outside of the United States or in Hawaii or Alaska".

Subsec. (d). Pub. L. 108-375, § 605(a), added subsec. (d). 2000—Pub. L. 106-398 amended section generally. Prior to amendment, section authorized payment of a per diem to members of the uniformed services on duty outside of the United States or in Hawaii or Alaska and specified what elements were to be considered in determining the per diem allowance.

1998—Subsec. (c). Pub. L. 105-261 struck out subsec. (c) which authorized the Secretary concerned to make a lump-sum payment for nonrecurring expenses to certain members of the uniformed services authorized to receive per diem allowances under subsec. (a).

1997—Subsecs. (b) to (d). Pub. L. 105-85 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: "A station housing allowance may be prescribed under this section for a member who is on duty outside of the United States without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska. A station housing allowance prescribed under this section may be paid in advance."

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a)."

1989—Subsec. (d). Pub. L. 101-189 added subsec. (d).

1985—Pub. L. 99-145 inserted "the" after "outside" in section catchline.

1984—Subsec. (a). Pub. L. 98-525, § 602(e)(1), designated first two sentences of existing section as subsec. (a).

Subsec. (b). Pub. L. 98-525, § 602(e)(2), (3), designated third and fourth sentences of existing section as subsec. (b), in such third sentence as so designated inserted "for a member who is on duty outside of the United States" after "under this section", and inserted after such third sentence: "A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska."

Subsec. (c). Pub. L. 98-525, § 602(e)(4), designated last sentence of existing section as subsec. (c).

1979—Pub. L. 96-107 inserted provisions relating to advance payment of station housing allowances.

1970—Pub. L. 91-486 inserted provision authorizing a station housing allowance.

1966—Pub. L. 89-718 substituted "the" for "a" after "including".

## EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

## EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title VI, § 622(b), Nov. 30, 1993, 107 Stat. 1683, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to nonrecurring expenses and currency fluctuation gains described in [former] section 475(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.”

## EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title VI, § 622(b), Nov. 29, 1989, 103 Stat. 1447, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to expenses incurred after August 31, 1990.”

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Jan. 1, 1985, with exceptions, see section 602(f) of Pub. L. 98-525, as amended, set out as a note under section 403 of this title.

## EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-107, title VIII, § 807(b), Nov. 9, 1979, 93 Stat. 814, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1979.”

**§ 475a. Travel and transportation allowances: departure allowances**

(a) Under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are authorized or ordered to depart by competent authority, they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the departure. Allowances authorized by this section are in addition to those authorized by any other section of this title. Such allowances may be paid in advance. For the purposes of this section, a dependent “authorized or ordered to depart by competent authority” includes—

(1) a dependent who is present at or in the vicinity of the member’s duty station when the departure of dependents is authorized or ordered by competent authority and who actually moved to an authorized safe haven designated by that authority, whether such safe haven is at or in the vicinity of the member’s duty station or elsewhere;

(2) a dependent who resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is authorized or ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;

(3) a dependent who established a household at or in the vicinity of the member’s duty station but who is temporarily absent therefrom for any reason when departure of dependents is authorized or ordered by competent authority; and

(4) a dependent who was authorized to join the member and who departed from his former place of residence incident to joining the member but who, as a result of the departure of dependents, is diverted to a safe haven designated by competent authority or is authorized to travel to a place the dependent may designate, even though he was in the United States when the departure was authorized or ordered.

(b)(1) Under regulations prescribed by the Secretaries concerned, each member whose dependents are covered by subsection (a) is entitled to have one motor vehicle that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents, transported at the expense of the United States to a designated place for the use of the dependents. When the dependents are permitted to rejoin the member, the vehicle may be transported at the expense of the United States to his permanent duty station.

(2) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under paragraph (1) does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the dependent’s use. The amount reimbursed may not exceed \$30 per day, and the rental period for which reimbursement may be provided expires after 7 days or on the date on which the delayed vehicle arrives at the authorized destination (whichever occurs first).

(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.

(Added Pub. L. 89-26, § 1(1), May 22, 1965, 79 Stat. 116, § 405a; amended Pub. L. 89-608, § 2, Sept. 30, 1966, 80 Stat. 851; Pub. L. 96-465, title II, § 2303(e), Oct. 17, 1980, 94 Stat. 2165; Pub. L. 97-60, title I, § 121(c), 123, Oct. 14, 1981, 95 Stat. 1002, 1003; Pub. L. 99-661, div. A, title XIII, § 1343(b)(3), Nov. 14, 1986, 100 Stat. 3995; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 625(b)(1), Oct. 23, 1992, 106 Stat. 2424; Pub. L. 104-106, div. A, title VI, § 622(a), Feb. 10, 1996, 110 Stat. 363; Pub. L. 105-261, div. A, title VI, § 653(c), Oct. 17, 1998, 112 Stat. 2052; renumbered § 475a and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(5), Dec. 31, 2011, 125 Stat. 1460, 1462.)

## AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 405a of this title as this section.

Subsec. (c). Pub. L. 112-81, § 631(e)(5), added subsec. (c).

1998—Subsec. (b). Pub. L. 105-261 designated existing provisions as par. (1) and added par. (2).



1996—Subsec. (a). Pub. L. 104-106 substituted “authorized or ordered” for “ordered” wherever appearing.

1992—Subsec. (a)(2) to (4). Pub. L. 102-484 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1986—Pub. L. 99-661 substituted “departure” for “evacuation” in section catchline.

1981—Subsec. (a). Pub. L. 97-60, §123, inserted provision authorizing the payment of allowances in advance.

Subsec. (b). Pub. L. 97-60, §121(c), substituted “that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents” for “owned by him and for his personal use, or the use of the dependents.”

1980—Subsec. (a). Pub. L. 96-465 substituted “to depart” and “departure” for “evacuated” and “evacuation”, respectively, wherever appearing.

1966—Subsec. (a). Pub. L. 89-608 struck out provision requiring that to qualify for allowances the evacuated dependents have been evacuated from places outside the United States to places inside the United States.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title VI, §653(e), Oct. 17, 1998, 112 Stat. 2052, provided that:

“(1) Reimbursement for motor vehicle rental expenses may not be provided under the amendments made by this section [amending this section and sections 406 and 554 of this title and section 2634 of Title 10, Armed Forces] until after the date on which the Secretary of Defense submits to Congress a report containing a certification that the Department of Defense has in place and operational a system to recover the cost of providing such reimbursement from commercial carriers that are responsible for the delay in the delivery of the motor vehicles of members of the Armed Forces and their dependents. The Secretary of Defense shall prepare the report in consultation with the Secretary of Transportation, with respect to the Coast Guard.

“(2) The amendments shall apply with respect to rental expenses described in such amendments that are incurred on or after the date of the submission of the report. The report shall be submitted not later than six months after the date of the enactment of this Act [Oct. 17, 1998] and shall include, in addition to the certification, a description of the system to be used to recover from commercial carriers the costs incurred under such amendments.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title VI, §622(b), Feb. 10, 1996, 110 Stat. 363, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to persons authorized or ordered to depart as described in section 475a(a) of title 37, United States Code, on or after October 1, 1995.”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-484, div. A, title VI, §625(b)(2), Oct. 23, 1992, 106 Stat. 2424, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect as of August 23, 1992, and shall apply with respect to any evacuation ordered by competent military authority on or after that date.”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective Nov. 1, 1981, to apply to members who are separated from the service or released from active duty on or after Nov. 1, 1981, see section 121(d) of Pub. L. 97-60, set out as a note under section 474 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

#### EFFECTIVE DATE

Pub. L. 89-26, §2, May 22, 1965, 79 Stat. 117, as amended by Pub. L. 89-608, §1, Sept. 30, 1966, 80 Stat. 851; Pub. L. 92-176, Dec. 2, 1971, 85 Stat. 494, provided that: “This Act [enacting this section and amending sections 407, 411, and 1006 of this title] becomes effective on February 1, 1965.”

### § 476. Travel and transportation allowances: dependents; baggage and household effects

(a)(1) Except as provided in paragraph (2), a member of a uniformed service who is ordered to make a change of permanent station is entitled to transportation in kind, reimbursement therefor, or a monetary allowance in place of the cost of transportation, plus a per diem, for the member’s dependents at rates prescribed by the Secretaries concerned, but not more than the rate authorized under section 474(d) of this title. The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed \$550 per change of station, when the member incurs the fees incident to such change of station.

(2)(A) Except as provided in subparagraph (B), a member who—

(i) is separated from the service or released from active duty; and

(ii) on the date of his separation from the service or release from active duty, has not served on active duty for a period of time equal to at least 90 percent of the period of time for which he initially enlisted or otherwise initially agreed to serve,

may be provided transportation under this subsection for his dependents only by transportation in kind by the least expensive mode of transportation available or by a monetary allowance that does not exceed the cost to the Government of such transportation in kind.

(B) Subparagraph (A) does not apply to a member—

(i) who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10;

(ii) who is separated from the service or released from active duty for a medical condition affecting the member, as determined by the Secretary concerned;

(iii) who is separated from the service or released from active duty because the period of time for which the member initially enlisted or otherwise initially agreed to serve has been reduced by the Secretary concerned and is separated or released under honorable conditions;

(iv) who is discharged under section 1173 of title 10; or

(v) who is involuntarily separated from active duty during the period beginning on October 1, 1990, and ending on December 31, 2001.

(3) The allowances authorized under this subsection may be paid in advance.

(4) In this section, the term “involuntarily separated” has the meaning given that term in section 1141 of title 10.

(b)(1)(A) Except as provided in paragraph (2), in connection with a change of temporary or permanent station, a member is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects within the weight allowances listed in subparagraph (C), without regard to the comparative costs of the various modes of transportation. Temporary storage in excess of 180 days may be authorized. Alternatively, the member may be paid reimbursement or a monetary allowance under subparagraph (F).

(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634<sup>1</sup> of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

(i) from the old duty station to—

(I) the customary port of embarkation which is nearest the old duty station if delivery of the motor vehicle to the port of embarkation is not made in conjunction with the member's travel to the member's port of embarkation; or

(II) the customary port of embarkation which is nearest to the member's port of embarkation if delivery of the motor vehicle to the port of embarkation is made in conjunction with the member's travel to the member's port of embarkation;

whichever is most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station; and

(ii) from the customary port of debarkation which has been designated by the Government as most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station to the new duty station.

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 474(d)(1) of this title. If clause (i)(I) applies to the transportation by the member of a motor vehicle from the old duty station, the monetary allowance under this subparagraph shall also cover return travel to the old duty station by the member or other person transporting the vehicle. In the case of transportation described in clause (ii), the monetary allowance shall also cover travel from the new duty station to the port of debarkation to pick up the vehicle. In the case of the transportation of a motor vehicle arranged by the member under section 2634(h)<sup>1</sup> of title 10, the Secretary concerned may pay the member, upon presentation of proof of shipment, a monetary allowance in lieu of transportation, as established under section 474(d)(1) of this title.

(C) Under regulations prescribed by the Secretary of Defense, the weight allowance in

pounds to which a member is entitled under subparagraph (A) is determined in accordance with the following table:

Pay Grade	Without Dependents	With Dependents
O-10 to O-6 .....	18,000	18,000
O-5 .....	16,000	17,500
O-4 .....	14,000	17,000
O-3 .....	13,000	14,500
O-2 .....	12,500	13,500
O-1 .....	10,000	12,000
W-5 .....	16,000	17,500
W-4 .....	14,000	17,000
W-3 .....	13,000	14,500
W-2 .....	12,500	13,500
W-1 .....	10,000	12,000
E-9 .....	13,000	15,000
E-8 .....	12,000	14,000
E-7 .....	11,000	13,000
E-6 .....	8,000	11,000
E-5 .....	7,000	9,000
E-4 .....	7,000	8,000
E-3 .....	5,000	8,000
E-2 .....	5,000	8,000
E-1 .....	5,000	8,000

(D)(i) In connection with the change of temporary or permanent station of a member in a pay grade below pay grade O-6, the Secretary concerned may authorize a higher weight allowance than the weight allowance determined under subparagraph (C) for the member if the Secretary concerned determines that the application of the weight allowance determined under such subparagraph would result in significant hardship to the member or the dependents of the member. An increase in weight allowance under this clause may not result in a weight allowance exceeding the weight allowance specified in subparagraph (C) for pay grades O-6 to O-10, unless the additional weight allowance in excess of such maximum is intended to permit the shipping of consumables that cannot be reasonably obtained at the new station of the member.

(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.

(iii) The Secretary of Defense shall prescribe regulations to carry out this subparagraph.

(E) Under regulations prescribed by the Secretary of Defense, or the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy, cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy, and midshipmen at the United States Naval Academy shall be entitled, in connection with temporary or permanent station change, to transportation of baggage and household effects as provided in subparagraph (A). The weight allowance for cadets and midshipmen is 350 pounds.

(F) A member entitled to transportation of baggage and household effects under subparagraph (A) may, as an alternative to the provision of transportation, be paid reimbursement

<sup>1</sup> See References in Text note below.

or, at the member's request, a monetary allowance in advance for the cost of transportation of the baggage and household effects. The monetary allowance may be paid only if the amount of the allowance does not exceed the cost that would be incurred by the Government under subparagraph (A) for the transportation of the baggage and household effects. Appropriations available to the Department of Defense, the Department of Homeland Security, and the Department of Health and Human Services for providing transportation of baggage or household effects of members of the uniformed services shall be available to pay a reimbursement or monetary allowance under this subparagraph. The Secretary concerned may prescribe the manner in which the risk of liability for damage, destruction, or loss of baggage or household effects arranged, packed, crated, or loaded by a member is allocated among the member, the United States, and any contractor when a reimbursement or monetary allowance is elected under this subparagraph.

(G) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay a member a share (determined pursuant to such regulations) of the savings resulting to the United States when the total weights of the member's baggage and household effects shipped and stored under subparagraph (A) are less than the average weights of the baggage and household effects that are shipped and stored, respectively, by other members in the same grade and with the same dependents status as the member in connection with changes of station that are comparable to the member's change of station. The total savings shall be equal to the difference between the cost of shipping and cost of storing such average weights of baggage and household effects, respectively, and the corresponding costs associated with the weights of the member's baggage and household effects. For the administration of this subparagraph, the Secretary of Defense shall annually determine the average weights of baggage and household effects shipped and stored in connection with a change of temporary or permanent station.

(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of family household pets.

(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.

(2) The transportation and allowances authorized under paragraph (1) may be paid or provided to a member upon his separation from the service or release from active duty only if the member applies for the transportation and allowances not later than 180 days after the date of his separation or release from active duty. If a member to whom this paragraph applies has been authorized nontemporary storage under subsection (d), the 180-day period shall not begin until such authorization for nontemporary storage expires. This paragraph does not apply to a member to whom subsection (g)(1) applies.

(c) The allowances and transportation authorized by subsections (a) and (b) are in addition to those authorized by sections 403(c), 474, and 475 of this title and are—

(1) subject to such conditions and limitations;

(2) for such grades, ranks, and ratings; and

(3) to and from such places;

prescribed by the Secretaries concerned. Transportation of the household effects of a member may not be made by commercial air carrier at an estimated over-all cost that is more than the estimated over-all cost of the transportation thereof by other means, unless an appropriate transportation officer has certified in writing to his commanding officer that those household effects to be so transported are necessary for use in carrying out assigned duties, or are necessary to prevent undue hardship and other means of transportation will not fill those needs. However, not more than 1,000 pounds of unaccompanied baggage may be transported by commercial air carrier, without regard to the preceding sentence, under regulations prescribed under the authority of the Secretary of Defense.

(d) The nontemporary storage of baggage and household effects may be authorized in facilities of the United States, or in commercial facilities when it is considered to be more economical to the United States. However, the weight of baggage and household effects stored, plus the weight of the baggage and household effects transported, in connection with a change of station may not be more than the maximum weight limitations in regulations prescribed by the Secretaries concerned when it is not otherwise fixed by law. In the event a member's baggage and household effects exceed such maximum weight limitation, the Secretary concerned, if requested to do so by the member, may pay the costs for the nontemporary storage of that excess weight and collect the amount paid from the member's pay and allowances, or collect the amount in such other manner as the Secretary concerned determines appropriate. The nontemporary storage of baggage and household effects may not be authorized for a period longer than one year from the date the member concerned is separated from the service, retired, placed on the temporary disability retired list, discharged, or released from active duty, except as prescribed in regulations by the Secretaries concerned for a member who, on that date, or at any time during the one-year period following that date, is confined in a hospital, or is in its vicinity, undergoing medical treatment; or in the case of a member who—

(1) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10; or

(2) is retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or severance pay or is involuntarily released from active duty with separation pay or readjustment pay.

Except in the case of a member who, on the date of his separation, discharge, or release, or at any time during the one-year period following that date, is confined in a hospital, or is in its vicinity, undergoing medical treatment, the cost of the storage, for the period that exceeds one year, shall be paid by the member.

(e) When orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of his dependents, baggage, and household effects, the Secretaries concerned may authorize the movement of the dependents, baggage, and household effects and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof (as the case may be), plus a per diem, as authorized under subsection (a) or (b). This subsection may be used only under unusual or emergency circumstances, including those in which—

(1) the member is performing duty at a place designated by the Secretary concerned as being within a zone from which dependents should be evacuated;

(2) orders which direct the member's travel in connection with temporary duty do not provide for return to the permanent station or do not specify or imply any limit to the period of absence from his permanent station; or

(3) the member is serving on permanent duty at a station outside the United States, in Hawaii or Alaska, or on sea duty.

(f)(1) Under regulations prescribed by the Secretary concerned, transportation for dependents, baggage, and household effects of a member, plus a per diem for the member's dependents, is authorized if the member dies while entitled to basic pay under chapter 3 of this title.

(2) The Secretary concerned shall give the dependents of a member described in paragraph (1) a period of not less than three years, beginning on the date of the death of the member, during which to select a home for the purposes of the travel and transportation allowances authorized by this section.

(g)(1) Under uniform regulations prescribed by the Secretaries concerned, a member who—

(A) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10;

(B) is retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or severance pay or is involuntarily released from active duty with separation pay or readjustment pay; or

(C) is involuntarily separated from active duty during the period beginning on October 1, 1990, and ending on December 31, 2001,

is, not later than one year from the date he is so retired, placed on that list, involuntarily separated, discharged, or released, except as prescribed in regulations by the Secretaries concerned, entitled to transportation for his dependents, baggage, and household effects to the home selected under section 474(c) of this title, and to a per diem for his dependents. In addition, baggage and household effects may be shipped to a location other than the home selected by the member.

(2) If baggage and household effects of a member are shipped to a place selected by a member as his home under section 474(c) of this title that is not a place described in clause (A) or (B) of section 474(c)(2) of this title or to a location other than the home selected by the member, or if transportation is provided for a member's dependents to a place selected by the member as his home under section 474(c) of this title that is not a place described in clause (A) or (B) of section 474(c)(2) of this title, and the costs of that shipment or transportation are in excess of those that would have been incurred if the shipment had been made or the transportation had been provided to a location in the United States (other than Alaska or Hawaii), the member shall pay that excess cost.

(3) If a member authorized to select a home under section 474(c) of this title accrues that right or any entitlement under this subsection but dies before the member exercises the right or entitlement, that right or entitlement accrues to and may be exercised by the surviving dependents at any time before the end of the three-year period beginning on the date on which the member accrued that right or entitlement. If there are no surviving dependents, the baggage and household effects of the deceased member may be shipped to the home of the person legally entitled to such baggage and effects. However, if baggage and household effects are shipped under circumstances described in paragraph (2) in which the member would have been required to pay the excess costs of that shipment, the surviving dependents or the person legally entitled to the baggage and household effects, as the case may be, shall pay that excess cost.

(h)(1) If the Secretary concerned determines that it is in the best interests of a member described in paragraph (2) or the member's dependents and the United States, the Secretary may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of the member's dependents, baggage, and household effects—

(A) authorize the movement of the member's dependents, baggage, and household effects at the station to an appropriate location in the United States or its possessions or, if the dependents are foreign nationals, to the country of the dependents' origin and prescribe transportation in kind, reimbursement therefor, or

a monetary allowance in place thereof, as the case may be, plus a per diem, as authorized under subsection (a) or (b); and

(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle, which is owned or leased by the member (or a dependent of the member) and is for the personal use of a dependent of the member, to that location by means of transportation authorized under section 2634<sup>1</sup> of title 10 or authorize the storage of the motor vehicle pursuant to subsection (b) of such section.

If the member's baggage and household effects are in nontemporary storage under subsection (d), the Secretary concerned may authorize their movement to the location concerned and prescribe transportation in kind or reimbursement therefor, as authorized under subsection (b). For the purposes of this section, a member's unmarried child for whom the member received transportation in kind to his station outside the United States or in Hawaii or Alaska, reimbursement therefor, or a monetary allowance in place thereof and who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member while the member was serving at that station shall still be considered as a dependent of the member.

(2) A member referred to in paragraph (1) is a member who—

(A) is serving at a station outside the United States or in Hawaii or Alaska;

(B) receives an administrative discharge under other than honorable conditions; or

(C) is sentenced by a court-martial—

(i) to be confined for a period of more than 30 days,

(ii) to receive a dishonorable or bad-conduct discharge, or

(iii) to be dismissed from a uniformed service.

(3) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this subsection does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the dependent's use. The amount reimbursed may not exceed \$30 per day, and the rental period for which reimbursement may be provided expires after 7 days or on the date on which the delayed vehicle arrives at the authorized destination (whichever occurs first).

(4)(A) If a determination described in subparagraph (B) is made with respect to a dependent of a member described in that subparagraph and a request described in subparagraph (C) is made by or on behalf of that dependent, the Secretary may provide a benefit authorized for a member under paragraph (1) or (3) to that dependent in lieu of providing such benefit to the member.

(B) A determination described in this subparagraph is a determination by the commanding officer of a member that—

(i) the member has committed a dependent-abuse offense against a dependent of the member;

(ii) a safety plan and counseling have been provided to that dependent;

(iii) the safety of the dependent is at risk; and

(iv) the relocation of the dependent is advisable.

