

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES**PART III - EMPLOYEES****Subpart D - Pay and Allowances****CHAPTER 57 - TRAVEL, TRANSPORTATION, AND SUBSISTENCE****SUBCHAPTER II - TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES****§ 5723. Travel and transportation expenses of new appointees and student trainees**

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses

(A) of a new appointee, or a student trainee when assigned on completion of college work, to any position,

(B) of a new appointee to the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or

(C) of any person appointed by the President to a position the rate of pay for which is equal to or higher than the minimum rate of pay payable for a position classified above GS-15 pursuant to section 5108;

(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title; and

(3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727 (c) of this title;

from his place of residence at the time of selection or assignment to his duty station. If the travel and transportation expenses of a student trainee were paid when he was appointed, they may not be paid when he is assigned after completion of college work. Travel expenses payable under this subsection may include the per diem and mileage allowances authorized for employees by subchapter I of this chapter. Advances of funds may be made for the expenses authorized by this subsection to the extent authorized by section 5724 (f) of this title. In the case of an appointee described in paragraph (1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the provisions of paragraphs (1) and (2) may apply to travel and transportation expenses from the place of residence of such appointee (at the time of relocation following the most recent general elections held to determine the electors of the President) to the assigned duty station of such appointee.

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the Government for the expenses is recoverable from the individual as a debt due the Government.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel. In the case of an appointee described in subsection (a)(1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the travel or transportation shall take place at any time after the most recent general elections held to determine the electors of the President.

(d) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 502; Pub. L. 95-454, title III, § 305, title IV, § 409(a), title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1147, 1173, 1224; Pub. L. 98-151, § 118(a)(1), Nov. 14, 1983, 97 Stat. 977; Pub. L. 98-473, title I, § 120(a), Oct. 12, 1984, 98 Stat. 1968; Pub. L. 100-325, § 2(j), May 30, 1988, 102 Stat. 582; Pub. L. 100-398, § 6, Aug. 17, 1988, 102 Stat. 987; Pub. L. 101-509, title V, § 529 [title II, § 206(b)], Nov. 5, 1990, 104 Stat. 1427, 1457; Pub. L. 102-378, § 2(48), Oct. 2, 1992, 106 Stat.

1353; Pub. L. 104–201, div. A, title XVII, §§ 1715(b)(2), 1723 (b)(1), Sept. 23, 1996, 110 Stat. 2755, 2759; Pub. L. 105–264, § 6(3), Oct. 19, 1998, 112 Stat. 2356.)

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
5 U.S.C. 73b–3 (less (a)).		Aug. 25, 1958, Pub. L. 85–749, 72 Stat. 843.
		July 5, 1960, Pub. L. 86–587, § 1, 74 Stat. 327.
		Oct. 16, 1963, Pub. L. 88–146, 77 Stat. 252.

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

References in Text

Section 3 of the Presidential Transition Act of 1963, referred to in subsecs. (a) and (c), is section 3 of Pub. L. 88–277, which is set out as a note under section 102 of Title 3, The President.

Amendments

1998—Subsec. (b). Pub. L. 105–264 substituted “spent by the Government” for “spent by the United States” and “due the Government” for “due the United States”.

1996—Subsec. (a). Pub. L. 104–201, § 1723(b)(1), in introductory provisions, substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

Subsec. (a)(3). Pub. L. 104–201, § 1715(b)(2), which directed amendment of subsec. (a) by adding par. (3) at the end, was executed by adding par. (3) after par. (2) to reflect the probable intent of Congress.

1992—Pub. L. 102–378, § 2(48)(A), struck out “; manpower shortage positions” after “trainees” in section catchline.

Subsecs. (d), (e). Pub. L. 102–378, § 2(48)(B), redesignated subsec. (e) as (d) and struck out former subsec. (d) which authorized Office to delegate its authority to determine positions for which there was a manpower shortage for purposes of this section.

1990—Subsec. (a)(1)(A). Pub. L. 101–509, § 529 [title II, § 206(b)(1)], substituted “any position” for “a position in the United States for which the Office of Personnel Management determines there is a manpower shortage”.

Subsec. (a)(1)(C). Pub. L. 101–509, § 529 [title II, § 206(b)(2)], substituted “the minimum rate of pay payable for a position classified above GS–15 pursuant to section 5108; and” for “the minimum rate of pay prescribed for GS–16; and”.

1988—Subsec. (a). Pub. L. 100–398, § 6(2), inserted at end “In the case of an appointee described in paragraph (1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the provisions of paragraphs (1) and (2) may apply to travel and transportation expenses from the place of residence of such appointee (at the time of relocation following the most recent general elections held to determine the electors of the President) to the assigned duty station of such appointee.”

Subsec. (a)(1). Pub. L. 100–398, § 6(1), which directed that par. (1) be amended by striking out “or (B)” and inserting “or (C)”, could not be executed because phrase “or (B)” did not appear in par. (1) after the intervening amendment by Pub. L. 100–325, see below.

Pub. L. 100–325 inserted reference to Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service in cl. (B) and redesignated a second cl. (B) as (C).

Subsec. (c). Pub. L. 100–398, § 6(3), inserted at end “In the case of an appointee described in subsection (a)(1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the travel or transportation shall take place at any time after the most recent general elections held to determine the electors of the President.”

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

1984—Subsec. (a)(1). Pub. L. 98–473 directed amendment of subpar. (C) by striking out “, by and with the advice and consent of the Senate,” which was executed to second subpar. (B) by striking out that phrase following “appointed by the President”, as probable intent of Congress.

1983—Subsec. (a)(1). Pub. L. 98–151, designated existing provisions as subpars. (A) and (B), and added a second subpar. (B) relating to any person appointed by President.

1978—Subsec. (a)(1). Pub. L. 95–454, § 906(a)(2), substituted “Office of Personnel Management” for “Civil Service Commission”.

Pub. L. 95–454, § 409(a), inserted reference to a new appointee to the Senior Executive Service.

Subsec. (d). Pub. L. 95–454, §§ 305, 906 (a)(3), struck out “not” before “delegate”, and substituted “Office” for “Commission”.

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 of 1990 Amendment

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of this title.

Effective Date of 1983 Amendment; Regulations

Amendment 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 a note under section 5724 of this title.

Effective Date of 1978 Amendment

Amendment by sections 305 and 906(a)(2), (3) of Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of this title.

Amendment by section 409(a) of Pub. L. 95–454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95–454, see section 415 of Pub. L. 95–454, set out as an Effective Date note under section 3131 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.