

voluntary separation incentive payments to qualified employees to extent necessary to eliminate positions and functions identified by strategic plan to be submitted to Congress outlining intended use of such incentive payments and proposed organizational chart for agency once such incentive payments have been completed, provided that no amount would be payable based on any separation occurring before Aug. 6, 1996, or after Sept. 30, 2000, and further provided for definitions, amount and treatment of payments, additional agency contributions to the Retirement Fund, effect of subsequent employment with the Government, reduction of agency employment levels, and that program would take effect Oct. 1, 1996.

Pub. L. 104-134, title I, §101(c) [title III, §339], Apr. 26, 1996, 110 Stat. 1321-156, 1321-210; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided that, in order to avoid or minimize need for involuntary separations due to reduction in force, reorganization, transfer of function, or other similar action, Secretary of the Smithsonian Institution could pay, or authorize payment of, voluntary separation incentive payments to Smithsonian Institution employees who separated from Federal service voluntarily through Oct. 1, 1996 (whether by retirement or resignation).

Pub. L. 104-19, title I, §702, July 27, 1995, 109 Stat. 221, provided that General Accounting Office could for such employees as it deemed appropriate authorize payment to employees who voluntarily separated before Oct. 1, 1995, whether by retirement or resignation, which payment would be paid in accordance with provisions of subsection (d) of this section.

Section 3 of Pub. L. 103-226 authorized Executive agencies (other than Department of Defense, Central Intelligence Agency, or General Accounting Office) to provide voluntary separation incentive payments to qualified employees of such agencies in order to avoid or minimize need for involuntary separations due to reduction in force, reorganization, transfer of function, or other similar action, provided that in order to receive incentive payment, employee must have separated from service with agency (whether by retirement or resignation) before Apr. 1, 1995, or, under certain circumstances, not later than Mar. 31, 1997, and further provided for definitions, amount and treatment of payments, effect of subsequent employment with the Government, regulations, and authority for Director of Administrative Office of the United States Courts to establish similar program for individuals serving in the judicial branch.

MONITORING AND REPORT RELATING TO VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Section 6 of Pub. L. 103-226 provided that: "No later than December 31st of each fiscal year, the Office of Personnel Management shall submit to the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate and the Committee on Post Office and Civil Service of the House of Representatives a report which, with respect to the preceding fiscal year, shall include—

"(1) the number of employees who received a voluntary separation incentive payment under section 3 [set out above] during such preceding fiscal year;

"(2) the agency from which each such employee separated;

"(3) at the time of separation from service by each such employee—

"(A) such employee's grade or pay level; and

"(B) the geographic location of such employee's official duty station, by region, State, and city (or foreign nation, if applicable); and

"(4)(A) the number of waivers made (in the repayment upon subsequent employment) by each agency or other authority under section 3 [set out above] or the amendments made by section 8 [amending this section and section 403x of Title 50, War and National Defense]; and

"(B) the title and the grade or pay level of the position filled by the employee to whom such waiver applied."

[Committee on Post Office and Civil Service of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on Post Office and Civil Service treated as referring to Committee on Government Reform and Oversight, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.]

SOURCE OF PAYMENTS

Section 4436(b)(1) of Pub. L. 102-484 provided that: "For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency."

REPORT

Section 4436(c) of Pub. L. 102-484 provided that: "At the end of each of fiscal years 1993 through 1998, the Secretary of Defense shall submit to the President, the Congress, and the Director of the Office of Personnel Management a report on the effectiveness and costs of carrying out the amendments made by this section [enacting this section]."

CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

- | | |
|--------|--|
| Sec. | |
| 5701. | Definitions. |
| 5702. | Per diem; employees traveling on official business. |
| 5703. | Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay. |
| 5704. | Mileage and related allowances. |
| 5705. | Advancements and deductions. |
| 5706. | Allowable travel expenses. |
| 5706a. | Subsistence and travel expenses for threatened law enforcement personnel. |
| 5706b. | Interview expenses. |
| 5706c. | Reimbursement for taxes incurred on money received for travel expenses. |
| 5707. | Regulations and reports. |
| 5707a. | Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses. |
| 5708. | Effect on other statutes. |
| 5709. | Air evacuation patients: furnished subsistence. |
| 5710. | Authority for travel expenses test programs. |
| 5711. | Authority for telework travel expenses test programs. |

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

- | | |
|--------|---|
| 5721. | Definitions. |
| 5722. | Travel and transportation expenses of new appointees; posts of duty outside the continental United States. |
| 5723. | Travel and transportation expenses of new appointees and student trainees. |
| 5724. | Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis. |
| 5724a. | Relocation expenses of employees transferred or reemployed. |
| 5724b. | Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred. |

- Sec.
- 5724c. Relocation services.
- 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees.
- 5725. Transportation expenses; employees assigned to danger areas.
- 5726. Storage expenses; household goods and personal effects.
- 5727. Transportation of motor vehicles.
- 5728. Travel and transportation expenses; vacation leave.
- 5729. Transportation expenses; prior return of family.
- 5730. Funds available.
- 5731. Expenses limited to lowest first-class rate.
- 5732. General average contribution; payment or reimbursement.
- 5733. Expeditious travel.
- 5734. Travel, transportation, and relocation expenses of employees transferred from the Postal Service.
- 5735. Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service.
- 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.
- 5737. Relocation expenses of an employee who is performing an extended assignment.
- 5737a. Employees temporarily deployed in contingency operations.
- 5738. Regulations.
- 5739. Authority for relocation expenses test programs.

SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS

- 5741. General prohibition.
- 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

- 5751. Travel expenses of witnesses.
- 5752. Travel expenses of Senior Executive Service candidates.
- 5753. Recruitment and relocation bonuses.
- 5754. Retention bonuses.
- 5755. Supervisory differentials.
- 5756. Home marketing incentive payment.
- 5757.¹ Payment of expenses to obtain professional credentials.
- 5757.¹ Extended assignment incentive.
- 5759. Retention and relocation bonuses for the Federal Bureau of Investigation.
- 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.
- 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation.

AMENDMENTS

- 2010—Pub. L. 111-292, §3(b), Dec. 9, 2010, 124 Stat. 3173, added item 5711.
- Pub. L. 111-178, §2(c), June 9, 2010, 124 Stat. 1263, added item 5724d.
- 2009—Pub. L. 111-117, div. B, title II, §219(b), Dec. 16, 2009, 123 Stat. 3142, added item 5761.
- 2008—Pub. L. 110-181, div. A, title XI, §1104(b), Jan. 28, 2008, 122 Stat. 347, added item 5737a.
- 2006—Pub. L. 109-163, div. A, title XI, §1121(b), Jan. 6, 2006, 119 Stat. 3452, added item 5760.
- 2004—Pub. L. 108-447, div. B, title I, §113(b), Dec. 8, 2004, 118 Stat. 2869, added item 5759.
- Pub. L. 108-411, title I, §101(a)(2), Oct. 30, 2004, 118 Stat. 2309, substituted “Retention bonuses” for “Retention allowances” in item 5754.

¹ So in original. Two sections 5757 have been enacted.

- 2002—Pub. L. 107-273, div. A, title II, §207(a)(2), Nov. 2, 2002, 116 Stat. 1780, added item 5757 “Extended assignment incentive”.
- 2001—Pub. L. 107-107, div. A, title XI, §1112(b), Dec. 28, 2001, 115 Stat. 1239, added item 5757 “Payment of expenses to obtain professional credentials”.
- 1998—Pub. L. 105-264, §§4(b), 5(c), Oct. 19, 1998, 112 Stat. 2354, 2355, added items 5706c, 5710, and 5739.
- 1996—Pub. L. 104-201, div. A, title XVI, §1605(a)(2), title XVII, §1723(c), Sept. 23, 1996, 110 Stat. 2736, 2759, added items 5736 to 5738 and 5756.
- 1994—Pub. L. 103-337, div. A, title III, §345(a)(2), Oct. 5, 1994, 108 Stat. 2724, added item 5735.
- 1992—Pub. L. 102-378, §2(46), Oct. 2, 1992, 106 Stat. 1353, struck out “; manpower shortage positions” after “trainees” in item 5723 and added item 5755.
- 1990—Pub. L. 101-509, title V, §529 [title II, §§206(a)(2), 208(b)], Nov. 5, 1990, 104 Stat. 1427, 1457, 1460, added items 5706b, 5753, and 5754.
- Pub. L. 101-391, §4(b), Sept. 25, 1990, 104 Stat. 750, added item 5707a.
- 1986—Pub. L. 99-234, title I, §§103(b), 106(b), Jan. 2, 1986, 99 Stat. 1758, 1759, added items 5706a and 5734.
- 1983—Pub. L. 98-151, §118(a)(7)(A)(ii), Nov. 14, 1983, 97 Stat. 979, added items 5724b and 5724c.
- 1978—Pub. L. 95-454, title IV, §409(c), Oct. 13, 1978, 92 Stat. 1173, added item 5752.
- 1975—Pub. L. 94-22, §7, May 19, 1975, 89 Stat. 86, inserted “and reports” after “Regulations” in item 5707.
- 1970—Pub. L. 91-563, §4(b), Dec. 19, 1970, 84 Stat. 1477, added heading of Subchapter IV and item 5751.
- Pub. L. 91-481, §1(2), Oct. 21, 1970, 84 Stat. 1081, added item 5709.
- 1967—Pub. L. 90-206, title II, §222(c)(2), Dec. 16, 1967, 81 Stat. 641, added item 5733.
- Pub. L. 90-83 §1(37)(B), Sept. 11, 1967, 81 Stat. 205, added item 5724a.

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5701. Definitions

Except as otherwise provided in section 5707(d),¹ for the purpose of this subchapter—

- (1) “agency” means—
 - (A) an Executive agency;
 - (B) a military department;
 - (C) an office, agency, or other establishment in the legislative branch;
 - (D) an office, agency, or other establishment in the judicial branch; and
 - (E) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
- (ii) a Member of Congress; or
- (iii) an office or committee of either House of Congress or of the two Houses;

(2) “employee” means an individual employed in or under an agency including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at \$1 a year;

(3) “subsistence” means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;

(4) “per diem allowance” means a daily payment instead of actual expenses for subsistence and fees or tips to porters and stewards;

(5) “Government” means the Government of the United States and the government of the District of Columbia; and

¹ See References in Text note below.

(6) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 498; Pub. L. 94-22, §2(a), May 19, 1975, 89 Stat. 84; Pub. L. 99-234, title I, §101, Jan. 2, 1986, 99 Stat. 1756; Pub. L. 101-391, §5(a)(2), Sept. 25, 1990, 104 Stat. 751.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)-(5)	5 U.S.C. 835.	June 9, 1949, ch. 185, §2, 63 Stat. 166.
(6)	[Uncodified].	Aug. 14, 1961, Pub. L. 87-139, §8(c), 75 Stat. 340.

In paragraph (1), the word “agency” is substituted for “departments and establishments”. The terms “Executive agency” and “military department” are substituted for “any executive department, independent commission, board, bureau, office, agency, or other establishment in the executive branch of the Government, including wholly owned Government corporations” in view of the definitions in sections 105 and 102. The exception of “a Government controlled corporation” is added in subparagraph (i) to preserve the application of this subchapter to “wholly owned Government corporations”.

Paragraph (2) is added for convenience and to eliminate the necessity of referring to “civilian officers and employees of the agencies” elsewhere in the text of the subchapter.

In paragraph (4), the words “for subsistence and fees or tips to porters and stewards” are added on authority of the words “in lieu of their actual expenses of subsistence and all fees or tips to porters and stewards” and “in lieu of subsistence” in former sections 836 and 73b-2, which are carried into sections 5702 and 5703, respectively.

Paragraph (5) is added for convenience and is based in part on former section 835(1)(A) and, insofar as concerns section 5703, on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

Paragraph (6), insofar as concerns section 5703, is based in part on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

The definition of “Member of Congress” in former section 835(4) is omitted as unnecessary in view of the definition of “Member of Congress” in section 2106.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 5707(d) of this title, referred to in text, was repealed by Pub. L. 104-201, div. A, title XVI, §1614(a)(1), Sept. 23, 1996, 110 Stat. 2739.

AMENDMENTS

1990—Pub. L. 101-391 substituted “Except as otherwise provided in section 5707(d), for the purpose” for “For the purpose”.

1986—Par. (4). Pub. L. 99-234 amended par. (4) generally, striking out “flat rate” before “payment”.

1975—Par. (2). Pub. L. 94-22 redefined “employee” to include individuals employed intermittently as experts or consultants and paid on a daily when-actually-employed basis, and individuals serving without pay at \$1 a year.

EFFECTIVE DATE OF 1986 AMENDMENT; REGULATIONS

Section 301 of Pub. L. 99-234 provided that:

“(a) The Administrator of General Services shall promulgate regulations implementing the amendments made by sections 101, 102, 103, 104, and 106 of this Act [enacting sections 5706a and 5734 of this title and

amending this section and sections 5702 and 5707 of this title] not later than 150 days after the date of enactment of this Act [Jan. 2, 1986]. The amendments made by title I of this Act [enacting sections 5706a and 5734 of this title and amending this section, sections 5702, 5707, and 5724a of this title, section 476 of Title 2, The Congress, section 2396 of Title 22, Foreign Relations and Intercourse, section 4941 of Title 26, Internal Revenue Code, section 456 of Title 28, Judiciary and Judicial Procedure, section 326 of Title 31, Money and Finance, and section 2477 of Title 42, The Public Health and Welfare] shall take effect on the effective date of such regulations, or 180 days after the date of enactment of this Act [Jan. 2, 1986], whichever occurs first.

“(b) The amendments made by section 201 of this Act [enacting section 420 of Title 41, Public Contracts] shall take effect 30 days after the effective date of the amendments made by title I.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-264, §1, Oct. 19, 1998, 112 Stat. 2350, provided that: “This Act [enacting sections 5706c, 5710, and 5739 of this title, amending sections 5721 to 5724, 5724a, 5725, 5727 to 5729, 5731, and 5732 of this title, section 3413 of Title 12, Banks and Banking, and sections 3322, 3528, and 3726 of Title 31, Money and Finance, and enacting provisions set out as notes under this section, section 5706c of this title, and section 3322 of Title 31] may be cited as the ‘Travel and Transportation Reform Act of 1998’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title XVII, §1701, Sept. 23, 1996, 110 Stat. 2752, provided that: “This title [enacting sections 5737, 5738, and 5756 of this title, amending sections 3375, 5722 to 5724c, 5726 to 5729, and 5731 of this title, section 1348 of Title 31, Money and Finance, section 707 of Title 38, Veterans’ Benefits, and sections 290aa and 299c-4 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 5722 of this title] may be cited as the ‘Federal Employee Travel Reform Act of 1996’.”

SHORT TITLE OF 1986 AMENDMENT

Section 1 of Pub. L. 99-234 provided that: “This Act [enacting sections 5706a and 5734 of this title and section 420 of Title 41, Public Contracts, amending this section, sections 5702, 5707, and 5724a of this title, section 476 of Title 2, The Congress, section 2396 of Title 22, Foreign Relations and Intercourse, section 4941 of Title 26, Internal Revenue Code, section 456 of Title 28, Judiciary and Judicial Procedure, section 326 of Title 31, Money and Finance, and section 2477 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and section 420 of Title 41] may be cited as the ‘Federal Civilian Employee and Contractor Travel Expenses Act of 1985’.”

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94-22 provided: “That this Act [amending this section, sections 5702, 5703, 5704, 5705, and 5707 of this title, and section 68b of Title 2, The Congress, and enacting provisions set out as a note under section 5707 of this title] may be cited as the “Travel Expense Amendments Act of 1975’.”

eTRAVEL SERVICE

Pub. L. 108-447, div. G, title II, §209, Dec. 8, 2004, 118 Stat. 3193, provided that: “Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.”

CREDITWORTHINESS OF INDIVIDUALS TO BE ISSUED GOVERNMENT CHARGE CARDS

Pub. L. 112-74, div. C, title VII, §736, Dec. 23, 2011, 125 Stat. 937, provided that: “Each executive department

and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508 [Pub. L. 90-321]) [15 U.S.C. 1681a]: *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct."

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 111-117, div. C, title VII, § 738, Dec. 16, 2009, 123 Stat. 3214.

Pub. L. 111-8, div. D, title VII, § 741, Mar. 11, 2009, 123 Stat. 691.

Pub. L. 110-161, div. D, title VII, § 743, Dec. 26, 2007, 121 Stat. 2032.

Pub. L. 109-115, div. A, title VIII, § 846, Nov. 30, 2005, 119 Stat. 2507.

Pub. L. 108-447, div. H, title VI, § 639, Dec. 8, 2004, 118 Stat. 3281.

Pub. L. 108-199, div. F, title VI, § 638, Jan. 23, 2004, 118 Stat. 358.

REQUIRING USE OF TRAVEL CHARGE CARD

Pub. L. 105-264, § 2, Oct. 19, 1998, 112 Stat. 2350, provided that:

"(a) IN GENERAL.—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

"(1) it is in the best interest of the United States to do so;

"(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

"(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

"(b) AGENCY EXEMPTION.—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

"(c) LIMITATION ON RESTRICTION ON DISCLOSURE.—

"(1) IN GENERAL.—[Amended section 3413 of Title 12, Banks and Banking.]

"(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

"(d) COLLECTION OF AMOUNTS OWED.—

"(1) IN GENERAL.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

"(2) DUE PROCESS PROTECTIONS.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

"(3) DEFINITIONS.—For the purpose of this subsection:

"(A) AGENCY.—The term 'agency' has the meaning that term has under section 101 of title 31, United States Code.

"(B) EMPLOYEE.—The term 'employee' means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

"(C) MEMBER; UNIFORMED SERVICE.—Each of the terms 'member' and 'uniformed service' has the meaning that term has in section 101 of title 37, United States Code.

"(e) REGULATIONS.—Within 270 days after the date of the enactment of this Act [Oct. 19, 1998], the Administrator of General Services shall promulgate regulations implementing this section, that—

"(1) make the use of the travel charge card established pursuant to the United States Travel and Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

"(2) specify the procedures for effecting under subsection (d) a deduction from pay owed to an employee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

"(3) provide that any deduction under subsection (d) from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

"(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

"(f) REPORTS.—

"(1) IN GENERAL.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

"(2) TIMING.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of the enactment of this Act [Oct. 19, 1998], and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

“(3) PREPARATION.—Each report shall be based on a sampling survey of agencies that expended more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

“(g) REIMBURSEMENT OF TRAVEL EXPENSES.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.”

[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.]

§ 5702. Per diem; employees traveling on official business

(a)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee, when traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business (if the employee is described in section 5703 of this title), is entitled to any one of the following:

(A) a per diem allowance at a rate not to exceed that established by the Administrator of General Services for travel within the continental United States, and by the President or his designee for travel outside the continental United States;

(B) reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Administrator for travel within the continental United States or an amount established by the President or his designee for travel outside the continental United States; or

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

(2) Any per diem allowance or maximum amount of reimbursement shall be established, to the extent feasible, by locality.

