

[Report submitted by Secretary of Defense on Mar. 31, 1995.]

[§ 404. Renumbered § 474]

[§ 404a. Renumbered § 474a]

[§ 404b. Renumbered § 474b]

§ 405. Travel and transportation allowances: per diem while on duty outside the continental United States

(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the continental United States, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(d) UNUSUAL OR EXTRAORDINARY EXPENSES.—(1) The Secretary concerned may reimburse a member of the uniformed services on duty as described in subsection (a) or (e) for an unusual or extraordinary expense incurred by the member incident to such duty that—

(A) is directly related to the conditions or location of the duty or the location of the member's dependents;

(B) is of a nature or a magnitude not normally incurred by members of the uniformed services on duty inside the continental United States; and

(C) is not included in the per diem determined under subsection (b) as payable to the member under subsection (a) or (e).

(2) Any reimbursement provided to a member under paragraph (1) is in addition to a per diem payable to that member under subsection (a) or (e).

(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member's dependents and in the best interest of the United States.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 473, § 405; Pub. L. 89-718, § 57, Nov. 2, 1966, 80 Stat. 1123;

Pub. L. 91-486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96-107, title VIII, § 807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98-525, title VI, § 602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99-145, title XIII, § 1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101-189, div. A, title VI, § 622(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 103-160, div. A, title VI, § 622(a), Nov. 30, 1993, 107 Stat. 1683; Pub. L. 105-85, div. A, title VI, § 603(c)(2), Nov. 18, 1997, 111 Stat. 1781; Pub. L. 105-261, div. A, title VI, § 603(b), Oct. 17, 1998, 112 Stat. 2037; Pub. L. 106-398, § 1 [[div. A], title VI, § 641(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-160; Pub. L. 108-375, div. A, title VI, § 605(a), (b)(1), (2), Oct. 28, 2004, 118 Stat. 1945; Pub. L. 109-163, div. A, title VI, § 612, Jan. 6, 2006, 119 Stat. 3291; renumbered § 475 and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(4), Dec. 31, 2011, 125 Stat. 1460, 1462; renumbered § 405 and amended Pub. L. 116-283, div. A, title VI, § 604(a), Jan. 1, 2021, 134 Stat. 3672.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
405	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words "Secretaries concerned" are substituted for the words "Secretaries of the uniformed services" to conform to other subsections of the source statute. The words "outside the United States, or in Hawaii or Alaska" are substituted for the words "outside the continental United States or in Alaska" to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

Editorial Notes

PRIOR PROVISIONS

A prior section 405 was renumbered section 475 of this title prior to being renumbered again as this section.

AMENDMENTS

2021—Pub. L. 116-283, § 604(a)(1), renumbered section 475 of this title as this section.

Subsec. (f). Pub. L. 116-283, § 604(a)(2), struck out subsec. (f). Text read as follows: "During and after the travel authorities expiration date, no per diem may be paid under this section for any period."

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 405 of this title as section 475.

Subsec. (f). Pub. L. 112-81, § 631(e)(4), added subsec. (f). 2006—Subsec. (d). Pub. L. 109-163, § 612(b)(1), substituted "Unusual or Extraordinary" for "Non-recurring" in heading.

Subsec. (d)(1). Pub. L. 109-163, § 612(b)(1), (3)(A), in introductory provisions, inserted "or (e)" after "subsection (a)" and substituted "an unusual or extraordinary" for "a nonrecurring".

Subsec. (d)(1)(A). Pub. L. 109-163, § 612(b)(3)(B), inserted "or the location of the member's dependents" before semicolon.

Subsec. (d)(1)(C), (2). Pub. L. 109-163, § 612(b)(2), inserted "or (e)" after "subsection (a)".

Subsec. (e). Pub. L. 109-163, § 612(a), added subsec. (e). 2004—Pub. L. 108-375, § 605(b)(2), amended section catchline generally, substituting "continental United States" for "United States or in Hawaii or Alaska".

Subsec. (a). Pub. L. 108-375, § 605(b)(1), substituted "outside of the continental United States" for "outside of the United States or in Hawaii or Alaska".

Subsec. (d). Pub. L. 108-375, § 605(a), added subsec. (d). 2000—Pub. L. 106-398 amended section generally. Prior to amendment, section authorized payment of a per