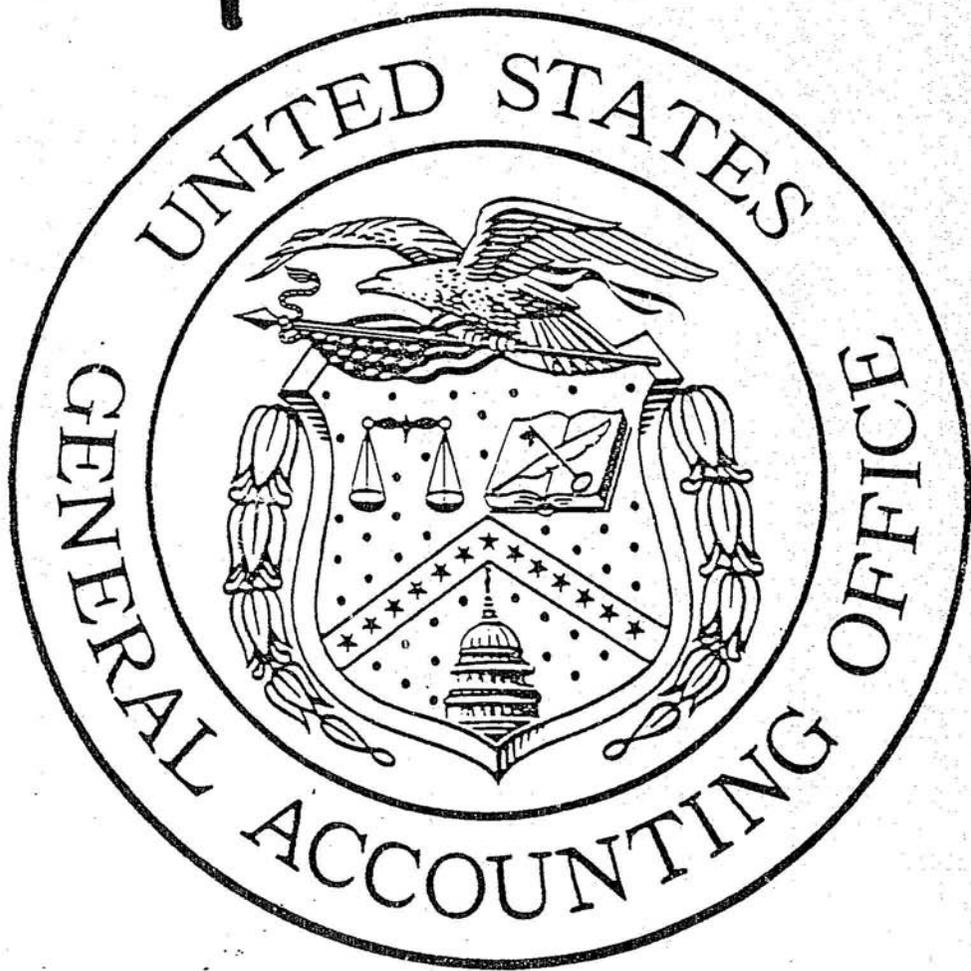


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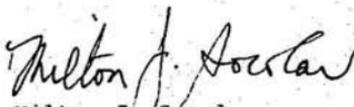
***Civilian  
Personnel  
Law Manual***

***Title III - Travel***

FOREWORD

In the May 1977 Foreword accompanying Title I, Compensation, of the Civilian Personnel Law Manual, it was stated that Title III, Travel, would be issued. We are pleased to announce the distribution of Title III at this time.

Title III is a comprehensive outline of decisions of this Office dealing with the legal entitlements of Federal employees when traveling. The material contained in Title III reflects the decisions of this Office issued through March 31, 1978.

  
Milton J. Socolar  
General Counsel

March 1979

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TABLE OF ABBREVIATIONS

GAO - General Accounting Office

CSC - Civil Service Commission

(The standard abbreviations are used for all other  
Government agencies.)

FPM - Federal Personnel Manual

CFR - Code of Federal Regulations

USC - United States Code

FTR - Federal Travel Regulations

FPMR - Federal Property Management Regulations

JTR - Joint Travel Regulations

FAM - Foreign Affairs Manual

SGTR - Standardized Government Travel Regulations

TDY - Temporary Duty

POV - Privately Owned Vehicle

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### CHAPTER 1

#### AUTHORITY FOR TRAVEL

##### A. STATUTORY AUTHORITY

Subchapter I of chapter 57 of title 5, United States Code (5 U.S.C. §§ 5701-5709) provides the authority to allow employees of the Government travel and subsistence expenses and mileage. Other statutes applicable to certain classes of personnel or to certain types of travel are discussed in Chapter 13.

##### B. REGULATIONS

###### Federal Travel Regulations

The regulations implementing 5 U.S.C. §§ 5701-5709 are issued by the General Services Administration pursuant to Executive Order No. 11609, 36 Fed. Reg. 13747, July 22, 1971, as amended, and are found at Chapter 1, Travel Allowances, of the Federal Travel Regulations (FTR) (FPMR 101-7) May 1973.

###### Amendments to the Federal Travel Regulations

See FPMR Temporary Regulation A-11, Supplement 4, dated April 29, 1977, 42 Fed. Reg. 23676-84, May 10, 1977; and FPMR Temporary Regulation A-11, Supplement 5, dated March 8, 1978, 43 Fed. Reg. 10442-10444 (March 13, 1978).

###### Effect of the Federal Travel Regulations

As statutory regulations the FTRs have the force and effect of law and may not be waived or modified by the employing agency or the General Accounting Office regardless of the existence of any extenuating circumstances. See B-189775, September 22, 1977.

###### Joint Travel Regulations

###### Authority

The Joint Travel Regulations (JTR) are promulgated by the Per Diem, Travel and Transportation Allowance Committee of the Department of Defense. Volume 2 of the JTR is a restatement and implementation of the FTR and concerns per diem, travel, and transportation

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allowances of civilian officials and employees in the Department of Defense. The JTRs also apply to Department of Defense personal service contract employees and civilian officials and employees of other Federal Government departments and agencies who perform official assignments for and at the expense of the Department of Defense. (See paragraph C1000 of the JTR.)

### Deviation from Federal Travel Regulations

Proposed amendment to 2 JTR para. C2050-3 eliminating requirement of written orders for sea trial trips would not be proper since FTR para. 1-1.4 requires that written orders should be issued prior to incurring expenses. B-181431, February 27, 1975.

### Waiver of regulations

Adoption of proposed amendment to JTR, Volume 2, to authorize Per Diem, Travel and Transportation Allowance Committee to grant exceptions to any civilian travel regulations in Volume 2 is not approved since Committee has no authority to waive regulation. Statute which authorizes administrative officer to prescribe regulations does not imply authority to include waiver provisions therein permitting administrator to waive regulations in certain cases and enforce them in others. Moreover, regulations must contain guidelines applicable to all individuals similarly situated so that anyone interested may determine his own rights or exemptions therein. B-158880, October 27, 1966, and 37 Comp. Gen. 820 (1958).

### Effect of changes

Employee claimed additional per diem allowance on the basis he acquired a vested right to per diem rate (\$25) authorized by JTR at the time his travel orders were issued. The JTR was subsequently changed to reduce the rate applicable to the employee to \$14. When travel orders indicate per diem is in accordance with JTR, a change in JTR that modifies per diem rate applicable to employee must be applied on a prospective basis from the effective date of the change. Therefore his claim was denied. B-182324, July 31, 1975.

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Amendatory regulations changing per diem rates have the force and effect of law and are applicable from the stated effective date. The rule is applicable not only to cases where the individual employee has not received notice of the increase or decrease in the rate, but also to cases in which the installation responsible for the employee's temporary duty assignment is not on actual notice of the amendment. B-190014, August 30, 1978. B-183633, June 10, 1975; and B-173927, October 27, 1971.

### United States Department of State Standardized Regulations (Government Civilians, Foreign Area) as amended (1961)

These regulations cover such areas of entitlement for Government employees in foreign areas as travel for educational purposes, travel expenses for dependents of certain employees, and the establishment of maximum per diem allowances for civilian officers and employees of the Government in travel status at localities in foreign areas. See Chapter 8.

### Department of State Foreign Affairs Manual Volume 6, General Services

These regulations cover the travel of Foreign Service employees and the members of their families, and apply to travel and transportation within the United States as well and abroad. (See 6 FAM 111.) See Chapter 13. For Orders and Authorization on Approval of Travel see Chapter 2, Subchapter III.

## C. APPROPRIATIONS AVAILABLE FOR TRAVEL EXPENSES

### Appropriation Acts

Individual appropriation acts may contain special authority and/or limitations on travel with respect to the agency concerned.

### Limitations

Section 401 of the Department of Housing and Urban Development--Independent Agencies Appropriation Act of 1978, Public Law 95-119, October 4, 1977, 91 Stat. 1088, provides that where appropriations in titles I and II of the Act are expendable for travel expenses of employees and no specific limitation has been

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placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriation. This section does not apply to travel performed by uncompensated officials of local and appeal board of the Selective Service System for travel in connection with care and treatment of medical beneficiaries of the Veterans Administration, or to payment to interagency motor pools where separately set forth in the budget schedules. Also, the limitation may be increased when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

Section 853 of the Department of Defense Appropriation Act, 1978, Public Law 95-111, September 21, 1977, 91 Stat. 908, states:

"None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person."

### Appropriation chargeable

#### Generally

The travel expenses of a civilian employee of the United States are properly chargeable to the appropriation current at the time such expenses are incurred by the employee in the absence of a specific statutory provision to the contrary. 27 Comp. Gen. 25 (1947).

Where travel expenses are incurred near the end of one fiscal year, and travel extends into the next fiscal year, the total costs often are chargeable in part to both fiscal year appropriations. See 42 Comp. Gen. 699 (1963).

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### Through ticket

The transportation by rail, bus, or airplane to a port of embarkation procured on a through ticket for the entire trip to an overseas destination may be regarded as the beginning of a continuous journey, so that the cost of the entire trip is chargeable to the appropriation current at the time the through ticket is purchased and the obligation is incurred. 26 Comp. Gen. 961 (1947).

### Separate tickets

Where it is necessary to purchase separate tickets in different fiscal years for various parts or segments of a journey, the appropriation properly chargeable with each separate item of the transportation expense would be the appropriation current at the date of purchase of the ticket for the performance of each particular portion of the journey; and if transportation requests be used, the obligation arises when the transportation is procured on the request. 26 Comp. Gen. 961 (1947).

### Exchange of transportation request

When a transportation request is exchanged for a ticket near the close of one fiscal year for travel to begin in the next fiscal year, the appropriation chargeable is that available at the time the travel is commenced. The material factor in determining the appropriation properly chargeable with the expense is not the need for the ticket but the need for the travel. 27 Comp. Gen. 764 (1948).

### Privately owned vehicle

Where official travel performed under orders authorizing the use of a privately owned automobile at not to exceed the cost of similar travel by rail would have been completed prior to the end of the fiscal year if rail travel had been used, and the constructive cost of the travel by rail is less than the expenses incurred prior to the end of the fiscal year in traveling by automobile, the allowable cost of such travel may be charged to the fiscal year appropriation current at the time the travel began, even though the

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travel was not completed until after the end of the fiscal year. 30 Comp. Gen. 147 (1950).

### Department of State

Section 2677 of 22 U.S.C. (1976) authorizes the Department of State to charge travel and transportation costs to the appropriation current at the time travel begins, notwithstanding the fact that such travel or transportation may not be completed during that same fiscal year. However, in order for the Department of State under 5 U.S.C. § 170(o), now 22 U.S.C. § 2677, to charge the entire cost of travel extending into 2 fiscal years to the appropriation current at the time the travel costs were first incurred, such costs must be incurred pursuant to travel orders issued during that fiscal year. 42 Comp. Gen. 699 (1963).

### Dual purpose travel

A civilian employee traveling on civilian and military reserve assignments is entitled to reimbursement by the civilian agency to the extent his reimbursement by the military did not equal what he would have received at civilian rates. B-130324, February 15, 1957.

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### CHAPTER 2

#### APPLICABILITY AND GENERAL RULES

##### SUBCHAPTER I--APPLICABILITY

###### A. GENERALLY, PERSONS COVERED

The FTR apply to the travel of civilian officers and employees of the United States, including civilian employees of the Department of Defense. The FTR also apply to persons employed intermittently as experts or consultants, and to persons serving without compensation. FTR para. 1-1.2.

###### B. SPECIFIC CLASSES OF PERSONS COVERED

###### Temporary employees

A temporary employee may be paid transportation expenses and per diem while on travel status away from his official duty station on the same basis as other employees in a travel status. B-127271, August 29, 1976.

###### Employees on leave without pay status

An employee on leave without pay may be reimbursed for round-trip travel and per diem incident to duty services performed at his official duty station. An employee who is not restored to an active duty status and is thus not receiving compensation may be regarded as an "individual serving without pay" where the administrative office has an official need of the service which he has performed. B-162863, December 5, 1967.

###### Witnesses (see also Chapter 13, Subchapter II)

###### Nonemployees

As "persons serving without compensation"--The payment of travel expenses may be made to witnesses, who are not Government employees, on a commuted basis as well as on an actual expense basis as the term persons "serving without compensation" in 5 U.S.C. § 5703 is sufficiently broad to cover all persons serving the Government without compensation despite the fact that they may be serving in other than in an advisory capacity. 48 Comp. Gen. 110 (1968).

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Individuals who are not members of the uniformed services or who are not Federal civilian employees may be called as witnesses in adverse administrative proceedings whether in behalf of the Government or in behalf of a member or an employee and they may be paid transportation and per diem allowances as "individuals serving without pay" within the scope of 5 U.S.C. § 5703, if the presiding hearing officer determines that the member or employee reasonably has shown that the testimony of the witness is substantial, material, and necessary, and that an affidavit would not be adequate. The JTR may be amended accordingly, and any inconsistent prior decisions will no longer be followed. 48 Comp. Gen. 644 (1969).

Courts-martial proceedings--The issuance of invitational travel orders and the payment of commuted travel allowances under 5 U.S.C. § 5703 to civilian persons other than Federal employees who are requested to testify at pretrial investigations pursuant to Article 32 of the Uniform Code of Military Justice, 10 U.S.C. § 832, which is implemented by the Manual for Courts-Martial prescribed by Executive Order No. 11476, June 1969, may be authorized even though the manual makes no provision for the subpoena and payment of witnesses, since the investigations are an integral part of the courts-martial proceedings. However, as the approval authority is discretionary it should be exercised within the framework of the Military Code. 50 Comp. Gen. 810 (1971).

### Employees

#### Private litigation--

##### Potential liabilities under Federal Tort Claims Act

An employee attended as a witness in a criminal hearing which involved an automobile accident that occurred while the employee-witness and another employee were on an official assignment. He attended for the purpose of strengthening the other employee's case to obtain a favorable verdict so that the Government would not become involved in a subsequent tort action as a result of the automobile accident occurring in the scope of the employee's employment. Even though the

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witness was not summoned on behalf of the United States, his appearance must be regarded as an appearance in the best interest of the Government, and, therefore, the travel of the employee-witness to the hearing may be considered official business for payment of travel expenses. 44 Comp. Gen. 188 (1964).

A part-time Schedule A employee who was involved in an automobile accident while operating a privately owned vehicle while on official business and who was charged with failure to obey a stop sign and summoned to appear in court may be reimbursed for her mileage expenses incident to travel from her home in Camden, New Jersey, to the court in New Castle, Delaware, and return. Since the Federal Government under the "Federal Tort Claims Act" is potentially liable for the damages caused by the employee who was operating the motor vehicle while acting within the scope of her employment, the appearance of the employee at the judicial proceeding to which she was summoned may be regarded as the performance of official duty within the meaning of 5 U.S.C. § 6322(b)(2). 53 Comp. Gen. 214 (1973).

### Official capacity

When a Government employee is subpoenaed to testify in private litigation in his official capacity he is in an official duty status not a leave status, and he may be reimbursed travel expenses to the same extent as expenses are paid to other employees traveling on official business. B-166938, July 17, 1969.

Government witnesses--The payment of the travel expenses of an officer or employee of the Government appearing as a witness on behalf of the United States is governed by the regulations of the agency in which he is employed only if the case involves the activity in which he is employed or is serving, and then his expenses are properly payable from the appropriations otherwise available to the agency concerned for the travel expenses of such agency. Otherwise, pursuant to 28 U.S.C. § 1823, now see 5 U.S.C. § 5751 (1976), payment of the travel expenses of an employee-witness

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comes under regulations prescribed by the Attorney General. 46 Comp. Gen. 613 (1967).

Activity concerned no longer connected with employment--Traveling expenses of a witness who, although still a Government employee, is no longer employed by the activity involved at the time he testifies should be paid from appropriations for the Department of Justice. 22 Comp. Gen. 1074 (1943).

Grand Jury--An employee who is required to testify before a Grand Jury concerning knowledge acquired as a part of his duty may be regarded as an employee appearing in a case involving the activities in which he is employed and payment of his travel expenses must be from funds of his employing agency under 28 U.S.C. § 1823(a) (now see 5 U.S.C. § 5751 (1976)). 39 Comp. Gen. 1 (1959).

Employee testifying while on sick leave--An employee on sick leave pending disability retirement may be paid transportation and per diem expenses in connection with travel from his retirement home in Florida to his permanent duty station in Detroit to give testimony in connection with a Federal Torts Claims Act proceeding in view of 5 U.S.C. § 6322(b) which provides that an employee is performing official duty during the period he is assigned by his agency to testify on the behalf of the United States. B-179134, January 2, 1976.

### Experts and consultants

See Federal Personnel Manual Chapter 304.

#### Employed intermittently

Generally--Payment of transportation and per diem expenses of an expert or consultant serving under an intermittent appointment is authorized by 5 U.S.C. § 5703.

#### Intermittently employed expert or consultant defined--

##### Generally

The term employed "intermittently" as used in 5 U.S.C. § 73b-2, which as amended is now

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5 U.S.C. § 5703, refers to occasional or irregular employment as distinguished from continuous employment. 35 Comp. Gen. 90 (1955).

GAO has not undertaken to set out the determining factors to establish with exactitude "whether or not a consultant is employed intermittently." Each case must depend upon the particular facts involved as well as upon the particular provisions of the appropriation which may be involved. 23 Comp. Gen. 245 (1943).

Where an expert's appointment was variously designated as temporary and/or intermittent we have held that it is the actual nature of his employment that is determinative of its character as well as his entitlement to transportation and per diem expenses. B-180698, August 19, 1974. See also 35 Comp. Gen. 90 (1955).

### Serving more than 130 days

Consultants and experts who are hired on an intermittent basis may not be employed more than 130 working days in a year and when the 130-day limitation has been reached their intermittent employment is automatically converted to a temporary appointment. However, such conversion does not retroactively invalidate previous payments of travel expenses and per diem for the period of intermittent service. 36 Comp. Gen. 351 (1956). (See Federal Personnel Manual (FPM) chapter 304, subchapter 1-2.a(5).)

### Administrative duties

An employee who was employed as a "consultant" and was subsequently assigned duties as an administrative officer while still serving under his original appointment as a consultant may not be regarded as a "consultant" on or after the date he assumed the duties as an administrative officer so as to entitle him to payment of per diem and traveling expenses to and from his home, etc. The term consultant denotes one who serves in an advisory capacity as distinguished from one who serves as an administrative officer or

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employee in the performance of duties and responsibilities imposed by law upon the agency in which employed. 23 Comp. Gen. 497 (1943) and 30 id. 495 (1952).

### Expenses allowable--

#### Residence within metropolitan area of place of duty

An intermittently employed consultant may be paid transportation expenses pursuant to 5 U.S.C. § 5703 and para. C3053 (now see para. C4503), subpara. 2, of JTR, Volume 2, for commuting from his residence to his place of employment where his residence is outside the corporate limits but within the metropolitan or geographic area of his place of duty insofar as the intermittent employment occasions him transportation expenses he would not otherwise have incurred. 55 Comp. Gen. 199 (1975).

#### Travel to point other than home or "regular place of business"

Under section 5 of the Administrative Expenses Act of 1946 (now 5 U.S.C. § 5703), which authorizes the payment of transportation expenses and per diem to persons serving without compensation while away from their homes or regular places of business, a person employed as a consultant without compensation who was authorized to travel on official business from a point other than his home or regular place of business to attend a work conference may be reimbursed the expense of such travel, even though the expense exceeds the constructive cost of travel between his home or regular place of business and the site of the conference. The words "regular place of business" need not be applied in such a restricted sense so as to limit reimbursement of travel expenses to trips from and to the individual's headquarters office. 33 Comp. Gen. 39 (1953).

#### Travel from place other than residence

A consultant employed on a when-actually-employed basis who was at a place other than his residence

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when he traveled to attend an official business meeting and who then returned home, is not required to have the excess cost of transportation based on the estimated round trip from his home deducted from his payments of per diem. 34 comp. Gen. 628 (1955).

### Travel for personal reasons

Experts and consultants who are employed on a when-actually-employed basis may be allowed travel expenses incurred incident to return travel to their homes or regular places of business for personal reasons when such travel is authorized or approved by an appropriate administrative officer. B-99100, November 20, 1950.

### Per diem

Per diem in lieu of subsistence may be allowed at places of employment, other than the home or regular place of business of consultants and experts who are employed intermittently on a per diem "when actually employed" basis, in view of the specific provisions of section 5 of the administrative expense statute of August 2, 1946 (now 5 U.S.C. § 5703) which provides for such allowance. 26 Comp. Gen. 564 (1947) and B-121178, October 20, 1954.

### Temporarily employed

Generally--Where an expert works daily on a regular tour of duty from February 26 to June 30, 1973, he is in fact employed on a temporary basis and is entitled only to those travel and per diem expenses payable to a regular employee. B-180698, August 19, 1974.

Home to work--A temporarily employed expert or consultant, just as a permanently employed individual, is subject to the well-settled rule that an employee must bear the cost of transportation from his place of residence to his place of duty at his official station. B-180181, February 22, 1974.

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### Members of Federal boards, committees, etc.

#### Travel before taking oath of office

Members of the Defense Manpower Commission who are not subject to confirmation by the Senate may be paid travel expenses in connection with official duty performed before the date they were sworn in. When the oath is taken it relates back to the date of the appointee's entrance on duty. B-181294, November 8, 1974.

#### Official travel

Presidential appointee to the Public Land Law Review Commission on appointment for 1 year to the University of Madrid, Spain, may be reimbursed travel expenses incident to attending Commission meetings with the United States. Section 3(g) of Public Law No. 88-606, 78 Stat. 983, now 43 U.S.C. § 1393(g), pertaining to members of the Commission appointed by the President provides that members may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of Commission duties. There is no requirement in the statute limiting the distance of travel of Presidential appointees in performing their official duties as members of the Commission. B-157312, July 25, 1967.

#### Travel to regular place of business

Member of the Presidential Emergency Board created by Executive Order No. 11291, July 27, 1966, who traveled from California to Washington, D.C., to perform board duties and who made personal trips to Vermont and Montreal rather than returning home may be allowed the costs of both trips (which were less than the cost of travel to his home). The nature of the duties to be performed by the board member here involved as well as the terms of his appointment require only intermittent employment similar to that of experts and consultants under 5 U.S.C. § 5703 who are allowed travel expenses incident to returning to their homes or places of regular business. The term "regular place of business" under 5 U.S.C. § 5703 is broadly interpreted to include places other than the home or the headquarters office of the employee. B-160283, November 4, 1966.

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### Unauthorized council or committee

In the absence of statutory authority for the creation of the National Minerals Advisory Council by the Secretary of the Interior, the travel expenses and per diem in lieu of subsistence provided in section 5 of the Administrative Expenses Act of 1946, for persons serving without or at nominal compensation (now 5 U.S.C. § 5703) may not be paid in view of the provisions of section 3681, Revised Statutes, and section 9 of the act of March 4, 1909 (now 31 U.S.C. § 673) generally prohibiting the use of public moneys for the expenses of any council unless the creation thereof has been authorized by law. 27 Comp. Gen. 630 (1948) and 31 Comp. Gen. 454 (1952).

