

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

| Derivation | U.S. Code       | Revised Statutes and Statutes at Large  |
|------------|-----------------|---|
| .....      | 5 U.S.C. 73b-2. | Aug. 2, 1946, ch. 744, §5, 60 Stat. 808.<br>July 28, 1955, ch. 424, §2, 69 Stat. 394.<br>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14, 1931, as amended by this Act" as the Subsistence Expense Act of 1926 and the Act of February 14, 1931, were repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the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for "said regulations and said Act of February 14, 1931, as so amended" as the Act of February 14, 1931, was repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the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.

#### Editorial Notes

##### 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 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 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 shall be 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; Pub. L. 113-291, div. A, title IX, §915(a), Dec. 19, 2014, 128 Stat. 3475.)

#### HISTORICAL AND REVISION NOTES

| Derivation | U.S. Code     | Revised Statutes and Statutes at Large   |
|------------|---------------|--|
| .....      | 5 U.S.C. 837. | June 9, 1949, ch. 185, §4, 63 Stat. 166.<br>July 28, 1955, ch. 424, §4, 69 Stat. 394.<br>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.

#### Editorial Notes

##### AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–291, in last sentence, substituted “the rate per mile shall be the single standard mileage rate established by the Internal Revenue Service” for “the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service”.

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

| Derivation | U.S. Code     | Revised Statutes and Statutes at Large    |
|------------|---------------|---|
| .....      | 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.

#### Editorial Notes

##### 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

| Derivation | U.S. Code     | Revised Statutes and Statutes at Large    |
|------------|---------------|---|
| .....      | 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.)