

AMENDMENTS

2011—Subsec. (c). Pub. L. 111-383 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to the amount of monthly special compensation payable to a member under subsec. (a).

CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES

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SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

§ 451. Definitions

(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

(1) The term “administering Secretary” or “administering Secretaries” means the following:

(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

(2) The term “authorized traveler” means a person who is authorized travel and transpor-

¹ So in original. Does not conform to section catchline.

tation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

- (A) A member of the uniformed services.
- (B) A family member of a member of the uniformed services.
- (C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member or as an escort or attendant for dependents of a member for necessary travel performed not later than one year after the member is unable to accompany the dependents who are incapable of traveling alone.
- (D) A person who participates in a military funeral honors detail.
- (E) A Senior Reserve Officers' Training Corps cadet or midshipman.
- (F) An applicant or rejected applicant for enlistment.
- (G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.
- (H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of the following:
 - (i) Transportation of survivors to attend burial services or transfer of deceased members after death overseas as provided in section 481f of this title.
 - (ii) Transportation of designated individuals incident to the hospitalization of members as provided in section 481h of this title.
 - (iii) Transportation of designated individuals incident to the repatriation of members as provided in section 481j of this title.
 - (iv) Transportation of non-medical attendants as provided in section 481k of this title.
 - (v) Transportation of designated individuals to attend Yellow Ribbon Reintegration Program events as provided in section 481l of this title.
 - (vi) Transportation of a person with regard to a single event when the administering Secretary determines that the travel is necessary to ensure fairness and equity, respond to emergency or humanitarian circumstances, or serve the best interests of the Government.

(3) The term "family member", with respect to a member of the uniformed services, means the following:

- (A) A dependent, as defined in section 401(a) of this title.
- (B) A child, as defined in section 401(b)(1) of this title.
- (C) A parent, as defined in section 401(b)(2) of this title.

- (D) A sibling of the member.
- (E) A former spouse of the member.

(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

(1) The term "official travel" means the following:

(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

(D) Local travel in or around the temporary duty or permanent duty station.

(E) Other travel as authorized or ordered by the administering Secretary.

(2) The term "actual and necessary expenses" means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

(3) The term "travel allowances" means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

(4) The term "transportation allowances" means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

(5) The term "transportation-, lodging-, or meals-in-kind" means transportation, lodging, or meals provided by the Government without cost to an authorized traveler.

(6) The term "miscellaneous expenses" means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

(7) The term "personal property", with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

(8) The term "relocation allowances" means the costs associated with relocating a member of the uniformed services and the member's dependents between an old and new temporary or permanent duty assignment location or other authorized location.

(9) The term "dislocation allowances" means the costs associated with relocation of the household of a member of the uniformed services and the member's dependents in relation to a change in the member's permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

(Added Pub. L. 112-81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1453; amended Pub. L.

113-66, div. A, title VI, §621(a)(1), Dec. 26, 2013, 127 Stat. 783.)

AMENDMENTS

2013—Subsec. (a)(2)(C). Pub. L. 113-66 inserted “or as an escort or attendant for dependents of a member for necessary travel performed not later than one year after the member is unable to accompany the dependents who are incapable of traveling alone” before period at end.

PURPOSE OF CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES

Pub. L. 112-81, div. A, title VI, §631(a), Dec. 31, 2011, 125 Stat. 1452, provided that: “This section [see Tables for classification] establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section [see Tables for classification] provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.”

TRANSITION PROVISIONS

Pub. L. 112-81, div. A, title VI, §632, Dec. 31, 2011, 125 Stat. 1465, provided that:

“(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 631(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

“(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

“(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

“(1) the Secretary of Homeland Security, with respect to the Coast Guard;

“(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

“(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act [Dec. 31, 2011].

“(e) TRANSITION PERIOD.—In this section, the term ‘transition period’ means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.”

§ 452. Allowable travel and transportation: general authorities

(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services

or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

(4) Recruiting duties for the armed forces.

(5) Assignment or detail to another Government department or agency.

(6) Rest and recuperative leave.

(7) Convalescent leave.

(8) Reenlistment leave.

(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

(10) Ready Reserve muster duty.

(11) Unusual, extraordinary, hardship, or emergency circumstances.

(12) Presence of family members at a military medical facility incident to the illness or injury of members.