### Contract employees

Individual serving VA under a contract who reported to duty at the VA hospital in West Haven, Connecticut, from his residence in Shaker Heights, Ohio, may not be reimbursed for his travel and transportation expenses because there was no provision for the payment of such expenses in his contract. B-162537, December 21, 1967.

### Prospective employees

#### Recruiting

Government agencies may not pay the travel and subsistence expenses of individuals to the appropriate headquarters office for the purpose of interesting or persuading them to accept Government positions. 31 Comp. Gen. 175 (1951).

#### Interviews

Excepted positions--When the responsibility for determining the qualifications of applicants is vested in the departments and agencies, as in the case of excepted positions, the applicants may be paid necessary travel expenses incident to such determination. 38 Comp. Gen. 483 (1959) and 40 Comp. Gen. 221 (1960).

Competitive positions--Where the Civil Service Commission concludes that certain positions in the competitive service are of such a high level or have such peculiar characteristics that an employing agency is

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better suited to determine through interviews certain factors of the appointee's suitability, the employing agency may reimburse prospective employees for travel expenses incurred in traveling to the place of interview. 54 Comp. Gen. 554 (1975).

Employee interview--An employee of the FAA who was required by his agency to travel to another city from the location of his present employment for the purpose of an interview in order to ascertain his qualifications for a new position within the agency is entitled to reimbursement for travel expenses because an agency can authorize an employee to travel at Government expense when the agency establishes additional requirements which it considers necessary in connection with the selection of an employee for a transfer or promotion. B-159089, May 31, 1966. See also 34 Comp. Gen. 435 (1955) and B-176624, September 6, 1972.

Excepted appointment under Indian Preference Act--The general rule is that an employee may be allowed travel expenses for a preemployment interview when applying for a different position if the position is an excepted position or if there are additional administrative qualifications imposed by the agency. The fact, however, that an employee may receive an excepted appointment under the Indian Preference Act, for a position which would otherwise be in the competitive service is not alone determinative of his entitlement to travel expenses absent an indication that the interview was necessary to determine his qualifications. B-185908, February 2, 1977.

### Appointee's travel to first duty station

#### Positions not in a manpower shortage category

General rule--The general rule applicable to all public officers, civilian as well as military, is that unless otherwise provided by statute or regulations having the force of statute, such officers must place themselves at the place where they are first to perform duty without expense to the Government. 22 Comp. Gen. 885, 886 (1943) and 53 Comp. Gen. 313 (1973).

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Permanent station--The rule that an employee must bear the expense of travel to the first official headquarters of his position refers to the permanent duty station of the position and not to the first temporary station at which he actually performs duty. 30 Comp. Gen. 373 (1951).

Oath effect--An employee traveled at his own expense from his home in Houston to Wisconsin for an interview and at the close of the interview was sworn in and told to report to Dallas for training prior to entrance on duty in Wisconsin. The employee who returned home and later attended training en route to Wisconsin is not entitled to constructive round-trip travel between Wisconsin and Dallas, as, although he had taken the oath, he had not entered on duty prior to training. Generally the expenses of travel for interviews and reporting to the first duty station are to be borne by the employee. B-182876, September 17, 1975.

Temporary duty en route to first duty station--An employee who is required to perform temporary duty enroute to his first permanent duty station is entitled to transportation expenses incurred because of temporary duty only to the extent that the expenses incurred are in excess of expenses which would have been incurred had he traveled directly from home to his first permanent duty station. B-168362, December 16, 1969.

An employee who was authorized travel by common carrier from Lansing, Michigan, to the Job Corps Training Center in Tillamook, Oregon, and return to Reno, Nevada, for his dependents before proceeding directly to his first duty station at Grants Pass, Oregon, may not be allowed constructive cost of round-trip travel between Lansing and Tillamook since there was no official basis for his return to Lansing after the date for reporting to his first duty station became known prior to his departure from the training center. However, as the employee undoubtedly would have brought his family with him to the training site or left them at the first duty station, if he had been properly advised in regard to the requirement for reporting to his first duty station at his own expense, the constructive cost of travel from Lansing

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to Tillamook to Reno is allowable. B-157431, September 21, 1965.

Temporary field office--Where a newly appointed employee, assigned to duty requiring substantially continuous travel from place to place in the field, reports for duty at a temporary field office--rather than to his designated permanent duty station at which no performance of duty is contemplated--and he actually performs some duty at that place, such temporary field office is proper for regarding as his first duty station. Upon leaving such station under competent travel orders, per diem in lieu of subsistence accrues, even during occasional periods when the employee returns to the first duty station, so long as his travel status continues, but per diem must cease upon arrival at his true, designated permanent duty station. 22 Comp. Gen. 342 (1942).

Temporary duty at place of employment--A newly appointed employee who performs temporary duty at the place of his appointment before reporting to his first permanent duty station may be paid administratively authorized subsistence for the temporary duty period up to the time of departure for his first permanent post, unless the temporary duty is performed in the city of the employee's residence. 22 Comp. Gen. 869 (1943).

Orientation at place of appointment--In view of the established rule that an employee, upon appointment to the Government service must bear the expense of reporting to the place at which his duty is to be performed, an employee who is appointed in Washington to a position in the field and who is required to remain in Washington for a period of indoctrination may not be allowed traveling expenses or the cost of transporting dependents and household effects to the field station, even though travel orders were issued authorizing travel and transportation at Government expense. 32 Comp. Gen. 537 (1953).

Orientation en route to official station--A newly appointed employee directed to stop enroute to his first official duty station for a period of indoctrination and orientation may be paid subsistence allowance for the period of such temporary duty and for additional transportation expenses caused by the

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stopover but not for travel from his temporary duty post to his official duty station. 34 Comp. Gen. 346 (1955).

Temporary duty where exact location of permanent assignment cannot be determined--An employee who is directed to report to a temporary duty station for instruction in connection with field work--his exact duty station to be later determined--is entitled to salary and subsistence during such temporary duty period but is not relieved of bearing the part of the travel expenses of reporting to his regular station as he would have incurred had no stopover been made to perform duty enroute. 10 Comp. Gen. 184 (1930).

Performance of duty at place of appointment where place of permanent duty station is not known--Where the point of final assignment cannot be known at the time of appointment, it may be proper to designate as the appointee's first duty station--the place of appointment--even though his permanent assignment eventually is to be elsewhere, if some actual and substantial duty, as distinguished from taking the oath of office, physical examination, or job training, is required at the place of appointment. 22 Comp. Gen. 869 (1943). See also 21 Comp. Gen. 7 (1941).

### Manpower shortage positions

Generally--An agency may pay the travel expenses of a new appointee, or a student trainee when assigned on completion of college work, to a position in the United States for which the Civil Service Commission determines there is a manpower shortage. Allowable travel expenses are for travel from the place of residence at the time of selection or assignment to the duty station. See 5 U.S.C. § 5723 (1976).

### Authorization of travel expenses--

#### Authorization requirement

Under the authority of 5 U.S.C. § 5723, new appointees to shortage category positions are entitled to travel and transportation expenses only to the extent reimbursement is properly

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authorized or approved by the agency. B-186260, July 12, 1976.

### Appointee's travel to first duty station outside continental United States

A new appointee who was not authorized reimbursement for travel and transportation expenses from Whitesboro, New Jersey, to Fairbanks, Alaska, may not be reimbursed as such travel is governed by 5 U.S.C. §§ 5722(a)(1) and 5722(a)(2) and the statutory regulations issued pursuant thereto section 1.3a of OMB Circular No. A-56 (see para. 2-1.3 of the FTR). The regulations require the authorization or approval of travel and transportation expenses by an appropriate agency official and this was not granted. B-171495, March 4, 1971.

### Authorization after travel is completed

Where the agency did not authorize reimbursement for travel expenses for an employee appointed to the shortage category position of architect until after the travel was completed due to the erroneous belief that as a "temporary appointee" he would not be eligible for reimbursement under 5 U.S.C. § 5723, the employee may be paid travel expenses as it was the established policy of the agency to so authorize travel. B-164720, August 5, 1968.

New employee requirement--Claim for travel and transportation expenses of an employee who moved to his official duty station when his tenure was change from when-actually-employed (WAE) to full time is denied, even though the employee occupied a position classified in the shortage category. 5 U.S.C. § 5723 does not allow travel costs for employees other than new appointees or student trainees in manpower shortage positions and the employee's conversion from WAE to full time does not constitute a new appointment as the employee was already on the agency's rolls. B-166146, May 15, 1969.

Entitlement where spouse is service member--The wife of a Marine Corps member who has an appointment to a manpower shortage position in the Navy Department,

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and who has orders authorizing her travel from Norman, Oklahoma, to Washington, D.C., and traveled by privately owned automobile with her husband who was being transferred from Norman to Quantico was entitled to reimbursement for travel expenses either as a service members' dependent or in her own right as a civilian employee. B-158319, January 24, 1966.

Shortage category determination after travel completed--Notwithstanding an employee's position was not placed in a manpower shortage category prior to his appointment, he may be paid travel expenses to his first duty station, if he executes a written agreement to remain in Government service for 12 months after his appointment where the Civil Service Commission placed the position in the shortage category subsequent to the appointment and the Commission would have placed the employee's position in the shortage category classification prior to the appointment if the agency had made a timely request. B-161599, August 29, 1967.

Return travel on cancellation of appointment--There is no authority under the shortage category provisions of 5 U.S.C. § 5723 for the reimbursement of travel expenses of return from the duty station of a prospective shortage category employee in the event the appointment is cancelled. B-174092, November 19, 1971.

### Reemployment after separation (See CPLM Title 4, Relocation)

The phrase "in the same manner" contained in 5 U.S.C. § 5724a(c), which authorizes the payment of travel, transportation, and relocation expenses to a former employee separated by reduction in force or transfer of function and reemployed within 1 year, as though the employee had been transferred in the interest of the Government without a break in service to the reemployment location from the separation location, when construed in conjunction with 5 U.S.C. § 5724(e), which provides similar expenses for employees transferred from one agency to another because of a reduction in force or a transfer of function, permits payment of costs, in whole or in part, by the gaining or losing agency, as agreed upon by the agency heads. Therefore, whether relocation benefits are prescribed under section 5724a(c) or section 5724(e) they may be paid by

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the gaining or losing agency within a 1-year period.  
53 Comp. Gen. 99 (1973).

### Intergovernmental Personnel Act

#### Generally

The Intergovernmental Personnel Act (IPA) of 1970, 5 U.S.C. §§ 3371-3376, provides that an employee in an executive agency may be assigned to a State or local government and that employees of a State or local government may be assigned to an executive agency. 5 U.S.C. § 3375 provides that an agency may pay or reimburse a Federal, State or local Government employee in accordance with subchapter I of chapter 57 of title 5 for travel expenses and per diem. A per diem allowance may be paid at the assignment location and travel expenses, including a per diem allowance, may be paid for travel to and from the assignment location and for travel on official business away from the designated post of duty when such travel is determined by the head of the executive agency to be in the interest of the United States.

The legislative history of the IPA indicates that Congress intended the language in 5 U.S.C. § 3375 to be broad enough to provide for the needs of Federal, State, and local employees en route to and from, and during their assignments in either the Federal Government or State and local governments. However, it would appear that these needs can be met without the necessity of applying a different rule for employees traveling on IPA assignments from that which applies to employees traveling on training assignments or on official business generally. Under section 3375 the various allowances are authorized to be paid under the provision of chapter 57 of title 5, United States Code. See 53 Comp. Gen. 81 (1973).

#### Federal Government employees

Per diem versus station allowances--Under the IPA Federal employees temporarily assigned to State and local governments and institutions of higher education are not entitled to both per diem and change of station allowances for the same assignment, even though 5 U.S.C. § 3375 permits the payment of both the benefits associated with a permanent change of

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station and those normally associated with a temporary duty status, since nothing in the statute or its legislative history suggests both types of benefits may be paid incident to the same assignment. Therefore, on the basis of the interpretation of similar provisions in the Government Employees Training Act, an agency should determine, taking cost to the Government into consideration, whether to authorize permanent change of station allowances or per diem in lieu of subsistence under 5 U.S.C. chapter 57, subchapter I to employees on an intergovernmental assignment. 53 Comp. Gen. 81 (1973).

Effect of 53 Comp. Gen. 81--Employees assigned under the IPA by travel orders issued prior to date of our holding in 53 Comp. Gen. 81 (1973), that both relocation and temporary-duty-type expenses may not be paid under 5 U.S.C. § 3375(a), may nevertheless retain both per diem and temporary quarters subsistence expenses. Our decision in 53 Comp. Gen. 81 had the effect of clarifying the purpose of subsection 3375(a) in a manner inconsistent with CSC regulations and is tantamount to a change in construction of the law which need not be given retroactive effect. B-170589, August 8, 1974.

Per diem at original permanent duty station while on assignment--Federal employees on detail to a State government under the IPA may be reimbursed for travel expenses, including a per diem allowance, while away from the place of assignment with the State or local government when the head of his Federal agency considers the travel to be "in the interest of the United States." Accordingly, an employee traveling under the IPA may receive per diem while at the place which is his duty station with the Federal Government while he is in travel status away from his place of assignment under the IPA. B-182697, June 9, 1975.

Travel expenses in commuting from residence to place of assignment--An employee assigned under the IPA to Bethesda, Maryland, on temporary duty, who desires to commute each day to Bethesda, from his residence in Baltimore, Maryland, the employee's original permanent duty station, may be paid travel expenses, including a per diem allowance and mileage in accordance with the FTR. B-178759, March 12, 1975.

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An employee assigned to Washington, D.C., under the IPA on a temporary basis for a 4-day period each week may be paid travel expenses and per diem en route for travel to and from his residence in New York City so long as the payment does not exceed the per diem that the employee would have been paid had he stayed in Washington for the 3 nonworkdays. B-178759, supra.

### State employee

Per diem while not traveling--A State employee whose regular duty station was Boston, was detailed under the IPA to an executive agency in Boston and was paid per diem while not traveling as authorized by his assignment agreement, purportedly to bring his salary to a level comparable with Federal employees. As 5 U.S.C. § 3374(c)(1), state that a State or local government employee detailed to an executive agency "is not entitled to pay from the agency," that portion of the assignment agreement granting per diem as a supplemental salary was without legal effect. B-185496, August 26, 1976.

## Private parties

### Award ceremonies

#### Federal--

##### Family

There is no authority for the Civil Service Commission to issue regulations authorizing the payment of travel and transportation expenses of members of the immediate family of honor award recipients to attend the award ceremonies as such expenses are not considered as "a necessary expense" under 5 U.S.C. § 4503. 54 Comp. Gen. 1054 (1975).

##### Surviving spouse of employee

Under the Government employees incentive award program the surviving spouse of a deceased employee who had been designated to receive a Distinguished Service Award may be reimbursed for her travel expenses incident to attending the award ceremony to accept her spouse's award.

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The travel expenses of the surviving spouse are considered to be necessary expenses under the Government Employees Incentive Awards Act, now codified at 5 U.S.C. § 4503. B-111642, May 31, 1957.

### Attendants for handicapped employees

Where a handicapped employee who is selected to be honored under the Government Employees Incentive Awards Program is unable to travel unattended because of his particular handicap and would otherwise be unable to attend the awards ceremony the travel expenses for an attendant to accompany him in traveling to and from the award ceremony may be paid by the employing agency as a "necessary expense" for the honorary recognition of that particular employee under 5 U.S.C. § 4503. 54 Comp. Gen. 1054, distinguished. 55 Comp. Gen. 800 (1976).

### Non-Federal--

#### Dependents

There is no authority to issue regulations authorizing the payment of travel and transportation expenses of dependents of civilian employees or military members to accompany such employees or members who are receiving non-Federal honor awards, nor is there authority for the payment of travel and transportation expenses of such dependents to receive honor awards themselves. 55 Comp. Gen. 1332 (1976).

#### Escorts and attendants

Attendants for handicapped employees--A physically handicapped individual who is confined to a wheelchair, who is serving on the Department of Commerce Technical Advisory Board may be reimbursed for the travel expenses of his wife, including per diem, who accompanied him as an attendant while he was on official travel. Based on the Federal Government's policy of nondiscrimination because of physical handicap set forth in 5 U.S.C. § 7153 (1976) and 29 U.S.C. § 791 (Supp. V, 1975), where the agency

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determines that a handicapped employee who is incapable of traveling alone, should perform official travel, the travel expenses of the escort are necessary expenses of travel. 56 Comp. Gen. 661 (1977).

Escorts accompanying injured or ill employees from temporary duty station--Where an employee suffered a heart attack while on temporary duty, under section 6.5b, SGTR (now para. 1-2.4 of the FTR), which authorizes the reimbursement of return travel of an employee incapacitated prior to completion of temporary duty, wife who attended employee may be allowed the cost of transportation from the permanent duty station to the temporary duty post and return from the temporary duty post to the permanent duty station by direct route. However, the additional cost incurred by the employee in rerouting travel for purpose of recuperation may not be allowed as under the law and regulations only travel by a direct usually traveled route is contemplated and circuitous travel at Government expense for the purpose of recuperation is not authorized. B-169917, July 13, 1970.

While reimbursement has been authorized for the transportation expenses of an employee's spouse in accompanying an ill employee back to his official duty station, there is no basis under section 6.5 of the SGTR (now para. 1-2.4 of the FTR) to authorize the payment of subsistence expenses for the spouse. B-174242, November 30, 1971.

Where an employee was injured while on temporary duty and another employee drove the injured employee back to the temporary duty station, reimbursement may be allowed to the employee escort for the actual expenses of travel not to exceed the cost by commercial carrier. There is however no authority for payment of per diem or subsistence expenses to an attendant. B-176128, August 30, 1972.

Escort for overseas employee--(See Chapter 13)--An employee's claim for reimbursement of travel expenses from Frankfurt, Germany, to Beirut, Lebanon, incurred by his wife subsequent to his travel incident to his hospitalization was properly disallowed. Applicable regulations in subsection 686.2 of Volume 3, Foreign Affairs Manual, provides that reimburseable travel of

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medical attendants is limited to one who is accompanying an employee who is too ill to travel alone so there is no authority for wife's later travel. B-178529, June 22, 1973.

### Attending conventions, conferences, etc.

Attendees at National Solid Waste Management Association Convention which was cosponsored by the Association and by the Environmental Protection Agency are not providing a direct service to the Government and are therefore not covered by 5 U.S.C. § 5703(c), now 5 U.S.C. § 5703, and are therefore not entitled to reimbursement for their travel expenses. Section 5703 of title 5 was not intended to establish the proposition that anyone may be deemed a person serving without compensation merely because he or she is attending a meeting or convention the subject matter of which is related to the official business of some Federal department or agency. 55 Comp. Gen. 750 (1976).

### Invitational travel

Reimbursement procedure--Expenses incurred by international visitors and paid for by contract escort are not reimbursable on voucher form SF 1012 since each traveler is required to sign voucher to claim reimbursement for authorized travel expenses which he personally incurred in performance of his official travel. However, assuming that travel authorizations have been obtained, travel expenses may be claimed and paid on SF 1164 ("Claim for Reimbursement for Expenditures or Official Business") or SF 1034 ("Public Voucher for Purchases and Services other than Personal"). 55 Comp. Gen. 437 (1975).

Category "Z" fares--Prior to the Travel Expenses Amendments Act of 1975, Public Law No. 94-22, of May 19, 1975, 89 Stat. 84, category "Z" fares did not apply to invitational air travel, under 5 U.S.C. § 5703, of private individuals furnishing intermittent services for the Department of Defense. By section 2 of the Travel Expenses Amendments Act of 1975, the word "employee" for the purposes of the administration of travel allowances was enlarged to include an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an

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individual serving without pay or at \$1 a year.  
B-187402, May 19, 1977.

Dependents--temporary duty travel (See also Private parties, Escorts, this Subchapter)

### Transportation

Proposal by the Secretary of Labor that under appropriate circumstances, an official of the Government traveling on official business be able to apply the value of the lowest first class fare authorized for himself to the purchase of two tourist or economy class fares for himself and his wife would require changes in existing regulations and controlling statutory provisions. 5 U.S.C. § 73b (now 5 U.S.C. § 5731). GAO is aware of no statutory provision which would authorize the expense of transportation of the dependents of an employee who may accompany him on temporary duty unrelated to travel to a permanent post of assignment. B-147476, November 6, 1961.

An employee who procured by means of a transportation request, a single first-class airline ticket for use in authorized travel and who then converted the ticket into "family rate plan" tickets for himself and his wife by the payment of an additional amount out of personal funds and at no additional expense to the Government is not required to refund one-half of the savings accruing to him for his wife's transportation. However, this decision should not be viewed as condoning the utilization in any future case of Government transportation requests for any purpose other than authorized travel on official business. 33 Comp. Gen. 435 (1954).

### Travel in Government vehicle

Union proposal which would allow Federal employees on temporary duty for more than a specified period of time to transport their dependents in Government vehicles would not be rendered non-negotiable by 31 U.S.C. § 638a(c)(2) which prohibits the use of Government vehicles for other than "official purposes." Where the agency determines that the transportation of dependents in government vehicles is in the interest of the Government and the vehicles use

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is restricted to official purposes, the statute would not be violated. 57 Comp. Gen. 226 (1978).

For dependent travel incident to an employee's transfer see CPLM Title IV, Relocation.

### Expenses connected with the death of certain employees

For the transportation of the remains of an employee or the remains of a member of the immediate family see Chapter 11.

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### SUBCHAPTER II--GENERAL RULES AND DEFINITIONS

#### A. PRUDENT PERSON RULE

##### Early departure for temporary duty

An employee departed on an early flight from his duty station to his temporary duty point when later flights were available that would arrive at his destination at a reasonable hour. Per diem incident to the premature departure is disallowed since para. 1-1.3a of the FTR requires that a Government employee exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. B-185652, December 28, 1976.

##### Reasonableness of expenses for meals

NLRB employee who was authorized actual subsistence expenses of up to \$42 per day during a temporary duty assignment in Washington, D.C., obtained lodging at an apparently reasonable daily rate of \$13.78, but spent between \$27.10 and \$38.25 daily for meals and submitted a claim for daily expenses at or near the maximum rate. The employee is entitled to reimbursement only for reasonable expenses for meals since travelers are required under FTR para. 1-1.3a to act prudently in incurring expenses. The employing agency must determine what constitutes reasonable expenses for meals under the circumstances. B-186740, March 15, 1977.

##### Delay in travel

An employee on official travel who missed his scheduled flight due to circumstances beyond his control and who elected to stay overnight instead of traveling on next available flight that day may not be allowed additional per diem as he did not act in a prudent manner as required by para. 1-1.3a of the FTR. B-190163, February 13, 1978.

##### Return to official station on nonworkdays

On the basis of SGTR subsection 1.2 (now FTR para. 1-1.3a) which provides that employees traveling on official business are expected to exercise the same care in incurring expenses that a prudent person would exercise for traveling on personal business, we have held that a traveler must return to his official station on nonworkdays if his

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presence at his temporary duty station is not required and a substantial savings to the Government would result from such return. B-172565, August 3, 1971, and B-139852, July 24, 1959.

### B. REIMBURSABLE EXPENSES

#### Official business requirement

Employee who was authorized to rent an automobile on official business took annual leave while retaining the rented vehicle. Rental charges for the days the employee was on leave may not be reimbursed since SGTR section 1.3 OMB Circular A-7, August 17, 1971 (now FTR para. 1-1.3b) confines travel expenses to those necessary to transact official business, and no official business was transacted on those days. B-190698, April 6, 1978.

An IRS employee who traveled from his temporary duty station to his permanent duty station in order to attend a National Guard drill may not be allowed reimbursement for the travel as the travel back to the employee's official station for the purpose indicated has no relation to the duties of his civilian position and section 1.4 of the SGTR (now FTR para. 1-1.3b), provides that reimbursement for travel expenses are confined to those expenses essential to the transaction of official business. B-163906, April 25, 1968.

