

Sec.  
5710. Authority for travel expenses test programs.  
5711. Authority for telework travel expenses test programs.

**SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES**

5721. Definitions.  
5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States.  
5723. Travel and transportation expenses of new appointees and student trainees.  
5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis.  
5724a. Relocation expenses of employees transferred or reemployed.  
5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.  
5724c. Relocation services.  
5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees.  
5725. Transportation expenses; employees assigned to danger areas.  
5726. Storage expenses; household goods and personal effects.  
5727. Transportation of motor vehicles.  
5728. Travel and transportation expenses; vacation leave.  
5729. Transportation expenses; prior return of family.  
5730. Funds available.  
5731. Expenses limited to lowest first-class rate.  
5732. General average contribution; payment or reimbursement.  
5733. Expeditious travel.  
5734. Travel, transportation, and relocation expenses of employees transferred from the Postal Service.  
5735. Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service.  
5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.  
5737. Relocation expenses of an employee who is performing an extended assignment.  
5737a. Employees temporarily deployed in contingency operations.  
5738. Regulations.  
5739. Authority for relocation expenses test programs.

**SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS**

5741. General prohibition.  
5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.

**SUBCHAPTER IV—MISCELLANEOUS PROVISIONS**

5751. Travel expenses of witnesses.  
5752. Travel expenses of Senior Executive Service candidates.  
5753. Recruitment and relocation bonuses.  
5754. Retention bonuses.  
5755. Supervisory differentials.  
5756. Home marketing incentive payment.  
5757.<sup>1</sup> Payment of expenses to obtain professional credentials.  
5757.<sup>1</sup> Extended assignment incentive.  
5759. Retention and relocation bonuses for the Federal Bureau of Investigation.  
5760. Travel and transportation allowances; transportation of family members incident to the repatriation of employees held captive.

<sup>1</sup> So in original. Two sections 5757 have been enacted.

5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation.

**AMENDMENTS**

2010—Pub. L. 111–292, §3(b), Dec. 9, 2010, 124 Stat. 3173, added item 5711.  
Pub. L. 111–178, §2(c), June 9, 2010, 124 Stat. 1263, added item 5724d.  
2009—Pub. L. 111–117, div. B, title II, §219(b), Dec. 16, 2009, 123 Stat. 3142, added item 5761.  
2008—Pub. L. 110–181, div. A, title XI, §1104(b), Jan. 28, 2008, 122 Stat. 347, added item 5737a.  
2006—Pub. L. 109–163, div. A, title XI, §1121(b), Jan. 6, 2006, 119 Stat. 3452, added item 5760.  
2004—Pub. L. 108–447, div. B, title I, §113(b), Dec. 8, 2004, 118 Stat. 2869, added item 5759.  
Pub. L. 108–411, title I, §101(a)(2), Oct. 30, 2004, 118 Stat. 2309, substituted “Retention bonuses” for “Retention allowances” in item 5754.  
2002—Pub. L. 107–273, div. A, title II, §207(a)(2), Nov. 2, 2002, 116 Stat. 1780, added item 5757 “Extended assignment incentive”.  
2001—Pub. L. 107–107, div. A, title XI, §1112(b), Dec. 28, 2001, 115 Stat. 1239, added item 5757 “Payment of expenses to obtain professional credentials”.  
1998—Pub. L. 105–264, §§4(b), 5(c), Oct. 19, 1998, 112 Stat. 2354, 2355, added items 5706c, 5710, and 5739.  
1996—Pub. L. 104–201, div. A, title XVI, §1605(a)(2), title XVII, §1723(c), Sept. 23, 1996, 110 Stat. 2736, 2759, added items 5736 to 5738 and 5756.  
1994—Pub. L. 103–337, div. A, title III, §345(a)(2), Oct. 5, 1994, 108 Stat. 2724, added item 5735.  
1992—Pub. L. 102–378, §2(46), Oct. 2, 1992, 106 Stat. 1353, struck out “; manpower shortage positions” after “trainees” in item 5723 and added item 5755.  
1990—Pub. L. 101–509, title V, §529 [title II, §§206(a)(2), 208(b)], Nov. 5, 1990, 104 Stat. 1427, 1457, 1460, added items 5706b, 5753, and 5754.  
Pub. L. 101–391, §4(b), Sept. 25, 1990, 104 Stat. 750, added item 5707a.  
1986—Pub. L. 99–234, title I, §§103(b), 106(b), Jan. 2, 1986, 99 Stat. 1758, 1759, added items 5706a and 5734.  
1983—Pub. L. 98–151, §118(a)(7)(A)(ii), Nov. 14, 1983, 97 Stat. 979, added items 5724b and 5724c.  
1978—Pub. L. 95–454, title IV, §409(c), Oct. 13, 1978, 92 Stat. 1173, added item 5752.  
1975—Pub. L. 94–22, §7, May 19, 1975, 89 Stat. 86, inserted “and reports” after “Regulations” in item 5707.  
1970—Pub. L. 91–563, §4(b), Dec. 19, 1970, 84 Stat. 1477, added heading of Subchapter IV and item 5751.  
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),<sup>1</sup> 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;

<sup>1</sup> See References in Text note below.

