

member of the uniformed services who is assigned to permanent duty aboard a ship that is under construction at a location other than—

- (A) the designated home port of the ship; or
- (B) the area where the dependents of the member are residing,

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

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

- (A) the date on which the ship enters the construction port; and
- (B) the date on which the member becomes permanently assigned to the ship.

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

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

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

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

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

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

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

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any ref-

erences to sections of this title which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

AMENDMENTS

2011—Pub. L. 112-81, §631(f)(4)(A), substituted “474” for “404” in concluding provisions of subsec. (a)(1) and in subsec. (b)(1) and “476” for “406” in subsec. (c). See Codification note above.

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

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

1991—Subsec. (b)(1). Pub. L. 102-190 substituted “the designated home port of the ship, or the area where the dependents of the member are residing,” for “the location that was the home port of the ship before commencement of construction”.

§ 477. Travel and transportation allowances: dislocation allowance

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

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

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

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

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

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

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

(D) A member who is without dependents and—

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

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

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

(F) A member whose dependents actually move from the member's place of residence in connection with the performance of orders for

the member to report to the member's first permanent duty station if the move—

- (i) is to the permanent duty station or a designated location; and
- (ii) is an authorized move.

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

- (i) is without dependents;
- (ii) actually moves with the member's spouse to a new permanent duty station; and
- (iii) is assigned to family quarters of the United States at or in the vicinity of the new duty station.

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

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

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

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

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

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

Defense shall adjust the rates for the dislocation allowance for that calendar year by the percentage equal to the average percentage increase in the rates of basic pay for that calendar year.

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

(A) the Secretary concerned finds that the exigencies of the service require the member to make more than one change of permanent station during the fiscal year;

(B) the member is ordered to a service school as a change of permanent station;

(C) the member's dependents are covered by section 475a(a), 476(e), 476(h), or 484 of this title; or

(D) subparagraph (C) or (D)(ii) of subsection (a)(2) or subsection (b) apply with respect to the member or the member's dependents.

(2) This subsection does not apply in time of national emergency or in time of war.

(e) FIRST OR LAST DUTY.—A member is not entitled to payment of a dislocation allowance under this section when the member is ordered from the member's home to the member's first duty station (except as provided in subsection (a)(2)(F)) or from the member's last duty station to the member's home.

(f) PARTIAL DISLOCATION ALLOWANCE.—(1) Under regulations prescribed by the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of \$500.

(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title or another provision of law, the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection.

(g) RULE OF CONSTRUCTION.—For purposes of this section, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.

(h) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be paid in advance.

(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 474, §407; Pub. L. 89-26, §1(3), (4), May 22, 1965, 79 Stat. 117; Pub. L. 89-718, §60, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 90-207, §1(4), Dec. 16, 1967, 81 Stat. 651; Pub. L. 97-60, title I, §124, Oct. 14, 1981, 95 Stat. 1003; Pub. L. 99-145, title VI, §611(a), Nov. 8, 1985, 99 Stat. 639; Pub. L. 99-661, div. A, title VI, §619(a), Nov. 14, 1986, 100 Stat. 3881; Pub. L. 100-180, div. A, title VI, §613, Dec. 4, 1987, 101

Stat. 1093; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VI, §624, Feb. 10, 1996, 110 Stat. 363; Pub. L. 104-201, div. A, title VI, §622(a), Sept. 23, 1996, 110 Stat. 2548; Pub. L. 105-85, div. A, title VI, §632(a), Nov. 18, 1997, 111 Stat. 1795; Pub. L. 106-398, §1 [[div. A], title VI, §644], Oct. 30, 2000, 114 Stat. 1654, 1654A-161; Pub. L. 107-107, div. A, title VI, §§635(a), (b), 636(a), Dec. 28, 2001, 115 Stat. 1144, 1145; renumbered §477 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(10), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
407(a)	37:253(c) (4th sentence).	Oct. 12, 1949, ch. 681, §303(c) (4th through 8th sentences); added
407(b)	37:253(c) (5th, 6th, and 7th sentences).	Mar. 31, 1955, ch. 20, §2(12), 69 Stat. 21.
407(c)	37:253(c) (8th sentence).	

In subsection (a), the words “Except as provided in subsections (b) and (c) of this section” and “for one month” are inserted for clarity. The words “make an authorized move” are substituted for the words “are authorized to move and actually move”.