(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent of a dependent child in the case of a dependent child of a member, for relocation.

(D) Transportation may be provided under this paragraph for household effects or a motor vehicle only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to the spouse or dependent of the member concerned.

(E) In this paragraph, the term "dependent-abuse offense" means an offense described in section 1059(c) of title 10.

(i) A member traveling under orders who is relieved from a duty station is entitled to transportation for his dependents, baggage, and household effects, plus a per diem for the member's dependents, regardless of the time the dependents, baggage, or household effects arrive at their destination. Appropriations of the Department of Defense available for travel or transportation that are current when the member is relieved may be used to pay for the transportation.

(j) Under uniform regulations prescribed by the Secretaries concerned, a member with dependents who is ordered to make an overseas permanent change of station and who, in anticipation of his dependents accompanying him overseas, ships baggage and household effects to that overseas station, may be authorized a return shipment of the baggage and household effects if, after the shipment, the member's dependents are unable to accompany him overseas and the Secretary concerned determines that such inability was unexpected and uncontrollable.

(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.

(l)(1) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if—

(A) during the three years preceding filling the vacancy, the member was involuntarily

separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

(C) the member is—

(i) qualified in a skill designated as critically short by the Secretary concerned; or

(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.

(m) For the purposes of this section, the residence of a dependent of a member who is a student not living with the member while at school shall be considered to be the permanent duty station of the member or the designated residence of dependents of the member if the member's dependents are not authorized to reside with the member.

(n) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

(o) No transportation, reimbursement, allowance, or per diem may be provided under this section—

(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.

(p)(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the armed forces for qualified relicensing costs of the spouse of the member when—

(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, from a duty station in one State to a duty station in another State; and

(B) the movement of the member's dependents is authorized at the expense of the United States under this section as part of the reassignment.

(2) Reimbursement provided to a member under this subsection may not exceed \$500 in connection with each reassignment described in paragraph (1).

(3) Not later than December 31, 2021, the Secretary of Defense, in consultation with the Sec-

retary of Homeland Security with respect to the Coast Guard, shall submit to the congressional defense committees, the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report—

(A) describing the extent to which the reimbursement authority provided by this subsection has been used; and

(B) containing a recommendation by the Secretaries regarding whether the authority should be extended beyond the date specified in paragraph (4).

(4) No reimbursement may be provided under this subsection for qualified relicensing costs paid or incurred after December 31, 2022.

(5) In this subsection, the term "qualified relicensing costs" means costs, including exam and registration fees, that—

(A) are imposed by the State of the new duty station to secure a license or certification to engage in the same profession that the spouse of the member engaged in while in the State of the original duty station; and

(B) are paid or incurred by the member or spouse to secure the license or certification from the State of the new duty station after the date on which the orders directing the reassignment described in paragraph (1) are issued.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 473, § 406; Pub. L. 88-431, § 1(a), Aug. 14, 1964, 78 Stat. 439; Pub. L. 89-101, § 2, July 30, 1965, 79 Stat. 425; Pub. L. 89-680, § 1(2), (3), Oct. 15, 1966, 80 Stat. 957; Pub. L. 89-718, §§ 58, 59, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-623, § 3(6), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-107, title VIII, § 814, Nov. 9, 1979, 93 Stat. 817; Pub. L. 96-513, title V, § 506(7), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 97-60, title I, § 121(b), Oct. 14, 1981, 95 Stat. 1000; Pub. L. 97-86, title IV, § 404, Dec. 1, 1981, 95 Stat. 1105; Pub. L. 97-258, § 2(i)(1), Sept. 13, 1982, 96 Stat. 1061; Pub. L. 97-295, § 3(4), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 98-94, title IX, § 909, Sept. 24, 1983, 97 Stat. 638; Pub. L. 99-145, title VI, §§ 612(b), 614(a), 617(a), title XIII, § 1303(b)(9), Nov. 8, 1985, 99 Stat. 639-641, 741; Pub. L. 99-433, title VI, § 602(f)(2), Oct. 1, 1986, 100 Stat. 1070; Pub. L. 99-661, div. A, title VI, §§ 617(a), 620(a), (b)(1), 652(a), (b), Nov. 14, 1986, 100 Stat. 3880, 3882, 3888; Pub. L. 100-180, div. A, title VI, § 616(b), Dec. 4, 1987, 101 Stat. 1096; Pub. L. 100-456, div. A, title VI, § 602(a), Sept. 29, 1988, 102 Stat. 1976; Pub. L. 101-189, div. A, title VI, § 623(a), (b), Nov. 29, 1989, 103 Stat. 1447; Pub. L. 101-510, div. A, title V, § 503(b), title VI, §§ 621, 622(a), title XIV, § 1484(i)(9), Nov. 5, 1990, 104 Stat. 1558, 1580, 1718; Pub. L. 102-25, title VII, § 702(b)(1)-(3), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-190, div. A, title XI, § 1111(d)(4), Dec. 5, 1991, 105 Stat. 1492; Pub. L. 102-241, § 12, Dec. 19, 1991, 105 Stat. 2213; Pub. L. 102-484, div. A, title VI, § 622(a), title X, § 1054(a)(4), Oct. 23, 1992, 106 Stat. 2422, 2502; Pub. L. 103-160, div. A, title V, § 561(l)(1), title XI, § 1182(d)(1), Nov. 30, 1993, 107 Stat. 1668, 1773; Pub. L. 104-106, div. A, title VI, §§ 623, 642(a)(1), title XV, §§ 1502(b), 1505(d), Feb. 10, 1996, 110 Stat. 363, 368, 506, 514; Pub. L. 104-201, div. A, title III, § 368(b), title VI, § 621(a), 624,

Sept. 23, 1996, 110 Stat. 2498, 2548; Pub. L. 105–85, div. A, title VI, §§ 603(d)(1)(B), 631, Nov. 18, 1997, 111 Stat. 1782, 1795; Pub. L. 105–261, div. A, title V, § 561(f), title VI, §§ 631(a), (b)(1), 632, 653(b), Oct. 17, 1998, 112 Stat. 2025, 2043, 2044, 2051; Pub. L. 106–398, § 1 [[div. A], title V, § 571(f), title VI, §§ 642(a), 643], Oct. 30, 2000, 114 Stat. 1654, 1654A–134, 1654A–161; Pub. L. 107–107, div. A, title VI, §§ 633(a), 634(a), Dec. 28, 2001, 115 Stat. 1144; Pub. L. 107–296, title XVII, § 1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–136, div. A, title V, § 571, title VI, § 631(b), Nov. 24, 2003, 117 Stat. 1484, 1508; Pub. L. 109–163, div. A, title VI, §§ 652, 654(a), Jan. 6, 2006, 119 Stat. 3312, 3313; Pub. L. 110–289, div. B, title VI, § 2609, July 30, 2008, 122 Stat. 2862; Pub. L. 110–417, [div. A], title VI, §§ 621, 622, Oct. 14, 2008, 122 Stat. 4491, 4492; renumbered § 476 and amended Pub. L. 112–81, div. A, title VI, § 631(d)(2), (e)(6), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112–239, div. A, title VI, § 621(b), title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1779, 1948; Pub. L. 115–91, div. A, title V, § 556(a), Dec. 12, 2017, 131 Stat. 1403.)

#### HISTORICAL AND REVISION NOTES 1962 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
406(a) .....	37:253(c) (1st sentence, less 1st 33 words, and less last 59 words).	Oct. 12, 1949, ch. 681, § 303(c), (1st through 3d, 9th, 11th, 13th through 16th and last, sentences), 63 Stat. 814; Mar. 31, 1955, ch. 20, § 2(12), (13), 69 Stat. 21, 22; Aug. 5, 1955, ch. 571, 69 Stat. 532; Aug. 11, 1955, ch. 806, § 2, 69 Stat. 691; July 12, 1960, Pub. L. 86–637, § 1(a), 74 Stat. 471; July 12, 1960, Pub. L. 86–638, § 2, 74 Stat. 471; Aug. 17, 1961, Pub. L. 87–140, 75 Stat. 341.
406(b) .....	37:253(c) (last 59 words of 1st sentence).	
406(c) .....	37:253(c) (1st 33 words of 1st sentence and 2d sentence).	
406(d) .....	37:253(c) (3d sentence).	
406(e) .....	37:253(c) (9th sentence).	
406(f) .....	37:253(c) (11th sentence).	
406(g) .....	37:253(c) (13th through 16th, and last, sentences).	

In subsection (b), the words “to and from such locations” are omitted as covered by subsection (c)(3).

In subsection (c), the 15 words preceding clause (1) of the first sentence are substituted for the 1st 7 words of the 1st sentence of section 253(c) of existing title 37. The 39th through 47th words of the 2d sentence of section 253(c) of existing title 37 are omitted as covered by section 411(a) of this revised title.

In subsection (d), the words “the weight of the baggage and household effects stored . . . may not be more than” are substituted for the words “in no instance shall the weight stored . . . exceed”. The words “except as prescribed in regulations” are substituted for the words “except that a longer period may be authorized by regulations promulgated”. The words “Secretaries concerned” are substituted for the words “respective Secretaries” to conform to other subsections of the source statute.

In subsection (f), the words “of a member” are inserted for clarity. The words “if he dies” are substituted for the words “upon the death of a member”. The words “under chapter 3 of this title” are substituted for the reference to section 232(e) of title 37, since subsection (e) was redesignated as subsection (d) by section 2(2) of the Act of March 31, 1955, cited above.

In subsection (g), the words “under chapter 61 of title 10” are inserted for clarity. The words “under any other law” are substituted for the words “for any other reason”. The words “In addition,” are substituted for the word “Such”, and the words “the member” are substituted for the word “him”, for clarity. The words “section 404(c) of this title” are substituted for the words “subsection (a) of this section” to reflect the section of this revised title which restates that subsection.

#### 1982 ACTS

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
406(j) .....	31:650a.	Aug. 1, 1953, ch. 305, § 604, 67 Stat. 349.

The text of 31:650a (related to a member of an armed force) is omitted as unnecessary because of 37:404(a)(3). The words “On and after August 1, 1953” are omitted as executed. The words “A member . . . is entitled to” are substituted for “personnel” for clarity and consistency in the title. The word “baggage” is added for consistency in the title. The words “dependents, baggage, or household effects” are substituted for “such personnel” for clarity. The word “otherwise” is omitted as surplus. The words “used to pay for that transportation” are substituted for “charged with all expenses in connection with such travel including” for clarity.

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
406(k) .....	37:406 (note).	Feb. 9, 1976, Pub. L. 94–212, § 747, 90 Stat. 176.

The words “to carry out subsection (b) of this section” are substituted for “for providing transportation of household effects of members of the armed forces pursuant to section 406(b) of title 37, United States Code” to eliminate unnecessary words.

#### REFERENCES IN TEXT

Section 2634 of title 10, referred to in subsecs. (b)(1)(B) and (h)(1)(B), was repealed by Pub. L. 113–66, div. A, title VI, § 621(g)(1), Dec. 26, 2013, 127 Stat. 784.

#### PRIOR PROVISIONS

Act Aug. 1, 1953, cited as the source of subsec. (j) of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following prior appropriation acts:

July 10, 1952, ch. 630, title VI, § 605, 66 Stat. 531.  
Oct. 18, 1951, ch. 512, title VI, § 605, 65 Stat. 445.  
Sept. 6, 1950, ch. 896, ch. X, title VI, § 605, 64 Stat. 752.  
Oct. 29, 1949, ch. 787, title VI, § 605, 63 Stat. 1017.  
June 24, 1948, ch. 632, 62 Stat. 652.  
July 30, 1947, ch. 357, title I, 61 Stat. 554.  
July 16, 1946, ch. 583, 60 Stat. 545.  
July 3, 1945, ch. 265, 59 Stat. 388.  
June 28, 1944, ch. 303, 58 Stat. 577.  
July 1, 1943, ch. 185, 57 Stat. 351.  
July 2, 1942, ch. 477, 56 Stat. 614.  
June 30, 1941, ch. 262, 55 Stat. 371.  
June 13, 1940, ch. 343, 54 Stat. 356.  
Apr. 26, 1939, ch. 88, 53 Stat. 598.  
June 11, 1938, ch. 347, 52 Stat. 647.  
July 1, 1937, ch. 423, 50 Stat. 448.

#### AMENDMENTS

2017—Subsec. (p). Pub. L. 115–91 added subsec. (p).

2013—Pub. L. 112–239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112–81, § 631(f)(4)(A). See 2011 Amendment note below.

Subsecs. (l) to (o). Pub. L. 112–239, § 621, added subsec. (l) and redesignated former subsecs. (l) to (n) as (m) to (o), respectively.

2011—Pub. L. 112–81, § 631(f)(4)(A), as amended by Pub. L. 112–239, § 1076(a)(9), substituted “474” for “404” wherever appearing and “475” for “405” in the introductory provisions of subsec. (c).

Pub. L. 112–81, § 631(d)(2), renumbered section 406 of this title as this section.

Subsec. (n). Pub. L. 112–81, § 631(e)(6), added subsec. (n).

2008—Subsec. (b)(1)(D). Pub. L. 110–417, § 621, designated first two sentences of existing provisions as cl.

(i) and substituted “this clause” for “this subparagraph” in second sentence, designated last sentence of existing provisions as cl. (iii) and realigned margins, and added cl. (ii).

Subsec. (b)(1)(H). Pub. L. 110-417, § 622, added subpar. (H).

Subsecs. (k) to (m). Pub. L. 110-289 added subsec. (k) and redesignated former subsecs. (k) and (l) as (l) and (m), respectively.

2006—Subsec. (b)(1)(C). Pub. L. 109-163, § 654(a), in table, increased the weight allowances for pay grades E-7, E-8, and E-9. Prior to amendment, the weight allowances for members without dependents and for members with dependents, respectively, were 10,500 and 12,500 for pay grade E-7, 11,000 and 13,500 for pay grade E-8, and 12,000 and 14,500 for pay grade E-9.

Subsec. (f). Pub. L. 109-163, § 652(a), designated existing provisions as par. (1), substituted “the member” for “he”, and added par. (2).

Subsec. (g)(3). Pub. L. 109-163, § 652(b), in first sentence, substituted “the member exercises the right or entitlement” for “he exercises it”, “the surviving dependents at any time before the end of the three-year period beginning on the date on which the member accrued that right or entitlement. If” for “his surviving dependents or, if”, and “the baggage and household effects of the deceased member” for “his baggage and household effects”.

2003—Subsec. (b)(1)(B). Pub. L. 108-136, § 631(b), inserted last sentence.

Subsec. (h)(4). Pub. L. 108-136, § 571, added par. (4).

2002—Subsec. (b)(1)(E), (F). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

2001—Subsec. (a)(1). Pub. L. 107-107, § 633(a), substituted “\$550” for “\$275”.

Subsec. (b)(1)(C). Pub. L. 107-107, § 634(a), in table, struck out footnotes relating to pay grade E-4 and increased the weight allowances for pay grades E-1, E-2, E-3, and E-4. Prior to amendment, the weight allowances for members without dependents and for members with dependents, respectively, were 1,500 and 5,000 for pay grade E-1, 1,500 and 5,000 for pay grade E-2, 2,000 and 5,000 for pay grade E-3, 3,500 and 7,000 for pay grade E-4 members with less than two years of service, and 7,000 and 8,000 for E-4 members with more than two years of service.

2000—Subsec. (a)(1). Pub. L. 106-398, § 1 [[div. A], title VI, § 642(a)], inserted at end “The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed \$275 per change of station, when the member incurs the fees incident to such change of station.”

Subsec. (a)(2)(B)(v). Pub. L. 106-398, § 1 [[div. A], title V, § 571(f)], substituted “December 31, 2001” for “September 30, 2001”.

Subsec. (b)(1)(G). Pub. L. 106-398, § 1 [[div. A], title VI, § 643], added subpar. (G).

Subsec. (g)(1)(C). Pub. L. 106-398, § 1 [[div. A], title V, § 571(f)], substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (a)(2)(B)(v). Pub. L. 105-261, § 561(f), substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

Subsec. (b)(1)(A). Pub. L. 105-261, § 631(a)(1), struck out “, or reimbursement therefor,” after “household effects” and inserted at end “Alternatively, the member may be paid reimbursement or a monetary allowance under subparagraph (F).”

Subsec. (b)(1)(D). Pub. L. 105-261, § 632, inserted before period at end of second sentence “, unless the additional weight allowance in excess of such maximum is intended to permit the shipping of consumables that cannot be reasonably obtained at the new station of the member”.

Subsec. (b)(1)(F). Pub. L. 105-261, § 631(a)(2), added subpar. (F).

Subsec. (g)(1)(C). Pub. L. 105-261, § 561(f), substituted “during the period beginning on October 1, 1990, and

ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

Subsec. (h)(3). Pub. L. 105-261, § 653(b), added par. (3).

Subsecs. (j) to (m). Pub. L. 105-261, § 631(b)(1), redesignated subsecs. (k) to (m) as (j) to (l), respectively, and struck out former subsec. (j) which authorized the Secretary concerned to pay monetary allowance to member of armed forces or of Commissioned Corps of the Public Health Service who participates in a program in which member's baggage and household effects are transported by privately owned or rental vehicle or in which member provides labor in connection with transportation of baggage and household effects.

1997—Subsec. (c). Pub. L. 105-85, § 603(d)(1)(B), substituted “sections 403(c), 404, and 405” for “sections 404 and 405” in introductory provisions.

Subsec. (h)(2)(C). Pub. L. 105-85, § 631, substituted a period for a comma at end of cl. (iii) and struck out concluding provisions which read as follows: “if the sentence is approved under section 860(c)(2) of title 10.”

1996—Subsec. (b)(1)(B). Pub. L. 104-201, § 621(a), inserted at end “If clause (i)(I) applies to the transportation by the member of a motor vehicle from the old duty station, the monetary allowance under this subparagraph shall also cover return travel to the old duty station by the member or other person transporting the vehicle. In the case of transportation described in clause (ii), the monetary allowance shall also cover travel from the new duty station to the port of debarkation to pick up the vehicle.”

Subsec. (b)(1)(E). Pub. L. 104-106, § 1505(d), struck out “of this paragraph” after “as provided in subparagraph (A)”.

Subsec. (h)(1). Pub. L. 104-106, § 623, in concluding provisions, substituted “who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member” for “who became 21 years of age” and inserted “still” before “be considered as a dependent of the member.”

Subsec. (h)(1)(B). Pub. L. 104-201, § 368(b), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle that is owned or leased by the member (or a dependent of the member) and is for his dependents' personal use to that location by means of transportation authorized under section 2634 of title 10.”

Subsec. (i). Pub. L. 104-106, § 642(a)(1), redesignated subsec. (j) as (i) and struck out former subsec. (i) which read as follows: “The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report at the end of each fiscal year fiscal year stating—

“(1) the number of dependents who during the preceding fiscal year were accompanying members of the Army, Navy, Air Force, and Marine Corps who were stationed outside the United States and were authorized by the Secretary concerned to receive allowances or transportation for dependents under subsection (a) or (h); and

“(2) the number of dependents who during the preceding fiscal year were accompanying members of the Army, Navy, Air Force, and Marine Corps who were stationed outside the United States and were not authorized to receive such allowances or transportation.”

Pub. L. 104-106, § 1502(b), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives” in introductory provisions. Amendment executed before amendment by section 642(a)(1) of Pub. L. 104-106, see above, pursuant to section 1506 of Pub. L. 104-106, set out as a note under section 101 of Title 10, Armed Forces.

Subsec. (j). Pub. L. 104-106, § 642(a)(1), redesignated subsec. (k) as (j). Former subsec. (j) redesignated (i).



Subsec. (j)(1). Pub. L. 104-201, § 624(1), substituted “The Secretary concerned may pay a monetary allowance to a member of the armed forces or a member of the Commissioned Corps of the Public Health Service” for “Appropriations available to the Department of Defense for providing transportation of household effects of members of the armed forces under subsection (b) are available to pay a monetary allowance to a member” and “Secretary concerned” for “Secretary of the military department concerned”.

Subsec. (j)(3). Pub. L. 104-201, § 624(2), added par. (3).

Subsecs. (k) to (n). Pub. L. 104-106, § 642(a)(1), redesignated subsecs. (l) to (n) as (k) to (m), respectively. Former subsec. (k) redesignated (j).

1993—Subsec. (a)(2)(B)(v). Pub. L. 103-160, § 561(l)(1), substituted “nine-year period” for “five-year period”.

Subsec. (b)(1)(E). Pub. L. 103-160, § 1182(d)(1), made technical amendment to directory language of Pub. L. 102-241. See 1991 Amendment note below.

Subsec. (g)(1)(C). Pub. L. 103-160, § 561(l)(1), substituted “nine-year period” for “five-year period”.

1992—Subsec. (g)(1)(A). Pub. L. 102-484, § 1054(a)(4), inserted a semicolon after “title 10”.

Subsec. (n). Pub. L. 102-484, § 622(a), added subsec. (n).

1991—Subsec. (a)(1). Pub. L. 102-25, § 702(b)(2), struck out “of this subsection” after “paragraph (2)”.

Subsec. (a)(2)(A). Pub. L. 102-25, § 702(b)(3), struck out “of this paragraph” after “subparagraph (B)”.

Subsec. (a)(2)(B). Pub. L. 102-25, § 702(b)(3), struck out “of this paragraph” after “Subparagraph (A)”.

Subsec. (b)(1)(A). Pub. L. 102-25, § 702(b)(2), struck out “of this subsection” after “paragraph (2)”.

Subsec. (b)(1)(C). Pub. L. 102-190, § 1111(d)(4), in table, inserted provisions relating to pay grade W-5.

Subsec. (b)(1)(E). Pub. L. 102-241, as amended by Pub. L. 103-160, § 1182(d)(1), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “Under regulations prescribed by the Secretary of Defense, cadets at the United States Military Academy and the United States Air Force Academy, and midshipmen at the United States Naval Academy shall be entitled, in connection with a change of temporary or permanent station, to transportation of baggage and household effects as provided in subparagraph (A). The weight allowance for such cadets and midshipmen shall be 350 pounds.”

