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Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. A, title XI, §1112(b), Jan. 1, 2021, 134 Stat. 3984, which directed amendment of item 5711 in table of sections for subchapter I of chapter 57 by substituting “Authority for telework travel expenses programs” for “Authority for telework travel expenses test programs”, was executed to table of sections for this chapter to reflect the probable intent of Congress.

2019—Pub. L. 116-92, div. A, title XI, §1114(b), Dec. 20, 2019, 133 Stat. 1604, substituted “Taxes on reimbursements for travel, transportation, and relocation expenses” for “Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred” in item 5724b.

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.

¹ So in original. Probably should be followed by a period.

² So in original. Two sections 5757 have been enacted.

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-

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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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,

¹ See References in Text note below.