- (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 application 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

Section 301 of Pub. L. 99-234 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

Section 1 of Pub. L. 99-234 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

Section 1 of Pub. L. 94-22 provided: “That this Act [amending this section, sections 5702, 5703, 5704, 5705,

and 5707 of this title, and section 68b of Title 2, The Congress, and enacting provisions set out as a note under section 5707 of this title] may be cited as the “Travel Expense Amendments Act of 1975’.”

#### 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. 111-117, div. C, title VII, § 738, Dec. 16, 2009, 123 Stat. 3214, 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. 111-8, 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, 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 established 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 employee, 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.”

[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.]

**§ 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.

(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 an appropriate official of the agency concerned, 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 payments pursuant to subsection (a) of this section until that location is reached.

(2)(A) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who, with the approval of an appropriate official of the agency concerned, interrupts the travel assignment prior to its completion for a reason specified in subparagraph (A) or (B) of paragraph (1) of this subsection, may be allowed (subject to the limitation provided in subparagraph (B) of this paragraph)—

(i) reimbursement for expenses of transportation to the location where necessary medical services are provided or the emergency situation exists,

(ii) payments pursuant to subsection (a) of this section until that location is reached, and

(iii) such reimbursement and payments for return to such assignment.

(B) The reimbursement which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be the employee’s actual costs of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from such location, less the costs of transportation which the employee would have incurred had such travel begun and ended at the employee’s designated post of duty, or home or regular place of business, as the case may be. The payments which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the employee’s transportation as a consequence of the transportation’s having begun and ended at a location on the travel assignment (rather than at the employee’s designated post of duty, or home or regular place of business, as the case may be).

(3) Subject to the limitations contained in regulations prescribed pursuant to section 5707 of this title, an employee who is described in sub-

section (a) of this section and who interrupts the travel assignment prior to its completion because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to payments pursuant to subsection (a) of this section at the location where the interruption occurred.

(c) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 498; Pub. L. 91-114, §1, Nov. 10, 1969, 83 Stat. 190; Pub. L. 94-22, §3, May 19, 1975, 89 Stat. 84; Pub. L. 96-54, §2(a)(36), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-346, §1, Sept. 10, 1980, 94 Stat. 1148; Pub. L. 99-234, title I, §102, Jan. 2, 1986, 99 Stat. 1756; Pub. L. 102-378, §2(47), Oct. 2, 1992, 106 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 836.	June 9, 1949, ch. 185, §3, 63 Stat. 166. Apr. 26, 1950, ch. 108, 64 Stat. 89. July 28, 1955, ch. 424, §1, 69 Stat. 393. Aug. 14, 1961, Pub. L. 87-139, §1, 8(a), 75 Stat. 339, 340.

In subsection (a), the term "employee" is substituted for "civilian officers and employees of the departments and establishments" in view of the definition of "employee" in sections 5701 and 2105. The words "in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards" are omitted as unnecessary in view of the definition of "per diem allowance" in section 5701(4).

In subsection (b), the words "Under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated and approved under sections 835-842 of this title".

In subsection (c), the words "Under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated by the Director, Bureau of the Budget, pursuant to section 840 of this title."

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

AMENDMENTS

1992—Pub. L. 102-378 substituted "employees" for "employee" in section catchline.

1986—Subsec. (a). Pub. L. 99-234, §102(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty, or in the case of an individual described under section 5703 of this title, his home or regular place of business, is entitled to (1) a per diem allowance for travel inside the continental United States at a rate not to exceed \$50, and (2) a per diem allowance for travel outside the continental United States, that may not exceed the rate established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rate may be allocated proportionately."

Subsec. (b). Pub. L. 99-234, §102(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty or, in the case of an individual described under section 5703 of this title, his home or regular place of business, becomes incapacitated by illness or injury not due to

his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses to his designated post of duty, or home or regular place of business, as the case may be."

Subsec. (c). Pub. L. 99-234, §102, redesignated subsec. (e) as (c) and struck out former subsec. (c) which read as follows: "Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed \$75 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (1) due to the unusual circumstances of the travel assignment, or (2) for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title."

Subsec. (d). Pub. L. 99-234, §102(a), struck out subsec. (d) which read as follows: "Under regulations prescribed under section 5707 of this title, for travel outside the continental United States, the Administrator of General Services or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed \$33 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel."

Subsec. (e). Pub. L. 99-234, §102(b), redesignated subsec. (e) as (c).

1980—Subsec. (a). Pub. L. 96-346, §1(1), increased to \$50 from \$35 the maximum per diem allowance for travel inside the continental United States.

Subsec. (c). Pub. L. 96-346, §1(2), increased to \$75 from \$50 the maximum reimbursement for actual and necessary expenses for travel within the continental United States.

Subsec. (d). Pub. L. 96-346, §1(3), increased to \$33 from \$21 the maximum reimbursement for travel outside the continental United States.

