

## TITLE 37 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

### CHAPTER 7 - ALLOWANCES

#### § 405a. Travel and transportation allowances: departure allowances

(a) Under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are authorized or ordered to depart by competent authority, they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the departure. Allowances authorized by this section are in addition to those authorized by any other section of this title. Such allowances may be paid in advance. For the purposes of this section, a dependent “authorized or ordered to depart by competent authority” includes—

(1) a dependent who is present at or in the vicinity of the member’s duty station when the departure of dependents is authorized or ordered by competent authority and who actually moved 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 resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is authorized or ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;

(3) 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 departure of dependents is authorized or ordered by competent authority; and

(4) 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 departure 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 departure was authorized or ordered.

(b) (1) Under regulations prescribed by the Secretaries concerned, each member whose dependents are covered by subsection (a) is entitled to have one motor vehicle that is owned by the member (or a dependent of the member) and is for the personal use of the member or his 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.

(2) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under paragraph (1) does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the dependent’s use. The amount reimbursed may not exceed \$30 per day, and the rental period for which reimbursement may be provided expires after 7 days or on the date on which the delayed vehicle arrives at the authorized destination (whichever occurs first).

(Added Pub. L. 89–26, § 1(1), May 22, 1965, 79 Stat. 116; amended Pub. L. 89–608, § 2, Sept. 30, 1966, 80 Stat. 851; Pub. L. 96–465, title II, § 2303(e), Oct. 17, 1980, 94 Stat. 2165; Pub. L. 97–60, title I, §§ 121(c), 123, Oct. 14, 1981, 95 Stat. 1002, 1003; Pub. L. 99–661, div. A, title XIII, § 1343(b)(3), Nov. 14, 1986, 100 Stat. 3995; Pub. L. 102–25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102–484, div. A, title VI, § 625(b)(1), Oct. 23, 1992, 106 Stat. 2424; Pub. L. 104–106, div. A, title VI, § 622(a), Feb. 10, 1996, 110 Stat. 363; Pub. L. 105–261, div. A, title VI, § 653(c), Oct. 17, 1998, 112 Stat. 2052.)

## Amendments

1998—Subsec. (b). Pub. L. 105–261 designated existing provisions as par. (1) and added par. (2).

1996—Subsec. (a). Pub. L. 104–106 substituted “authorized or ordered” for “ordered” wherever appearing.

1992—Subsec. (a)(2) to (4). Pub. L. 102–484 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

1991—Subsec. (b). Pub. L. 102–25 struck out “of this section” after “subsection (a)”.

1986—Pub. L. 99–661 substituted “departure” for “evacuation” in section catchline.

1981—Subsec. (a). Pub. L. 97–60, § 123, inserted provision authorizing the payment of allowances in advance.

Subsec. (b). Pub. L. 97–60, § 121(c), substituted “that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents” for “owned by him and for his personal use, or the use of the dependents.”

1980—Subsec. (a). Pub. L. 96–465 substituted “to depart” and “departure” for “evacuated” and “evacuation”, respectively, wherever appearing.

1966—Subsec. (a). Pub. L. 89–608 struck out provision requiring that to qualify for allowances the evacuated dependents have been evacuated from places outside the United States to places inside the United States.

## Effective Date of 1998 Amendment

For provisions relating to the applicability of amendment by Pub. L. 105–261, see section 653(e) of Pub. L. 105–261, set out as a note under section 2634 of Title 10, Armed Forces.

## Effective Date of 1996 Amendment

Section 622(b) of Pub. L. 104–106 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to persons authorized or ordered to depart as described in section 405a (a) of title 37, United States Code, on or after October 1, 1995.”

## Effective Date of 1992 Amendment

Section 625(b)(2) of Pub. L. 102–484 provided that: “The amendments made by paragraph (1) [amending this section] shall take effect as of August 23, 1992, and shall apply with respect to any evacuation ordered by competent military authority on or after that date.”

## Effective Date of 1981 Amendment

Amendment by Pub. L. 97–60 effective Nov. 1, 1981, to apply to members who are separated from the service or released from active duty on or after Nov. 1, 1981, see section 121(d) of Pub. L. 97–60, set out as a note under section 404 of this title.

## Effective Date of 1980 Amendment

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

## Effective Date

Section 2 of Pub. L. 89–26, as amended by Pub. L. 89–608, § 1, Sept. 30, 1966, 80 Stat. 851; Pub. L. 92–176, Dec. 2, 1971, 85 Stat. 494, provided that: “This Act [enacting this section and amending sections 407, 411, and 1006 of this title] becomes effective on February 1, 1965.”