(3) For travel consuming less than a full day, the payment prescribed by regulation shall be allocated in such manner as the Administrator may prescribe.

(b)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who abandons the travel assignment prior to its completion—

(A) because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and to

payments pursuant to subsection (a) of this section until that location is reached; or

(B) because of a personal emergency situation (such as serious illness, injury, or death of a member of the employee's family, or an emergency situation such as fire, flood, or act of God), may be allowed, with the approval of an appropriate official of the agency concerned, reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and payments pursuant to subsection (a) of this section until that location is reached.

(2)(A) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who, with the approval of an appropriate official of the agency concerned, interrupts the travel assignment prior to its completion for a reason specified in subparagraph (A) or (B) of paragraph (1) of this subsection, may be allowed (subject to the limitation provided in subparagraph (B) of this paragraph)—

(i) reimbursement for expenses of transportation to the location where necessary medical services are provided or the emergency situation exists,

(ii) payments pursuant to subsection (a) of this section until that location is reached, and

(iii) such reimbursement and payments for return to such assignment.

(B) The reimbursement which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be the employee's actual costs of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from such location, less the costs of transportation which the employee would have incurred had such travel begun and ended at the employee's designated post of duty, or home or regular place of business, as the case may be. The payments which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the employee's transportation as a consequence of the transportation's having begun and ended at a location on the travel assignment (rather than at the employee's designated post of duty, or home or regular place of business, as the case may be).

(3) Subject to the limitations contained in regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who interrupts the travel assignment prior to its completion because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to payments pursuant to subsection (a) of this section at the location where the interruption occurred.

(c) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 498; Pub. L. 91-114, §1, Nov. 10, 1969, 83 Stat. 190; Pub. L. 94-22, §3, May 19, 1975, 89 Stat. 84; Pub. L. 96-54, §2(a)(36), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-346, §1, Sept. 10, 1980, 94 Stat. 1148; Pub. L.

99-234, title I, §102, Jan. 2, 1986, 99 Stat. 1756; Pub. L. 102-378, §2(47), Oct. 2, 1992, 106 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 836.	June 9, 1949, ch. 185, §3, 63 Stat. 166. Apr. 26, 1950, ch. 108, 64 Stat. 89. July 28, 1955, ch. 424, §1, 69 Stat. 393. Aug. 14, 1961, Pub. L. 87-139, §§1, 8(a), 75 Stat. 339, 340.

In subsection (a), the term "employee" is substituted for "civilian officers and employees of the departments and establishments" in view of the definition of "employee" in sections 5701 and 2105. The words "in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards" are omitted as unnecessary in view of the definition of "per diem allowance" in section 5701(4).

In subsection (b), the words "Under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated and approved under sections 835-842 of this title".

In subsection (c), the words "Under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated by the Director, Bureau of the Budget, pursuant to section 840 of this title."

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1992—Pub. L. 102-378 substituted "employees" for "employee" in section catchline.

1986—Subsec. (a). Pub. L. 99-234, §102(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty, or in the case of an individual described under section 5703 of this title, his home or regular place of business, is entitled to (1) a per diem allowance for travel inside the continental United States at a rate not to exceed \$50, and (2) a per diem allowance for travel outside the continental United States, that may not exceed the rate established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rate may be allocated proportionately."

Subsec. (b). Pub. L. 99-234, §102(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty or, in the case of an individual described under section 5703 of this title, his home or regular place of business, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses to his designated post of duty, or home or regular place of business, as the case may be."

Subsec. (c). Pub. L. 99-234, §102, redesignated subsec. (e) as (c) and struck out former subsec. (c) which read as follows: "Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed \$75 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (1) due to the unusual circumstances of the travel assignment, or (2)

for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title."

Subsec. (d). Pub. L. 99-234, §102(a), struck out subsec. (d) which read as follows: "Under regulations prescribed under section 5707 of this title, for travel outside the continental United States, the Administrator of General Services or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed \$33 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel."

Subsec. (e). Pub. L. 99-234, §102(b), redesignated subsec. (e) as (c).

1980—Subsec. (a). Pub. L. 96-346, §1(1), increased to \$50 from \$35 the maximum per diem allowance for travel inside the continental United States.

Subsec. (c). Pub. L. 96-346, §1(2), increased to \$75 from \$50 the maximum reimbursement for actual and necessary expenses for travel within the continental United States.

Subsec. (d). Pub. L. 96-346, §1(3), increased to \$33 from \$21 the maximum reimbursement for travel outside the continental United States.

1979—Subsec. (c). Pub. L. 96-54 substituted "(1)" for "(A)" and "(2)" for "(B)".

1975—Subsec. (a). Pub. L. 94-22 substituted provision relating to determination of per diem allowance under regulations prescribed under section 5707 for provision allowing for such determination by agency concerned, inserted provisions relating to an individual described under section 5703 and to proportionate allocation of rates for travel consuming less than a full day, struck out provision relating to Director of Bureau of Budget or another officer of Government of the United States as persons who may be designees, and raised maximum allowance from \$25 to \$35.

Subsec. (b). Pub. L. 94-22 inserted provision relating to an individual described under section 5703, inserted "appropriate" before "transportation", and "or home or regular place of business, as the case may be." after "expenses to his designated post of duty".

Subsec. (c). Pub. L. 94-22 substituted the Administrator of General Services, or his designee, for the head of the agency concerned, as the party who may prescribe conditions for reimbursement for actual and necessary expenses, raised from \$40 to \$50 the maximum reimbursement for travel within the continental United States when the rate otherwise allowable is inadequate due to unusual circumstances or due to travel to areas designated as high rate areas, and struck out a provision, now covered by subsec. (d), for a maximum allowance per day for travel outside the continental United States.

Subsecs. (d), (e). Pub. L. 94-22 transferred from subsec. (c) to (d) provisions for reimbursement for actual and necessary expenses for travel outside the continental United States and raised from \$18 to \$21 the maximum reimbursement for such expenses, and redesignated former subsec. (d) as (e).

1969—Subsec. (a). Pub. L. 91-114 increased the per diem allowance for travel inside the continental United States from not to exceed the rate of \$16 to not to exceed the rate of \$25.

Subsec. (c). Pub. L. 91-114 in cl. (1) increased the amount authorized to be named in the travel authorization for each day in a travel status inside the continental United States from not to exceed \$30 to not to exceed \$40, and in cl. (2) increased the amount authorized to be named in the travel authorization for each day in a travel status outside the continental United States from not to exceed the maximum per diem allowance plus \$10 to not to exceed the maximum per diem allowance plus \$18.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on effective date of regulations to be promulgated not later than

150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

DELEGATION OF FUNCTIONS

Authority of President under subsec. (a) of this section to establish maximum rates of per diem allowances to extent that such authority pertains to travel status of employees while enroute to, from, or between localities situated outside 48 contiguous States of United States and District of Columbia delegated to Administrator of General Services, see section 1(2) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Authority of President under subsec. (a) of this section to establish maximum rates of per diem allowances and reimbursements for actual and necessary expenses of official travel for employees of Government to extent that such authority pertains to travel status in localities in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of United States delegated to Secretary of Defense, see section 1(h) of Ex. Ord. No. 10621, set out as a note under section 301 of Title 3.

RETENTION OF TRAVEL PROMOTIONAL ITEMS

Pub. L. 107-107, div. A, title XI, §1116, Dec. 28, 2001, 115 Stat. 1241, provided that:

“(a) DEFINITION.—In this section, the term ‘agency’ has the meaning given that term under section 5701 of title 5, United States Code.

“(b) RETENTION OF TRAVEL PROMOTIONAL ITEMS.—To the extent provided under subsection (c), a Federal employee, member of the Foreign Service, member of a uniformed service, any family member or dependent of such an employee or member, or other individual who receives a promotional item (including frequent flyer miles, upgrade, or access to carrier clubs or facilities) as a result of using travel or transportation services obtained at Federal Government expense or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Federal Government.

“(c) LIMITATION.—Subsection (b)—

“(1) applies only to travel that—

“(A) is at the expense of an agency; or

“(B) is accepted by an agency under section 1353 of title 31, United States Code; and

“(2) does not apply to travel by any officer, employee, or other official of the Government who is not in or under any agency.

“(d) REGULATORY AUTHORITY.—Any agency with authority to prescribe regulations governing the acquisition, acceptance, use, or disposal of any travel or transportation services obtained at Government expense or accepted under section 1353 of title 31, United States Code, may prescribe regulations to carry out subsection (b) with respect to those travel or transportation services.

“(e) REPEAL OF SUPERSEDED LAW.—[Repealed section 6008 of Pub. L. 103-355, formerly set out as a note below.]

“(f) APPLICABILITY.—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act [Dec. 28, 2001].”

COST SAVINGS FOR OFFICIAL TRAVEL

Pub. L. 103-355, title VI, §6008, Oct. 13, 1994, 108 Stat. 3367, related to maximizing practicable cost savings for official travel through use of frequent traveler pro-

grams, prior to repeal by Pub. L. 107-107, div. A, title XI, §1116(e), Dec. 28, 2001, 115 Stat. 1241.

REPORTS TO CONGRESS OF PER DIEM AND MILEAGE ALLOWANCE PAYMENTS FOR FISCAL YEARS 1979 THROUGH 1981; RULES AND REGULATIONS

Section 3 of Pub. L. 96-346, for fiscal years 1979 to 1981, directed the Administrator of General Services to collect by fiscal year information with respect to agencies spending more than \$5,000,000 annually on transportation of people, identifying general causes and purposes of travel and estimates of total payments, average cost and duration of trip, and identifying by specific agency of travel practices which appear to be inefficient and recommendations to Congress on the applicability of alternatives to travel as well as other techniques to improve use of travel in carrying out program objectives relating travel to mission.

EX. ORD. NO. 12561. DELEGATION OF FUNCTIONS RELATING TO TRAVEL OUTSIDE CONTINENTAL UNITED STATES

Ex. Ord. No. 12561, July 1, 1986, 51 F.R. 24299, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 102(a) of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985 (Public Law 99-234) (“the Act”) [amending this section] and Section 301 of Title 3 of the United States Code, it is ordered as follows:

SECTION 1. Section 1 of Executive Order No. 10621 of July 1, 1955, as amended [3 U.S.C. 301 note], is further amended by redesignating the current subsection (i) as subsection (g); by revoking the current subsection (o); and by adding the following new subsection (h):

“(h) The authority vested in the President by Section 102(a) of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985, 5 U.S.C. 5702(a), to establish maximum rates of per diem allowances and reimbursements for the actual and necessary expenses of official travel for employees of the Government to the extent that such authority pertains to travel status in localities in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States.”

SEC. 2. There is hereby delegated to the Secretary of State the authority vested in the President by Section 102(a) of the Act (5 U.S.C. 5702(a)) to establish maximum rates of per diem allowances and reimbursements for the actual and necessary expenses of official travel for employees of the Government to the extent that such authority pertains to travel status in localities (including the Trust Territories of the Pacific Islands) in any area situated outside the United States, the Commonwealth of Puerto Rico, and possessions of the United States.

SEC. 3. Executive Order No. 11294 of August 4, 1966, is revoked.

RONALD REAGAN.

§5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay

An employee serving intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 499; Pub. L. 91-114, §2, Nov. 10, 1969, 83 Stat. 190; Pub. L. 94-22, §4, May 19, 1975, 89 Stat. 85.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 73b-2.	Aug. 2, 1946, ch. 744, §5, 60 Stat. 808.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
		July 28, 1955, ch. 424, § 2, 69 Stat. 394. Aug. 14, 1961, Pub. L. 87-139, §§ 2, 8(b), 75 Stat. 339, 340.

Subsection (a) is added on authority of section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

In subsection (b), the words “in lieu of subsistence” are omitted as unnecessary in view of the definition of “per diem allowance” in section 5701(4). The words “this subchapter” are substituted for “the Standardized Government Travel Regulations, Subsistence Expense Act of 1926, as amended (5 U.S.C. 821-833) and the Act of February 14, 1931, as amended by this Act” as the Subsistence Expense Act of 1926 and the Act of February 14, 1931, were repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority for the Standardized Government Travel Regulations in former section 840 is carried into section 5707.

In subsection (c), the words “this subchapter” are substituted for “said regulations and said Act of February 14, 1931, as so amended” as the Act of February 14, 1931, was repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority for the Standardized Government Travel Regulations in former section 840 is carried into section 5707. The words “in lieu of subsistence” are omitted as unnecessary in view of the definition of “per diem allowance” in section 5701(4).

In subsection (d), the words “Under regulations prescribed under section 5707 of this title” are substituted for “in accordance with regulations promulgated by the Director, Bureau of the Budget, pursuant to section 840 of this title”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1975—Pub. L. 94-22 struck out separate provisions for per diem allowances of employees serving as experts, consultants, or serving without pay or at \$1 a year.

1969—Subsec. (c)(1). Pub. L. 91-114 increased the per diem allowance for travel inside continental United States from not to exceed the rate of \$16 to not to exceed the rate of \$25.

Subsec. (d). Pub. L. 91-114 in cl. (1) increased amount authorized to be named in travel authorization for each day in a travel status inside continental United States from not to exceed \$30 to not to exceed \$40, and in cl. (2) increased amount authorized to be named in travel authorization for each day in a travel status outside continental United States from not to exceed maximum per diem allowance plus \$10 to not to exceed the maximum per diem allowance plus \$18.

§ 5704. Mileage and related allowances

(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their auto-

mobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

- (1) parking fees;
- (2) ferry fees;
- (3) bridge, road, and tunnel costs; and
- (4) airplane landing and tie-down fees.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 499; Pub. L. 94-22, § 5, May 19, 1975, 89 Stat. 85; Pub. L. 96-346, § 2, Sept. 10, 1980, 94 Stat. 1148; Pub. L. 103-329, title VI, § 634(a), Sept. 30, 1994, 108 Stat. 2428.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 837.	June 9, 1949, ch. 185, § 4, 63 Stat. 166. July 28, 1955, ch. 424, § 4, 69 Stat. 394. Aug. 14, 1961, Pub. L. 87-139, §§ 3, 4, 75 Stat. 339, 340.

The word “employee” is substituted for “Civilian officers and employees of departments and establishments” in view of the definition of “employee” in sections 5701 and 2105.

In subsection (a), the words “Under regulations prescribed under section 5707 of this title” are substituted for “under regulations prescribed by the Director of the Bureau of the Budget”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994—Pub. L. 103-329 amended text generally. Prior to amendment, text read as follows:

“(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to not in excess of—

- “(1) 20 cents a mile for the use of a privately owned motorcycle;
- “(2) 25 cents a mile for the use of a privately owned automobile; or
- “(3) 45 cents a mile for the use of a privately owned airplane;

instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

“(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

- “(1) parking fees;
- “(2) ferry fees;
- “(3) bridge, road, and tunnel costs; and
- “(4) airplane landing and tie-down fees.”

1980—Subsec. (a)(1). Pub. L. 96-346, §2(1), substituted “20 cents” for “11 cents”.

Subsec. (a)(2). Pub. L. 96-346, §2(2), substituted “25 cents” for “20 cents”.

Subsec. (a)(3). Pub. L. 96-346, §2(3), substituted “45 cents” for “24 cents”.

1975—Subsec. (a). Pub. L. 94-22 struck out “or other individual performing services for the Government” after “employee”, substituted “for the Government” for “inside or outside his designated post of duty or place of service”, increased from 8 to 11 cents the allowance for use of a motorcycle, from 12 to 20 cents the allowance for use of an automobile, and from 12 to 24 cents the allowance for use of an airplane, and inserted provision relating to the limitation of an allowance to the cost of travel by Government vehicle when an employee chooses a privately owned vehicle in lieu of a Government vehicle.

Subsec. (b). Pub. L. 94-22 inserted “authorized” after “allowance”, struck out “or other individual performing service for the Government” after “employee”, and provided for reimbursement of airplane landing and tie-down fee.

§ 5705. Advancements and deductions

An agency may advance, through the proper disbursing official, to an employee entitled to per diem or mileage allowances under this subchapter, a sum considered advisable with regard to the character and probable duration of the travel to be performed. A sum advanced and not used for allowable travel expenses is recoverable from the employee or his estate by—

- (1) setoff against accrued pay, retirement credit, or other amount due the employee;
- (2) deduction from an amount due from the United States; and
- (3) such other method as is provided by law.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 94-22, §2(b), May 19, 1975, 89 Stat. 84.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 838.	June 9, 1949, ch. 185, §5, 63 Stat. 166.

The words “disbursing official” are substituted for “disbursing officer” because of the definition of “officer” in section 2104 which excludes a member of a uniformed service. Application to section 5703 is based on former section 73b-2, which is carried into section 5703.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1975—Pub. L. 94-22 struck out “or individual” after “employee” wherever appearing.

§ 5706. Allowable travel expenses

Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 839.	June 9, 1949, ch. 185, §6, 63 Stat. 167.

The words “members of the uniformed services” are substituted for “military personnel”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5706a. Subsistence and travel expenses for threatened law enforcement personnel

(a) Under regulations prescribed pursuant to section 5707 of this title, when the life of an employee who serves in a law enforcement, investigative, or similar capacity, or members of such employee’s immediate family, is threatened as a result of the employee’s assigned duties, the head of the agency concerned may approve appropriate subsistence payments for the employee or members of the employee’s family (or both) while occupying temporary living accommodations at or away from the employee’s designated post of duty.

(b) When a situation described in subsection (a) of this section requires the employee or members of the employee’s family (or both) to be temporarily relocated away from the employee’s designated post of duty, the head of the agency concerned may approve transportation expenses to and from such alternate location.

(Added Pub. L. 99-234, title I, §103(a), Jan. 2, 1986, 99 Stat. 1757.)

EFFECTIVE DATE

Section effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as an Effective Date of 1986 Amendment note under section 5701 of this title.

§ 5706b. Interview expenses

An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter for travel to and from pre-employment interviews determined necessary by the agency.

(Added Pub. L. 101-509, title V, §529 [title II, §206(a)(1)], Nov. 5, 1990, 104 Stat. 1427, 1457.)

EFFECTIVE DATE

Section effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as an Effective Date of 1990 Amendment note under section 5301 of this title.

§ 5706c. Reimbursement for taxes incurred on money received for travel expenses

(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee's spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.

(Added Pub. L. 105-264, §4(a), Oct. 19, 1998, 112 Stat. 2354.)

REFERENCES IN TEXT

Public Law 102-486, referred to in subsec. (b), is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, known as the Energy Policy Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of Title 42, The Public Health and Welfare, and Tables.

EFFECTIVE DATE

Pub. L. 105-264, §4(c), Oct. 19, 1998, 112 Stat. 2354, provided that: "This section [enacting this section] shall be effective as of January 1, 1993."

§ 5707. Regulations and reports

(a)(1) The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government.

