

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 sub-

section (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 dis-

regarded 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 reside 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

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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.