

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 extraordinary expense incurred by the member incident to such duty that—

(A) is directly related to the conditions or location of the duty or the location of the member’s dependents;

(B) is of a nature or a magnitude not normally incurred by members of the uniformed services on duty inside the continental United States; and

(C) is not included in the per diem determined under subsection (b) as payable to the member under subsection (a) or (e).

(2) Any reimbursement provided to a member under paragraph (1) is in addition to a per diem payable to that member under subsection (a) or (e).

(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to re-

side outside the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member's dependents and in the best interest of the United States.

(f) **TERMINATION.**—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 473, § 405; Pub. L. 89-718, § 57, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 91-486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96-107, title VIII, § 807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98-525, title VI, § 602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99-145, title XIII, § 1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101-189, div. A, title VI, § 622(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 103-160, div. A, title VI, § 622(a), Nov. 30, 1993, 107 Stat. 1683; Pub. L. 105-85, div. A, title VI, § 603(c)(2), Nov. 18, 1997, 111 Stat. 1781; Pub. L. 105-261, div. A, title VI, § 603(b), Oct. 17, 1998, 112 Stat. 2037; Pub. L. 106-398, § 1 [[div. A], title VI, § 641(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-160; Pub. L. 108-375, div. A, title VI, § 605(a), (b)(1), (2), Oct. 28, 2004, 118 Stat. 1945; Pub. L. 109-163, div. A, title VI, § 612, Jan. 6, 2006, 119 Stat. 3291; renumbered § 475 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(4), Dec. 31, 2011, 125 Stat. 1460, 1462.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
405	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words “Secretaries concerned” are substituted for the words “Secretaries of the uniformed services” to conform to other subsections of the source statute. The words “outside the United States, or in Hawaii or Alaska” are substituted for the words “outside the continental United States or in Alaska” to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 405 of this title as this section.

Subsec. (f). Pub. L. 112-81, § 631(e)(4), added subsec. (f). 2006—Subsec. (d). Pub. L. 109-163, § 612(b)(1), substituted “Unusual or Extraordinary” for “Non-recurring” in heading.

Subsec. (d)(1). Pub. L. 109-163, § 612(b)(1), (3)(A), in introductory provisions, inserted “or (e)” after “subsection (a)” and substituted “an unusual or extraordinary” for “a nonrecurring”.

Subsec. (d)(1)(A). Pub. L. 109-163, § 612(b)(3)(B), inserted “or the location of the member’s dependents” before semicolon.

Subsec. (d)(1)(C), (2). Pub. L. 109-163, § 612(b)(2), inserted “or (e)” after “subsection (a)”.

Subsec. (e). Pub. L. 109-163, § 612(a), added subsec. (e). 2004—Pub. L. 108-375, § 605(b)(2), amended section catchline generally, substituting “continental United States” for “United States or in Hawaii or Alaska”.

Subsec. (a). Pub. L. 108-375, § 605(b)(1), substituted “outside of the continental United States” for “outside of the United States or in Hawaii or Alaska”.

Subsec. (d). Pub. L. 108-375, § 605(a), added subsec. (d). 2000—Pub. L. 106-398 amended section generally. Prior to amendment, section authorized payment of a per diem to members of the uniformed services on duty outside of the United States or in Hawaii or Alaska and specified what elements were to be considered in determining the per diem allowance.

1998—Subsec. (c). Pub. L. 105-261 struck out subsec. (c) which authorized the Secretary concerned to make a lump-sum payment for nonrecurring expenses to certain members of the uniformed services authorized to receive per diem allowances under subsec. (a).

1997—Subsecs. (b) to (d). Pub. L. 105-85 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: “A station housing allowance may be prescribed under this section for a member who is on duty outside of the United States without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska. A station housing allowance prescribed under this section may be paid in advance.”

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).”

1989—Subsec. (d). Pub. L. 101-189 added subsec. (d). 1985—Pub. L. 99-145 inserted “the” after “outside” in section catchline.

1984—Subsec. (a). Pub. L. 98-525, § 602(e)(1), designated first two sentences of existing section as subsec. (a).

Subsec. (b). Pub. L. 98-525, § 602(e)(2), (3), designated third and fourth sentences of existing section as subsec. (b), in such third sentence as so designated inserted “for a member who is on duty outside of the United States” after “under this section”, and inserted after such third sentence: “A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska.”

Subsec. (c). Pub. L. 98-525, § 602(e)(4), designated last sentence of existing section as subsec. (c).

1979—Pub. L. 96-107 inserted provisions relating to advance payment of station housing allowances.

1970—Pub. L. 91-486 inserted provision authorizing a station housing allowance.

1966—Pub. L. 89-718 substituted “the” for “a” after “including”.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title VI, § 622(b), Nov. 30, 1993, 107 Stat. 1683, 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 amendment made by subsection (a) [amending this section] shall apply with respect to nonrecurring expenses and currency fluctuation gains described in [former] section 475(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.”

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title VI, § 622(b), Nov. 29, 1989, 103 Stat. 1447, provided that: “The amendment made by

subsection (a) [amending this section] shall apply with respect to expenses incurred after August 31, 1990.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Jan. 1, 1985, with exceptions, see section 602(f) of Pub. L. 98-525, as amended, set out as a note under section 403 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-107, title VIII, §807(b), Nov. 9, 1979, 93 Stat. 814, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1979.”

§ 475a. 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).

(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.

(Added Pub. L. 89-26, §1(1), May 22, 1965, 79 Stat. 116, § 405a; 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; renumbered §475a and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(5), Dec. 31, 2011, 125 Stat. 1460, 1462.)

AMENDMENTS

2011—Pub. L. 112-81, §631(d)(2), renumbered section 405a of this title as this section.

Subsec. (c). Pub. L. 112-81, §631(e)(5), added subsec. (c).

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