

**UNIFORMED SERVICES  
TRAVEL AND TRANSPORTATION ALLOWANCES**

**OFFICE OF THE GENERAL COUNSEL**



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UNIFORMED SERVICES  
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## FOREWORD

This manual on legal information relating to allowances for travel and transportation of persons in the uniformed services contains statutory authority, regulations and digests of decisions of the Comptroller General of the United States. It was prepared primarily for the use of the audit divisions of the General Accounting Office by the staff of the Office of the General Counsel. However, because it may be of assistance to accountable officers and others handling military travel and transportation matters, it is being distributed to the individuals receiving the Quarterly Digests of Unpublished Decisions on Pay and Allowances of the Uniformed Services.

Inasmuch as changes in laws and regulations are frequently made, researchers using this manual should consider it merely as a guide. It should not be considered all inclusive or cited as authority. When specific questions arise, the latest laws and regulations must be considered. The research services of the Index Digest Section, Office of the General Counsel, may be consulted regarding current authorities. Telephone code 129, extension 3056-3057. Researchers will note that the Manual contains citations to Office memorandums (O.M.s) which are not available for distribution. Copies of the referenced decisions may be obtained upon request by calling the Legal Reference Service Reception Desk, code 129, extension 3924.

Additional copies of the Manual may be obtained from the Distribution Section of the Office of Administrative Services, code 129, extension 3340, 3234.

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General Counsel



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## TRAVEL AND TRANSPORTATION OF PERSONS IN THE UNIFORMED SERVICES

### GENERAL:

Members of the uniformed services--Army, Navy, Marine Corps, Air Force, Coast Guard, Environmental Science Services Administration (Coast and Geodetic Survey), and Public Health Service--37 U.S.C. 101(3)--who perform ordered official travel are entitled, under various statutory provisions contained in titles 10 and 37 of the United States Code, to transportation furnished by the Government or to allowances to reimburse them for the costs of the ordered travel. These costs include the expenses of their personal travel, the travel of their dependents and the movement of their household effects and a privately owned motor vehicle.

The statutory provisions are not self-executing but authorize the entitlements, within specified limits, under regulations prescribed by the Secretaries of the uniformed services. A properly prescribed regulation has the same legal effects as a statute enacted by Congress and a strict compliance with the regulations is required in the administration of travel and transportation allowances. The Secretaries may not, however, under their regulatory authority prescribe by regulation an allowance not contemplated by the statutory provisions on which it purports to be based. The functional unit through which the Secretaries exercise their regulatory authority is

the Per Diem, Travel and Transportation Allowance Committee.

These regulations are contained in Volume 1 of the Joint Travel Regulations of the Uniformed Services. Until a regulation has been prescribed by the Secretaries providing for travel at Government expense and authorizing the payment of the expenses of such travel, either in kind or by an allowance, the performance of the travel at Government expense is not authorized. See 29 Comp. Gen. 410. As a consequence, the Joint Travel Regulations are continually being amended. Generally, however, these regulation changes are prospective only and the particular regulations in effect at the time of the travel involved govern the members' entitlements.

The travel and transportation allowances entitlements of members of the uniformed services in the usual cases fall generally into three categories: (1) member travel (2) transportation of dependents and (3) transportation of household effects and an automobile.

When Government transportation is not available and the use of United States commercial carriers will not meet the needs of the service, foreign flag carriers may be used for travel and transportation of members of the uniformed services. See 46 U.S.C. 1241(a). Questions of availability of Government transportation and whether foreign flag carriers should be used are matters for administrative determination in the first instance. Such determinations, however,

are not conclusive and the services may be required to establish the validity of any determination. See paragraph M2150, Chapter 2 of Volume 1 of the Joint Travel Regulations relating to the use of foreign flag carriers.

Except as provided otherwise by statute, orders directing the performance of travel are a condition precedent to entitlement to travel and transportation allowances. Since such orders do not require travel prior to their effective date--the date on which the travel must be commenced to comply with the orders--travel allowances are not payable for travel performed prior to the effective date of orders that are canceled or modified before their effective date except as provided by 37 U.S.C. 406a in the case of change of permanent station travel.

Regulations relating to travel orders and travel status are contained in Chapter 3 of Volume 1 of the Joint Travel Regulations.

#### MEMBER TRAVEL

Under the provisions of 37 U.S.C. 404 members of the uniformed services who perform ordered travel (1) upon a change of permanent station or away from their designated post of duty (permanent station), (2) upon entry into service from home or place from which called to active duty to first duty station, (3) upon separation from service, release from active duty or retirement from last duty station to home or place from which ordered to active duty and (4) when away from home to perform duty, may be authorized such travel at Government



expense. Members who are retired, or who are discharged with severance pay or involuntarily released from active duty with readjustment pay immediately following at least 8 years of continuous active duty, may select their home for the purposes of travel allowances on separation. Except as provided otherwise in the regulations, members who are entitled to select their home have a year from the date of retirement to make the selection and perform the travel. The move from home to first duty station and from last duty station to home is viewed as a change of permanent station for purposes of travel and transportation allowances.

For the purpose of these provisions, the term "active duty" is defined in 37 U.S.C. 101(18) as meaning "full-time duty in the active service of a uniformed service, and includes duty on the active list, full-time training duty, annual training duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary concerned."