In subsection (b), the words “is not entitled to . . . more than one” are substituted for the words “shall be entitled . . . for not more than one”. The words “the payment of” and “for not more than one permanent change of station” are omitted as surplusage. Clauses (1) and (2) are substituted for the last 29 words of the 5th and 6th sentences of section 253(c) of existing title 37.

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of this title which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

AMENDMENTS

2011—Pub. L. 112-81, §631(f)(4)(A), substituted, wherever appearing, “475a” for “405a”, “476” for “406”, “476a” for “406a”, and “484” for “554”. See Codification note above.

Pub. L. 112-81, §631(d)(2), renumbered section 407 of this title as this section.

Subsec. (i). Pub. L. 112-81, §631(e)(10), added subsec. (i).

2001—Subsec. (a)(2)(F), (G). Pub. L. 107-107, §635(a)(1), added subpars. (F) and (G).

Subsec. (a)(4). Pub. L. 107-107, §635(a)(2), added par. (4).

Subsec. (e). Pub. L. 107-107, §635(b), inserted “(except as provided in subsection (a)(2)(F))” after “first duty station”.

Subsecs. (f) to (h). Pub. L. 107-107, §636(a), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

2000—Subsec. (c)(1). Pub. L. 106-398 inserted before period at end “, except that the Secretary concerned may not differentiate between members with dependents in pay grades E-1 through E-5”.

1997—Pub. L. 105-85 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to dislocation allowances for members of the uniformed services.

1996—Subsec. (a). Pub. L. 104-201 substituted “two and one-half months” for “two months” in introductory provisions.

Pub. L. 104-106, §624(b)(1), in concluding provisions, substituted “paragraph (3) or (4)(B)” for “clause (3) or (4)(B)” and “paragraph (1) or (5)” for “clause (1)”.

Subsec. (a)(5). Pub. L. 104-106, §624(a), added par. (5).
 Subsec. (b). Pub. L. 104-106, §624(b)(2), substituted “paragraph (3) or (4)(B) of subsection (a)” for “subsection (a)(3) or (a)(4)(B)” and “paragraph (1) or (5) of subsection (a)” for “subsection (a)(1)”.

1991—Pub. L. 102-25 struck out “of this section” wherever appearing in subsecs. (a) to (c).

1987—Subsec. (f). Pub. L. 100-180 added subsec. (f).

1986—Pub. L. 99-661 amended section generally. Prior to amendment, section read as follows:

“(a) Except as provided by subsections (b) and (c) of this section, under regulations prescribed by the Secretary concerned, a member of a uniformed service—

“(1) whose dependents make an authorized move in connection with his change of permanent station;

“(2) whose dependents are covered by section 405a(a) of this title; or

“(3) without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States;

is entitled to a dislocation allowance equal to his basic allowance for quarters for two months as provided for a member of his pay grade and dependency status in section 403 of this title. For the purposes of this subsection, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents. An allowance payable under this section may be paid in advance.

“(b) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

“(1) the Secretary concerned finds that the exigencies of the service require the member to make more than one such change of station during that fiscal year;

“(2) the member is ordered to a service school as a change of permanent station; or

“(3) the member’s dependents are covered by section 405a(a) of this title.

This subsection does not apply in time of national emergency declared after April 1, 1955, or in time of war.

“(c) A member is not entitled to payment of a dislocation allowance when ordered from his home to his first duty station or from his last duty station to his home.”

1985—Subsec. (a). Pub. L. 99-145 substituted “two months” for “one month” in first sentence.

1981—Subsec. (a). Pub. L. 97-60 inserted sentence in provision following cl. (3) authorizing the payment in advance of an allowance payable under this section.

1967—Subsec. (a). Pub. L. 90-207 authorized a dislocation allowance for a member of a uniformed service without dependents who is transferred to a permanent station where he is not assigned to quarters of the United States and for dislocation allowance purposes deemed a member whose dependents may not make an authorized move in connection with a change of permanent station to be a member without dependents.

1966—Subsecs. (a), (b)(2). Pub. L. 89-718 substituted “change of permanent station” for “permanent change of station”.

1965—Subsec. (a). Pub. L. 89-26, §1(3), authorized a dislocation allowance for a member of the uniformed service whose dependents are covered by section 405a(a) of this title.

