

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.

(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

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	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

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5724(a)(2) ...	5 App.: 73b-1(a).	July 21, 1966, Pub. L. 89-516, §1(a), 80 Stat. 323.
5724(c)	5 App.: 73b-1(b).	July 21, 1966, Pub. L. 89-516, §1(b), 80 Stat. 323.
5724(e)	5 App.: 73b-4d.	July 21, 1966, Pub. L. 89-516, §2 "Sec. 26", 80 Stat. 324.
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.”

Editorial Notes

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 5724a(a) through (f)” for “section 5724a(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 5724a(a), (b)” for “section 5724(a), (b)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. C, title XXXV, §3550(c)(3), Nov. 18, 1997, 111 Stat. 2074, 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

Pub. L. 103-338, §3(b), Oct. 6, 1994, 108 Stat. 3114, 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).”

Pub. L. 103-338, §5(a), Oct. 6, 1994, 108 Stat. 3115, 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

Pub. L. 98-151, §118(c), Nov. 14, 1983, 97 Stat. 979, 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

Pub. L. 103-338, §5(b), Oct. 6, 1994, 108 Stat. 3115, 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

Pub. L. 100-440, title VI, §629(b), Sept. 22, 1988, 102 Stat. 1759, 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

Pub. L. 98-151, §118(b), Nov. 14, 1983, 97 Stat. 979, 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 sta-