The travel must be either to or from a "station" and legally a station is a place where the member is assigned for duty. The member must have competent orders directing the travel prior to its performance and the travel must be for the performance of official business. Oral orders are sufficient if confirmed within a reasonable time by written orders. Permissive travel orders issued for the convenience of the member and not involving any Government need afford no entitlement to reimbursement of the expenses of such travel. Travel orders may be modified retroactively only for the purpose of correcting

an obvious error or to supply a provision which clearly was intended for inclusion in the orders when they were issued.

Section 404 of title 37 authorizes the Secretaries to prescribe the conditions under which the travel allowances are authorized. Also, section 404 authorizes the Secretaries to prescribe the allowances which may be paid for the various kinds of travel. Under the statute, however, the allowances may not exceed; (1) transportation in kind, reimbursement therefor, or a monetary allowance in place of transportation of not more than 7 cents a mile for the official distance over the shortest usually traveled route plus a per diem in place of subsistence of not to exceed \$16 within the contiguous 48 States and without limit elsewhere (37 U.S.C. 405); (2) a mileage allowance of not to exceed 10 cents per mile for the official distance over the shortest usually traveled route; or (3) under certain unusual circumstances, where the maximum per diem would be inadequate, actual expenses not to exceed \$30 per day. In addition, under the provisions of 37 U.S.C. 408, the members may be reimbursed the cost of directed travel in the performance of official business within the limits of their duty station.

The mileage allowance of not to exceed 10 cents per mile authorized by the statute includes a subsistence component. Legally, therefore, members performing travel in a mileage status may not be paid per diem.

Members who are furnished transportation in kind, or reimbursement therefor, or who are authorized a monetary allowance in place of



transportation may be paid a per diem as prescribed by the Secretaries for the period of the travel, including periods of temporary duty, while they are away from their basic post of duty. The conditions under which the per diem may be paid and the amount payable up to the statutory ceiling are largely matters within the discretion of the Secretaries as prescribed in the applicable regulations. The fundamental legal question in these cases is whether the member is in fact away from his basic post of duty.

Members who may be authorized travel allowances "when away from home to perform duty" are those members in an inactive status who are ordered from their homes to perform short periods of active or training duty of less than 20 weeks. Although the station where the duty is being performed is a permanent station, the members may, in addition to allowances for the cost of travel from home to duty station and return, be paid a per diem while at the station when a mess and quarters are not provided for them.

For the purpose of these entitlements the Secretaries of the services concerned are authorized by the provisions of 37 U.S.C. 411 to define the words "permanent station." Since, however, the term "station" has reference to the place where a member is assigned for duty, either permanent or temporary, the Secretaries may not, under that statutory authority, assign a member's station, for purposes of travel and transportation allowances, at a place where no duty is required of him.

Detailed regulations implementing these statutory provisions are contained in Chapters 1, 2, 3, 4 and 6 of Volume 1 of the Joint Travel Regulations.

#### TRANSPORTATION OF DEPENDENTS

Members of the uniformed services ordered to make a change of permanent station, including the moves from home to first duty station and from last duty station to home, are entitled under the provisions of 37 U.S.C. 406(a) to transportation in kind for their dependents, to a reimbursement therefor, or to a monetary allowance in place of transportation in kind at a rate prescribed by the Secretaries but not more than the maximum statutory rate authorized by 37 U.S.C. 404 for member travel.

For the purposes of these provisions the term "dependent" is defined in 37 U.S.C. 401 as meaning the spouse of a member, an unmarried legitimate child (including an adopted child or stepchild who is in fact dependent on the member) under 21 years of age or who is incapable of self-support because of mental or physical incapacity and is in fact dependent on the member for over one-half of his support; certain parents, including stepparents or adoptive parents, who are in fact dependent on the member for over one-half of their support.

Under the provisions of the Dependents Assistance Act of 1950, determination of dependency in the case of parents and of all claimed dependents of enlisted members are the responsibility of the departments concerned. See 30 Comp. Gen. 282. However, members in pay

grades E-1, E-2, E-3 and E-4 with less than 4 years of service are not entitled to transportation of dependents. Paragraph M7000 of the Joint Travel Regulations. Also, a person cannot be the dependent of a female member unless he is in fact dependent on her for over one-half of his support.

Unlike member travel on an ordered change of permanent station, the transportation of dependents in such cases may be authorized from and to places other than the old or new permanent station, section 406(c) of title 37 providing that the allowances and transportation authorized by subsection (a) of section 406 are subject to such conditions and limitations, for such grades and ratings, and to and from such places as the Secretaries may prescribe. The Government's liability, however, in cases of ordered changes of permanent station, ordinarily may not exceed the cost of transportation from the old to the new station.

Neither are change of permanent station orders a condition precedent to entitlement in all cases of transportation of dependents. Under the provisions of 37 U.S.C. 406(e) and 406(h) the Secretaries may, when orders have not been issued or when orders have been issued which do not afford authority for the transportation of dependents, authorize the transportation of dependents under unusual or emergency circumstances including ordered evacuations, indeterminate temporary duty and foreign or sea duty; and, in the case of members on duty outside the contiguous 48 States, when it is determined that such



transportation is in the interest of the member or his dependents and the United States. Under these special transportation provisions there is no requirement that the members concerned be serving in a grade entitling them to transportation of dependents on an ordered change of permanent station, nor is there any limitation on the distance for which the transportation may be authorized.