Pub. L. 102-25, § 702(b)(3), struck out “of this paragraph” after “subparagraph (A)”.

Subsec. (b)(2). Pub. L. 102-25, § 702(b)(1), (2), struck out “of this subsection” after “paragraph (1)” and “of this section” after “subsection (d)” and “subsection (g)(1)”.

Subsec. (c). Pub. L. 102-25, § 702(b)(1), struck out “of this section” after “subsections (a) and (b)”.

Subsec. (e). Pub. L. 102-25, § 702(b)(1), struck out “of this section” after “subsection (a) or (b)”.

Subsec. (g)(3). Pub. L. 102-25, § 702(b)(2), struck out “of this subsection” after “paragraph (2)”.

Subsec. (h)(1). Pub. L. 102-25, § 702(b)(1), struck out “of this section” after “subsection (d)” and “subsection (b)”.

Subsec. (i)(1). Pub. L. 102-25, § 702(b)(1), struck out “of this section” after “subsection (a) or (h)”.

Subsec. (k)(1). Pub. L. 102-25, § 702(b)(1), struck out “of this section” after “subsection (b)” in two places.

1990—Subsec. (a)(2)(B)(v). Pub. L. 101-510, § 503(b)(1), added cl. (v).

Subsec. (a)(4). Pub. L. 101-510, § 503(b)(3), added par. (4).

Subsec. (b)(1)(C). Pub. L. 101-510, § 1484(i)(9), inserted a period at end of footnote 2.

Subsec. (b)(1)(E). Pub. L. 101-510, § 622(a), added subpar. (E).

Subsec. (g)(1). Pub. L. 101-510, § 503(b)(2), added subpar. (C) and inserted “involuntarily separated,” after “placed on that list,” in concluding provisions.

Subsec. (k). Pub. L. 101-510, § 621, revived amendment by Pub. L. 99-145, § 614(a). See 1985 Amendment note below.

1989—Subsec. (b)(1)(C). Pub. L. 101-189, § 623(b), inserted “in pounds” after “weight allowance” in provisions preceding table.

Subsec. (b)(1)(D). Pub. L. 101-189, § 623(a), added subpar. (D).

1988—Subsec. (b)(1)(A). Pub. L. 100-456, § 602(a)(1), substituted “within the weight allowances listed in subparagraph (C)” for “within such weight allowances prescribed by the Secretaries concerned”.

Subsec. (b)(1)(C). Pub. L. 100-456, § 602(a)(2), added subpar. (C).

1987—Subsec. (h)(1)(B). Pub. L. 100-180 inserted “or leased” after “owned”.

1986—Subsec. (a)(2)(A). Pub. L. 99-661, § 652(a), amended subpar. (A) generally, inserting cl. (i) designation, redesignating former cl. (i) as cl. (ii), and striking out former cl. (ii) which read as follows: “is separated from the service or released from active duty under other than honorable conditions, as determined by the Secretary concerned”.

Subsec. (d). Pub. L. 99-661, § 620(a), inserted “In the event a member’s baggage and household effects exceed such maximum weight limitation, the Secretary concerned, if requested to do so by the member, may pay the costs for the nontemporary storage of that excess weight and collect the amount paid from the member’s pay and allowances, or collect the amount in such other manner as the Secretary concerned determines appropriate.”

Subsec. (e). Pub. L. 99-661, § 617(a)(1), substituted “(as the case may be), plus a per diem” for “,” as the case may be” in introductory provisions.

Subsec. (f). Pub. L. 99-661, § 617(a)(2), inserted “,” plus a per diem for the member’s dependents,” after “member”.

Subsec. (g)(1). Pub. L. 99-661, § 617(a)(3), inserted “,” and to a per diem for his dependents” after “404(c) of this title” in concluding provisions.

Subsec. (h). Pub. L. 99-661, § 652(b), designated existing provisions as par. (1), amended first sentence generally, and added par. (2). Prior to amendment, first sentence read as follows: “In the case of a member who is serving at a station outside the United States or in Hawaii or Alaska, if the Secretary concerned determines it to be in the best interests of the member or his dependents and the United States, he may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of his dependents, baggage, and household effects—

“(1) authorize the movement of the member’s dependents, baggage, and household effects at that station to an appropriate location in the United States or its possessions and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section; and

“(2) authorize the transportation of one motor vehicle that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents to that location by means of transportation authorized under section 2634 of title 10.”

Subsec. (i). Pub. L. 99-433 struck out “quarter” after “fiscal year” in provisions preceding par. (1) and substituted “fiscal year” for “quarter” in pars. (1) and (2).

Subsec. (j). Pub. L. 99-661, § 617(a)(4), inserted “plus a per diem for the member’s dependents,” after “household effects”.

Subsecs. (l), (m). Pub. L. 99-661, § 620(b)(1), added subsec. (l) and redesignated former subsec. (l) as (m).

1985—Subsec. (a)(1). Pub. L. 99-145, § 612(b), substituted “,” reimbursement therefor, or a monetary allowance in place of the cost of transportation, plus a per diem, for the member’s dependents at rates prescribed by the Secretaries concerned” for “for his dependents, to reimbursement therefor, or to a monetary allowance in place of that transportation in kind at a rate to be prescribed”.

Subsec. (k). Pub. L. 99-145, § 1303(b)(9), substituted “for providing transportation of household effects of

members of the armed forces under subsection (b)” for “to carry out subsection (b)”.

Pub. L. 99-145, §614(a), which designated existing provisions as par. (1), inserted “or in which a member provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member (including packing, crating, and loading)”, and added par. (2), expired Sept. 30, 1989, pursuant to section 614(b) of Pub. L. 99-145, set out as an Effective and Termination Dates of 1985 Amendment note below. Section 614(b) of Pub. L. 99-145 was repealed and the amendment made by section 614(a) of Pub. L. 99-145 was revived effective Oct. 1, 1989, by Pub. L. 101-510, §621, set out as a Revival of Expired Amendment note below.

Subsec. (l). Pub. L. 99-145, §617(a), added subsec. (l).

1983—Subsec. (b)(1). Pub. L. 98-94 designated existing provisions as subpar. (A), struck out provisions relating to a monetary allowance for transportation of a motor vehicle on change of permanent station, and added subpar. (B) relating to a monetary allowance for transportation of a motor vehicle on permanent change of station.

1982—Subsec. (j). Pub. L. 97-258 added subsec. (j).

Subsec. (k). Pub. L. 97-295 added subsec. (k).

1981—Subsec. (a). Pub. L. 97-60, §121(b)(1), designated existing provisions as par. (1), inserted “paragraph (2) of this subsection and” before “subsection (i) of this section”, and added pars. (2) and (3).

Subsec. (a)(1). Pub. L. 97-86, §404(1), struck out “and subsection (i) of this section” after “Except as provided in paragraph (2) of this subsection”.

Subsec. (b). Pub. L. 97-60, §121(b)(2), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2) of this subsection, in” for “In”, inserted provision relating to temporary storage in excess of 180 days and to monetary allowances in the case of the transportation of motor vehicles in cases in which transportation is authorized under section 2634 of title 10, and added par. (2).

Subsec. (g). Pub. L. 97-60, §121(b)(3), designated existing provisions as par. (1) and existing pars. (1) and (2) as subpars. (A) and (B) thereof, struck out provisions following par. (1)(B), that, in any case in which the costs were in excess of those which would have been incurred if shipment had been made to his selected home, the member paid that excess cost, that if a member authorized to select a home under section 404(c) of this title accrued that right or any entitlement under this subsection but died before he exercised it, that right or entitlement accrued to and could be exercised by his surviving dependents, or his baggage and household effects could be shipped to the home of the person legally entitled thereto if there were no surviving dependents, and that, in any case in which the costs were in excess of those which would have been incurred if shipment had been made to the member’s selected home, the surviving dependents or the person legally entitled to the baggage and household effects, as the case may be, paid that excess cost, and added pars. (2) and (3).

Subsec. (h). Pub. L. 97-86, §404(2), substituted “In the case of a member” for “Except as provided in subsection (i) of this section, in the case of a member”.

Subsec. (h)(2). Pub. L. 97-60, §121(b)(4), substituted “that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents” for “owned by the member and for his or his dependents’ personal use”.

Subsec. (i). Pub. L. 97-86, §404(3), substituted provisions requiring the Secretary, at the end of each fiscal year quarter, to submit to the Committees on Armed Services of the Senate and House of Representatives a report covering the number of dependents overseas receiving allowances or transportation for dependents under subsec. (a) or (h) of this section and the number of dependents overseas not authorized to receive such allowances or transportation for provisions that formerly had placed a numerical limit on the number of dependents overseas receiving allowances and transportation.

1980—Subsecs. (d)(2), (g)(2). Pub. L. 96-513 inserted references to separation pay in two places in subsec. (d)(2) and in two places in subsec. (g)(2).

1979—Subsec. (a). Pub. L. 96-107, §814(1), inserted provisions excepting subsec. (i) of this section from provisions of this subsection.

Subsec. (h). Pub. L. 96-107, §814(2), inserted provisions excepting subsec. (i) of this section from provisions of this subsection.

Subsec. (i). Pub. L. 96-107, §814(3), added subsec. (i).

1968—Subsec. (d)(2). Pub. L. 90-623 substituted “90” for “ninety”.

1966—Subsec. (b). Pub. L. 89-718, §58(1), substituted “change of temporary or permanent station” for “temporary or permanent change of station”.

Subsec. (d). Pub. L. 89-680, §1(2), extended authority permitting a one-year period for nontemporary storage of baggage and household effects under regulations for members being separated from the service who are confined to a hospital or are in its vicinity undergoing medical treatment to include members who are being retired, placed on the temporary retired disability list, discharged, or released from active duty, and expanded coverage to include members retired or placed on the temporary disability retired list under chapter 61 of title 10, members retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein of more than ninety days, discharged with severance pay or released involuntarily from active duty with readjustment pay, and inserted provisions for payment of cost of storage by the member concerned in certain cases.

Subsec. (g). Pub. L. 89-718, §§58(2), 59, inserted “is” before “placed” in cl. (1) and substituted “member’s” for “members”.

Pub. L. 89-680, §1(3), inserted, in authorization for transportation for dependents, baggage, and household effects to the home selected under section 404(c) of this title, provisions limiting the entitlement to not later than one year from the date of retirement, placement on the list, discharge, or release, except as prescribed in regulations by the Secretaries concerned.

1965—Subsec. (h)(2). Pub. L. 89-101 substituted “by means of transportation authorized under section 2634 of title 10” for “on a vessel owned, leased, or chartered by the United States or by privately owned American shipping services”.

1964—Subsec. (h). Pub. L. 88-431 added subsec. (h).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, §654(b), Jan. 6, 2006, 119 Stat. 3313, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on January 1, 2006, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.”

#### 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 Title 10, Armed Forces.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §633(b), Dec. 28, 2001, 115 Stat. 1144, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to the reimbursement of members of the uniformed services for mandatory pet quarantine fees incurred in connection with the mandatory quarantine of

a household pet underway on the date of the enactment of this Act [Dec. 28, 2001] or beginning on or after that date.”

Pub. L. 107–107, div. A, title VI, § 634(b), Dec. 28, 2001, 115 Stat. 1144, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.”

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [div. A], title VI, § 642(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–161, provided that: “The amendment made by subsection (a) [amending this section] shall take effect October 1, 2000.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

For provisions relating to the applicability of amendment by section 653(b) of Pub. L. 105–261, see section 653(e) of Pub. L. 105–261, set out as a note under section 475a of this title.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 603(d)(1)(B) of Pub. L. 105–85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105–85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–201, div. A, title III, § 368(c), Sept. 23, 1996, 110 Stat. 2498, provided that: “The amendments made by this section [amending this section and section 2634 of Title 10, Armed Forces] shall take effect on April 1, 1997.”

Pub. L. 104–201, div. A, title VI, § 621(b), Sept. 23, 1996, 110 Stat. 2548, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1997.”

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103–160, div. A, title XI, § 1182(d)(1), Nov. 30, 1993, 107 Stat. 1773, provided in part that the amendment made by that section is effective as of Dec. 19, 1991.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101–510, div. A, title VI, § 622(b), Nov. 5, 1990, 104 Stat. 1580, provided that: “The amendment made by subsection (a) [amending this section] shall be applicable to baggage and household effects transported on or after the date of the enactment of this Act [Nov. 5, 1990].”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101–189, div. A, title VI, § 623(c), Nov. 29, 1989, 103 Stat. 1447, provided that: “The authority provided in subparagraph (D) [37 U.S.C. 476(b)(1)(D)], as added by subsection (a), shall apply with respect to the transportation of baggage and household effects occurring after June 30, 1989.”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–456, div. A, title VI, § 602(b), Sept. 29, 1988, 102 Stat. 1977, as amended by Pub. L. 112–81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112–239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The weight allowances in section 476(b)(1)(C) of title 37, United States Code (as added by subsection (a)), shall apply with respect to transportation of baggage and household effects occurring after June 30, 1989.”

#### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99–661, div. A, title VI, § 617(b), Nov. 14, 1986, 100 Stat. 3880, provided that: “The amendments made by subsection (a) [amending this section] shall apply to travel performed after the date of the enactment of this Act [Nov. 14, 1986].”

Pub. L. 99–661, div. A, title VI, § 620(c), Nov. 14, 1986, 100 Stat. 3883, provided that:

“(1) The amendment made by subsection (a) [amending this section] shall apply to members whose baggage and household goods enter nontemporary storage on or after the date of the enactment of this Act [Nov. 14, 1986].

“(2) The amendments made by subsection (b) [amending this section and section 2634 of Title 10, Armed Forces] shall apply only with respect to members whose dependents are unable to accompany them to an overseas permanent duty station because of circumstances arising on or after the date of the enactment of this Act [Nov. 14, 1986].”

Pub. L. 99–661, div. A, title VI, § 652(e)(1), (2), Nov. 14, 1986, 100 Stat. 3890, as amended by Pub. L. 112–81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112–239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that:

“(1) The amendment made by subsection (a) [amending this section] shall apply only with respect to members discharged or released from active duty on or after the date of the enactment of this Act [Nov. 14, 1986].

“(2)(A) The amendments made by subsection (b) [amending this section] shall apply with respect to dependents about whom a determination by the Secretary concerned is made on or after the date of the enactment of this Act [Nov. 14, 1986].

“(B) In the case of a member described in section 476(h)(2)(c) [probably should be “476(h)(2)(C)”] of such title 37 (as added by subsection (b)), the benefits provided for the dependents of the member shall accrue on the date that the sentence is approved under section 860 of title 10, United States Code.”

#### EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Amendment by section 612(b) of Pub. L. 99–145 applicable to travel performed after Sept. 30, 1985, see section 612(c) of Pub. L. 99–145, set out as an Effective Date of 1985 Amendment note under section 474 of this title.

Pub. L. 99–145, title VI, § 614(b), Nov. 8, 1985, 99 Stat. 640, which provided that the amendments by section 614(a) of Pub. L. 99–145, amending this section, were to expire Sept. 30, 1989, was repealed by Pub. L. 101–510, div. A, title VI, § 621, Nov. 5, 1990, 104 Stat. 1580. See *Repeal of Expired Amendment* note below.

Pub. L. 99–145, title VI, § 617(b), Nov. 8, 1985, 99 Stat. 642, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Enactment of subsec. (a)(3) and amendment of subsec. (b)(1) by Pub. L. 97–60 effective Oct. 14, 1981, enactment of subsecs. (a)(2) and (b)(2) and amendment of subsec. (h)(2) effective Nov. 1, 1981, and applicable to members who are separated from the service or released from active duty on or after Nov. 1, 1981, and enactment of subsec. (g)(2) and (3) effective Nov. 1, 1981, and applicable to members who are retired, placed on the temporary disability retired list, discharged, or involuntarily released on or after Nov. 1, 1981, except that such enactment not to apply to any member who before Nov. 1, 1981, had completed eighteen years of active service, see section 121(d) of Pub. L. 97–60, set out as a note under section 474 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1965 AMENDMENT; REIMBURSEMENT  
OF EXPENSES

Pub. L. 89-101, § 3, July 30, 1965, 79 Stat. 425, provided that: "This Act [amending this section and section 2634 of Title 10, Armed Forces] shall be effective May 1, 1965. Any member who—

"(1) transported a motor vehicle at his personal expense after April 30, 1965, and before the enactment of this Act [July 30, 1965]; and

"(2) would have been entitled to the transportation of such motor vehicle at Government expense under the provisions of this Act; shall be reimbursed for the allowable transportation cost actually expended by him. Appropriations available for permanent change of station travel shall be available for the reimbursements authorized by this Act."

## 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.

## STORAGE OF HOUSEHOLD EFFECTS

Pub. L. 101-510, div. A, title V, § 503(c), Nov. 5, 1990, 104 Stat. 1558, as amended by Pub. L. 103-160, div. A, title V, § 561(f)(2), Nov. 30, 1993, 107 Stat. 1668; Pub. L. 105-261, div. A, title V, § 561(f), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106-398, § 1 [[div. A], title V, § 571(f)], Oct. 30, 2000, 114 Stat. 1654, 1654A-134; Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that:

"(1) The Secretary of a military department shall exercise the authority provided by section 476 of title 37, United States Code, to provide nontemporary storage of baggage and household effects for a period not longer than one year in the case of individuals who are involuntarily separated during the period beginning on October 1, 1990, and ending on December 31, 2001.

"(2) For purposes of this subsection, the term 'involuntarily separated' has the meaning given that term in section 1141 of title 10, United States Code."

## REVIVAL OF EXPIRED AMENDMENT

Pub. L. 101-510, div. A, title VI, § 621, Nov. 5, 1990, 104 Stat. 1580, provided that: "Subsection (b) of section 614 of the Department of Defense Authorization Act, 1986 [Pub. L. 99-145, set out as an Effective and Termination Dates of 1985 Amendment note above] (37 U.S.C. note) is repealed. The amendments made by subsection (a) of that section [amending this section] are hereby revived effective as of October 1, 1989."

PROHIBITION ON RETROACTIVE PAYMENTS UNDER 1985  
AMENDMENT

Section 614(c) of Pub. L. 99-145 prohibited payment of allowances to members by virtue of the amendments made by subsection (a), amending this section, in con-

nection with transportation of baggage and household effects provided the member before Nov. 8, 1985.

## ALLOWANCES FOR LABOR IN CONNECTION WITH TRANSPORTATION OF MEMBERS' BAGGAGE AND EFFECTS; REPORT TO CONGRESS

Section 614(d) of Pub. L. 99-145 required Secretary of Defense to submit a report to Congress not later than Sept. 30, 1988, regarding the operation of any program carried out by the military departments under which payment of a monetary allowance is made to a member who provides all or a part of the labor in connection with the transportation of the baggage and household effects of the member and to include recommendations for legislative action the Secretary considers appropriate.

MONETARY ALLOWANCE IN LIEU OF TRANSPORTATION OF  
HOUSEHOLD EFFECTS

Pub. L. 94-212, title VII, § 747, Feb. 9, 1976, 90 Stat. 176, which provided that appropriations available for transportation of household goods of members of armed forces under subsec. (b) of this section shall be available as a monetary allowance for such transportation, payable in advance under regulations of the Secretary in an amount which would provide savings to the Government when compared with the total costs which would otherwise have been incurred under subsec. (b) of this section, was repealed and reenacted as subsec. (k) of this section by Pub. L. 97-295, §§ 3(4), 6(b), Oct. 12, 1982, 96 Stat. 1303, 1314. Subsec. (k) was subsequently redesignated (j) and repealed.

FUNERAL TRANSPORTATION AND LIVING EXPENSE  
BENEFITS; VIETNAM CONFLICT

Pub. L. 93-257, Mar. 29, 1974, 88 Stat. 53, entitled the "Funeral Transportation and Living Expense Benefits Act of 1974", authorized the Secretary of Defense to provide funeral transportation and living expenses benefits for the family of any deceased member of the Armed Forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains were returned to the United States after January 27, 1973, prior to repeal by Pub. L. 107-107, div. A, title VI, § 638(b)(3), Dec. 28, 2001, 115 Stat. 1148.

**§ 476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified**

(a) **AUTHORITY.**—Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances under section 474 of this title, and to transportation of his dependents, baggage, and household effects under sections 476 and 479 of this title, if otherwise qualified, for travel performed before the effective date of orders that direct him to make a change of station and that are later—

(1) canceled, revoked, or modified to direct him to return to the station from which he was being transferred; or

(2) modified to direct him to make a different change of station.

(b) **TERMINATION.**—No transportation or travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 88-238, § 1(1), Dec. 23, 1963, 77 Stat. 475, § 406a; renumbered § 476a and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(7), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465;

Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, § 631(e)(7), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 112-81, § 631(d)(2), renumbered section 406a of this title as this section.

Subsec. (a). Pub. L. 112-81, § 631(f)(4)(A), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “474” for “404”, “476” for “406”, and “479” for “409” in introductory provisions.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE; LIMITATIONS

Pub. L. 88-238, § 2, Dec. 23, 1963, 77 Stat. 476, provided that: “This Act [enacting this section] becomes effective on October 1, 1949. Any member or former member of the uniformed services who, after September 30, 1949, but before the date of enactment of this Act [Dec. 23, 1963], has not been paid, or has repaid the United States, an amount to which he otherwise would have been entitled had section 1 of this Act [enacting this section] been in effect during that period is entitled to be paid or repaid that amount, if the payment or repayment is otherwise proper and he applies for the payment or repayment within one year after the date of enactment of this Act.”

#### APPROPRIATIONS

Pub. L. 88-238, § 3, Dec. 23, 1963, 77 Stat. 476, provided that: “Any appropriations available to the departments concerned for the pay and allowances of members of the uniformed services are available for payments under this Act [enacting this section].”

### **§ 476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating**

(a) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is on permanent duty aboard a ship which is being overhauled or inactivated away from its home port and whose dependents are residing at the home port of the ship is entitled to transportation, transportation in kind, reimbursement for personally procured transportation, or an allowance for transportation as provided in section 474(d)(3) of this title for round-trip travel from the port of overhaul or inactivation to the home port on or after after the thirty-first calendar day, and every sixtieth calendar day after the thirty-first calendar day after the date on which the ship enters the overhaul or inactivation port or after the date on which the member becomes permanently attached to the ship, whichever date is later. However, in no event shall the amount of reimbursement for personally procured transportation or allowance for transportation exceed the cost of Government-procured commercial round-trip air travel.

