

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.)

#### 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 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.

dependents of the member are residing,” for “the location that was the home port of the ship before commencement of construction”.

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.

**§ 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