(13) Presence of family members at the repatriation of members held captive.

(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

(15) Attendance at Yellow Ribbon Reintegration Program events.

(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

(1) Allowances for transportation, lodging, and meals.

(2) Dislocation or relocation allowances paid in connection with a change in a member's temporary or permanent duty assignment location.

(3) Other related miscellaneous expenses.

(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

(1) as an actual expense;

(2) as an authorized allowance;

(3) in-kind; or

(4) using a combination of the authorities under paragraphs (1), (2), and (3).

(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization.

(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

(Added Pub. L. 112-81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1455.)

§ 453. Allowable travel and transportation: specific authorities

(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

(c) MOVEMENT OF PERSONAL PROPERTY.—(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including household goods in temporary storage, but excluding packing and crating), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in

the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

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

(3) A member who is discharged under section 1173 of title 10.

(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

(Added Pub. L. 112-81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1457; amended Pub. L. 113-66, div. A, title VI, §621(c)(1), (h), Dec. 26, 2013, 127 Stat. 783, 784; Pub. L. 114-328, div. A, title V, §522(c), Dec. 23, 2016, 130 Stat. 2116.)

AMENDMENTS

2016—Subsec. (g). Pub. L. 114-328 struck out subsec. (g). Text read as follows: “A member may be reimbursed as specified in regulations prescribed under section 464 of this title for travel and related expenses incurred by the member as a result of the cancellation of previously approved leave when the leave is cancelled in conjunction with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced. The settlement for reimbursement under this subsection is final and conclusive.”

2013—Subsec. (c)(3). Pub. L. 113-66, §621(h), substituted “(including household goods in temporary storage, but excluding packing and crating)” for “(including packing, crating, and household goods in temporary storage)”.

Subsec. (g). Pub. L. 113-66, §621(c)(1), added subsec. (g).

§ 454. Travel and transportation: pilot programs

(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be

conducted so as to evaluate one or more of the following:

- (1) Alternative methods for performing and reimbursing travel.
- (2) Means for limiting the need for travel.
- (3) Means for reducing the environmental impact of travel.

(b) LIMITATIONS.—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

(2) The duration of a pilot program may not exceed four years.

(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

(c) REPORTS.—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:

- (A) The purpose of the pilot program.
- (B) The duration of the pilot program.
- (C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

- (A) A description of results of the pilot program.
- (B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1458.)

§ 455. 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.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 476, §412; renumbered §455, Pub. L. 112–81, div. A, title VI, §631(d)(1), Dec. 31, 2011, 125 Stat. 1460.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
412	5:174a.	Aug. 1, 1953, ch. 305, §605, 67 Stat. 349.

The words “may not . . . be used” are substituted for the words “shall not be available”. The words “on and after August 1, 1953” are omitted as executed. The

words “Secretary concerned” are substituted for the words “Secretary of the department concerned” to conform to other sections of this revised title and to the definition in section 101(5) of this revised title. So much of the source statute as relates to civilian employees is omitted as superseded by the Act of July 7, 1958, Pub. L. 85–507, 72 Stat. 327.

PRIOR PROVISIONS

Act Aug. 1, 1953, cited as the source of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following prior appropriation acts:

- July 10, 1952, ch. 630, title VI, §606, 66 Stat. 531.
- Oct. 18, 1951, ch. 512, title VI, §606, 65 Stat. 445.
- Sept. 6, 1950, ch. 896, ch. X, title VI, §607, 64 Stat. 752.
- Oct. 29, 1949, ch. 787, title VI, §607, 63 Stat. 1018.
- June 24, 1948, ch. 632, 62 Stat. 652.
- July 30, 1947, ch. 357, title I, 61 Stat. 554.
- July 16, 1946, ch. 583, 60 Stat. 545.
- July 3, 1945, ch. 265, 59 Stat. 388.
- June 28, 1944, ch. 303, 58 Stat. 577.

AMENDMENTS

2011—Pub. L. 112–81 renumbered section 412 of this title as this section.

SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

§ 461. Relationship to other travel and transportation authorities

An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1459.)

§ 462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

(b) EXCEPTION.—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

(Added Pub. L. 112–81, div. A, title VI, §631(b), Dec. 31, 2011, 125 Stat. 1459.)