

Pub. L. 91-481, §1(2), Oct. 21, 1970, 84 Stat. 1081, added item 5709.

1967—Pub. L. 90-206, title II, §222(c)(2), Dec. 16, 1967, 81 Stat. 641, added item 5733.

Pub. L. 90-83 §1(37)(B), Sept. 11, 1967, 81 Stat. 205, added item 5724a.

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5701. Definitions

Except as otherwise provided in section 5707(d),¹ for the purpose of this subchapter—

- (1) “agency” means—
 - (A) an Executive agency;
 - (B) a military department;
 - (C) an office, agency, or other establishment in the legislative branch;
 - (D) an office, agency, or other establishment in the judicial branch; and
 - (E) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
- (ii) a Member of Congress; or
- (iii) an office or committee of either House of Congress or of the two Houses;

(2) “employee” means an individual employed in or under an agency including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at \$1 a year;

(3) “subsistence” means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;

(4) “per diem allowance” means a daily payment instead of actual expenses for subsistence and fees or tips to porters and stewards;

(5) “Government” means the Government of the United States and the government of the District of Columbia; and

(6) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 498; Pub. L. 94-22, §2(a), May 19, 1975, 89 Stat. 84; Pub. L. 99-234, title I, §101, Jan. 2, 1986, 99 Stat. 1756; Pub. L. 101-391, §5(a)(2), Sept. 25, 1990, 104 Stat. 751.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)–(5)	5 U.S.C. 835.	June 9, 1949, ch. 185, §2, 63 Stat. 166.
(6)	[Uncodified].	Aug. 14, 1961, Pub. L. 87-139, §8(c), 75 Stat. 340.

In paragraph (1), the word “agency” is substituted for “departments and establishments”. The terms “Executive agency” and “military department” are substituted for “any executive department, independent commission, board, bureau, office, agency, or other establishment in the executive branch of the Government, including wholly owned Government corporations” in view of the definitions in sections 105 and 102. The exception of “a Government controlled corporation” is added in subparagraph (i) to preserve the appli-

¹ See References in Text note below.

cation of this subchapter to “wholly owned Government corporations”.

Paragraph (2) is added for convenience and to eliminate the necessity of referring to “civilian officers and employees of the agencies” elsewhere in the text of the subchapter.

In paragraph (4), the words “for subsistence and fees or tips to porters and stewards” are added on authority of the words “in lieu of their actual expenses of subsistence and all fees or tips to porters and stewards” and “in lieu of subsistence” in former sections 836 and 73b-2, which are carried into sections 5702 and 5703, respectively.

Paragraph (5) is added for convenience and is based in part on former section 835(1)(A) and, insofar as concerns section 5703, on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

Paragraph (6), insofar as concerns section 5703, is based in part on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

The definition of “Member of Congress” in former section 835(4) is omitted as unnecessary in view of the definition of “Member of Congress” in section 2106.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 5707(d) of this title, referred to in text, was repealed by Pub. L. 104-201, div. A, title XVI, §1614(a)(1), Sept. 23, 1996, 110 Stat. 2739.

AMENDMENTS

1990—Pub. L. 101-391 substituted “Except as otherwise provided in section 5707(d), for the purpose” for “For the purpose”.

1986—Par. (4). Pub. L. 99-234 amended par. (4) generally, striking out “flat rate” before “payment”.

1975—Par. (2). Pub. L. 94-22 redefined “employee” to include individuals employed intermittently as experts or consultants and paid on a daily when-actually-employed basis, and individuals serving without pay at \$1 a year.

EFFECTIVE DATE OF 1986 AMENDMENT; REGULATIONS

Pub. L. 99-234, title III, §301, Jan. 2, 1986, 99 Stat. 1760, provided that:

“(a) The Administrator of General Services shall promulgate regulations implementing the amendments made by sections 101, 102, 103, 104, and 106 of this Act [enacting sections 5706a and 5734 of this title and amending this section and sections 5702 and 5707 of this title] not later than 150 days after the date of enactment of this Act [Jan. 2, 1986]. The amendments made by title I of this Act [enacting sections 5706a and 5734 of this title and amending this section, sections 5702, 5707, and 5724a of this title, section 476 of Title 2, The Congress, section 2396 of Title 22, Foreign Relations and Intercourse, section 4941 of Title 26, Internal Revenue Code, section 456 of Title 28, Judiciary and Judicial Procedure, section 326 of Title 31, Money and Finance, and section 2477 of Title 42, The Public Health and Welfare] shall take effect on the effective date of such regulations, or 180 days after the date of enactment of this Act [Jan. 2, 1986], whichever occurs first.