(2) Regulations promulgated to implement section 5702 or 5706a of this title shall be transmitted to the appropriate committees of the Congress and shall not take effect until 30 days after such transmittal.

(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

(1)(A) The Administrator of General Services, in consultation with the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

- (i) depreciation of original vehicle cost;
- (ii) gasoline and oil (excluding taxes);
- (iii) maintenance, accessories, parts, and tires;
- (iv) insurance; and
- (v) State and Federal taxes.

(2)(A) The Administrator shall issue regulations under this section which—

(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph.

(c) The Administrator of General Services shall periodically, but at least every 2 years, submit to the Director of the Office of Management and Budget an analysis of estimated total agency payments for such items as travel and transportation of people, average costs and duration of trips, and purposes of official travel; and of estimated total agency payments for employee relocation. This analysis shall be based on a sampling survey of agencies each of which spent more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. Agencies shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 94-22, §6(a), May 19, 1975, 89 Stat. 85; Pub. L. 99-234, title I, §104, Jan. 2, 1986, 99 Stat. 1758; Pub. L. 101-391, §5(a)(1), Sept. 25, 1990, 104 Stat. 750; Pub. L. 103-329, title VI, §634(b), (c), Sept. 30, 1994, 108 Stat. 2429, 2430; Pub. L. 104-201, div. A, title XVI, §1614(a)(1), Sept. 23, 1996, 110 Stat. 2739; Pub. L. 104-316, title I, §103(e), Oct. 19, 1996, 110 Stat. 3829.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 840.	June 9, 1949, ch. 185, § 7, 63 Stat. 167.

The first sentence is based in part on former sections 73b-2, 836, and 837, which are carried into this subchapter. Application of the second sentence to section 5703, and the third sentence, are based on former section 73b-2, which is carried into section 5703.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Subsec. (b)(1)(A). Pub. L. 104-316 struck out “the Comptroller General of the United States,” after “in consultation with”.

Subsec. (d). Pub. L. 104-201 struck out subsec. (d) which provided that agencies ensure that their approved accommodation percentages be not less than specified percentages for fiscal years beginning 4 and 5 years after Sept. 25, 1990, and that their percentages be not less than 90 percent for fiscal years beginning 6 years after Sept. 25, 1990, and thereafter.

1994—Subsec. (b). Pub. L. 103-329, § 634(b), amended subsec. (b) generally, revising and restructuring text.

Subsec. (c). Pub. L. 103-329, § 634(c), redesignated par. (1) as entire subsec. and struck out par. (2) which read as follows: “The requirements of paragraph (1) of this subsection shall expire upon the Administrator’s submission of the analysis that includes the fiscal year that ends September 30, 1991.”

1990—Subsec. (d). Pub. L. 101-391 added subsec. (d).

1986—Subsec. (a). Pub. L. 99-234 designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 99-234 added subsec. (c).

1975—Pub. L. 94-22 inserted “and reports” in section catchline, designated existing provisions as subsec. (a), substituted “Administrator of General Services” for “Director of the Bureau of the Budget”, struck out provision for fixing, payment, advancement and recovery of travel allowances and expenses in accordance with the regulations and provision for the non-applicability of this section to per diem allowances under section 5703(c), and inserted provision for regulations for travel by employees of the judicial branch of the Government by the Director of the Administrative Office of the United States Courts, and added subsec. (b).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of this title.

REGULATIONS; TIME FOR ISSUANCE

Section 6(b) of Pub. L. 94-22 provided that regulations required under the first sentence of subsec. (b)(2) of this section, as amended by subsec. (a) of section 6 of Pub. L. 94-22, were to be issued no later than 30 days after May 19, 1975.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsection (b)(1) of this section relating to reporting results of investigations to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 174 of House Document No. 103-7.

REPORTS REGARDING FOREIGN TRAVEL

Pub. L. 105-277, div. G, subdiv. B, title XXV, § 2505, Oct. 21, 1998, 112 Stat. 2681-837, as amended by Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title VII, § 707], Nov.

29, 1999, 113 Stat. 1536, 1501A-461; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated for the Department of State for fiscal year 2000 or 2001 may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

“(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

“(1) the name and employing agency of the officer or employee;

“(2) the name of the official who authorized the travel; and

“(3) the purpose and duration of the travel.

“(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

“(1) setting forth the actual duration and cost of the travel; and

“(2) updating any other information included in the preliminary report.

“(d) REPORT TO CONGRESS.—The Director shall submit a report on January 31 of the years 2000 and 2001 and July 31 of the years 2000 and 2001, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

“(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

“(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

“(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

“(e) EXCEPTIONS.—This section shall not apply to travel by—

“(1) the President or the Vice President;

“(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission; or

“(3) any officer or employee who travels prior to January 1, 1999.

“(f) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of International Conferences of the Department of State.

“(2) EXECUTIVE BRANCH AGENCY.—The terms ‘Executive branch agency’ and ‘Executive branch agencies’ mean—

“(A) an entity or entities, other than the Government Accountability Office, defined in section 105 of title 5, United States Code; and

“(B) the Executive Office of the President (except as provided in subsection (e)).

“(3) INTERNATIONAL CONFERENCE.—The term ‘international conference’ means any meeting held under

the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

“(g) REPORT.—Not later than 180 days after the date of enactment of this Act [Oct. 21, 1998], and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

“(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

“(2) the total number of individuals in each agency who engaged in such travel.”

REPORTING OF EMPLOYEE RELOCATION EXPENSES

Pub. L. 105-61, title VI, §635, Oct. 10, 1997, 111 Stat. 1316, provided that: “No later than 30 days after the enactment of this Act [Oct. 10, 1997], the Director of the Office of Management and Budget shall require all Federal departments and agencies to report total obligations for the expenses of employee relocation. All obligations incident to employee relocation authorized under either chapter 57 of title 5, United States Code, or section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081; Public Law 96-465), shall be included. Such information for the past, current, and budget years shall be included in the agency budget submission to the President. The Director of the Office of Management and Budget shall prepare a table presenting obligations for the expenses of employee relocation for all departments and agencies, and such table shall be transmitted to Congress each year as part of the President’s annual budget.”

GAO AUDIT OF AGENCY COMPLIANCE

Section 5(b) of Pub. L. 101-391, which provided that not later than 6 months after the last day of the first fiscal year during which lodging expenses were subject to the requirements of former subsec. (d) of this section, and not later than 6 months after the last day of every fiscal year thereafter, the Comptroller General was to conduct an audit of the compliance of agencies with the requirements of such subsection, and was to submit a report to Congress describing the results of such audit, was repealed by Pub. L. 104-201, div. A, title XVI, §1614(a)(2), Sept. 23, 1996, 110 Stat. 2739, and Pub. L. 104-316, title I, §103(f), Oct. 19, 1996, 110 Stat. 3829.

§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

(a)(1) For the purpose of making payments under this chapter for lodging expenses incurred in a State, each agency shall ensure that not less than 90 percent of the commercial-lodging room nights for employees of that agency for a fiscal year are booked in approved places of public accommodation.

(2) Each agency shall establish explicit procedures to satisfy the percentage requirement of paragraph (1).

(3) An agency shall be considered to be in compliance with the percentage requirement of paragraph (1) until September 30, 2002, and after that date if travel arrangements of the agency, whether made for civilian employees, members of the uniformed services, or foreign service personnel, are made through travel management processes designed to book commercial lodging in approved places of public accommodation, whenever available.

(b) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to

approved places of public accommodation. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State.

(c) The Administrator of General Services may not include in any directory which lists lodging accommodations any hotel, motel, or other place of public accommodation that is not an approved place of public accommodation.

(d) The Administrator of General Services shall include in each directory which lists lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

(e) The Administrator of General Services may take any additional actions the Administrator determines appropriate to facilitate the ability of employees traveling on official business to stay at approved places of public accommodation.

(f) For purposes of this section:

(1) The term “agency” does not include the government of the District of Columbia.

(2) The term “approved places of public accommodation” means hotels, motels, and other places of public accommodation that are listed by the Administrator of the Federal Emergency Management Agency as meeting the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225).

(3) The term “State” means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

(Added Pub. L. 101-391, §4(a), Sept. 25, 1990, 104 Stat. 749; amended Pub. L. 105-85, div. A, title XI, §1107(a)-(c), Nov. 18, 1997, 111 Stat. 1924, 1925; Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85, §1107(a)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 105-85, §1107(c)(1), substituted “approved places of public accommodation” for “places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974” and struck out “as defined in section 4 of the Federal Fire Prevention and Control Act of 1974” after “that is not a State”.

Pub. L. 105-85, §1107(a)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 105-85, §1107(c)(2), substituted “is not an approved place of public accommodation” for “does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974”.

Pub. L. 105-85, §1107(a)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 105-85, §1107(a)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105-85, §1107(c)(3), substituted “facilitate the ability of” for “encourage” and “approved places of public accommodation” for “places of public

accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974”.

Pub. L. 105–85, § 1107(a)(1), redesignated subsec. (d) as (e).

Subsec. (f). Pub. L. 105–85, § 1107(b), added subsec. (f).

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (f)(2) on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

EFFECTIVE DATE

Section 4(c) of Pub. L. 101–391 provided that: “The amendments made by this section [enacting this section] shall take effect 60 days after the date of the publication in the Federal Register [Nov. 24, 1992, 57 F.R. 55314] of the master list of certified places of public accommodation maintained by the Director [now Administrator] of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 [15 U.S.C. 2224(b)] (as added by section 3 of this Act).”

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 5708. Effect on other statutes

This subchapter does not modify or repeal—

- (1) any statute providing for the traveling expenses of the President;
- (2) any statute providing for mileage allowances for Members of Congress;
- (3) any statute fixing or permitting rates higher than the maximum rates established under this subchapter; or
- (4) any appropriation statute item for examination of estimates in the field.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 500.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1), (2)	5 U.S.C. 841.	June 9, 1949, ch. 185, § 8, 63 Stat. 167.
(3), (4)	5 U.S.C. 842.	June 9, 1949, ch. 185, § 9, 63 Stat. 167.

In paragraph (2), the words “Members of Congress” are substituted for “the President of the Senate or Members of Congress” in view of the definition of “Member of Congress” in section 2106.

The first sentence of section 9 of the Act of June 9, 1949, which repealed the Subsistence Act of 1926 and the Auto Mileage Act of February 14, 1931, is omitted as executed.

The first proviso of former section 842, which related to appropriation Acts for the years 1949 and 1950, is omitted as obsolete. The remainder of former section 842, other than the parenthetical expressions, is omitted as executed and existing rights are preserved by technical section 8.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5709. Air evacuation patients: furnished subsistence

Notwithstanding any other provision of law, and under regulations prescribed under section 5707 of this title, an employee and his dependents may be furnished subsistence without charge while being evacuated as a patient by military aircraft of the United States.

(Added Pub. L. 91–481, § 1(1), Oct. 21, 1970, 84 Stat. 1081.)

§ 5710. Authority for travel expenses test programs

(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

(d) No more than 10 test programs under this section may be conducted simultaneously.

(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.

(Added Pub. L. 105–264, § 5(a), Oct. 19, 1998, 112 Stat. 2354.)

REFERENCES IN TEXT

The date of the enactment of the Travel and Transportation Reform Act of 1998, referred to in subsec. (e), is the date of enactment of Pub. L. 105–264, which was approved Oct. 19, 1998.

§ 5711. Authority for telework travel expenses test programs

(a) Except as provided under subsection (f)(1), in this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (2) the Committee on Oversight and Government Reform of the House of Representatives.

(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the

Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

(2) The results in a report described under paragraph (1) may include—

(A) the number of visits an employee makes to the pre-existing duty station of that employee;

(B) the travel expenses paid by the agency;

(C) the travel expenses paid by the employee; or

(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

(e) No more than 10 test programs under this section may be conducted simultaneously.

(f)(1) In this subsection, the term “appropriate committee of Congress” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Committee on the Judiciary of the Senate; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) The Patent and Trademark Office shall conduct a test program under this section, in-

cluding the provision of reports in accordance with subsection (d)(1).

(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

(i) provide for the effective and appropriate functioning of the program; and

(ii) ensure that—

(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(B) The Director of the Patent and Trademark Office shall—

(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.

(Added Pub. L. 111-292, §3(a), Dec. 9, 2010, 124 Stat. 3171.)

REFERENCES IN TEXT

The date of the enactment of the Telework Enhancement Act of 2010, referred to in subsec. (g), is the date of enactment of Pub. L. 111-292, which was approved Dec. 9, 2010.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

§ 5721. Definitions

For the purpose of this subchapter—

- (1) “agency” means—
- (A) an Executive agency;
 - (B) a military department;
 - (C) a court of the United States;
 - (D) the Administrative Office of the United States Courts;
 - (E) the Library of Congress;
 - (F) the Botanic Garden;
 - (G) the Architect of the Capitol;
 - (H) the Government Printing Office; and
 - (I) the government of the District of Columbia;

but does not include a Government controlled corporation;

(2) “employee” means an individual employed in or under an agency;

(3) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii;

(4) “Government” means the Government of the United States and the government of the District of Columbia;

(5) “appropriation” includes funds made available by statute under section 9104 of title 31;

(6) “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

(7) “Foreign Service of the United States” means the Foreign Service as constituted under the Foreign Service Act of 1980.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 97-258, §3(a)(14), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 105-264, §6(1), Oct. 19, 1998, 112 Stat. 2356; Pub. L. 110-161, div. H, title I, §1303(a), Dec. 26, 2007, 121 Stat. 2242.)

HISTORICAL AND REVISION NOTES

The section is based on sections 18 and 19 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811, 812. Sections 18 and 19 of the Act of Aug. 2, 1946, are omitted from this title and transferred to other titles of the United States Code since such sections apply also to sections 9, 11, and 16(a) of the Act of Aug. 2, 1946, which sections appear in titles 31 and 41 of the United States Code.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 3(a) of the Panama Canal Act of 1979, referred to in par. (6), is classified to section 3602(a) of Title 22, Foreign Relations and Intercourse.

The Foreign Service Act of 1980, referred to in par. (7), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

AMENDMENTS

2007—Par. (1)(G) to (I). Pub. L. 110-161 added subpar. (G) and redesignated former subpars. (G) and (H) as (H) and (I), respectively.

1998—Pars. (6), (7). Pub. L. 105-264 added pars. (6) and (7).

1982—Par. (5). Pub. L. 97-258 substituted “section 9104” for “section 849”.

§ 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States;

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the continental United States; and

(3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727(c) of this title.

(b) An agency may pay expenses under subsection (a)(1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if selected for appointment to a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) 12 months after his appointment, if selected for appointment to any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the Government for the expenses is recoverable from the individual as a debt due the Government.

(c) An agency may pay expenses under subsection (a)(2) of this section only after the individual has served for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if employed in a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) not less than one nor more than 3 years prescribed in advance by the head of the agency, if employed in any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. These expenses are payable whether the separation is for Government purposes or for personal convenience.

(d) This section does not apply to appropriations for the Foreign Service of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 501; Pub. L. 104-201, div. A, title XVII, §§ 1715(b)(1), 1723(b)(1), Sept. 23, 1996, 110 Stat. 2755, 2759; Pub. L. 105-264, § 6(2), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-3(a) (less 3d-6th proviso).	Aug. 2, 1946, ch. 744, § 7, 60 Stat. 808. Sept. 23, 1950, ch. 1010, § 2, 64 Stat. 985. Aug. 30, 1961, Pub. L. 87-172, § 2, 75 Stat. 409.

In subsections (b)(1) and (c)(1), the words “under chapter 25 of title 20” are substituted for “under the Defense Department Overseas Teachers Pay and Personnel Practices Act” to reflect the scheduled transfer of that Act from chapter 34 of title 5 to chapter 25 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Subsec. (a)(2). Pub. L. 105-264, § 6(2)(A), substituted “continental United States;” for “United States;”.

Subsec. (b). Pub. L. 105-264, § 6(2)(B), substituted “Government” for “United States” in two places in concluding provisions.

1996—Subsec. (a). Pub. L. 104-201, § 1723(b)(1), in introductory provisions, substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

Subsec. (a)(3). Pub. L. 104-201, § 1715(b)(1), added par. (3).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1725(a) of title XVII of div. A of Pub. L. 104-201 provided that: “The amendments made by this title [enacting sections 5737, 5738, and 5756 of this title, amending this section, sections 3375, 5723 to 5724c, 5726 to 5729, and 5731 of this title, section 1348 of Title 31, Money and Finance, section 707 of Title 38, Veterans’ Benefits, and sections 290aa and 299c-4 of Title 42, The Public Health and Welfare] shall take effect 180 days after the date of the enactment of this Act [Sept. 23, 1996].”

REGULATIONS

Section 1725(b) of title XVII of div. A of Pub. L. 104-201 provided that: “The Administrator of General Services shall, not later than the effective date set forth under subsection (a) [set out above], issue final regulations implementing the amendments made by this title [see Effective Date of 1996 Amendment note above].”

ASSESSMENT OF COST SAVINGS

Section 1724 of title XVII of div. A of Pub. L. 104-201 directed Comptroller General, not later than one year after the effective date set forth in section 1725(a) of Pub. L. 104-201, to submit to Congress an assessment of costs of Federal travel administration that were saved as a result of the amendments made by title XVII of div. A of Pub. L. 104-201 and the regulations prescribed to carry out the amendments.

§ 5723. Travel and transportation expenses of new appointees and student trainees

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses (A) of a new appointee, or a student trainee when assigned on completion of college work, to any position, (B) of a new appointee to the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or (C) of any person appointed by the President to a position the rate of pay for which is equal to or higher than the minimum rate of pay payable for a position classified above GS-15 pursuant to section 5108;

(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title; and

(3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727(c) of this title;

from his place of residence at the time of selection or assignment to his duty station. If the travel and transportation expenses of a student trainee were paid when he was appointed, they may not be paid when he is assigned after completion of college work. Travel expenses payable under this subsection may include the per diem and mileage allowances authorized for employees by subchapter I of this chapter. Advances of funds may be made for the expenses authorized by this subsection to the extent authorized by section 5724(f) of this title. In the case of an appointee described in paragraph (1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the provisions of paragraphs (1) and (2) may apply to travel and transportation expenses from the place of residence of such appointee (at the time of relocation following the most recent general elections held to determine the electors of the President) to the assigned duty station of such appointee.

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the Government for the expenses is recoverable from the individual as a debt due the Government.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel. In the case of an appointee described in subsection (a)(1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the travel or transportation shall take place at any time after the most recent general elections held to determine the electors of the President.

