

“(a) MODIFICATION OF FLAT RATE.—

“(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

“(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act [Dec. 23, 2016].

“(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to an officer at the level of lieutenant general or vice admiral, or above. Such authority may not be delegated to an officer below that level.

“(c) WAIVER OF COLLECTION OF RECEIPTS.—The Secretary concerned or an officer to whom the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submission of receipts by travelers on long-term temporary duty assignments for the purpose of receiving the full per diem rate pursuant to subsection (a) if the Secretary concerned or officer, as described in subsection (b), personally certifies that requiring travelers to submit receipts for that purpose will negatively affect mission performance or create an undue administrative burden.

“(d) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ has the meaning given that term in section 101 of title 37, United States Code.”

TRANSMISSION OF CERTIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO CONGRESS WITH RESPECT TO FISCAL YEAR 1987

Section 615(b) of S. 2638, as passed by the Senate on Aug. 9, 1986, and as enacted into law by section 101(c) [title IX, §9073] of Pub. L. 99-500 and Pub. L. 99-591, related to transmission to Congress by Secretary of Defense of certification of costs of travel and transportation allowances for fiscal year 1987. See Termination of Amendments by Public Laws 99-500 and 99-591 note above.

INCREASE IN RATE PER MILE FOR MILEAGE ALLOWANCE

Pub. L. 98-473, title I, §101(h) [title VIII, §8113], Oct. 12, 1984, 98 Stat. 1904, 1944, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “The Secretaries concerned (as defined in section 101(5) of title 37, United States Code), under uniform regulations prescribed by them and to the extent that funds are available within the permanent change of station travel account, may increase the rate per mile for mileage allowance under section 474(d)(2) of title 37, United States Code, to 15 cents per mile.”

1962 INCREASE IN PER DIEM RATES; REIMBURSEMENT FOR ACTUAL EXPENSES INCIDENT TO TRAVEL

The increase from \$12 to \$16 in the per diem allowance and the provision for reimbursement for actual expenses incident to travel up to \$30 per day provided in the amendment of subsec. (d) of this section by Pub. L. 89-718 had already been put into effect by Pub. L. 87-500, §§1, 2, June 27, 1962, 76 Stat. 111, which although

not amending subsec. (d) of this section, had raised the per diem allowance and provided for the reimbursement for actual expenses up to \$30 per day through the device of effecting an amendment to section 303(a) of the Career Compensation Act of 1949, act Oct. 12, 1949, ch. 681, title III, 63 Stat. 813. Pub. L. 89-500 was repealed by section 75(3) of Pub. L. 89-718, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before November 2, 1966.

§ 474a. Travel and transportation allowances: temporary lodging expenses

(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

(2) Paragraph (1) applies to the following:

(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

(C) In the case of a member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).

(3) Whenever the conditions described in clause (i) or (ii) of subparagraph (A) of section 403(b)(7) of this title exist for a military housing area or portion thereof, the Secretary concerned may increase the period for which subsistence expenses are to be paid or reimbursed under this section in the case of a change of permanent sta-

tion described in subparagraph (A) or (C) of subsection (a)(2) in the same military housing area or portion thereof to a maximum of 60 days.

(d) DAILY SUBSISTENCE RATES.—Regulations prescribed under subsection (a) shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed under section 474(d) of this title for the area where the temporary quarters are located.

(e) MAXIMUM DAILY PAYMENT.—A member may not be paid or reimbursed more than \$290 a day under this section.

(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.

(Added Pub. L. 97-60, title I, §122(a)(1), Oct. 14, 1981, 95 Stat. 1002, §404a; amended Pub. L. 99-145, title VI, §613(a), Nov. 8, 1985, 99 Stat. 640; Pub. L. 102-25, title VII, §702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §621, Oct. 23, 1992, 106 Stat. 2422; Pub. L. 103-160, div. A, title VI, §621(a), (b), Nov. 30, 1993, 107 Stat. 1682; Pub. L. 106-65, div. A, title VI, §632, Oct. 5, 1999, 113 Stat. 661; Pub. L. 106-398, §1 [[div. A], title VI, §641(a), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-159, 1654A-161; Pub. L. 107-107, div. A, title VI, §632(a), (b), Dec. 28, 2001, 115 Stat. 1144; Pub. L. 109-163, div. A, title VI, §609(b), Jan. 6, 2006, 119 Stat. 3290; Pub. L. 110-181, div. A, title VI, §603(a), Jan. 28, 2008, 122 Stat. 145; Pub. L. 110-417, [div. A], title VI, §603, Oct. 14, 2008, 122 Stat. 4483; renumbered §474a and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(2), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1461, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

AMENDMENTS

2013—Subsec. (d). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 404a of this title as this section.

Subsec. (d). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474(d)” for “404(d)”.

Subsec. (f). Pub. L. 112-81, §631(e)(2), added subsec. (f). 2008—Subsec. (c)(3). Pub. L. 110-181 substituted “60 days” for “20 days”.

Subsec. (e). Pub. L. 110-417 substituted “\$290 a day” for “\$180 a day”.

2006—Subsec. (c)(3). Pub. L. 109-163 added par. (3).

2001—Subsec. (a)(2)(C). Pub. L. 107-107, §632(a), substituted “a member who” for “an enlisted member who”.

Subsec. (e). Pub. L. 107-107, §632(b), substituted “\$180” for “\$110”.

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (a) and struck out former subsec. (a) which provided that a member of a uniformed service who was ordered to make certain changes of permanent station was to be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents while occupying temporary quarters.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(2)], added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(1), (c)(1)], redesignated subsec. (b) as (d) and inserted heading.