#### Additional expenses incurred at domicile

An employee whose wife worked in the evenings claimed reimbursement in the amount of \$30 for an attendant for his children at his home while he was in travel status. The claim may not be allowed as the law and regulations authorizing reimbursement of a traveler's expenses while on temporary duty away from his domicile do not relate to expenses incurred by his family at his domicile. Allowable reimbursement is limited to the subsistence of the traveler and the expense of his actual transportation in going to and from his temporary duty station as well as certain specified expenses at the temporary duty station. SGTR section 1.4 (now FTR para. 1-1.3b) provides that reimbursable travel expenses are confined to those expenses essential to the transacting of official business. The fact that an employee or his family would not have had an occasion to incur a personal expense at his permanent duty station--except for his performance of official travel is

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not a sufficient basis for shifting such an expense to the Government. B-162466, September 27, 1967.

### Subsistence at permanent duty station airport

NSA employee on TDY from Fort Meade who was authorized actual expenses, claims the cost of dinner obtained at Baltimore-Washington International Airport upon his return before proceeding to residence at Columbia. Claim is disallowed. Subsistence expenses at permanent duty station airport are not generally allowable. Employee's election to eat dinner at airport rather than home was personal and the cost was not a necessary expense of official travel within purview of 5 U.S.C. § 5702(c) and para. 1-1.3b. B-189622, March 24, 1978.

## C. TRAVEL AGENCIES

### Restriction on use

Official Government passenger travel is procured directly from carriers and travel agents are not used because (1) direct procurement is more efficient and economical; (2) reservations, cancellations or changes in travel schedules are more readily effected with less errors; and (3) the statutory audit and settlement of carrier accounts is better facilitated and overcharges more quickly recovered. B-103315, March 22, 1977.

Since SGTR (now FTR) are specifically made applicable to consultants and experts, and authorize reimbursement of only those travel expenses which are "essential to the transaction of official business," and since use of travel agency in limited situations set out in 5 GAO 2013.20 is predicated upon no payment being made by Government to agency in addition to that properly chargeable had service been obtained directly from carriers involved, no justification is provided for for according consultants and experts preferential treatment. Accordingly, any service charge assessed by travel agency against such traveler would not be payable by the Government either directly or by reimbursement for travel. B-103315, April 13, 1972.

### Use approved

Procurement of official passenger travel between points in the United States and the People's Republic of China arranged by China International Travel Service is approved

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where services are not available from American air carriers. However, the tickets should not be obtained with Government transportation requests, but should be paid for by the traveler and reclaimed from the Government, using appropriate travel advances if desired to cover the cost of the travel procurement. B-103315, October 12, 1977.

The procurement of transportation through group or charter arrangements made by travel agents for employees traveling on official business between points in the United States and points in its possessions or foreign countries which results in substantial savings over the costs of regular individual air accommodations will be consistent with sections 1.2 and 3.9 of the SGTR (now paras. 1-1.3a and 1-3.4b(1) of the FTR), and, therefore, such arrangements may be used upon an administrative determination of substantial savings over the regular individual air fare. However, tickets should not be obtained with Government transportation requests but should be paid for by the traveler and the costs reimbursed to him. Also, travel advances may be made to employees to cover the costs of the travel procurement. 47 Comp. Gen. 204 (1967).

### Travel in U.S.S.R.

Where two civilian employees and their wives traveled from Colorado to the U.S.S.R. and returned in the performance of official travel and the services of Intourist (official Soviet travel agency) were used for arrangements, claim for reimbursement of cost of services of Intourist is allowed, notwithstanding 38 Comp. Gen. 879, as it would have been unreasonable for travelers to attempt to conclude arrangements otherwise. However, only that portion of costs allocated to employees, not wives, is allowable. B-139733, November 23, 1970.

### D. OFFICIAL DUTY STATION

See also Chapter 6.

### Determination question of fact

The location of an employee's official station is a question of fact and is not limited by the administrative designation. It has been held that an employee's official station is the place at which he performs the major part of his duties and is expected to spend the greater part of his time. B-182427, October 9, 1975.

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### Corporate limits of city or town

The provisions of FTR para. 1-1.3c(1) clearly state that for purposes of entitlement to travel allowances the corporate limits of a city or town determines an employee's official duty station. B-186090, November 8, 1976.

### Official duty station distinguished from workplace

The claim of a United States Customs Service employee for parking fees while assigned for 6 months to the Seattle Federal Office Building from his usual place of duty on the Seattle waterfront may not be authorized for payment. The Customs Service has the discretion to determine whether relocation of a workplace within the claimant's official station is of a short duration, and travel thereto official business, or whether such relocation is a change of regular workplace, and travel thereto nonreimbursable commuting expenses. Agency policy places employee's relocation within latter class. GAO will not question agency policy if reasonable, as here. B-186065, October 8, 1976.

### E. CONTERMINOUS UNITED STATES

Paragraph 1-1.3c(2) of the FTR defines conterminous United States as meaning the 48 contiguous states and the District of Columbia.

### F. CONTINENTAL UNITED STATES

An employee who was recruited in Anchorage, Alaska, for a position in Juneau who was transferred from Juneau to Petersburg, Alaska, must refund money expended by the Government incident to his transfer within Alaska. Under 5 U.S.C. § 5724(i) which provides for travel, transportation, etc. of employees transferred within the continental United States, the term "Continental United States" means the 48 contiguous states and the District of Columbia. Section 5724(i) does not apply to employees transferred within or between the states of Alaska and Hawaii, but it does apply to employees transferred within or between the other 48 states and the District of Columbia. B-163726, September 10, 1978.

The term "within the continental United States" as used in section 1.3c(1), Bureau of Budget Circular No. A-56, and derived from section 28 of the Administrative Expenses Act of 1946, as amended, 5 U.S.C. § 5724(i), may not be

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interpreted to mean "to and within the continental United States" absent a proper basis to justify such an interpretation. 47 Comp. Gen. 122 (1967).

G. GOVERNMENT

"'Government' means the Government of the United States and the government of the District of Columbia. \* \* \*"  
5 U.S.C. § 5701(5) (1970).

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### SUBCHAPTER III--ORDERS AND AUTHORIZATION OR APPROVAL OF TRAVEL

#### A. DELEGATION OF AUTHORITY

Where nothing in the record indicates that the head of the agency, the Director, IRS, had delegated travel approval authority to a Justice Department strike force head, an IRS employee who claims that he was authorized travel by the head of the strike force is not entitled to payment of travel expenses. B-171969, August 8, 1974.

#### Redelegation of authority

Under section 2.1a of the SGTR (now FTR para. 1-1.4), the head of the department may delegate to a subordinate his power to authorize travel, but the subordinate is without power to redelegate the duties delegated to him. B-105723, November 2, 1951.

#### B. ADMINISTRATIVE DETERMINATION

Although an employee may be reimbursed for travel from his residence to his nearby temporary duty station, an employee who drove daily to his temporary duty station is not entitled to payment of mileage since his agency did not authorize it and such authorization is within the agency's discretion upon its consideration of the best interest of the employee and the Government. B-184175, August 5, 1975.

#### C. WRITTEN ORDERS REQUIREMENT

##### Generally

Paragraph 1-1.4 of the FTR and the preceding regulations in the SGTR require a written authorization or approval of travel although the words therein are not clear on the matter. This construction is supported by para. 1-11.3b of the FTR which states that the travel voucher must be supported by a copy of the authorization. B-181431, February 27, 1975.

##### Prior to travel

Except when prior issuance is impracticable or when the travel is of such a limited nature that it is unnecessary,

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written authorization should be issued prior to the incurrence of travel expenses. B-181431, supra.

### Local and vicinity travel

Expenditures for streetcar tokens, passes, ferry tickets, etc., for local transportation of employees at their official station where a travel status may not exist, do not constitute traveling expenses and therefore, properly are chargeable as an administrative expense, rather than a travel expense. The issuance of travel orders for such travel is neither required nor proper. 24 Comp. Gen. 858 (1945).

Where under an agency's departmental regulations implementing the SGTR, no written travel order or advance approval is required for local travel, reimbursement for travel expenses consisting of mileage and parking for four daily trips between an employee's residence and his temporary duty point is approved since the approval of the reimbursement voucher by the appropriate official is sufficient administrative approval of the mode of travel as being advantageous to the Government. B-173279, August 16, 1971.

### D. GENERAL TRAVEL ORDERS

General orders may be issued under certain circumstances. In those cases where the duties of an employee require repeated and frequent travel and the exercise of individual discretion, use of general travel orders has been permitted. However, even in such cases, in order for the travel to be specified as definitely as circumstances will permit within the meaning of the regulation, the order should be renewed at least each fiscal year and as frequently during the fiscal year as there is any change in status affecting the travel required by the employee. (See 14 Comp. Gen. 414 (1934).) Such a blanket order should be confined by its terms to the area in which the persons covered thereby perform frequent travel, such as the district to which assigned or, if justified, to any place in the continental United States. B-99445, June 4, 1951.

Volume 2 JTR para. C2050-3 (now para. C3050-4), may be amended so that general written travel orders may be issued civilian employees for sea trial trips. The orders should set out the rate of per diem, and the accounting

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data, together with a list of employees assigned to each trip, with a copy of the orders being given to each employee. This procedure would meet the purposes for which written orders are prepared--fund control and definite notice of entitlement to the employees involved. B-181431, February 27, 1975.

### E. MODIFICATION, CANCELLATION, OR REVOCATION OF TRAVEL AUTHORIZATIONS

#### General rule

It is well established that legal rights and liabilities in regard to travel allowances vest as and when travel is performed under competent orders and that, in general, such orders may not be revoked or modified retroactively so as to increase or decrease the rights and benefits which have become fixed under the applicable statutes and regulations. We have recognized an exception to the above rule when an error is apparent on the face of the orders or where all the facts and circumstances clearly demonstrate that some provision previously determined and definitely intended has been omitted through error or inadvertence in preparing the orders. 23 Comp. Gen. 713 (1944); 24 id. 439 (1944); 47 id. 127 (1967); 54 id. 638 (1975); B-171315, November 20, 1970; B-173361, September 14, 1971; and B-176477, August 27, 1973.

It should be noted that the prohibition against retroactive modification except in the limited circumstances described above applies only to competent orders. It is not a mechanism by which an authorizing official may expand the scope of his authority as otherwise limited by applicable law and regulations. For this reason, the general rule against retroactive modification applies only to the extent the specific provision in the orders is properly within the scope of authority granted the authorizing official. B-174428, April 17, 1972.

While a travel order may not be amended to correct an error in judgment committed in the proper exercise of authority, it is not a bar to retroactive amendment of an order whose provisions are clearly in conflict with a law, agency regulation or instruction. B-151457, May 23, 1963; B-161732, October 5, 1967; and B-171315, November 20, 1970.

Retroactive modification of travel orders is permissible where the agency initially misconstrues or misapplies its

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written policy guidelines in authorizing a rate or reimbursement other than that prescribed by law or regulation. B-183886, July 30, 1975.

### Absence of travel orders

Where an employee was detailed to an Intergovernmental Personnel Assignment in a different city than his permanent duty station for 6 months but, through administrative oversight, was not issued travel orders, no right to particular per diem rate vests as and when the travel is performed so as to prohibit retroactive modification of travel orders issued after all the travel was performed. B-185355, July 2, 1976.

### Correction of administrative error

#### Orders in contravention of regulations

A transferred employee was erroneously authorized car rental expenses at his new station although FTR para. 2-4.2 prohibits the reimbursement of local transportation at the new duty station. After the performance of travel the orders were amended to delete the authorization for car rental. The amendment of the travel orders was proper as the general rule against retroactive modification of travel orders does not prohibit the correction of orders which are issued in contravention of regulations. B-188106, March 3, 1977.

#### Administrative error--per diem rates

The travel authorization of Forest Service employees may be modified to correct a mileage rate that was erroneously fixed at a lower rate than was authorized under the agency's travel manual based on the FTR. B-183886, July 30, 1975.

Amendments to the SGTR, providing a maximum \$30 per diem had not been received by an agency and employee had been authorized the previous maximum allowable per diem of \$23. GAO will not object to the retroactive amendment of the travel orders to authorize \$30 per diem where the agency has a firm administrative policy precluding the exercise of discretion in designating a rate below the maximum. B-177665, March 9, 1973.

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### Cancellation of travel orders

#### Improper

Where an agency's issuance of travel orders was a matter properly within its administrative discretion, once the administrative discretion was exercised the resultant travel orders could not be retroactively rescinded on the sole basis of a subsequent reversal of administrative policy. B-173978(1), December 20, 1971.

#### Oral cancellation of orders

Under circumstances where proper oral authority is sufficient to initiate travel, then such oral authority can also rescind travel orders upon communication of cancellation of travel. B-178510, June 20, 1973.

#### Improper curtailment

The authorization or approval to curtail temporary duty travel on the assumption of the incapacity of an employee to perform temporary duty without the establishment of the fact of the incapacity is not in itself sufficient to allow payment for the cost of return travel to headquarters under sections 6.5a and b of the SGTR (now FTR paras. 1-2.4 and 1-7.5b(4)). 41 Comp. Gen. 573 (1962).

#### Cancellation of orders after premature departure

An employee, after premature departure for his temporary duty station and while on leave at a point beyond the temporary duty station, received notice of cancellation of his travel orders. Assuming he would not have traveled to the point of leave if he had not been ordered on temporary duty, he may be reimbursed the cost of the travel not to exceed the cost of travel from his headquarters to the temporary duty station and return. 36 Comp. Gen. 421 (1956).

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### CHAPTER 3

#### PURPOSE FOR WHICH TRAVEL MAY BE AUTHORIZED

##### INTRODUCTION

Paragraph 1-1.3b, FTR, provides as follows:

"Reimbursable expenses. Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of the official business."

See also Chapter 4.

A. CHANGE OF STATION AND RETURN TO DUTY AFTER FURLOUGH OR SEPARATION (See CPLM Title IV, Relocation.)

B. CHANGE OF OFFICIAL DUTY STATION WHILE ON TEMPORARY DUTY

An employee who is notified while at temporary duty station that his temporary duty station has been changed to his permanent duty station, may be reimbursed for round-trip travel expenses from his new station to his old station for the purpose of arranging and effecting move of his family and household effects. B-169392, October 28, 1976, and B-167022, July 12, 1976.

C. FAILURE TO ENTER ON DUTY

An employee who traveled to the city to which he was transferred and requested to be placed on sick leave but who resigned prior to actual entrance upon duty, may not be regarded as having performed travel "in the interest of the Government" (Para. 2-1.3, FTR), so as to be allowed reimbursement for travel expenses. 32 Comp. Gen. 280 (1952); 34 *id.* 53 (1954); B-160397, December 2, 1966; and B-157961, January 6, 1966. See also 54 Comp. Gen. 993 (1975).

D. RESIGNATION AFTER PERFORMANCE OF BRIEF PERIOD OF DUTY

A former civilian employee, although separated 3 months after his transfer, is not required to refund travel expenses paid by the Government since the costs paid by the Government would have been allowable had the employee incurred expenses on temporary duty and he did perform

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official duty for a period of 2-1/2 months after change of station. B-162241, August 29, 1967.

### E. TRAINING

#### Per diem versus station allowances

Under the Intergovernmental Personnel Act of 1970 (5 U.S.C. §§ 3371-3376), Federal employees temporarily assigned to State and local governments and institutions of higher education are not entitled to both per diem and change of station allowances for the same assignment, even though 5 U.S.C. § 3375 permits the payment of both of the benefits associated with a permanent change of station and those normally associated with a temporary duty status, since nothing in the statute or its legislative history suggests that both types of benefits may be paid incident to the same assignment. Therefore, on the basis of the interpretation of similar provisions in the Government Employees Training Act, an agency should determine, taking cost to the Government into consideration, whether to authorize permanent change of station allowances or per diem in lieu of subsistence under title 5, U.S.C., Chapter 57, subchapter I to employees on an intergovernmental assignment. 53 Comp. Gen. 81 (1973). 39 id. 140 (1959).

#### Official duty away from training site

An employee who incident to moving his family residence to a training site under the authority in 5 U.S.C. § 4109(a)(2)(B) forfeits his right to per diem is entitled to transportation costs and per diem when required to travel on official business away from the training site, even while performing official duties at the location which would otherwise be his official station. For the purposes of section 6.8 of the SGTR (para. 1-7.6a, FTR), which prohibits payment of per diem at a permanent duty station, the training site may be considered the employee's permanent duty station, thus entitling him to per diem while temporarily assigned official duties away from the training site. 48 Comp. Gen. 313 (1968) and 52 id. 834 (1973).

### F. TRAVEL INCIDENT TO ILLNESS OF DEPENDENT

An employee who claims per diem for period of stopover in New York, incident to return trip to overseas post, which was caused by the illness of his dependent is not entitled

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to payment, since section 6.5, SGTR, does not authorize per diem to employees for periods of delays due to illness of dependents. B-148398, April 16, 1962.

### G. TEMPORARY DUTY

#### Return to headquarters on nonworkdays

##### Voluntary return to headquarters

An employee whose duties require substantial and continuous temporary duty travel and who does not commute daily from his residence to his official station may nonetheless be reimbursed transportation expenses and per diem en route for the return travel from his temporary duty station to his permanent residence for nonworkdays under FTR para. 1-7.5c and JTR para. C10158, Volume 2. Those paragraphs allow reimbursement of expenses of voluntary return travel to the employee's official station or to the residence from which he commutes daily to his official station, not to exceed the expenses of remaining at the temporary duty station. B-186266, August 10, 1976.

##### Employee directed to return to headquarters

An employee was directed to return from temporary duty assignments to his permanent duty station on nonworkdays on two occasions. The employee may be reimbursed his total travel expenses although the total costs exceeds the per diem that would have been payable had he remained at his temporary duty station. The employee's agency has the discretion to order his return, the excess costs of the return home travel are small, and the employee performed work at his headquarters on one occasion. B-186200, January 27, 1977.

##### No residence at official station

An agency regulation provided that per diem may not be paid on nonworkdays to employees assigned to temporary duty between Baltimore, Maryland, and Washington, D.C. An employee headquartered at Baltimore and assigned to temporary duty at Rockville, Maryland, near Washington, relinquished his Baltimore residence and obtained lodgings in Chevy Chase, Maryland, during his temporary assignment. Although the employee had

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no Baltimore residence, he may be paid only per diem for 4-3/4 days per week plus mileage for constructive weekend travel pursuant to the agency regulation since an agency may require employees to return on nonworkdays to headquarters where no per diem may be paid. B-188515, August 18, 1977.

### Authorized return to headquarters

Where an agency, after cost analysis, determines that the costs of reimbursing employees, who are required to perform extended periods of temporary duty, for the expense of periodically traveling between their temporary duty points and official station for nonworkdays, is outweighed by savings in terms of employee efficiency and productivity, and reduced costs of employment and retention of such employees, the cost of authorized weekend return travel may be considered a necessary travel expense of the agency. 55 Comp. Gen. 1291 (1976).

### Unscheduled return to official station on workdays

#### Generally

An employee was ordered to temporary duty at a point 100 miles from his residence which is located near his permanent headquarters. Although his orders did not so provide, he voluntarily returned to his residence on workdays after the close of business, as well as on nonworkdays. He may be reimbursed travel expenses for the days he returns to his home in an amount not to exceed the expenses allowable had he remained at his temporary duty station, even though SGTR section 6.4 (now FTR para. 1-7.5c), makes no reference to return to headquarters on workdays while on temporary duty as there is no reason why the rule applicable to nonworkdays may not be extended to voluntary returns on weekdays after the close of business if not specifically prohibited. 50 Comp. Gen. 44 (1970).

#### Interruption due to illness or injury of employee

An employee who returns to his headquarters for medical treatment may be reimbursed the cost of travel not to exceed the amount of per diem that

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would have accrued had he not left his temporary duty station. 31 Comp. Gen. 440 (1952).

An employee who became ill while on temporary duty and returned to his official station at Government expense for medical treatment may be reimbursed for the cost of returning to complete his temporary duty assignment. 42 Comp. Gen. 163 (1962).

### For clinical medical treatment

An employee who prior to completion of a temporary duty assignment, returns to his official duty station for clinical medical treatment, is not entitled to payment of the travel expenses involved. However, per diem in lieu of subsistence, which is less than the Government would have been required to pay had he remained at his temporary duty post or returned to his official station for the nonworkdays involved, may be allowed for such travel. 31 Comp. Gen. 440 (1952).

### Interruption due to death in family

Generally--An employee who upon arrival at his temporary duty station--a scientific conference--abandons his official travel due to a death in his family, is not entitled to the travel and transportation expenses incurred in returning to his headquarters, notwithstanding that the employee was directed by his superior to return, or that he arranged to have the employee of another Government agency attending the conference submit a report to his agency. The cost of his return travel is within the scope of the long-standing rule that when an employee abandons his official travel status because of death or illness of a member of his family he may be reimbursed only the cost of official travel to the point of abandonment. 47 Comp. Gen. 59 (1967). See also 45 id. 299 (1965) and B-184496, November 9, 1976.

Substantial completion of purpose of travel--Employees, who feel they had completed essential purposes of their travel when they departed their temporary duty stations prior to the termination dates of their temporary duty assignments because of deaths of members of their families, should not be assessed the cost of returning from their temporary duty stations

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if it is shown their assignments had been substantially completed, or the duties they were to perform were completed at no extra cost. These circumstances are an exception to the general rule that when an employee abandons his official travel status because of the death or illness of a member of his family, he may be reimbursed only the cost of official travel to the point of abandonment. B-172048, March 29, 1971, and 56 Comp. Gen. 345 (1977).

### Illness in family

Supervisor determines employee incapacitated for duty--Employee was notified of the sudden serious illness of his wife upon his arrival at his temporary duty station. His supervisor determined that the employee was incapacitated for the performance of duty by his illness and ordered the employee to return to his headquarters. In such circumstances, claim for return trip travel expenses may be paid. 57 Comp. Gen. 1 (1977). 5 U.S.C. § 5702(b), and paras. 1-2.4 and 1-7.5b(4), FTR.

Indirect return travel--A Government employee at Ames Research Center in California, under a travel authorization to attend a training course in Washington, D.C., August 7 to 16, who visited son in North Carolina over the weekend (10-11) and stayed over to the 16th (on emergency annual leave) when son became ill and returned to California on the 16th with his father, and whose supervisor authorized his return to California any time after 9th, is entitled to return transportation expense from North Carolina, since the indirect return travel does not exceed the cost of direct return and since the record indicated the employee had substantially completed the original purpose of his travel. B-166301, April 15, 1969.

### Interruption of temporary duty assignment due to weather conditions

Under orders authorizing travel either by common carrier or privately owned vehicle, with reimbursement limited to common carrier cost, including per diem, a Naval Research Laboratory employee's claim for round-trip travel by privately owned vehicle between Washington, D.C., and Union, Connecticut, incident to contemplated temporary duty at Bedford, Massachusetts, which he never reached because of

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a blizzard, may be allowed, not exceeding the common carrier cost and related per diem pursuant to sections C6152, C10156 and C10157, Volume 2, JTR, notwithstanding the nonperformance of temporary duty. Reimbursement is unobjectionable under the circumstances, since official business contemplated at Bedford was later completed at no additional cost to the Government, and the agency believes the employee exercised mature judgment in returning to Washington. B-161315, June 13, 1967.

### Travel at temporary duty station

See also Chapter 4.

#### Lodging to temporary duty station--mode of travel

"Transportation by bus or streetcar between places of business at an official station or a temporary duty station and between places of lodging and place of business at a temporary duty station is allowed as a transportation expense." Para. 1-2.3a, FTR.

A Government employee who chose to lodge approximately 30 miles from his temporary duty station, New York City, is entitled to reimbursement of the additional expense of \$53 incurred in traveling by more than one mode of transportation to reach his temporary duty station since he acted in a prudent manner as required by section 1.2, SGTR (para. 1-2.3, FTR). He effected a net savings to the Government of \$32 (\$85 reduction in per diem, less \$53 commuter's tickets and parking fees) in total travel expenses by his choice of his lodging location. B-178558, June 20, 1973.