(d) This section does not impair or otherwise affect the authority of an agency under existing

statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 502; Pub. L. 95-454, title III, §305, title IV, §409(a), title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1147, 1173, 1224; Pub. L. 98-151, §118(a)(1), Nov. 14, 1983, 97 Stat. 977; Pub. L. 98-473, title I, §120(a), Oct. 12, 1984, 98 Stat. 1968; Pub. L. 100-325, §2(j), May 30, 1988, 102 Stat. 582; Pub. L. 100-398, §6, Aug. 17, 1988, 102 Stat. 987; Pub. L. 101-509, title V, §529 [title II, §206(b)], Nov. 5, 1990, 104 Stat. 1427, 1457; Pub. L. 102-378, §2(48), Oct. 2, 1992, 106 Stat. 1353; Pub. L. 104-201, div. A, title XVII, §§1715(b)(2), 1723(b)(1), Sept. 23, 1996, 110 Stat. 2755, 2759; Pub. L. 105-264, §6(3), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-3 (less (a)).	Aug. 25, 1958, Pub. L. 85-749, 72 Stat. 843. July 5, 1960, Pub. L. 86-587, §1, 74 Stat. 327. Oct. 16, 1963, Pub. L. 88-146, 77 Stat. 252.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 3 of the Presidential Transition Act of 1963, referred to in subsecs. (a) and (c), is section 3 of Pub. L. 88-277, which is set out as a note under section 102 of Title 3, The President.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-264 substituted “spent by the Government” for “spent by the United States” and “due the Government” for “due the United States”.

1996—Subsec. (a). Pub. L. 104-201, §1723(b)(1), in introductory provisions, substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

Subsec. (a)(3). Pub. L. 104-201, §1715(b)(2), which directed amendment of subsec. (a) by adding par. (3) at the end, was executed by adding par. (3) after par. (2) to reflect the probable intent of Congress.

1992—Pub. L. 102-378, §2(48)(A), struck out “; manpower shortage positions” after “trainees” in section catchline.

Subsecs. (d), (e). Pub. L. 102-378, §2(48)(B), redesignated subsec. (e) as (d) and struck out former subsec. (d) which authorized Office to delegate its authority to determine positions for which there was a manpower shortage for purposes of this section.

1990—Subsec. (a)(1)(A). Pub. L. 101-509, §529 [title II, §206(b)(1)], substituted “any position” for “a position in the United States for which the Office of Personnel Management determines there is a manpower shortage”.

Subsec. (a)(1)(C). Pub. L. 101-509, §529 [title II, §206(b)(2)], substituted “the minimum rate of pay payable for a position classified above GS-15 pursuant to section 5108; and” for “the minimum rate of pay prescribed for GS-16; and”.

1988—Subsec. (a). Pub. L. 100-398, §6(2), inserted at end “In the case of an appointee described in paragraph (1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the provisions of paragraphs (1) and (2) may apply to travel and transportation expenses from the place of residence of such appointee (at the time of relocation following the most recent general elections

held to determine the electors of the President) to the assigned duty station of such appointee.”

Subsec. (a)(1). Pub. L. 100-398, §6(1), which directed that par. (1) be amended by striking out “or (B)” and inserting “or (C)”, could not be executed because phrase “or (B)” did not appear in par. (1) after the intervening amendment by Pub. L. 100-325, see below.

Pub. L. 100-325 inserted reference to Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service in cl. (B) and redesignated a second cl. (B) as (C).

Subsec. (c). Pub. L. 100-398, §6(3), inserted at end “In the case of an appointee described in subsection (a)(1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the travel or transportation shall take place at any time after the most recent general elections held to determine the electors of the President.”

1984—Subsec. (a)(1). Pub. L. 98-473 directed amendment of subpar. (C) by striking out “; by and with the advice and consent of the Senate,” which was executed to second subpar. (B) by striking out that phrase following “appointed by the President”, as probable intent of Congress.

1983—Subsec. (a)(1). Pub. L. 98-151, designated existing provisions as subpars. (A) and (B), and added a second subpar. (B) relating to any person appointed by President.

1978—Subsec. (a)(1). Pub. L. 95-454, §906(a)(2), substituted “Office of Personnel Management” for “Civil Service Commission”.

Pub. L. 95-454, §409(a), inserted reference to a new appointee to the Senior Executive Service.

Subsec. (d). Pub. L. 95-454, §§305, 906(a)(3), struck out “not” before “delegate”, and substituted “Office” for “Commission”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT; REGULATIONS

Amendment by Pub. L. 98-151 and promulgation of regulations for amendments by Pub. L. 98-151 effective Nov. 14, 1983, see section 118(c) of Pub. L. 98-151, set out as a note under section 5724 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by sections 305 and 906(a)(2), (3) of Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

Amendment by section 409(a) of Pub. L. 95-454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415 of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

FUNDING OF AMENDMENTS BY PUB. L. 98-151

Amendments by Pub. L. 98-151 to be carried out by agencies by use of funds appropriated or otherwise available for administrative expenses of such agencies, and do not authorize appropriation of funds in amounts exceeding sums already authorized to be appropriated for such agencies, see section 118(b) of Pub. L. 98-151, set out as a note under section 5724 of this title.

§ 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis

(a) Under regulations prescribed under section 5738 of this title and when the head of the agen-

cy concerned or his designee authorizes or approves, the agency shall pay from Government funds—

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and the transportation expenses of his immediate family, or a commutation thereof under section 5704 of this title;

(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 18,000 pounds net weight; and

(3) upon the separation (or death in service) of a career appointee, as defined in section 3132(a)(4) of this title, the travel expenses of that individual (if applicable), the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of eighteen thousand pounds net weight, to the place where the individual will reside (or, in the case of a career appointee who dies in service or who dies after separating but before the travel, transportation, and moving is completed, to the place where the family will reside) within the United States, if such individual—

(A) during or after the five years preceding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988); and

(B) is eligible to receive an annuity upon such separation (or, in the case of death in service, met the requirements for being considered eligible to receive an annuity, as of date of death) under the provisions of subchapter III of chapter 83 or chapter 84 of this title.

(b) Under regulations prescribed under section 5738 of this title, an employee who transports a house trailer or mobile dwelling inside the continental United States, inside Alaska, or between the continental United States and Alaska, for use as a residence, and who otherwise would be entitled to transportation of household goods and personal effects under subsection (a) of this section, is entitled, instead of that transportation, to—

(1) a reasonable allowance for transportation of the house trailer or mobile dwelling, if the trailer or dwelling is transported by the employee; or

(2) commercial transportation of the house trailer or mobile dwelling, at Government expense, or reimbursement to the employee therefor, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is not transported by the employee.

However, payment under this subsection may not exceed the maximum payment to which the

employee otherwise would be entitled under subsection (a) of this section for transportation and temporary storage of his household goods and personal effects in connection with this transfer.

(c) Under regulations prescribed under section 5738 of this title, an employee who transfers between points inside the continental United States, instead of being paid for the actual expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects, shall be reimbursed on a commuted basis at the rates per 100 pounds that are fixed by zones in the regulations. The reimbursement may not exceed the amount which would be allowable for the authorized weight allowance. However, under regulations prescribed under section 5738 of this title, payment of actual expenses may be made when the head of the agency determines that payment of actual expenses is more economical to the Government.

(d) When an employee transfers to a post of duty outside the continental United States, his expenses of travel and transportation to and from the post shall be allowed to the same extent and with the same limitations prescribed for a new appointee under section 5722 of this title.

(e) When an employee transfers from one agency to another, the agency to which he transfers pays the expenses authorized by this section. However, under regulations prescribed under section 5738 of this title, in a transfer from one agency to another because of a reduction in force or transfer of function, expenses authorized by this section and sections 5726(b) and 5727 of this title (other than expenses authorized in connection with a transfer to a foreign country) and by section 5724a(a) through (f) of this title may be paid in whole or in part by the agency from which the employee transfers or by the agency to which he transfers, as may be agreed on by the heads of the agencies concerned.

(f) An advance of funds may be made to an employee under regulations prescribed under section 5738 of this title with the same safeguards required under section 5705 of this title.

(g) The allowances authorized by this section do not apply to an employee transferred under the Foreign Service Act of 1980.

(h) When a transfer is made primarily for the convenience or benefit of an employee, including an employee in the Foreign Service of the United States, or at his request, his expenses of travel and transportation and the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects may not be allowed or paid from Government funds.

(i) An agency may pay travel and transportation expenses (including storage of household goods and personal effects) and other relocation allowances under this section and sections 5724a, 5724b, and 5726(c) of this title when an employee is transferred within the continental United States only after the employee agrees in writing to remain in the Government service for 12 months after his transfer, unless separated for reasons beyond his control that are acceptable to the agency concerned. If the employee violates the agreement, the money spent by the

Government for the expenses and allowances is recoverable from the employee as a debt due the Government.

(j) The regulations prescribed under this section shall provide that the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given advance notice for a reasonable period. Emergency circumstances shall be taken into account in determining whether the period of advance notice is reasonable.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 502; Pub. L. 90-83, §1(36), Sept. 11, 1967, 81 Stat. 204; Pub. L. 90-623, §1(14), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 96-465, title II, §2314(d), Oct. 17, 1980, 94 Stat. 2168; Pub. L. 98-151, §118(a)(2)-(4), (7)(B), Nov. 14, 1983, 97 Stat. 977, 979; Pub. L. 100-440, title VI, §629(a), Sept. 22, 1988, 102 Stat. 1758; Pub. L. 100-566, §3, Oct. 31, 1988, 102 Stat. 2845; Pub. L. 102-378, §2(49), Oct. 2, 1992, 106 Stat. 1353; Pub. L. 103-338, §§3(a), 4, Oct. 6, 1994, 108 Stat. 3114; Pub. L. 104-201, div. A, title XVII, §1723(a)(1)(B), (b)(1), (2), Sept. 23, 1996, 110 Stat. 2759; Pub. L. 105-85, div. C, title XXXV, §3550(c)(1), Nov. 18, 1997, 111 Stat. 2074; Pub. L. 105-264, §6(4), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES
1966 ACT

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 73b-1(a), (b), Aug. 2, 1946, ch. 744, §1(a), (b), 60 Stat. 806. Sept. 23, 1950, ch. 1010, §§1(a), (b), 3(b), 64 Stat. 985, 986. Feb. 12, 1958, Pub. L. 85-326, 72 Stat. 14. Sept. 6, 1960, Pub. L. 86-707, §301(c)(1), 74 Stat. 796. Oct. 9, 1962, Pub. L. 87-776, 76 Stat. 777.

In subsections (a)(1) and (f), the words "section 5704 of this title" and "section 5705 of this title", respectively, are substituted for "the Act of February 14, 1931 (5 U.S.C. 73a)" and "the Subsistence Expense Act of 1926 (5 U.S.C. 828)", respectively, on authority of sections 4, 5, and 9(a) of the Travel Expense Act of 1949, as amended, which are carried into sections 5704, 5705, and 5708.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

Table with 3 columns: Section of title 5, Source (U.S. Code), Source (Statutes at Large). Row 1: 5724(a)(2) ... 5 App.: 73b-1(a), July 21, 1966, Pub. L. 89-516, §1(a), 80 Stat. 323. Row 2: 5724(c) 5 App.: 73b-1(b), July 21, 1966, Pub. L. 89-516, §1(b), 80 Stat. 323. Row 3: 5724(e) 5 App.: 73b-4d, July 21, 1966, Pub. L. 89-516, §2 "Sec. 26", 80 Stat. 324. Row 4: 5724(i) 5 App.: 73b-4f, July 21, 1966, Pub. L. 89-516, §2 "Sec. 28", 80 Stat. 325.

Subsection (a)(1), (3) of section 1 of the act of July 21, 1966, was effected in the codification of 5 U.S.C. 5724(a)(1), (f); accordingly, no further amendments to 5 U.S.C. 5724 are necessary.

In subsection (e), the word "However" is substituted for "and notwithstanding the provisions of the fourth proviso of section 1(a) of this Act" to reflect the codification of that proviso in 5 U.S.C. 5724(e). The words

"agency" and "agencies" are substituted for "department" and "departments", respectively, to conform to the definition in 5 U.S.C. 5721(1). The words "this section and sections 5726(b) and 5727 of this title" and "section 5724a (a), (b) of this title" are substituted for "section 1, subsections (a) and (b) and subsections (e) and (f)" and "sections 23 and 24 of this Act", respectively, to reflect the codification of the cited sections in 5 U.S.C. The word "employee" is substituted for "officer or employee" to conform to the definitions in 5 U.S.C. 5721(2) and 2105.

In subsection (i), the words "An agency may pay * * * expenses * * * and allowances under this section and sections 5724a and 5726(c) of this title * * * only after" are substituted for "Notwithstanding the provisions of subsections (a) and (b) of section 1, and of sections 23, 24, 25, and 27 of this Act, the * * * expenses * * * and * * * allowances shall not be allowed thereunder * * * unless and until" for clarity and to conform to the style of 5 U.S.C., and to reflect the codification of the cited sections in 5 U.S.C. The word "employee" is substituted for "civilian officer or employee" and "such officer or employee" to conform to the definitions in 5 U.S.C. 5721(2) and 2105. The words "continental United States" are substituted for "continental United States, excluding Alaska" to conform to the definition in 5 U.S.C. 5721(3). The word "agency" is substituted for "department or agency" to conform to the definition in 5 U.S.C. 5721(1). In the last sentence, the words "money spent by the United States for the expenses and allowances" are substituted for "moneys expended by the United States under said sections of this act on account of such officer or employee."

REFERENCES IN TEXT

Section 4103 of title 38, referred to in subsec. (a)(3)(A), was repealed by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7306 of Title 38, Veterans' Benefits.

The Foreign Service Act of 1980, referred to in subsec. (g), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

AMENDMENTS

1998—Subsec. (a)(3). Pub. L. 105-264, §6(4)(A), struck out "its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979" after "United States".

Subsec. (i). Pub. L. 105-264, §6(4)(B), substituted "Government" for "United States" in two places in last sentence.

1997—Subsec. (a)(3). Pub. L. 105-85, which directed the substitution of "or the Commonwealth of Puerto Rico" for "the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979", effective Jan. 1, 1999, could not be executed because such language did not appear in text subsequent to amendment by Pub. L. 105-264. See 1998 Amendment note above.

1996—Subsecs. (a), (b). Pub. L. 104-201, §1723(b)(1), in introductory provisions, substituted "Under regulations prescribed under section 5738 of this title" for "Under such regulations as the President may prescribe".

Subsec. (c). Pub. L. 104-201, §1723(b)(2)(A), substituted "under regulations prescribed under section 5738 of this title" for "under regulations prescribed by the President".

Pub. L. 104-201, §1723(b)(1), substituted "Under regulations prescribed under section 5738 of this title" for

“Under such regulations as the President may prescribe”.

Subsec. (e). Pub. L. 104-201, § 1723(b)(2)(A), substituted “under regulations prescribed under section 5738 of this title” for “under regulations prescribed by the President”.

Pub. L. 104-201, § 1723(a)(1)(B), substituted “section 5724(a) through (f)” for “section 5724(a), (b)”.

Subsec. (f). Pub. L. 104-201, § 1723(b)(2)(B), substituted “under regulations prescribed under section 5738 of this title” for “under the regulations of the President”.

1994—Subsec. (a)(3). Pub. L. 103-338, § 4, amended par. (3) generally. Prior to amendment, par. (3) read as follows: “upon the separation of a career appointee (as defined in section 3132(a)(4) of this title), the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of eighteen thousand pounds net weight, to the place where the individual will reside within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979 (or, if the individual dies before the travel, transportation, and moving is completed, to the place where the family will reside) if such individual—

“(A) during or after the five years preceding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988); and

“(B) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or chapter 84 of this title.”

Subsec. (a)(3)(A). Pub. L. 103-338, § 3(a), substituted “November 17, 1988” for “November 27, 1988”.

1992—Subsec. (a)(3)(A). Pub. L. 102-378 substituted “Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 27, 1988)” for “Service”.

1988—Subsec. (a)(3). Pub. L. 100-440 added par. (3).

Subsec. (a)(3)(A). Pub. L. 100-566 substituted “during or after the five” for “during the five” and struck out “, and thereafter” after “of this title”.

1983—Subsec. (a)(2). Pub. L. 98-151, § 118(a)(2), substituted “18,000” for “11,000”.

Subsec. (b)(1). Pub. L. 98-151, § 118(a)(3), struck out “not in excess of 20 cents a mile” after “allowance”.

Subsec. (i). Pub. L. 98-151, § 118(a)(7)(B), inserted reference to section 5724b of this title.

Subsec. (j). Pub. L. 98-151, § 118(a)(4), added subsec. (j). 1980—Subsec. (g). Pub. L. 96-465 substituted “the Foreign Service Act of 1980” for “chapter 14 of title 22”.

1968—Subsec. (e). Pub. L. 90-623 substituted “section 5724(a), (b)” for “section 5724(a), (b)”.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 3550(c)(3) of Pub. L. 105-85 provided that: “The amendments made by this subsection [amending this section and section 5724a of this title] shall take effect on January 1, 1999.”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 3(b) of Pub. L. 103-338 provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the Technical and Miscellaneous Civil Service Amendments Act of

1992 (Public Law 102-378; 106 Stat. 1346; 5 U.S.C. 1101 note).”

Section 5(a) of Pub. L. 103-338 provided that: “This Act [amending this section and enacting provisions set out as notes under this section] and the amendment made by this Act shall take effect on October 1, 1994, or, if later, the date of the enactment of this Act [Oct. 6, 1994].”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-378 applicable with respect to a separation that takes effect on or after Oct. 2, 1992, see section 9(b)(11) of Pub. L. 102-378, set out as a note under section 6303 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT; PROMULGATION OF REGULATIONS

Section 118(c) of Pub. L. 98-151 provided that:

“(1) The amendments made by subsection (a) [enacting sections 5724b and 5724c of this title and amending this section and sections 5723, 5724a, and 5726 of this title] shall take effect on the date of the enactment of this joint resolution [Nov. 14, 1983].”

“(2) Not later than thirty days after the date of the enactment of this joint resolution, the President shall prescribe the regulations required under the amendments made by subsection (a). Such regulations shall take effect as of such date of enactment.”

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 OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 effective as of Sept. 11, 1967, for all purposes, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

MOVING EXPENSES FOR FAMILY OF CAREER APPOINTEES DYING IN SERVICE BETWEEN JANUARY 1, 1994, AND OCTOBER 6, 1994

Section 5(b) of Pub. L. 103-338 provided that:

“(1) IN GENERAL.—Under regulations prescribed by the President or his designee, an agency shall, as appropriate, pay or make reimbursement for any moving expenses which would be payable under the provisions of section 5724(a)(3) of title 5, United States Code, as amended by section 4 (but which would not have been payable under such provisions, as last in effect before being so amended).

“(2) APPLICABILITY.—The moving expenses to which this subsection applies are those incurred by the family of an individual who died—

“(i) before separating from Government service; and

“(ii) during the period beginning on January 1, 1994, and ending on the effective date of this Act [Oct. 6, 1994].

“(3) CONDITION.—Payment or reimbursement under this subsection may not be made except upon appropriate written application submitted within 12 months after the date on which the regulations referred to in paragraph (1) take effect.”

