

Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### 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(e)(7), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 112-81, §631(d)(2), renumbered section 406a 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 “474” for “404”, “476” for “406”, and “479” for “409” in introductory provisions.

#### 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; LIMITATIONS

Pub. L. 88-238, §2, Dec. 23, 1963, 77 Stat. 476, provided that: “This Act [enacting this section] becomes effective on October 1, 1949. Any member or former member of the uniformed services who, after September 30, 1949, but before the date of enactment of this Act [Dec. 23, 1963], has not been paid, or has repaid the United States, an amount to which he otherwise would have been entitled had section 1 of this Act [enacting this section] been in effect during that period is entitled to be paid or repaid that amount, if the payment or repayment is otherwise proper and he applies for the payment or repayment within one year after the date of enactment of this Act.”

#### APPROPRIATIONS

Pub. L. 88-238, §3, Dec. 23, 1963, 77 Stat. 476, provided that: “Any appropriations available to the departments concerned for the pay and allowances of members of the uniformed services are available for payments under this Act [enacting this section].”

#### § 476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating

(a) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is on permanent duty aboard a ship which is being overhauled or inactivated away from its home port and whose dependents are residing at the home port of the ship is entitled to transportation, transportation in kind, reimbursement for personally procured transportation, or an allowance for transportation as provided in section 474(d)(3) of this title for round-trip travel from the port of overhaul or inactivation to the home port on or after after the thirty-first calendar day, and every sixtieth calendar day after the thirty-first calendar day after the date on which the ship enters the overhaul or inactivation port or after the date on which the member becomes permanently attached to the ship, whichever date is later. However, in no event shall the amount of reimbursement for personally procured transportation or allowance for transportation exceed the cost of Government-procured commercial round-trip air travel.

(b) Transportation in kind, reimbursement for personally procured transportation, or a mone-

tary allowance in place of the cost of transportation as provided in section 474(d)(1) of this title may be provided, in lieu of the member's entitlement to transportation, for the member's dependents from the location that was the home port of the ship before commencement of overhaul or inactivation to the port of overhaul or inactivation. The total reimbursement for transportation for the member's dependents may not exceed the cost of Government-procured commercial round-trip travel.

(c) In any case in which a member of the uniformed services is assigned to permanent duty aboard a ship that undergoes a change of home port to the overhaul or inactivation port, the dependents of the member may be provided transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 476 of this title and section 2634<sup>1</sup> of title 10.

(d) Section 421 of this title does not apply with respect to transportation or allowances provided under this section.

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

(Added Pub. L. 91-210, §1(1), Mar. 13, 1970, 84 Stat. 53, §406b; amended Pub. L. 93-170, Nov. 29, 1973, 87 Stat. 689; Pub. L. 96-513, title V, §516(11), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 97-22, §11(b)(3)(A), July 10, 1981, 95 Stat. 138; Pub. L. 99-145, title VI, §616(a), (c)(1), Nov. 8, 1985, 99 Stat. 641; Pub. L. 100-26, §8(d)(7), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title XII, §1233(a)(3), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 101-189, div. A, title VI, §624(b), Nov. 29, 1989, 103 Stat. 1448; Pub. L. 102-484, div. A, title X, §1054(a)(5), Oct. 23, 1992, 106 Stat. 2502; renumbered §476b and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(8), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1462, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

#### REFERENCES IN TEXT

Section 2634 of title 10, referred to in subsec. (c), was repealed by Pub. L. 113-66, div. A, title VI, §621(g)(1), Dec. 26, 2013, 127 Stat. 784.

#### AMENDMENTS

2013—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(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404” in subsections (a) and (b) and “476” for “406” in subsec. (c).

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

Subsec. (e). Pub. L. 112-81, §631(e)(8), added subsec. (e).

1992—Subsec. (d). Pub. L. 102-484 substituted “Section 421” for “Section 420”.

1989—Subsec. (c). Pub. L. 101-189 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “A member of the uniformed services on permanent duty aboard a ship which undergoes a change of home port to the overhaul or inactivation port and the member's dependents may be provided the transportation allowances prescribed in subsections (a) and (b) of this section in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.”

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

1987—Subsecs. (a), (b). Pub. L. 100-26, as amended by Pub. L. 100-180, substituted “round-trip” for “round trip” wherever appearing in subsec. (a) and “round-trip” for “roundtrip” in subsec. (b).

1985—Pub. L. 99-145, §616(c)(1), struck out “away from home port” in section catchline.

Subsecs. (a) to (d). Pub. L. 99-145, §616(a), designated existing provisions as subsec. (a), substituted “calendar day, and every sixtieth calendar day after the thirty-first calendar day” for “, ninety-first, and one hundred and fifty-first calendar day”, and added subsecs. (b) to (d).

1981—Pub. L. 97-22 substituted “uniformed services” for “Uniformed Services” in section catchline.

1980—Pub. L. 96-513 substituted “uniformed services” for “Uniformed Services”, “title” for “chapter”, and “later. However,” for “later: *Provided, however, That*”.

1973—Pub. L. 93-170 substituted “overhauling or inactivating” for “overhauling” in section catchline, and “overhauled or inactivated” and “overhaul or inactivation” for “overhauled” and “overhaul” respectively, wherever appearing in text.

#### 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 1987 AMENDMENT

Amendment by section 1233(a)(3) of Pub. L. 100-180 applicable as if included in the enactment of the Defense Technical Corrections Act of 1987, Pub. L. 100-26, see section 1233(c) of Pub. L. 100-180, set out as a note under section 101 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §616(b), Nov. 8, 1985, 99 Stat. 641, provided that: “The travel allowances authorized by the amendments made by this section [amending this section] are payable only for travel that commences after September 30, 1985, but may be paid for members assigned to vessels being overhauled or inactivated away from home port on the date of the enactment of this Act [Nov. 8, 1985].”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

### § 476c. Travel and transportation allowances: members assigned to a vessel under construction

(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretary concerned, a 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<sup>1</sup> 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; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

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Section 2634 of title 10, referred to in subsec. (c), was repealed by Pub. L. 113-66, div. A, title VI, §621(g)(1), Dec. 26, 2013, 127 Stat. 784.

#### AMENDMENTS

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2011—Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474” for “404” in concluding provisions of subsec. (a)(1) and in subsec. (b)(1) and “476” for “406” in subsec. (c).

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

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