#### Use of rental automobiles and special conveyances--approval requirement

"The hire of boat, automobile, taxicab (other than for use under 1-2.3c, d, or 3), aircraft, livery, or other conveyance will be allowed if authorized or approved as advantageous to the Government whenever the employee is engaged in official business within or outside his designated post of duty." Para. 1-3.2a, FTR.

An employee was authorized a rental car under FTR, para. 1-3.2, in connection with his attendance at a conference sponsored by various non-Government

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societies. Since the record shows that the car was used on conference business and the employee stayed at the hotel where the conference was held, reimbursement may not be made except to the extent the proper agency official determines that the vehicle was used for official Government business. B-186820, February 23, 1978.

### Use of ambulance services

An employee while on temporary duty, lost consciousness during a high-blood-pressure seizure. Ambulance expense for his transportation to the hospital at his temporary duty post is not reimbursable under the FTR. 55 Comp. Gen. 1080 (1976). See also B-160272, November 14, 1966.

### To attend a funeral

In the absence of a statute expressly authorizing payment, the costs of travel incurred by an employee in attending the funeral of a deceased officer or employee as the official representative of the agency are not reimbursable, not having been incurred while traveling on official business. B-166141, February 27, 1969.

### Court proceedings

See Chapter 2 and Chapter 13, Subchapter II.

### Hearings

#### To attend Civil Service Commission hearing

An employee traveled from Washington, D.C., to San Francisco and return to attend a Civil Service Commission hearing regarding his appeal of the decision to separate him from his position on Saipan, Trust Territory of the Pacific Islands. The employee's travel records were stolen. The employee's attendance is in the interest of the Government and his travel constitutes official business. He may be reimbursed the constructive cost of travel to attend the hearing not to exceed the constructive cost of a round-trip from Woodbridge, Virginia, to San Francisco. B-156482, June 14, 1977. See also 33 Comp. Gen. 582 (1954); B-183506, September 8, 1975; B-156482, June 23, 1975; and B-180469, February 28, 1974.

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### To attend a security hearing

The travel of an employee, suspended without pay in the interest of national security, in attending an administrative hearing of his case under the right conferred by the act of August 26, 1950 (now 5 U.S.C. § 7532 (1970)), before termination of employment, is considered official business, and therefore the employee may be paid transportation expenses incurred incident to such travel and a per diem subsistence allowance. 33 Comp. Gen. 582 (1954).

### To attend award ceremonies (See also Chapter 2, Subchapter 1.)

Travel and miscellaneous expenses incurred by officers and employees for the purpose of participating in ceremonies held at a department convocation in honorary recognition of exceptional or meritorious service under the incentive awards program authorized by section 14 of the act of August 2, 1946, as amended, may be considered a direct and essential expense of the award, and is within the scope and meaning of the phrase "to incur necessary expenses," as used in the statute. 32 Comp. Gen. 134 (1952).

## Meetings and conventions

### General authorization

"Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities." 5 U.S.C. § 4110 (1970). See also 38 Comp. Gen. 800 (1959).

### International congress or convention

An international congress or conference which is not composed of members of any society or association but is attended wholly by representatives of various governments is not considered to be a meeting or convention within the prohibitory provisions of the 1912 statute (now 5 U.S.C. § 5946). 5 Comp. Gen. 834 (1926).

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### Nonmembers

It has been held that the prohibition contained in section 8 of the act of June 26, 1912, 37 Stat. 184 (now 5 U.S.C. § 5946), against the use of appropriated funds for the payment of expenses of attendance at meetings or conventions does not apply unless the meeting or convention is of members of a society or association, 17 Comp. Gen. 838 (1938); 5 id. 834 (1926); and the joint resolution of February 2, 1935, 49 Stat. 19 (now 31 U.S.C. § 551), specifically exempts from its terms "the payment of expenses of any officer or employee of the Government in the discharge of his official duties." See, generally, 16 Comp. Gen. 839 (1937) and 16 id. 850 (1937). 26 Comp. Gen. 53, 55 (1946).

### To attend preemployment interview or to take examination

See Chapter 2, Subchapter I.

### Temporary duty near permanent station

The established rule is that an employee must bear the cost of transportation between his residence and his place of duty at his official station. 55 Comp. Gen. 1323 (1976); 46 id. 718 (1967); 36 id. 450 (1956); 27 id. 1 (1947); 16 id. 64 (1936); 11 id. 417 (1932); B-131810, January 3, 1978; and B-171969.42, January 9, 1976.

When an employee is assigned to a nearby temporary duty post, it is within administrative discretion to permit such employee, authorized to use a privately owned vehicle on official business, an allowance for mileage from whatever point he begins his journey without a deduction for the distance he would normally travel between his home and headquarters, and irrespective of whether he performs duty at his headquarters on that day. Administrative officials may refuse to authorize reimbursement for such expenses if no additional travel costs are incurred or may limit reimbursement to the cost of travel between the employee's headquarters and his temporary post of duty. Where appropriate, such officials should exercise their discretion to restrict the amount of reimbursement by way of a reduced rate or distance when the employee performs work at a temporary duty post within a reasonable commuting area. Agency policy to regard such expenses as normal commuting expenses and application thereof must be reasonable. Administrative

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officials are to give due consideration to the interests of both the Government and the employee. 36 Comp. Gen. 795 (1957); 32 id. 235 (1952); B-189061, March 15, 1978; B-188862, November 23, 1977; and B-175608, December 28, 1973.

### Use of a carpool

An employee who ordinarily traveled to his headquarters in a carpool was assigned to temporary duty near his headquarters. The employee claimed mileage for the total distance driven on temporary duty, less the mileage he would have driven as carpool member. The agency regulation permits full mileage allowance generally, but where the employee reports to headquarters, requires deduction for round-trip distance between residence and headquarters. Since the regulation makes no provision for carpools, the employee is entitled only to the reimbursement permitted by the regulation. B-188862, November 23, 1977.

## H. TRAVEL AT HEADQUARTERS

See also Chapter 4.

### Daily travel to and from residence

#### General rule

The well-established rule is that employees must place themselves at their regular places of work and return to their residences at their own expense, absent statutory or regulatory authority to the contrary. Although such transportation expenses may be increased by the performance of overtime duty or other emergency conditions, this does not change the basic rule that the employee must bear the expense of travel between his residence and official duty station. B-190071, May 1, 1978, and B-185974, March 21, 1977.

#### Overtime work

With respect to the performance of overtime work, whether on a voluntary or involuntary basis, there is no authority to reimburse an employee mileage costs incurred for travel by privately owned vehicle between his residence and official duty station. B-189061, March 15, 1978, and B-185974, March 21, 1977.

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### Use of taxicab for travel to residence from regular night shift

An employee who was assigned to duty at her permanent station on 11:30 a.m. - 8 p.m. shift is not entitled under FTR, para. 1-2.3e, or any other regulation or statute, to reimbursement of taxi fares for travel to her home from regular night shift notwithstanding administrative approval of such expense as advantageous to the Government since her travel followed her regular work tour at her permanent station and was not "incident to officially ordered work outside of regular working hours." B-182986, February 19, 1975.

### Home to work transportation during public transportation strike

Although the hiring of vehicles for home to work transportation for Government employees is generally prohibited by 31 U.S.C. § 638a, the prohibition does not preclude such action where, as a temporary emergency measure, it is in the Government interest to transport certain Social Security Administration employees to work during a public transportation strike. 54 Comp. Gen. 1066 (1975).

### Travel advantageous to Government

Employees who are authorized to use privately owned automobiles for official business within or outside of their designated posts of duty may be paid mileage from whatever point the journey begins, without deduction for the distance normally traveled between home and headquarters and irrespective of whether duty is performed within or outside of the corporate limits of the headquarters city or at the headquarters office. 36 Comp. Gen. 795 (1957).

A National Aeronautics and Space Administration employee may be reimbursed for the cost of taxicab fare from his headquarters to his place of residence to pack a suitcase and proceed to the airport in time to make a flight to Denver. Section 3.4a, SGTR (now FTR para. 1-3.2a), provides that the hire of a taxicab may be allowed if authorized or approved as advantageous to the Government whenever the employee is engaged in official business within or outside his

## TRAVEL

designated post of duty. The record disclosed the use of a taxicab was ordered informally by a proper official and that use thereof was in the best interests of the United States and under such circumstances, an exception is warranted to the general rule that the employee must bear the cost of transportation between his residence and place of permanent duty. B-160586, February 1, 1967. See also B-158931, May 26, 1966.

### Streetcar and bus transportation

Where the authorized travel of an employee on official business is confined to a bus or street car, reimbursement for transportation costs may be made upon an actual expense basis, irrespective of whether the travel is within the corporate limits of the city in which the headquarters is located or outside of such limits. 22 Comp. Gen. 62 (1942).

### Ferry fares and bridge tolls

Ferry fares incurred in performing daily travel between residence and place of duty are not reimbursable since the cost of travel between residence and place of duty is the obligation of the individual. B-137070, October 25, 1957. The same rule is applicable to bridge tolls. B-97166, July 5, 1962.

## I. ROUTING OF TRAVEL

### Direct or usually traveled route must be used

AID employee objects to reported indebtedness of \$133.40 for excess cost of transportation by indirect route for himself and his dependents between Paris, France, and Entebbe, Uganda, under travel order authorizing travel from Washington, D.C., to Kampala, Uganda. He objected on the basis that the travel via Beirut was necessary to enroll his daughter in school and that the travel via Beirut was a usually traveled route. He is indebted as certified, since AID regulations speak of the usually traveled route as one or more routes which are essentially the same in cost to the Government and travel by the direct route (which must be considered a usually traveled route) would have cost \$133.40 less than the actual travel by the indirect route. B-139636, August 23, 1966.

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### When indirect route permissible

#### Overall cost to agency not increased

An overseas employee traveled by circuitous route by means of privately owned automobile and boat from Bucharest, Romania, to Algeciras, Spain, and then sailed to United States, although he could have sailed earlier from Genoa, Italy. The employee's claim for additional vessel fares charged may be allowed, since his delay in traveling was not primarily for personal convenience and the fares paid were lowest cost accommodations available at that time regardless of port from which he sailed. B-174640, January 21, 1972.

#### Return via direct route not possible due to strike

An employee, upon completion of temporary duty (TDY), was unable to use his return ticket due to a strike so he purchased a ticket on a later flight on the same day via an indirect route. The excess cost of \$40 may be allowed even though it is contended that if the employee had remained overnight he could have returned via a direct route with the excess cost reduced to \$23.50, since there is doubt as to whether the later direct flight would have been in service due to the strike. Further, it might have been impractical for the employee to use lower cost 1:15 p.m. flight after completion of TDY at noon; therefore, he exercised the same care a prudent person would use on personal business as required by section 1.2, SGTR. B-171708, February 18, 1971.

### Reimbursement for indirect travel interrupted by forces beyond employee's control

#### Temporary duty cancelled

The rule is that an employee assigned to temporary duty who departs prematurely for an alternate destination on authorized annual leave, which he would not have taken but for the temporary duty, should not be penalized by reason of a subsequent cancellation of the temporary duty assignment. The employee is entitled to travel expenses limited to expenses that would have been incurred had he traveled from headquarters to the temporary duty station and returned by the usually traveled route. Therefore,

## TRAVEL

an employee whose temporary duty assignment at points in Louisiana is cancelled while he is on annual leave in St. Louis is entitled to reimbursement for the full cost of the travel performed, notwithstanding circuitous route travel via St. Louis, since the employee's expenditures did not exceed the amount the Government would have paid for direct travel to the temporary duty station and return to headquarters in Arlington, Virginia. 52 Comp. Gen. 84 (1973).

Travel expenses incurred when an employee, who was ordered to travel from Seattle to the District of Columbia for a meeting and left early for personal reasons, with routing to Atlanta and then to District of Columbia, was advised in Atlanta to return to Seattle as he was not required at the meeting, may be paid. The employee should not be penalized by reason of subsequent cancellation of temporary duty assignment when it is shown that except for assignment he would not have undertaken personal trip and leave has been properly authorized. B-171804, March 2, 1971.

### Employee returning to permanent station by circuitous route notified to return to temporary duty

An employee authorized to return from a temporary duty assignment via a circuitous route for the purpose of taking annual leave who while on leave is notified to return to TDY point for additional duty before returning to his official station is entitled to reimbursement for travel expenses and per diem relating to the circuitous return travel completed prior to notification of additional duty. However, travel expenses should be reduced by the excess costs that would have been incurred incident to the proposed circuitous return. Furthermore, other costs such as mileage and parking fees related to the indirect travel for leave purposes are for disallowance. 53 Comp. Gen. 556 (1974).

### Bad weather

The Government is liable for reimbursable expenses of an employee traveling on leave via indirect route to an official meeting which he is unable to attend due to the cancellation of all flights to the city where meeting is being held, so long as the expenses do not

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exceed the direct travel costs and since the employee would not have traveled at all except for the official meeting. Charge of annual leave for time spent returning to headquarters from the annual leave point after temporary duty has been cancelled is a matter for agency discretion. B-122739, February 10, 1977.

### Amount reimbursable when travel by circuitous route results in net savings to Government

#### Constructive cost of direct transportation by common carrier

A National Security Agency employee was assigned to temporary duty in Los Angeles, and traveled from Fort Meade via an indirect route by way of San Francisco. He should be allowed the full \$220 claimed for commercial air fare from San Francisco to Los Angeles and Los Angeles to Fort Meade based on a comparison with the constructive cost of \$384 for a direct round trip between Fort Meade and Los Angeles, notwithstanding the fact that the employee obtained transportation from Fort Meade to San Francisco at no cost. B-188689, February 7, 1978.

#### Government not required to claim pro rata share of savings

An employee was issued an excursion ticket for travel, Washington-Atlanta-New Orleans-Washington, for temporary duty in Atlanta, Georgia, circuitous route being for personal convenience. He may be reimbursed the difference between the cost of the authorized class fare by direct route to Atlanta and excursion fare by direct route since, when an employee travels by circuitous route, he is entitled to reimbursement in an amount not to exceed the cost by direct route and not to exceed total actual cost, whichever is lower. The Government need not claim a pro rata share of savings in transportation cost resulting solely from some personal travel performed in addition to official travel required. B-167183, December 19, 1969.

The collection of \$182.50 attributable to indirect travel, and included in a voucher paid by the Government, is not required under subsection 2.5b, SGTR, Circular No. A-7, as revised, since an employee traveling on official business by indirect route is

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entitled to reimbursement in an amount not to exceed the cost of travel by a direct route, or the total actual cost, whichever is lower, and here the excursion fare of \$639.20 was less than the usual direct route fare of \$827.40. Furthermore, GAO takes the position that the Government should not claim a pro rata share of any cost savings resulting solely because of personal travel. B-178535, June 21, 1973.

### Rest stops

See also Chapter 4, Subchapter I.

#### When traveler is entitled to rest stop

Concerning a proposed regulation authorizing rest period after travel between multiple time zones, GAO has no objection to issuance since SGTR do not require adjustment in per diem where an employee departs from his official station early or delays reporting at place of temporary duty in order to adjust physically to a new time zone. In addition, the Office of Management and Budget indicates in its comment of the proposal that consideration will be given to including a general statement in revision of SGTR to the effect that the employee may be allowed time for a rest period after travel between duty points separated by several time zones without a reduction in per diem. B-171543, February 8, 1971.

#### Exception--training in continental United States

The deduction of \$37.50 from an employee's claim for travel costs incurred due to an overnight stop enroute via air from Port Angeles, Washington, to Grand Canyon, Arizona, is correct. There is no provision in FTR for rest stops, regardless of length of travel, when travel is within continental United States, and this Office has never approved rest stops unless travel during normal periods of rest is involved. 54 Comp. Gen. 1059 (1975).

#### No rest stops permitted while travel on indirect route

An overseas employee, on change of official station travel from Beirut, Lebanon, to Atlantic City, New Jersey, went with his four dependents by indirect

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route. In computing his claim for reimbursement on a constructive basis he included constructive rest stop at London with \$7.80 bus and taxi fares. However, subsection 132.4, Volume 6, Foreign Affairs Manual, provides that rest stops are not authorized when travel is performed by indirect route and therefore recomputation of per diem properly omitted stop at London, including bus and taxi fares; moreover, family-plan air fare should be used in computation of constructive cost between New York and Atlantic City. B-171969, April 14, 1972. See also 39 Comp. Gen. 676 (1960).

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### CHAPTER 4

#### TRANSPORTATION

##### SUBCHAPTER I--TRANSPORTATION ALLOWABLE

###### A. AUTHORIZED MODES OF TRAVEL

###### Generally

"\* \* \* railroads, airlines, helicopter service, ships, buses, streetcars, subways, taxicabs: Government furnished and contract rental automobiles and airplanes; privately owned and rented automobiles and airplanes; and any other necessary means of conveyance." FTR para. 1-2.2.

###### Use of United States flag vessels

See Chapter 4, Transportation Law Manual.

###### Use of United States air carriers--The Fly America Act

###### Statutory basis

Under 49 U.S.C. § 1517, expenditures of Government funds for Government-financed commercial foreign air transportation aboard noncertificated air carriers (foreign air carriers) are prohibited in the absence of a showing that certificated United States air carrier (United States air carriers) service is unavailable. Section 1517 is commonly referred to as the "Fly America Act" and requires employees and others performing Government-financed travel to use United States air carriers to perform commercial foreign air travel. The Fly America Act supersedes Senate Concurrent Resolution 53, 76 Stat. 1428, October 1, 1962.

###### Implementing regulations

On June 17, 1975, the Comptroller General issued guidelines for implementing the Fly America Act. As amended by B-138942, March 12, 1976, the guidelines provide that passenger service by a United States air carrier is considered available even though foreign service is less costly, can be paid for in excess foreign currency, or is preferred by the agency, or

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traveler needing the air transportation. The guidelines specify that service by a United States air carrier is available if the carrier can perform the transportation service needed by the agency and if the service will accomplish the agency's mission, and set forth the following four conditions under which United States air carrier service may be considered unavailable:

"when the traveler, while en route, has to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

"when any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the 6-hour period, or

"when by itself or in combination with other certificated or noncertificated air carriers (if certificated air carriers are 'unavailable') it takes 12 or more hours longer from the origin airport to the destination airport to accomplish the agency's mission than would service by a noncertificated air carrier or carriers.

"when the elapsed traveltime on a scheduled flight from origin to destination airports by noncertificated air carrier(s) is 3 hours or less, and service by certificated air carrier(s) would involve twice such scheduled traveltime."

The above guidelines are incorporated at paragraph 1-3.6 of the FTR, as amended by FPMR Temp. Reg. A-11, Supplement 4, April 29, 1977, and, as applicable to civilian employees of the Department of Defense, are contained at 2 JTR, para. C2204-4.

### Scheduling and routing travel

Nearest/furthest practicable interchange point--Where United States air carriers do not provide through service between an employee's origin and destination,

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there may be several combinations of flights involving different interchange points by which the travel can be accomplished, each involving a different amount of United States air carrier service, but all meeting the guideline's availability criteria. Where United States air carrier service is available at the traveler's origin he should use United States carrier to the furthest practicable interchange point on a usually traveled route. Where the origin or interchange point on a usually traveled route is not served by a United States air carrier, a foreign air carrier should be used to the nearest practicable interchange point to connect with United States air carrier service. These principles should be followed except where their application would result in the use of a foreign air carrier between the United States and another continent. In applying the nearest/furthest practicable interchange point concept, travelers will not be held accountable for nonsubstantial differences in distances between points served by United States air carriers. 55 Comp. Gen. 1230 (1976).

Delay en route--An employee traveling round trip between the United States and Guyana who took a United States air carrier between the United States and Trinidad properly traveled by foreign air carrier between Trinidad and Guyana rather than awaiting the use of the one United States flight per day between those points. Use of United States air carrier for the Trinidad-Guyana portion of the trip would have involved more than 12 hours delay en route as compared to the flights taken and, hence, United States service for that portion of the travel may be considered unavailable under paragraph 4c of the guidelines. 55 Comp. Gen. 52 (1975).

An employee who traveled from Bangkok to Manila by foreign air carrier, with elapsed traveltime of 2 hours, 15 minutes, did not violate the Fly America Act since in accordance with paragraph 4(d) of the guidelines, the alternate routing by United States carrier from Bangkok to Hong Kong and thence by foreign carrier from Hong Kong to Manila would have involved more than twice 2 hours, 15 minutes. B-187506, May 5, 1977.

Additional per diem payable to comply with Fly America Act--As much as 48 hours additional per diem is

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payable to facilitate an employee's use of United States air carriers. Thus, while the guidelines contemplate a total of up to 12 hours delay en route once travel is initiated, an employee may also be required to delay departure or accelerate arrival at destination in order to use United States air carrier service. If the total delay to use air carrier service involves more than 48 hours per diem costs in excess of the per diem that would be incurred in connection with the use of foreign service, United States air carrier service may be considered unavailable. The 48 hours include delays in initiation of travel, in enroute travel, and additional time at destination before the employee can proceed with his assigned duties. 56 Comp. Gen. 216 (1977).

Travel during nonduty hours--The Fly America Act modifies the directive of 5 U.S.C. § 6101(b)(2) that, where practicable, travel should be scheduled during the employee's nonduty hours. Thus, an employee may be required to travel by United States air carrier during nonduty hours although he could travel during regular duty hours aboard a foreign air carrier. An employee who travels during nonduty hours in order to comply with the Fly America Act is entitled to compensatory time off only insofar as his travel meets the conditions of 5 U.S.C. § 5542(b)(2) for payment of overtime compensation. 56 Comp. Gen. 219 (1977).

Travel between midnight and 6 a.m.--As a general rule, employees should not be scheduled to travel during hours normally allocated to sleep. 56 Comp. Gen. 219 (1977).

Between United States and overseas--Where the only certificated air carrier service available between points in the United States and points outside the United States requires boarding or leaving the carrier between midnight and 6 a.m., or travel spanning those hours, the employee is required by 49 U.S.C. § 1517 to use such service insofar as otherwise available under the Comptroller General's Guidelines of March 12, 1976, and decisions of this Office. 56 Comp. Gen. 629 (1977).

Between points outside United States--Where the only United States air carrier service between points,

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both of which are outside the United States, requires boarding or leaving the carrier between or travel spanning the hours of midnight and 6 a.m., and where a foreign air carrier is available which does not require travel at those hours, United States air service may be considered unavailable. The traveler may instead use the foreign air carrier to the nearest practicable interchange point on a usually traveled route to connect with certificated service. 56 Comp. Gen. 629 (1977).

Acclimitization rest--An employee who travels by United States air carrier requiring boarding or deplaning between or travel spanning the hours of midnight and 6 a.m. may be granted a brief period of administrative leave and additional per diem, if appropriate, for "acclimitization rest" at destination. 56 Comp. Gen. 629 (1977).

Selecting a rest stop--The family of a State Department employee entitled to a rest stop en route between Ghana and the United States should have traveled from Ghana to Dakar, Senegal, by a foreign air carrier, taken a rest stop in Dakar, and continued on by United States air carrier to the United States rather than traveling by foreign air carrier to Frankfurt, taking a rest stop there and continuing by United States air carrier to the United States. While the Department of State's regulations require only that a rest stop be taken along a "usually traveled route," the Fly America Act necessarily modifies the concept of "usually traveled route," and limits the selection of a rest stop location so as not to defeat the purpose of the Act. In general, a rest stop should be taken along a routing selected under the Fly America Act guidelines and the nearest/furthest practicable interchange point concept. When the agency determines that a particular city along a routing selected in accordance with those principles is not an appropriate rest stop location, the employee's rest stop should be designated at an appropriate location along the alternate routing that most nearly complies with the route selection principles. Ideally, a rest stop should be taken near to the midpoint of the journey. Where, by reasons of the Fly America Act requirements, a rest stop can only be scheduled so near to the origin or destination of a trip as to defeat this purpose, a rest stop may be eliminated altogether and

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the employee may instead be permitted an appropriate period of rest at his destination. 57 Comp. Gen. 76 (1977).