Section 406(h) also provides that, for the purposes of dependent transportation entitlement, a member's unmarried child for whom the member received transportation to his station outside the contiguous 48 States and who became 21 years of age while the member was serving at that station is a dependent of the member. This statutory dependency status continues until the dependent is returned to the United States.

When the cost of transportation of dependents is payable on a reimbursement basis, the right to payment does not accrue until the travel has been performed. And, the cost of travel performed by dependents for personal reasons is not legally reimbursable under the statutes. Also, when members attain a grade entitling them to transportation of dependents (E-4 with over 4 years of service or above), the dependents may not be moved at Government expense until the member is ordered to make a change of permanent station.

Under this authority to fix the conditions and limitations, the grades and ratings and the places from and to which transportation of dependents may be provided, the Secretaries have imposed certain restrictions and limitations in Joint Travel Regulations on the

transportation of dependents under various circumstances. These regulations are contained in Chapter 7 of Volume 1 of the Joint Travel Regulations and ordinarily the costs of the movement of dependents in any situation which is not in accordance with the provisions of the regulations are not payable by the Government.

Under the provisions of 37 U.S.C. 405a the dependents of members ordered evacuated may be authorized such allowances as the Secretaries may prescribe. These allowances are in addition to transportation allowances and the Secretarial regulations under these evacuation allowance provisions are contained in Chapter 12 of Volume 1 of the Joint Travel Regulations.

#### TRANSPORTATION OF HOUSEHOLD EFFECTS

Section 406(b) of title 37 of the United States Code provides that, "In connection with a change of temporary or permanent station, a member [of the uniformed services] is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, within such weight allowances prescribed by the Secretaries concerned, without regard to the comparative costs of the various modes of transportation." Under provisions included in the annual Department of Defense Appropriation Acts, however, members of the Army, Navy, Air Force and Marine Corps are limited to maximum net weight of 13,500 pounds of household effects in any one shipment.

The term "household effects" does not include all property owned by a member. For example, privately owned motor vehicles, trailers, boats, etc., are not such household effects and may not be moved at Government expense. These exclusions are set out in detail in the regulations. The weight of professional books and papers required by a member in the performance of his official duties is excluded from his authorized weight allowance and such books and papers may be shipped at Government expense in addition to his authorized allowance. This entitlement is explained in detail in the regulations.

As in the case of dependents, household effects may be moved on a change of station from and to places other than the old and new stations, section 406(c) of title 37 providing that the allowances and transportation authorized by subsection (b) are subject to such limitations, for such grades and ratings and to and from such places as the Secretaries may prescribe. And, unlike the movement of dependents, household effects may be transported at Government expense incident to either a temporary or permanent change of station within prescribed weight limitations.

Since the transportation of household effects is authorized "in connection with" a change of station, the law has been viewed as permitting such transportation prior to the issuance of change of station orders in emergencies or when the exigencies of the service require. As a general proposition, household effects transportation entitlements parallel dependent transportation entitlements under unusual or emergency circumstances and in situations where the movement



of dependents from overseas areas is determined to be in the interest of the member or the dependents and the United States.

Household effects may be stored temporarily for up to 180 days incident to their transportation. Such storage for less than 90 days ordinarily is not subject to question. Storage in excess of 90 days, however, must be specifically authorized.

Under the provisions of 37 U.S.C. 406(d) the authorized weight allowance of a member may be placed in nontemporary storage. Nontemporary storage has been viewed as an alternative to transportation and, except for local drayage in and out of storage in connection with the storage and in cases of retirement, effects placed in nontemporary storage may not thereafter be moved incident to the same change of permanent station.

Temporary storage may be authorized either at point of origin or at destination or en route. Nontemporary storage, however, may be provided only in the appropriate Government or commercial facility nearest to the place where the goods are located when the member's orders are issued. Nontemporary storage may not be authorized in temporary duty assignments. Neither may combinations of temporary and nontemporary storage be authorized.

Under the provisions of 37 U.S.C. 409 a member of the uniformed services who uses a mobile home or trailer as a residence may have the home or trailer transported to his new station in place of transportation of his household effects. The statute limits the authority

to the contiguous 48 States and Alaska and imposes specific maximum limitations on the transportation costs which may be paid by the Government.

The regulations governing household effects transportation entitlements are contained in Chapter 8 of Volume 1 of the Joint Travel Regulations and those governing trailer allowances are contained in Chapter 10 of the regulations. The costs of movements which are not authorized by the regulations are not payable by the Government.

#### TRANSPORTATION OF AUTOMOBILES

Section 2634 of title 10 of the United States Code provides that when a member of an "armed force" is ordered to make a change of permanent station, one motor vehicle owned by him and for his personal use or the use of his dependents may be transported at the expense of the United States to his new station or such other place as the Secretary concerned may authorize, (1) on a Government vessel, (2) by privately owned American shipping services, or (3) by foreign flag shipping service if neither a Government vessel nor American shipping service is available. Also, if the Secretary concerned determines that a replacement vehicle is necessary, one replacement vehicle may in certain cases be shipped on the same basis to the authorized destination. The term "armed force" means the Army, Navy, Air Force, Marine Corps or Coast Guard. 10 U.S.C. 101(4). However, 10 U.S.C. 2634 is made applicable to officers of the Coast and

Geodetic Survey by 33 U.S.C. 857a(11) and to officers of the Public Health Service by 42 U.S.C. 213a(10).