(b) Transportation in kind, reimbursement for personally procured transportation, or a mone-

tary allowance in place of the cost of transportation as provided in section 474(d)(1) of this title may be provided, in lieu of the member's entitlement to transportation, for the member's dependents from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation. The total reimbursement for transportation for the member's dependents may not exceed the cost of Government-procured commercial round-trip travel.

(c) In any case in which a member of the uniformed services is assigned to permanent duty aboard a ship that undergoes a change of home port to the overhaul or inactivation port, the dependents of the member may be provided transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 476 of this title and section 2634<sup>1</sup> of title 10.

(d) Section 421 of this title does not apply with respect to transportation or allowances provided under this section.

(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 91-210, § 1(1), Mar. 13, 1970, 84 Stat. 53, § 406b; amended Pub. L. 93-170, Nov. 29, 1973, 87 Stat. 689; Pub. L. 96-513, title V, § 516(11), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 97-22, § 11(b)(3)(A), July 10, 1981, 95 Stat. 138; Pub. L. 99-145, title VI, § 616(a), (c)(1), Nov. 8, 1985, 99 Stat. 641; Pub. L. 100-26, § 8(d)(7), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title XII, § 1233(a)(3), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 101-189, div. A, title VI, § 624(b), Nov. 29, 1989, 103 Stat. 1448; Pub. L. 102-484, div. A, title X, § 1054(a)(5), Oct. 23, 1992, 106 Stat. 2502; renumbered § 476b and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(8), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### REFERENCES IN TEXT

Section 2634 of title 10, referred to in subsec. (c), was repealed by Pub. L. 113-66, div. A, title VI, § 621(g)(1), Dec. 26, 2013, 127 Stat. 784.

#### AMENDMENTS

2013—Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, § 631(f)(4)(A), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “474” for “404” in subsections (a) and (b) and “476” for “406” in subsec. (c).

Pub. L. 112-81, § 631(d)(2), renumbered section 406b of this title as this section.

Subsec. (e). Pub. L. 112-81, § 631(e)(8), added subsec. (e).

1992—Subsec. (d). Pub. L. 102-484 substituted “Section 421” for “Section 420”.

1989—Subsec. (c). Pub. L. 101-189 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “A member of the uniformed services on permanent duty aboard a ship which undergoes a change of home port to the overhaul or inactivation port and the member's dependents may be provided the transportation allowances prescribed in subsections (a) and (b) of this section in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.”

<sup>1</sup> See References in Text note below.

1987—Subsecs. (a), (b). Pub. L. 100-26, as amended by Pub. L. 100-180, substituted “round-trip” for “round trip” wherever appearing in subsec. (a) and “round-trip” for “roundtrip” in subsec. (b).

1985—Pub. L. 99-145, § 616(c)(1), struck out “away from home port” in section catchline.

Subsecs. (a) to (d). Pub. L. 99-145, § 616(a), designated existing provisions as subsec. (a), substituted “calendar day, and every sixtieth calendar day after the thirty-first calendar day” for “, ninety-first, and one hundred and fifty-first calendar day”, and added subsecs. (b) to (d).

1981—Pub. L. 97-22 substituted “uniformed services” for “Uniformed Services” in section catchline.

1980—Pub. L. 96-513 substituted “uniformed services” for “Uniformed Services”, “title” for “chapter”, and “later. However,” for “later: *Provided, however, That*”.

1973—Pub. L. 93-170 substituted “overhauling or inactivating” for “overhauling” in section catchline, and “overhauled or inactivated” and “overhaul or inactivation” for “overhauled” and “overhaul” respectively, wherever appearing in text.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 1233(a)(3) of Pub. L. 100-180 applicable as if included in the enactment of the Defense Technical Corrections Act of 1987, Pub. L. 100-26, see section 1233(c) of Pub. L. 100-180, set out as a note under section 101 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, § 616(b), Nov. 8, 1985, 99 Stat. 641, provided that: “The travel allowances authorized by the amendments made by this section [amending this section] are payable only for travel that commences after September 30, 1985, but may be paid for members assigned to vessels being overhauled or inactivated away from home port on the date of the enactment of this Act [Nov. 8, 1985].”

#### 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 Title 10, Armed Forces.

### § 476c. Travel and transportation allowances: members assigned to a vessel under construction

(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is assigned to permanent duty aboard a ship that is under construction at a location other than—

(A) the designated home port of the ship; or

(B) the area where the dependents of the member are residing,

is entitled to transportation, or an allowance for transportation under section 474(d)(3) of this title, for round-trip travel from the port of construction to either of those locations as provided in paragraph (2).

(2) A member referred to in paragraph (1) shall be entitled to such transportation or allowance on or after the thirty-first day (and every sixtieth day after the thirty-first day) after the later of—

(A) the date on which the ship enters the construction port; and

(B) the date on which the member becomes permanently assigned to the ship.

(3) The amount of reimbursement for personally procured transportation or the allowance for transportation under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

(b) DEPENDENTS TRAVEL.—(1) In lieu of the entitlement of a member of the uniformed services to transportation under subsection (a), the Secretary concerned may provide transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 474(d)(1) of this title for the travel of the dependents of the member from the designated home port of the ship, or the area where the dependents of the member are residing, to the port of construction.

(2) The total reimbursement for transportation for the member's dependents under paragraph (1) may not exceed the cost of Government-procured commercial round-trip travel.

(c) CHANGE OF HOME PORT.—In any case in which a member of the uniformed services assigned to permanent duty aboard a ship that undergoes a change of home port to the port at which the ship is being constructed, the dependents of such member may be provided the transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 476 of this title and section 2634<sup>1</sup> of title 10.

(d) APPLICATION OF OTHER LAW.—Section 420 of this title does not apply with respect to transportation or allowances provided under this section.

(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 101-189, div. A, title VI, § 624(a)(1), Nov. 29, 1989, 103 Stat. 1447, § 406c; amended Pub. L. 102-190, div. A, title VI, § 622, Dec. 5, 1991, 105 Stat. 1378; renumbered § 476c and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(9), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### REFERENCES IN TEXT

Section 2634 of title 10, referred to in subsec. (c), was repealed by Pub. L. 113-66, div. A, title VI, § 621(g)(1), Dec. 26, 2013, 127 Stat. 784.

#### AMENDMENTS

2013—Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, § 631(f)(4)(A), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “474” for “404” in concluding provisions of subsec. (a)(1) and in subsec. (b)(1) and “476” for “406” in subsec. (c).

Pub. L. 112-81, § 631(d)(2), renumbered section 406c of this title as this section.

Subsec. (e). Pub. L. 112-81, § 631(e)(9), added subsec. (e).

1991—Subsec. (b)(1). Pub. L. 102-190 substituted “the designated home port of the ship, or the area where the

<sup>1</sup> See References in Text note below.

dependents of the member are residing,” for “the location that was the home port of the ship before commencement of construction”.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

**§ 477. Travel and transportation allowances: dislocation allowance**

(a) ELIGIBILITY FOR PRIMARY DISLOCATION ALLOWANCE.—(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service described in paragraph (2) is entitled to a primary dislocation allowance at the rate determined under subsection (c) for the member's pay grade and dependency status.

(2) A member of the uniformed services referred to in paragraph (1) is any of the following:

(A) A member who makes a change of permanent station and the member's dependents actually make an authorized move in connection with the change, including a move by the dependents—

(i) to join the member at the member's duty station after an unaccompanied tour of duty when the member's next tour of duty is an accompanied tour at the same station; and

(ii) to a location designated by the member after an accompanied tour of duty when the member's next tour of duty is an unaccompanied tour at the same duty station.

(B) A member whose dependents actually move pursuant to section 475a(a), 476(e), 476(h), or 484 of this title.

(C) A member whose dependents actually move from their place of residence under circumstances described in section 476a of this title.

(D) A member who is without dependents and—

(i) actually moves to a new permanent station where the member is not assigned to quarters of the United States; or

(ii) actually moves from a place of residence under circumstances described in section 476a of this title.

(E) A member who is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.

(F) A member whose dependents actually move from the member's place of residence in connection with the performance of orders for the member to report to the member's first permanent duty station if the move—

(i) is to the permanent duty station or a designated location; and

(ii) is an authorized move.

(G) Each of two members married to each other who—

(i) is without dependents;

(ii) actually moves with the member's spouse to a new permanent duty station; and

(iii) is assigned to family quarters of the United States at or in the vicinity of the new duty station.

(3) If a primary dislocation allowance is paid under this subsection to a member described in subparagraph (C) or (D)(ii) of paragraph (2), the member is not entitled to another dislocation allowance as a member described in subparagraph (A) or (E) of such paragraph in connection with the same move.

(4) If a primary dislocation allowance is payable to two members described in paragraph (2)(G) who are married to each other, the amount of the allowance payable to such members shall be the amount otherwise payable under this subsection to the member in the higher pay grade, or to either member if both members are in the same pay grade. The allowance shall be paid jointly to both members.

(b) SECONDARY ALLOWANCE AUTHORIZED UNDER CERTAIN CIRCUMSTANCES.—(1) Under regulations prescribed by the Secretary concerned, whenever a member is entitled to a primary dislocation allowance under subsection (a) as a member described in paragraph (2)(C) or (2)(D)(ii) of such subsection, the member is also entitled to a secondary dislocation allowance at the rate determined under subsection (c) for the member's pay grade and dependency status if, subsequent to the member or the member's dependents actually moving from their place of residence under circumstances described in section 476a of this title, the member or member's dependents complete that move to a new location and then actually move from that new location to another location also under circumstances described in section 476a of this title.

(2) If a secondary dislocation allowance is paid under this subsection, the member is not entitled to a dislocation allowance as a member described in paragraph (2)(A) or (2)(E) of subsection (a) in connection with those moves.

(c) DISLOCATION ALLOWANCE RATES.—(1) The amount of the dislocation allowance to be paid under this section to a member shall be based on the member's pay grade and dependency status at the time the member becomes entitled to the allowance, except that the Secretary concerned may not differentiate between members with dependents in pay grades E-1 through E-5.

(2) The initial rate for the dislocation allowance, for each pay grade and dependency status, shall be equal to the rate in effect for that pay grade and dependency status on December 31, 1997, as adjusted by the average percentage increase in the rates of basic pay for calendar year 1998. Effective on the same date that the monthly rates of basic pay for members are increased for a subsequent calendar year, the Secretary of Defense shall adjust the rates for the dislocation allowance for that calendar year by the percentage equal to the average percentage increase in the rates of basic pay for that calendar year.

(d) FISCAL YEAR LIMITATION; EXCEPTIONS.—(1) A member is not entitled to more than one dislocation allowance under this section during a fiscal year unless—

(A) the Secretary concerned finds that the exigencies of the service require the member

to make more than one change of permanent station during the fiscal year;

(B) the member is ordered to a service school as a change of permanent station;

(C) the member's dependents are covered by section 475a(a), 476(e), 476(h), or 484 of this title; or

(D) subparagraph (C) or (D)(ii) of subsection (a)(2) or subsection (b) apply with respect to the member or the member's dependents.

(2) This subsection does not apply in time of national emergency or in time of war.

(e) **FIRST OR LAST DUTY.**—A member is not entitled to payment of a dislocation allowance under this section when the member is ordered from the member's home to the member's first duty station (except as provided in subsection (a)(2)(F)) or from the member's last duty station to the member's home.

(f) **PARTIAL DISLOCATION ALLOWANCE.**—(1) Under regulations prescribed by the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of \$500.

(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title or another provision of law, the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection.

(g) **RULE OF CONSTRUCTION.**—For purposes of this section, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.

(h) **ADVANCE PAYMENT.**—A dislocation allowance payable under this section may be paid in advance.

(i) **TERMINATION.**—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 474, §407; Pub. L. 89-26, §1(3), (4), May 22, 1965, 79 Stat. 117; Pub. L. 89-718, §60, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-207, §1(4), Dec. 16, 1967, 81 Stat. 651; Pub. L. 97-60, title I, §124, Oct. 14, 1981, 95 Stat. 1003; Pub. L. 99-145, title VI, §611(a), Nov. 8, 1985, 99 Stat. 639; Pub. L. 99-661, div. A, title VI, §619(a), Nov. 14, 1986, 100 Stat. 3881; Pub. L. 100-180, div. A, title VI, §613, Dec. 4, 1987, 101 Stat. 1093; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VI, §624, Feb. 10, 1996, 110 Stat. 363; Pub. L. 104-201, div. A, title VI, §622(a), Sept. 23, 1996, 110 Stat. 2548; Pub. L. 105-85, div. A, title VI, §632(a), Nov. 18, 1997, 111 Stat. 1795; Pub. L. 106-398, §1 [[div. A], title VI, §644], Oct. 30, 2000, 114 Stat. 1654, 1654A-161; Pub. L. 107-107, div. A, title VI, §§635(a), (b), 636(a), Dec. 28, 2001, 115 Stat. 1144, 1145; renumbered §477 and amended Pub. L.

112-81, div. A, title VI, §631(d)(2), (e)(10), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
407(a) .....	37:253(c) (4th sentence).	Oct. 12, 1949, ch. 681,
407(b) .....	37:253(c) (5th, 6th, and 7th sentences).	§ 303(c) (4th through 8th sentences); added Mar. 31, 1955, ch. 20,
407(c) .....	37:253(c) (8th sentence).	§ 2(12), 69 Stat. 21.

In subsection (a), the words “Except as provided in subsections (b) and (c) of this section” and “for one month” are inserted for clarity. The words “make an authorized move” are substituted for the words “are authorized to move and actually move”.

In subsection (b), the words “is not entitled to . . . more than one” are substituted for the words “shall be entitled . . . for not more than one”. The words “the payment of” and “for not more than one permanent change of station” are omitted as surplusage. Clauses (1) and (2) are substituted for the last 29 words of the 5th and 6th sentences of section 253(c) of existing title 37.

#### AMENDMENTS

2013—Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted, wherever appearing, “475a” for “405a”, “476” for “406”, “476a” for “406a”, and “484” for “554”.

Pub. L. 112-81, §631(d)(2), renumbered section 407 of this title as this section.

Subsec. (i). Pub. L. 112-81, §631(e)(10), added subsec. (i).

2001—Subsec. (a)(2)(F), (G). Pub. L. 107-107, §635(a)(1), added subpars. (F) and (G).

Subsec. (a)(4). Pub. L. 107-107, §635(a)(2), added par. (4).

Subsec. (e). Pub. L. 107-107, §635(b), inserted “(except as provided in subsection (a)(2)(F))” after “first duty station”.

Subsecs. (f) to (h). Pub. L. 107-107, §636(a), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

2000—Subsec. (c)(1). Pub. L. 106-398 inserted before period at end “, except that the Secretary concerned may not differentiate between members with dependents in pay grades E-1 through E-5”.

1997—Pub. L. 105-85 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to dislocation allowances for members of the uniformed services.

1996—Subsec. (a). Pub. L. 104-201 substituted “two and one-half months” for “two months” in introductory provisions.

Pub. L. 104-106, §624(b)(1), in concluding provisions, substituted “paragraph (3) or (4)(B)” for “clause (3) or (4)(B)” and “paragraph (1) or (5)” for “clause (1)”.

Subsec. (a)(5). Pub. L. 104-106, §624(a), added par. (5).

Subsec. (b). Pub. L. 104-106, §624(b)(2), substituted “paragraph (3) or (4)(B) of subsection (a)” for “subsection (a)(3) or (a)(4)(B)” and “paragraph (1) or (5) of subsection (a)” for “subsection (a)(1)”.

1991—Pub. L. 102-25 struck out “of this section” wherever appearing in subsecs. (a) to (c).

1987—Subsec. (f). Pub. L. 100-180 added subsec. (f).

1986—Pub. L. 99-661 amended section generally. Prior to amendment, section read as follows:

“(a) Except as provided by subsections (b) and (c) of this section, under regulations prescribed by the Secretary concerned, a member of a uniformed service—

“(1) whose dependents make an authorized move in connection with his change of permanent station;



“(2) whose dependents are covered by section 405a(a) of this title; or

“(3) without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States; is entitled to a dislocation allowance equal to his basic allowance for quarters for two months as provided for a member of his pay grade and dependency status in section 403 of this title. For the purposes of this subsection, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents. An allowance payable under this section may be paid in advance.

“(b) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

“(1) the Secretary concerned finds that the exigencies of the service require the member to make more than one such change of station during that fiscal year;

“(2) the member is ordered to a service school as a change of permanent station; or

“(3) the member's dependents are covered by section 405a(a) of this title.

This subsection does not apply in time of national emergency declared after April 1, 1955, or in time of war.

“(c) A member is not entitled to payment of a dislocation allowance when ordered from his home to his first duty station or from his last duty station to his home.”

1985—Subsec. (a). Pub. L. 99-145 substituted “two months” for “one month” in first sentence.

1981—Subsec. (a). Pub. L. 97-60 inserted sentence in provision following cl. (3) authorizing the payment in advance of an allowance payable under this section.

1967—Subsec. (a). Pub. L. 90-207 authorized a dislocation allowance for a member of a uniformed service without dependents who is transferred to a permanent station where he is not assigned to quarters of the United States and for dislocation allowance purposes deemed a member whose dependents may not make an authorized move in connection with a change of permanent station to be a member without dependents.

1966—Subsecs. (a), (b)(2). Pub. L. 89-718 substituted “change of permanent station” for “permanent change of station”.

1965—Subsec. (a). Pub. L. 89-26, §1(3), authorized a dislocation allowance for a member of the uniformed service whose dependents are covered by section 405a(a) of this title.

Subsec. (b)(3). Pub. L. 89-26, §1(4), added cl. (3).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §635(c), Dec. 28, 2001, 115 Stat. 1145, provided that: “The amendments made by this section [amending this section] shall apply with respect to an order issued on or after January 1, 2002, in connection with a change of permanent station or for a member of the uniformed services to report to the member's first permanent duty station.”

Pub. L. 107-107, div. A, title VI, §636(b), Dec. 28, 2001, 115 Stat. 1145, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Subsection (f) [of section 477] of title 37, United States Code, as added by subsection (a)(2), shall apply with respect to an order to move for a member of a uniformed service that is issued on or after the date of the enactment of this Act [Dec. 28, 2001].”

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. A, title VI, §632(b), Nov. 18, 1997, 111 Stat. 1797, provided that: “The amendment made by

subsection (a) [amending this section] shall take effect on January 1, 1998.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title VI, §622(b), Sept. 23, 1996, 110 Stat. 2548, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1997.”

#### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-661, div. A, title VI, §619(b), Nov. 14, 1986, 100 Stat. 3882, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 14, 1986] and shall apply only to moves which commence on or after that date.”

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §611(b), Nov. 8, 1985, 99 Stat. 639, provided that: “The amendment made by this section [amending this section] shall apply to moves begun after September 30, 1985.”

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of this title.

#### EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-26 effective Feb. 1, 1965, see section 2 of Pub. L. 89-26, as amended, set out as an Effective Date note under section 475a of this title.

### § 478. Travel and transportation allowances: travel within limits of duty station

(a) A member of a uniformed service may be directed, by regulations of the head of the department or agency in which he is serving, to procure transportation necessary for conducting official business of the United States within the limits of his station. Expenses so incurred by the member for train, bus, streetcar, taxicab, ferry, bridge, and similar fares and tolls, or for the use of privately owned vehicles at a fixed rate a mile plus parking fees, shall be defrayed by the department or agency under which he is serving, or the member is entitled to be reimbursed for the expense.

(b)(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who performs emergency duty described in paragraph (2) is entitled to travel and transportation allowances under section 474 of this title for that duty.

(2) The emergency duty referred to in paragraph (1) is duty that—

(A) is performed by a member under emergency circumstances that threaten injury to property of the Federal Government or human life;

(B) is performed at a location within the limits of the member's station (other than at the residence or normal duty location of the member);

(C) is performed pursuant to the direction of competent authority; and

(D) requires the member's use of overnight accommodations.

(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475, §408; Pub. L. 99-145, title VI, §619(a), Nov. 8, 1985, 99 Stat. 642; Pub. L. 100-26, §8(d)(6), Apr. 21, 1987, 101 Stat. 285; Pub. L. 102-190, div. A, title VI, §623, Dec. 5, 1991, 105 Stat. 1379; renumbered §478 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(11), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
408 .....	40:491(m).	June 30, 1949, ch. 288, §211(m); added Sept. 1, 1954, ch. 1211, §2 (13th par.), 68 Stat. 1126.

The words “(as defined in the Career Compensation Act of 1949, as amended)” and “so directed” are omitted as surplusage. The words “official business of the United States” are substituted for the words “official Government business”.

## AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 408 of this title as this section.

Subsec. (b)(1). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404”.

Subsec. (c). Pub. L. 112-81, §631(e)(11), added subsec. (c).

1991—Pub. L. 102-190 designated existing provisions as subsec. (a) and added subsec. (b).

1987—Pub. L. 100-26 substituted “privately owned” for “privately-owned”.

1985—Pub. L. 99-145 inserted “plus parking fees” after “fixed rate a mile”.

## EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

## EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §619(b), Nov. 8, 1985, 99 Stat. 642, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to parking fees incurred after September 30, 1985.”

**§ 478a. Travel and transportation allowances: inactive duty training outside of normal commuting distances**

(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse an eligible member of the Selected Reserve of the Ready Reserve for travel expenses for travel to an inactive duty training location to perform inactive duty training when the member is required to commute a distance from the member’s permanent residence to the inactive duty training location that is outside the normal commuting distance (as determined under the regulations prescribed under subsection (d)) for that commute.

(b) ELIGIBLE MEMBERS.—To be eligible for reimbursement under subsection (a), a member of the Selected Reserve of the Ready Reserve must be—

(1) qualified in a skill designated as critically short by the Secretary concerned;

(2) assigned to a unit of the Selected Reserve with a critical manpower shortage or in a pay grade in the member’s reserve component with a critical manpower shortage; or

(3) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation.