Rest and recuperation travel--An employee stationed in Kinshasa, Zaire, with Rome designated by Department of State regulations as his rest and recuperation (R&R) location, may choose Amsterdam as his alternate R&R point. Under State Department regulations, the alternate R&R point is to be treated as the employee's primary R&R point for purposes of compliance with the Fly America Act. Thus, even though United States service may be available between Kinshasa and Rome, the employee may travel without penalty between Kinshasa and Amsterdam by foreign carrier since no United States air carrier provides service between those points. Where it appears that the designation of a specific location as the alternate R&R point is made for the purpose of avoiding use of United States air carrier service, and where the employee's travel to that location does not meet the purpose of R&R, the traveler's liability for excessive use of foreign air carrier service will be determined on the basis of travel to the location where he spends a significant amount of time for R&R. If the employee selected Amsterdam as his alternate R&R point and traveled by foreign carrier to Amsterdam, not for actual R&R, but to obtain a connecting foreign flight to Los Angeles, Los Angeles would be regarded as his alternate R&R point and, since United States service is available over a usually traveled route between Kinshasa and Los Angeles, the employee would be liable for loss of United States air carrier revenues occasioned by his foreign air carrier travel. 56 Comp. Gen. 209 (1977).

### Considerations not justifying use of foreign air carrier service

Excess foreign currency--An employee may not use foreign air carrier service for temporary duty travel in order to use excess foreign currency where American air carrier service is available even though the amount expended on the foreign carrier is only a fraction of the amount that could have been expended in excess foreign currency for the entire trip. B-184136, March 10, 1976.

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Misunderstanding of the law--Peace Corps volunteer who could have traveled by United States air carrier between Delhi and New York is liable for the cost of air travel by foreign air carrier between those points notwithstanding that the volunteer traded in her ticket aboard a United States air carrier for a ticket aboard Swiss Air on the basis that she preferred to travel by Swiss Air, the cost was the same, and notwithstanding the assertion that she was not counseled about the requirement to travel by United States air carriers. Because the requirement for use of United States air carriers is imposed directly by statute, all persons are charged with knowledge of its provisions. B-188968, August 8, 1977.

An employee who traveled aboard a foreign air carrier between Frankfurt and London when United States air carrier service was available may not be reimbursed the cost of such foreign travel based on his claim that he used the foreign air carrier because he construed the phrase "certificated air carriers (those holding certificates under section 401 of the Federal Aviation Act of 1958, 49 U.S.C. § 1371 (1970))" as permitting use of certificated air carriers regardless of nationality. The phrase "certificated air carriers \* \* \*" excludes foreign carriers. Notwithstanding the employee's misconstruction of the phrase, the prohibition against use of noncertificated foreign air carriers is statutory. Its provisions are mandatory and may not be waived. B-186007, November 15, 1976.

Liability for improper travel aboard foreign air carriers--When an employee improperly travels aboard a foreign air carrier, he is liable for or may not be reimbursed an amount representing the loss of revenues by United States air carriers attributable to his excessive use of foreign air carrier service. In the absence of an agency instruction adopting a different measure, the following mileage proration formula will be applied in determining the amount of the employee's financial liability:

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Sum of certificate carrier segment mileage, authorized	X Fare
<hr/> Sum of all segment mileage, authorized	payable by Gov- ernment

MINUS

Sum of certificated carrier segment mileage, traveled	X Through
<hr/> Sum of all segment mileage, traveled	fare paid

56 Comp. Gen. 209 (1977).

No reduction in United States air carrier revenues

Since no United States air carrier provides service on a usually traveled route between Kinshasa, Zaire, and Amsterdam, the employee's alternate rest and recuperation point, the employee's action in extending his round-trip ticket to include travel between Amsterdam and Los Angeles aboard a foreign air carrier at a reduced throughfare did not diminish receipt of Government revenues by a United States air carrier, but merely effected a redistribution of revenues between foreign air carriers. Under the circumstances, there is no violation of the Fly America Act and no legal basis to assess the employee a penalty. 56 Comp. Gen. 209 (1977).

Reduction in United States air carrier revenues

When an employee takes a side trip or indirectly routes his travel and when such additional travel is wholly or partly subsidized by the fare paid by the Government for authorized travel, the employee is responsible not only for any additional cost attributable to his personal travel but for diversion of revenues from United States air carriers. Thus, an employee authorized official travel to Africa with return to Washington, D.C., by way of London and Edinburgh is to be assessed the amount of \$16.20, representing the diversion of United States air carrier revenues attributable to his side trip to Edinburgh even though his travel between London and Edinburgh involved no additional cost and was performed on Sunday and regardless of the fact that no

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United States air carrier provided service between those points. The employee was authorized to travel 19,501 miles as determined by the Official Airline Guide and to use United States air carriers for 7,475 of those miles at a fare of \$1,232.58. By reason of his side trip to Edinburgh, he traveled 20,189 miles and used a United States air carrier service for 7,475 miles at the same fare of \$1,232.58. Applying the formula set forth above, the amount of his liability for excessive use of foreign air carriers is determined as follows:

$$(19501 \times \frac{7475}{1,232.58}) - (20189 \times \frac{7475}{1,232.58}) = \$16.02$$

B-188648, November 18, 1977.

Additional cases setting forth actual calculations applying the mileage proration formula are B-187506, May 5, 1977, and 57 Comp. Gen. 76 (1977).

For use of foreign currencies see Chapter 9.

### Use of other conveyance reimbursable

#### Limousine

Where travel orders do not restrict an employee's use of taxi or limousine service between the carrier's terminal and the employee's residence based on availability of suitable Government or common carrier transportation facilities, the employee may be reimbursed under FTR para. 1-2.3c for his use of limousine service for travel to his home from the carrier's terminal. B-186081, July 22, 1976.

#### Tractor

An employee became snowbound while waiting to leave the airport from his permanent duty station to attend a testing course and was forced to remain at the airport motel for 3 days may be allowed claim, if administratively approved, for \$10.50 for transportation from the motel back to his residence via tractor as being in the nature of hire of a special conveyance provided for by SGTR subsection 3.4 and JTR para. C6101-2. Claim for 50 cents for travel by privately

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owned automobile from residence to airport is allowed under SGTR subsection 3-5c(1). B-173224, August 30, 1971.

### Trailer rental

The rental of a trailer to haul Government equipment by a privately owned vehicle is hire of a special conveyance and the expense may be allowed if administratively approved as advantageous to the Government. 36 Comp. Gen. 297 (1956) and B-171780, March 17, 1971.

### Air ambulance

An employee who charters an air ambulance to transport his son who is hospitalized from an old duty station to a new duty station may be reimbursed the cost of the charter, since FTR para. 1-2.2c(4) permits the use of special conveyances when it is determined that other methods of transportation would not be more advantageous to the Government and since the charter was administratively approved as required by FTR para. 1-3.2a. B-184813, June 24, 1976.

## Use of other conveyance not reimbursable

### Privately owned bicycle

A mileage allowance may not be paid to an employee for the use of his privately owned bicycle on official travel since the mileage regulations specifically pertain only to the use of motor-driven vehicles. B-184641, September 11, 1975.

### Privately owned boat

The expenses of renting a boat and equipment from Government employee for the purpose of performing acoustical measurements are not reimbursable as travel expenses. The equipment should have been obtained by procurement means with due regard to section 1-1.302-3 of the Federal Procurement Regulations and the public policy prohibiting the Government from contracting with its employees except for the most cogent of reasons, such as where the Government's needs cannot otherwise reasonably be met. Payment may, however, be made on a quantum meruit basis insofar as the receipt of goods and services

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has been ratified by an authorized official. 55 Comp. Gen. 681 (1976).

### Ambulance

An employee, while on temporary duty, lost consciousness during a high-blood-pressure seizure. Ambulance expense for his transportation to hospital at temporary duty post is not reimbursable under the FTR. 55 Comp. Gen. 1080 (1976).

### Mode of transportation to be used is the one most advantageous to the Government

See also subchapter IV of this Chapter.

### Determination of most advantageous method at discretion of agency

Army civilian employee, authorized renewal agreement travel by military or commercial air only, is entitled to travel expense reimbursement for travel by foreign surface vessel only on the basis of the constructive cost of the air travel. Army's failure to authorize surface travel for medical reasons was not improper when military medical authority did not find air travel "medically contra-indicated." Choice of mode of travel and determination of mode most advantageous to the Government is at discretion of agency. B-183310, December 3, 1976.

### Use of other than authorized mode

Fear of flying--A claim for the difference between the constructive cost of round-trip air travel between Leghorn, Italy, and Washington, D.C., and the cost of travel by commercial vessel and railroad, on grounds that the directive authorizing only aircraft travel for USAREUR civilian employees was unreasonable in that it placed claimant in "impossible position" as he "does not willingly fly," is denied. The restriction limits the amount the employee can be reimbursed on travel expenses and does not prevent use of other means of travel, and employees are not required to fly if flying is medically contraindicated. B-153231, July 17, 1969.

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Motion sickness--A claimant, who submitted medical evidence that he was subject to motion sickness, was refused permission to fly directly to Harrisburg from Detroit. Nevertheless, he exchanged his tickets and flew to Harrisburg rather than fly to Washington with his inspection team and then drive by car to Harrisburg as his travel orders directed. His claim for the difference in tickets (\$5.25) is disallowed since he chose to fly to Harrisburg for personal reasons by different route and mode of travel than that approved and authorized. Selection of an employee's mode of temporary duty travel is for administrative determination and that determination cannot be disturbed by this Office absent a showing that it was arbitrary, capricious, or contrary to law and regulation. B-175312, April 25, 1972. See 21 Comp. Gen. 116 (1941).

### B. OTHER EXPENSES INCIDENT TO TRANSPORTATION

#### Regulation

Transportation expenses "include fares, rental fees, mileage payments, and any other expenses incident to transportation \* \* \*." FTR para. 1-2.1.

#### Duplicated tickets

State Department employee claims to have returned to American Embassy in Paris unused tourist class ticket for travel of pregnant wife from Paris to Washington, D.C., incident to home leave, when wife's accommodations were increased to first class. State Department has no record of surrender of ticket or serial number thereof and air carrier has refused refund. Employee is liable for lost ticket as under agency regulations he was responsible for record of number of returned unused tickets and without number it is not feasible to determine that no unauthorized use of ticket has been made. B-187879, July 11, 1977. See also B-149026, July 10, 1972.

#### Failure to use transportation request

An employee who through negligence failed to use transportation request issued and was required to purchase substitute airline ticket with personal funds incident to temporary duty assignment may be reimbursed cost of substitute ticket purchased, when transportation request was

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not available, less applicable Federal transportation tax. B-168260, November 14, 1969. See also 34 Comp. Gen. 639 (1955).

### Baggage and baggage handling

Claimant drove automobile to employee's last duty station. Claim for towing and storage charges is denied since automobile is not "baggage" within meaning of FTR para. 3-2.7. B-189826, April 7, 1978.

### Repair of privately owned automobile

An employee on temporary duty incurred additional travel expenses when his automobile broke down upon return to his official duty station. His claim for travel to residence and return travel to pick up his automobile may be allowed. The additional expenses were incurred incident to official travel because use of the automobile was advantageous to the Government, the employee's actions were reasonable and in accord with agency instructions, and overall saving to Government was effected. B-186829, January 27, 1977.

### Automobile license fees

Under a state statute exempting a nonresident vehicle owner from requirement to register his automobile and obtain state license plates unless the vehicle would be operated for the gain or profit of the owner or others, an employee who in performance of temporary duty is required to obtain certificate of registration and license plates for his privately owned automobile may be reimbursed expenses he incurred in complying with the state statute. The employee's use of his vehicle during the temporary duty assignment was advantageous to the Government in transaction of official business within meaning of SGTR section 10.5. 47 Comp. Gen. 332 (1967).

### Insurance premiums

#### Rental car insurance (foreign countries)

GAO is not required to object to reimbursement of Government employees for costs of "trip insurance" purchased while operating Government-owned or privately owned vehicles in foreign countries as a "miscellaneous expense" covered by FTR para. 1-9.1d. However, we believe change in FTR specifically providing for

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such reimbursement would be desirable because present applicable FTR sections do not provide for payment for any kind of insurance on vehicles operated in foreign countries. 55 Comp. Gen. 1343 (1976). Amplified by 55 Comp. Gen. 1397 (B-181193, August 24, 1976).

A government employee may be partially reimbursed for costs of insurance purchased on a vehicle commercially leased on a long-term basis to the extent it is necessary for hire and operation of motor vehicles on German roads. Excess coverage not required by statute and regulation or by industrial custom to enable commercial hire of vehicle and operation of vehicle on German roads is considered personal to employee and may not be certified for payment. 55 Comp. Gen. 1397 (1976).

### Liability for damages

Employees may be reimbursed for damages to rental vehicles subject to the collision insurance deductible on insurance included in the rental payment, although the employee has elected not to pay an extra fee for coverage of the deductible by collision damage waiver or collision damage insurance. 47 Comp. Gen. 145 (1967).

### Flight insurance paid by private source

A Department of State officer who attended the American Bar Association's National Institute on Marine Resources is not allowed a \$7.50 air insurance fee. 47 Comp. Gen. 319 (1967).

### Attendant for handicapped traveler

Where a handicapped member of the National Advisory Committee on an Accessible Environment requires an additional attendant to attend periodic official meetings, the Government may pay the cost of attendants above that ordinarily incurred by member at his place of residence. Such expenses are essential to accomplish the unique purpose of the Advisory Committee under its statutory authority, 29 U.S.C. 792 (Supp. IV, 1974), which requires that a majority of its members be handicapped. B-189010, August 15, 1977.

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### Telephone calls to arrange ground or other transportation

See Chapter 5, Subchapter II.

### Airport departure and arrival fees

Airport fees military and civilian personnel are required to pay when departing from airports incident to official travel are reimbursable, if the charges are reasonable. The Supreme Court held that user fee imposed on departing passengers does not involve unconstitutional burden on interstate commerce, and that if funds received by local authorities do not exceed airport costs, it is immaterial whether they are expressly earmarked for airport use. However, as fees imposed on arriving passengers are held to be unreasonable interference with interstate commerce, they may not be reimbursed, but if found valid upon appeal, reimbursement is authorized on same basis as departure fees. 52 Comp. Gen. 612 (1972).

### First class ticket

See Subchapter III of this Chapter.

### Special package fares

See Subchapter III of this Chapter.

### Autotrain

An employee, assigned to temporary duty at Naples, Florida, from April 12 to 14, 1972, traveled with his wife via autotrain (\$380 covering transportation of automobile and from one to four people) from Lorton, Virginia, to Sanford, Florida, and then by POV between Sanford and Naples, returning the same way. Employee's claim for \$180 may be allowed since his claim represents the round-trip air coach from Washington National Airport to Miami, thence by air taxi to Naples and return by same mode, plus per diem for 3-3/4 days. There is no requirement here, for comparative cost purposes, that there be prorationing of cost. Had the employee traveled alone by autotrain, costs would have been the same. B-176612, October 25, 1972.

### Denied boarding compensation--penalty paid to Government

When air carrier becomes liable for liquidated damages for failure to provide confirmed reservation to Government

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employee traveling on official business, although the employee was personally inconvenienced, the damages are paid to the Government as purchaser which carrier failed to service because reimbursement is not made for expenses incident to employee's performance of official duties and Government employee may not be reimbursed from private sources for travel expenses incurred in official capacity. B-148879, August 28, 1970.

### Recovery of reservation penalties--employee liability

The "no show" penalty charges imposed by airlines when Government personnel fail to use or cancel reservations and which are paid by the Government may not be recovered by involuntary collections under the provisions of 5 U.S.C. § 5514 (formerly 5 U.S.C. § 46d). 42 Comp. Gen. 619 (1963)

### Babysitter

Claim by Agriculture employee for reimbursement of miscellaneous expenses incurred at home due to his travel status because employee's wife who worked at night had to pay someone \$5 to stay overnight with their children is disallowed. The law and regulations authorizing reimbursement of traveler's expenses while on temporary duty away from his domicile do not relate to expenses incurred by his family at his domicile, and the fact that the employee or his family would not have incurred the personal expense at his permanent duty station, except for his performance of official travel, is not a sufficient basis for shifting such expense to the Government. B-162466, September 27, 1967.

### Money order

The cost to an employee of telegraphic money order wiring him money to pay a bill for a rental car used incident to a temporary duty assignment is not reimbursable under section 8.46 of Office of Management and Budget Circular No. A-7, nor under para. 09007-3 of JTR, Volume 2, even if the employee is given a discount for paying cash thus saving the Government money, since the bill relates to payment of an expense voucher and thus is a personal expense. B-176543, August 30, 1972.

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### SUBCHAPTER II--GOVERNMENT TRANSPORTATION

#### A. PERSONAL USE OR OFFICIAL BUSINESS

##### Generally

Without specific legislative authority, no appropriated funds of any department may be used for maintenance, operation, or repair of any Government-owned passenger vehicle or aircraft not exclusively used for "official purposes". Official purposes do not include transportation to and from home and place of employment, except for medical officers who provide outpatient services and when necessary and approved by the head of a department for employees who perform field work. These limitations are inapplicable to motor vehicles and aircraft for the official use of the President, the heads of executive departments listed in 5 U.S.C. § 101, and certain principal diplomatic officials. 31 U.S.C. § 638a(c)(2).

##### Boats

No appropriation under the Corps of Engineers shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government Business. 33 U.S.C. §§ 575 and 701b-9.

##### To residence

###### Generally

In certain circumstances and when approved by designated officials, specific statutory provisions permit Government-owned vehicles to be used for transporting agency officials and employees of some agencies between their residence and place of employment. 10 U.S.C. § 2632 (military departments); 38 U.S.C. § 233(b) (Veterans Administration); 22 U.S.C. §§ 1138a and 2678 (State Department); and 50 U.S.C. § 403j (Central Intelligence Agency).

###### In the Government's interest

Because the general prohibition in 31 U.S.C. § 638a(c)(2) against transporting employees between their residence and place of employment in Government-owned vehicles is for the purpose of preventing such use merely for the personal convenience

of the employees, this provision does not prohibit home-to-work transportation by Government vehicle when it is in the Government's interest to provide it. 25 Comp. Gen. 844 (1946).

#### Protection from terrorism

The general prohibition against use of Government vehicle for home to work transportation is inapplicable when home-to-work transportation is for the protection of overseas employees from acts of terrorism. Such use transcends personal convenience and may be regarded in the Government's interest. However, specific legislative authority should be sought to use Government vehicles for this purpose, and in the interim such use should be limited to cases where Government transportation will protect against a clear and present danger from terrorist activities. 54 Comp. Gen. 855 (1975).

#### State Department authorization

The authority of designated State Department officials under 22 U.S.C. §§ 1138a and 2678 to permit use of Government vehicles for home-to-work transportation of Government employees overseas applies only to vehicles owned or leased by the State Department. 54 Comp. Gen. 855 (1975).

#### Dependents riding in Government vehicles

A union proposal to allow Federal employees on temporary duty for more than a specified period of time to transport their dependents in Government vehicles was negotiable with agency management and would not violate 31 U.S.C. § 638a(c)(2). Agencies have discretion to determine on a case-by-case basis that it is in the Government interest, such as for morale purposes, to permit dependents to accompany employees in Government vehicles otherwise used for official business. 57 Comp. Gen. 226 (1978).

#### Leave travel

##### Indirect travel

Government vehicles may not be used for indirect travel (deviation from the shortest and most direct route) between duty points where such indirect travel

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is performed solely for the purpose of taking leave.  
B-91377, June 21, 1950.

### Return to headquarters on nonworkdays

#### Authorizing return

A department may establish a standard rate per mile for guidance of travelers and administrative officials approving travel in determining whether it is advantageous to the Government that an employee using a Government-owned automobile return to his headquarters on nonworkdays. B-105938, December 14, 1951.

#### Voluntary return

If an employee is not required to return to headquarters on nonworkdays because the expense of the return travel would be greater than remaining at his temporary duty station, the employee may not be reimbursed for the expense of his voluntary return on weekends by Government-owned vehicle, since such personal use of the vehicle violates section 5 of the act of July 16, 1914 (31 U.S.C. § 638a(c)(2)). B-105938, December 14, 1951.

Employees may be authorized periodic return at Government expense from extended temporary duty to their official station on weekends if cost analysis shows that the cost of return is outweighed by savings in terms of increased efficiency and productivity, as well as reduced costs of employee recruitment and retention. 55 Comp. Gen. 1291 (1976).

## B. CHOICE OF GOVERNMENT-FURNISHED OR COMMERCIAL CONVEYANCE

### Must be used if available

Department of Army employee on renewal agreement travel used taxi between residence in Seoul, Korea, and Osan Air Force Base, Korea. Army denied claim for taxi fares because Government bus service was available and 8th Army regulation did not allow reimbursement for commercial transportation when Government transportation was available. Employee claimed there was no reliable bus service. GAO decides cases on written record. Where there is irreconcilable dispute of fact between agency and employee, GAO resolves dispute in favor of agency since it does not

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conduct adversary hearings. As there is irreconcilable conflict between agency and employee version of facts, claim is denied. B-190070, December 16, 1977.

A Civilian Air Force employee who became ill on temporary duty claims overtime compensation incident to delay caused by unavailability of military aircraft, necessitating his return by commercial aircraft. Although generally, civilian employees are not required to utilize Government aircraft without their consent, exception is provided in JTR para. C6001-4d where required aircraft travel is part of conditions of employee's assignment to position, as was the case in respect to claimant's employment. Accordingly employee was properly required to use military aircraft and his claim for additional travel costs was properly denied. B-175096, February 28, 1972.

The claim of an employee for mileage allowance for travel by privately owned automobile to two temporary duty assignments on the basis that civilian Government employee cannot be required to travel by military aircraft is again denied. While with certain exceptions civilian employees will not be required to travel in Government aircraft without their consent (section C6001.4a, JTR), employee's acceptance of a travel order authorizing aircraft travel constitutes an agreement thereto (subsection "e", section C6001, JTR). Since the employee accepted travel orders clearly providing he understood provisions thereof, it must be concluded he consented to them and merely elected to utilize his automobile for personal convenience at his own expense. B-154190, July 23, 1969.

### Commercial air authorized when employee did not receive port call in time

A civilian employee may be reimbursed for the cost of commercial air transportation from New York to Paris incident to his return to his duty station following reemployment leave in the United States. The record indicates that the employee failed to receive port call issued August 15, 1965, through no fault of her own and Government air transportation offered for August 29, 1965, did not meet requirements of employee's position, and also employee did not refuse available transportation offered for personal reasons. Accordingly, she is not precluded by para. C10200-2, Vol. 2, JTR, from being reimbursed for travel performed. Moreover, nothing in the employee's travel order nor in the applicable regulation directs exclusive

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use of Government-furnished transportation or prohibits use of commercial transportation for travel in question. B-160478, December 22, 1966.

### C. REIMBURSEMENT

#### Generally

Expenses of travel by Government-owned vehicles are reimbursable upon an actual expense basis. 5 Comp. Gen. 1009 (1926).

#### Vehicle insurance overseas

See Subchapter I of this Chapter.

#### Parking lot and storage charges

See also Parking meters, this Subchapter.

#### Protection of Government property

Parking fees incurred incident to the transaction of official business for daytime parking of a Government-owned automobile on a privately owned parking lot in order to adequately protect valuable Government property stored in the automobile may be considered a proper travel expense item reimbursable to the employee. 30 Comp. Gen. 173 (1950).

#### Other parking not reasonably available

An employee who drives a Government-owned vehicle on official business may be reimbursed for costs incurred in parking the vehicle on a privately operated parking lot if it is administratively determined that street (including meter) parking or other free parking is not available within a reasonable distance from the place where the duty was to be performed. 41 Comp. Gen. 328 (1961).

#### Storage while on leave

The general rule is that charges incident to storage of a Government automobile for the purpose of an employee taking leave while in a travel status is a personal expense and not reimbursable from Government funds. B-64309, April 9, 1947.

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However, where employees are in a continual travel status moving from one worksite to another and where return to their permanent duty station for the purpose of taking leave would be impracticable, they are entitled to reimbursement for administratively required storage of Government vehicles while leave is taken at their temporary duty station between assignments or taken during travel from one place of assignment to another. Storage in these circumstances is in the public interest. B-91377, June 21, 1950.