These provisions have been applied as authorizing the movement of a motor vehicle only by the United States and only by water between ports of embarkation and debarkation. A member who ships a motor vehicle at his own expense may not be reimbursed the cost of such shipment.

In addition to this authority, 37 U.S.C. 405a provides that a motor vehicle may be transported at Government expense when dependents are ordered evacuated.

Regulations governing the transportation of privately owned motor vehicles are contained in Chapter 11 of Volume 1 of the Joint Travel Regulations.

In addition to these usual entitlements, section 406(f) of title 37 provides that transportation of dependents and household effects may be provided in the case of a member who dies while entitled to basic pay under Chapter 3 of title 37. And, under the provisions of 37 U.S.C. 554, the dependents, household effects and a privately owned motor vehicle of a member who is officially reported as dead, injured, or absent for more than 29 days in a missing status as defined in 37 U.S.C. 551(2) may be transported at Government expense to the destination authorized by regulations or approved by the Secretary concerned.

Regulations implementing 37 U.S.C. 406(f) and 37 U.S.C. 554 are contained in Chapters 7 (dependents), 8 (household effects) and



11 (privately owned motor vehicles) of Volume 1 of the Joint Travel Regulations.

#### MISCELLANEOUS TRANSPORTATION ENTITLEMENTS

##### Special Categories:

Provision for travel and transportation allowances in the case of certain members of the uniformed services whose status does not subject them to the usual duty requirements of the services is made by 37 U.S.C. 410. The members concerned are cadets at the Military, Air Force and Coast Guard Academies; midshipmen at the Naval Academy; applicants and rejected applicants for enlistment; general and discharged prisoners; insane patients transferred from military hospitals to other hospitals; and persons discharged from Saint Elizabeths Hospital after transfer from a uniformed service. Under the provisions of section 410 these categories of individuals are entitled to such travel and transportation allowances provided by 37 U.S.C. 404 as are prescribed by the Secretaries concerned considering the rights of the United States as well as those of the persons concerned.

The Secretarial regulations implementing 37 U.S.C. 410 are contained in Chapter 5 of Volume 1 of the Joint Travel Regulations.

#### DISLOCATION ALLOWANCE

Section 407 of title 37 of the United States Code provides that under regulations prescribed by the Secretaries concerned a member of a uniformed service whose dependents make an authorized move in connection with his change of permanent station or who are entitled to

evacuation allowances under 37 U.S.C. 405a(a), and a member without dependents who is transferred to a permanent station where he is not assigned public quarters, are entitled to a dislocation allowance. The dislocation allowance is an amount equal to one month's basic allowance for quarters to which the member is entitled on the basis of his pay grade and dependency status under 37 U.S.C. 403.

The dislocation allowance is not payable in any case during time of war or of national emergency declared after April 1, 1955; and it is not payable incident to travel from home to first duty station or from last duty station to home. Only one dislocation allowance may be paid during a fiscal year unless the Secretary concerned finds that a second change of station is required by the exigencies of the service, or the member is ordered on permanent change of station to a service school, or the second payment is incident to the evacuation of dependents.

Regulations governing the payment of the dislocation allowance are contained in Chapter 9 of Volume 1 of the Joint Travel Regulations.

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The foregoing constitutes only a broad general summary of the legal entitlements of members of the uniformed services to travel and transportation allowances. It is not intended as a determination of such entitlement under the circumstances of any individual case. The laws, the Joint Travel Regulations and decisions of the Comptroller General should be consulted for the answer in particular cases. Also, the designated representatives of the Office of the General Counsel may be consulted in any such case.

Copies of the pertinent statutory provisions and a topical outline of various military travel and transportation allowance questions which have been considered by the Comptroller General, with citations to some representative decisions of the Comptroller General on those questions, are attached. The topical outline is identical with the digest headings used by the Index-Digest Section of the Office of the General Counsel in indexing and digesting decisions of the Comptroller General.



## PERTINENT STATUTORY PROVISIONS

37 U.S.C. 404. TRAVEL AND TRANSPORTATION ALLOWANCES  
GENERAL

(a) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel performed or to be performed under orders, without regard to the comparative costs of the various modes of transportation--

(1) upon a change of permanent station, or otherwise, or when away from his designated post of duty regardless of the length of time he is away from that post;

(2) upon appointment, call to active duty, enlistment, or induction, from his home or from the place from which called or ordered to active duty to his first station;

(3) upon separation from the service, placement on the temporary disability retired list, release from active duty, or retirement, from his last duty station to his home or the place from which he was called or ordered to active duty, whether or not he is or will be a member of a uniformed service at the time the travel is or will be performed; and

(4) when away from home to perform duty, including duty by a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, in his status as a member of the National Guard, for which he is entitled to, or has waived, pay under this title.

(b) The Secretaries concerned may prescribe--

(1) the conditions under which travel and transportation allowances are authorized, including advance payments thereof; and

(2) the allowances for the kinds of travel, but not more than the amounts authorized in this section.

(c) Under uniform regulations prescribed by the Secretaries concerned, a member who--

(1) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10; or

(2) is retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with severance pay or is involuntarily released from active duty with readjustment pay;

may, not later than one year from the date he is so retired, placed on that list, discharged, or released, except as prescribed in regulations by the Secretaries concerned, select his home for the

purposes of the travel and transportation allowances authorized by subsection (a) of this section.

