

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

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
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 codification 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.<sup>1</sup>

(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

<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.
(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.

REFERENCES IN TEXT

Section 403e of title 50, referred to in subsec. (f)(2), was editorially reclassified to section 3505 of Title 50, War and National Defense.

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.

<sup>1</sup> See References in Text note below.

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, 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 with-