FUNDING OF AMENDMENTS BY PUB. L. 100-440

Section 629(b) of Pub. L. 100-440 provided that: “The amendments made by subsection (a) [amending this section] shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums otherwise authorized to be appropriated for such agencies.”

FUNDING OF AMENDMENTS BY PUB. L. 98-151

Section 118(b) of Pub. L. 98-151 provided that: “The amendments made by subsection (a) [enacting sections

5724b and 5724c of this title and amending this section and sections 5723, 5724a, and 5726 of this title] shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums already authorized to be appropriated for such agencies.”

RATES OF REIMBURSEMENT

Administrator of General Services empowered to prescribe regulations relating to establishment of rates used in reimbursing civilian officers or employees of Government on a commuted basis in lieu of payment of actual expenses of transportation, etc., of their household goods and personal effects upon transfer from one official station to another, see Ex. Ord. No. 11012, Mar. 28, 1962, 27 F.R. 2983, set out as a note under section 301 of Title 3, The President.

§ 5724a. Relocation expenses of employees transferred or reemployed

(a) Under regulations prescribed under section 5738, an agency shall pay to or on behalf of an employee who transfers in the interest of the Government, a per diem allowance or the actual subsistence expenses, or a combination thereof, of the immediate family of the employee for en route travel of the immediate family between the employee's old and new official stations.

(b)(1) Under regulations prescribed under section 5738, an agency may pay to or on behalf of an employee who transfers in the interest of the Government between official stations located within the United States—

(A) the expenses of transportation of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station; and

(B) either—

(i) a per diem allowance or the actual subsistence expenses (or a combination of both); or

(ii) an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services.

(2) Expenses may be allowed under paragraph (1) only for one round trip in connection with each change of station of the employee.

(c)(1) Under regulations prescribed under section 5738, an agency may pay to or on behalf of an employee who transfers in the interest of the Government—

(A) actual subsistence expenses of the employee and the employee's immediate family for a period of up to 60 days while the employee or family is occupying temporary quarters when the new official station is located within the United States; or

(B) an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services, instead of the actual subsistence expenses authorized in subparagraph (A) of this paragraph.

(2) The period authorized in paragraph (1) of this subsection for payment of expenses for residence in temporary quarters may be extended up to an additional 60 days if the head of the agency concerned or the designee of such head of the

agency determines that there are compelling reasons for the continued occupancy of temporary quarters.

(3) The regulations implementing paragraph (1)(A) shall prescribe daily rates and amounts for subsistence expenses per individual.

(d)(1) Under regulations prescribed under section 5738, an agency shall pay to or on behalf of an employee who transfers in the interest of the Government, expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station and purchase of a residence at the new official station that are required to be paid by the employee, when the old and new official stations are located within the United States.

(2) Under regulations prescribed under section 5738, an agency shall pay to or on behalf of an employee who transfers in the interest of the Government from a post of duty located outside the United States to an official station within the United States (other than the official station within the United States from which the employee was transferred when assigned to the foreign tour of duty)—

(A) expenses required to be paid by the employee of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station from which the employee was transferred when the employee was assigned to the post of duty located outside the United States; and

(B) expenses required to be paid by the employee of the purchase of a residence at the new official station within the United States.

(3) Reimbursement of expenses under paragraph (2) of this subsection shall not be allowed for any sale (or settlement of an unexpired lease) or purchase transaction that occurs prior to official notification that the employee's return to the United States would be to an official station other than the official station from which the employee was transferred when assigned to the post of duty outside the United States.

(4) Reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection may not exceed those customarily charged in the locality where the residence is located.

(5) Reimbursement may not be made under this subsection for losses incurred by the employee on the sale of the residence.

(6) This subsection applies regardless of whether title to the residence or the unexpired lease is—

(A) in the name of the employee alone;

(B) in the joint names of the employee and a member of the employee's immediate family; or

(C) in the name of a member of the employee's immediate family alone.

(7)(A) In connection with the sale of the residence at the old official station, reimbursement under this subsection shall not exceed 10 percent of the sale price.

(B) In connection with the purchase of a residence at the new official station, reimbursement under this subsection shall not exceed 5 percent of the purchase price.

(8) Under regulations prescribed under section 5738, an agency may pay to or on behalf of an employee who transfers in the interest of the Government expenses of property management services, instead of expenses under paragraph (1) or (2) of this subsection for sale of the employee's residence, when the agency determines that such transfer is advantageous and cost-effective for the Government.

(e) Under regulations prescribed under section 5738, an agency may pay to or on behalf of an employee who transfers in the interest of the Government, the expenses of property management services when the employee transfers to a post of duty outside the United States. Such payment shall terminate upon return of the employee to an official station within the United States.

(f)(1) Under regulations prescribed under section 5738 and subject to paragraph (2), an employee who is reimbursed under subsections (a) through (e) of this section or section 5724(a) of this title is entitled to an amount for miscellaneous expenses—

(A) not to exceed two weeks' basic pay, if such employee has an immediate family; or

(B) not to exceed one week's basic pay, if such employee does not have an immediate family.

(2) Amounts paid under paragraph (1) may not exceed amounts determined at the maximum rate payable for a position at GS-13 of the General Schedule.

(g) A former employee separated by reason of reduction in force or transfer of function who within one year after the separation is reemployed by a nontemporary appointment at a different geographical location from that where the separation occurred, may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) through (f) of this section, in the same manner as though the employee had been transferred in the interest of the Government without a break in service to the location of reemployment from the location where separated.

(h) Payments for subsistence expenses, including amounts in lieu of per diem or actual subsistence expenses or a combination thereof, authorized under this section may not exceed the maximum payment allowed under regulations which implement section 5702 of this title.

(Added Pub. L. 90-83, §1(37)(A), Sept. 11, 1967, 81 Stat. 204; amended Pub. L. 96-70, title I, §1231(d), Sept. 27, 1979, 93 Stat. 470; Pub. L. 98-151, §118(a)(5), (6), Nov. 14, 1983, 97 Stat. 977, 978; Pub. L. 99-234, title I, §105, Jan. 2, 1986, 99 Stat. 1758; Pub. L. 100-202, §101(m) [title VI, §628(a)(1)], Dec. 22, 1987, 101 Stat. 1329-390, 1329-430; Pub. L. 101-510, div. A, title XII, §1206(c), Nov. 5, 1990, 104 Stat. 1661; Pub. L. 104-201, div. A, title XVII, §§1711-1713(a), 1714, 1718, Sept. 23, 1996, 110 Stat. 2753-2755, 2757; Pub. L. 105-85, div. C, title XXXV, §3550(c)(2), Nov. 18, 1997, 111 Stat. 2074; Pub. L. 105-264, §§6(5), 7, Oct. 19, 1998, 112 Stat. 2356, 2357.)

HISTORICAL AND REVISION NOTES

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5724a(a)	5 App.: 73b-4a.	July 21, 1966, Pub. L. 89-516, §2 "Sec. 23", 80 Stat. 323.
5724a(b)	5 App.: 73b-4b.	July 21, 1966, Pub. L. 89-516, §2 "Sec. 24", 80 Stat. 324.
5724a(c)	5 App.: 73b-4e.	July 21, 1966, Pub. L. 89-516, §2 "Sec. 27", 80 Stat. 325.

In subsection (a), the word "agency" is substituted for "department" to conform to the definition in 5 U.S.C. 5721(1). The word "employee" is substituted for "officers or employees" and "officer or employee" to conform to the definitions in 5 U.S.C. 5721(2) and 2105. The words "section 5724(a) of this title" and "section 5702 of this title" are substituted for "subsection (a) of section 1 of this Act" and "section 3 of the Travel Expense Act of 1949 (63 Stat. 166, as amended; 5 U.S.C. 836)" to reflect the codification of the cited acts in 5 U.S.C. In subsection (a)(2), the words "within the continental United States" are coextensive with and substituted for "within the continental United States, excluding Alaska" on authority of the definition of "continental United States" in 5 U.S.C. 5721(3).

In subsection (b), the words "this subchapter" and "subsection (a) of this section or section 5724(a) of this title" are substituted for "this Act" and "section 1(a) or section 23 of this Act", respectively, to reflect the codification of the act in 5 U.S.C. The word "officer" is omitted as included in "employee". The words "in the General Schedule of the Classification Act of 1949, as amended" are omitted as unnecessary.

In subsection (c), the word "officer" is omitted as included in "employee". The words "sections 5724, 5725, 5726(b), and 5727 of this title" and "subsections (a) and (b) of this section" are substituted for "section 1 of this Act" and "sections 23 and 24 of this Act", respectively, to reflect the codification of the act in title 5, United States Code.

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (f)(2), is set out under section 5332 of this title.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-264, §7(1), substituted "Under regulations prescribed under section 5738, an agency shall pay" for "An agency shall pay".

Subsec. (b)(1). Pub. L. 105-264, §7(2), substituted "Under regulations prescribed under section 5738, an agency may pay" for "An agency may pay" in introductory provisions.

Subsec. (b)(1)(B)(ii). Pub. L. 105-264, §7(3), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "an amount for subsistence expenses."

Subsec. (c)(1). Pub. L. 105-264, §7(2), substituted "Under regulations prescribed under section 5738, an agency may pay" for "An agency may pay" in introductory provisions.

Subsec. (c)(1)(B). Pub. L. 105-264, §7(4), substituted "an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services," for "an amount for subsistence expenses".

Subsec. (d)(1), (2). Pub. L. 105-264, §7(1), substituted "Under regulations prescribed under section 5738, an agency shall pay" for "An agency shall pay".

Subsec. (d)(2)(A). Pub. L. 105-264, §7(5), substituted "of the sale" for "for the sale".

Subsec. (d)(2)(B). Pub. L. 105-264, §7(6), substituted "of the purchase" for "for the purchase".

Subsec. (d)(8). Pub. L. 105-264, §7(2), (7), substituted "Under regulations prescribed under section 5738, an agency may pay" for "An agency may pay" and "paragraph (1) or (2)" for "paragraph (2) or (3)".

Subsec. (e). Pub. L. 105-264, §7(2), substituted "Under regulations prescribed under section 5738, an agency may pay" for "An agency may pay".

Subsec. (f)(1). Pub. L. 105-264, § 7(8), substituted “Under regulations prescribed under section 5738 and subject to paragraph (2),” for “Subject to paragraph (2),” in introductory provisions.

Subsec. (i). Pub. L. 105-264, § 7(9), struck out subsec. (i) which read as follows: “Subsections (a), (b), and (c) shall be implemented under regulations issued under section 5738 of this title.”

Subsec. (j). Pub. L. 105-264, § 6(5), struck out subsec. (j) which read as follows: “For purposes of subsections (c), (d), and (e), the term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979 (22 U.S.C. 3602(a))).”

1997—Subsec. (j). Pub. L. 105-85, which directed the amendment of subsec. (j) by inserting “and” after “Northern Mariana Islands,” and by substituting “United States,” for “United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979 (22 U.S.C. 3602(a))).”, effective Jan. 1, 1999, could not be executed because subsec. (j) did not appear subsequent to amendment by Pub. L. 105-264. See 1998 Amendment note above.

1996—Pub. L. 104-201, § 1711, amended section generally, substituting subsections (a) and (b) for former subsections (a) to (c) which made funds available to pay certain expenses of employees for whom Government pays travel and transportation expenses under section 5724(a) of this title, provided for entitlement to certain amounts of basic pay to such employees, and provided for payment of expenses of certain former employees.

Subsec. (c). Pub. L. 104-201, § 1712, added subsec. (c).
Subsec. (d). Pub. L. 104-201, § 1713(a), added subsec. (d).
Subsec. (d)(8). Pub. L. 104-201, § 1714(1), added par. (8).
Subsec. (e). Pub. L. 104-201, § 1714(2), added subsec. (e).
Subsecs. (f) to (j). Pub. L. 104-201, § 1718, added subsections (f) to (j).

1990—Subsec. (a)(2). Pub. L. 101-510 struck out “continental” before “United States” in second sentence.

1987—Subsec. (a)(4)(A). Pub. L. 100-202 inserted provisions authorizing reimbursement of expenses of selling residence of employee at official station from which employee was transferred when assigned to duty outside United States, its territories or possessions, Puerto Rico, or parts of Panama, provisions authorizing reimbursement of expenses of purchasing residence at new official station in United States, its territories or possessions, Puerto Rico, or parts of Panama, and provisions disallowing reimbursement of expenses in connection with transfers from a post of duty located outside the United States, its territories or possessions, Puerto Rico, or parts of Panama, for any transaction that occurs prior to official notification that employee’s return to the United States would be to official station other than official station from which employee was transferred.

1986—Subsec. (a)(1). Pub. L. 99-234, § 105(1), (2), substituted “allowance or” for “allowance instead of” and “maximum payment permitted under regulations which implement section 5702 of this title” for “maximum per diem rates prescribed by or under section 5702 of this title”.

Subsec. (a)(2). Pub. L. 99-234, § 105(1), (2), substituted “allowance or” for “allowance instead of” and “maximum payment permitted under regulations which implement section 5702 of this title” for “maximum per diem rates prescribed by or under section 5702 of this title”.

Subsec. (a)(3). Pub. L. 99-234, § 105(2), (3), substituted “maximum payment permitted under regulations which implement section 5702 of this title” for “maximum per diem rates prescribed by or under section 5702

of this title” and “daily rates and amounts” for “average daily rates”.

1983—Subsec. (a)(3). Pub. L. 98-151, § 118(a)(5)(A), in first sentence substituted “60 days” for “30 days”.

Pub. L. 98-151, § 118(a)(5)(B), substituted provisions authorizing extension for an additional 60 days if agency head or designee determines existence of compelling reasons for continued occupancy, for provisions authorizing extension for an additional 30 days if the employee moves to or from Alaska, Hawaii, the territories or possessions, etc., and struck out provisions relating to additional limitations on daily rates for reimbursement for subsistence expenses.

Subsec. (a)(4). Pub. L. 98-151, § 118(a)(6), redesignated existing provisions as subpar. (A) and added subpar. (B).

1979—Subsec. (a)(3), (4). Pub. L. 96-70 substituted in pars. (3) and (4) “areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)” for “Canal Zone” wherever appearing.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1999, see section 3550(c)(3) of Pub. L. 105-85, set out as a note under section 5724 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(m) [title VI, § 628(a)(2)] of Pub. L. 100-202 provided that: “The amendments made by paragraph (2) [probably means par. (1) which amended this section] shall be applicable with respect to any employee transferred to or from a post of duty on or after 60 days after the date of enactment of this section [Dec. 22, 1987].”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT; PROMULGATION OF REGULATIONS

Amendment by Pub. L. 98-151 and promulgation of regulations for amendments by Pub. L. 98-151 effective Nov. 14, 1983, see section 118(c) of Pub. L. 98-151, set out as a note under section 5724 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EXTENSION OF PAYMENT OF RELOCATION EXPENSES TO PUERTO RICO, NORTHERN MARIANA ISLANDS, AND TERRITORIES AND POSSESSIONS OF THE UNITED STATES

Pub. L. 105-277, div. A, § 101(b) [title I, § 125], Oct. 21, 1998, 112 Stat. 2681-50, 2681-74, provided that: “Effective with the enactment of this Act [Oct. 21, 1998], and in any fiscal year hereafter, the Attorney General and the Secretary of the Treasury may, for their respective agencies, extend the payment of relocation expenses listed in section 5724a(b)(1) of Title 5 of the United States Code to include the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.”

FUNDING OF AMENDMENTS BY PUB. L. 98-151

Amendments by Pub. L. 98-151 to be carried out by agencies by use of funds appropriated or otherwise

available for administrative expenses of such agencies, and do not authorize appropriation of funds in amounts exceeding sums already authorized to be appropriated for such agencies, see section 118(b) of Pub. L. 98-151, set out as a note under section 5724 of this title.

§ 5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred

(a) Under regulations prescribed under section 5738 of this title and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of substantially all of the Federal, State, and local income taxes incurred by an employee, or by an employee and such employee's spouse (if filing jointly), for any moving or storage expenses furnished in kind, or for which reimbursement or an allowance is provided (but only to the extent of the expenses paid or incurred). Reimbursements under this subsection shall also include an amount equal to all income taxes for which the employee and spouse, as the case may be,¹ would be liable due to the reimbursement for the taxes referred to in the first sentence of this subsection.

(b) For the purposes of this section, "moving or storage expenses" means travel and transportation expenses (including storage of household goods and personal effects under section 5724 of this title) and other relocation expenses under sections 5724a and 5724c of this title.

(Added Pub. L. 98-151, § 118(a)(7)(A)(i), Nov. 14, 1983, 97 Stat. 978; amended Pub. L. 98-473, title I, § 120(b), Oct. 12, 1984, 98 Stat. 1969; Pub. L. 104-201, div. A, title XVII, § 1723(b)(1), Sept. 23, 1996, 110 Stat. 2759.)

CODIFICATION

Prior to amendment by Pub. L. 98-473, the words "as the case may be" were preceded by "the employee, or the employee and spouse."

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201 substituted "Under regulations prescribed under section 5738 of this title" for "Under such regulations as the President may prescribe".

1984—Pub. L. 98-473 amended section generally, substituting "reimbursement of substantially all of the Federal, State, and local income taxes" for "reimbursement of all or part of the Federal, State, and city income taxes" and "for which the employee and spouse, as the case may be" for "for which the employee, or the employee and spouse, as the case may be" in subsec. (a) and "5724c" for "5726(c)" in subsec. (b).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE; PROMULGATION OF REGULATIONS

Enactment by Pub. L. 98-151 and promulgation of regulations for amendments by Pub. L. 98-151 effective Nov. 14, 1983, see section 118(c) of Pub. L. 98-151, set out as an Effective Date of 1983 Amendment; Promulgation of Regulations note under section 5724 of this title.

FUNDING OF AMENDMENTS BY PUB. L. 98-151

Amendments by Pub. L. 98-151 to be carried out by agencies by use of funds appropriated or otherwise

available for administrative expenses of such agencies, and do not authorize appropriation of funds in amounts exceeding sums already authorized to be appropriated for such agencies, see section 118(b) of Pub. L. 98-151, set out as a note under section 5724 of this title.

§ 5724c. Relocation services

Under regulations prescribed under section 5738 of this title, each agency may enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out this subchapter. An agency may pay a fee for such services. Such services include arranging for the purchase of a transferred employee's residence.

(Added Pub. L. 98-151, § 118(a)(7)(A)(i), Nov. 14, 1983, 97 Stat. 978; amended Pub. L. 98-473, title I, § 120(b), Oct. 12, 1984, 98 Stat. 1969; Pub. L. 104-201, div. A, title XVII, § 1713(b), Sept. 23, 1996, 110 Stat. 2754.)

AMENDMENTS

1996—Pub. L. 104-201 amended section generally. Prior to amendment, section read as follows: "Under such regulations as the President may prescribe, each agency is authorized to enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out the provisions of this subchapter. Such services include but need not be limited to arranging for the purchase of a transferred employee's residence."