(d) The travel and transportation allowances authorized for each kind of travel may not be more than one of the following--

(1) transportation in kind, reimbursement therefor, or a monetary allowance in place of the cost of transportation at a rate that is not more than 7 cents a mile based on distances established, over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of the Army;

(2) transportation in kind, reimbursement therefor, or a monetary allowance as provided by clause (1) of this subsection, plus a per diem in place of subsistence of not more than \$16 a day; or

(3) a mileage allowance of not more than 10 cents a mile based on distances established under clause (1) of this subsection.

Where due to unusual circumstances of a travel assignment the maximum per diem allowance would be less than the amount required to meet the actual and necessary expenses of the trip, reimbursement for such expenses may be authorized, under regulations prescribed by the Secretaries concerned, on an actual expense basis, but not more than the amount specified in the travel authorization, and in any event not more than \$30 for each day in a travel status.

(e) A member who is on duty with, or is undergoing training for, the Military Airlift Command, the Marine Corps Transport Squadrons, the Fleet Tactical Support Squadrons, or the Naval Aircraft Ferrying Squadrons, and who is away from his permanent station, may be paid a per diem in lieu of subsistence in an amount not more than the amount to which he would be entitled if he were performing travel in connection with temporary duty without, in either case, the issuance of orders for specific travel.

(f) The travel and transportation allowances authorized under this section may be paid on the member's separation from the service or release from active duty, whether or not he performs the travel involved.

37 U.S.C. 405. TRAVEL AND TRANSPORTATION  
ALLOWANCES: PER DIEM WHILE ON DUTY OUTSIDE  
UNITED STATES OR IN HAWAII OR ALASKA

Without regard to the monetary limitations of this title, the Secretaries concerned may authorize the payment of a per diem, considering all elements of the cost of living to members of the uniformed services under their jurisdiction and their dependents including the cost of quarters, subsistence, and other necessary incidental expenses, to such a member who is on duty outside of the United States or in Hawaii or Alaska, whether or not he is in a travel status. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.



37 U.S.C. 405a. TRAVEL AND TRANSPORTATION ALLOWANCES:  
EVACUATION ALLOWANCES

(a) Under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are ordered evacuated by competent authority they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the evacuation. Allowances authorized by this section are in addition to those authorized by any other section of this title. For the purposes of this section, a dependent "ordered evacuated by competent authority" includes--

(1) a dependent who is present at or in the vicinity of the member's duty station when the evacuation of dependents is ordered by competent authority and who actually moves to an authorized safe haven designated by that authority, whether such safe haven is at or in the vicinity of the member's duty station or elsewhere;

(2) a dependent who established a household at or in the vicinity of the member's duty station but who is temporarily absent therefrom for any reason when evacuation of dependents is ordered by competent authority; and

(3) a dependent who was authorized to join the member and who departed from his former place of residence incident to joining the member but who, as a result of the evacuation of dependents, is diverted to a safe haven designated by competent authority or is authorized to travel to a place the dependent may designate, even though he was in the United States when the evacuation was ordered.

(b) Under regulations prescribed by the Secretaries concerned, each member whose dependents are covered by subsection (a) of this section is entitled to have one motor vehicle owned by him and for his personal use, or the use of the dependents, transported at the expense of the United States to a designated place for the use of the dependents. When the dependents are permitted to rejoin the member, the vehicle may be transported at the expense of the United States to his permanent duty station.

37 U.S.C. 406. TRAVEL AND TRANSPORTATION ALLOWANCES:  
DEPENDENTS; BAGGAGE AND HOUSEHOLD EFFECTS

(a) A member of a uniformed service who is ordered to make a change of permanent station is entitled to transportation in kind for his dependents, to reimbursement therefor, or to a monetary allowance in place of that transportation in kind at a rate to be prescribed, but not more than the rate authorized under section 404(d) of this title.

(b) In connection with change of temporary or permanent station, a member is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, within such weight allowances prescribed by the Secretaries concerned, without regard to the comparative costs of the various modes of transportation.

(c) The allowances and transportation authorized by subsections (a) and (b) of this section are in addition to those authorized by sections 404 and 405 of this title and are--

- (1) subject to such conditions and limitations;
- (2) for such grades, ranks, and ratings; and
- (3) to and from such places;

prescribed by the Secretaries concerned. Transportation of the household effects of a member may not be made by commercial air carrier at an estimated over-all cost that is more than the estimated over-all cost of the transportation thereof by other means, unless an appropriate transportation officer has certified in writing to his commanding officer that those household effects to be so transported are necessary for use in carrying out assigned duties, or are necessary to prevent undue hardship and other means of transportation will not fill those needs. However, not more than 1,000 pounds of unaccompanied baggage may be transported by commercial air carrier, without regard to the preceding sentence, under regulations prescribed under the authority of the Secretary of Defense.

(d) The nontemporary storage of baggage and household effects may be authorized in facilities of the United States, or in commercial facilities when it is considered to be more economical to the United States. However, the weight of baggage and household effects stored, plus the weight of the baggage and household effects transported, in connection with a change of station may not be more than the maximum weight limitations in regulations prescribed by the Secretaries concerned when it is not otherwise fixed by law. The nontemporary storage of baggage and household effects may not be authorized for a period longer than one year from the date the member concerned is separated from the service, retired, placed on the temporary disability retired list, discharged, or released from active duty



except as prescribed in regulations by the Secretaries concerned for a member who, on that date, or at any time during the one-year period following that date, is confined in a hospital, or is in its vicinity, undergoing medical treatment; or in the case of a member who--

(1) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10; or

(2) is retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein of more than ninety days, is discharged with severance pay or is involuntarily released from active duty with readjustment pay.