(c) MAXIMUM REIMBURSEMENT AMOUNT.—(1) Except as provided by paragraph (2), the amount of reimbursement provided a member under subsection (a) for each round trip to a training location may not exceed \$300.

(2) The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

(A) resides—

(i) in the same State as the training location; and

(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

(B) is required to commute to a training location—

(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

(ii) from a permanent residence located more than 75 miles from the training location.

(d) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

(e) TERMINATION.—No reimbursement may be provided under this section for travel that occurs after December 31, 2018.

(Added Pub. L. 110-181, div. A, title VI, §631(a)(1), Jan. 28, 2008, 122 Stat. 153, §408a; amended Pub. L. 111-383, div. A, title VI, §621, Jan. 7, 2011, 124 Stat. 4238; renumbered §478a and amended Pub. L. 112-81, div. A, title VI, §§621, 631(d)(2), Dec. 31, 2011, 125 Stat. 1452, 1460; Pub. L. 112-239, div. A, title VI, §611(7), Jan. 2, 2013, 126 Stat. 1776; Pub. L. 113-66, div. A, title VI, §611(7), title X, §1091(b)(3), Dec. 26, 2013, 127 Stat. 780, 876; Pub. L. 113-291, div. A, title VI, §611(7), Dec. 19, 2014, 128 Stat. 3399; Pub. L. 114-92, div. A, title VI, §611(7), Nov. 25, 2015, 129 Stat. 837; Pub. L. 114-328, div. A, title VI, §§611(7), 621, Dec. 23, 2016, 130 Stat. 2157, 2161; Pub. L. 115-91, div. A, title VI, §611(7), Dec. 12, 2017, 131 Stat. 1421.)

## AMENDMENTS

2017—Subsec. (e). Pub. L. 115-91 substituted “December 31, 2018” for “December 31, 2017”.

2016—Subsec. (c). Pub. L. 114-328, §621, substituted “(1) Except as provided by paragraph (2), the amount” for “The amount” and added par. (2).

Subsec. (e). Pub. L. 114-328, §611(7), substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (e). Pub. L. 114-92 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (e). Pub. L. 113-291 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (e). Pub. L. 113-66, §611(7), substituted “December 31, 2014” for “December 31, 2013”.

Pub. L. 112-239, §611(7), as amended by Pub. L. 113-66, §1091(b)(3), substituted “December 31, 2013” for “December 31, 2012”.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 408a of this title as this section.

Subsec. (e). Pub. L. 112-81, §621, substituted “December 31, 2012” for “December 31, 2011”.

Pub. L. 111-383 substituted “December 31, 2011” for “December 31, 2010”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-66, div. A, title X, §1091(b), Dec. 26, 2013, 127 Stat. 876, provided in part that the amendment made by section 1091(b)(3) is effective as of Jan. 2, 2013, and as if included in Pub. L. 112-239 as enacted.

#### EFFECTIVE DATE

Pub. L. 110-181, div. A, title VI, §631(b), Jan. 28, 2008, 122 Stat. 154, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “No reimbursement may be provided under section 478a of title 37, United States Code, as added by subsection (a), for travel costs incurred before the date of the enactment of this Act [Jan. 28, 2008].”

### § 479. Travel and transportation allowances: house trailers and mobile homes

(a)(1) A member, or in the case of a member's death, the member's dependent, who would otherwise be entitled to transportation of baggage and household effects under section 476 of this title, may be provided transportation of a house trailer or mobile home dwelling within the continental United States, within Alaska, or between the continental United States and Alaska (or reimbursement for such transportation), if the house trailer or mobile home dwelling is intended for use as a residence by such member or dependent. Such transportation may be limited to such modes and maximum costs as may be prescribed by regulations under subsection (d).

(2) Except as provided in subsection (c), transportation of a house trailer or mobile home dwelling under paragraph (1) is in place of the transportation of baggage and household effects the member or member's dependent would otherwise be entitled to have provided.

(3) The cost of transportation of a house trailer or mobile home dwelling under paragraph (1) may not be more than the total cost of transportation (including packing, pick-up, line-haul or drayage, delivery, and unpacking) of baggage and household effects of the member or dependent having the maximum weight authorized for the member or dependent under regulations prescribed by the Secretary concerned.

(4) A house trailer or mobile home dwelling in transit under this section may be stored up to 180 days in accordance with regulations prescribed by the Secretary concerned.

(b) Any payment authorized by this section may be made in advance of the transportation concerned.

(c) A member or member's dependent who is entitled to the transportation of baggage or household effects from a place inside the continental United States or Alaska to a place outside the continental United States or Alaska, or from a place outside the continental United

States or Alaska to a place inside the continental United States or Alaska, may be provided the transportation of a house trailer or mobile dwelling under this section, but the total cost to the Government of the transportation of baggage and household effects and the transport of a house trailer or mobile home dwelling may not exceed the cost of transporting baggage and household effects of the member or dependent having the maximum weight authorized for the member or dependent under regulations prescribed by the Secretary concerned.

(d) The Secretaries concerned shall prescribe regulations to carry out this section.

(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475, §409; Pub. L. 88-406, Aug. 7, 1964, 78 Stat. 383; Pub. L. 89-718, §§61, 62, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-246, Jan. 2, 1968, 81 Stat. 782; Pub. L. 96-342, title VIII, §808(a)(1), Sept. 8, 1980, 94 Stat. 1096; Pub. L. 100-26, §8(e)(6), Apr. 21, 1987, 101 Stat. 286; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 107-314, div. A, title VI, §654(b)(3), Dec. 2, 2002, 116 Stat. 2582; renumbered §479 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(12), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
409 .....	37:253(c) (12th sentence).	Oct. 12, 1949, ch. 681, §303(c) (12th sentence); added Mar. 31, 1955, ch. 20, §2(13), 69 Stat. 22; Mar. 17, 1958, Pub. L. 85-347, 72 Stat. 37; re-stated Oct. 4, 1961, Pub. L. 87-374, 75 Stat. 804.

The words “the United States, except in Hawaii or Alaska,” are substituted for the words “the continental United States” to conform to the definition of United States in section 101(1) of this revised title and to reflect the opinion of the Comptroller General in B-139624, June 29, 1959, that Alaska was not included within those words. The words “an agent of the United States” are substituted for the words “the Government”, for clarity. The words “United States” are substituted for the word “Government”. The words “of the uniformed services” are omitted as surplusage in view of the definition of member in section 101(23) of this revised title.

#### AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 409 of this title as this section.

Subsec. (a)(1). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “476” for “406”.

Subsec. (e). Pub. L. 112-81, §631(e)(12), added subsec. (e).

2002—Subsec. (e). Pub. L. 107-314 struck out subsec. (e) which read as follows: “In this section, the term ‘continental United States’ means the 48 contiguous States and the District of Columbia.”

1991—Subsec. (a)(1) to (3), Pub. L. 102-25 struck out “of this section” and “of this subsection” wherever appearing.

1987—Subsec. (e), Pub. L. 100-26 inserted “the term” after “In this section.”.

1980—Pub. L. 96-342 completely revised and expanded provisions covering the travel and transportation allowances for the movement of house trailers and mobile homes, changing the structure of the section from a single unlettered paragraph to one consisting of five subsections lettered (a) to (e).

1968—Pub. L. 90-246 substituted “74 cents” for “51 cents” as maximum allowable cost-of-transportation mileage rate.

1966—Pub. L. 89-718 substituted “household effects” for “household goods” and “48” for “forty-eight”.

1964—Pub. L. 88-406 substituted “continental United States, within Alaska, or between the continental United States and Alaska” for “United States except in Hawaii or Alaska”, “51 cents” for “36 cents”, inserted “by the United States or” in cl. (2), and defined “continental United States”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-342, title VIII, §808(b), Sept. 8, 1980, 94 Stat. 1097, provided that: “The amendments made by subsection (a) [amending this section] shall only apply to transportation of house trailers and mobile home dwellings which is completed after September 30, 1980.”

### § 480. Travel and transportation allowances: miscellaneous categories

(a) The following persons are entitled to such travel and transportation allowances provided by section 474 of this title as prescribed by the Secretaries concerned—

- (1) cadets of the United States Military Academy;
- (2) midshipmen of the United States Naval Academy;
- (3) cadets of the United States Air Force Academy;
- (4) cadets of the Coast Guard Academy;
- (5) applicants for enlistment;
- (6) rejected applicants for enlistment;
- (7) general prisoners;
- (8) discharged prisoners;
- (9) insane patients transferred from military hospitals to other hospitals or to their homes; and
- (10) persons discharged from Saint Elizabeths Hospital after transfer from a uniformed service.

(b) The Secretary concerned shall, in prescribing allowances under subsection (a), consider the rights of the United States, as well as those of the persons concerned.

(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475, §410; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; renumbered §480 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(13), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465;

Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
410(a) .....	37:253(e) (less last 25 words).	Oct. 12, 1949, ch. 681, §303(e), 63 Stat. 815.
410(b) .....	37:253(e) (last 25 words).	

#### AMENDMENTS

2013—Subsec. (a), Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 410 of this title as this section.

Subsec. (a), Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404” in introductory provisions.

Subsec. (c), Pub. L. 112-81, §631(e)(13), added subsec. (c).

1991—Subsec. (b), Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### 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.

### § 481. Travel and transportation allowances: administrative provisions

(a) For the administration of sections 474(a), (b), and (d)–(f), 474a, 475, 475a, 476(a)–(f), 477, 479, and 480 of this title, the Secretaries concerned shall prescribe regulations that are, as far as practicable, uniform for all of the uniformed services.

(b) In establishing the rates and kinds of allowances authorized by the sections of this title designated by subsection (a), the Secretaries concerned shall—

(1) consider the average cost of common carrier transportation when prescribing a monetary allowance in place of transportation;

(2) consider the current economic data on the cost of subsistence, including lodging and other necessary incidental expenses related thereto, when prescribing per diem rates and designating areas as high cost areas; and

(3) consider the average cost of transportation and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage allowances.

(c) The Secretaries concerned shall determine what constitutes a travel status for the purposes of the sections of this title designated by subsection (a).

(d) The Secretary concerned shall define the term “permanent station” for the purposes of

the sections of this title designated by subsection (a). The definition shall include a shore station or the home yard or home port of a vessel to which a member of a uniformed service who is entitled to basic pay may be ordered. An authorized change in the home yard or home port of such a vessel is a change of permanent station.

(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476, §411; Pub. L. 89-26, §1(5), May 22, 1965, 79 Stat. 117; Pub. L. 96-343, §5(b), Sept. 8, 1980, 94 Stat. 1126; Pub. L. 96-513, title V, §516(12), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 97-60, title I, §122(b), Oct. 14, 1981, 95 Stat. 1003; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; renumbered §481 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(14), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
411(a) .....	37:253(h).	Oct. 12, 1949, ch. 681,
411(b) .....	37:253(f).	§ 303(c) (10th sentence),
411(c) .....	37:253(g).	(f), (g), (h), 63 Stat. 814.
411(d) .....	37:253(c) (10th sentence).	

In subsection (a), section 253(h) (provisos) of existing title 37 is omitted, since the regulations to which reference is made have been issued. The exceptions to sections 404(c) and 406(g) are inserted, since the source text for those subsections require regulations prescribed thereunder to be uniform.

In subsections (c) and (d), the words “for the purposes of the sections of this title designated by subsection (a) of this section” are inserted to clarify the coverage of the source statute.

#### AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 411 of this title as this section.

Subsec. (a). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404”, “475a” for “404a”, “475” for “405”, “475a” for “405a”, “476” for “406”, “477” for “407”, “479” for “409”, and “480” for “410”.

Subsec. (e). Pub. L. 112-81, §631(e)(14), added subsec. (e).

1991—Subsecs. (b) to (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1981—Subsec. (a). Pub. L. 97-60 inserted reference to section 404a.

1980—Subsec. (b)(1). Pub. L. 96-343, §5(b)(1), substituted “common carrier transportation” for “first-class transportation, including sleeping accommodations,”.

Subsec. (b)(2). Pub. L. 96-343, §5(b)(2), inserted “and designating areas as high cost areas” after “rates”.

Subsec. (b)(3). Pub. L. 96-343, §5(b)(3), substituted “transportation” for “first-class transportation, including sleeping accommodations” and “allowances” for “rates”.

Subsec. (d). Pub. L. 96-513 substituted “term” for “words”.

1965—Subsec. (a). Pub. L. 89-26 inserted reference to section 405a.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by

section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective Apr. 1, 1982, see section 122(c) of Pub. L. 97-60, set out as an Effective Date note under section 474a of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENTS

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 Title 10, Armed Forces.

Amendment by Pub. L. 96-343 effective with respect to travel and transportation performed after Aug. 31, 1980, see section 5(c) of Pub. L. 96-343, set out as a note under section 474 of this title.

#### EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-26 effective Feb. 1, 1965, see section 2 of Pub. L. 89-26, as amended, set out as an Effective Date note under section 475a of this title.

### § 481a. Travel and transportation allowances: travel performed in connection with convalescent leave

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 or 351 of this title.

(b) The allowances prescribed under this section may not be at rates more than the rates authorized under section 474(d)(1) of this title. Authorized travel under this section is performed in a duty status.

(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.

(Added Pub. L. 90-207, §9(1), Dec. 16, 1967, 81 Stat. 655, §411a; renumbered §481a and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(15), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 114-328, div. A, title VI, §618(h)(3), Dec. 23, 2016, 130 Stat. 2161.)

#### AMENDMENTS

2016—Subsec. (a). Pub. L. 114-328 inserted “or 351” after “section 310”.

2013—Subsec. (b). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 411a of this title as this section.

Subsec. (b). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404”.

Subsec. (c). Pub. L. 112-81, §631(e)(15), added subsec. (c).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by

section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE

Section effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as an Effective Date of 1967 Amendment note under section 203 of this title.

### § 481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours

(a) ALLOWANCES AUTHORIZED.—Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service stationed outside the continental United States who is ordered to a consecutive tour of duty at the same duty station or who is ordered to make a change of permanent station to another duty station outside the continental United States may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a place approved by the Secretary concerned and from that place to his designated post of duty. Such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations.

(b) AUTHORITY TO DEFER TRAVEL; LIMITATIONS.—(1) Under the regulations referred to in subsection (a), a member may defer the travel for which the member is paid travel and transportation allowances under this section until any time before the completion of the consecutive tour at the same duty station or the completion of the tour of duty at the new duty station under the order involved, as the case may be.

(2) If a member is unable to undertake the travel before expiration of the deferral period under paragraph (1) because of duty in connection with a contingency operation, the member may defer the travel until not more than one year after the date on which the member's duty in connection with the contingency operation ends.

(c) LIMITATION ON ALLOWANCE RATE.—The allowances prescribed under this section may not exceed the rate authorized under section 474(d) of this title. Authorized travel under this section is performed in a duty status.

(d) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.

(Added Pub. L. 93-213, §1(1), Dec. 28, 1973, 87 Stat. 910, §411b; amended Pub. L. 97-60, title I, §125, Oct. 14, 1981, 95 Stat. 1003; Pub. L. 99-145, title VI, §615(a), Nov. 8, 1985, 99 Stat. 641; Pub. L. 100-26, §8(d)(8), Apr. 21, 1987, 101 Stat. 286; Pub. L. 100-180, div. A, title VI, §614(d)(1), (2), Dec. 4, 1987, 101 Stat. 1095; Pub. L. 102-190, div. A, title VI, §624, Dec. 5, 1991, 105 Stat. 1379; Pub. L. 104-201, div. A, title VI, §623(a), Sept. 23, 1996, 110 Stat. 2548; Pub. L. 107-107, div. A, title VI, §637, Dec. 28, 2001, 115 Stat. 1146; Pub. L. 107-314, div. A, title VI, §§621(a), (b), 654(b)(4), Dec. 2, 2002, 116 Stat. 2570, 2571, 2582; renumbered §481b and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(16), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Subsec. (c). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 411b of this title as this section.

Subsec. (c). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404”.

Subsec. (d). Pub. L. 112-81, §631(e)(16), added subsec. (d).

2002—Subsec. (a). Pub. L. 107-314, §§621(b)(1), 654(b)(4), inserted heading, struck out par. (1) designation before “under uniform”, substituted “the continental United States” for “the 48 contiguous States and the District of Columbia” in two places, and struck out par. (2) which read as follows: “Under the regulations referred to in paragraph (1), a member may defer the travel for which the member is paid travel and transportation allowances under such paragraph until not more than one year after the date on which the member begins the consecutive tour of duty at the same duty station or reports to another duty station under the order involved, as the case may be. If the member is unable to undertake the travel before the end of such one-year period as a result of duty in connection with a contingency operation, the member may defer the travel for one additional year beginning on the date the duty of the member in connection with the contingency operation ends.”

Subsecs. (b), (c). Pub. L. 107-314, §621(a), (b)(2), added subsec. (b), redesignated former subsec. (b) as (c), and inserted heading.

2001—Subsec. (a)(1). Pub. L. 107-107 struck out “, or his designee, or to a place no farther distant than his home of record” after “place approved by the Secretary concerned”.

1996—Subsec. (a)(2). Pub. L. 104-201 inserted at end “If the member is unable to undertake the travel before the end of such one-year period as a result of duty in connection with a contingency operation, the member may defer the travel for one additional year beginning on the date the duty of the member in connection with the contingency operation ends.”

1991—Subsec. (a)(2). Pub. L. 102-190 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “If, because of military necessity, a member authorized travel and transportation allowances under this subsection is denied leave between the two tours of duty outside the 48 contiguous States and the District of Columbia, the member shall be authorized to use such travel and transportation allowances from his current duty station at the time the member is first granted leave—

“(A) which is to be taken away from the member's permanent duty station; and

“(B) for which a travel and transportation allowance is not otherwise authorized.”

1987—Pub. L. 100-180, §614(d)(2), amended section catchline generally, substituting “leave between consecutive overseas tours” for “certain leave”.

Subsec. (a). Pub. L. 100-26 substituted “48” for “forty-eight” wherever appearing.

Subsec. (a)(2). Pub. L. 100-180, §614(d)(1), substituted “the time the member is first granted leave—” for “the first time the member is granted leave.” and added subpars. (A) and (B).

1985—Subsec. (a)(1). Pub. L. 99-145 struck out “if he is a member without dependents,” after “home of record”, struck out “, if either his last duty station or his designated post of duty is a restricted area in which dependents are not authorized” after “post of duty” in first sentence, and inserted “such allowances may be paid for the member and for the dependents of the member who are authorized to, and do, accompany him at his duty stations.”

1981—Subsec. (a). Pub. L. 97-60 designated existing provisions as par. (1), inserted “who is ordered to a con-

secutive tour of duty at the same duty station or” after “District of Columbia”, and added par. (2).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title VI, §621(c), Dec. 2, 2002, 116 Stat. 2571, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Subsection (b) of section 481b of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services in a deferred leave travel status under such section as of the date of the enactment of this Act [Dec. 2, 2002] or becomes entitled [sic] to travel and transportation allowances under such section on or after that date.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title VI, §623(b), Sept. 23, 1996, 110 Stat. 2548, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as of November 1, 1995.”

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §615(b), Nov. 8, 1985, 99 Stat. 641, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to orders to change a permanent station that are effective after September 30, 1985.”

### **§ 481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries**

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is serving at a duty station outside the United States in an area specifically designated for the purposes of this section by the Secretary concerned may be paid for or provided transportation for himself and his dependents authorized to reside at his duty station—

- (1) to another location outside the United States having different social, climatic, or environmental conditions than those at the duty station at which the member is serving; or
- (2) to a location in the United States.

(b) When the transportation authorized by subsection (a) is provided by the Secretary concerned, the Secretary may use Government or commercial carriers. The Secretary concerned may limit the amount of payments made to members under subsection (a).

(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.

(Added Pub. L. 97-60, title I, §126(a), Oct. 14, 1981, 95 Stat. 1003, §411c; amended Pub. L. 100-26, §8(d)(9), Apr. 21, 1987, 101 Stat. 286; Pub. L. 105-261, div. A, title VI, §633(a), (b)(1), Oct. 17, 1998, 112 Stat. 2044; renumbered §481c and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(17), Dec. 31, 2011, 125 Stat. 1460, 1463.)

#### AMENDMENTS

2011—Pub. L. 112-81, §631(d)(2), renumbered section 411c of this title as this section.

Subsec. (c). Pub. L. 112-81, §631(e)(17), added subsec. (c).

1998—Pub. L. 105-261, §633(b)(1), substituted “rest and recuperative leave from certain stations” for “leave from certain stations” in section catchline.

Subsec. (b). Pub. L. 105-261, §633(a), added subsec. (b) and struck out former subsec. (b) which read as follows: “The transportation authorized by this section is limited to transportation of the member, and of each dependent of the member, for one round-trip during any tour of at least 24, but less than 36, consecutive months or two round-trips during any tour of at least 36 consecutive months.”

1987—Subsec. (b). Pub. L. 100-26 substituted “round-trip” for “roundtrip” and “round-trips” for “roundtrips”.

### **§ 481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents**

(a) Under uniform regulations prescribed by the Secretaries concerned, transportation in accordance with subsection (b) may be provided for a member of a uniformed service and for dependents of that member authorized to reside at the member’s duty station (or authorized to reside at another location and receive a station allowance) incident to emergency leave granted for reasons of a personal emergency (or in the case of transportation provided only for a dependent, under circumstances involving a personal emergency similar to the circumstances for which emergency leave could be granted a member).

(b)(1) In the case of a member stationed outside the continental United States and the dependents of such a member, transportation under this section may be provided from the location of the member or dependents, at the time notification of the personal emergency is received, or the member’s permanent duty station (and if the member’s dependents reside at another overseas location and receive a station allowance, from that location)—

(A) to the international airport in the continental United States closest to the location from which the member and his dependents departed;

(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or

(C) to an airport in Alaska, Hawaii, the Commonwealth of Puerto Rico, any possession of the United States, or any other location outside the continental United States, as determined by the Secretary concerned.

