SEC. __. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

"**709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement**

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

"(1) the leave is canceled in connection with the member's participation in a contingency operation; and

"(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

"(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

"(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

"709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would relocate the authority to reimburse members of the Armed Forces for expenses incurred in connection with leave canceled due to contingency operations from section 453 of title 37, United States Code, to title 10, United States Code, where the authority existed prior to the enactment of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66). Chapter 8 of title 37 concerns government-provided travel and transportation. The authority to reimburse members for expenses incurred in connection with canceled leave is unrelated to such travel and transportation allowances and more appropriately fits in chapter 40 of title 10, which concerns leave and benefits related to leave.

Budget Implications: As this proposal would only maintain the Department of Defense's (DoD) ability to pay these expenses, it would result in no added cost to the Department.

Effect of amendment to chapter 40 of title 10, United States Code (reimbursement for expenses incurred in connection with leave canceled due to contingency operations): The proposed legislation would result in no added cost to the Department because the anticipated $11,000 in annual expenditure is offset by the estimated $11,000 of removing the section from title 37, United States Code.

Effect of amendment to section 453(g) of title 37, United States Code (reimbursement for travel in connection with leave cancelled due to contingency operations): The proposed legislation would result in no added cost to the Department because the anticipated $11,000 that would be expended offsets the estimated $11,000 in expenditures under title 10, United States Code.

RESOURCE REQUIREMENTS ($MILLIONS) – 37 U.S.C. CHANGE									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	(.005)	(.005)	(.005)	(.005)	(.005)	Operation and Maintenance,	01	131	Multiple

						Army			
Navy	(.002)	(.002)	(.002)	(.002)	(.002)	Operation and Maintenance, Navy	04	490	0901212N
Marine Corps	(.001)	(.001)	(.001)	(.001)	(.001)	Operation and Maintenance, Marine Corps	04	4A4G	09-Administration and Service-wide Support
Air Force	(.003)	(.003)	(.003)	(.003)	(.003)	Operation and Maintenance, Air Force	04	410	91212F
Total	(.011)	(.011)	(.011)	(.011)	(.011)				

RESOURCE REQUIREMENTS ($MILLIONS) – 10 U.S.C. CHANGE									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	.005	.005	.005	.005	.005	Operation and Maintenance, Army	01	131	Multiple
Navy	.002	.002	.002	.002	.002	Operation and Maintenance, Navy	04	490	0901212N
Marine Corps	.001	.001	.001	.001	.001	Operation and Maintenance, Marine Corps	04	4A4G	09-Administration and Service-wide Support
Air Force	.003	.003	.003	.003	.003	Operation and Maintenance, Air Force	04	410	91212F
Total	.011	.011	.011	.011	.011				

NUMBER OF PERSONNEL AFFECTED					
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Army	10	10	10	10	10
Navy	4	4	4	4	4
Marine Corps	2	2	2	2	2
Air Force	6	6	6	6	6
Total	22	22	22	22	22

Changes to Existing Law: This section would make the following changes in provisions of existing law:

TITLE 10, UNITED STATES CODE

§ 709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

(1) the leave is canceled in connection with the member's participation in a contingency operation; and

(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.

TITLE 37, UNITED STATES CODE

§ 453. Allowance travel and transportation: specific authorities

(a) ***

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~~(g) REIMBURSEMENT FOR TRAVEL IN CONNECTION WITH LEAVE CANCELLED DUE TO CONTINGENCY OPERATIONS.—A member may be reimbursed as specified in regulations prescribed under section 464 of this title for travel and related expenses incurred by the member as a result of the cancellation of previously approved leave when the leave is cancelled in conjunction with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced. The settlement for reimbursement under this subsection is final and conclusive.~~