Except in the case of a member who, on the date of his separation, discharge, or release, or at any time during the one-year period following that date, is confined in a hospital, or is in its vicinity, undergoing medical treatment, the cost of the storage, for the period that exceeds one year, shall be paid by the member.

(e) When orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of his dependents, baggage, and household effects, the Secretaries concerned may authorize the movement of the dependents, baggage, and household effects and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section. This subsection may be used only under unusual or emergency circumstances, including those in which--

(1) the member is performing duty at a place designated by the Secretary concerned as being within a zone from which dependents should be evacuated;

(2) orders which direct the member's travel in connection with temporary duty do not provide for return to the permanent station or do not specify or imply any limit to the period of absence from his permanent station; or

(3) the member is serving on permanent duty at a station outside the United States, in Hawaii or Alaska, or on sea duty.

(f) Under regulations prescribed by the Secretary concerned, transportation for dependents, baggage, and household effects of a member is authorized if he dies while entitled to basic pay under chapter 3 of this title.

(g) Under uniform regulations prescribed by the Secretaries concerned, a member who--

(1) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10; or

(2) is retired with pay under any other law, or, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with severance pay or is involuntarily released from active duty with readjustment pay;

is, not later than one year from the date he is so retired, placed on that list, discharged, or released, except as prescribed in regulations



by the Secretaries concerned, entitled to transportation for his dependents, baggage, and household effects to the home selected under section 404(c) of this title. In addition, baggage and household effects may be shipped to a location other than the home selected by the member. In any case in which the costs are in excess of those which would have been incurred if shipment had been made to his selected home, the member shall pay that excess cost. If a member authorized to select a home under section 404(c) of this title accrues that right or any entitlement under this subsection but dies before he exercises it, that right or entitlement accrues to and may be exercised by his surviving dependents, or his baggage and household effects may be shipped to the home of the person legally entitled thereto if there are no surviving dependents. However, in any case in which the costs are in excess of those which would have been incurred if shipment had been made to the member's selected home, the surviving dependents or the person legally entitled to the baggage and household effects, as the case may be, shall pay that excess cost.

(h) In the case of a member who is serving at a station outside the United States or in Hawaii or Alaska, if the Secretary concerned determines it to be in the best interests of the member or his dependents and the United States, he may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of his dependents, baggage, and household effects--

(1) authorize the movement of the member's dependents, baggage, and household effects at that station to an appropriate location in the United States or its possessions and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section; and

(2) authorize the transportation of one motor vehicle owned by the member and for his or his dependents' personal use to that location by means of transportation authorized under section 2634 of title 10.

If the member's baggage and household effects are in nontemporary storage under subsection (d) of this section, the Secretary concerned may authorize their movement to the location concerned and prescribe transportation in kind or reimbursement therefor, as authorized under subsection (b) of this section. For the purposes of this section, a member's unmarried child for whom the member received transportation in kind to his station outside the United States or in Hawaii or Alaska, reimbursement therefor, or a monetary allowance in place thereof, and who became 21 years of age while the member was serving at that station, shall be considered as a dependent of the member.

37 U.S.C. 406a. TRAVEL AND TRANSPORTATION ALLOWANCES:  
AUTHORIZED FOR TRAVEL PERFORMED UNDER ORDERS  
THAT ARE CANCELED, REVOKED, OR MODIFIED

Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances under section 404 of this title, and to transportation of his dependents, baggage, and household effects under sections 406 and 409 of this title, if otherwise qualified, for travel performed before the effective date of orders that direct him to make a change of station and that are later--

- (1) canceled, revoked, or modified to direct him to return to the station from which he was being transferred;  
or
- (2) modified to direct him to make a different change of station.

37 U.S.C. 407. TRAVEL AND TRANSPORTATION ALLOWANCES:  
DISLOCATION ALLOWANCE

(a) Except as provided by subsections (b) and (c) of this section, under regulations prescribed by the Secretary concerned, a member of a uniformed service—

(1) whose dependents make an authorized move in connection with his change of permanent station;

(2) whose dependents are covered by section 405(a) of this title; or

(3) without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States;

is entitled to a dislocation allowance equal to his basic allowance for quarters for one month as provided for a member of his pay grade and dependency status in section 403 of this title. For the purposes of this subsection, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.

(b) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

(1) the Secretary concerned finds that the exigencies of the service require the member to make more than one such change of station during that fiscal year;

(2) the member is ordered to a service school as a change of permanent station; or

(3) the member's dependents are covered by section 405a(a) of this title.

This subsection does not apply in time of national emergency declared after April 1, 1955, or in time of war.

(c) A member is not entitled to payment of a dislocation allowance when ordered from his home to his first duty station or from his last duty station to his home.



37 U.S.C. 408. TRAVEL AND TRANSPORTATION ALLOWANCES:  
TRAVEL WITHIN LIMITS OF DUTY STATION

A member of a uniformed service may be directed, by regulations of the head of the department or agency in which he is serving, to procure transportation necessary for conducting official business of the United States within the limits of his station. Expenses so incurred by the member for train, bus, streetcar, taxicab, ferry, bridge, and similar fares and tolls, or for the use of privately owned vehicles at a fixed rate a mile, shall be defrayed by the department or agency under which he is serving, or the member is entitled to be reimbursed for the expense.