(2) In the case of a member whose domicile is outside the continental United States and who is stationed in the continental United States and the dependents of such a member, transportation under this section may be provided from the international airport in the continental United States nearest the location of the member and dependents at the time notification of the personal emergency is received or the international airport nearest the member’s permanent duty station to an international airport in

Alaska, Hawaii, the Commonwealth of Puerto Rico, a possession of the United States, or any other location outside the continental United States, as determined by the Secretary concerned.

(3) In the case of a member stationed outside the continental United States whose dependents reside in the continental United States, transportation under this section may be provided for the member as described in paragraph (1) and for the dependents as described in paragraph (2).

(4) Whenever transportation is provided under this section, return transportation may be provided to the location from which the member or dependent departed or the member's duty station.

(c) Transportation under this section may be authorized only upon a determination that, considering the nature of the personal emergency involved, Government transportation is not reasonably available. The cost of transportation authorized under this section for a member, or the dependents of a member, may not exceed the cost of Government-procured commercial air travel between the applicable locations described in subsection (b).

(d) No transportation may be provided under this section after the travel authorities transition expiration date.

(Added Pub. L. 97-60, title I, §126(a), Oct. 14, 1981, 95 Stat. 1004, §411d; amended Pub. L. 98-525, title VI, §612(a)(1), Oct. 19, 1984, 98 Stat. 2538; Pub. L. 100-26, §8(e)(6), Apr. 21, 1987, 101 Stat. 286; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-337, div. A, title VI, §623, Oct. 5, 1994, 108 Stat. 2784; Pub. L. 106-65, div. A, title VI, §633, Oct. 5, 1999, 113 Stat. 661; Pub. L. 107-314, div. A, title VI, §654(b)(5), Dec. 2, 2002, 116 Stat. 2582; renumbered §481d and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(18), Dec. 31, 2011, 125 Stat. 1460, 1463.)

#### AMENDMENTS

2011—Pub. L. 112-81, §631(d)(2), renumbered section 411d of this title as this section.

Subsec. (d). Pub. L. 112-81, §631(e)(18), added subsec. (d).

2002—Subsec. (d). Pub. L. 107-314 struck out subsec. (d) which read as follows: "In this section, the term 'continental United States' means the 48 contiguous States and the District of Columbia."

1999—Subsec. (b)(1). Pub. L. 106-65 struck out "or" at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C).

1994—Subsec. (b)(1). Pub. L. 103-337, §623(1)(A), substituted "from the location of the member or dependents, at the time notification of the personal emergency is received, or" for "from the international airport nearest the location of the member and dependents at the time notification of the personal emergency is received or the international airport nearest" in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 103-337, §623(1)(B), substituted "closest to the location" for "closest to the international airport".

Subsec. (b)(4). Pub. L. 103-337, §623(2), substituted "to the location from which the member or dependent departed or the member's duty station." for "to the international airport from which the member or dependent departed or the international airport nearest the member's duty station."

1991—Subsecs. (a), (b)(3), (c). Pub. L. 102-25 struck out "of this section" in subsecs. (a) and (c) and "of this subsection" in two places in subsec. (b)(3).

1987—Subsec. (d). Pub. L. 100-26 inserted "the term" after "In this section,".

1984—Pub. L. 98-525 substituted "personal emergencies for certain members and dependents" for "certain emergencies for members performing temporary duty" in section catchline.

Subsec. (a). Pub. L. 98-525 substituted "transportation in accordance with subsection (b) of this section may be provided for a member of a uniformed service and for dependents of that member authorized to reside at the member's duty station (or authorized to reside at another location and receive a station allowance) incident to emergency leave granted for reasons of a personal emergency (or in the case of transportation provided only for a dependent, under circumstances involving a personal emergency similar to the circumstances for which emergency leave could be granted a member)" for "a member of a uniformed service who is performing temporary duty away from his permanent duty station (or who is assigned to a ship or unit operating away from its home port) may be provided the travel and transportation authorized by section 404 of this title for travel performed by the member from his place of temporary duty (or from his ship or unit) to his permanent duty station (or the home port of the ship or unit) or to any other location, and return (if applicable), if such travel has been approved incident to the serious illness or injury or the death of a dependent of the member".

Subsec. (b). Pub. L. 98-525 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 98-525 redesignated subsec. (b) as (c), substituted "Transportation under this section may be authorized only upon a determination that, considering the nature of the personal emergency involved, Government transportation is not reasonably available" for "Transportation under this section may be authorized only upon a determination that Government transportation is not reasonably available, considering the nature of the personal emergency involved", and substituted "The cost of transportation authorized under this section for a member, or the dependents of a member, may not exceed the cost of Government-procured commercial air travel between the applicable locations described in subsection (b) of this section" for "The cost of transportation authorized under this section may not exceed the cost of Government-procured commercial air travel from the member's place of temporary duty (or from his ship or unit) to the member's permanent duty station (or the home port of the ship or unit), and return (if applicable)".

Subsec. (d). Pub. L. 98-525 added subsec. (d).

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title VI, §612(b), Oct. 19, 1984, 98 Stat. 2539, provided that: "The amendment made by subsection (a)(1) [amending this section] shall apply with respect to transportation begun after September 30, 1984."

#### § 481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is performing temporary duty away from his permanent duty station (or who is assigned to a ship or unit operating away from its home port) may be provided the travel and transportation authorized by section 474 of this title for travel performed by the member from his place of temporary duty (or from his ship or unit) to his permanent duty station (or the home port of the ship or unit) or to any other location, and return (if applicable), if such



travel has been approved incident to a personal emergency of the member.

(b) Transportation under this section may be authorized only upon a determination that Government transportation is not reasonably available, considering the nature of the personal emergency involved. The cost of transportation authorized under this section may not exceed the cost of Government-procured commercial air travel from the member's place of temporary duty (or from his ship or unit) to the member's permanent duty station (or the home port of the ship or unit), and return (if applicable).

(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 97-60, title I, §126(a), Oct. 14, 1981, 95 Stat. 1004, §411e; amended Pub. L. 100-456, div. A, title VI, §623(a), Sept. 29, 1988, 102 Stat. 1984; renumbered §481e and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(19), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 411e of this title as this section.

Subsec. (a). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404”.

Subsec. (c). Pub. L. 112-81, §631(e)(19), added subsec. (c).

1988—Subsec. (a). Pub. L. 100-456 substituted “incident to a personal emergency of the member” for “incident to the serious illness or injury or the death of a dependent of the member”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-456, div. A, title VI, §623(b), Sept. 29, 1988, 102 Stat. 1984, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to travel performed after September 30, 1988.”

### **§ 481f. Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies**

(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty or inactive duty in order that the eligible relatives may attend the burial ceremony of the deceased member at the location determined under subsection (a)(8) of section 1482 of title 10 or attend a memorial service for the deceased member, under circumstances covered by subsection (d) of such section.

(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.

(3) The Secretary concerned may also provide round trip travel and transportation allowances to an attendant who accompanies an eligible relative provided travel and transportation allowances under paragraph (1) for travel to the burial ceremony if the Secretary concerned determines that—

(A) the accompanied eligible relative is unable to travel unattended because of age, physical condition, or other justifiable reason; and

(B) there is no other eligible relative of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under paragraph (1) and is qualified to serve as the attendant.

(b) LIMITATION ON AMOUNT.—Allowances for travel under subsection (a) may not exceed the rates for two days and the time necessary for such travel.

(c) ELIGIBLE RELATIVES.—(1) The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under paragraphs (1) and (2) of subsection (a):

(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

(B) The child or children of the deceased member (including stepchildren, adopted children, and illegitimate children).

(C) The parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

(D) The sibling or siblings of the deceased member.

(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10 or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made.

(2) If no person described in subparagraphs (A) through (D) of paragraph (1) is provided travel and transportation allowances under paragraph (1) or (2) of subsection (a), the travel and transportation allowances may be provided to one or two other persons who are closely related to the deceased member and are selected by the person referred to in paragraph (1)(E). A person provided travel and transportation allowances under this paragraph is in addition to the person referred to in paragraph (1)(E).

(d) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES WHO DIE

OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas (including during a humanitarian relief operation) to the following:

(A) The primary next of kin of the member.

(B) Two family members (other than primary next of kin) of the member.

(C) One or more additional family members of the member, at the discretion of the Secretary.

(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.

(e) BURIAL CEREMONY DEFINED.—In this section, the term “burial ceremony” includes the following:

(1) An interment of casketed or cremated remains.

(2) A placement of cremated remains in a columbarium.

(3) A memorial service for which reimbursement is authorized under section 1482(d)(2) of title 10.

(4) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

(f) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.

(g) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 99-145, title VI, § 620(a)(1), Nov. 8, 1985, 99 Stat. 642, § 411f; amended Pub. L. 100-456, div. A, title VI, § 632(b), Sept. 29, 1988, 102 Stat. 1986; Pub. L. 103-35, title II, § 204(a)(2), May 31, 1993, 107 Stat. 102; Pub. L. 107-107, div. A, title VI, § 638(a), Dec. 28, 2001, 115 Stat. 1146; Pub. L. 108-375, div. A, title VI, § 631, Oct. 28, 2004, 118 Stat. 1956; Pub. L. 110-181, div. A, title VI, § 632, Jan. 28, 2008, 122 Stat. 154; Pub. L. 111-84, div. A, title V, § 542(b)(1), (2)(A), title VI, § 631, Oct. 28, 2009, 123 Stat. 2299, 2300, 2359; renumbered § 481f

and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(20), Dec. 31, 2011, 125 Stat. 1460, 1463; Pub. L. 114-92, div. A, title VI, §§ 621, 622(a), Nov. 25, 2015, 129 Stat. 841.)

#### AMENDMENTS

2015—Subsec. (d). Pub. L. 114-92, § 622(a), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to expanded allowances related to recovery of remains from the Vietnam conflict.

Subsec. (e). Pub. L. 114-92, § 622(a)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(1). Pub. L. 114-92, § 621, inserted “(including during a humanitarian relief operation)” after “located or serving overseas” in introductory provisions.

Subsecs. (f) to (h). Pub. L. 114-92, § 622(a)(2), redesignated subsecs. (f) to (h) as (e) to (g), respectively.

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 411f of this title as this section.

Subsec. (h). Pub. L. 112-81, § 631(e)(20), added subsec. (h).

2009—Pub. L. 111-84, § 542(b)(2)(A), substituted “member’s burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies” for “the member’s burial ceremonies” in section catchline.

Subsec. (a)(2), (3). Pub. L. 111-84, § 631(a), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 111-84, § 631(b), in introductory provisions of par. (1), substituted “paragraphs (1) and (2) of subsection (a)” for “subsection (a)(1)” and, in par. (2), substituted “paragraph (1) or (2) of subsection (a)” for “subsection (a)(1)”.

Subsecs. (e) to (g). Pub. L. 111-84, § 542(b)(1), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

2008—Subsec. (c)(1)(B). Pub. L. 110-181, § 632(a)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.”

Subsec. (c)(1)(D), (E). Pub. L. 110-181, § 632(a)(2), added subpars. (D) and (E).

Subsec. (c)(2). Pub. L. 110-181, § 632(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “If no person described in paragraph (1) is provided travel and transportation allowances under subsection (a)(1), the travel and transportation allowances may be provided to—

“(A) the person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made; and

“(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).”

2004—Subsec. (a)(1). Pub. L. 108-375, § 631(a), inserted before period at end “at the location determined under subsection (a)(8) of section 1482 of title 10 or attend a memorial service for the deceased member, under circumstances covered by subsection (d) of such section”.

Subsec. (b). Pub. L. 108-375, § 631(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows:

“(1) Except as provided in paragraphs (2) and (3), allowances under subsection (a) are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for two days and the time necessary for such travel.

“(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under subsection (a) may be pro-

vided to and from such place and may not exceed the rates for two days and the time necessary for such travel.

“(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under subsection (a) may be provided to and from such cemetery and may not exceed the rates for two days and the time necessary for such travel.”

Subsec. (c)(1)(C), Pub. L. 108-375, § 631(c), substituted “The” for “If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the”.

2001—Pub. L. 107-107 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

“(a) Under uniform regulations prescribed by the Secretaries concerned, round trip travel and transportation allowances may be provided the dependents of a member who dies while on active duty or inactive duty in order that such dependents may attend the burial ceremonies of the deceased member.

“(b)(1) Except as provided in paragraph (2), allowances under this section are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for 2 days.

“(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under this section may be provided to and from such place and may be extended to accommodate the time necessary for such travel.

“(c) In this section, the term ‘dependents’ includes the dependents specified in paragraphs (1) and (2) of section 401(a) of this title. However, if no person qualifies under such paragraphs, the parents of a member (including stepparent or parent by adoption, or any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before the member became 21 years of age) may be paid the travel and transportation allowances authorized under this section.”

1993—Subsec. (c), Pub. L. 103-35 substituted “section 401(a) of this title” for “section 401 of this title”.

1988—Subsec. (a), Pub. L. 100-456 substituted “or inactive duty in order that such dependents may” for “for a period of 30 days or more in order to”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, § 542(c), Oct. 28, 2009, 123 Stat. 2300, provided that: “This section [amending this section and enacting provisions set out as a note under section 1482 of Title 10, Armed Forces] and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act [Oct. 28, 2009].”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, § 638(c), Dec. 28, 2001, 115 Stat. 1148, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Section 481f of title 37, United States Code, as amended by subsection (a), shall apply with respect to burial ceremonies of deceased members of the uniformed services that occur on or after the date of the enactment of this Act [Dec. 28, 2001].”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-456, div. A, title VI, § 632(c), Sept. 29, 1988, 102 Stat. 1986, provided that: “The amendments made by this section [amending this section and section 411h of this title] shall take effect on October 1, 1988.”

#### EFFECTIVE DATE

Pub. L. 99-145, title VI, § 620(b), Nov. 8, 1985, 99 Stat. 643, provided that: “The travel and transportation al-

lowance authorized by the amendments made by this section [enacting this section] is payable only for travel that commences after September 30, 1985.”

### **§ 481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury**

(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (c) may be provided for not more than three individuals who, with respect to a member described in paragraph (2), are designated individuals for that member if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine, with respect to any such individual, that the presence of such individual may contribute to the member's health and welfare. In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of designated individuals provided travel and transportation under this section.

(2) A member referred to in paragraph (1) is a member of the uniformed services who—

(A) is serving on active duty, is entitled to pay and allowances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section), or is retired for the illness or injury referred to in subparagraph (B); and

(B) either—

(i) is seriously wounded, seriously ill, seriously injured (including having a serious mental disorder), or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility; or

(ii) is not described in clause (i), but has a wound or an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense and is hospitalized in a medical facility for treatment of that wound or injury.

(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 481k of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical attendant or that designation transfers to another individual, in which case during the transfer period three roundtrips may be provided.

(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.

(b) DEFINITIONS.—(1) In this section, the term “designated individual”, with respect to a member, means—

(A) an individual designated by the member for the purposes of this section; or

(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of the member’s inpatient treatment.

(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.

(3)(A) In this section, the term “health and welfare”, with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.

(B) In this paragraph, the term “family member”, with respect to a member, means the following:

(i) The member’s spouse.

(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

(iv) Siblings of the member.

(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.

(4)(A) In this section, the term “serious mental disorder”, in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.

(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the designated individual and the location of the medical facility in which the member is hospitalized.

(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 474(d) of this title.

(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

(A) Transportation in-kind.

(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

(C) Reimbursement for the commercial cost of transportation.

(2) An allowance payable under this subsection may be paid in advance.

(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 100–180, div. A, title VI, §615(a)(1), Dec. 4, 1987, 101 Stat. 1095, §411h; amended Pub. L. 100–456, div. A, title VI, §632(a), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 103–337, div. A, title VI, §624, Oct. 5, 1994, 108 Stat. 2785; Pub. L. 108–136, div. A, title VI, §632, Nov. 24, 2003, 117 Stat. 1508; Pub. L. 108–375, div. A, title VI, §632(a), (b), Oct. 28, 2004, 118 Stat. 1956; Pub. L. 109–13, div. A, title I, §1026(a), (b)(1), May 11, 2005, 119 Stat. 254; Pub. L. 109–163, div. A, title VI, §655(b), Jan. 6, 2006, 119 Stat. 3314; Pub. L. 109–364, div. A, title VI, §631, Oct. 17, 2006, 120 Stat. 2258; Pub. L. 111–84, div. A, title VI, §632(a)–(g)(1), Oct. 28, 2009, 123 Stat. 2359–2362; renumbered §481h and amended Pub. L. 112–81, div. A, title VI, §631(d)(2), (e)(21), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112–239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Pub. L. 112–239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112–81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112–81, §631(f)(4)(A), as amended by Pub. L. 112–239, §1076(a)(9), substituted “481k” for “411k” in subsec. (a)(3) and “474” for “404” in subsec. (c)(2).

Pub. L. 112–81, §631(d)(2), renumbered section 411h of this title as this section.

Subsec. (e). Pub. L. 112–81, §631(e)(21), added subsec. (e).

2009—Pub. L. 111–84, §632(g)(1), substituted “designated individuals incident to hospitalization of mem-

bers for treatment of wounds, illness, or injury” for “family members incident to illness or injury of members” in section catchline.

Subsec. (a). Pub. L. 111–84, § 632(f)(1), inserted heading.

Subsec. (a)(1). Pub. L. 111–84, § 632(a)(1), substituted “individuals who, with respect to a member described in paragraph (2), are designated individuals for that member” for “family members of a member described in paragraph (2)”, “, with respect to any such individual, that the presence of such individual” for “that the presence of the family member”, and “of designated individuals” for “of family members”.

Subsec. (a)(2)(B)(i). Pub. L. 111–84, § 632(c)(1)(A), (2)(A), (d)(1), inserted “seriously wounded,” after “(i) is” and “(including having a serious mental disorder)” after “seriously injured” and struck out “in or outside the United States” after “medical facility”.

Subsec. (a)(2)(B)(ii). Pub. L. 111–84, § 632(c)(1)(B), (2)(B), substituted “a wound or an injury” for “an injury” and “that wound or injury” for “that injury” and struck out “in the United States” after “facility”.

Subsec. (a)(3). Pub. L. 111–84, § 632(e), amended par. (3) generally. Prior to amendment par. (3) read as follows: “Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).”

Subsec. (a)(4). Pub. L. 111–84, § 632(a)(2), added par. (4).

Subsec. (b). Pub. L. 111–84, § 632(f)(2)(A), inserted heading.

Subsec. (b)(1). Pub. L. 111–84, § 632(b)(1), substituted “‘designated individual’” for “‘family member’” in introductory provisions, added subpars. (A) and (B), and struck out former subpars. (A) to (E) which defined “family member.”

Subsec. (b)(2). Pub. L. 111–84, § 632(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Parents of a member or persons in loco parentis to a member include fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service. However, only one father and one mother or their counterparts in loco parentis may be recognized in any one case.”

Subsec. (b)(3). Pub. L. 111–84, § 632(f)(2)(B), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (b)(4). Pub. L. 111–84, § 632(d)(2), added par. (4).

Subsec. (c). Pub. L. 111–84, § 632(f)(3)(A), inserted heading.

Subsec. (c)(1). Pub. L. 111–84, § 632(f)(3)(B), substituted “‘designated individual’” for “‘family member’”.

Subsec. (d). Pub. L. 111–84, § 632(f)(4), inserted heading.

2006—Subsec. (a)(2)(B)(ii). Pub. L. 109–163 struck out “under section 1967(e)(1)(A) of title 38” after “Secretary of Defense”.

Subsec. (b)(1)(E). Pub. L. 109–364 added subpar. (E).

2005—Pub. L. 109–13, § 1026(b)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members”.

Subsec. (a)(2)(B), (C). Pub. L. 109–13, § 1026(a)(1)(B), added subpar. (B) and struck out former subpars. (B) and (C) which read as follows:

“(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and

“(C) is hospitalized in a medical facility in or outside the United States.”

Subsec. (a)(3). Pub. L. 109–13, § 1026(a)(2), added par. (3).

2004—Subsec. (a)(1). Pub. L. 108–375, § 632(a), (b)(1), inserted “travel and” before “transportation”, substituted “three family members” for “two family members”, and inserted second sentence.

Subsec. (c). Pub. L. 108–375, § 632(b)(2), designated existing provisions as par. (1) and added par. (2).

2003—Subsec. (a)(1). Pub. L. 108–136, § 632(1), substituted “control” for “military control”.

Subsec. (a)(2)(A). Pub. L. 108–136, § 632(2), substituted “, is entitled” for “or is entitled” and inserted before semicolon at end “, or is retired for the illness or injury referred to in subparagraph (B)”.

1994—Subsec. (a)(1). Pub. L. 103–337, § 624(a)(1), substituted “may contribute to” for “is necessary for”.

Subsec. (a)(2)(B). Pub. L. 103–337, § 624(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “is seriously ill or seriously injured; and”.

Subsec. (b)(3). Pub. L. 103–337, § 624(b), added par. (3).

1988—Subsec. (a)(2). Pub. L. 100–456 amended par. (2) generally, inserting “or is entitled to pay and allowances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section)” in subpar. (A).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112–81 as enacted.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title VI, § 632(i), Oct. 28, 2009, 123 Stat. 2362, as amended by Pub. L. 112–81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112–239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “No reimbursement may be provided under section 481h of title 37, United States Code, by reason of the amendments made by this section [amending this section and provisions set out as a note under section 1071 of Title 10, Armed Forces] for travel and transportation costs incurred before the date of the enactment of this Act [Oct. 28, 2009].”

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–163, div. A, title VI, § 655(c), Jan. 6, 2006, 119 Stat. 3314, provided that: “The amendments made by this section [amending this section and repealing provisions set out as notes under this section] shall take effect on the earlier of the following:

“(1) The date of the enactment of this Act [Jan. 6, 2006].

“(2) The date specified in section 106(3) of Public Law 109–77 (119 Stat. 2039) [Dec. 31, 2005].”

