



Memorandum

November 20, 2003

TO: Hon. C.A. “Dutch” Ruppertsberger
Attention: Sheilah Mirmiran

FROM: David F. Burrelli
Specialist in National Defense
Foreign Affairs, Defense, and Trade

SUBJECT: Rest and Recuperative Transportation

This memo is in response to your request of November 19, 2003, and our subsequent discussions. You have asked CRS to explain the travel and transportation rules pertaining to military service members granted Rest and Recuperative (R&R) leave.

According to 37 United States Code §411c (“Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries”),

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is serving at a duty station outside the United States in an area specifically designated for the purposes of this section by the Secretary concerned may be paid or provided transportation for himself and his dependents authorized to reside at his duty station – (1) to another location outside the United States...; or (2) to a location in the United States.¹

Under this language the Secretary is given permissive authority to transport a member of a uniformed service from the foreign country to a location designated by the Secretary. Such language does not permit the Secretary, however, to provide travel (including lodgings, meals, etc.) to each service member beyond the originally designated location. In other words, this language does not permit the Secretary to provide travel home for each member granted R&R, after the member arrives at the designated location in the United States. Historically, the Services have used this authority to afford recuperative leave to members, usually in foreign countries, located near the original deployment site.

R&R leave has been granted to certain individuals serving in or supporting Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF). Originally, such individuals

¹ See also, U.S. Department of Defense, Directive 1327.5, Leave and Liberty, September 10, 1997.

were granted transportation to Baltimore-Washington International Airport (BWI). Recently, additional Continental United States (CONUS) locations were designated including Atlanta GA, Dallas/Fort Worth TX, and Los Angeles CA.²

According to a DoD official familiar with this program, DoD expects to spend approximately \$344 million this year on OEF and OIF R&R transportation.

In the recently passed supplemental appropriations bill, Congress included report language recommending the use of \$55 million for R&R travel purposes,³ which reads as follows:

REST AND RECUPERATION TRAVEL

The conferees recommend that of the funds provided in Operation and Maintenance, Army, \$55,000,000 be used only for covering the travel costs of troops on rest and recuperation leave. Specifically, these funds shall be used to cover any additional costs incurred by troops returning from the Iraq or Afghanistan theaters to reach their home of record (in the United States, or its territories and commonwealths) from established disembarkation points in the United States. Department officials may use these funds to cover troop travel costs from established disembarkation points to places other than their home of record in a manner consistent with current Department of Defense travel regulations and guidelines. Further, the conferees agree that, to the maximum extent practicable, the commercial airline industry should charge Armed Forces members and their families the lowest available fares for air travel in connection with rest and recuperation leave.⁴

As written, this language⁵ is not law, and is permissive and not mandatory in nature. Further, it allows DoD to provide assistance for travel-related expenses (such as emergency hotel accommodation for service members or travel to their homes) not otherwise specifically authorized in law. A Defense official noted that this (\$55 million) amount is already being used to provide transportation to and from current military operations and CONUS, and that to afford each individual granted R&R travel from OEF/OIF all the way home would increase the total cost of this program to approximately \$1 billion. As such, the use of a \$55 million portion of these funds for further travel expenses, as recommended in the law, is not sufficient to ensure each and every service member on R&R would receive travel assistance to his or her home.

If I can be of additional assistance, please call 202-707-8033.

² U.S. Department of Defense, Per Diem, Travel and Transportation Allowance Committee, Memo (corrected) "Editorial Changes to the JFTR/JTR," September 30, 2003.

³ H.R. 3289, P.L. 108-106, November 6, 2003.

⁴ U.S. Congress, House, Conference Committee, Making Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan for the Fiscal Year ending September 30, 2004, and for Other Purposes, H.Rept. 108-337, 108th Cong., 1st Sess., October 30, 2003: 35-36.

⁵ See Costello, George, Statutory Interpretation General Principles and Recent Trends, CRS Report 97-589, Updated August 20, 2003.