37 U.S.C. 409. TRAVEL AND TRANSPORTATION ALLOWANCES:  
TRAILERS

Under regulations prescribed by the Secretaries concerned and in place of the transportation of baggage and household effects or payment of a dislocation allowance, a member, or in the case of his death his dependent, who would otherwise be entitled to transportation of baggage and household effects under section 406 of this title, may transport a house trailer or mobile dwelling within the continental United States, within Alaska, or between the continental United States and Alaska, for use as a residence by one of the following means--

(1) transport the trailer or dwelling and receive a monetary allowance in place of transportation at a rate to be prescribed by the Secretaries concerned, but not more than 20 cents a mile;

(2) deliver the trailer or dwelling to an agent of the United States for transportation by the United States or by commercial means; or

(3) transport the trailer or dwelling by commercial means and be reimbursed by the United States subject to such rates as may be prescribed by the Secretaries concerned.

However, the cost of transportation under clause (2) or the reimbursement under clause (3) may not be more than the lesser of (A) the current average cost for the commercial transportation of a house trailer or mobile dwelling; (B) 74 cents a mile; or (C) the cost of transporting the baggage and household effects of the member or his dependent plus the dislocation allowance authorized in section 407 of this title. Any payment authorized by this section may be made in advance of the transportation concerned. For the purposes of this section "continental United States" means the 48 contiguous States and the District of Columbia.

37 U.S.C. 410. TRAVEL AND TRANSPORTATION ALLOWANCES:  
MISCELLANEOUS CATEGORIES

(a) The following persons are entitled to such travel and transportation allowances provided by section 404 of this title, as prescribed by the Secretaries concerned--

- (1) cadets of the United States Military Academy;
- (2) midshipmen of the United States Naval Academy;
- (3) cadets of the United States Air Force Academy;
- (4) cadets of the Coast Guard Academy;
- (5) applicants for enlistment;
- (6) rejected applicants for enlistment;
- (7) general prisoners;
- (8) discharged prisoners;
- (9) insane patients transferred from military hospitals to other hospitals or to their homes; and
- (10) persons discharged from Saint Elizabeths Hospital after transfer from a uniformed service.

(b) The Secretary concerned shall, in prescribing allowances under subsection (a) of this section, consider the rights of the United States, as well as those of the persons concerned.

37 U.S.C. 411. TRAVEL AND TRANSPORTATION ALLOWANCES:  
ADMINISTRATIVE PROVISIONS

(a) For the administration of sections 404(a), (b), and (d)-(f), 405, 405a, 406 (a)-(f), 407, 409, and 410 of this title, the Secretaries concerned shall prescribe regulations that are, as far as practicable, uniform for all of the uniformed services.

(b) In establishing the rates and kinds of allowances authorized by the sections of this title designated by subsection (a) of this section, the Secretaries concerned shall—

(1) consider the average cost of first-class transportation, including sleeping accommodations, when prescribing a monetary allowance in place of transportation;

(2) consider the current economic data on the cost of subsistence, including lodging and other necessary incidental expenses related thereto, when prescribing per diem rates; and

(3) consider the average cost of first-class transportation, including sleeping accommodations and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage rates.

(c) The Secretaries concerned shall determine what constitutes a travel status for the purposes of the sections of this title designated by subsection (a) of this section.

(d) The Secretary concerned shall define the words "permanent station" for the purposes of the sections of this title designated by subsection (a) of this section. The definition shall include a shore station or the home yard or home port of a vessel to which a member of a uniformed service who is entitled to basic pay may be ordered. An authorized change in the home yard or home port of such a vessel is a change of permanent station.



37 U.S.C. 411a. TRAVEL AND TRANSPORTATION ALLOWANCES:  
TRAVEL PERFORMED IN CONNECTION WITH  
CONVALESCENT LEAVE

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 of this title.

(b) The allowances prescribed under this section may not be at rates more than the rates authorized under section 404(d)(1) of this title. Authorized travel under this section is performed in a duty status.

37 U.S.C. 412. APPROPRIATIONS FOR TRAVEL: MAY NOT BE  
USED FOR ATTENDANCE AT CERTAIN MEETINGS

Appropriations of the Department of Defense that are available for travel may not, without the approval of the Secretary concerned or his designee, be used for expenses incident to attendance of a member of an armed force under that department at a meeting of a technical, scientific, professional, or similar organization.

37 U.S.C. 419. ALLOWANCES WHILE PARTICIPATING IN  
INTERNATIONAL SPORTS

(a) Section 717 of title 10 does not authorize the payment of allowances at higher rates than those provided for participation in military activities not covered by that section.

(b) Notwithstanding any other law, a member of a uniformed service is not entitled to travel and transportation allowances under sections 404—411 of this title for any period during which his expenses for travel or transportation are being paid by the agency sponsoring his participation in a competition covered by section 717 of title 10.

(c) Notwithstanding any other law, a member of a uniformed service who has no dependents is not entitled to the basic allowances for subsistence and quarters authorized by sections 402 and 403 of this title for a period during which he is subsisted and quartered by the agency sponsoring his participation in a competition covered by section 717 of title 10.



