

head of the department concerned". In clause (3), the words "on request of the member" are substituted for "upon the person's application". The words "other person described in clause (2)" are substituted for "such . . . other person". The words "Secretary concerned, or his designee" are substituted for "head of the department concerned or by such person as he may designate".

In subsection (c), the words "a member described in subsection (b) of this section" are substituted for "the person". The words "transportation . . . authorized by this section" are substituted for "the movement . . . provided for herein". The words "provided . . . when" are substituted for "authorized . . . in cases where".

In subsection (d), the words "requested by a dependent may be authorized under . . . only" are substituted for "No . . . shall be authorized pursuant to . . . upon application by dependents unless". The words "condition and" are omitted as unnecessary.

In subsection (e), the words "In place . . . the Secretary concerned" are substituted for "In lieu . . . the head of the department concerned". In clause (1), the words "reimbursement for" are substituted for "the payment in money of amounts equal to". The words "in lieu of transportation", the second time they appear, are omitted as unnecessary. In clause (2), the words "at the prescribed rate" are substituted for "as authorized by law".

In subsection (f), the words "Secretary concerned" are substituted for "head of the department concerned". The words "a member described in subsection (b) of this section" are substituted for "the person". The words "such time as" are omitted as unnecessary.

In subsection (g), the words "Secretary concerned" are substituted for "head of the department concerned", in 50 App. U.S.C. 1012 (2nd and 4th sentences). The words "United States" are substituted for "Government"; and the words "a member described in subsection (b) of this section" are substituted for "the person", in 50 App. U.S.C. 1012 (2d sentence). The words "under . . . prescribed" are substituted for "in accordance with . . . issued", and the word "known" is substituted for "ascertainable", in 50 App. U.S.C. 1012 (4th sentence).

In subsection (h), the words "under subsection (g) of this section" are substituted for "under the authority of this section", in 50 App. U.S.C. 1012 (5th sentence).

In subsection (i), the words "the provisions of" are omitted as unnecessary. Clause (3) is substituted for "the Federal Tort Claims Act (60 Stat. 842-847), as amended," to reflect the correct citation of that Act.

#### AMENDMENTS

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

2011—Pub. L. 112-81, §631(d)(2), renumbered section 554 of this title as this section.

Subsec. (a). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted "479" for "409" in introductory provisions.

Subsec. (k). Pub. L. 112-81, §631(e)(26), added subsec. (k).

2002—Subsec. (a). Pub. L. 107-314, §622(a), substituted "two privately owned motor vehicles" for "one privately owned motor vehicle" in introductory and concluding provisions.

Subsec. (i). Pub. L. 107-314, §622(b), inserted at end "In a case in which two motor vehicles of a member (or the dependent or dependents of a member) are transported at the expense of the United States, no reimbursement is payable under this subsection unless both motor vehicles do not arrive at the authorized destination of the vehicles by the designated delivery date."

1998—Subsecs. (i), (j). Pub. L. 105-261 added subsec. (i) and redesignated former subsec. (i) as (j).

1996—Subsec. (h). Pub. L. 104-316 substituted "Secretary of Defense" for "General Accounting Office" wherever appearing.

1991—Subsec. (a). Pub. L. 102-25, §702(b)(2), struck out "of this subsection" after "clause (2) or (3)".

Subsecs. (c), (f) to (h). Pub. L. 102-25, §702(b)(1), struck out "of this section" after "subsection (b)" in subsecs. (c), (f), (g), and (h) and after "subsection (g)" in subsec. (h).

Subsec. (i)(1). Pub. L. 102-190 substituted "6522, or 9712" for "4713, 6522, 9712, or 9713".

1974—Subsec. (b). Pub. L. 93-548, §3(1)(A), inserted "ill," after "injured."

Subsec. (b)(3). Pub. L. 93-548, §3(1)(B), inserted "or ill" after "injured".

Subsec. (c). Pub. L. 93-548, §3(2), inserted "or ill" before "status".

1972—Pub. L. 92-477, §1(1), inserted "trailers; additional movements;" after "household and personal effects;" in section catchline.

Subsec. (a). Pub. L. 92-477, §1(2), authorized at Government expense without cost limitation and under prescribed regulations the transportation of house trailers or mobile dwellings, including a privately owned motor vehicle, in place of household and personal effects of members in a missing status.

Subsec. (b). Pub. L. 92-477, §1(3), authorized additional movements of and transportation for dependents and household and personal effects, or dependents and house trailer or mobile dwelling of members in a missing status for more than one year.

1968—Subsec. (b). Pub. L. 90-623 substituted "29" for "twenty-nine".

Pub. L. 90-236 inserted provision authorizing non-temporary storage of household and personal effects of a member who is officially reported as absent for a period of more than 29 days in a missing status.

1967—Subsec. (a). Pub. L. 90-83 struck out "when it is located outside the United States, or in Alaska or Hawaii" after "shipped at United States expense".

#### EFFECTIVE DATE OF 2013 AMENDMENT

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

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title VI, §622(c), Dec. 2, 2002, 116 Stat. 2571, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to members whose eligibility for benefits under section 484 of title 37, United States Code, commences on or after the date of the enactment of this Act [Dec. 2, 2002]."