1984—Pub. L. 98-473 amended section generally, adding authority of the President to prescribe regulations.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE; PROMULGATION OF REGULATIONS

Enactment by Pub. L. 98-151 and promulgation of regulations for amendments by Pub. L. 98-151 effective Nov. 14, 1983, see section 118(c) of Pub. L. 98-151, set out as an Effective Date of 1983 Amendment; Promulgation of Regulations note under section 5724 of this title.

FUNDING OF AMENDMENTS BY PUB. L. 98-151

Amendments by Pub. L. 98-151 to be carried out by agencies by use of funds appropriated or otherwise available for administrative expenses of such agencies, and do not authorize appropriation of funds in amounts exceeding sums already authorized to be appropriated for such agencies, see section 118(b) of Pub. L. 98-151, set out as a note under section 5724 of this title.

§ 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees

(a) IN GENERAL.—Under regulations prescribed by the President, the head of the agency concerned (or a designee) may determine that a covered employee died as a result of personal injury sustained while in the performance of the employee's duty and authorize or approve the payment by the agency, from Government funds, of—

(1) any qualified expense of the immediate family of the covered employee attributable to a change in their place of residence, if the place where the immediate family will reside following the death of the employee is—

(A) different from the place where the immediate family resided at the time of the employee's death; and

¹ See Codification note below.

- (B) within the United States; and
- (2) any expense of preparing and transporting the remains of the deceased to—
 - (A) the place where the immediate family will reside following the death of the employee; or
 - (B) such other place appropriate for interment as is determined by the agency head (or designee).

(b) NO DUPLICATE PAYMENT OF EXPENSES.—No expenses may be paid under this section if those expenses are paid from Government funds under section 5742 or any other authority.

(c) DEFINITIONS.—For purposes of this section—

- (1) the term “covered employee” means—
 - (A) a law enforcement officer, as defined in section 5541;
 - (B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A); and
 - (C) a customs and border protection officer, as defined in section 8331(31); and

(2) the term “qualified expense”, as used with respect to an immediate family changing its place of residence, means the transportation expenses of the immediate family, the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods and personal effects of such immediate family, not in excess of 18,000 pounds net weight, and, when authorized or approved by the agency head (or designee), the transportation of 1 privately owned motor vehicle.

(Added Pub. L. 111-178, §2(a), June 9, 2010, 124 Stat. 1262.)

NO RELEVANCE AS TO COMPENSATION CLAIMS

Pub. L. 111-178, §2(b), June 9, 2010, 124 Stat. 1263, provided that: “No determination made under section 5724d of title 5, United States Code, shall be deemed relevant to or be considered in connection with any claim for compensation under chapter 81 of that title or under any other law under which compensation may be provided on account of death or personal injury, nor shall any determination made with respect to any such claim be deemed relevant to or be considered in connection with any request for payment of expenses under such section 5724d.”

DELEGATION UNDER SECTION 2(a) OF THE SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

Memorandum of President of the United States, Sept. 12, 2011, 76 F.R. 57621, provided:

Memorandum for the Administrator of General Services

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the function conferred upon the President by section 2(a) of the Special Agent Samuel Hicks Families of Fallen Heroes Act (Public Law 111-178) to prescribe the applicable regulations.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 5725. Transportation expenses; employees assigned to danger areas

(a) When an employee of the Government is on duty, or is transferred or assigned to duty, at a

place designated by the head of the agency concerned as inside a zone—

- (1) from which his immediate family should be evacuated; or
- (2) to which they are not permitted to accompany him;

because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family, Government funds may be used to transport his immediate family and household goods and personal effects, under regulations prescribed by the head of the agency, to a location designated by the employee. When circumstances prevent the employee from designating a location, or it is administratively impracticable to determine his intent, the immediate family may designate the location. When the designated location is inside a zone to which movement of families is prohibited under this subsection, the employee or his immediate family may designate an alternate location.

(b) When the employee is assigned to a duty station from which his immediate family is not excluded by the restrictions in subsection (a) of this section, Government funds may be used to transport his immediate family and household goods and personal effects from the designated or alternate location to the duty station.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 503; Pub. L. 105-264, §6(6), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-1(d).	Sept. 23, 1960, ch. 1010, §1(c), 64 Stat. 985.

The word “employee” is substituted for “civilian officers and employees” in view of the definition of “employee” in sections 5721 and 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-264 substituted “Government” for “United States” in introductory provisions.

§ 5726. Storage expenses; household goods and personal effects

(a) For the purpose of subsection (b) of this section, “household goods and personal effects” means such personal property of an employee and his dependents as authorized under regulations prescribed under section 5738 of this title to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under regulations prescribed under section 5738 of this title, an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

- (1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

(2) the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed 18,000 pounds net weight, excluding a motor vehicle described by subsection (a) of this section.

(c) Under regulations prescribed under section 5738 of this title, when an employee, including a new appointee and a student trainee to the extent authorized by section 5723 of this title, is assigned to a permanent duty station at an isolated location in the continental United States to which he cannot take or at which he is unable to use his household goods and personal effects because of the absence of residence quarters at the location, nontemporary storage expenses or storage at Government expense in Government-owned facilities (including related transportation and other expenses), whichever is more economical, may be allowed the employee under regulations prescribed by the head of the agency concerned. The weight of property stored under this subsection, together with the weight of property transported under sections 5723(a) and 5724(a) of this title, may not exceed the total maximum weight the employee would be entitled to have moved. The period of nontemporary storage under this subsection may not exceed 3 years.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 504; Pub. L. 90-83, §1(38), Sept. 11, 1967, 81 Stat. 205; Pub. L. 98-151, §118(a)(2), Nov. 14, 1983, 97 Stat. 977; Pub. L. 104-201, div. A, title XVII, §1723(b)(1), (3), Sept. 23, 1996, 110 Stat. 2759.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-1(e).	Sept. 6, 1960, Pub. L. 86-707, §301(c)(2), (d) (as applicable to the Administrative Expenses Act of 1946, as amended), 74 Stat. 796.

The word “employee” is substituted for “civilian officer or employee” in view of the definition of “employee” in sections 5721 and 2105.

In subsection (b), the words “including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title” are substituted for “including any new appointee in accordance with section 73b-3 of this title” for clarity and reflect the codification of former section 73b-3 in this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5726(c)	5 App.: 73b-4c.	July 21, 1966, Pub. L. 89-516, §2 “Sec. 25”, 80 Stat. 324.

The amendment of subsection (a) of 5 U.S.C. 5726 reflects the addition of a new subsection (c).

Subsection (b) of 5 U.S.C. 5726 was derived from subsection (e) of section 1 of the Administrative Expenses Act of 1946, as amended (74 Stat. 796). In the codifica-

tion of subsection (e), the words “7,000 pounds net weight” were substituted for “the maximum weight limitation provided by subsection (a)”. During the pendency of the codification bill, section 1(a)(2) of Public Law 89-516, amended subsection (a) of section 1 of the Administrative Expenses Act of 1946 to increase the maximum weight limitation from 7,000 to 11,000 pounds. Thus, the amendment of subsection (b) is necessary to reflect the current weight limitation applicable.

In subsection (c), the word “employee” is substituted for “civilian officer or employee” to conform to the definitions in 5 U.S.C. 5721(2) and 2105. The words “including a new appointee and a student trainee to the extent authorized by section 5723 of this title” are substituted for “including any new appointee in accordance with section 7(b) of this Act, as amended” for clarity and to reflect the codification of section 7(b) in 5 U.S.C. 5723. The words “continental United States” are coextensive with and substituted for “continental United States, excluding Alaska” on authority of the definition of “continental United States” in 5 U.S.C. 5721(3). The words “head of the agency concerned” are substituted for “head of the Executive Department or agency concerned” to conform to the definition in 5 U.S.C. 5721(1). In the penultimate sentence, the words “sections 5723(a) and 5724(a) of this title” are substituted for “section 1 or 7(b) of this Act” to reflect the codification of sections 1 and 7(b) in 5 U.S.C. 5723(a) and 5724(a); and the word “officer” is omitted as included in “employee”. In the last sentence, the words “under this subsection” are inserted for clarity.

Subsection (b) of section 25 of the Administrative Expenses Act of 1946 (added by section 2 of Public Law 89-516) is omitted as executed.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201, §1723(b)(3), substituted “as authorized under regulations prescribed under section 5738 of this title” for “as the President may by regulation authorize”.

Subsecs. (b), (c). Pub. L. 104-201, §1723(b)(1), substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

1983—Subsec. (b). Pub. L. 98-151 substituted “18,000” for “11,000”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT; PROMULGATION OF REGULATIONS

Amendment by Pub. L. 98-151 and promulgation of regulations for amendments by Pub. L. 98-151 effective Nov. 14, 1983, see section 118(c) of Pub. L. 98-151, set out as a note under section 5724 of this title.

FUNDING OF AMENDMENTS BY PUB. L. 98-151

Amendments by Pub. L. 98-151 to be carried out by agencies by use of funds appropriated or otherwise available for administrative expenses of such agencies, and do not authorize appropriation of funds in amounts exceeding sums already authorized to be appropriated for such agencies, see section 118(b) of Pub. L. 98-151, set out as a note under section 5724 of this title.

§ 5727. Transportation of motor vehicles

(a) Except as specifically authorized by statute, an authorization in a statute or regulation to transport the effects of an employee or other individual at Government expense is not an authorization to transport an automobile.

(b) Under regulations prescribed under section 5738 of this title, the privately owned motor vehicle of an employee, including a new appointee

and a student trainee to the extent authorized by sections 5722 and 5723 of this title, may be transported at Government expense to, from, and between the continental United States and a post of duty outside the continental United States, or between posts of duty outside the continental United States, when—

- (1) the employee is assigned to the post of duty for other than temporary duty; and
- (2) the head of the agency concerned determines that it is in the interest of the Government for the employee to have the use of a motor vehicle at the post of duty.

(c) Under regulations prescribed under section 5738 of this title, the privately owned motor vehicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723 of this title, may be transported at Government expense to a new official station of the employee when the agency determines that such transport is advantageous and cost-effective to the Government.

(d) An employee may transport only one motor vehicle under subsection (b) of this section during a 4-year period, except when the head of the agency concerned determines that replacement of the motor vehicle during the period is necessary for reasons beyond the control of the employee and is in the interest of the Government, and authorizes in advance the transportation under subsection (b) of this section of one additional privately owned motor vehicle as a replacement. When an employee has remained in continuous service outside the continental United States during the 4-year period after the date of transportation under subsection (b) of this section of his motor vehicle, the head of the agency concerned may authorize transportation under subsection (b) of this section of a replacement for that motor vehicle.

(e) When the head of an agency authorizes transportation under subsection (b) or (c) of this section of a privately owned motor vehicle, the transportation may be by—

- (1) commercial means, if available at reasonable rates and under reasonable conditions; or
- (2) Government means on a space-available basis.

(f)(1) This section, except subsection (a), does not apply to—

- (A) the Foreign Service of the United States;
- OR
- (B) the Central Intelligence Agency.

(2) This section, except subsection (a), does not affect section 403e(4) of title 50.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 504; Pub. L. 96-465, title II, §2314(e), Oct. 17, 1980, 94 Stat. 2168; Pub. L. 104-201, div. A, title XVII, §§1715(a), 1723(b)(1), Sept. 23, 1996, 110 Stat. 2755, 2759; Pub. L. 105-264, §6(7), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(b)-(e)	5 U.S.C. 73b-1(f).	Sept. 6, 1960, Pub. L. 86-707, §321, 74 Stat. 797. Feb. 5, 1964, Pub. L. 88-266, 78 Stat. 8.

In subsection (a), the proviso in former section 73c is omitted as superseded by section 2634 of title 10, and by former section 73b-1(f), which is carried into subsections (b)-(e).

In subsection (b), the words “including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title” are substituted for “including any new appointee, in accordance with section 73b-3 of this title” for clarity and reflect the codification of former section 73b-3 in this title. The words “at Government expense” are inserted for clarity.

The last sentence of subsection (f) of former section 73b-1 which provided that for the purposes of that subsection and subsection (e), which is carried into section 5726, Alaska shall be considered to be outside the continental limits of the United States is omitted as unnecessary in view of the definition of “continental United States” in section 5721(4).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-264 substituted “continental United States” for “United States”.

1996—Subsec. (b). Pub. L. 104-201, §1723(b)(1), in introductory provisions, substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

Subsec. (c). Pub. L. 104-201, §1715(a)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-201, §1715(a)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104-201, §1715(a)(3), inserted “or (c)” after “subsection (b)”.

Pub. L. 104-201, §1715(a)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104-201, §1715(a)(1), redesignated subsec. (e) as (f).

1980—Subsec. (e)(2). Pub. L. 96-465 substituted “section 403e(4) of title 50” for “(A) section 1138 of title 22; or” and struck out “(B) section 403e(4) of title 50”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 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.

§ 5728. Travel and transportation expenses; vacation leave

(a) Under regulations prescribed under section 5738 of this title, an agency shall pay from its appropriations the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty outside the continental United States, Alaska, and Hawaii to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreed period of service outside the continental United States,

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 73c.	June 30, 1932, ch. 314, §209, 47 Stat. 405. Apr. 30, 1940, ch. 172, 54 Stat. 174. Aug. 13, 1946, ch. 957, §1131(64), 60 Stat. Stat. 1040.

Alaska, and Hawaii and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States, Alaska, and Hawaii under a new written agreement made before departing from the post of duty.

(b) Under regulations prescribed under section 5738 of this title, an agency shall pay from its appropriations the expenses of round-trip travel of an employee of the Government appointed by the President, by and with the advice and consent of the Senate, for a term fixed by statute, and of transportation of his immediate family, but not household goods, from his post of duty outside the continental United States, Alaska, and Hawaii to the place of his actual residence at the time of appointment to the post of duty, after he has satisfactorily completed each 2 years of service outside the continental United States, Alaska, and Hawaii and is returning to his actual place of residence to take leave before serving at least 2 more years of duty outside the continental United States, Alaska, and Hawaii.

(c)(1) Under regulations prescribed under section 5738 of this title, an agency may pay, subject to paragraph (3) of this subsection, the expenses described in paragraph (2) of this subsection in any case in which the head of the agency determines that the payment of such expenses is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii.

(2) The expenses payable under paragraph (1) of this subsection are the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty in Alaska or Hawaii to the place of his actual residence at the time of appointment or transfer to the post of duty, incurred after he has satisfactorily completed an agreed period of service in Alaska or Hawaii and in returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty in Alaska or Hawaii under a new written agreement made before departing from the post of duty.

(3) The payment of expenses of any employee and the transportation of his family under paragraph (1) of this subsection is limited to the expenses of travel and transportation incurred for not more than two round trips commenced within 5 years after the date the employee first commences any period of consecutive tours of duty in Alaska or Hawaii.

(d) This section does not apply to appropriations for the Foreign Service of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 505; Pub. L. 97-253, title III, §351(a), (b), Sept. 8, 1982, 96 Stat. 800; Pub. L. 104-201, div. A, title XVII, §1723(b)(1), Sept. 23, 1996, 110 Stat. 2759; Pub. L. 105-264, §6(8), Oct. 19, 1998, 112 Stat. 2356.)

The first 14 words of subsections (a) and (b), and subsection (c), are added on authority of former section 73b-3(a) (less 3d-6th provisos), which is carried into section 5722.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-264 substituted “an employee of the Government” for “an employee of the United States”.

1996—Subsecs. (a) to (c)(1). Pub. L. 104-201, §1723(b)(1), substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

1982—Subsecs. (a), (b). Pub. L. 97-253, §351(a), inserted “, Alaska, and Hawaii” after “continental United States” wherever appearing.

Subsecs. (c), (d). Pub. L. 97-253, §351(b), added subsec. (c) and redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 351(c), (d) of Pub. L. 97-253, as amended by Pub. L. 97-346, §3(m), Oct. 15, 1982, 96 Stat. 1649, provided that:

“(c)(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall take effect with respect to expenses incurred after the date of enactment of this Act [Sept. 8, 1982] for round-trip travel (commenced after such date) of an employee or transportation of his immediate family from his post of duty to the place of his actual residence at the time of appointment or transfer to the post of duty.

“(2) The amendments made by this section [amending this section] shall not apply to any employee who is serving a tour of duty at a post of duty in Alaska or Hawaii on the date of the enactment of this Act [Sept. 8, 1982] during—

“(A) such tour of duty, and

“(B) any other consecutive tour of duty following such tour of duty.

“(d) For the purposes of subsection (c), the term ‘employee’ shall have the same meaning as provided in section 5721(2) of title 5, United States Code.”

§ 5729. Transportation expenses; prior return of family

(a) Under regulations prescribed under section 5738 of this title, an agency shall pay from its appropriations, not more than once before the return to the United States of an employee whose post of duty is outside the continental United States, the expenses of transporting his immediate family and of shipping his household goods and personal effects from his post of duty to his actual place of residence when—

(1) he has acquired eligibility for that transportation; or

(2) the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of a member of the immediate family, or obligation imposed by authority or circumstances over which the individual has no control.

(b) Under regulations prescribed under section 5738 of this title, an agency shall reimburse from

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 73b-3(a) (3d proviso).	Aug. 31, 1954, ch. 1155 (1st proviso), 68 Stat. 1008.
(b)	5 U.S.C. 73b-3(a) (4th proviso).	Sept. 2, 1958, Pub. L. 85-858, 72 Stat. 1274.

its appropriations an employee whose post of duty is outside the continental United States for the proper transportation expenses of returning his immediate family and his household goods and personal effects to the United States, when—

(1) their return was made at the expense of the employee before his return and for other than reasons of public interest; and

(2) he acquires eligibility for those transportation expenses.

(c) This section does not apply to appropriations for the Foreign Service of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 505; Pub. L. 104-201, div. A, title XVII, §1723(b)(1), Sept. 23, 1996, 110 Stat. 2759; Pub. L. 105-264, §6(9), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-3(a) (5th and 6th provisos).	Aug. 31, 1954, ch. 1155 (less 1st proviso), 68 Stat. 1008.

The first 14 words of subsections (a) and (b), and subsection (c), are added on authority of former section 73b-3(a) (less 3d-6th provisos), which is carried into section 5722. The words "household effects" and "household goods" in the 5th and 6th provisos of former section 73b-3(a) are changed to "household goods and personal effects" for clarity and consistency in the use of the words elsewhere in this subchapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Subsecs. (a), (b). Pub. L. 105-264 struck out "or its territories or possessions" after "to the United States".

1996—Subsecs. (a), (b). Pub. L. 104-201 substituted "Under regulations prescribed under section 5738 of this title" for "Under such regulations as the President may prescribe".

