

(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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title XVII, § 1725(a), Sept. 23, 1996, 110 Stat. 2760, 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

Pub. L. 104-201, div. A, title XVII, § 1725(b), Sept. 23, 1996, 110 Stat. 2760, 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

Pub. L. 104-201, div. A, title XVII, § 1724, Sept. 23, 1996, 110 Stat. 2759, 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.

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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 agency 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.