37 U.S.C. 551. DEFINITIONS

In this chapter--

(1) "dependent", with respect to a member of a uniformed service, means--

- (A) his wife;
- (B) his unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age;
- (C) his dependent mother or father;
- (D) a dependent designated in official records; and
- (E) a person determined to be dependent by the Secretary concerned, or his designee;

(2) "missing status" means the status of a member of a uniformed service who is officially carried or determined to be absent in a status of--

- (A) missing;
- (B) missing in action;
- (C) interned in a foreign country;
- (D) captured, beleaguered, or besieged by a hostile force; or
- (E) detained in a foreign country against his will;

and

(3) "pay and allowances" means--

- (A) basic pay;
- (B) special pay;
- (C) incentive pay;
- (D) basic allowance for quarters;
- (E) basic allowance for subsistence; and
- (F) station per diem allowances for not more than

90 days.

37 U.S.C. 554. TRAVEL AND TRANSPORTATION; HOUSEHOLD AND PERSONAL EFFECTS; MOTOR VEHICLES; SALE OF BULKY ITEMS; CLAIMS FOR PROCEEDS; APPROPRIATION CHARGEABLE

(a) In this section, "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, one privately owned motor vehicle which may be shipped at United States expense.

(b) Transportation (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) may be provided for the dependents and household and personal effects of a member of a uniformed service on active duty (without regard to pay grade) who is officially reported as dead, injured, or absent for a period of more than 29 days in a missing status--

(1) to the member's official residence of record;

(2) to the residence of his dependent, next of kin, or other person entitled to custody of the effects, under regulations prescribed by the Secretary concerned; or

(3) on request of the member (if injured), or his dependent, next of kin, or other person described in clause (2), to another location determined in advance or later approved by the Secretary concerned, or his designee.

When he considers it necessary, the Secretary concerned may, with respect to the household and personal effects of a member who is officially reported as absent for a period of more than twenty-nine days in a missing status, authorize the nontemporary storage of those effects for a period of one year, or longer when justified.

(c) When a member described in subsection (b) of this section is in an injured status, transportation of dependents and household and personal effects authorized by this section may be provided only when prolonged hospitalization or treatment is anticipated.

(d) Transportation requested by a dependent may be authorized under this section only if there is a reasonable relationship between the circumstances of the dependent and the requested destination.

(e) In place of the transportation for dependents authorized by this section, and after the travel is completed, the Secretary concerned may authorize--

(1) reimbursement for the commercial cost of the transportation; or

(2) a monetary allowance at the prescribed rate for all, or that part, of the travel for which transportation in kind is not furnished;

(f) The Secretary concerned may store the household and personal effects of a member described in subsection (b) of this section until proper disposition can be made. The cost of the storage and transportation (including packing, crating, drayage, temporary storage, and unpacking) of household and personal effects shall be charged against appropriations currently available.



37 U.S.C. 1002. ADDITIONAL TRAINING OR DUTY WITHOUT PAY:  
RESERVES AND MEMBERS OF NATIONAL GUARD

(a) A member of the National Guard, or of a reserve component of a uniformed service, may, with his consent, be given additional training or other duty as provided by law, without pay, as may be authorized by the Secretary concerned.

(b) A member who performs training or other duty without pay under subsection (a) of this section may, in the discretion of the Secretary concerned, be authorized the travel and transportation allowances prescribed by section 404(a)-(d), and (f), of this title for travel performed to and from that training or duty, and, during the performance of that training or duty, be furnished with subsistence and quarters in kind or commutation thereof at a rate to be fixed by the Secretary concerned.

(c) This section does not authorize compensation for work or study performed by a member of a reserve component in connection with correspondence courses of an armed force.

(d) This section does not apply to a member who is entitled to basic pay under chapter 3 of this title.

37 U.S.C. 1003. ASSIMILATION OF PAY AND ALLOWANCES

Chapters 3 and 5 and sections 402-407, 409-411, and 414 of this title apply equally to persons who are not serving as members of a uniformed service but whose pay or allowances, or both, are assimilated under law or a regulation prescribed under law, to the pay or allowances, or both, of commissioned officers, warrant officers, or enlisted members of any grade, rank, or rating in any uniformed service.

10 U.S.C. 2634. MOTOR VEHICLES: FOR MEMBERS ON CHANGE  
OF PERMANENT STATION

(a) When a member of an armed force is ordered to make a change of permanent station, one motor vehicle owned by him and for his personal use or the use of his dependents may, unless a motor vehicle owned by him was transported in advance of that change of permanent station under section 406(h) of title 37, be transported, at the expense of the United States, to his new station or such other place as the Secretary concerned may authorize--

(1) on a vessel owned, leased, or chartered by the United States;

(2) by privately owned American shipping services; or

(3) by foreign-flag shipping services if shipping services described in clauses (1) and (2) are not reasonably available. When the Secretary concerned, or his designee, determines that a replacement for that motor vehicle is necessary for reasons beyond the control of the member and is in the interest of the United States, and he approves the transportation in advance, one additional motor vehicle of the member may be so transported.

(b) In this section, 'change of permanent station' means the transfer or assignment of a member of the armed forces from one permanent station to another. It includes the change from home or from the place from which ordered to active duty to first station upon appointment, call to active duty, enlistment, or induction, and from last duty station to home or to the place from which ordered to active duty upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement. It also includes an authorized change in home yard or home port of a vessel.



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