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

§ 5730. Funds available

Funds available for travel expenses of an employee are available for expenses of transportation of his immediate family, and funds available for transportation of things are available for transportation of household goods and personal effects, as authorized by this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 506.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-1(c).	Aug. 2, 1946, ch. 744, §1(c). 60 Stat. 807.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5731. Expenses limited to lowest first-class rate

(a) The allowance for actual expenses for transportation may not exceed the lowest first-

class rate by the transportation facility used unless it is certified, in accordance with regulations prescribed under section 5738 of this title, that—

(1) lowest first-class accommodations are not available; or

(2) use of a compartment or other accommodation authorized or approved by the head of the agency concerned or his designee is required for security purposes.

(b) Instead of the maximum fixed by subsection (a) of this section, the allowance to an employee of the Government for actual expenses for transportation on an inter-island steamship in Hawaii may not exceed the rate for accommodations on the steamship that is equivalent as nearly as possible to the rate for the lowest first-class accommodations on trans-pacific steamships.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 506; Pub. L. 104-201, div. A, title XVII, §1723(b)(4), Sept. 23, 1996, 110 Stat. 2759; Pub. L. 105-264, §6(10), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 73b.	Mar. 3, 1933, ch. 212, §10, 47 Stat. 1516. Aug. 2, 1946, ch. 744, §6, 60 Stat. 808.
(b)	5 U.S.C. 73e.	May 28, 1938, ch. 289, §811, 52 Stat. 577.

In subsection (a), the words "by or under authority of law" are omitted as surplusage.

In subsection (b), the words "by or under authority of law" are omitted as surplusage. The words "after the date of the enactment of this Act" are omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-264 substituted "Government" for "United States".

1996—Subsec. (a). Pub. L. 104-201 substituted "in accordance with regulations prescribed under section 5738 of this title" for "in accordance with regulations prescribed by the President".

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

§ 5732. General average contribution; payment or reimbursement

Under such regulations as the President may prescribe, appropriations chargeable for the transportation of baggage and household goods and personal effects of employees of the Government, volunteers as defined by section 8142(a) of this title, and members of the uniformed services are available for the payment or reimbursement of general average contributions required. Appropriations are not available for the payment or reimbursement of general average contributions—

(1) required in connection with and applicable to quantities of baggage and household goods and personal effects in excess of quan-

titles authorized by statute or regulation to be transported;

(2) when the individual concerned is allowed under statute or regulation a commutation instead of actual transportation expenses; or

(3) when the individual concerned selected the means of shipment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 506; Pub. L. 105-264, § 6(11), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-5.	June 4, 1954, ch. 264, § 4, 68 Stat. 176.
.....	22 U.S.C. 2504(h) (as applicable to 5 U.S.C. 73b-5).	Dec. 13, 1963, Pub. L. 88-200, § 2(e) (as applicable to the Act of June 4, 1954, ch. 264, § 4 (5 U.S.C. 73b-5)), 77 Stat. 360.

The word "personal" is added before the word "effects" for clarity and to preserve consistency throughout this subchapter. The words "employees of the United States . . . and members of the uniformed services" are substituted for "military personnel and civilian employees of departments and agencies of the Federal Government". The words "a volunteer as defined by section 8142(a) of this title" are based on sections 2504(a), 2505, and 2507 (a) of title 22. The words "pursuant to law" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1998—Pub. L. 105-264 substituted "Government" for "United States" in introductory provisions.

EX. ORD. NO. 10614. PAYMENT OF GENERAL-AVERAGE CONTRIBUTIONS IN CONNECTION WITH TRANSPORTATION OF EFFECTS

Ex. Ord. No. 10614, May 25, 1955, 20 F.R. 3699, provided: SECTION 1. *Definitions.* As used in these regulations:

(a) The term "military personnel" means members and former and deceased members of the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804) [37 U.S.C. 101].

(b) The term "civilian employees" means civilian officers and employees of a department, including Foreign Service personnel, and former and deceased civilian officers and employees.

(c) The terms "military personnel" and "civilian employees" shall also include those individuals enumerated under the term "person" as defined in section 1 of the Missing Persons Act, as amended [now section 5561 of this title].

(d) The term "department" means an executive department, independent establishment, or other agency of the Federal Government, including wholly-owned or controlled Government corporations.

(e) The term "general-average contribution" means the contribution by all parties to a sea venture (1) to make good the loss sustained by any one of their number on account of voluntary sacrifices made of part of the ship or cargo to save the residue or the lives of those on board from impending peril, or (2) for extraordinary expenses necessarily incurred for the common benefit and safety of all.

(f) The term "household goods" means such baggage, household goods, and effects, including privately-owned automobiles and professional books, papers, and equipment, of military personnel and civilian employees as are authorized to be transported at Government expense by law or regulations pursuant to law.

SEC. 2. *Allowance of general-average contributions.* Whenever military personnel or civilian employees of a

department are liable for general-average contributions arising out of shipments of household goods (as defined in section 1 (f) hereof), authorized or approved under law or regulations pursuant to law, disbursements shall be made, under rules and regulations prescribed by the head of the department concerned, from appropriations chargeable for the transportation of baggage and household goods and effects (a) for the payment of the general-average contributions for which such military personnel or civilian employees are liable, or (b) for the reimbursement of such military personnel or civilian employees in the amounts of their general-average liability paid by them and for which receipts are furnished, subject to the limitations set forth in section 3 hereof.

SEC. 3. *Limitations.* The provisions of section 2 hereof shall not apply:

(a) In case the shipment of household goods is made under law or regulation pursuant to law which provides for reimbursement to the military person or civilian employee concerned on a commuted basis in lieu of payment by the Government of the actual costs of the shipment; or

(b) In case the military person or civilian employee concerned has himself selected the means of shipment; or

(c) To quantities of household goods (excluding automobiles) shipped in excess of quantities authorized to be transported by law or regulation pursuant to law. In any case of such excess shipment, the liability of the Government for the employee's general-average contribution shall not exceed the proportion that the applicable limitation, by weight or volume, bears to the total quantity, by weight or volume, of the household goods shipped.

SEC. 4. *Effective date.* This order shall be effective in any case in which the loss involved occurs, or has occurred, on or after June 4, 1954.

DWIGHT D. EISENHOWER.

§ 5733. **Expeditious travel**

The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.

(Added Pub. L. 90-206, title II, § 222(c)(1), Dec. 16, 1967, 81 Stat. 641.)

EFFECTIVE DATE

Section effective thirty days after Dec. 16, 1967, see section 220(a)(4) of Pub. L. 90-206, set out as an Effective Date of 1967 Amendment note under section 5542 of this title.

§ 5734. **Travel, transportation, and relocation expenses of employees transferred from the Postal Service**

Notwithstanding the provisions of any other law, officers and employees of the United States Postal Service promoted or transferred under section 1006 of title 39, United States Code, from the Postal Service to an agency (as defined in section 5721 of this title), for permanent duty may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for other transferred employees within the meaning of this chapter.

(Added Pub. L. 99-234, title I, § 106(a), Jan. 2, 1986, 99 Stat. 1758.)

EFFECTIVE DATE

Section effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2,

1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as an Effective Date of 1986 Amendment note under section 5701 of this title.

§ 5735. Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service

(a) IN GENERAL.—Notwithstanding any other provision of law, employees of the Department of Defense described in subsection (b) may be authorized travel, transportation, and relocation expenses and allowances in connection with appointments referred to in such subsection under the same conditions and to the same extent authorized by this subchapter for transferred employees.

(b) COVERED EMPLOYEES.—Subsection (a) applies to any employee of the Department of Defense who—

(1) is scheduled for separation from the Department, other than for cause;

(2) is selected for appointment to a continuing position with the United States Postal Service; and

(3) accepts the appointment.

(Added Pub. L. 103-337, div. A, title III, § 345(a)(1), Oct. 5, 1994, 108 Stat. 2723.)

EFFECTIVE DATE

Section 345(b) of Pub. L. 103-337 provided that: “The amendments made by subsection (a) [enacting this section] shall apply to persons separated from employment with the Department of Defense on or after the date of the enactment of this Act [Oct. 5, 1994].”

§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees

An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for transferred employees.

(Added Pub. L. 104-201, div. A, title XVI, § 1605(a)(1), Sept. 23, 1996, 110 Stat. 2736.)

EFFECTIVE DATE

Section 1605(b) of Pub. L. 104-201 provided that: “Section 5736 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.”

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.

§ 5737. Relocation expenses of an employee who is performing an extended assignment

(a) Under regulations prescribed under section 5738 of this title, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of not less than six months and not greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724 of this title.

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724 of this title.

(3) A per diem allowance for en route travel of the employee's immediate family to and from the assignment location in accordance with section 5724a(a) of this title.

(4) Travel and transportation expenses of the employee and spouse to seek new residence quarters at the assignment location in accordance with section 5724a(b) of this title.

(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c) of this title.

(6) An amount, in accordance with section 5724a(f), to be used by the employee for miscellaneous expenses of this title.¹

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727 of this title.

(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a) of this title, subject to the limitation that the weight of the household goods and personal effects stored, together with the weight of property transported under section 5724(a) of this title, may not exceed the total maximum weight which could be transported in accordance with section 5724(a) of this title.

(10) Expenses of property management services.

(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.

(Added Pub. L. 104-201, div. A, title XVII, § 1716, Sept. 23, 1996, 110 Stat. 2756.)

EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

¹ So in original.

§ 5737a. Employees temporarily deployed in contingency operations

(a) DEFINITIONS.—For purposes of this section—

(1) the term “covered employee” means an individual who—

(A) is an employee of an Executive agency or a military department, excluding a Government controlled corporation; and

(B) is assigned on a temporary change of station in support of a contingency operation;

(2) the term “temporary change of station”, as used with respect to an employee, means an assignment—

(A) from the employee’s official duty station to a temporary duty station; and

(B) for which such employee is eligible for expenses under section 5737; and

(3) the term “contingency operation” has the meaning given such term by section 1482a(c) of title 10.

(b) QUARTERS AND RATIONS.—The head of an agency may provide quarters and rations, without charge, to any covered employee of such agency during the period of such employee’s temporary assignment (as described in subsection (a)(1)(B)).

(c) STORAGE OF MOTOR VEHICLE.—The head of an agency may provide for the storage, without charge, or for the reimbursement of the cost of storage, of a motor vehicle that is owned or leased by a covered employee of such agency (or by a dependent of such an employee) and that is for the personal use of the covered employee. This subsection shall apply—

(1) with respect to storage during the period of the employee’s temporary assignment (as described in subsection (a)(1)(B)); and

(2) in the case of a covered employee, with respect to not more than one motor vehicle as of any given time.

(d) RELATIONSHIP TO OTHER BENEFITS.—Any benefits under this section shall be in addition to (and not in lieu of) any other benefits for which the covered employee is otherwise eligible.

(Added Pub. L. 110–181, div. A, title XI, §1104(a), Jan. 28, 2008, 122 Stat. 346.)

§ 5738. Regulations

(a)(1) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter.

(2) The Administrator of General Services shall include in the regulations authority for the head of an agency or his designee to waive any limitation of this subchapter or in any implementing regulation for any employee relocating to or from a remote or isolated location who would suffer hardship if the limitation were not waived. A waiver of a limitation under authority provided in the regulations pursuant to this paragraph shall be effective notwithstanding any other provision of this subchapter.

(b) In prescribing regulations for the implementation of section 5724b of this title, the Ad-

ministrator of General Services shall consult with the Secretary of the Treasury.

(c) The Secretary of Defense shall prescribe regulations necessary for the implementation of section 5735 of this title.

(Added Pub. L. 104–201, div. A, title XVII, §1722, Sept. 23, 1996, 110 Stat. 2758.)

EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104–201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

§ 5739. Authority for relocation expenses test programs

(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(b) The Administrator shall transmit a copy of any test program approved or extended by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program or extension.

(c)(1) An agency authorized to conduct a test program under subsection (a) shall annually submit a report on the results of the program to date to the Administrator.

(2) Not later than 3 months after completion of a test program, the agency conducting the program shall submit a final report on the results of the program to the Administrator and the appropriate committees of Congress.

(d) No more than 12 test programs under this section may be conducted simultaneously.

(e)(1) The Administrator may not approve any test program for an initial period of more than 4 years.

(2)(A) Upon the request of the agency administering a test program, the Administrator may extend the program.

(B) An extension under subparagraph (A) may not exceed 4 years.

(C) The Administrator may exercise more than 1 extension under subparagraph (A) with respect to any test program.

(Added Pub. L. 105–264, §5(b), Oct. 19, 1998, 112 Stat. 2355; amended Pub. L. 109–325, §1(a), Oct. 11, 2006, 120 Stat. 1760; Pub. L. 111–112, §1(a), Nov. 30, 2009, 123 Stat. 3024.)

AMENDMENTS

2009—Subsec. (a)(3). Pub. L. 111–112, §1(a)(1), struck out par. (3) which read as follows: “Nothing in this section is intended to limit the authority of any agency to conduct test programs.”

Subsec. (b). Pub. L. 111-112, §1(a)(2), inserted “or extended” after “approved” and “or extension” after “of the program”.

Subsec. (c). Pub. L. 111-112, §1(a)(3), added subsec. (c) and struck out former subsec. (c) which read as follows: “An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.”

Subsec. (d). Pub. L. 111-112, §1(a)(4), substituted “12” for “10”.

Subsec. (e). Pub. L. 111-112, §1(a)(5), added subsec. (e) and struck out former subsec. (e) which read as follows: “The authority to conduct test programs under this section shall expire 11 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”

2006—Subsec. (a)(1). Pub. L. 109-325, §1(a)(1), struck out “for a period not to exceed 24 months” after “disbursing official”.

Subsec. (e). Pub. L. 109-325, §1(a)(2), substituted “11 years” for “7 years”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-112, §1(b), Nov. 30, 2009, 123 Stat. 3025, provided that: “This section [amending this section] shall take effect on December 18, 2009.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-325, §1(b), Oct. 11, 2006, 120 Stat. 1760, provided that: “The amendments made by this section [amending this section] shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 112 Stat. 2350).”

SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS

§ 5741. General prohibition

Except as specifically authorized by statute, the head of an Executive department or military department may not authorize an expenditure in connection with the transportation of remains of a deceased employee.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 506.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 103.	June 7, 1897, ch. 3, §1 (last proviso on p. 86), 30 Stat. 86.

The words “a military department” are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser’s note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad

(a) For the purpose of this section, “agency” means—

- (1) an Executive agency;
- (2) a military department;
- (3) an agency in the legislative branch; and
- (4) an agency in the judicial branch.

(b) When an employee dies, the head of the agency concerned, under regulations prescribed by the President and, except as otherwise provided by law, may pay from appropriations available for the activity in which the employee was engaged—

- (1) the expense of preparing and transporting the remains to the home or official station of the employee, or such other place appropriate for interment as is determined by the head of the agency concerned, if death occurred while the employee was in a travel status away from his official station in the United States or while performing official duties outside the continental United States or in transit thereto or therefrom;
- (2) the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if—

- (A) the employee died while performing official duties outside the continental United States or in transit thereto or therefrom; or
- (B) in the case of an employee who was a party to a mandatory mobility agreement that was in effect when the employee died—

- (i) the employee died in the circumstances described in subparagraph (A); or
- (ii)(I) the employee died as a result of disease or injury incurred while performing official duties—

(aa) in an overseas location that, at the time such employee was performing such official duties, was within the area of responsibility of the Commander of the United States Central Command; and

(bb) in direct support of or directly related to a military operation, including a contingency operation (as defined in section 101(13) of title 10) or an operation in response to an emergency declared by the President; and

(II) the employee’s dependents were residing either outside the continental United States or within the continental United States when the employee died; and

- (3) the travel expenses of not more than 2 persons to escort the remains of a deceased employee, if death occurred while the employee was in travel status away from his official station in the United States or while performing official duties outside the United States or in transit thereto or therefrom, from the place of death to the home or official station of such person, or such other place appropriate for interment as is determined by the head of the agency concerned.

(c) When a dependent of an employee dies while residing with the employee performing of-

ficial duties outside the continental United States or in Alaska or in transit thereto or therefrom, the head of the agency concerned may pay the necessary expenses of transporting the remains to the home of the dependent, or such other place appropriate for interment as is determined by the head of the agency concerned. If practicable, the agency concerned in respect of the deceased may furnish mortuary services and supplies on a reimbursable basis when—

- (1) local commercial mortuary facilities and supplies are not available; or
- (2) the cost of available mortuary facilities and supplies are prohibitive in the opinion of the head of the agency.

Reimbursement for the cost of mortuary services and supplies furnished under this subsection shall be collected and credited to current appropriations available for the payment of these costs.

(d) The benefits of this section may not be denied because the deceased was temporarily absent from duty when death occurred.

(e) Employees covered by this section include an employee who has been reassigned away from the employee's home of record pursuant to a mandatory mobility agreement executed as a condition of employment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 507; Pub. L. 101-510, div. A, title XII, § 1206(d), Nov. 5, 1990, 104 Stat. 1661; Pub. L. 105-277, div. A, § 101(d) [title V, § 589(b)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-210; Pub. L. 110-181, div. A, title XI, § 1103(a), Jan. 28, 2008, 122 Stat. 346.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)-(c)	5 U.S.C. 103a.	July 8, 1940, ch. 551, § 1, 54 Stat. 743. July 15, 1954, ch. 507, § 7(b), 68 Stat. 479.
(d)	5 U.S.C. 103b.	July 8, 1940, ch. 551, § 2, 54 Stat. 744.

Subsection (a) is based on the words “department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department” in former section 103a. The terms “Executive agency” and “military department” include a department, independent establishment, agency, or federally owned or controlled corporation in the executive branch because of the definitions in sections 105 and 102.

The words “a military department” are included to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force, as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Subsection (b) is restated for clarity and conciseness and to eliminate redundancy. In paragraphs (1) and (2), the words “outside the United States” are coextensive with and substituted for “in a Territory or possession of the United States or in a foreign country”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110-181 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if death occurred while the employee was performing official duties outside the continental United States or in transit thereto or therefrom; and”.

1998—Subsec. (b)(3). Pub. L. 105-277 added par. (3).

1990—Subsec. (b)(1), (2). Pub. L. 101-510, § 1206(d)(1), inserted “continental” after “outside the”.

Subsec. (e). Pub. L. 101-510, § 1206(d)(2), added subsec. (e).

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title XI, § 1103(b), Jan. 28, 2008, 122 Stat. 346, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Jan. 28, 2008].”

DELEGATION OF FUNCTIONS

Authority of President under subsec. (b) of this section to prescribe regulations with respect to payment of expenses when an employee dies delegated to Administrator of General Services, see section 1(13) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Authority of President under subsec. (e) of this section delegated to Office of Personnel Management by section 6(b) of Ex. Ord. No. 12748, Feb. 1, 1991, 56 F.R. 4521, eff. May 4, 1991, set out as a note under section 5301 of this title.

TRAVEL TO UNITED STATES FOR IMMEDIATE FAMILY OF EMPLOYEES SERVING ABROAD

Pub. L. 110-161, div. D, title VII, § 701, Dec. 26, 2007, 121 Stat. 2019, provided that: “Hereafter, funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.”