1979—Subsec. (c). Pub. L. 96-54 substituted "(1)" for "(A)" and "(2)" for "(B)".

1975—Subsec. (a). Pub. L. 94-22 substituted provision relating to determination of per diem allowance under regulations prescribed under section 5707 for provision allowing for such determination by agency concerned, inserted provisions relating to an individual described under section 5703 and to proportionate allocation of rates for travel consuming less than a full day, struck out provision relating to Director of Bureau of Budget or another officer of Government of the United States as persons who may be designees, and raised maximum allowance from \$25 to \$35.

Subsec. (b). Pub. L. 94-22 inserted provision relating to an individual described under section 5703, inserted "appropriate" before "transportation", and "or home or regular place of business, as the case may be." after "expenses to his designated post of duty".

Subsec. (c). Pub. L. 94-22 substituted the Administrator of General Services, or his designee, for the head of the agency concerned, as the party who may prescribe conditions for reimbursement for actual and necessary expenses, raised from \$40 to \$50 the maximum reimbursement for travel within the continental United States when the rate otherwise allowable is inadequate due to unusual circumstances or due to travel to areas designated as high rate areas, and struck out a provision, now covered by subsec. (d), for a maximum allowance per day for travel outside the continental United States.

Subsecs. (d), (e). Pub. L. 94-22 transferred from subsec. (c) to (d) provisions for reimbursement for actual and necessary expenses for travel outside the continental United States and raised from \$18 to \$21 the maximum reimbursement for such expenses, and redesignated former subsec. (d) as (e).

1969—Subsec. (a). Pub. L. 91-114 increased the per diem allowance for travel inside the continental United States from not to exceed the rate of \$16 to not to exceed the rate of \$25.

Subsec. (c). Pub. L. 91-114 in cl. (1) increased the amount authorized to be named in the travel authorization for each day in a travel status inside the continental United States from not to exceed \$30 to not to exceed \$40, and in cl. (2) increased the amount authorized to be named in the travel authorization for each day in a travel status outside the continental United States from not to exceed the maximum per diem allowance plus \$10 to not to exceed the maximum per diem allowance plus \$18.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of this title.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

#### DELEGATION OF FUNCTIONS

Authority of President under subsec. (a) of this section to establish maximum rates of per diem allowances to extent that such authority pertains to travel status of employees while enroute to, from, or between localities situated outside 48 contiguous States of United States and District of Columbia delegated to Administrator of General Services, see section 1(2) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Authority of President under subsec. (a) of this section to establish maximum rates of per diem allowances and reimbursements for actual and necessary expenses of official travel for employees of Government to extent that such authority pertains to travel status in localities in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of United States delegated to Secretary of Defense, see section 1(h) of Ex. Ord. No. 10621, set out as a note under section 301 of Title 3.

#### RETENTION OF TRAVEL PROMOTIONAL ITEMS

Pub. L. 107-107, div. A, title XI, §1116, Dec. 28, 2001, 115 Stat. 1241, provided that:

“(a) DEFINITION.—In this section, the term ‘agency’ has the meaning given that term under section 5701 of title 5, United States Code.

“(b) RETENTION OF TRAVEL PROMOTIONAL ITEMS.—To the extent provided under subsection (c), a Federal employee, member of the Foreign Service, member of a uniformed service, any family member or dependent of such an employee or member, or other individual who receives a promotional item (including frequent flyer miles, upgrade, or access to carrier clubs or facilities) as a result of using travel or transportation services obtained at Federal Government expense or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Federal Government.

“(c) LIMITATION.—Subsection (b)—

“(1) applies only to travel that—

“(A) is at the expense of an agency; or

“(B) is accepted by an agency under section 1353 of title 31, United States Code; and

“(2) does not apply to travel by any officer, employee, or other official of the Government who is not in or under any agency.

“(d) REGULATORY AUTHORITY.—Any agency with authority to prescribe regulations governing the acquisition, acceptance, use, or disposal of any travel or transportation services obtained at Government expense or

accepted under section 1353 of title 31, United States Code, may prescribe regulations to carry out subsection (b) with respect to those travel or transportation services.

“(e) REPEAL OF SUPERSEDED LAW.—[Repealed section 6008 of Pub. L. 103-355, formerly set out as a note below.]

“(f) APPLICABILITY.—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act [Dec. 28, 2001].”

#### COST SAVINGS FOR OFFICIAL TRAVEL

Pub. L. 103-355, title VI, §6008, Oct. 13, 1994, 108 Stat. 3367, related to maximizing practicable cost savings for official travel through use of frequent traveler programs, prior to repeal by Pub. L. 107-107, div. A, title XI, §1116(e), Dec. 28, 2001, 115 Stat. 1241.

#### REPORTS TO CONGRESS OF PER DIEM AND MILEAGE ALLOWANCE PAYMENTS FOR FISCAL YEARS 1979 THROUGH 1981; RULES AND REGULATIONS

Section 3 of Pub. L. 96-346, for fiscal years 1979 to 1981, directed the Administrator of General Services to collect by fiscal year information with respect to agencies spending more than \$5,000,000 annually on transportation of people, identifying general causes and purposes of travel and estimates of total payments, average cost and duration of trip, and identifying by specific agency of travel practices which appear to be inefficient and recommendations to Congress on the applicability of alternatives to travel as well as other techniques to improve use of travel in carrying out program objectives relating travel to mission.