#### EFFECTIVE AND TERMINATION DATES OF 2005 AMENDMENTS

Pub. L. 109–77, § 115, Sept. 30, 2005, 119 Stat. 2040, provided that: “The provisions of, and amendments made by, sections 1011, 1012, 1013, 1023, and 1026 of Public Law 109–13 [amending this section, section 1478 of Title 10, Armed Forces, and sections 1967, 1969, 1970, and 1977 of Title 38, Veterans’ Benefits, and enacting provisions set out as notes under this section, section 1478 of Title 10, and section 1967 of Title 38] shall continue in effect, notwithstanding the fiscal year limitation in section 1011 [119 Stat. 244] and the provisions of sections 1012(i), 1013(e), 1023(c), and 1026(e) of that Public Law [enacting provisions set out as notes under this section, section 1478 of Title 10, and section 1967 of Title 38], through the earlier of: (1) the date specified in section 106(3) of this joint resolution [Dec. 31, 2005]; or (2) with respect to any such section of Public Law 109–13, the date of the enactment into law of legislation that supersedes the provisions of, or the amendments made by, that section.”

Pub. L. 109–13, div. A, title I, § 1026(e), May 11, 2005, 119 Stat. 255, which provided that the amendments made by section 1026 of Pub. L. 109–13 (amending this section) were to terminate Sept. 30, 2005, and that effective Oct. 1, 2005, the provisions of section 411h of title 37 as in effect on the date before the date of the enactment of this Act (May 11, 2005) were to be revived, was repealed by Pub. L. 109–163, div. A, title VI, § 655(a), Jan. 6, 2006, 119 Stat. 3314. See Effective Date of 2006 Amendment note and section 115 of Pub. L. 109–77 set out above.

## EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title VI, § 632(c), Oct. 28, 2004, 118 Stat. 1956, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Section 481h of title 37, United States Code, as amended by this section, shall apply to travel and transportation authorized under such section that is provided on or after October 1, 2004, to family members of a member of the Armed Forces who is ill or injured as described in such section.”

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 632(c) of Pub. L. 100-456, set out as a note under section 481f of this title.

## EFFECTIVE DATE

Pub. L. 100-180, div. A, title VI, § 615(b), Dec. 4, 1987, 101 Stat. 1096, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The authority to provide transportation or to pay transportation expenses under section 481h of title 37, United States Code, as added by subsection (a), shall be effective only with respect to travel that occurs on or after the effective date of regulations prescribed under such section.”

## REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT

Pub. L. 109-13, div. A, title I, § 1026(d), May 11, 2005, 119 Stat. 255, which provided that if in any fiscal year the amount of travel provided in such fiscal year under this section by reason of the amendments made by section 1026 of Pub. L. 109-13 exceeded \$20,000,000, the Secretary of Defense was to submit to the congressional defense committees a report on that fact, was repealed by Pub. L. 109-163, div. A, title VI, § 655(a), Jan. 6, 2006, 119 Stat. 3314.

**§ 481i. Travel and transportation allowances:  
parking expenses**

(a) **REIMBURSEMENT AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may reimburse eligible Department of Defense personnel for expenses incurred after October 1, 2001, for parking a privately owned vehicle at a place of duty described in subsection (b).

(b) **ELIGIBILITY.**—A member of the Army, Navy, Air Force, or Marine Corps or an employee of the Department of Defense may be reimbursed under subsection (a) for parking expenses while—

- (1) assigned to duty as a recruiter for any of the armed forces;
- (2) assigned to duty at a military entrance processing facility of the armed forces; or
- (3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.

(c) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.

(Added Pub. L. 106-398, § 1 [[div. A], title VI, § 645(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-161, § 411i; renumbered § 481i and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(22), Dec. 31, 2011, 125 Stat. 1460, 1463.)

## AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 411i of this title as this section.

Subsec. (c). Pub. L. 112-81, § 631(e)(22), added subsec. (c).

**§ 481j. Travel and transportation allowances:  
transportation of family members incident to  
the repatriation of members held captive**

(a) **ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.**—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than three family members of a member described in subsection (b).

(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—

(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

(B) no other family member who is eligible for travel and transportation under paragraph (1) is able to serve as an attendant for the family member.

(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

(4) In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members of a member provided travel and transportation allowances under this section.

(b) **COVERED MEMBERS.**—A member described in this subsection is a member of the uniformed services who—

- (1) is serving on active duty;
- (2) was held captive, as determined by the Secretary concerned; and
- (3) is repatriated to a site inside or outside the United States.

(c) **ELIGIBLE FAMILY MEMBERS.**—In this section, the term “family member” has the meaning given the term in section 481h(b) of this title.

(d) **TRAVEL AND TRANSPORTATION AUTHORIZED.**—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 474(d) of this title.

(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 481h(d)(1) of this title.

(4) An allowance under this subsection may be paid in advance.

(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured round-trip air travel.

(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 109-163, div. A, title VI, §653(a), Jan. 6, 2006, 119 Stat. 3312, §411j; renumbered §481j and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(23), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “481h” for “411h” in subsecs. (c) and (d)(3) and “474” for “404” in subsec. (d)(2).

Pub. L. 112-81, §631(d)(2), renumbered section 411j of this title as this section.

Subsec. (e). Pub. L. 112-81, §631(e)(23), added subsec. (e).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

### § 481k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as “very seriously wounded, ill, or injured” or “seriously wounded, ill, or injured”; and

(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances under section 481h(a) of this title.

(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 474(d) of this title.

(4) The transportation authorized by subsection (a) may be provided by any of the following means:

(A) Transportation in-kind.

(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

(C) Reimbursement for the commercial cost of transportation.

(5) An allowance payable under this subsection may be paid in advance.

(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 111-84, div. A, title VI, §633(a)(1), Oct. 28, 2009, 123 Stat. 2362, §411k; amended Pub. L. 111-383, div. A, title X, §1075(c)(4), Jan. 7, 2011, 124 Stat. 4372; renumbered §481k and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(24), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “481h” for “411h” in subsec. (d)(1) and “474” for “404” in subsec. (d)(3).

Pub. L. 112-81, § 631(d)(2), renumbered section 411k of this title as this section.

Subsec. (d)(1), Pub. L. 111-383 substituted “allowances under section” for “allowances section”.

Subsec. (e), Pub. L. 112-81, § 631(e)(24), added subsec. (e).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE

Pub. L. 111-84, div. A, title VI, § 633(b), Oct. 28, 2009, 123 Stat. 2363, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “No reimbursement may be provided under section 481k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act [Oct. 28, 2009].”

### § 481l. Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events

(a) ALLOWANCES AUTHORIZED.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services authorized to attend a Yellow Ribbon Reintegration Program event may be provided travel and transportation allowances in order that the member may attend a Yellow Ribbon Reintegration Program event.

(2) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation allowances may be provided for a person designated pursuant to subsection (b) in order for the person to accompany a member in attending a Yellow Ribbon Reintegration Program event if the Secretary concerned determines that the presence of the person at the event may contribute to the purposes of the event for the member.

(b) DESIGNATION OF PERSONS ELIGIBLE FOR ALLOWANCE.—A member of the uniformed services who is eligible to attend a Yellow Ribbon Reintegration Program event may designate one or more persons, including another member of the uniformed services, for purposes of receiving travel and transportation allowances described in subsection (c) to attend a Yellow Ribbon Reintegration Program event. The designation of a person for purposes of this section shall be made in writing and may be changed at any time.

(c) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home or place of business of the authorized person and the location of the Yellow Ribbon Reintegration Program event.

(2) In addition to transportation under paragraph (1), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 474(d) of this title.

(3) The transportation authorized by paragraph (1) may be provided by any of the following means:

(A) Transportation in-kind.

(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

(C) Reimbursement for the commercial cost of transportation.

(4) An allowance payable under this subsection may be paid in advance.

(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

(d) YELLOW RIBBON REINTEGRATION PROGRAM EVENT DEFINED.—In this section, the term “Yellow Ribbon Reintegration Program event” means an event authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note).

(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 111-383, div. A, title VI, § 622(a)(1), Jan. 7, 2011, 124 Stat. 4238, § 411l; renumbered § 481l and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(25), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1464, 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### AMENDMENTS

2013—Subsec. (c)(2). Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 411f of this title as this section.

Subsec. (c)(2). Pub. L. 112-81, § 631(f)(4)(A), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “474” for “404”.

Subsec. (e). Pub. L. 112-81, § 631(e)(25), added subsec. (e).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE

Pub. L. 111-383, div. A, title VI, § 622(b), Jan. 7, 2011, 124 Stat. 4239, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “No reimbursement may be provided under section 481l of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before September 30, 2010.”

### § 484. Travel and transportation; dependents; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable

(a) In this section, “household and personal effects” and “household effects” may include, in addition to other authorized weight allowances, two privately owned motor vehicles which may be shipped at United States expense. Under regulations prescribed by the Secretaries concerned, and in place of the transportation of household and personal effects, a dependent, who would otherwise be entitled to transpor-



tation of household and personal effects under this section, may transport a house trailer or mobile dwelling within and between the areas specified in section 479 of this title for use as a residence by one of the following means—

- (1) transport it and be reimbursed by the United States;
- (2) deliver it to an agent of the United States for transportation by the United States or by commercial means; or
- (3) have it transported by commercial means, and be reimbursed by the United States.

If a trailer or dwelling is transported under clause (2) or (3), that transportation may include two privately owned motor vehicles which may be shipped at United States expense. Transportation, and incidental costs, authorized by this section shall be at United States expense without any cost limitation, and any payment authorized may be made in advance of the transportation concerned.

(b) Transportation (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) may be provided for the dependents and household and personal effects of a member of a uniformed service on active duty (without regard to pay grade) who is officially reported as dead, injured, ill, or absent for a period of more than 29 days in a missing status—

- (1) to the member's official residence of record;
- (2) to the residence of his dependent, next of kin, or other person entitled to custody of the effects, under regulations prescribed by the Secretary concerned; or
- (3) on request of the member (if injured or ill), or his dependent, next of kin, or other person described in clause (2), to another location determined in advance or later approved by the Secretary concerned, or his designee.

When he considers it necessary, the Secretary concerned may, with respect to the household and personal effects of a member who is officially reported as absent for a period of more than 29 days in a missing status, authorize the nontemporary storage of those effects for a period of one year, or longer when justified. In addition, he may authorize additional movements of, and prescribe transportation for, the dependents and household and personal effects, or the dependents and house trailer or mobile dwelling, of a member who is officially reported as absent for a period of more than one year in a missing status.

(c) When a member described in subsection (b) is in an injured or ill status, transportation of dependents and household and personal effects authorized by this section may be provided only when prolonged hospitalization or treatment is anticipated.

(d) Transportation requested by a dependent may be authorized under this section only if there is a reasonable relationship between the circumstances of the dependent and the requested destination.

(e) In place of the transportation for dependents authorized by this section, and after the

travel is completed, the Secretary concerned may authorize—

- (1) reimbursement for the commercial cost of the transportation; or
- (2) a monetary allowance at the prescribed rate for all, or that part, of the travel for which transportation in kind is not furnished.

(f) The Secretary concerned may store the household and personal effects of a member described in subsection (b) until proper disposition can be made. The cost of the storage and transportation (including packing, crating, drayage, temporary storage, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) The Secretary concerned may, when he determines that there is an emergency and a sale would be in the best interests of the United States, provide for the public or private sale of motor vehicles and other bulky items of household and personal effects of a member described in subsection (b). Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of the interested persons. The net proceeds received from the sale shall, under regulations prescribed by the Secretary concerned, be sent to the owner or other persons. If there are no such persons, or if they or their addresses are not known within one year from the date of sale, the net proceeds may be covered into the Treasury as miscellaneous receipts.

(h) Claims for net proceeds that are covered into the Treasury under subsection (g) may be filed with the Secretary of Defense by the rightful owners, their heirs or next of kin, or their legal representatives at any time before the end of a 5-year period from the date the proceeds are covered into the Treasury. When a claim is filed, the Secretary of Defense shall allow or disallow it. A claim that is allowed shall be paid from the appropriation for refunding money erroneously received and covered. If a claim is not filed before the end of the 5-year period from the date the proceeds are covered into the Treasury, it is barred from being acted on by the courts or the Secretary of Defense.

(i) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this section does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the dependent for expenses incurred after that date to rent a motor vehicle for the dependent's use. The amount reimbursed may not exceed \$30 per day, and the rental period for which reimbursement may be provided expires after 7 days or on the date on which the delayed vehicle arrives at the authorized destination (whichever occurs first). In a case in which two motor vehicles of a member (or the dependent or dependents of a member) are transported at the expense of the United States, no reimbursement is payable under this subsection unless both motor vehicles do not arrive at the authorized destination of the vehicles by the designated delivery date.

(j) This section does not amend or repeal—

- (1) section 2575, 2733, 4712, 6522, or 9712 of title 10;  
 (2) section 507 of title 14; or  
 (3) chapter 171 of title 28.

(k) No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.

(Added Pub. L. 89-554, §5(b), Sept. 6, 1966, 80 Stat. 627, §554; amended Pub. L. 90-83, §5(2), Sept. 11, 1967, 81 Stat. 221; Pub. L. 90-236, Jan. 2, 1968, 81 Stat. 764; Pub. L. 90-623, §3(7), Oct. 22, 1968, 82 Stat. 1315; Pub. L. 92-477, §1, Oct. 9, 1972, 86 Stat. 793; Pub. L. 93-548, §3, Dec. 26, 1974, 88 Stat. 1743; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-190, div. A, title X, §1063(a), Dec. 5, 1991, 105 Stat. 1476; Pub. L. 104-316, title II, §202(s), Oct. 19, 1996, 110 Stat. 3845; Pub. L. 105-261, div. A, title VI, §653(d), Oct. 17, 1998, 112 Stat. 2052; Pub. L. 107-314, div. A, title VI, §622(a), (b), Dec. 2, 2002, 116 Stat. 2571; renumbered §484 and amended Pub. L. 112-81, div. A, title VI, §631(d)(3), (e)(26), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1461, 1464, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
554(a) .....	50 App. 1012 (14th sentence).	Mar. 7, 1942, ch. 166, §12, 56 Stat. 146; Feb. 12, 1946, ch. 6, §1(a), 60 Stat. 5; Aug. 29, 1951, ch. 356, §1, 65 Stat. 207; Apr. 4, 1953, ch. 17, §1(d), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, §1(d), 71 Stat. 492; Aug. 14, 1964, Pub. L. 88-428, §1(8), 78 Stat. 437.
554(b) .....	50 App. 1012 (1st sentence).	Mar. 7, 1942, ch. 166, §14 (as applicable to §12 (1st sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, §1(e), 67 Stat. 21.
	50 App. 1014 (as applicable to §1012 (1st sentence)).	
554(c) .....	50 App. 1012 (12th sentence).	
554(d) .....	50 App. 1012 (13th sentence).	
554(e) .....	50 App. 1012 (11th sentence).	
554(f) .....	50 App. 1012 (9th and 10th sentences).	
554(g) .....	50 App. 1012 (2d-4th sentences).	
554(h) .....	50 App. 1012 (5th-7th sentences).	
554(i) .....	50 App. 1012 (8th sentence).	

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the words “Beginning June 25, 1950, and” are omitted as executed. The words “In this section” are substituted for “for the purposes of this section only, the terms”. The words “not to exceed” are omitted as unnecessary. The words “outside the United States, or in Alaska or Hawaii” are substituted for “outside the continental limits of the United States or in Alaska” to conform to the definition in 37 U.S.C. 101(i).

In subsection (b), the words “Transportation . . . may be provided” are substituted for “may be moved”. The words “a member of a uniformed service on active duty . . . or absent for a period of more than 29 days in a missing status” are substituted for “any person in active service . . . absent for a period of thirty days or more in any status listed in section 2 of this Act”, for clarity and to conform to the definitions in 37 U.S.C.

101(20) and (23) and revised section 551(2) of this chapter. In clause (1), the words “the member’s” are substituted for “for any such person”. In clause (2), the words “under . . . prescribed . . . Secretary concerned” are substituted for “in accordance with . . . issued . . . head of the department concerned”. In clause (3), the words “on request of the member” are substituted for “upon the person’s application”. The words “other person described in clause (2)” are substituted for “such . . . other person”. The words “Secretary concerned, or his designee” are substituted for “head of the department concerned or by such person as he may designate”.

In subsection (c), the words “a member described in subsection (b) of this section” are substituted for “the person”. The words “transportation . . . authorized by this section” are substituted for “the movement . . . provided for herein”. The words “provided . . . when” are substituted for “authorized . . . in cases where”.

In subsection (d), the words “requested by a dependent may be authorized under . . . only” are substituted for “No . . . shall be authorized pursuant to . . . upon application by dependents unless”. The words “condition and” are omitted as unnecessary.

In subsection (e), the words “In place . . . the Secretary concerned” are substituted for “In lieu . . . the head of the department concerned”. In clause (1), the words “reimbursement for” are substituted for “the payment in money of amounts equal to”. The words “in lieu of transportation”, the second time they appear, are omitted as unnecessary. In clause (2), the words “at the prescribed rate” are substituted for “as authorized by law”.

In subsection (f), the words “Secretary concerned” are substituted for “head of the department concerned”. The words “a member described in subsection (b) of this section” are substituted for “the person”. The words “such time as” are omitted as unnecessary.

In subsection (g), the words “Secretary concerned” are substituted for “head of the department concerned”, in 50 App. U.S.C. 1012 (2nd and 4th sentences). The words “United States” are substituted for “Government”; and the words “a member described in subsection (b) of this section” are substituted for “the person”, in 50 App. U.S.C. 1012 (2d sentence). The words “under . . . prescribed” are substituted for “in accordance with . . . issued”, and the word “known” is substituted for “ascertainable”, in 50 App. U.S.C. 1012 (4th sentence).

In subsection (h), the words “under subsection (g) of this section” are substituted for “under the authority of this section”, in 50 App. U.S.C. 1012 (5th sentence).

In subsection (i), the words “the provisions of” are omitted as unnecessary. Clause (3) is substituted for “the Federal Tort Claims Act (60 Stat. 842-847), as amended,” to reflect the correct citation of that Act.

## AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 554 of this title as this section.

Subsec. (a). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “479” for “409” in introductory provisions.

Subsec. (k). Pub. L. 112-81, §631(e)(26), added subsec. (k).

2002—Subsec. (a). Pub. L. 107-314, §622(a), substituted “two privately owned motor vehicles” for “one privately owned motor vehicle” in introductory and concluding provisions.

Subsec. (i). Pub. L. 107-314, §622(b), inserted at end “In a case in which two motor vehicles of a member (or the dependent or dependents of a member) are transported at the expense of the United States, no reimbursement is payable under this subsection unless both motor vehicles do not arrive at the authorized destination of the vehicles by the designated delivery date.”

1998—Subsecs. (i), (j). Pub. L. 105-261 added subsec. (i) and redesignated former subsec. (i) as (j).

1996—Subsec. (h). Pub. L. 104-316 substituted “Secretary of Defense” for “General Accounting Office” wherever appearing.

1991—Subsec. (a). Pub. L. 102-25, § 702(b)(2), struck out “of this subsection” after “clause (2) or (3)”.

Subsecs. (c), (f) to (h). Pub. L. 102-25, § 702(b)(1), struck out “of this section” after “subsection (b)” in subsecs. (c), (f), (g), and (h) and after “subsection (g)” in subsec. (h).

Subsec. (i)(1). Pub. L. 102-190 substituted “6522, or 9712” for “4713, 6522, 9712, or 9713”.

1974—Subsec. (b). Pub. L. 93-548, § 3(1)(A), inserted “ill,” after “injured.”

Subsec. (b)(3). Pub. L. 93-548, § 3(1)(B), inserted “or ill” after “injured”.

Subsec. (c). Pub. L. 93-548, § 3(2), inserted “or ill” before “status”.

1972—Pub. L. 92-477, § 1(1), inserted “trailers; additional movements;” after “household and personal effects;” in section catchline.

Subsec. (a). Pub. L. 92-477, § 1(2), authorized at Government expense without cost limitation and under prescribed regulations the transportation of house trailers or mobile dwellings, including a privately owned motor vehicle, in place of household and personal effects of members in a missing status.

Subsec. (b). Pub. L. 92-477, § 1(3), authorized additional movements of and transportation for dependents and household and personal effects, or dependents and house trailer or mobile dwelling of members in a missing status for more than one year.

1968—Subsec. (b). Pub. L. 90-623 substituted “29” for “twenty-nine”.

Pub. L. 90-236 inserted provision authorizing non-temporary storage of household and personal effects of a member who is officially reported as absent for a period of more than 29 days in a missing status.

1967—Subsec. (a). Pub. L. 90-83 struck out “when it is located outside the United States, or in Alaska or Hawaii” after “shipped at United States expense”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title VI, § 622(c), Dec. 2, 2002, 116 Stat. 2571, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to members whose eligibility for benefits under section 484 of title 37, United States Code, commences on or after the date of the enactment of this Act [Dec. 2, 2002].”

#### EFFECTIVE DATE OF 1998 AMENDMENT

For provisions relating to the applicability of amendment by Pub. L. 105-261, see section 653(e) of Pub. L. 105-261, set out as a note under section 475a of this title.

#### EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-548, § 4, Dec. 26, 1974, 88 Stat. 1743, provided that: “The amendments made by section 3 of this Act [amending this section] shall apply with respect to members of the uniformed services incapacitated by illness on or after January 1, 1974.”

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note

under section 5334 of Title 5, Government Organization and Employees.

### § 488. Allowance for recruiting expenses

(a) **AUTHORITY.**—In addition to other pay or allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.

(b) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.

(Added Pub. L. 92-129, title II, § 205(a), Sept. 28, 1971, 85 Stat. 359, § 428; renumbered § 488 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(27), Dec. 31, 2011, 125 Stat. 1460, 1464.)

#### AMENDMENTS

2011—Pub. L. 112-81, § 631(e)(27), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 112-81, § 631(d)(2), renumbered section 428 of this title as this section.

#### EFFECTIVE DATE

Section effective Oct. 1, 1971, see section 209 of Pub. L. 92-129, set out as a note under section 302a of this title.

#### PAY CONTINUATION

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92-129, set out as a note under section 203 of this title.