#### EFFECTIVE DATE OF 1998 AMENDMENT

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

#### EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-548, §4, Dec. 26, 1974, 88 Stat. 1743, provided that: "The amendments made by section 3 of this Act [amending this section] shall apply with respect to members of the uniformed services incapacitated by illness on or after January 1, 1974."

#### EFFECTIVE DATE OF 1968 AMENDMENT

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

### § 488. Allowance for recruiting expenses

(a) AUTHORITY.—In addition to other pay or allowances authorized by law, and under uniform

regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.

(b) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.

(Added Pub. L. 92-129, title II, §205(a), Sept. 28, 1971, 85 Stat. 359, §428; renumbered §488 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(27), Dec. 31, 2011, 125 Stat. 1460, 1464.)

#### AMENDMENTS

2011—Pub. L. 112-81, §631(e)(27), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 112-81, §631(d)(2), renumbered section 428 of this title as this section.

#### EFFECTIVE DATE

Section effective Oct. 1, 1971, see section 209 of Pub. L. 92-129, set out as a note under section 302a of this title.

#### PAY CONTINUATION

Enactment of this section not to reduce the pay to which any member of the uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92-129, set out as a note under section 203 of this title.

### § 489. Travel and transportation allowances: minor dependent schooling

(a) **AUTHORITY.**—Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service whose permanent station is outside the United States may be allowed transportation in kind for any minor dependent (or reimbursement therefor), or a monetary allowance in place of such transportation in kind, to a school operated by the Department of Defense under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) for dependents in an overseas area which is operated, and which such dependent attends, on a 5-day-a-week dormitory basis or on a 7-day-a-week dormitory basis. In the case of a dependent attending a school on a 5-day-a-week dormitory basis, the transportation in kind or allowance authorized by this section shall be for weekly trips to and from such school, and in the case of a dependent attending a school on a 7-day-a-week dormitory basis, such transportation in kind or allowances shall be for not less than three trips to and from such school during the school year.

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

(Added Pub. L. 95-561, title XIV, §1407(e)(1)(A), formerly §1407(c)(1)(A), Nov. 1, 1978, 92 Stat. 2367, renumbered §1407(d)(1)(A), Pub. L. 101-510, div. A, title V, §504(a)(1), Nov. 5, 1990, 104 Stat. 1559, renumbered §1407(e)(1)(A), Pub. L. 107-107, div. A, title III, §353(1), Dec. 28, 2001, 115 Stat. 1063, §429; amended Pub. L. 99-145, title XIII, §1303(b)(10), Nov. 8, 1985, 99 Stat. 741; renumbered §489 and amended Pub. L. 112-81, div. A, title VI,

§631(d)(2), (e)(28), Dec. 31, 2011, 125 Stat. 1460, 1464; Pub. L. 112-239, div. A, title X, §1076(a)(6), Jan. 2, 2013, 126 Stat. 1948.)

#### REFERENCES IN TEXT

The Defense Dependents' Education Act of 1978, referred to in subsec. (a), is Pub. L. 95-561, title XIV, Nov. 1, 1978, 92 Stat. 2365, which is classified principally to chapter 25A (§921 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 921 of Title 20 and Tables.

#### AMENDMENTS

2013—Pub. L. 112-239, §1076(a)(6), made technical amendment to directory language of Pub. L. 112-81, §631(e)(28). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(e)(28), as amended by Pub. L. 112-239, §1076(a)(6), inserted subsec. (a) designation and heading before "Under regulations" and added subsec. (b).

Pub. L. 112-81, §631(d)(2), renumbered section 429 of this title as this section.

1985—Pub. L. 99-145 inserted "(20 U.S.C. 921 et seq.)".

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(6) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

#### EFFECTIVE DATE

Section effective Oct. 1, 1978, and no provision to be construed in impair or to prevent the taking of effect of any other Act providing for the transfer of the described functions to an executive department having responsibility for education, see section 1415 of Pub. L. 95-561, set out as a note under section 921 of Title 20, Education.

#### TRANSFER OF FUNCTIONS

All functions of the Secretary of Defense and the Department of Defense under this section, with the exception of functions relating to operation of overseas institutions of higher education, were transferred to the Secretary of Education by section 3442(a) and (d) of Title 20, Education.

#### DEPENDENT STUDENT TRAVEL WITHIN UNITED STATES

For availability of Department of Defense funds for travel and transportation of dependent students of members of the Armed Forces stationed overseas for transportation allowances for travel within or between the contiguous States, see section 808 of Pub. L. 99-145, set out as a note under section 133 of Title 10, Armed Forces.

#### AUTHORITY UNDER THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT AVAILABLE TO SECRETARY OF EDUCATION

The authority of the Secretary of Defense and the Secretaries of the military departments under the Defense Department Overseas Teachers Pay and Personnel Practices Act, section 901 et seq. of Title 20, Education, made available to the Secretary of Education with respect to all functions transferred from the Secretary of Defense and Department of Defense under this section by section 3442(b) of Title 20, Education.

### § 490. Travel and transportation: dependent children of members stationed overseas

(a) **AVAILABILITY OF ALLOWANCE.**—(1) Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid the allowance set forth in subsection (b) if the member—