#### EX. ORD. NO. 12561. DELEGATION OF FUNCTIONS RELATING TO TRAVEL OUTSIDE CONTINENTAL UNITED STATES

Ex. Ord. No. 12561, July 1, 1986, 51 F.R. 24299, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 102(a) of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985 (Public Law 99-234) (“the Act”) [amending this section] and Section 301 of Title 3 of the United States Code, it is ordered as follows:

SECTION 1. Section 1 of Executive Order No. 10621 of July 1, 1955, as amended [3 U.S.C. 301 note], is further amended by redesignating the current subsection (i) as subsection (g); by revoking the current subsection (o); and by adding the following new subsection (h):

“(h) The authority vested in the President by Section 102(a) of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985, 5 U.S.C. 5702(a), to establish maximum rates of per diem allowances and reimbursements for the actual and necessary expenses of official travel for employees of the Government to the extent that such authority pertains to travel status in localities in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States.”

SEC. 2. There is hereby delegated to the Secretary of State the authority vested in the President by Section 102(a) of the Act (5 U.S.C. 5702(a)) to establish maximum rates of per diem allowances and reimbursements for the actual and necessary expenses of official travel for employees of the Government to the extent that such authority pertains to travel status in localities (including the Trust Territories of the Pacific Islands) in any area situated outside the United States, the Commonwealth of Puerto Rico, and possessions of the United States.

SEC. 3. Executive Order No. 11294 of August 4, 1966, is revoked.

RONALD REAGAN.

#### §5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay

An employee serving intermittently in the Government service as an expert or consultant

and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 499; Pub. L. 91-114, § 2, Nov. 10, 1969, 83 Stat. 190; Pub. L. 94-22, § 4, May 19, 1975, 89 Stat. 85.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 73b-2.	Aug. 2, 1946, ch. 744, § 5, 60 Stat. 808. July 28, 1955, ch. 424, § 2, 69 Stat. 394. Aug. 14, 1961, Pub. L. 87-139, §§ 2, 8(b), 75 Stat. 339, 340.

Subsection (a) is added on authority of section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

In subsection (b), the words “in lieu of subsistence” are omitted as unnecessary in view of the definition of “per diem allowance” in section 5701(4). The words “this subchapter” are substituted for “the Standardized Government Travel Regulations, Subsistence Expense Act of 1926, as amended (5 U.S.C. 821-833) and the Act of February 14, 1931, as amended by this Act” as the Subsistence Expense Act of 1926 and the Act of February 14, 1931, were repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority for the Standardized Government Travel Regulations in former section 840 is carried into section 5707.

In subsection (c), the words “this subchapter” are substituted for “said regulations and said Act of February 14, 1931, as so amended” as the Act of February 14, 1931, was repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority for the Standardized Government Travel Regulations in former section 840 is carried into section 5707. The words “in lieu of subsistence” are omitted as unnecessary in view of the definition of “per diem allowance” in section 5701(4).

In subsection (d), the words “Under regulations prescribed under section 5707 of this title” are substituted for “in accordance with regulations promulgated by the Director, Bureau of the Budget, pursuant to section 840 of this title”.

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

AMENDMENTS

1975—Pub. L. 94-22 struck out separate provisions for per diem allowances of employees serving as experts, consultants, or serving without pay or at \$1 a year.

1969—Subsec. (c)(1). Pub. L. 91-114 increased the per diem allowance for travel inside continental United States from not to exceed the rate of \$16 to not to exceed the rate of \$25.

Subsec. (d). Pub. L. 91-114 in cl. (1) increased amount authorized to be named in travel authorization for each day in a travel status inside continental United States from not to exceed \$30 to not to exceed \$40, and in cl. (2) increased amount authorized to be named in travel authorization for each day in a travel status outside continental United States from not to exceed maximum per diem allowance plus \$10 to not to exceed the maximum per diem allowance plus \$18.

**§ 5704. Mileage and related allowances**

(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is en-

gaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their automobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

- (1) parking fees;
- (2) ferry fees;
- (3) bridge, road, and tunnel costs; and
- (4) airplane landing and tie-down fees.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 499; Pub. L. 94-22, § 5, May 19, 1975, 89 Stat. 85; Pub. L. 96-346, § 2, Sept. 10, 1980, 94 Stat. 1148; Pub. L. 103-329, title VI, § 634(a), Sept. 30, 1994, 108 Stat. 2428.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 837.	June 9, 1949, ch. 185, § 4, 63 Stat. 166. July 28, 1955, ch. 424, § 4, 69 Stat. 394. Aug. 14, 1961, Pub. L. 87-139, §§ 3, 4, 75 Stat. 339, 340.

The word “employee” is substituted for “Civilian officers and employees of departments and establishments” in view of the definition of “employee” in sections 5701 and 2105.