Subsec. (b)(3). Pub. L. 89-26, §1(4), added cl. (3).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §635(c), Dec. 28, 2001, 115 Stat. 1145, provided that: “The amendments made by this section [amending this section] shall apply with respect to an order issued on or after January 1, 2002, in connection with a change of permanent station or for a member of the uniformed services to report to the member’s first permanent duty station.”

Pub. L. 107-107, div. A, title VI, §636(b), Dec. 28, 2001, 115 Stat. 1145, as amended by Pub. L. 112-81, div. A, title

VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465, provided that: “Subsection (f) [of section 477] of title 37, United States Code, as added by subsection (a)(2), shall apply with respect to an order to move for a member of a uniformed service that is issued on or after the date of the enactment of this Act [Dec. 28, 2001].”

[Amendment by Pub. L. 112-81 to section 636(b) of Pub. L. 107-107, set out above, was executed to reflect the probable intent of Congress, notwithstanding an error in the directory language.]

EFFECTIVE DATE OF 1997 AMENDMENT

Section 632(b) of Pub. L. 105-85 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1998.”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 622(b) of Pub. L. 104-201 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1997.”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 619(b) of Pub. L. 99-661 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 14, 1986] and shall apply only to moves which commence on or after that date.”

EFFECTIVE DATE OF 1985 AMENDMENT

Section 611(b) of Pub. L. 99-145 provided that: “The amendment made by this section [amending this section] shall apply to moves begun after September 30, 1985.”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-26 effective Feb. 1, 1965, see section 2 of Pub. L. 89-26, as amended, set out as an Effective Date note under section 475a of this title.

§ 478. Travel and transportation allowances: travel within limits of duty station

(a) A member of a uniformed service may be directed, by regulations of the head of the department or agency in which he is serving, to procure transportation necessary for conducting official business of the United States within the limits of his station. Expenses so incurred by the member for train, bus, streetcar, taxicab, ferry, bridge, and similar fares and tolls, or for the use of privately owned vehicles at a fixed rate a mile plus parking fees, shall be defrayed by the department or agency under which he is serving, or the member is entitled to be reimbursed for the expense.

(b)(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who performs emergency duty described in paragraph (2) is entitled to travel and transportation allowances under section 474 of this title for that duty.

(2) The emergency duty referred to in paragraph (1) is duty that—

(A) is performed by a member under emergency circumstances that threaten injury to property of the Federal Government or human life;

(B) is performed at a location within the limits of the member's station (other than at

the residence or normal duty location of the member);

(C) is performed pursuant to the direction of competent authority; and

(D) requires the member's use of overnight accommodations.

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

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 475, §408; Pub. L. 99-145, title VI, §619(a), Nov. 8, 1985, 99 Stat. 642; Pub. L. 100-26, §8(d)(6), Apr. 21, 1987, 101 Stat. 285; Pub. L. 102-190, div. A, title VI, §623, Dec. 5, 1991, 105 Stat. 1379; renumbered §478 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(11), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
408	40:491(m).	June 30, 1949, ch. 288, §211(m); added Sept. 1, 1954, ch. 1211, §2 (13th par.), 68 Stat. 1126.

The words “(as defined in the Career Compensation Act of 1949, as amended)” and “so directed” are omitted as surplusage. The words “official business of the United States” are substituted for the words “official Government business”.

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of this title which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

AMENDMENTS

2011—Pub. L. 112-81, §631(d)(2), renumbered section 408 of this title as this section.

Subsec. (b)(1). Pub. L. 112-81, §631(f)(4)(A), substituted “474” for “404”. See Codification note above.

Subsec. (c). Pub. L. 112-81, §631(e)(11), added subsec. (c).

1991—Pub. L. 102-190 designated existing provisions as subsec. (a) and added subsec. (b).

1987—Pub. L. 100-26 substituted “privately owned” for “privately-owned”.

1985—Pub. L. 99-145 inserted “plus parking fees” after “fixed rate a mile”.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 619(b) of Pub. L. 99-145 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to parking fees incurred after September 30, 1985.”

§ 478a. Travel and transportation allowances: inactive duty training outside of normal commuting distances

(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse an eligible member of the Selected Reserve of the Ready Reserve for travel expenses for travel to an inactive duty training location to perform inactive duty training when the member is required to commute a distance from the member's permanent resi-