

1984—Pub. L. 98-473 amended section generally, adding authority of the President to prescribe regulations.

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; PROMULGATION OF REGULATIONS

Enactment 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 an Effective Date of 1983 Amendment; Promulgation of Regulations 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.

§ 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees

(a) IN GENERAL.—Under regulations prescribed by the President, the head of the agency concerned (or a designee) may determine that a covered employee died as a result of personal injury sustained while in the performance of the employee's duty and authorize or approve the payment by the agency, from Government funds, of—

(1) any qualified expense of the immediate family of the covered employee attributable to a change in their place of residence, if the place where the immediate family will reside following the death of the employee is—

(A) different from the place where the immediate family resided at the time of the employee's death; and
(B) within the United States; and

(2) any expense of preparing and transporting the remains of the deceased to—

(A) the place where the immediate family will reside following the death of the employee; or
(B) such other place appropriate for interment as is determined by the agency head (or designee).

(b) NO DUPLICATE PAYMENT OF EXPENSES.—No expenses may be paid under this section if those expenses are paid from Government funds under section 5742 or any other authority.

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

(1) the term “covered employee” means—
(A) a law enforcement officer, as defined in section 5541;
(B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A); and
(C) a customs and border protection officer, as defined in section 8331(31); and

(2) the term “qualified expense”, as used with respect to an immediate family changing its place of residence, means the transportation expenses of the immediate family, the expenses of moving (including transporting,

packing, crating, temporarily storing, drying, and unpacking) the household goods and personal effects of such immediate family, not in excess of 18,000 pounds net weight, and, when authorized or approved by the agency head (or designee), the transportation of 1 privately owned motor vehicle.

(Added Pub. L. 111-178, §2(a), June 9, 2010, 124 Stat. 1262.)

NO RELEVANCE AS TO COMPENSATION CLAIMS

Pub. L. 111-178, §2(b), June 9, 2010, 124 Stat. 1263, provided that: “No determination made under section 5724d of title 5, United States Code, shall be deemed relevant to or be considered in connection with any claim for compensation under chapter 81 of that title or under any other law under which compensation may be provided on account of death or personal injury, nor shall any determination made with respect to any such claim be deemed relevant to or be considered in connection with any request for payment of expenses under such section 5724d.”

DELEGATION UNDER SECTION 2(a) OF THE SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

Memorandum of President of the United States, Sept. 12, 2011, 76 F.R. 57621, provided:

Memorandum for the Administrator of General Services

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the function conferred upon the President by section 2(a) of the Special Agent Samuel Hicks Families of Fallen Heroes Act (Public Law 111-178) to prescribe the applicable regulations.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 5725. Transportation expenses; employees assigned to danger areas

(a) When an employee of the Government is on duty, or is transferred or assigned to duty, at a place designated by the head of the agency concerned as inside a zone—

(1) from which his immediate family should be evacuated; or
(2) to which they are not permitted to accompany him;

because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family, Government funds may be used to transport his immediate family and household goods, personal effects, and family household pets, under regulations prescribed by the head of the agency, to a location designated by the employee. When circumstances prevent the employee from designating a location, or it is administratively impracticable to determine his intent, the immediate family may designate the location. When the designated location is inside a zone to which movement of families is prohibited under this subsection, the employee or his immediate family may designate an alternate location.

(b) When the employee is assigned to a duty station from which his immediate family is not excluded by the restrictions in subsection (a) of this section, Government funds may be used to

transport his immediate family and household goods and personal effects from the designated or alternate location to the duty station.

(c)(1) The expenses authorized under subsection (a) shall, with respect to the transport of family household pets, include the expenses for the shipment of and the payment of any quarantine costs for such pets.

(2) Any payment or reimbursement under this section in connection with the transport of family household pets shall be subject to terms and conditions which—

(A) the head of the agency shall by regulation prescribe; and

(B) shall, to the extent practicable, be the same as would apply under regulations prescribed under section 476(b)(1)(H)(iii) of title 37 in connection with the transport of family household pets of members of the uniformed services, including regulations relating to the types, size, and number of pets for which such payment or reimbursement may be provided.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 503; Pub. L. 105-264, §6(6), Oct. 19, 1998, 112 Stat. 2356; Pub. L. 112-239, div. A, title XI, §1106, Jan. 2, 2013, 126 Stat. 1973.)

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-1(d).	Sept. 23, 1950, ch. 1010, §1(c), 64 Stat. 985.

The word “employee” is substituted for “civilian officers and employees” in view of the definition of “employee” in sections 5721 and 2105.

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

2013—Subsec. (a). Pub. L. 112-239, §1106(1), substituted “, personal effects, and family household pets,” for “and personal effects,” in concluding provisions.

Subsec. (c). Pub. L. 112-239, §1106(2), added subsec. (c).
 1998—Subsec. (a). Pub. L. 105-264 substituted “Government” for “United States” in introductory provisions.

§ 5726. Storage expenses; household goods and personal effects

(a) For the purpose of subsection (b) of this section, “household goods and personal effects” means such personal property of an employee and his dependents as authorized under regulations prescribed under section 5738 of this title to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under regulations prescribed under section 5738 of this title, an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

(1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

(2) the head of the agency concerned authorizes storage of the household goods and per-

sonal effects in the public interest or for reasons of economy.

The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed 18,000 pounds net weight, excluding a motor vehicle described by subsection (a) of this section.

(c) Under regulations prescribed under section 5738 of this title, when an employee, including a new appointee and a student trainee to the extent authorized by section 5723 of this title, is assigned to a permanent duty station at an isolated location in the continental United States to which he cannot take or at which he is unable to use his household goods and personal effects because of the absence of residence quarters at the location, nontemporary storage expenses or storage at Government expense in Government-owned facilities (including related transportation and other expenses), whichever is more economical, may be allowed the employee under regulations prescribed by the head of the agency concerned. The weight of property stored under this subsection, together with the weight of property transported under sections 5723(a) and 5724(a) of this title, may not exceed the total maximum weight the employee would be entitled to have moved. The period of nontemporary storage under this subsection may not exceed 3 years.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 504; Pub. L. 90-83, §1(38), Sept. 11, 1967, 81 Stat. 205; Pub. L. 98-151, §118(a)(2), Nov. 14, 1983, 97 Stat. 977; Pub. L. 104-201, div. A, title XVII, §1723(b)(1), (3), Sept. 23, 1996, 110 Stat. 2759.)

HISTORICAL AND REVISION NOTES
 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-1(e).	Sept. 6, 1960, Pub. L. 86-707, §301(c)(2), (d) (as applicable to the Administrative Expenses Act of 1946, as amended), 74 Stat. 796.

The word “employee” is substituted for “civilian officer or employee” in view of the definition of “employee” in sections 5721 and 2105.

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.

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

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