In subsection (a), the words “Under regulations prescribed under section 5707 of this title” are substituted for “under regulations prescribed by the Director of the Bureau of the Budget”.

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

AMENDMENTS

1994—Pub. L. 103-329 amended text generally. Prior to amendment, text read as follows:

“(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to not in excess of—

- “(1) 20 cents a mile for the use of a privately owned motorcycle;
- “(2) 25 cents a mile for the use of a privately owned automobile; or
- “(3) 45 cents a mile for the use of a privately owned airplane;

instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

“(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

- “(1) parking fees;
- “(2) ferry fees;
- “(3) bridge, road, and tunnel costs; and
- “(4) airplane landing and tie-down fees.”

1980—Subsec. (a)(1). Pub. L. 96-346, §2(1), substituted “20 cents” for “11 cents”.

Subsec. (a)(2). Pub. L. 96-346, §2(2), substituted “25 cents” for “20 cents”.

Subsec. (a)(3). Pub. L. 96-346, §2(3), substituted “45 cents” for “24 cents”.

1975—Subsec. (a). Pub. L. 94-22 struck out “or other individual performing services for the Government” after “employee”, substituted “for the Government” for “inside or outside his designated post of duty or place of service”, increased from 8 to 11 cents the allowance for use of a motorcycle, from 12 to 20 cents the allowance for use of an automobile, and from 12 to 24 cents the allowance for use of an airplane, and inserted provision relating to the limitation of an allowance to the cost of travel by Government vehicle when an employee chooses a privately owned vehicle in lieu of a Government vehicle.

Subsec. (b). Pub. L. 94-22 inserted “authorized” after “allowance”, struck out “or other individual performing service for the Government” after “employee”, and provided for reimbursement of airplane landing and tie-down fee.

§ 5705. Advancements and deductions

An agency may advance, through the proper disbursing official, to an employee entitled to per diem or mileage allowances under this subchapter, a sum considered advisable with regard to the character and probable duration of the travel to be performed. A sum advanced and not used for allowable travel expenses is recoverable from the employee or his estate by—

- (1) setoff against accrued pay, retirement credit, or other amount due the employee;
- (2) deduction from an amount due from the United States; and
- (3) such other method as is provided by law.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 94-22, §2(b), May 19, 1975, 89 Stat. 84.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 838.	June 9, 1949, ch. 185, §5, 63 Stat. 166.

The words “disbursing official” are substituted for “disbursing officer” because of the definition of “officer” in section 2104 which excludes a member of a uniformed service. Application to section 5703 is based on former section 73b-2, which is carried into section 5703.

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

AMENDMENTS

1975—Pub. L. 94-22 struck out “or individual” after “employee” wherever appearing.

§ 5706. Allowable travel expenses

Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 839.	June 9, 1949, ch. 185, §6, 63 Stat. 167.

The words “members of the uniformed services” are substituted for “military personnel”.

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

§ 5706a. Subsistence and travel expenses for threatened law enforcement personnel

(a) Under regulations prescribed pursuant to section 5707 of this title, when the life of an employee who serves in a law enforcement, investigative, or similar capacity, or members of such employee’s immediate family, is threatened as a result of the employee’s assigned duties, the head of the agency concerned may approve appropriate subsistence payments for the employee or members of the employee’s family (or both) while occupying temporary living accommodations at or away from the employee’s designated post of duty.

(b) When a situation described in subsection (a) of this section requires the employee or members of the employee’s family (or both) to be temporarily relocated away from the employee’s designated post of duty, the head of the agency concerned may approve transportation expenses to and from such alternate location.

(Added Pub. L. 99-234, title I, §103(a), Jan. 2, 1986, 99 Stat. 1757.)

EFFECTIVE DATE

Section effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as an Effective Date of 1986 Amendment note under section 5701 of this title.

§ 5706b. Interview expenses

An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter for travel to and from pre-employment interviews determined necessary by the agency.



(Added Pub. L. 101-509, title V, § 529 [title II, § 206(a)(1)], Nov. 5, 1990, 104 Stat. 1427, 1457.)

## EFFECTIVE DATE

Section effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101-509, set out as an Effective Date of 1990 Amendment note under section 5301 of this title.

**§ 5706c. Reimbursement for taxes incurred on money received for travel expenses**

(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee's spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.

(Added Pub. L. 105-264, § 4(a), Oct. 19, 1998, 112 Stat. 2354.)

## REFERENCES IN TEXT

Public Law 102-486, referred to in subsec. (b), is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, known as the Energy Policy Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of Title 42, The Public Health and Welfare, and Tables.

## EFFECTIVE DATE

Pub. L. 105-264, § 4(c), Oct. 19, 1998, 112 Stat. 2354, provided that: "This section [enacting this section] shall be effective as of January 1, 1993."

**§ 5707. Regulations and reports**

(a)(1) The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government.

(2) Regulations promulgated to implement section 5702 or 5706a of this title shall be transmitted to the appropriate committees of the Congress and shall not take effect until 30 days after such transmittal.

(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

(1)(A) The Administrator of General Services, in consultation with the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

- (i) depreciation of original vehicle cost;
- (ii) gasoline and oil (excluding taxes);
- (iii) maintenance, accessories, parts, and tires;
- (iv) insurance; and
- (v) State and Federal taxes.

(2)(A) The Administrator shall issue regulations under this section which—

(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph.

(c) The Administrator of General Services shall periodically, but at least every 2 years, submit to the Director of the Office of Management and Budget an analysis of estimated total agency payments for such items as travel and transportation of people, average costs and duration of trips, and purposes of official travel; and of estimated total agency payments for employee relocation. This analysis shall be based on a sampling survey of agencies each of which spent more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. Agencies shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 94-22, § 6(a), May 19, 1975, 89 Stat. 85; Pub. L.

99-234, title I, §104, Jan. 2, 1986, 99 Stat. 1758; Pub. L. 101-391, §5(a)(1), Sept. 25, 1990, 104 Stat. 750; Pub. L. 103-329, title VI, §634(b), (c), Sept. 30, 1994, 108 Stat. 2429, 2430; Pub. L. 104-201, div. A, title XVI, §1614(a)(1), Sept. 23, 1996, 110 Stat. 2739; Pub. L. 104-316, title I, §103(e), Oct. 19, 1996, 110 Stat. 3829.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 840.	June 9, 1949, ch. 185, §7, 63 Stat. 167.

The first sentence is based in part on former sections 73b-2, 836, and 837, which are carried into this subchapter. Application of the second sentence to section 5703, and the third sentence, are based on former section 73b-2, which is carried into section 5703.

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

#### AMENDMENTS

1996—Subsec. (b)(1)(A). Pub. L. 104-316 struck out “the Comptroller General of the United States,” after “in consultation with”.

Subsec. (d). Pub. L. 104-201 struck out subsec. (d) which provided that agencies ensure that their approved accommodation percentages be not less than specified percentages for fiscal years beginning 4 and 5 years after Sept. 25, 1990, and that their percentages be not less than 90 percent for fiscal years beginning 6 years after Sept. 25, 1990, and thereafter.

1994—Subsec. (b). Pub. L. 103-329, §634(b), amended subsec. (b) generally, revising and restructuring text.

Subsec. (c). Pub. L. 103-329, §634(c), redesignated par. (1) as entire subsec. and struck out par. (2) which read as follows: “The requirements of paragraph (1) of this subsection shall expire upon the Administrator’s submission of the analysis that includes the fiscal year that ends September 30, 1991.”

1990—Subsec. (d). Pub. L. 101-391 added subsec. (d).

1986—Subsec. (a). Pub. L. 99-234 designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 99-234 added subsec. (c).

1975—Pub. L. 94-22 inserted “and reports” in section catchline, designated existing provisions as subsec. (a), substituted “Administrator of General Services” for “Director of the Bureau of the Budget”, struck out provision for fixing, payment, advancement and recovery of travel allowances and expenses in accordance with the regulations and provision for the non-applicability of this section to per diem allowances under section 5703(c), and inserted provision for regulations for travel by employees of the judicial branch of the Government by the Director of the Administrative Office of the United States Courts, and added subsec. (b).

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of this title.

#### REGULATIONS; TIME FOR ISSUANCE

Section 6(b) of Pub. L. 94-22 provided that regulations required under the first sentence of subsec. (b)(2) of this section, as amended by subsec. (a) of section 6 of Pub. L. 94-22, were to be issued no later than 30 days after May 19, 1975.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsection (b)(1) of this section relating to reporting results of investigations to Congress, see section 3003 of

Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 174 of House Document No. 103-7.

#### REPORTS REGARDING FOREIGN TRAVEL

Pub. L. 105-277, div. G, subdiv. B, title XXV, §2505, Oct. 21, 1998, 112 Stat. 2681-837, as amended by Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VII, §707], Nov. 29, 1999, 113 Stat. 1536, 1501A-461; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated for the Department of State for fiscal year 2000 or 2001 may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

“(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

“(1) the name and employing agency of the officer or employee;

“(2) the name of the official who authorized the travel; and

“(3) the purpose and duration of the travel.

“(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

“(1) setting forth the actual duration and cost of the travel; and

“(2) updating any other information included in the preliminary report.

“(d) REPORT TO CONGRESS.—The Director shall submit a report on January 31 of the years 2000 and 2001 and July 31 of the years 2000 and 2001, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

“(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

“(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

“(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

“(e) EXCEPTIONS.—This section shall not apply to travel by—

“(1) the President or the Vice President;

“(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission; or

“(3) any officer or employee who travels prior to January 1, 1999.

“(f) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of International Conferences of the Department of State.

“(2) EXECUTIVE BRANCH AGENCY.—The terms ‘Executive branch agency’ and ‘Executive branch agencies’ mean—

“(A) an entity or entities, other than the Government Accountability Office, defined in section 105 of title 5, United States Code; and

“(B) the Executive Office of the President (except as provided in subsection (e)).