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title VI, §641(a)(1), (c)(2)], redesignated subsec. (c) as (e) and inserted heading.

1999—Subsec. (a). Pub. L. 106-65 added par. (3) and substituted “paragraph (1) or (3)” for “clause (1)” and “paragraph (2)” for “clause (2)” in concluding provisions.

1993—Subsec. (a). Pub. L. 103-160, §621(a), substituted “10 days” for “four days” in second sentence and “five days” for “two days” in third sentence.

Subsec. (d). Pub. L. 103-160, §621(b), struck out subsec. (d) which read as follows: “In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.”

1992—Subsec. (d). Pub. L. 102-484 added subsec. (d).

1991—Subsec. (a). Pub. L. 102-25, §702(b)(2), struck out “of this subsection” after “clause (1)” and “clause (2)”.

Subsec. (b). Pub. L. 102-25, §702(b)(1), struck out “of this section” after “subsection (a)”.

1985—Subsec. (a). Pub. L. 99-145 substituted “shall” for “may” in first sentence, and substituted “are to” for “may” the first place it appears in second and third sentences.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-163 applicable with respect to months beginning on or after Sept. 1, 2005, see section 609(c) of Pub. L. 109-163, set out as a note under section 403 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, §632(c), Dec. 28, 2001, 115 Stat. 1144, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 2002, and apply with respect to an order issued on or after that date to a member of the uniformed services to report to the member's first permanent duty station.”

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title VI, §621(c), Nov. 30, 1993, 107 Stat. 1682, provided that: “The amendments made by this section [amending this section] shall take effect on April 1, 1994.”

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §613(b), Nov. 8, 1985, 99 Stat. 640, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

EFFECTIVE DATE

Pub. L. 97-60, title I, §122(c), Oct. 14, 1981, 95 Stat. 1003, provided that: “The amendments made by this section [enacting this section and amending section 411 of this title] shall take effect on April 1, 1982.”

PROHIBITION ON PAYMENT OF TEMPORARY LODGING
EXPENSES; EXCEPTION

Pub. L. 99-500, §101(c) [title IX, §9097], Oct. 18, 1986, 100 Stat. 1783-82, 1783-117, and Pub. L. 99-591, §101(c) [title IX, §9097], Oct. 30, 1986, 100 Stat. 3341-82, 3341-117, provided that none of the funds appropriated by the Department of Defense Appropriations Act, 1987, Pub. L. 99-500, §101(c), and Pub. L. 99-591, §101(c), were to be available to pay temporary lodging expenses pursuant to subsec. (a) of this section, except that during fiscal year 1987, this provision was not to apply to those military personnel with dependents in grades E-4 and below.

§ 474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member

(a) PAYMENT OR REIMBURSEMENT AUTHORIZED.—The Secretary concerned may pay or reimburse a member of the armed forces assigned to temporary duty as described in subsection (b) for lodging expenses incurred by the member at the temporary duty location during an authorized absence of the member from the temporary duty location.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member assigned to temporary duty, for a period of more than 30 days, in support of a contingency operation or in other specific situations designated by the Secretary concerned if the member—

(1) immediately before the authorized absence, was performing the temporary duty at a location away from the home or permanent duty station of the member;

(2) was receiving a per diem allowance under section 474(a)(4) of this title to cover lodging and subsistence expenses incurred at the temporary duty location because quarters of the United States were not available for assignment to the member at that location; and

(3) before the end of the authorized absence, returns to the duty location.

(c) PAYMENT LIMITATION.—The amount paid or reimbursed under subsection (a) for a member may not exceed the lesser of—

(1) the actual daily cost of lodging incurred by the member at the temporary duty location during the authorized absence of the member; and

(2) the lodging portion of the applicable daily per diem rate for the temporary duty location.

(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term “authorized absence”, with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized under regulations prescribed by the Secretary concerned.

(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.

(Added Pub. L. 108-136, div. A, title VI, §635(a), Nov. 24, 2003, 117 Stat. 1510, §404b; amended Pub. L. 109-163, div. A, title VI, §651(a), (b)(1), Jan. 6, 2006, 119 Stat. 3311; renumbered §474b and

amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(3), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1461, 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(d)(2), renumbered section 404b of this title as this section.

Subsec. (b)(2). Pub. L. 112-81, §631(f)(4)(A), as amended by Pub. L. 112-239, §1076(a)(9), substituted “474(a)(4)” for “404(a)(4)”.

Subsec. (e). Pub. L. 112-81, §631(e)(3), added subsec. (e).

2006—Pub. L. 109-163, §651(b)(1), substituted “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member” for “Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave” in section catchline.

Subsec. (a). Pub. L. 109-163, §651(a)(1), substituted “during an authorized absence of the member from the temporary duty location” for “while the member is in an authorized leave status”.

Subsec. (b)(1). Pub. L. 109-163, §651(a)(2)(A), substituted “the authorized absence” for “taking the authorized leave”.

Subsec. (b)(3). Pub. L. 109-163, §651(a)(2)(B), substituted “before the end of the authorized absence” for “immediately after completing the authorized leave”.

Subsec. (c)(1). Pub. L. 109-163, §651(a)(3), substituted “during the authorized absence of the member” for “while the member was in an authorized leave status”.

Subsec. (d). Pub. L. 109-163, §651(a)(4), added subsec. (d).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

§ 475. Travel and transportation allowances: per diem while on duty outside the continental United States

(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the continental United States, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary’s jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(d) UNUSUAL OR EXTRAORDINARY EXPENSES.—(1) The Secretary concerned may reimburse a member of the uniformed services on duty as described in subsection (a) or (e) for an unusual or