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

AMENDMENTS

1970—Pub. L. 91-563, § 4(a), Dec. 19, 1970, 84 Stat. 1477, added heading of Subchapter IV.

§ 5751. Travel expenses of witnesses

(a) Under such regulations as the Attorney General may prescribe, an employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) summoned, or assigned by his agency, to testify or produce official records on behalf of the United States is entitled to travel expenses under subchapter I of this chapter. If the case involves the activity in connection with which he is employed, the travel expenses are paid from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official of the agency concerned. If the case does not involve its activity, the employing agency may advance or pay the travel expenses of the employee, and later obtain reimburse-

ment from the agency properly chargeable with the travel expenses.

(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) summoned, or assigned by his agency, to testify in his official capacity or produce official records, on behalf of a party other than the United States, is entitled to travel expenses under subchapter I of this chapter, except to the extent that travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

(Added Pub. L. 91-563, §4(a), Dec. 19, 1970, 84 Stat. 1477; amended Pub. L. 104-186, title II, §215(9), Aug. 20, 1996, 110 Stat. 1746.)

AMENDMENTS

1996—Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk” in subsecs. (a) and (b).

§ 5752. Travel expenses of Senior Executive Service candidates

Employing agencies may pay candidates for Senior Executive Service positions travel expenses incurred incident to preemployment interviews requested by the employing agency.

(Added Pub. L. 95-454, title IV, §409(b), Oct. 13, 1978, 92 Stat. 1173.)

EFFECTIVE DATE

Section effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415(a)(1), (b) of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

§ 5753. Recruitment and relocation bonuses

(a)(1) This section may be applied to—

(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

(B) a position in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a)); or

(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

(3) In this section, the term “employee” has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

(b) The Office of Personnel Management may authorize the head of an agency to pay a bonus under this section to an individual only if—

(1) the position to which such individual is appointed (as described in paragraph (2)(A)) or

to which such individual moves or must relocate (as described in paragraph (2)(B)) is likely to be difficult to fill in the absence of such a bonus; and

(2) the individual—

(A) is newly appointed as an employee of the Federal Government; or

(B)(i) is currently employed by the Federal Government; and

(ii)(I) moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

(II) must relocate to accept a position in a different geographic area.

(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not longer than 4 years. The Office may, by regulation, prescribe a minimum service period for purposes of this section.

(2)(A) The agreement shall include—

(i) the commencement and termination dates of the required service period (or provisions for the determination thereof);

(ii) the amount of the bonus;

(iii) the method of payment; and

(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

(ii) the effect of the termination.

(C) The required service period shall commence upon the commencement of service with the agency or movement to a new position or geographic area, as applicable, unless the service agreement provides for a later commencement date in circumstances and to the extent allowable under regulations of the Office, such as when there is an initial period of formal basic training.

(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year, as determined under regulations of the Office) in the required service period of the employee involved.

(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full period of service required by the agreement, or in a combination of these forms of payment.

(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the maximum bonus allowable shall—

(1) be equal to the maximum that would be determined if subsection (d)(1) were applied by substituting “50” for “25”; but

(2) in no event exceed 100 percent of the annual rate of basic pay of the employee at the beginning of the service period.

Nothing in this subsection shall be considered to permit the waiver of any requirement under subsection (c).

(f) The Office shall require that an agency establish a plan for the payment of recruitment bonuses before paying any such bonuses, and a plan for the payment of relocation bonuses before paying any such bonuses, subject to regulations prescribed by the Office.

(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a bonus under this section in appropriate circumstances when the agreed-upon service period has not been completed.

(Added Pub. L. 108-411, title I, §101(a)(1), Oct. 30, 2004, 118 Stat. 2305.)

PRIOR PROVISIONS

A prior section 5753, added Pub. L. 101-509, title V, § 529 [title II, §208(a)], Nov. 5, 1990, 104 Stat. 1427, 1458, which related to recruitment and relocation bonuses, was repealed by Pub. L. 108-411, title I, §101(a)(1), Oct. 30, 2004, 118 Stat. 2305.

EFFECTIVE DATE

Pub. L. 108-411, title I, §101(d), Oct. 30, 2004, 118 Stat. 2310, provided that:

“(1) EFFECTIVE DATE.—Except as provided under paragraphs (2) and (3), this section [enacting this section and section 5754 of this title, repealing former sections 5753 and 5754 of this title, and amending provisions set out as a note under section 5305 of this title] shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act [Oct. 30, 2004].

“(2) APPLICATION TO AGREEMENTS.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to be subject to such section as in effect on the day before such effective date.

“(3) APPLICATION TO ALLOWANCES.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to such section as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).”

§ 5754. Retention bonuses

(a)(1) This section may be applied to—

(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

(B) a position in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a)); or

(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

(3) In this section, the term “employee” has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee if—

(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee’s services makes it essential to retain the employee; and

(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

(A) the Federal service; or

(B) for a different position in the Federal service under conditions described in regulations of the Office.

(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

(d)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

(2)(A) The agreement shall include—

(i) the length of the required service period;

(ii) the amount of the bonus;

(iii) the method of payment; and

(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

(ii) the effect of the termination.

(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

(e)(1) Except as provided in subsection (f), a retention bonus, which shall be stated as a percentage of the employee's basic pay for the service period associated with the bonus, may not exceed—

(A) 25 percent of the employee's basic pay if paid under subsection (b); or

(B) 10 percent of an employee's basic pay if paid under subsection (c).

(2)(A) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single lump sum at the end of the full period of service required by the agreement.

(B) An installment payment is derived by multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee.

(C) If the installment payment percentage established for the employee is less than the bonus percentage rate established for the employee, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

(D) For purposes of this paragraph, the bonus percentage rate established for an employee means the bonus percentage rate established for such employee in accordance with paragraph (1) or subsection (f), as the case may be.

(3) A retention bonus is not part of the basic pay of an employee for any purpose.

(f) Upon the request of the head of an agency, the Office may waive the limit established under subsection (e)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

(g) The Office shall require that, before paying any bonuses under this section, an agency shall establish a plan for the payment of any such bonuses, subject to regulations prescribed by the Office.

(h) The Office may prescribe regulations to carry out this section.

(Added Pub. L. 108-411, title I, §101(a)(1), Oct. 30, 2004, 118 Stat. 2307.)

PRIOR PROVISIONS

A prior section 5754, added Pub. L. 101-509, title V, § 529 [title II, §208(a)], Nov. 5, 1990, 104 Stat. 1427, 1459, which related to retention allowances, was repealed by Pub. L. 108-411, title I, §101(a)(1), Oct. 30, 2004, 118 Stat. 2305.

EFFECTIVE DATE

Section effective on the first day of the first applicable pay period beginning on or after the 180th day after Oct. 30, 2004, with exception for payment of certain retention allowances, see section 101(d) of Pub. L. 108-411, set out as a note under section 5753 of this title.

§ 5755. Supervisory differentials

(a)(1) The Office of Personnel Management may authorize the head of an agency to pay a differential to an employee under the General Schedule who has supervisory responsibility for 1 or more employees not under the General

Schedule, if 1 or more of the subordinate employees would, in the absence of such a differential, be paid more than the supervisory employee.

(2) For the purposes of comparing the pay of a supervisory employee under the General Schedule with the pay of a subordinate employee not under the General Schedule, comparability payments under section 5304, differentials, and allowances that are not a part of basic pay may be taken into consideration, as provided by regulations of the Office.

(b)(1) A supervisory differential, which shall be stated as a percentage of the supervisory employee's rate of basic pay (excluding any comparability payments under section 5304) or as a dollar amount, may not cause the supervisory employee's pay to exceed the pay of the highest paid subordinate employee by more than 3 percent.

(2) A supervisory differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a supervisory differential may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

(3) A supervisory differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

(c) For the purpose of this section—

(1) the terms "agency" and "employee" have the meanings given them by section 5102; and

(2) any reference to "an employee under the General Schedule" shall be considered to be a reference to any employee holding a position to which subchapter III of chapter 53 applies.

(d) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

(Added Pub. L. 101-509, title V, § 529 [title II, §211(a)], Nov. 5, 1990, 104 Stat. 1427, 1461.)

EFFECTIVE DATE

Section effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as an Effective Date of 1990 Amendment note under section 5301 of this title.

§ 5756. Home marketing incentive payment

(a) Under regulations prescribed under subsection (b), an agency may pay to an employee who transfers in the interest of the Government an amount to encourage the employee to aggressively market the employee's residence at the official station from which transferred when—

(1) the residence is entered into a relocation services program established under a contract in accordance with section 5724c of this title to arrange for the purchase of the residence;

(2) the employee finds a buyer who completes the purchase of the residence through the program; and

(3) the sale of the residence results in a reduced cost to the Government.

(b)(1) The Administrator of General Services shall prescribe regulations to carry out this section.

(2) The regulations shall include a limitation on the maximum amount payable with respect to an employee's residence. The Administrator shall establish the limitation in consultation with the Director of the Office of Management and Budget. For fiscal years 1997 and 1998, the maximum amount shall be the amount equal to five percent of the sale price of the residence.

(Added Pub. L. 104-201, div. A, title XVII, § 1717, Sept. 23, 1996, 110 Stat. 2757.)

EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

§ 5757.¹ Payment of expenses to obtain professional credentials

(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

(2) examinations to obtain such credentials.

(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position.

(Added Pub. L. 107-107, div. A, title XI, § 1112(a), Dec. 28, 2001, 115 Stat. 1238.)

§ 5757.¹ Extended assignment incentive

(a) The head of an Executive agency may pay an extended assignment incentive to an employee if—

(1) the employee has completed at least 2 years of continuous service in 1 or more civil service positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands;

(2) the agency determines that replacing the employee with another employee possessing the required qualifications and experience would be difficult; and

(3) the agency determines it is in the best interest of the Government to encourage the employee to complete a specified additional period of employment with the agency in the territory or possession, the Commonwealth of Puerto Rico or Commonwealth of the Northern Mariana Islands, except that the total amount of service performed in a particular territory, commonwealth, or possession under 1 or more agreements established under this section may not exceed 5 years.

(b) The sum of extended assignment incentive payments for a service period may not exceed the greater of—

(1) an amount equal to 25 percent of the annual rate of basic pay of the employee at the beginning of the service period, times the number of years in the service period; or

(2) \$15,000 per year in the service period.

(c)(1) Payment of an extended assignment incentive shall be contingent upon the employee entering into a written agreement with the agency specifying the period of service and other terms and conditions under which the extended assignment incentive is payable.

(2) The agreement shall set forth the method of payment, including any use of an initial lump-sum payment, installment payments, or a final lump-sum payment upon completion of the entire period of service.

(3) The agreement shall describe the conditions under which the extended assignment incentive may be canceled prior to the completion of agreed-upon service period and the effect of the cancellation. The agreement shall require that if, at the time of cancellation of the incentive, the employee has received incentive payments which exceed the amount which bears the same relationship to the total amount to be paid under the agreement as the completed service period bears to the agreed-upon service period, the employee shall repay that excess amount, at a minimum, except that an employee who is involuntarily reassigned to a position stationed outside the territory, commonwealth, or possession or involuntarily separated (not for cause on charges of misconduct, delinquency, or inefficiency) may not be required to repay any excess amounts.

(d) An agency may not put an extended assignment incentive into effect during a period in which the employee is fulfilling a recruitment or relocation bonus service agreement under section 5753 or for which an employee is receiving a retention allowance under section 5754.

(e) Extended assignment incentive payments may not be considered part of the basic pay of an employee.

(f) The Office of Personnel Management may prescribe regulations for the administration of this section, including regulations on an employee's entitlement to retain or receive incentive payments when an agreement is canceled. Neither this section nor implementing regulations may impair any agency's independent authority to administratively determine compensation for a class of its employees.

(Added Pub. L. 107-273, div. A, title II, § 207(a)(1), Nov. 2, 2002, 116 Stat. 1779.)

EFFECTIVE DATE

Section effective on the first day of the first applicable pay period beginning on or after 6 months after Nov. 2, 2002, see section 207(c) of Pub. L. 107-273, set out as an Effective Date of 2002 Amendment note under section 5307 of this title.

REPORT

Pub. L. 107-273, div. A, title II, § 207(d), Nov. 2, 2002, 116 Stat. 1780, provided that: "No later than 3 years after the effective date of this section [see Effective Date note above], the Office of Personnel Management, after consultation with affected agencies, shall submit a report to Congress assessing the effectiveness of the extended assignment incentive authority as a human re-

¹ Another section 5757 is set out after this section.

¹ Another section 5757 is set out preceding this section.

sources management tool and making recommendations for any changes necessary to improve the effectiveness of the incentive authority. Each agency shall maintain such records and report such information, including the number and size of incentive offers made and accepted or declined by geographic location and occupation, in such format and at such times as the Office of Personnel Management may prescribe, for use in preparing the report.”

§ 5759.¹ Retention and relocation bonuses for the Federal Bureau of Investigation

(a) **AUTHORITY.**—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee’s services makes it essential to retain the employee; and

(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

- (i) the Federal service; or
- (ii) for a different position in the Federal service; or

(2) the individual is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills (as determined by the Director of the Federal Bureau of Investigation).

(b) **SERVICE AGREEMENT.**—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

(1) the period of service the individual shall be required to complete in return for the bonus; and

(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.

(c) **LIMITATION ON AUTHORITY.**—A bonus paid under this section may not exceed 50 percent of the employee’s annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.

(d) **IMPACT ON BASIC PAY.**—A bonus paid under this section is not part of the basic pay of an employee for any purpose.

(Added Pub. L. 108-447, div. B, title I, §113(a), Dec. 8, 2004, 118 Stat. 2868; amended Pub. L. 111-117, div. B, title II, §217, Dec. 16, 2009, 123 Stat. 3141; Pub. L. 111-259, title IV, §443, Oct. 7, 2010, 124 Stat. 2733.)

AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111-259, §443(1), substituted “is subject to a mobility agreement and is

transferred to a position in a different geographical area in which there is a shortage of critical skills” for “is transferred to a different geographic area with a higher cost of living”.

Subsec. (b)(2). Pub. L. 111-259, §443(2), substituted “, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.” for the period.

Subsec. (c). Pub. L. 111-259, §443(3), substituted “annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.” for “basic pay.”

Subsec. (d). Pub. L. 111-259, §443(4), substituted “bonus paid under this section” for “retention bonus”.

2009—Subsec. (e). Pub. L. 111-117 struck out subsec. (e). Text read as follows: “The authority to grant bonuses under this section shall cease to be available after December 31, 2009.”

§ 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive

(a) **ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.**—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and

(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

(3) If no family member of an employee described in subsection (b) is able to travel to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

(b) **COVERED EMPLOYEES.**—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

(1) was held captive, as determined by the head of an agency concerned; and

(2) 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 title 37.

(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 employee is located.

(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of

¹ So in original. No section 5758 has been enacted.

the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 474(d) of title 37.

(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 481h(d)(1) of title 37.

(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.

(Added Pub. L. 109–163, div. A, title XI, §1121(a), Jan. 6, 2006, 119 Stat. 3451; amended Pub. L. 112–81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465.)

CODIFICATION

In subsecs. (c) and (d)(2), (3), “481h(b)”, “474(d)”, and “481h(d)(1)” substituted for “411h(b)”, “404(d)”, and “411h(d)(1)”, respectively, pursuant to section 631(f)(4)(B) of Pub. L. 112–81, which provided that any reference in a provision of law other than a section of title 10, 32, or 37, United States Code, to a section of title 37 that was transferred and redesignated by “subsection (c)” of section 631 was deemed to refer to the section as so redesignated, notwithstanding that sections of title 37 were transferred and redesignated by subsection (d) of section 631 rather than subsection (c), to reflect the probable intent of Congress.

AMENDMENTS

2011—Subsecs. (c), (d)(2), (3). Pub. L. 112–81 substituted “481h(b)” for “411h(b)” in subsec. (c), “474(d)” for “404(d)” in subsec. (d)(2), and “481h(d)(1)” for “411h(d)(1)” in subsec. (d)(3). See Codification note above.

§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.

(Added Pub. L. 111–117, div. B, title II, §219(a), Dec. 16, 2009, 123 Stat. 3141.)

CHAPTER 59—ALLOWANCES

SUBCHAPTER I—UNIFORMS

Sec.	
5901.	Uniform allowances.
5902.	Increase in maximum uniform allowance.
5903.	Regulations.

SUBCHAPTER II—QUARTERS

5911.	Quarters and facilities; employees in the United States.
5912.	Quarters in Government owned or rented buildings; employees in foreign countries.
5913.	Official residence expenses.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

5921.	Definitions.
5922.	General provisions.
5923.	Quarters allowances.
5924.	Cost-of-living allowances.
5925.	Post differentials.
5926.	Compensatory time off at certain posts in foreign areas.

Sec.	
5927.	Advances of pay.
5928.	Danger pay allowance.

SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

5941.	Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.
5942.	Allowance based on duty at remote worksites.
5942a.	Separate maintenance allowance for duty at Johnston Island.
5943.	Foreign currency appreciation allowances.
[5944.	Repealed.]
5945.	Notary public commission expenses.
5946.	Membership fees; expenses of attendance at meetings; limitations.
5947.	Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations.
5948.	Physicians comparability allowances.
5949.	Hostile fire pay.

AMENDMENTS

2001—Pub. L. 107–107, div. A, title XI, §1111(b), Dec. 28, 2001, 115 Stat. 1238, added item 5949.

1991—Pub. L. 102–190, div. A, title X, §1092(a)(2), Dec. 5, 1991, 105 Stat. 1487, added item 5942a.

1983—Pub. L. 98–164, title I, §127(b)(2), Nov. 22, 1983, 97 Stat. 1027, struck out item 5944 “Illness and burial expenses; native employees in foreign countries”.

1980—Pub. L. 96–465, title II, §§2310(b), 2311(b), Oct. 17, 1980, 94 Stat. 2166, added items 5927 and 5928.

1978—Pub. L. 95–603, §2(b), Nov. 6, 1978, 92 Stat. 3020, added item 5948.

Pub. L. 95–426, title IV, §411(b), Oct. 7, 1978, 92 Stat. 981, added item 5926.

1971—Pub. L. 91–656, §§6(c), 7(b), Jan. 8, 1971, 84 Stat. 1954, substituted “duty at remote worksites” for “duty on California offshore islands or at Nevada Test Site” in item 5942 and added item 5947.

1967—Pub. L. 90–83, §1(40)(B), (42), Sept. 11, 1967, 81 Stat. 206, 207, added items 5902 and 5903, and inserted “or at Nevada Test Site” in item 5942.

SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, such sums as may be necessary to carry out this subchapter. The head of the agency concerned, out of funds made available by the appropriation, shall—

(1) furnish to each of these employees a uniform at a cost not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902); or

(2) pay to each of these employees an allowance for a uniform not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under section 5903 of this title. When the agency pays direct to the uniform vendor, the head of the agency may deduct a service charge of not more than 4 percent.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized