

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-5.	June 4, 1954, ch. 264, § 4, 68 Stat. 176.
.....	22 U.S.C. 2504(h) (as applicable to 5 U.S.C. 73b-5).	Dec. 13, 1963, Pub. L. 88-200, § 2(e) (as applicable to the Act of June 4, 1954, ch. 264, § 4 (5 U.S.C. 73b-5)), 77 Stat. 360.

The word “personal” is added before the word “effects” for clarity and to preserve consistency throughout this subchapter. The words “employees of the United States . . . and members of the uniformed services” are substituted for “military personnel and civilian employees of departments and agencies of the Federal Government”. The words “a volunteer as defined by section 8142(a) of this title” are based on sections 2504(a), 2505, and 2507 (a) of title 22. The words “pursuant to law” are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## AMENDMENTS

1998—Pub. L. 105-264 substituted “Government” for “United States” in introductory provisions.

## EX. ORD. NO. 10614. PAYMENT OF GENERAL-AVERAGE CONTRIBUTIONS IN CONNECTION WITH TRANSPORTATION OF EFFECTS

Ex. Ord. No. 10614, May 25, 1955, 20 F.R. 3699, provided: SECTION 1. *Definitions.* As used in these regulations:

(a) The term “military personnel” means members and former and deceased members of the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804) [37 U.S.C. 101].

(b) The term “civilian employees” means civilian officers and employees of a department, including Foreign Service personnel, and former and deceased civilian officers and employees.

(c) The terms “military personnel” and “civilian employees” shall also include those individuals enumerated under the term “person” as defined in section 1 of the Missing Persons Act, as amended [now section 5561 of this title].

(d) The term “department” means an executive department, independent establishment, or other agency of the Federal Government, including wholly-owned or controlled Government corporations.

(e) The term “general-average contribution” means the contribution by all parties to a sea venture (1) to make good the loss sustained by any one of their number on account of voluntary sacrifices made of part of the ship or cargo to save the residue or the lives of those on board from impending peril, or (2) for extraordinary expenses necessarily incurred for the common benefit and safety of all.

(f) The term “household goods” means such baggage, household goods, and effects, including privately-owned automobiles and professional books, papers, and equipment, of military personnel and civilian employees as are authorized to be transported at Government expense by law or regulations pursuant to law.

SEC. 2. *Allowance of general-average contributions.* Whenever military personnel or civilian employees of a department are liable for general-average contributions arising out of shipments of household goods (as defined in section 1 (f) hereof), authorized or approved under law or regulations pursuant to law, disbursements shall be made, under rules and regulations prescribed by the head of the department concerned, from appropriations chargeable for the transportation of baggage and household goods and effects (a) for the payment of the general-average contributions for which such military personnel or civilian employees are liable, or (b) for the reimbursement of such military personnel or civilian employees in the amounts of their general-average li-

ability paid by them and for which receipts are furnished, subject to the limitations set forth in section 3 hereof.

SEC. 3. *Limitations.* The provisions of section 2 hereof shall not apply:

(a) In case the shipment of household goods is made under law or regulation pursuant to law which provides for reimbursement to the military person or civilian employee concerned on a commuted basis in lieu of payment by the Government of the actual costs of the shipment; or

(b) In case the military person or civilian employee concerned has himself selected the means of shipment; or

(c) To quantities of household goods (excluding automobiles) shipped in excess of quantities authorized to be transported by law or regulation pursuant to law. In any case of such excess shipment, the liability of the Government for the employee’s general-average contribution shall not exceed the proportion that the applicable limitation, by weight or volume, bears to the total quantity, by weight or volume, of the household goods shipped.

SEC. 4. *Effective date.* This order shall be effective in any case in which the loss involved occurs, or has occurred, on or after June 4, 1954.

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§ 5733. **Expeditious travel**

The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.

(Added Pub. L. 90-206, title II, § 222(c)(1), Dec. 16, 1967, 81 Stat. 641.)

## EFFECTIVE DATE

Section effective thirty days after Dec. 16, 1967, see section 220(a)(4) of Pub. L. 90-206, set out as an Effective Date of 1967 Amendment note under section 5542 of this title.

§ 5734. **Travel, transportation, and relocation expenses of employees transferred from the Postal Service**

Notwithstanding the provisions of any other law, officers and employees of the United States Postal Service promoted or transferred under section 1006 of title 39, United States Code, from the Postal Service to an agency (as defined in section 5721 of this title), for permanent duty may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for other transferred employees within the meaning of this chapter.

(Added Pub. L. 99-234, title I, § 106(a), Jan. 2, 1986, 99 Stat. 1758.)

## EFFECTIVE DATE

Section effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as an Effective Date of 1986 Amendment note under section 5701 of this title.

§ 5735. **Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service**

(a) IN GENERAL.—Notwithstanding any other provision of law, employees of the Department

of Defense described in subsection (b) may be authorized travel, transportation, and relocation expenses and allowances in connection with appointments referred to in such subsection under the same conditions and to the same extent authorized by this subchapter for transferred employees.

(b) COVERED EMPLOYEES.—Subsection (a) applies to any employee of the Department of Defense who—

- (1) is scheduled for separation from the Department, other than for cause;
- (2) is selected for appointment to a continuing position with the United States Postal Service; and
- (3) accepts the appointment.

(Added Pub. L. 103-337, div. A, title III, § 345(a)(1), Oct. 5, 1994, 108 Stat. 2723.)

#### EFFECTIVE DATE

Pub. L. 103-337, div. A, title III, § 345(b), Oct. 5, 1994, 108 Stat. 2724, provided that: “The amendments made by subsection (a) [enacting this section] shall apply to persons separated from employment with the Department of Defense on or after the date of the enactment of this Act [Oct. 5, 1994].”

### § 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees

An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for transferred employees.

(Added Pub. L. 104-201, div. A, title XVI, § 1605(a)(1), Sept. 23, 1996, 110 Stat. 2736.)

#### EFFECTIVE DATE

Pub. L. 104-201, div. A, title XVI, § 1605(b), Sept. 23, 1996, 110 Stat. 2736, provided that: “Section 5736 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 5737. Relocation expenses of an employee who is performing an extended assignment

(a) Under regulations prescribed under section 5738 of this title, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of not less than six months and not greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724 of this title.

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724 of this title.

(3) A per diem allowance for en route travel of the employee's immediate family to and from the assignment location in accordance with section 5724a(a) of this title.

(4) Travel and transportation expenses of the employee and spouse to seek new residence quarters at the assignment location in accordance with section 5724a(b) of this title.

(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c) of this title.

(6) An amount, in accordance with section 5724a(f), to be used by the employee for miscellaneous expenses of this title.<sup>1</sup>

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727 of this title.

(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a) of this title, subject to the limitation that the weight of the household goods and personal effects stored, together with the weight of property transported under section 5724(a) of this title, may not exceed the total maximum weight which could be transported in accordance with section 5724(a) of this title.

(10) Expenses of property management services.

(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.

(Added Pub. L. 104-201, div. A, title XVII, § 1716, Sept. 23, 1996, 110 Stat. 2756.)

#### EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

### § 5737a. Employees temporarily deployed in contingency operations

(a) DEFINITIONS.—For purposes of this section—

(1) the term “covered employee” means an individual who—

(A) is an employee of an Executive agency or a military department, excluding a Government controlled corporation; and

(B) is assigned on a temporary change of station in support of a contingency operation;

<sup>1</sup> So in original.