### § 489. Travel and transportation allowances: minor dependent schooling

(a) **AUTHORITY.**—Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service whose permanent station is outside the United States may be allowed transportation in kind for any minor dependent (or reimbursement therefor), or a monetary allowance in place of such transportation in kind, to a school operated by the Department of Defense under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) for dependents in an overseas area which is operated, and which such dependent attends, on a 5-day-a-week dormitory basis or on a 7-day-a-week dormitory basis. In the case of a dependent attending a school on a 5-day-a-week dormitory basis, the transportation in kind or allowance authorized by this section shall be for weekly trips to and from such school, and in the case of a dependent attending a school on a 7-day-a-week dormitory basis, such transportation in kind or allowances shall be for not less than three trips to and from such school during the school year.

(b) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 95-561, title XIV, § 1407(e)(1)(A), formerly § 1407(c)(1)(A), Nov. 1, 1978, 92 Stat. 2367, renumbered § 1407(d)(1)(A), Pub. L. 101-510, div.

A, title V, §504(a)(1), Nov. 5, 1990, 104 Stat. 1559, renumbered §1407(e)(1)(A), Pub. L. 107–107, div. A, title III, §353(1), Dec. 28, 2001, 115 Stat. 1063, §429; amended Pub. L. 99–145, title XIII, §1303(b)(10), Nov. 8, 1985, 99 Stat. 741; renumbered §489 and amended Pub. L. 112–81, div. A, title VI, §631(d)(2), (e)(28), Dec. 31, 2011, 125 Stat. 1460, 1464; Pub. L. 112–239, div. A, title X, §1076(a)(6), Jan. 2, 2013, 126 Stat. 1948.)

## REFERENCES IN TEXT

The Defense Dependents' Education Act of 1978, referred to in subsec. (a), is Pub. L. 95–561, title XIV, Nov. 1, 1978, 92 Stat. 2365, which is classified principally to chapter 25A (§921 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 921 of Title 20 and Tables.

## AMENDMENTS

2013—Pub. L. 112–239, §1076(a)(6), made technical amendment to directory language of Pub. L. 112–81, §631(e)(28). See 2011 Amendment note below.

2011—Pub. L. 112–81, §631(e)(28), as amended by Pub. L. 112–239, §1076(a)(6), inserted subsec. (a) designation and heading before “Under regulations” and added subsec. (b).

Pub. L. 112–81, §631(d)(2), renumbered section 429 of this title as this section.

1985—Pub. L. 99–145 inserted “(20 U.S.C. 921 et seq.)”.

## EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(6) is effective Dec. 31, 2011, and as if included in Pub. L. 112–81 as enacted.

## EFFECTIVE DATE

Section effective Oct. 1, 1978, and no provision to be construed in impair or to prevent the taking of effect of any other Act providing for the transfer of the described functions to an executive department having responsibility for education, see section 1415 of Pub. L. 95–561, set out as a note under section 921 of Title 20, Education.

## TRANSFER OF FUNCTIONS

All functions of the Secretary of Defense and the Department of Defense under this section, with the exception of functions relating to operation of overseas institutions of higher education, were transferred to the Secretary of Education by section 3442(a) and (d) of Title 20, Education.

## DEPENDENT STUDENT TRAVEL WITHIN UNITED STATES

For availability of Department of Defense funds for travel and transportation of dependent students of members of the Armed Forces stationed overseas for transportation allowances for travel within or between the contiguous States, see section 1786 of Title 10, Armed Forces.

## AUTHORITY UNDER THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT AVAILABLE TO SECRETARY OF EDUCATION

The authority of the Secretary of Defense and the Secretaries of the military departments under the Defense Department Overseas Teachers Pay and Personnel Practices Act, section 901 et seq. of Title 20, Education, made available to the Secretary of Education with respect to all functions transferred from the Secretary of Defense and Department of Defense under this section by section 3442(b) of Title 20, Education.

**§ 490. Travel and transportation: dependent children of members stationed overseas**

(a) AVAILABILITY OF ALLOWANCE.—(1) Under regulations prescribed by the Secretary of De-

fense, a member of a uniformed service may be paid the allowance set forth in subsection (b) if the member—

(A) is assigned to a permanent duty station outside the continental United States;

(B) is accompanied by the member's dependents at or near that duty station (unless the member's only dependents are in the category of dependent described in paragraph (2)); and

(C) has an eligible dependent child described in paragraph (2).

(2) An eligible dependent child of a member referred to in paragraph (1)(C) is a child who—

(A) is under 23 years of age and unmarried;

(B) is enrolled in a school in the continental United States for the purpose of obtaining a formal education; and

(C) is attending that school or is participating in a foreign study program approved by that school and, pursuant to that foreign study program, is attending a school outside the United States for a period of not more than one year.

(b) ALLOWANCE AUTHORIZED.—(1) A member described in subsection (a) may be paid a transportation allowance for each eligible dependent child of the member of one annual trip between the school being attended by that child and the member's duty station outside the continental United States and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned. However, the transportation authorized by this section may not be paid a member for a child attending a school in the continental United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or in the vicinity of the duty station of the member and is operated under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

(2) The allowance authorized under paragraph (1) for the travel of an eligible dependent may include reimbursement for costs incurred by or on behalf of the dependent for lodging of the dependent that is necessitated by an interruption in the travel caused by extraordinary circumstances prescribed in the regulations under subsection (a). The amount of the reimbursement shall be determined using the rate applicable to such circumstances.

(3) At the option of the member, in lieu of the transportation of baggage of a dependent child under paragraph (1) from the dependent's school in the continental United States, the Secretary concerned may pay or reimburse the member for costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the member's duty station or during a different period in the same fiscal year selected by the member. The amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage.

(4) The transportation allowance paid under paragraph (1) for an annual trip of an eligible dependent child who is attending a school outside the United States may not exceed the transpor-

tation allowance that would be paid under this section for the annual trip of that child between the child's school in the continental United States and the member's duty station outside the continental United States and return.

(c) **USE OF AIRLIFT AND SEALIFT COMMAND.**—Whenever possible, the Air Mobility Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.

(d) **ATTENDANCE AT SCHOOL IN ALASKA OR HAWAII.**—For a member assigned to duty outside the continental United States, transportation under this section may be provided a dependent child as described in subsection (a)(2) who is attending a school in Alaska or Hawaii.

(e) **EXCEPTION.**—The transportation allowance authorized by this section (whether transportation in kind or reimbursement) may not be paid in the case of a member assigned to a permanent duty station in Alaska or Hawaii for a child attending a school in the State of the permanent duty station.

(f) **DEFINITIONS.**—In this section:

(1) The term “formal education” means the following:

(A) A secondary education.

(B) An undergraduate college education.

(C) A graduate education pursued on a full-time basis at an institution of higher education.

(D) Vocational education pursued on a full-time basis at a postsecondary vocational institution.

(2) The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term “postsecondary vocational institution” has the meaning given that term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(g) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 98–94, title IX, §910(a)(1), Sept. 24, 1983, 97 Stat. 638, §430; amended Pub. L. 101–189, div. A, title VI, §625(a), Nov. 29, 1989, 103 Stat. 1448; Pub. L. 101–510, div. A, title XIV, §1484(e)(1), Nov. 5, 1990, 104 Stat. 1717; Pub. L. 102–25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 105–261, div. A, title VI, §634, Oct. 17, 1998, 112 Stat. 2044; Pub. L. 106–398, §1 [[div. A], title VI, §646], Oct. 30, 2000, 114 Stat. 1654, 1654A–162; Pub. L. 107–107, div. A, title VI, §639(a)–(c), title IX, §931(c), Dec. 28, 2001, 115 Stat. 1148, 1200; Pub. L. 107–314, div. A, title VI, §654(b)(6), Dec. 2, 2002, 116 Stat. 2582; Pub. L. 108–136, div. A, title VI, §633, Nov. 24, 2003, 117 Stat. 1509; Pub. L. 108–375, div. A, title VI, §633, Oct. 28, 2004, 118 Stat. 1957; renumbered §490 and amended Pub. L. 112–81, div. A, title VI, §631(d)(2), (e)(29), Dec. 31, 2011, 125 Stat. 1460, 1464.)

#### REFERENCES IN TEXT

The Defense Dependents' Education Act of 1978, referred to in subsec. (b)(1), is title XIV of Pub. L. 95–561,

Nov. 1, 1978, 92 Stat. 2365, which is classified principally to chapter 25A (§921 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 921 of Title 20 and Tables.

#### AMENDMENTS

2011—Pub. L. 112–81, §631(d)(2), renumbered section 430 of this title as this section.

Subsec. (g). Pub. L. 112–81, §631(e)(29), added subsec. (g).

2004—Subsec. (b)(2) to (4). Pub. L. 108–375 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

2003—Subsec. (b)(2). Pub. L. 108–136 inserted before period at end of first sentence “or during a different period in the same fiscal year selected by the member”.

2002—Subsec. (f). Pub. L. 107–314 added subsec. (f) and struck out heading and text of former subsec. (f). Text defined the terms “continental United States” and “formal education”.

2001—Subsec. (a). Pub. L. 107–107, §639(a), inserted heading and amended text generally. Prior to amendment, text read as follows:

“(a) Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service who—

“(1) is assigned a permanent duty station outside the continental United States,

“(2) is accompanied by his dependents at or near his duty station (unless his only dependents are in the category of dependent described in clause (3)), and

“(3) has a dependent child who is under 23 years of age attending a school in the continental United States for the purpose of obtaining a formal education,

may be paid the allowance set forth in subsection (b) if he otherwise qualifies for such allowance.”

Subsec. (b). Pub. L. 107–107, §639(b)(1), inserted heading.

Subsec. (b)(1). Pub. L. 107–107, §639(b)(2), in first sentence, substituted “each eligible dependent child of the member of one annual trip between the school being attended by that child” for “each unmarried dependent child, who is under 23 years of age and is attending a school in the continental United States for the purpose of obtaining a formal education, of one annual trip between the school being attended”.

Subsec. (b)(3). Pub. L. 107–107, §639(b)(3), added par. (3).

Subsec. (c). Pub. L. 107–107, §931(c), substituted “Air Mobility Command” for “Military Airlift Command”.

Pub. L. 107–107, §639(c)(1), inserted heading.

Subsec. (d). Pub. L. 107–107, §639(c)(2), inserted heading and substituted “subsection (a)(2)” for “subsection (a)(3)”.

Subsec. (e). Pub. L. 107–107, §639(c)(3), inserted heading.

Subsec. (f). Pub. L. 107–107, §639(c)(4), inserted heading.

2000—Subsecs. (a)(3), (b)(1). Pub. L. 106–398, §1 [[div. A], title VI, §646(1)], substituted “for the purpose of obtaining a formal education” for “for the purpose of obtaining a secondary or undergraduate college education”.

Subsec. (f). Pub. L. 106–398, §1 [[div. A], title VI, §646(2)], substituted “In this section:” for “In this section,” inserted par. (1) designation, substituted “The term” for “the term”, and added par. (2).

1998—Subsec. (b). Pub. L. 105–261 designated existing provisions as par. (1) and added par. (2).

1991—Subsec. (a). Pub. L. 102–25 struck out “of this subsection” after “clause (3)” in par. (2) and “of this section” after “subsection (b)” in concluding provisions.

Subsec. (b). Pub. L. 102–25, §702(b)(1), struck out “of this section” after “subsection (a)”.

1990—Subsec. (b). Pub. L. 101–510 inserted “(20 U.S.C. 921 et seq.)” after “Education Act of 1978”.

1989—Subsec. (a). Pub. L. 101-189, §625(a)(1), inserted “continental” before “United States” in pars. (1) and (3) and struck out “oversea” before “duty station” in par. (2).

Subsec. (b). Pub. L. 101-189, §625(a)(2), inserted “continental” before “United States” in two places and substituted “outside the continental United States” for “in the oversea area”.

Subsecs. (d) to (f). Pub. L. 101-189, §625(a)(3), added subsecs. (d) to (f).

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §639(d), Dec. 28, 2001, 115 Stat. 1149, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The amendments made by this section [amending this section] shall apply with respect to travel described in subsection (b) of section 490 of title 37, United States Code, as amended by this section, that commences on or after the date of the enactment of this Act [Dec. 28, 2001].”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title VI, §625(b), Nov. 29, 1989, 103 Stat. 1449, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to travel and transportation commenced after the date of the enactment of this Act [Nov. 29, 1989].”

#### EFFECTIVE DATE

Pub. L. 98-94, title IX, §910(b), Sept. 24, 1983, 97 Stat. 639, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Section 490 of title 37, United States Code, as added by subsection (a), shall apply only with respect to travel begun after September 30, 1983.”

#### DEPENDENT STUDENT TRAVEL WITHIN UNITED STATES

For availability of Department of Defense funds for travel and transportation of dependent students of members of the Armed Forces stationed overseas for transportation allowances for travel within or between the contiguous States, see section 1786 of Title 10, Armed Forces.

Pub. L. 98-212, title VII, §799B, Dec. 8, 1983, 97 Stat. 1456, as amended by Pub. L. 98-396, title I, Aug. 22, 1984, 98 Stat. 1378, provided in part that: “After August 31, 1984, none of the funds appropriated to the Department of Defense for the travel and transportation of dependent students of military personnel stationed overseas shall be obligated for a transportation allowance for travel within or between the contiguous United States.”

### § 491. Benefits for certain members assigned to the Defense Intelligence Agency

(a) The Secretary of Defense may provide to members of the armed forces described in subsection (e) allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13) of section 901 and sections 705 and 903 of the Foreign Service Act of 1980 (22 U.S.C. 4081(2), (3), (4), (6), (7), (8), and (13), 4025, 4083) and under section 5924(4) of title 5.

(b) The authority of the Secretary of Defense to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(c) Members of the armed forces may not receive benefits under both subsection (a) and any

other provision of this title for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

(d) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) Subsection (a) applies to members of the armed forces who—

(1) are assigned—

(A) to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; or

(B) to the Defense Intelligence Agency and engaged in intelligence-related duties outside the United States; and

(2) are designated by the Secretary of Defense for the purposes of subsection (a).

(Added Pub. L. 99-145, title XIII, §1302(b)(1), Nov. 8, 1985, 99 Stat. 738, §431; amended Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-93, title V, §502(b), Jan. 6, 1996, 109 Stat. 973; Pub. L. 106-65, div. A, title X, §1067(2), Oct. 5, 1999, 113 Stat. 774; Pub. L. 112-81, div. A, title VI, §631(d)(2), Dec. 31, 2011, 125 Stat. 1460; renumbered §491, Pub. L. 112-239, div. A, title X, §1076(h)(2), Jan. 2, 2013, 126 Stat. 1955.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 192 of Title 10, Armed Forces, prior to enactment of this section by Pub. L. 99-145.

#### AMENDMENTS

2013—Pub. L. 112-239 renumbered section 431 of this title as this section.

2011—Pub. L. 112-81 transferred this section to this chapter.

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-93, §502(b)(1), substituted “described in subsection (e)” for “who are assigned to Defense Attache Offices and Defense Intelligence Agency Liaison Offices outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection”.

Subsecs. (d), (e). Pub. L. 104-93, §502(b)(2), (3), added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: “Regulations prescribed pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect.”

1991—Subsecs. (b) to (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

#### DELEGATION OF AUTHORITY OF SECRETARY OF DEFENSE

Section 1302(b)(3) of Pub. L. 99-145, as amended by Pub. L. 100-180, div. A, title XIII, §1314(d)(4), Dec. 4, 1987, 101 Stat. 1176, provided that: “The authority of the Secretary of Defense under section 431 of title 37, United States Code, as added by paragraph (1), may be delegated in accordance with section 113(d) of title 10, United States Code.”

[Amendment to section 1302(b)(3) of Pub. L. 99-145 by Pub. L. 100-180 effective Oct. 1, 1986, see section 1314(e)(2) of Pub. L. 100-180, set out as a note under section 413 of this title.]

**§ 492. Travel and transportation: members escorting certain dependents**

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service may be provided round trip transportation and travel allowances for travel performed or to be performed under competent orders as an escort for the member's dependent when travel by the dependent is authorized by competent authority and the dependent is incapable of traveling alone because of age, mental or physical incapacity, or other extraordinary circumstances.

(b) Whenever possible, the Air Mobility Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.

(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 99-661, div. A, title VI, § 615(a)(1), Nov. 14, 1986, 100 Stat. 3879, § 431; renumbered § 432, Pub. L. 100-26, § 8(b)(1), Apr. 21, 1987, 101 Stat. 285; amended Pub. L. 107-107, div. A, title IX, § 931(c), Dec. 28, 2001, 115 Stat. 1200; renumbered § 492 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(30), Dec. 31, 2011, 125 Stat. 1460, 1464.)

AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 432 of this title as this section.

Subsec. (c). Pub. L. 112-81, § 631(e)(30), added subsec. (c).

2001—Subsec. (b). Pub. L. 107-107 substituted “Air Mobility Command” for “Military Airlift Command”.

EFFECTIVE DATE

Pub. L. 99-661, div. A, title VI, § 615(b), Nov. 14, 1986, 100 Stat. 3880, provided that: “Section 431 [now 492] of title 37, United States Code, as added by subsection (a), shall apply with respect to travel performed after September 30, 1986.”

**§ 494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams**

(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are

being conducted by the team pursuant to that treaty or agreement.

(c) EFFECT OF LOCATION OF MEMBER'S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member's permanent duty station.

(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.

(Added Pub. L. 102-484, div. A, title VI, § 623(a)(1), Oct. 23, 1992, 106 Stat. 2422, § 434; renumbered § 494 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(31), Dec. 31, 2011, 125 Stat. 1460, 1464.)

AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 434 of this title as this section.

Subsec. (d). Pub. L. 112-81, § 631(e)(31), added subsec. (d).

EFFECTIVE DATE

Pub. L. 102-484, div. A, title VI, § 623(b), Oct. 23, 1992, 106 Stat. 2423, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Section 494 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act [Oct. 23, 1992].”

**§ 495. Funeral honors duty: allowance**

(a) ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

(2) The Secretary concerned may also authorize payment of that allowance to a member of the armed forces in a retired status for any day on which the member serves in a funeral honors detail under section 1491 of title 10, if the time required for service in such detail (including time for preparation) is not less than two hours. The amount of an allowance paid to a member under this paragraph shall be in addition to any other compensation to which the member may be entitled under this title or title 10 or 38.

(b) AMOUNT.—The daily rate of an allowance under this section is \$50.

(c) TERMINATION.—No allowance may be paid under this section for any day after the travel authorities transition expiration date.

(Added Pub. L. 106-65, div. A, title V, § 578(j), Oct. 5, 1999, 113 Stat. 630, § 435; amended Pub. L. 106-398, § 1 [[div. A], title V, § 575(b), title X, § 1087(c)(1)(A)(i)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, 1654A-292; Pub. L. 107-107, div. A, title V, § 561(b), Dec. 28, 2001, 115 Stat. 1119; renumbered § 495 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(32), Dec. 31, 2011, 125 Stat. 1460, 1464.)

AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 435 of this title as this section.

Subsec. (c). Pub. L. 112-81, §631(e)(32), added subsec. (c).

2001—Subsec. (a). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)(A)(i)], made technical amendment to directory language of Pub. L. 106-65, §578(j), which enacted this section.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §575(b)], struck out heading and text of subsec. (c). Text read as follows: “Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.”

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title V, §575(b)] of Pub. L. 106-398, applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by that section is effective as of Oct. 5, 1999, and as if included in the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106-65, as enacted.

### CHAPTER 9—LEAVE

Sec.	
501.	Payments for unused accrued leave.
502.	Absences due to sickness, wounds, and certain other causes.
503.	Absence without leave or over leave.
504.	Cadets and midshipmen: chapter does not apply to.

#### AMENDMENTS

1990—Pub. L. 101-510, div. A, title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

#### § 501. Payments for unused accrued leave

(a) In this section, the term “discharge” means—

(1) in the case of an enlisted member, separation or release from active duty under honorable conditions, termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated), or appointment as an officer;

(2) in the case of an officer, separation or release from active duty under honorable conditions;

(3) in the case of either an officer or an enlisted member, death while on active duty unless the decedent was put to death as lawful punishment for a crime or a military offense;

(4) in the case of an officer or an enlisted member of a reserve component who is not serving on active duty, separation or release from the reserve component under honorable conditions, or death; and

(5) in the case of an enlisted member of a reserve component who is not serving on active duty, termination of enlistment in conjunction with the commencement of a successive enlistment, or appointment as an officer.

(b)(1) A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration, who has accrued leave to his credit at the time of his discharge, is entitled to be paid in cash or by a check on the Treasurer of the United States for such leave on the basis of the basic pay to which he was entitled on the date of discharge.

(2) Payment may not be made under this subsection to a member who is discharged for the purpose of accepting an appointment or a warrant in any uniformed service.

(3) Payment may not be made to a member for any leave he elects to have carried over to a new enlistment in any uniformed service on the day after the date of his discharge; but payment may be made to a member for any leave he elects not to carry over to a new enlistment. However, the number of days of leave for which payment is made may not exceed sixty, less the number of days for which payment was previously made under this section after February 9, 1976.

(4) A member to whom a payment may not be made under this subsection, or a member who reverts from officer to enlisted status, carries the accrued leave standing to his credit from the one status to the other within any uniformed service.

(5) The limitation in the second sentence of paragraph (3) and in subsection (f) shall not apply with respect to leave accrued—

(A) by a member of a reserve component while serving on active duty in support of a contingency operation;

(B) by a member of the armed forces in the Retired Reserve while serving on active duty in support of a contingency operation;

(C) by a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps or a member of the Fleet Reserve or Fleet Marine Corps Reserve while the member is serving on active duty in support of a contingency operation; or

(D) by a member of a reserve component while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days but not in excess of 365 days.

(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.

(c) Unused accrued leave for which payment is made under subsection (b) is not considered as service for any purpose.

(d)(1) Payments for unused accrued leave under subsections (b) and (g), in the case of a member who dies while on active duty or in the case of a member or former member who dies after retirement or discharge and before he receives that payment, shall be made in accordance with section 2771 of title 10. In the case of a member who dies while on active duty, payment for unused accrued leave under subsections