

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