“(3) INTERNATIONAL CONFERENCE.—The term ‘international conference’ means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

“(g) REPORT.—Not later than 180 days after the date of enactment of this Act [Oct. 21, 1998], and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

“(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

“(2) the total number of individuals in each agency who engaged in such travel.”

#### REPORTING OF EMPLOYEE RELOCATION EXPENSES

Pub. L. 105-61, title VI, §635, Oct. 10, 1997, 111 Stat. 1316, provided that: “No later than 30 days after the enactment of this Act [Oct. 10, 1997], the Director of the Office of Management and Budget shall require all Federal departments and agencies to report total obligations for the expenses of employee relocation. All obligations incident to employee relocation authorized under either chapter 57 of title 5, United States Code, or section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081; Public Law 96-465), shall be included. Such information for the past, current, and budget years shall be included in the agency budget submission to the President. The Director of the Office of Management and Budget shall prepare a table presenting obligations for the expenses of employee relocation for all departments and agencies, and such table shall be transmitted to Congress each year as part of the President’s annual budget.”

#### GAO AUDIT OF AGENCY COMPLIANCE

Section 5(b) of Pub. L. 101-391, which provided that not later than 6 months after the last day of the first fiscal year during which lodging expenses were subject to the requirements of former subsec. (d) of this section, and not later than 6 months after the last day of every fiscal year thereafter, the Comptroller General was to conduct an audit of the compliance of agencies with the requirements of such subsection, and was to submit a report to Congress describing the results of such audit, was repealed by Pub. L. 104-201, div. A, title XVI, §1614(a)(2), Sept. 23, 1996, 110 Stat. 2739, and Pub. L. 104-316, title I, §103(f), Oct. 19, 1996, 110 Stat. 3829.

#### § 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

(a)(1) For the purpose of making payments under this chapter for lodging expenses incurred in a State, each agency shall ensure that not less than 90 percent of the commercial-lodging room nights for employees of that agency for a fiscal year are booked in approved places of public accommodation.

(2) Each agency shall establish explicit procedures to satisfy the percentage requirement of paragraph (1).

(3) An agency shall be considered to be in compliance with the percentage requirement of paragraph (1) until September 30, 2002, and after that date if travel arrangements of the agency, whether made for civilian employees, members of the uniformed services, or foreign service per-

sonnel, are made through travel management processes designed to book commercial lodging in approved places of public accommodation, whenever available.

(b) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to approved places of public accommodation. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State.

(c) The Administrator of General Services may not include in any directory which lists lodging accommodations any hotel, motel, or other place of public accommodation that is not an approved place of public accommodation.

(d) The Administrator of General Services shall include in each directory which lists lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

(e) The Administrator of General Services may take any additional actions the Administrator determines appropriate to facilitate the ability of employees traveling on official business to stay at approved places of public accommodation.

(f) For purposes of this section:

(1) The term “agency” does not include the government of the District of Columbia.

(2) The term “approved places of public accommodation” means hotels, motels, and other places of public accommodation that are listed by the Administrator of the Federal Emergency Management Agency as meeting the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225).

(3) The term “State” means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

(Added Pub. L. 101-391, §4(a), Sept. 25, 1990, 104 Stat. 749; amended Pub. L. 105-85, div. A, title XI, §1107(a)-(c), Nov. 18, 1997, 111 Stat. 1924, 1925; Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410.)

#### AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85, §1107(a)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 105-85, §1107(c)(1), substituted “‘approved places of public accommodation’ for ‘places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974’ and struck out ‘as defined in section 4 of the Federal Fire Prevention and Control Act of 1974’ after ‘that is not a State’”.

Pub. L. 105-85, §1107(a)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 105-85, §1107(c)(2), substituted “‘is not an approved place of public accommodation’ for ‘does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974’”.

Pub. L. 105-85, § 1107(a)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 105-85, § 1107(a)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105-85, § 1107(c)(3), substituted “facilitate the ability of” for “encourage” and “approved places of public accommodation” for “places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974”.

Pub. L. 105-85, § 1107(a)(1), redesignated subsec. (d) as (e).

Subsec. (f). Pub. L. 105-85, § 1107(b), added subsec. (f).

#### CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (f)(2) on authority of section 612(c) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

#### EFFECTIVE DATE

Section 4(c) of Pub. L. 101-391 provided that: “The amendments made by this section [enacting this section] shall take effect 60 days after the date of the publication in the Federal Register [Nov. 24, 1992, 57 F.R. 55314] of the master list of certified places of public accommodation maintained by the Director [now Administrator] of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 [15 U.S.C. 2224(b)] (as added by section 3 of this Act).”

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### § 5708. Effect on other statutes

This subchapter does not modify or repeal—

- (1) any statute providing for the traveling expenses of the President;
- (2) any statute providing for mileage allowances for Members of Congress;
- (3) any statute fixing or permitting rates higher than the maximum rates established under this subchapter; or
- (4) any appropriation statute item for examination of estimates in the field.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1), (2) .....	5 U.S.C. 841.	June 9, 1949, ch. 185, § 8, 63 Stat. 167.
(3), (4) .....	5 U.S.C. 842.	June 9, 1949, ch. 185, § 9, 63 Stat. 167.

In paragraph (2), the words “Members of Congress” are substituted for “the President of the Senate or Members of Congress” in view of the definition of “Member of Congress” in section 2106.

The first sentence of section 9 of the Act of June 9, 1949, which repealed the Subsistence Act of 1926 and the Auto Mileage Act of February 14, 1931, is omitted as executed.

The first proviso of former section 842, which related to appropriation Acts for the years 1949 and 1950, is omitted as obsolete. The remainder of former section 842, other than the parenthetical expressions, is omitted as executed and existing rights are preserved by technical section 8.

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

### § 5709. Air evacuation patients: furnished subsistence

Notwithstanding any other provision of law, and under regulations prescribed under section 5707 of this title, an employee and his dependents may be furnished subsistence without charge while being evacuated as a patient by military aircraft of the United States.

(Added Pub. L. 91-481, § 1(1), Oct. 21, 1970, 84 Stat. 1081.)

### § 5710. Authority for travel expenses test programs

(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

(d) No more than 10 test programs under this section may be conducted simultaneously.

(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.

(Added Pub. L. 105-264, § 5(a), Oct. 19, 1998, 112 Stat. 2354.)

#### REFERENCES IN TEXT

The date of the enactment of the Travel and Transportation Reform Act of 1998, referred to in subsec. (e), is the date of enactment of Pub. L. 105-264, which was approved Oct. 19, 1998.

**§ 5711. Authority for telework travel expenses test programs**

(a) Except as provided under subsection (f)(1), in this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (2) the Committee on Oversight and Government Reform of the House of Representatives.

(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

(2) The results in a report described under paragraph (1) may include—

- (A) the number of visits an employee makes to the pre-existing duty station of that employee;
- (B) the travel expenses paid by the agency;
- (C) the travel expenses paid by the employee; or
- (D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

(e) No more than 10 test programs under this section may be conducted simultaneously.

(f)(1) In this subsection, the term “appropriate committee of Congress” means—

- (A) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (B) the Committee on Oversight and Government Reform of the House of Representatives;
- (C) the Committee on the Judiciary of the Senate; and
- (D) the Committee on the Judiciary of the House of Representatives.

(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

- (A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;
- (B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and
- (C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

- (i) provide for the effective and appropriate functioning of the program; and
- (ii) ensure that—
  - (I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;
  - (II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and
  - (III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(B) The Director of the Patent and Trademark Office shall—

- (i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and
- (ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.

(Added Pub. L. 111-292, §3(a), Dec. 9, 2010, 124 Stat. 3171.)

#### REFERENCES IN TEXT

The date of the enactment of the Telework Enhancement Act of 2010, referred to in subsec. (g), is the date of enactment of Pub. L. 111-292, which was approved Dec. 9, 2010.

### SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

#### § 5721. Definitions

For the purpose of this subchapter—

- (1) “agency” means—
  - (A) an Executive agency;
  - (B) a military department;
  - (C) a court of the United States;
  - (D) the Administrative Office of the United States Courts;
  - (E) the Library of Congress;
  - (F) the Botanic Garden;
  - (G) the Architect of the Capitol;
  - (H) the Government Printing Office; and
  - (I) the government of the District of Columbia;

but does not include a Government controlled corporation;

(2) “employee” means an individual employed in or under an agency;

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

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

(5) “appropriation” includes funds made available by statute under section 9104 of title 31;

(6) “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

(7) “Foreign Service of the United States” means the Foreign Service as constituted under the Foreign Service Act of 1980.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 97-258, §3(a)(14), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 105-264, §6(1), Oct. 19, 1998, 112 Stat. 2356; Pub.

L. 110-161, div. H, title I, §1303(a), Dec. 26, 2007, 121 Stat. 2242.)

#### HISTORICAL AND REVISION NOTES

The section is based on sections 18 and 19 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811, 812. Sections 18 and 19 of the Act of Aug. 2, 1946, are omitted from this title and transferred to other titles of the United States Code since such sections apply also to sections 9, 11, and 16(a) of the Act of Aug. 2, 1946, which sections appear in titles 31 and 41 of the United States Code.

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 3(a) of the Panama Canal Act of 1979, referred to in par. (6), is classified to section 3602(a) of Title 22, Foreign Relations and Intercourse.

The Foreign Service Act of 1980, referred to in par. (7), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

#### AMENDMENTS

2007—Par. (1)(G) to (I). Pub. L. 110-161 added subpar. (G) and redesignated former subpars. (G) and (H) as (H) and (I), respectively.

1998—Pars. (6), (7). Pub. L. 105-264 added pars. (6) and (7).

1982—Par. (5). Pub. L. 97-258 substituted “section 9104” for “section 849”.

#### § 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States;

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the continental United States; and

(3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727(c) of this title.

(b) An agency may pay expenses under subsection (a)(1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if selected for appointment to a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) 12 months after his appointment, if selected for appointment to any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the