“(b) The amendments made by section 201 of this Act [enacting section 420 of Title 41, Public Contracts] shall take effect 30 days after the effective date of the amendments made by title I.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-264, §1, Oct. 19, 1998, 112 Stat. 2350, provided that: “This Act [enacting sections 5706c, 5710, and 5739 of this title, amending sections 5721 to 5724, 5724a, 5725, 5727 to 5729, 5731, and 5732 of this title, section 3413 of Title 12, Banks and Banking, and sections 3322, 3528, and 3726 of Title 31, Money and Finance, and enacting provisions set out as notes under this section, section 5706c of this title, and section 3322 of Title 31] may be

cited as the ‘Travel and Transportation Reform Act of 1998’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title XVII, §1701, Sept. 23, 1996, 110 Stat. 2752, provided that: “This title [enacting sections 5737, 5738, and 5756 of this title, amending sections 3375, 5722 to 5724c, 5726 to 5729, and 5731 of this title, section 1348 of Title 31, Money and Finance, section 707 of Title 38, Veterans’ Benefits, and sections 290aa and 299c-4 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 5722 of this title] may be cited as the ‘Federal Employee Travel Reform Act of 1996’.”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-234, §1, Jan. 2, 1986, 99 Stat. 1756, provided that: “This Act [enacting sections 5706a and 5734 of this title and section 420 of Title 41, Public Contracts, amending this section, sections 5702, 5707, and 5724a of this title, section 476 of Title 2, The Congress, section 2396 of Title 22, Foreign Relations and Intercourse, section 4941 of Title 26, Internal Revenue Code, section 456 of Title 28, Judiciary and Judicial Procedure, section 326 of Title 31, Money and Finance, and section 2477 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and section 420 of Title 41] may be cited as the ‘Federal Civilian Employee and Contractor Travel Expenses Act of 1985’.”

SHORT TITLE OF 1975 AMENDMENT

Pub. L. 94-22, §1, May 19, 1975, 89 Stat. 84, provided: “That this Act [see Tables for classification] may be cited as the ‘Travel Expense Amendments Act of 1975’.”

CONSTRUCTION

Pub. L. 112-194, §6, Oct. 5, 2012, 126 Stat. 1451, provided that:

“(a) EXECUTIVE AGENCY ACCOUNTING.—Nothing in this Act [see Short Title of 2012 Amendment note set out under section 101 of Title 41, Public Contracts], or the amendments made by this Act, shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments Information Act of 2002 [Pub. L. 107-300] (31 U.S.C. 3321 note).

“(b) PERSONAL INFORMATION.—Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of personally identifying information that is otherwise protected from disclosure under section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).”

[For definition of “executive agency” as used in section 6 of Pub. L. 112-194, set out above, see section 5 of Pub. L. 112-194, set out below.]

MANAGEMENT OF CENTRALLY BILLED ACCOUNTS

Pub. L. 112-194, §4, Oct. 5, 2012, 126 Stat. 1450, provided that:

“(a) REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

“(1) The executive agency shall ensure that officials with the authority to approve official travel verify that centrally billed account charges are not reimbursed to an employee.

“(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

“(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

“(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act [Oct. 5, 2012], the Director

of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).”

[For definitions of “executive agency” and “employee” as used in section 4 of Pub. L. 112-194, set out above, see section 5 of Pub. L. 112-194, set out below.]

eTRAVEL SERVICE

Pub. L. 108-447, div. G, title II, §209, Dec. 8, 2004, 118 Stat. 3193, provided that: “Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.”

CREDITWORTHINESS OF INDIVIDUALS TO BE ISSUED GOVERNMENT CHARGE CARDS

Pub. L. 112-74, div. C, title VII, §736, Dec. 23, 2011, 125 Stat. 937, provided that: “Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual’s consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508 [Pub. L. 90-321]) [15 U.S.C. 1681a]: *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 111-117, div. C, title VII, §738, Dec. 16, 2009, 123 Stat. 3214.

Pub. L. 111-8, div. D, title VII, §741, Mar. 11, 2009, 123 Stat. 691.

Pub. L. 110-161, div. D, title VII, §743, Dec. 26, 2007, 121 Stat. 2032.

Pub. L. 109-115, div. A, title VIII, §846, Nov. 30, 2005, 119 Stat. 2507.

Pub. L. 108-447, div. H, title VI, §639, Dec. 8, 2004, 118 Stat. 3281.

Pub. L. 108-199, div. F, title VI, §638, Jan. 23, 2004, 118 Stat. 358.

REQUIRING USE OF TRAVEL CHARGE CARD

Pub. L. 105-264, §2, Oct. 19, 1998, 112 Stat. 2350, as amended by Pub. L. 112-194, §3, Oct. 5, 2012, 126 Stat. 1448, provided that:

“(a) IN GENERAL.—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement estab-

lished under the preceding sentence in any case in which—

“(1) it is in the best interest of the United States to do so;

“(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

“(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

“(b) AGENCY EXEMPTION.—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

“(c) LIMITATION ON RESTRICTION ON DISCLOSURE.—

“(1) IN GENERAL.—[Amended section 3413 of Title 12, Banks and Banking.]

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

“(d) COLLECTION OF AMOUNTS OWED.—

“(1) IN GENERAL.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

“(2) DUE PROCESS PROTECTIONS.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

“(3) DEFINITIONS.—For the purpose of this subsection:

“(A) AGENCY.—The term ‘agency’ has the meaning that term has under section 101 of title 31, United States Code.

“(B) EMPLOYEE.—The term ‘employee’ means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

“(C) MEMBER; UNIFORMED SERVICE.—Each of the terms ‘member’ and ‘uniformed service’ has the meaning that term has in section 101 of title 37, United States Code.

“(e) REGULATIONS.—Within 270 days after the date of the enactment of this Act [Oct. 19, 1998], the Administrator of General Services shall promulgate regulations implementing this section, that—

“(1) make the use of the travel charge card established pursuant to the United States Travel and Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

“(2) specify the procedures for effecting under subsection (d) a deduction from pay owed to an em-

ployee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

“(3) provide that any deduction under subsection (d) from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

“(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

“(f) REPORTS.—

“(1) IN GENERAL.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

“(2) TIMING.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of the enactment of this Act [Oct. 19, 1998], and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

“(3) PREPARATION.—Each report shall be based on a sampling survey of agencies that expended more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

“(g) REIMBURSEMENT OF TRAVEL EXPENSES.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.

“(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

“(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain the following internal control activities to ensure the proper, efficient, and effective use of such travel charge cards:

“(A) There is a record in each executive agency of each holder of a travel charge card issued on behalf of the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge card holder.

“(B) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on travel charge card accounts are monitored for accuracy and properly recorded as a receipt of the agency that employs the card holder.

“(C) Periodic reviews are performed to determine whether each travel charge card holder has a need for the travel charge card.

“(D) Appropriate training is provided to each travel charge card holder and each official with responsibility for overseeing the use of travel charge cards issued by the executive agency.

“(E) Each executive agency has specific policies regarding travel charge cards issued for various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued travel charge cards, and designs those policies to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge card holders.

“(F) Each executive agency has policies to ensure its contractual arrangement with each travel

charge card issuing contractor contains a requirement that the creditworthiness of an individual be evaluated before the individual is issued a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use, prepaid, declining balance, controlled-spend, or stored value card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Director of the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of card holders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

“(G) Each executive agency uses effective systems, techniques, and technologies to prevent or identify improper purchases.

“(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee (or, in the case of a member of the uniformed services, upon separation or release from active duty or full-time National Guard duty).

“(I) Each executive agency shall ensure that, where appropriate, travel card payments are issued directly to the travel card-issuing bank for credit to the employee's individual travel card account.

“(2) GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.—Not later than 180 days after the date of the enactment of the Government Charge Card Abuse Prevention Act of 2012 [Oct. 5, 2012], the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

“(3) INSPECTOR GENERAL AUDIT.—The Inspector General of each executive agency with more than \$10,000,000 in travel card spending shall conduct periodic audits or reviews of travel card programs to analyze risks of illegal, improper, or erroneous purchases and payments. The findings of such audits or reviews along with recommendations to prevent improper use of travel cards shall be reported to the Director of the Office of Management and Budget and Congress.

“(4) PENALTIES FOR VIOLATIONS.—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

“(5) DEFINITIONS.—In this subsection:

“(A) EXECUTIVE AGENCY.—The term ‘executive agency’ means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

“(B) TRAVEL CHARGE CARD.—The term ‘travel charge card’ means any Federal contractor-issued travel charge card that is individually billed to each card holder.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

DEFINITIONS

Pub. L. 112-194, § 5, Oct. 5, 2012, 126 Stat. 1451, provided that: “In this Act [enacting section 1909 of Title 41, Public Contracts, amending section 2784 of Title 10, Armed Forces, enacting provisions set out as notes under this section and sections 101 and 1909 of Title 41, and amending provisions set out as a note under this section]:

“(1) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given such term in section 133 of title 41, United States Code.

“(2) EMPLOYEE.—The term ‘employee’ has the meaning given such term in section 2(d)(3) of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 5 U.S.C. 5701 note).”

§ 5702. Per diem; employees traveling on official business

(a)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee, when traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business (if the employee is described in section 5703 of this title), is entitled to any one of the following:

(A) a per diem allowance at a rate not to exceed that established by the Administrator of General Services for travel within the continental United States, and by the President or his designee for travel outside the continental United States;

(B) reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Administrator for travel within the continental United States or an amount established by the President or his designee for travel outside the continental United States; or

(C) a combination of payments described in subparagraphs (A) and (B) of this paragraph.

(2) Any per diem allowance or maximum amount of reimbursement shall be established, to the extent feasible, by locality. The Secretary of Defense shall not alter the amount of the per diem allowance, or the maximum amount of reimbursement, for a locality based on the duration of the travel in the locality of an employee of the Department.

(3) For travel consuming less than a full day, the payment prescribed by regulation shall be allocated in such manner as the Administrator may prescribe.

(b)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who abandons the travel assignment prior to its completion—

(A) because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and to payments pursuant to subsection (a) of this section until that location is reached; or

(B) because of a personal emergency situation (such as serious illness, injury, or death of a member of the employee's family, or an emergency situation such as fire, flood, or act of God), may be allowed, with the approval of