### D. STATE TAXES, FEES, AND FINES

#### Parking tax

When the tax is imposed on the vendee, neither the Federal Government nor its employees may be required to pay a State or local government parking occupancy tax on rent paid for parking a Government-owned vehicle used for official business. However, despite this tax immunity, a parking tax of one dollar or less may be certified for payment, since under 7 GAO 26.2 use of a tax exemption certificate for this small amount is prohibited as administratively burdensome. 51 Comp. Gen. 367 (1971), modified by 52 Comp. Gen. 83 (1972).

#### License fee

The requirement of a State that a Federal motor vehicle operated within the State shall have a license tag for which the Government is required to pay a fee amounts to a tax on an instrumentality of the United States and is unauthorized. 1 Comp. Gen. 150 (1921) and 4 Comp. Gen. 412 (1924).

#### Inspection fee

Fees for inspections obtained as a voluntary compliance with State law, which law is not applicable to vehicles owned by the Federal Government, do not appear to be proper charges against the United States. A-96223, September 23, 1938.

#### Parking meters

If the payment of a meter fee for the parking on a public street of a Government-owned vehicle used on official business imposes no impermissible burden on the performance of

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a Federal function, appropriated funds may be used to pay or reimburse employees for parking meter fees, unless the parking fee has been determined by a court to be a tax or a revenue raising measure. 46 Comp. Gen. 624 (1967).

### Fines

Fines imposed on Government employees for traffic violations while operating Government-owned vehicles used on official business, as well as attorney fees for defending against them, are personal to the employee and not payable by the Government. 31 Comp. Gen. 246 (1952) and 57 id. 270 (1978).

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### SUBCHAPTER III--RULES ASSOCIATED WITH USE OF COMMERCIAL TRANSPORTATION

#### A. COMMON CARRIER TRANSPORTATION PREFERRED

"Travel by common carrier...shall be used whenever it is reasonably available, other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation." FPMR para. 1-2.2(c) (1975).

#### B. TAXICABS

##### Generally

Authority for use of taxicabs in certain situations is set out in FTR para. 1-3.1a, which incorporates the local travel provisions of FTR para. 1-2.3. Tips of 15 percent when the fare is over one dollar and 15 cents when the fare is one dollar or less, in addition to reimbursement of the fare, are allowed under FTR para. 1-3.1b.

##### Between worksites

When administratively recommended and public bus service is inadequate, reimbursement may be allowed for taxicab fare for travel between worksites. B-169490, June 15, 1970.

##### Between residence and permanent duty station

There is no authority to administratively approve taxicab travel between the office at a permanent duty station and the employee's residence after an 8 p.m. shift unless all the requirements are met under FTR para. 1-2.3e, which permits such travel in limited cases when employees depend on public transportation. Consequently, taxicab fare is denied where there is failure to satisfy the requirement that the travel be incident to officially ordered work outside of regular working hours. B-182986, February 19, 1975.

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### Between lodging and place of temporary duty

Where not authorized or approved as advantageous to the Government, a claim for taxicab fare for travel between lodging and place of temporary duty is disallowed. B-161558, July 21, 1967.

### To and from common carrier and other terminals

#### Suitable Government or common carrier transportation available

When Government transportation between residence or office and an airport terminal is available and therefore agencies prohibit the use of taxicabs, employees may not be reimbursed for taxicab fare. 48 Comp. Gen. 447 (1968) and B-190070, December 16, 1977.

However, taxicab or limousine fare is payable where travel orders do not restrict in advance such transportation because of available Government or common carrier transportation. B-179823, July 14, 1975, and B-186081, July 22, 1976.

#### Between terminals

Under 2 JTR C2001 an employee may be reimbursed for taxicab fares between common carrier terminals while en route when required by a transfer from one carrier to another. B-184618, April 16, 1976.

An employee may be reimbursed both for limousine service between airport and downtown terminal and for taxicab fare from that point to office or residence. 31 Comp. Gen. 442 (1952).

#### Flight delay--return home and travel back to terminal

If the employee is determined to have acted prudently in making a round-trip taxicab trip between his residence and the airport because a flight was cancelled and then returning to the airport for a later flight, taxicab fare for all of the trips is allowable. B-166082, March 27, 1969.

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### Between lodging and food facility

Where employees fail to contact any lodging listed by their agency as within walking distance of food facilities they are not entitled to taxicab fare to obtain food under FTR para. 1-2.3b, which limits taxicab fare to obtain meals at temporary duty stations to cases of necessity when food cannot be obtained because of the nature and location of the work. B-190657, May 19, 1978.

### Between lodging and laundry

If an employee who is provided meals and lodging is granted per diem for miscellaneous expenses, he is not allowed taxicab fare to obtain laundry services or other items, since the per diem is for the purpose of covering such items as the taxicab fare. B-187976, April 11, 1977.

### Added taxicab fare because of suburban lodging

An employee who obtains lodging in the suburbs rather than downtown at no savings in per diem and who travels by taxicab from the airport to his lodging because there is no limousine service to the lodging is properly disallowed the full taxicab fare because it is an added expense imprudently incurred by choosing the suburban lodging. However, since the employee's travel orders authorize a rental car, taxicab fare not to exceed the constructive cost of a car rental between the airport and downtown is reimbursable. B-187344, February 23, 1977.

## C. RENTAL AUTOMOBILES AND SPECIAL CONVEYANCES

For types of special conveyances see Subchapter I of this Chapter.

### Generally

The hire of a boat, automobile, taxicab (other than for local travel under FTR paras. 1-2.3c, d, or e), aircraft, livery or other conveyances will be allowed if authorized or approved as advantageous to the Government when the employee is engaged in official business within or outside his designated post of duty. FTR para. 1-3.2a. A special conveyance is defined as any method of transportation other than a common carrier, Government-furnished, or privately owned which requires specific authorization or

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approval, and generally includes conveyances obtained through commercial rentals for less than 30 days. FTR para. 1-1.3c(5).

### Authorized or approved

Although use of a rental vehicle was not administratively authorized before the rental, the expense may be allowed if prior authorization would not have been unreasonable and the rental is subsequently approved by a properly designated official. B-187926, June 8, 1977.

### Official business

#### Use at hotel conference

Although use of a rental car was authorized in travel orders in a situation in which it is doubtful car was used for official business, cost of rental is disallowed, absent a determination by a proper agency official that the car was in fact used for official business. B-186820, February 23, 1978.

#### Use while awaiting employee's auto

Reimbursement for rental of an automobile for use while awaiting shipment of the employee's car (the shipment not payable by the Government because incident to a permanent change of station between duty stations in the United States) is properly disallowed, since the rental was not specifically authorized and was not for official business. B-186115, February 4, 1977.

### Rental on days of annual leave

An employee who rents an automobile to intermittently perform official duties while on vacation is properly denied reimbursement for the days he is on annual leave and is not performing official business, even though on leave days he is required to be on location for official business and cannot return the vehicle. B-190698, April 6, 1978.

### Return before temporary duty completed

An employee who together with the "temporary duty approving official" of his agency, states that he had completed his

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temporary duty when because of an emergency at home he was required to return home by rented automobile may not be reimbursed for the rental, since a properly designated official (ordinarily a "travel approving or requesting official") had not determined that the temporary duty was substantially completed as required by 2 JTR C4464, and the employee returned almost immediately after temporary duty began. B-189160, April 18, 1978.

### From airport to duty station

#### Actual or constructive cost for taxicab

An employee in the company of his wife drove a rental car from the airport to his new permanent duty station. He may be reimbursed for either the constructive cost of a taxicab or limousine service from the airport, to which the employee was entitled under para. 1-2.3c, or, if taxicab or limousine service was unavailable, the actual rental car cost of the travel prorated for the trip from the airport. B-186115, February 4, 1975.

#### Flight cancelled

See Subchapter I of this Chapter.

### Long-term lease

The General Accounting Office will not object to reimbursement of a Government employee for costs of a vehicle leased by the employee on a long-term basis for a period of temporary duty in Germany, in light of apparent official determinations that a long-term use of vehicles was necessary due to extensive travel required and that long-term lease of vehicles was more advantageous to the Government than a rental arrangement, cost and other factors considered. 55 Comp. Gen. 1397 (1976).

### Insurance and damages

See Subchapter I of this Chapter.

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### D. CLASS OF SERVICE AUTHORIZED

#### Generally

Under 5 U.S.C. § 5731 expenses for transportation may not exceed the lowest first-class rate, except as provided by regulation authorized by that section. FTR para. 1-3.3a provides that less than first-class accommodations shall be used in air travel and on other methods of transportation when they are adequate. The classes of accommodations authorized for travel by train, steamer, and air are set forth in FTR para. 1-3.3b, c, and d (FPMR Temporary Regulation A-11, Supp. 5, March 8, 1978).

#### Airplane accommodations

Although an employee may not know a fare lower than first-class is available for a particular flight and he is not involved in making reservations, there is no legal basis for charging the Government with the excess costs resulting from the failure to take advantage of the tourist class fare required by administrative regulations. In accordance with the regulations (now FTR para. 1-3.3d) the employee must reimburse the Government for the excess costs. B-152558, October 31, 1963.

#### Train accommodations

The minimum traveltime required to justify an employee obtaining a parlor car for his personal comfort (now 4 hours under FTR para. 1-3.3b(2)) is the scheduled time for the trip. Consequently, the employee is entitled to parlor car accommodations if the scheduled time is more than 4 hours even though the actual traveltime for a particular trip is less. 24 Comp. Gen. 355 (1944).

### E. SPECIAL FARES

#### Generally

Extra-fare planes and trains may be authorized or approved whenever their use is administratively determined to be more advantageous to the Government or are needed for reasons of security. Fares at reduced rates shall be obtained whenever it can be determined prior to the start of a trip that the service provided is practical and economical. FTR para. 1-3.4.

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### Round-trip ticket by same mode

In the absence of an official justification for taking different modes of transportation to and from the destination, a round-trip ticket by the same mode of transportation should be purchased, and the employee is liable for the extra fare because of failure to obtain a round-trip ticket. 26 Comp. Gen. 787 (1947) and B-150421, December 26, 1962.

### Round trip by same carrier

An employee may not be reimbursed the added fare charged by an airline because he failed to take the same carrier to and from his destination, as required by the airline for a reduced round-trip fare. B-179696, March 18, 1974.

### Reduced fare obtained by purchasing ground accommodations

When an employee combines personal travel with official travel, thereby qualifying for a special fare, he is entitled to reimbursement of the lesser of the actual cost of the special fare or the regular fare by direct route, notwithstanding the fact that the special fare may require the purchase of accommodations or other items normally classified as subsistence or included in per diem which are not reimbursable while the employee is on leave, if such items are included as part of a travel package. 54 Comp. Gen. 268 (1974).

However, an employee traveling on official business may not be reimbursed for the difference between the cost of excursion fare and the lesser fare actually purchased which is obtained by also buying a ground accommodations package, when the employee's receipt of both per diem and Government reimbursement of the ground accommodations would result in double reimbursement for lodging. 55 Comp. Gen. 1241 (1976).

### Government reimbursement prohibited by tariff

Although the cost to the Government would be cheaper than the ordinary fare, employees may not be reimbursed under the "Discount 50 Plan" for home leave under 5 U.S.C. § 5728(a), where the official tariff provides that this special fare may be used only when payment is at the employee's own expense. 51 Comp. Gen. 828 (1972).

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### F. UNUSED TICKETS OR ACCOMMODATIONS

#### Generally

The charges for cancelling reservations and the parties liable therefore are set forth in FTR para. 1-3.5.

#### Carrier charges for cancelled reservations

An employee is liable for fees charged by airlines when travel accommodations reserved for him are cancelled if the cancellation is attributable to his fault, but he may be reimbursed the fees if cancellation is beyond his control. 41 Comp. Gen. 806 (1962) and B-148879, August 28, 1970.

#### Cancellation penalty due from carrier

If a carrier is required to pay a penalty (liquidated damages) when it cancels confirmed reserve space for a Government employee, the Government rather than the employee is entitled to the penalty. 41 Comp. Gen. 806 (1962).

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### SUBCHAPTER IV--REIMBURSEMENT FOR USE OF PRIVATELY OWNED CONVEYANCES

#### A. MILEAGE PAYMENTS

##### Generally

Payment to employees for use of their privately owned vehicles (POV) or airplanes in the conduct of official business is on a mileage basis unless payment on an actual expense basis is expressly authorized by law. Reimbursement for mileage must be administratively authorized or approved as advantageous to the Government. 5 U.S.C. § 5706, and FTR para. 1-4.1a.

##### Bicycles

See Subchapter I of this Chapter.

##### Privately owned airplane

Federal Aviation Administration employee who was authorized temporary duty travel in privately owned airplane seeks reimbursement on actual expense basis by computing fixed costs per hour plus operating costs. Section 4.6a of OMB Cir. No. A-7 provides for reimbursement on actual expense basis only when authorized by law. General authority for reimbursement of travel is 5 U.S.C. § 5704 under which employee is entitled to not in excess of 12 cents per mile for use of privately owned automobile or airplane instead of actual expenses. Therefore, without proper authorization claimant may receive only 12 cents per mile. Prior law authorizing reimbursement for airplane expense on actual cost basis has been superseded by 5 U.S.C. § 5704. B-178069, April 9, 1973.

##### Boat travel

Although an employee who travels by a privately owned boat incident to a change of station is not authorized mileage payments by 5 U.S.C. § 5704 and Government travel regulations (now FTR para. 2-2.3), he is entitled to actual expenses under 5 U.S.C. § 5706, but limited to common carrier costs as provided by the regulations (now FTR para. 1-4.6). 47 Comp. Gen. 325 (1967). See also B-123222, May 18, 1955.

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### Official business travel

#### Indirect travel for leave

An employee is not entitled to such costs as mileage and parking fees for POV use related to interruption of temporary duty and indirect travel for leave purposes. 53 Comp. Gen. 556 (1974).

#### Interruption of temporary duty for medical examination

There is no entitlement to mileage costs when interruption of temporary duty and return to headquarters by POV is for a medical examination unrelated to the employee's fitness for duty or when an illness requires his return to headquarters. B-188012, May 10, 1977.

#### Residence to place of duty at official station

With limited exceptions such as reimbursement allowed for travel between residence and carrier terminals and from residence to office on the day of travel under paragraph 1-4.2c of the FTR, an employee is not allowed costs for transportation by privately owned vehicle to and from his home and the location where he regularly performs work at his permanent duty station. 36 Comp. Gen. 450 (1956) and 55 *id.* 1323 (1976). In applying this rule and within the meaning of the FTR, the employee's rental of a motel room on a daily basis at the employee's official station is not considered a "residence" when the employee spends a majority of his time in a travel status. 57 Comp. Gen. 32 (1977). The general rule against home-to-work mileage applies when agencies call back employees from their homes for overtime work. 36 Comp. Gen. 450 (1956); B-185974, March 21, 1977; and B-189061, March 15, 1978.

#### To and from common carrier terminals and office

One-day trip--An employee may not be reimbursed for mileage in lieu of a taxi between residence and office on the day of travel when a trip commences and ends on the same day and does not require at least one night's lodging. 55 Comp. Gen. 1323 (1976), and B-172094, April 12, 1972.

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Agency limitation on residence location--Mileage paid between air terminal and residence may be limited by an agency regulation restricting allowable mileage to and from the employee's residence to the distance between the origin or destination of his trip and a point not exceeding 25 miles from the corporate limits of his official duty station measured in the direction of his residence. 55 Comp. Gen. 1323 (1976), as modified 57 id. 32 (1977).

Duplicate travel because flight delayed--An employee is not entitled to mileage allowance for round-trip travel by the employee's relative in a privately owned vehicle with the intention of transporting the employee between the air terminal and his residence after an official trip, when because the return flight is delayed the employee instead travels to his residence by taxi and is reimbursed for the fare. B-179823, July 14, 1975.

One way without employee--Where a privately owned automobile is used to drive an employee to an airport terminal but returns without him, mileage is allowed for the return trip, since regulations (now FTR para. 1-4.2c) provide that a round trip is allowed to both transport the employee to a common carrier terminal and return him to his residence or office, as long as mileage does not exceed taxi cost. B-130430, March 1, 1957, and B-146088, June 27, 1961.

Day before and after temporary duty travel--An employee who travels from his residence to his office and returns on days immediately preceding and following periods of temporary duty travel may not be allowed mileage, since under FTR paras. 1-4.2c(2) and 1-2.3d mileage between residence and office is restricted to the day of departure from the office on travel and between office and residence on the day of return to the office. B-189114, February 14, 1978.

### Court appearance

An employee who is charged in an accident with a traffic violation while traveling in a privately owned vehicle on official business may be paid mileage for a court appearance concerning accident

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damages, since the United States under the Federal Tort Claims Act may be ultimately liable for the damages and consequently the employee's attendance at court to give testimony can be regarded as official business under 5 U.S.C. § 6322(b)(2). 53 Comp. Gen. 214 (1973).

### Discretionary authority or approval

#### Generally

Authorizing an employee mileage for the use of his automobile as advantageous to the Government is discretionary with his employing agency. 52 Comp. Gen. 446 (1973) and 55 id. 1323 (1976).

#### Travel in the vicinity of headquarters

An agency has discretion to limit allowable mileage between an employee's residence and places of temporary duty in the vicinity of his headquarters. 36 Comp. Gen. 795 (1957); B-173103, November 16, 1971; B-175608, December 28, 1973; B-187928, November 15, 1977; B-188862, November 23, 1977; and B-131810, January 3, 1978.

#### Agency discretion limited by its own policy

An agency may prospectively allow mileage for travel by POV between an employee's residence and only one temporary worksite each day, but not until it changes its existing policy of paying mileage only when travel is to at least two worksites per day. B-131810, January 3, 1978.

#### Arbitrators award of travel expenses

An employee's request to use POV as advantageous to the Government for temporary duty travel was denied although an official told him it would be approved. Arbitrator held that employee should be paid as though request had been approved since agency failed to act on request within time frame set out in its regulations and official's statement amounted to approval. Award may not be implemented since no determination was made that POV is advantageous to Government on

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basis of cost, efficiency or work requirements as required by FTR. B-180010.09, December 9, 1976.

### Distance measurements

#### Automobile and motorcycle

Generally--For entitlement to mileage, distances between points traveled by privately owned automobiles or motorcycles must be as shown in standard highway mileage guides or by speedometer readings. Substantial deviations from distances shown in standard highway mileage guides must be explained. FTR para. 1-4.1b(1) and 48 Comp. Gen. 276 (1968).

Deviations requiring explanation---Substantial deviations from highway mileage guides requiring an explanation are decided on a case-by-case basis. The GAO has no fixed rule. B-139509, June 16, 1959. Bad weather conditions on a shorter route justify mileage payments for a longer route. 28 Comp. Gen. 708 (1949). Mileage may be paid for a longer but safer interstate highway route upon administrative approval and determination that it is a usually traveled route. B-162506, October 20, 1967.

Additional mileage for repairs--Additional mileage and travel expenses (other than the cost of repair itself) may be reimbursed for repair of a POV which breaks down during temporary duty travel, but not unless justified by the administrative record. B-187248, March 1, 1977. See also, B-186829, January 29, 1977, allowing extra mileage and travel expenses to repair a POV.

Proof of mileage distance--An employee who performs the same round trip a number of times in a short period of time is required to furnish speedometer readings on the first trip only. 33 Comp. Gen. 278 (1953).

Where the speedometer on the vehicle used is defective and the distances traveled are too short for coverage in a mileage guide, payment may be made for reasonable mileage if approved by the employee's superior who has knowledge of the particular facts establishing the distance. 30 Comp. Gen. 151 (1950).

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### Airplane

Generally--Air mileage, as determined from airways charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, must be reported on the reimbursement voucher and used in computing payment for the use of a privately owned airplane. Necessary detours on flights must be reported on the voucher and explained. FTR para. 1-4.1b(2).

Statute miles--Mileage for privately owned aircraft is to be in statute rather than nautical miles. B-177735, March 21, 1973.

Limited to direct route--Mileage allowed is limited to the direct distance between travel points where the employee and family fly a privately owned aircraft by an indirect route. B-156719, October 31, 1967.

## B. OTHER ALLOWABLE COSTS

### Generally

In addition to the mileage allowance authorized for the use of a privately owned vehicle or airplane, employees shall be reimbursed:

--Automobile parking fees;

--Ferry fares;

--Bridge, road, and tunnel tolls; and

--Airplane landing and tie-down fees unless the travel order or other administrative determination restricts their allowance. 5 U.S.C. § 5704 and FTR para. 1-4.1c.

### Exclusion of costs other than mileage

When employees are authorized payment on a mileage basis for the use of their privately owned motor vehicles or aircraft, ordinarily the additional costs allowed under 5 U.S.C. § 5704 are exclusive, and those not expressly authorized in that provision are generally disallowed. 34 Comp. Gen. 139 (1954) and B-185513, March 24, 1976. However, FTR para. 1-9.1d provides that miscellaneous

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expenses not enumerated are reimbursable if necessarily incurred by the traveler for official business.

### Trip insurance overseas

See Subchapter I of this Chapter.

### Repair costs

Costs to repair damaged privately owned automobiles are not reimbursable under 5 U.S.C. § 5704 in addition to mileage, but the employing agency under the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. § 241(b), may pay a claim to an employee for repair of his automobile damaged while traveling on official business. B-185513, March 24, 1976.

### Air ferry

Charges may be considered ferry fees and are reimbursable where transport of privately owned automobiles by aircraft or surface vessels across the English Channel is for the purpose of connecting the roadways of England and France. 39 Comp. Gen. 116 (1959).

### Garage rent

#### Parking on "in-and-out" basis

Charges for parking a POV in a garage on an "in-and-out" basis (as opposed to a clear case of storage) because of limited parking on public streets are reimbursable in addition to mileage. 42 Comp. Gen. 181 (1962).

#### Storage

Garage rent for storage of POV is not reimbursable in addition to mileage where equipment stored in the automobile can be safeguarded as conveniently and at less cost elsewhere. 26 Comp. Gen. 286 (1946).

#### Storage after order to proceed by common carrier

An employee's mileage status is considered suspended and the storage expense for a POV is reimbursable as

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an extraordinary expense if it is necessarily incurred because the employee is ordered to discontinue travel by POV and proceed by commercial carrier. 29 Comp. Gen. 440 (1950).

### C. PRIVATELY OWNED CONVEYANCE ADVANTAGEOUS TO THE GOVERNMENT

#### Generally

An agency determination that travel by POV would be advantageous to the Government must be based on determinations that travel by this method is more suitable than common carrier or Government-owned vehicle on the basis of direct cost, efficiency, or work requirements, as required by FTR paras. 1-2.2b, 1-2.2c(1), and 1-2.2c(3). 56 Comp. Gen. 131 (1976).

#### Determination of advantage required

Delay beyond the time period established by agency regulation for determining whether an employee's use of POV is advantageous to the Government does not justify an arbitrator's award of mileage expense, since the FTR allows mileage payment only after an agency determination that POV use is advantageous to the Government, considering costs, efficiency, or work requirements. 56 Comp. Gen. 131 (1976).

#### GAO review of determination

An agency's determination that an employee's use of POV for travel is or is not advantageous to the Government will not generally be questioned by GAO. 26 Comp. Gen. 463 (1947) and 56 id. 865 (1977).

#### Factors considered in determination of most advantageous mode

##### Lost worktime--charged to annual leave

Where Federal Aviation Administration (FAA) has authorized travel by common carrier to a training course based on FAA's determination that travel by POV is not advantageous to the Government, it is not an appropriate exercise of administrative discretion to excuse employees from duty without charge to leave for the excess traveltime occasioned by the employees'

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election as a matter of personal preference to travel by POV. 56 Comp. Gen. 865 (1977).

### When authorized to use taxi

Where an employee is authorized to use a taxi at his temporary duty station it appears that use of a POV could be determined advantageous to the Government. 55 Comp. Gen. 192 (1975).

### Temporary duty performed en route

An employee, accompanied by members of his immediate family, traveling between old and new permanent duty stations, but stopping enroute for the employee's training, can initially be paid only at the mileage rate authorized an employee on temporary duty traveling alone to the training location. However, upon completion of the training and continued travel from the training location to the new permanent duty station, payment is at the rate and mileage for permanent change-of-station travel (employee and members of immediate family) over the direct route between old and new duty stations, plus temporary duty mileage at the training location, less the amount initially paid. 52 Comp. Gen. 834 (1973). See also B-160040, October 3, 1966, and B-160180, October 31, 1966.

## D. PRIVATELY OWNED CONVEYANCE IN LIEU OF COMMON CARRIER

### Generally

If reimbursement is administratively authorized and approved as compatible with the performance of official business, an employee who prefers to use a privately owned conveyance in lieu of a common carrier may be reimbursed for its use although not determined to be advantageous to the Government. Payment is limited to actual travel plus per diem with the total not to exceed the constructive cost of appropriate common carrier transportation including constructive per diem by that transportation. Mileage payment for use of motor vehicles is further restricted to that allowed under FTR para. 1-4.1 at rates specified in FTR para. 1-4.2. FTR paras. 1-2.2d and 1-4.3.

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### Computation of constructive cost

#### Family fare available

Employee and family, under travel order authorizing commercial air as well as POV travel at mileage rate not to exceed cost by common carrier, were administratively allowed mileage representing constructive cost of air travel based upon family plan airline rates for return trip. Reclaim voucher representing difference in constructive travel costs between tourist and family plan fares may be certified for payment if employee and family started return trip before noon when tourist rate was in effect, as opposed to after noon when family plan rates were in effect. B-166552, June 27, 1969.

#### Taxicab not a common carrier for computation purposes

Since rental cars and taxicabs are considered special conveyances under FTR, constructive cost of local travel by such modes may not be included as constructive cost of common carrier transportation under FTR para. 1-4.3 for purpose of determining maximum reimbursement when for personal reasons POV is used in lieu of common carrier transportation. However, to extent such local travel is authorized, constructive cost of common carrier transportation (bus or street-car) for such travel may be included or use of POV may be approved as being advantageous to Government and reimbursement determined on this basis. 55 Comp. Gen. 192 (1975).

#### Exception when overall cost of taxi would have been greater

Employee authorized transportation by POV, the cost thereof not to exceed cost of common carrier, and whose use of taxicabs at the temporary duty station has now been approved as advantageous to the Government, may be allowed \$4.44 representing the difference between the mileage allowed for POV and constructive taxicab fares at temporary duty station, because after allowing taxi fares that would have been incurred had travel been performed by common carrier, the cost of travel by POV on mileage basis was less than constructive travel by common carrier. B-163079, February 9, 1968.

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### Determination of constructive costs should include per diem if appropriate

#### Total actual costs versus total constructive costs

Although on the basis of our decisions an agency's travel regulation requires the actual versus constructive costs for transportation and per diem to be compared separately in determining the employee's reimbursement when, for personal reasons, privately owned conveyance is used in lieu of common carrier transportation, our decisions were based on our interpretation of regulations which have been superseded. We interpret the current regulation, FTR para. 1-4.3, as requiring the agency to determine the employee's reimbursement for such travel by comparing total actual costs to total constructive cost. 55 Comp. Gen. 192 (1975).

Since rental cars and taxicabs are considered special conveyances under the FTR, the constructive cost of local travel by such modes may not be included as the constructive cost of common carrier transportation under FTR para. 1-4.3 for the purpose of determining maximum reimbursement when for personal reasons privately owned conveyance is used in lieu of common carrier transportation. However, to the extent such local travel is authorized, the constructive cost of common carrier transportation (bus or streetcar) for such travel may be included or use of POV may be approved as being advantageous to the Government and reimbursement determined on this basis. 55 Comp. Gen. 192 (1975).

#### Mileage less than constructive cost

Reimbursement is properly based upon mileage by POV rather than the higher constructive cost of commercial travel, since the constructive cost represents an upper limit on the Government's liability and is to be reduced if the actual travel cost on a mileage basis is less. B-181573, February 27, 1975. See also B-181046, November 12, 1974.

#### Authority to rent a car

An employee who is authorized to rent a car and could have done so but who actually uses a privately owned automobile is limited to mileage payment and is not entitled to the

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constructive cost of a rental car. B-160452, January 26, 1967; B-168637, July 15, 1970; and B-181046, November 12, 1974.

### Dividing travel between mileage payment and constructive travel cost

Travel by POV may be divided so that an employee's payment is limited to mileage in the vicinity of a locality and constructive transportation cost between headquarters and the locality. 55 Comp. Gen. 192 (1975), at 196, and B-181046, November 12, 1974. However, the division must be administratively determined, such as by authorizing use of a POV, taxicab, or rental car in the locality as advantageous to the Government. 55 Comp. Gen. 192 (1975), at 196, and B-132872, October 3, 1957.

### No common carrier cost saved

When the cost of a special fare, such as a round-the-world air ticket, is not reduced for the value of the last-leg portion of the ticket and the employee travels the last leg by privately owned automobile for personal reasons, no amount may be allowed for the constructive cost of the last leg. However, constructive costs may be allowed for excess baggage and for travel to and from air terminals that would have accrued had the flight been completed. 46 Comp. Gen. 221 (1966).

### No tolls or parking fees added

When a POV is used in lieu of a common carrier, tolls and parking fees cannot be added to payments based on the constructive cost of air travel, since they would not have accrued had travel been by air. B-130712, April 11, 1968.

### Actual mileage from residence or headquarters

Where mileage between residence and temporary duty station differs from the distance between headquarters and temporary duty station, mileage is paid for actual mileage traveled rather than constructive mileage from either point. 23 Comp. Gen. 549 (1944); 27 *id.* 32 (1947); and B-181141, December 4, 1974.

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### Least cost by Government vehicle

An employee traveling by POV is limited to mileage payments at the rate specified for use of a Government-owned automobile where that method, taking into consideration per diem costs, is less costly than constructive common carrier costs, and where the employee is authorized to travel by POV in lieu of a Government vehicle not to exceed common carrier travel costs. B-168857, March 24, 1977. See Privately owned conveyance in lieu of Government vehicle, below.

### Use of free limousine service required when available

An employee at headquarters having limousine service available to and from airport terminal who, assigned temporary duty and authorized travel by plane or POV not to exceed common carrier cost, departs during office hours traveling by POV, properly was disallowed taxi fare for day of departure in the computation under sections 3.5c(2)(a) and 3.1b of SGTR of the constructive cost of travel by common carrier. Had the employee traveled by plane, availability of office limousine would have restricted use of taxicab to airport. However, if applicable, constructive taxi fare authorized by section 3.1b from home to office on day of departure may be allowed. 48 Comp. Gen. 447 (1968).

### Energy conservation

An employee was detailed from North Dakota to Oregon, from February 4 to April 5, 1974, and was authorized travel via common carrier, not by POV because of the energy shortage. Nevertheless, the employee used POV and claims reimbursement on a constructive cost basis. Employee may be paid claim. While FPMR Temporary Regulation A-9 was issued February 6, 1974, for purpose of requirement that conservation of energy be considered as major factor in determining mode of travel, it did not amend FTR para. 1-4.3, under which employee must be reimbursed for constructive cost of mode of travel authorized when he uses POV. B-181151, January 3, 1975.

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### E. PRIVATELY OWNED CONVEYANCE IN LIEU OF GOVERNMENT VEHICLE

#### Generally

##### Not committed to use a Government-owned automobile

Employees who are authorized for their convenience to use privately owned cars in lieu of Government-owned automobiles and whose travel satisfies a condition in an agency manual that an employee is not considered "committed" to use a Government-owned automobile if travel requires absence from his official station 15 or more consecutive days are entitled to a mileage rate higher than the maximum rate allowed employees "committed" to use a Government-owned automobile. B-183886, July 30, 1975.

##### Mileage payment required by regulation

Although the local office of an agency determines that for certain travel a Government-owned vehicle is advantageous to the Government and no mileage should be paid for use of a privately owned conveyance, an employee is entitled to mileage payments where an agency manual provision having the force and effect of a regulation states that mileage at limited rates "shall" be paid. B-166271, March 20, 1969.

##### Least cost by Government-owned vehicle

An employee used POV in lieu of Government-owned automobile for travel to his temporary duty station. His travel reimbursement was limited to the cost of travel by common carrier. The employee is entitled to mileage only as provided in para. 1-4.4b of FTR since his use of POV was not determined to be advantageous to the Government. B-168857, March 24, 1977.

### F. MORE THAN ONE PERSON IN CONVEYANCE

#### Generally

Mileage is payable to one employee only even though two or more are traveling in the same conveyance. No deduction of mileage is made when other employees defray operating expenses. FTR para. 1-4.5.

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### Mileage for defraying car expenses

An employee who shares expenses for riding in the privately owned automobile of a fellow employee who is reimbursed by the Government is not entitled to mileage, since travel regulations (now FTR para 1-4.5) authorize the payment of mileage to only one of two or more employees traveling together on the same trip in the same vehicle. 32 Comp. Gen. 550 (1953) and B-162162, August 28, 1967.

### Authorization or approval

#### No authorization or approval

An employee is not entitled to mileage for voluntarily transporting a fellow employee in a privately owned automobile without administrative authorization or approval. B-134115, November 6, 1957, and B-158046, January 11, 1966.

#### Authorization or approval given

An employee who voluntarily returns from his temporary duty station for the weekend by privately owned automobile in the company of a second employee traveling in a temporary duty status may be reimbursed mileage for transporting the second employee, when this travel arrangement is administratively directed and approved. B-158046, April 5, 1966.

Transport of fellow employees to and from home--An employee who with administrative authorization or approval picks up a fellow employee at his home in a privately owned automobile for travel on temporary duty is authorized mileage for the extra distance required to pick up the employee. B-158519, February 21, 1966. However, when fellow employees are not allowed home-to-work travel in the vicinity of headquarters, mileage is not reimbursable to the driver for such transportation. 45 Comp. Gen. 197 (1965).

## G. MILEAGE RATES

### Generally

When an agency determines that temporary duty travel by a privately owned conveyance will be advantageous to the

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Government, the mileage rates for automobiles, motorcycles, and airplanes may not exceed the maximum rates prescribed in FTR para. 1-4.2.

### Less than maximum rate

#### Variation for labor negotiations

Federal Labor Relations Council requests our ruling on a union-proposed bargaining agreement provision that requires the Department of Agriculture to authorize the maximum mileage rate for meat grader employees who use their privately owned vehicles in connection with their work. The FTR requires agency and department heads to fix mileage rates at less than the statutory maximum if vehicle travel is determined not to be advantageous to the Government. Hence, the proposed provision is contrary to the FTR. 57 Comp. Gen. 379 (1978).

#### Administrative discretion

Within the maximum rates established by statute and FTR, administrative agencies have discretion to establish rates to compensate the employee, such as a sliding scale of diminishing rates for longer distances, and a higher rate for hauling a trailer. B-165070, September 10, 1968, and B-170796, December 2, 1970.

### Authority to prescribe foreign country rates

Since the General Services Administration is authorized by statute to promulgate the POV it may amend them to provide higher mileage rates for POV use in foreign countries. 55 Comp. Gen. 1343 (1976).

### Effective date of rate increase

Ordinarily there is entitlement only to the mileage rate specified on travel orders and in effect at the time of travel, since rights vest when travel is performed under orders. B-182198, January 13, 1975.

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### Rate correction

#### Generally

Travel orders may not be changed retroactively to increase or decrease mileage rates which have become fixed under statute or regulations unless an erroneous rate is apparent on the face of the orders or all the facts and circumstances clearly demonstrate that some provision previously determined and definitely intended had been omitted through error or inadvertence in preparing the orders. 48 Comp. Gen. 119 (1968) and B-168884, March 5, 1970. See Chapter 2, Subchapter III.

#### Not committed to use Government-owned vehicle

Where a lower mileage rate established by the FTR for employees committed to use Government vehicles is inapplicable to certain employees because under agency regulations they clearly are not committed to use a Government vehicle, their travel orders may be corrected to authorize the ordinary, higher mileage rate. B-183886, July 30, 1975.

#### Agency implementation required

When rate increases are authorized by statute but are not automatic and require further administrative action before higher rates are effective, travel orders issued before the statute was enacted cannot be modified to retroactively increase mileage rates. 35 Comp. Gen. 148 (1955).

#### Maximum Federal Travel Regulations rate increases

Maximum mileage rate increases authorized by amended FTR are effective even though the employing agency's regulations have not been changed to provide for the higher rates. 55 Comp. Gen. 179 (1975).

CHAPTER 5

BAGGAGE, COMMUNICATION SERVICES, AND  
MISCELLANEOUS EXPENSES ALLOWABLE

SUBCHAPTER I--BAGGAGE

A. AUTHORIZATION FOR EXCESS BAGGAGE

An employee and his family while on home leave in the United States, shipped baggage to his overseas station in excess of weight authorized for shipment. Subsequently, employee's agency requested that it be authorized to relieve the employee of liability for the excess charges. Authority to relieve employee of liability for excess weight was denied. B-186135, September 7, 1977, and B-171969, April 14, 1972.

B. HANDLING CHARGES

Government-owned property

For an employee in a travel status to be entitled to reimbursement for tips or fees paid for the handling of Government-owned equipment at hotels, there must be a showing that a separate or additional charge was made on account of the Government property. In the absence of such a showing the tips or fees are to be regarded as expenses included in the per diem allowance. 37 Comp. Gen. 408 (1957) and 26 Comp. Gen. 598 (1947).

Personal property

Charges for transferring baggage authorized by FTR para. 1-5.3b, refer to charges by carriers for transferring baggage between air terminals or railroad stations or pick up and delivery charges by transfer and express companies, so that fees paid by an employee to porters for baggage transferred to and from checkrooms at air terminals or rail stations are not reimbursable under that paragraph, but are covered by per diem in lieu of subsistence authorized by the FTR. 32 Comp. Gen. 357 (1953).

Storage

An employee traveling by privately owned automobile on a mileage basis may be reimbursed storage charges on the automobile on the basis that it contains Government

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property used on official business. However, it must appear that the primary purpose of storage is protection of the property, the automobile being merely incidental thereto. Also, it must appear that the property is of sufficient weight and value to warrant storage in such a manner, and that no Government storage facilities are available or convenient. 26 Comp. Gen. 286 (1946).

### C. DEPENDENTS' BAGGAGE

While per diem allowance authorized by the FTR for the employee is applicable to all fees covering handling of baggage necessary for the personal use of the employee, it does not include handling charges for baggage of employee's dependents. Therefore employee whose dependents were authorized transportation, but not per diem at Government expense is entitled to reimbursement for baggage handling charges attributable to dependents' baggage, including authorized excess baggage. 33 Comp. Gen. 610 (1954).

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### SUBCHAPTER II---COMMUNICATION SERVICES

#### A. AUTHORIZATION

The FTR provide that telephone, teletype, telegraph, cable, and radio service may be used on official business when necessary.

#### B. OFFICIAL PURPOSE AND PERSONAL BUSINESS

##### Telegrams

The mentioning of hotel reservations in telegrams, relating to official travel, between administrative officials and employees may be considered as merely incidental to the official business involved, and the costs of such telegrams may be charged as a miscellaneous expense rather than a personal expense. 24 Comp. Gen. 583 (1945).

If the primary purpose of the telegram is to request or confirm hotel reservations, the cost of such telegram is considered a personal expense. 31 Comp. Gen. 474 (1952); 30 id. 389 (1951); and B-163015, February 16, 1968.

Telegrams relating to salary checks or to report the illness of a traveler are considered personal in nature and not reimbursable. A-47551, March 2, 1933, and A-25306, December 21, 1928.

##### Telephone calls to arrange ground transportation

Long-distance telephone calls made by an employee while on temporary duty to notify a relative to pick him up at the airport in a privately owned automobile because he had obtained a reservation on a different flight, and the flight was delayed, may be administratively determined to be official telephone calls under 2 JTR C9007-2. However, this expense may be allowed only if a certificate as required by 31 U.S.C. § 680a is obtained. B-179823, July 14, 1975. See 44 Comp. Gen. 595 (1965) and B-186081, June 22, 1976.

#### C. TELEPHONE SERVICE

##### Statutory restrictions

Sections 679, 680, and 680a of title 31, USC, forbid the expenditure of appropriated funds for payment of

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long-distance telephone tolls except when strictly required on public business. B-186877, August 12, 1976.

### Local calls from private telephone

Employees may not be reimbursed charges for the use of telephones in their private residences for local calls made on Government business, even though the employees had no office assigned or available to them. 26 Comp. Gen. 668 (1947); 33 Comp. Gen. 530 (1954); 35 Comp. Gen. 28 (1955); and B-186877, August 12, 1976.

### D. SUPPORTING STATEMENT

Charges for official telephone calls, telegrams, cablegrams, or radiograms on official business shall be allowed provided a statement is furnished showing the points between which service was rendered, the date, the amount paid for each telegram, cablegram, or radiogram, and that they were required on official business. When the public interest so requires, the points between which telephone service was rendered need not be stated in the official travel voucher, but may be stated in confidence to the administrative official. 32 Comp. Gen. 432 (1953).

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### SUBCHAPTER III--MISCELLANEOUS EXPENSES

#### A. EXPENSES ALLOWABLE GENERALLY

Charges for necessary stenographic or typing services or rental of typewriters in connection with the preparation of reports or correspondence, clerical assistance, services of guides, interpreters, packers, drivers of vehicles, and storage of property used on official business shall be allowed when authorized or approved. FTR para. 1-9.9a.

#### B. ROOMS AND MEETING FACILITIES

##### Hire of room

When necessary to engage a room to transact official business, a separate charge may be allowed when authorized or approved. FTR para. 1-9.1b.

Superior sleeping car accommodations may be authorized or approved by the head of the agency because they are more advantageous to the Government. 34 Comp. Gen. 44 (1954).

The rental for maintaining dual living accommodation may be reimbursed in unusual circumstances provided that an appropriate official of the employing agency or department made a determination that the employee had no alternative but to incur duplicative costs. B-182600, August 13, 1975, and B-158882, April 26, 1966. Cf. B-184790, December 9, 1976.

##### Meeting facilities

Federal agencies may now procure the use of short-term conferences and meeting facilities without regard to the prohibition against rental contracts in the District of Columbia in 40 U.S.C. § 34, inasmuch as the General Services Administration in its Federal Property Management Regulations, contained in 41 C.F.R. § 101-17.101-4 has interpreted the procurement of the use of short-term conference facilities as a service contract instead of a rental contract. The Office of Technology Assessment (OTA), which has legislative authority to contract for such services, may reimburse its panel members sponsors for expenses incurred in arranging OTA panel meetings at the COSMOS Club in the District of Columbia, with appropriate reductions in each member's actual subsistence allowance for meals provided in this manner. 35 Comp. Gen. 314;

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49 id. 305; and B-159633, May 20, 1974, insofar as they prohibited procurement of short-term conference facilities in the District of Columbia, will no longer be followed. 54 Comp. Gen. 1055 (1975).

### Meetings and conventions

Where an agency elects to have a meeting at a membership club, it can arrange with a club member to procure rooms, facilities, food, and services for the meeting and reimburse the member for the expense. Per diem of travelers should be appropriately reduced. 54 Comp. Gen. 1055 (1975); 49 Comp. Gen. 305 (1969); 35 Comp. Gen. 314 (1955); and B-159633, May 20, 1974.

### Cancelled reservations

Rent for a hotel room reserved by agency employees for the use of a civilian employee scheduled to travel on official business from a distant city to that city, but not used by him due to cancellation of travel may not be paid by the Government in absence of a valid contractual agreement between the Government and hotel, since the employee traveling on per diem is expected to reserve and pay for his own lodging. B-181266, December 5, 1974. Cf. 48 Comp. Gen. 75 (1968).

Where the agency undertakes to engage rooms for a group of travelers who are delayed and unable to use the rooms, the rent may be paid as a necessary expense incident to the authorized travel. 41 Comp. Gen. 780 (1962).

## Fees

### Membership fee

The annual dues an employee is required to pay for membership in a professional organization are not reimbursable to the employee, even though a savings would accrue to the Government from reduced subscription rates, and notwithstanding that the Government would benefit from the employee's development as a result of the membership. 5 U.S.C. § 5946 prohibits the use of appropriated funds for the payment of membership fees or dues of officers and employees of the Government as individuals, except as authorized by specific appropriation, by express terms in a general appropriation, or in connection with employee training

pursuant to 5 U.S.C. §§ 4109 and 4110. However, the agency is not precluded by 5 U.S.C. § 5946 from becoming a member and paying the required dues if it is administratively determined to be necessary in carrying out authorized agency activities. 52 Comp. Gen. 495 (1973); see also 57 id. 526 (1978); and 53 id. 429 (1973).

#### Bar Association

An Internal Revenue Service estate tax attorney, who paid \$50 to maintain status as an attorney in good standing of the State Bar of California, may not be reimbursed a membership fee as 5 U.S.C. § 5946 provides that appropriated funds may not be used for membership fees of an employee in a society or association, and no appropriation language is evident authorizing such expenditure. B-171667, March 2, 1971.

#### Registration fee

Authorized--There is no authority for reimbursement of a registration fee when the employee did not attend the Congress and was not authorized to do so even though he anticipated attending. B-164372, June 12, 1968.

Cancellation of registration reservation--Due to an unexpected heavy snowstorm, the employee was unable to attend a course for which he was registered. The claim of the association offering the course for \$170 for seminar and registration fees should be allowed since where a contract for schooling is for a specified period for which definite payment of tuition is to be made, and there is no general stipulation for deduction or refund in the event of inability to attend, the entire contract price is payable regardless of nonattendance by the student, unless the school has been responsible for the student's failure to attend. Also, no charge should be made against the employee since the association provided a credit which can be used for a future course and employee's absence was justified. B-159820, September 30, 1966. See also B-159059, June 28, 1966.

Meal cost included--Claims by Government employees for reimbursement of registration fees which covered the

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cost of meals served at meetings sponsored by a local association may be allowed, since the meal costs were incidental to the total registration fees assessed. B-160579, April 26, 1978.

The general rule is that when registration fees for attendance at a conference include the cost of meals, no separate charge made for meals, may be allowed. 38 Comp. Gen. 134 (1958). However, where the meal is not a part of a registration fee, we have held there must also be a showing that the particular meal was incidental to the meeting; that the attendance of the employee was necessary to full participation in the scheduled meeting; and that he was not free to partake of his meals elsewhere without having been absent from essential formal decisions, lectures, or speeches concerning the purpose of the conference. B-166560, February 3, 1970, and B-154912, August 26, 1964.

A civilian employee was coordinator of a seminar conduct for the purpose of training employees of the International Agricultural Development Service. He paid the cost of meals for non-Government employee guest speakers and for the employees of the Service attending the seminar conducted at headquarters. He may be reimbursed for the expense incurred upon a determination by the appropriate authority that the cost of the meals furnished the non-Government employees is authorized under 5 U.S.C. § 4109. He may also be reimbursed the cost of employee's meals since the business of the seminar was conducted during meal-time thereby requiring the attendance of the Service employees. 48 Comp. Gen. 185 (1968). See also 50 Comp. Gen. 610 (1971).

### Refreshments at meetings

#### Generally

The cost of serving coffee or other refreshments at meetings is not the "necessary expense" contemplated by that term as used in appropriation acts. Unless specifically made available, appropriations may not be charged with a cost that is considered in the nature of entertainment. Although this rule also applies to the purchase of the equipment used in preparing refreshments, the small amount expended by an agency to purchase coffeemakers, cups, and holders for use

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in serving coffee at meetings designed to improve management relationships will not be questioned in view of the administrative belief that the interests of the Government will be promoted through the use of the equipment. 47 Comp. Gen. 657 (1968).

### Luncheons at conference

An employee who attended a conference may be reimbursed \$27 for the cost of two luncheons although they were not listed in the conference brochure since they were official luncheons which were not listed because they were limited to 30 persons each. However, he is not entitled to \$86 for other conference functions listed as optional social events since social events are not reimbursable. B-186820, February 23, 1978.

### Luncheons at headquarters

Headquarters employees attending a 3-day conference at a local hotel together with private consultants may not be compensated for meals even though the employees took their meals with the consultants so that the business of the conference could be concluded as soon as possible. Apparently the employees were not in a travel status nor was this an employee training session within 5 U.S.C. § 4109. Therefore, the rule against payment for Government employee meals even under unusual or inconvenient working conditions is applicable. B-168774, September 2, 1970.

Concerning a Labor Department inquiry as to the legality of paying for meals served during business meetings from program funds--where groups are required to stay together during meal sessions in order to hold meetings to a 1- or 2-day period--payment from Government funds is not authorized, as no statute authorizing such expenditure is known, and Government may not pay subsistence expenses of or furnish free food to civilian employees at headquarters (since meetings generally do not involve employees in a travel status it is presumed they generally take place at employees' headquarters) in addition to their regular compensation without specific authority of law, even though they may be working under unusual conditions. B-168774, January 23, 1970. See 42 Comp. Gen. 149 (1962).

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### C. ENTERTAINMENT

#### Night clubs, bars, and restaurants

A Navy civilian employee may be reimbursed for visits to night clubs, bars, and restaurants in connection with an informational program for foreign naval officer trainees under the provisions of DOD Directive 5410.17, January 15, 1965, since pursuant to the authorizing statute, funds could have been directly provided to the trainees to did not clearly limit the employee's discretion regarding such visits. B-182357, December 2, 1975.

### D. PERSONAL FURNISHINGS

#### Generally

The established rule is that personal furnishings are not authorized to be purchased under appropriations, in the absence of specific provisions therefor contained in such appropriation or other acts, if such furnishings are for the personal convenience, comfort, or protection of such employees, or are such as to be reasonably required as a part of the usual and necessary equipment for the work on which they are engaged or for which they are employed. 35 Comp. Gen. 361 (1955).

#### Clothes and toiletry items

Purchases of personal clothing and toiletry items by investigative personnel while on a "moving" surveillance are not miscellaneous expenditures necessarily incurred by a traveler in connection with official business under the provision of FTR para. 1-9-1(d) nor do such items constitute special clothing and equipment within the provisions of 5 U.S.C. § 7903. B-179057, May 14, 1974.

#### Dinner jacket

The rental of a dinner jacket by a Government official who is required to attend an official dinner while in a travel status overseas is not essential to the transaction of Government business within the meaning of SGTR para. 79 (now FTR para. 1-7.1b) which authorizes payment for other expenses. 35 Comp. Gen. 361 (1955) and 45 Comp. Gen. 272 (1965).

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### Uniform for purpose of travel

Environmental Protection Agency employee's claim for reimbursement for cost of a Public Health Service uniform required to perform this official duty at a Boy Scout Jamboree was allowed as a miscellaneous expense pursuant to FTR. B-181098, August 9, 1974.

### Bedboard

An employee would not be entitled to bedboard expenses needed for sleeping because of an injury to his back. Such expenses are considered part of lodging which are part of the expenses included in per diem. Bedboard expenses are not reimbursable as miscellaneous expenses since such expenses are personal and not essential to the transaction of official business. B-166411, September 3, 1975.

## E. OTHER EXPENSES

### Travel agency charges

See Chapter 2.

### Auto storage (See also Chapter 4)

An employee who abandons his POV at his temporary duty station because of weather conditions and continues his travel by airplane is entitled to reimbursement of storage cost for his POV under the FTR. B-140119, July 23, 1959.

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### CHAPTER 6

#### PER DIEM

##### A. GENERAL PROVISIONS

###### Authority

The authority for the payment of a per diem allowance to employees traveling on official business away from their designated post of duty is contained in 5 U.S.C. § 5702 (1976) and the implementing regulations contained in Part 7, chapter 1, of the FTR.

###### In lieu of subsistence

Per diem is an allowance authorized in lieu of the reimbursement of subsistence expenses on an actual expense basis. It is intended to serve for all reimbursable subsistence expenses, and consequently, may not properly be supplemented by a provision for additional payment on a reimbursement actual expenses basis to cover any subsistence item or items covered by the per diem payment. See 48 Comp. Gen. 75 at 77 (1968).

###### Payment of per diem discretionary

While the applicable regulation (FTR para. 1-7.1(a)) states that per diem allowances shall be paid for official travel (except where reimbursement is made for actual subsistence expenses), our decisions have long held that per diem is not a statutory right and that it is within the discretion of the agency to pay per diem only where it is necessary to cover the increased expenses incurred arising from the performance of official duty. 31 Comp. Gen. 264 (1952); B-187184, March 2, 1977; B-185374, July 29, 1976; and B-171969.31, November 14, 1973. 55 Comp. Gen. 1323 (1976).

###### Purpose of per diem

The purpose of per diem is to reimburse an employee for meals and lodging while on temporary duty while he also maintains a residence at his permanent duty station. B-185932, May 27, 1976, and B-180111, March 20, 1974.

###### Per diem at headquarters

Under the provisions of FTR para. 1-7.6a, an employee may

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not be paid per diem at his permanent duty station nor at his place of abode from which he commutes daily to his official duty station. The determination of what constitutes an employee's permanent duty station or headquarters involves a question of fact and is not limited by administrative determination. 31 Comp. Gen. 289 (1952); 27 id. 657 (1948); 25 id. 136 (1945); 19 id. 347 (1939); 15 id. 1097 (1936); and 10 id. 469 (1931).

An employee's headquarters has been construed to be the place where the employee expects and is expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952) and 31 id. 289 (1952). Such a determination is made based upon the employee's orders, the nature and duration of his assignment, and the duty performed. 32 Comp. Gen. 87 (1952); B-182728, February 18, 1975; B-171969.31, November 14, 1973; B-172207, July 21, 1971; and B-169759, October 30, 30, 1970. See also 36 Comp. Gen. 161 (1956).

Extraordinary circumstances--Generally, there is no authority to allow per diem at the employee's headquarters, even if authorized by Government officials. B-182586, December 17, 1974. This rule applies even where per diem expenses are incurred under the following circumstances:

- late conference sessions: B-185885, November 8, 1976; and B-180806, August 21, 1974;
- heavy volume of work: B-164031.168, July 6, 1977; and B-169163, September 11, 1970;
- adverse weather conditions: B-188985, August 23, 1977;
- protective missions by security personnel: B-186090, and B-185923, November 11, 1976;
- unable to leave duty post: 42 Comp. Gen. 149 (1962); 16 id. 158 (1936); and B-185159, December 10, 1975.

Under very limited circumstances we have allowed reimbursement for subsistence expenses incurred by the

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protectors of life and Federal property in an emergency situation. 53 Comp. Gen. 71 (1973) and B-189003, July 5, 1977. Also, see Preceding or following travel, this Chapter.

### Close proximity to headquarters

#### Generally

Where an employee is assigned to temporary duty a short distance from his headquarters, per diem should not be allowed if the employee's duties require his presence at this site at such regular and frequent intervals as ordinarily required in performing duty at his headquarters and if the duties performed are of such a nature as to permit the employee's return to his residence or official duty station each day. B-189731, January 3, 1978; B-185195, May 28, 1976; and B-180603, April 18, 1974.

If temporary duty requires the employee's presence during such hours as to render impracticable daily travel between the temporary duty station and residence or official station and if such temporary duty puts the employee to greater subsistence expense than ordinarily incurred at his headquarters, the employee may be allowed per diem. 24 Comp. Gen. 179 (1944).

#### Agency discretion, mileage radius

Generally--Agencies may reasonably restrict the payment of per diem within a certain mileage radius from the employee's place of duty or permanent duty station. 52 Comp. Gen. 446 (1973); B-180010.11, March 9, 1977; and B-175608, December 28, 1973.

Fifty miles--We have held it was a proper exercise of agency discretion to not authorize per diem for training prior to an employee's assignment to his first duty station if his residence was within 50 miles of the training site. B-185374, July 29, 1976.

Two hundred miles--Where an employee commuted 200 miles per day as a passenger in a contractor-owned vehicle in order to perform temporary duty, we held that he would be entitled to per diem for the additional expenses incurred. B-161048, April 11, 1967.

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### Temporary duty at or near residence

Payment of per diem is not automatically precluded because an employee is assigned to temporary duty at or near his permanent residence. 53 Comp. Gen. 457 (1974); 19 id. 414 (1939); B-143631, August 12, 1960; and B-58867, October 24, 1946.

When an employee is on temporary duty near his residence the per diem allowable should be only as justifiable under the circumstances. 53 Comp. Gen. 457 (1974) and 31 id. 266 (1952).

### Preceding or following travel

An employee may not be paid per diem while at his residence awaiting space aboard a Government flight overseas since to be considered in a travel status the employee must make himself available for travel at the nearby air base. B-170177, September 2, 1970.

Per diem may not be paid to a former employee while waiting overseas for transportation home after being separated due to a reduction in force because he was not away from his official duty station in a travel status. B-130614, May 29, 1957.

Where an employee, because of a blizzard, is prevented from returning to his residence after his flight is cancelled, he may be allowed per diem for expenses incurred in the vicinity of the airport. This decision was based on a change in the regulation concerning the computation of per diem which formerly provided that official travel began when the common carrier or other conveyance was scheduled to depart. Under the provisions of FTR para. 1-7.6e, official travel now begins when the traveler leaves his home, office, or other point of departure. 52 Comp. Gen. 135 (1972). See also Computation Rules in this Chapter.

Where an employee returned from temporary duty and arrived at the train station at 10:45 p.m., too late to use public transportation to his residence, he may be reimbursed for lodging expenses incurred which were substantially less than taxicab fare to his residence. B-182277, August 14, 1975.

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### Itinerant employees

Per diem is payable only for periods during which an employee is on official business away from his designated post of duty, and, therefore, an "itinerant" employee must have some place designated as his headquarters or official station. 23 Comp. Gen. 162 (1943) and B-176440, August 10, 1972.

### Brief stop at headquarters

Where, incident to a longer journey, a pilot-employee makes touchdown stop at his permanent duty station, and there consumes a meal, per diem may not be allowed him since the subsistence of civilian employees at their official station is personal to such employees and may not be reimbursed. B-185932, May 27, 1976.

### Temporary duty station which becomes permanent

#### Generally

Where an employee is assigned to temporary duty and is later transferred to that temporary duty station, his entitlement to per diem will terminate after notification of the transfer or on arrival. 30 Comp. Gen. 94 (1950); 24 id. 593 (1945); 23 id. 342 (1943); 5 id. 874 (1926); 5 id. 337 (1925); B-188093, October 18, 1977; B-168875, April 1, 1970; and B-160012, October 27, 1966.

#### Notification of transfer

Formal notification of the transfer is not necessary, and it is sufficient if the notification imparts actual knowledge of the position and location of transfer. 30 Comp. Gen. 94 (1950); B-188093, October 18, 1977; and B-175883, June 16, 1972.

#### No position at new duty station

Generally--The transfer is effective and the employee's entitlement to per diem will terminate even if there is no position available for the employee at the new duty station. 32 Comp. Gen. 87 (1952); 25 id. 136 (1945); and B-158797, April 8, 1966.

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Exception--An exception to the general rule that per diem terminates at the temporary station after notification of transfer to that station exists in certain cases where the temporary duty is considered intermittent and the employee is expected to return to his headquarters for official duty prior to the transfer. 51 Comp. Gen. 10 (1971); B-190107, February 8, 1978; B-139223, June 15, 1959; and B-135690, May 8, 1958. See also 54 Comp. Gen. 679 (1975); 25 id. 461 (1945); and B-175031, April 4, 1972.

An employee, who is assigned temporary duty for training with the understanding that if he successfully completes the training he will be transferred to that duty station, is entitled to per diem for the period of the training prior to the effective date of transfer. 32 Comp. Gen. 493 (1953).

Where an employee is ordered to attend orientation sessions in Washington, D.C., prior to his transfer overseas, his assignment to Washington may not be considered a permanent change of station which would entitle him to real estate expenses but it may be considered temporary duty for which per diem may be paid. B-166181, April 1, 1969.

### Residence moved to temporary duty site

An agency's regulation provided that per diem may not be paid on nonworkdays to employees assigned to temporary duty between Baltimore, Maryland, and Washington, D.C. An employee headquartered at Baltimore and assigned to temporary duty at Rockville, Maryland, near Washington, relinquished his Baltimore residence, and obtained lodgings in Chevy Chase, Maryland, during a temporary assignment. Although the employee had no Baltimore residence, he may be paid only the per diem for 4-3/4 days per week, plus mileage for constructive weekend travel pursuant to the agency regulation since the agency may require employees to return on nonworkdays to headquarters where no per diem may be paid. B-188515, August 18, 1977.

### Per diem at old duty station where transfer delayed

Where an employee's permanent change of station is delayed due to the performance of unanticipated work at the old

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duty station, he may be paid per diem at his old duty station on the basis of exceptional circumstances where the employee has reasonably relied upon his travel orders, and vacated his old residence, obtained a new residence, and shipped his household goods. 54 Comp. Gen. 679 (1975). See also B-168875, April 1, 1970; B-160366, January 12, 1967; B-147047, November 9, 1961; and B-140423, September 24, 1959. But see B-189580, March 31, 1978.

An employee was notified about November 2, 1976, that she would be transferred in about 4 weeks. After she told her landlord of the transfer, he ordered her to vacate by December 15, 1976, or be evicted. The employee's agency then issued a transfer order effective December 12, 1976, and authorized temporary duty and per diem at the old duty station from December 13 to 23, 1976. While per diem may not ordinarily be paid at the permanent duty station, the employee may be paid expenses, not to exceed temporary quarters allowance, since her agency determined she should not suffer financially because of its delay and temporary quarters allowance could have been authorized. B-189580, March 31, 1978.

Where an employee is advised that his headquarters office would close and it actually was closed and he terminated his per diem there and took all of his personal belongings with him and he is later returned to that old duty station for temporary duty, he may be paid per diem while there since his old duty station may not be considered to be his headquarters for travel and per diem purposes. B-160180, October 31, 1966, and B-131736, June 25, 1957.

### Official duty station changed on arrival

An employee was transferred to Chicago but upon arrival there he learned he would be retransferred to New York or to San Francisco. He may be allowed per diem while occupying temporary quarters in Chicago as it is apparent that Chicago should not be considered to be his permanent duty station. B-172207, July 21, 1971.

Pursuant to a proposed RIF, an employee accepted a demotion and a transfer from Oakland to Los Angeles in order to avoid separation. His family remained near Oakland. Although RIF was later cancelled and employee was reinstated in Oakland, he is not entitled to per diem or

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travel expenses for commuting between Los Angeles and Oakland every weekend nor to per diem at Los Angeles. The claimed expenses resulted from a personal decision to retain residence and there is no authority to pay under Back Pay Act. However, he is entitled to expenses of two transfers. B-188358, August 10, 1977.

See also Title IV, CPLM, Relocation, for decisions permitting travel expenses to return to old duty station to move family and household goods. B-169329, October 28, 1976, and B-167022, July 12, 1976.

### Travel for which per diem is payable

See Chapter 3.

### Effect of other benefits on entitlement to per diem

#### Temporary promotion

An employee who is assigned to a temporary duty station in conjunction with a detail to a higher grade position may not be required to choose between accepting per diem or a temporary promotion. 55 Comp. Gen. 836 (1976).

#### Overtime compensation

Where an employee performed temporary duty in connection with his duties as a chauffeur, his entitlement to overtime compensation does not defeat his entitlement to per diem. B-173978, October 21, 1971.

### Per diem in high-rate geographical area

An employee who travels to a high-rate geographical area may be authorized per diem instead of actual subsistence expenses, but the determination should be made prior to the time the travel commences and must be made on a case-by-case basis. FTR para. 1-8.1b and B-190329, February 9, 1978.

When an employee is authorized reimbursement for actual subsistence expenses for travel in a high-rate area and the employee decides he does not want to keep the necessary receipts or to justify his expenses, he may not be paid per diem in lieu of actual subsistence. 57 Comp. Gen. 367 (1978), and B-190329, February 9, 1978.

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### B. EXPENSES COVERED BY PER DIEM

#### Tips

Under the provisions of FTR para. 1-7.1b, the per diem allowance includes all fees and tips which are considered expenditures for personal services as distinguished from expenses necessarily and primarily incurred incident to the transaction of official business. B-182853, January 30, 1976.

Tips paid to bus and limousine drivers are not reimbursable separately but are included in the per diem allowance. 44 Comp. Gen. 479 (1965).

Tips for wheelchair services are to be covered in the subsistence allowance. B-151701, July 3, 1963.

Under section 6.1 of the SGTR (now para. 1-7.1b of the FTR), per diem in lieu of subsistence expenses include all fees and tips to waiters, porters, baggagemen, bellboys, hotel maids, dining room stewards, and others on vessels, and hotel servants in foreign countries, but does not include a tip to a motel courtesy cab driver. The latter tip is a reimbursable expense under subsection 3.1b of the SGTR (now FTR para. 1-3b). B-171953, March 30, 1971.

#### Forfeiture of rent and reservation deposits

An employee who forfeited his prepaid rent and security deposit as a result of a shortened assignment of temporary duty had been authorized and reimbursed at the maximum per diem rate. Nonetheless if the agency determines that the employee qualifies for actual subsistence expenses, he may be reimbursed his actual subsistence expenses not to exceed the statutory maximum. In determining the actual subsistence expenses, the total amount of rent paid by the employee may be prorated over the period the employee occupied the lodgings. B-188358, August 10, 1977.

Where an employee has placed a nonrefundable reservation deposit on vacation lodgings and his annual leave is cancelled by his agency due to pressing official business, there is no basis for reimbursement of that forfeited deposit. B-176721, November 9, 1972.

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### Furniture rental, telephones, other utilities, and cleaning services

An employee who is assigned to an extended period of temporary duty and who rents an apartment instead of utilizing hotel/motel accommodations, may include in per diem expenses ordinarily included in a hotel room charge such as rent, rental of furniture, stove, refrigerator, television set, or vacuum cleaner, telephone user charges, but not telephone installation charges, and other utilities, and maid or cleaning services. 56 Comp. Gen. 40 (1976). See also 52 Comp. Gen. 730 (1973); and 49 id. 753 (1970).

### Cleaning services

Reimbursement for cleaning services is allowed but is limited to commercial service rates for service once a week. 56 Comp. Gen. 40 (1976).

### Motor home or trailer rental

#### Generally

An employee's claim for per diem in connection with the use of a truck-camper instead of a hotel or motel room while on a field assignment may be paid pursuant to section 6.2(e) of the SGTR which provides for a per diem allowance for travel by means of a privately owned trailer. Although a truck-camper is not a trailer it is a temporary living unit and may, therefore, be viewed as within the regulations for purposes of approving a per diem allowance. The allowance, not having been approved in advance may under the regulation be post approved. 50 Comp. Gen. 647 (1971).

#### Costs includable

An employee who chooses to lodge in a private recreational vehicle at a temporary duty station in lieu of a hotel may not be reimbursed for the vehicle's upkeep and maintenance, including depreciation, for the period of such lodging. He may, however, be reimbursed for expenses incurred incident to actual subsistence, such as food, propane for heating, rental site on which the trailer was placed and cost of utilities. B-189392, August 23, 1977.

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An employee who leased a mobile home which he occupied while on temporary duty, claimed per diem at a rate which included the total rental of his home. The lease agreement was, in fact, a conditional sales contract with an option to purchase. Therefore, only that part of the monthly payment which does not represent credit toward purchase may be used in computing lodging costs. B-180650, March 9, 1976. See also Rates, in this Chapter.

### Bedboard expenses

See Chapter 5, Subchapter III.

### C. EXPENSES NOT COVERED BY PER DIEM

#### Tips (See also Chapter 5.)

Necessary charges incurred by an employee in a travel status for the handling of heavy Government-owned equipment properly are for reimbursement as transportation expenses, and are not to be regarded as porters' fees or tips which are required to be paid out of the employee's per diem allowance as charges primarily incident to the handling of personal baggage. 27 Comp. Gen. 52 (1947).

In order for an employee in a travel status to be entitled to reimbursement for tips or fees paid for the handling of Government-owned equipment at hotels, there must be a showing that a separate or additional charge was made on account of the Government property and in the absence of such a showing that tips or fees are to be regarded as expenses included in the per diem allowance. 37 Comp. Gen. 408 (1957).

The per diem allowance does not cover tips to motel employees for furnishing equipment and services to prepare motel meeting rooms for official use where the expenditures were not made for personal services to the employee. Such expenses are reimbursable as miscellaneous expenses under section 10.5 of the SGTR (now FTR para. 1-9.1d). B-166810, July 17, 1969.

### Additional meals

Where a traveler is provided a meal on an airline flight, the cost of which is included in the price of the ticket, he may not be reimbursed for an additional meal absent

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circumstances justifying the additional expense. B-186820, February 23, 1978; B-185826, May 28, 1976; and B-157312, May 23, 1966.

### Snacks

There is no authority for the reimbursement for snacks such as candy, pop, coffee, or rolls which are not consumed as part of a regular meal or for miscellaneous expenses such as newspapers or taxi fares to laundry facilities or to obtain incidental items. B-187976, April 11, 1977. See also 31 Comp. Gen. 208 (1951).

### Alcoholic beverages

Alcoholic beverages are not considered necessary expenses incident to official travel and are not reimbursable. B-164366, August 16, 1968.

### Coffee in the office

The cost of serving coffee or other refreshments at meetings is not the "necessary expense" contemplated by that term as used in appropriation acts, and unless specifically made available, appropriations may not be charged with a cost that is considered in the nature of entertainment. Although this rule also applies to the purchase of the equipment used in preparing refreshments, the small amount expended by an agency to purchase coffeemakers, cups, and holders for use in serving coffee at meetings designed to improve management relationships will not be questioned in view of the administrative belief the interests of the Government will be promoted through the use of the equipment. 47 Comp. Gen. 657 (1968).

### Lodging aboard common carriers

As provided in FTR para. 1-7.1b, the term "lodging" does not include accommodations on airplanes, trains, or steamers, and these expenses are not considered to be subsistence expenses. B-183091, October 20, 1975. See also Rates, in this Chapter.

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### D. INTERRUPTIONS OF PER DIEM ENTITLEMENT

#### Leave

##### Generally

If a leave of absence begins or terminates within a traveler's prescribed hours of duty, his per diem shall terminate the next quarter day or it shall begin with the quarter day during which the leave of absence terminates. If the leave of absence is not within his prescribed hours of duty, he is entitled to per diem until midnight of the last day preceding the leave of absence and from 12:01 a.m. of the day following the leave of absence. B-168293, January 2, 1970.

##### Nonworkdays

Where an employee was on leave on Friday and Monday, he may not be paid per diem for Saturday and Sunday. B-176650, February 28, 1973. See also 38 Comp. Gen. 384 (1958) and 35 id. 606 (1956).

Where an employee was required to attend two meetings within a 4-day interval, there was no necessity to return to his official duty station between meetings since the amount of per diem was less than the round-trip air fare. B-163112, March 13, 1968.

An employee is entitled to per diem on nonworkdays unless he returns to his official station or place of abode or unless he is on leave at the end of the workday preceding the nonworkday and the beginning of the workday following the nonworkday and the period of leave exceeds one-half the prescribed working hours that day. Per diem will not be interrupted unless the travel situation meets these conditions. Thus, where an employee left his temporary duty station prior to a 3-day weekend for July 4 but he did not return home and the nonworkdays were not preceded and followed by leave, he was entitled to per diem for the 3 nonworkdays. B-171266, February 24, 1971. See also 31 Comp. Gen. 144 (1951).

##### Compensatory time

General rule--Where an employee is on TDY status and he is granted compensatory time off from duty in lieu

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of overtime, he is regarded to be in a leave of absence status and is not entitled to subsistence. 26 Comp. Gen. 130 (1946).

Exception--Although generally the compensatory time off from duty pursuant to 5 U.S.C. § 5543(a)(2) in lieu of overtime that is granted to an employee in a travel status is regarded as leave of absence within the purview of SGTR section 6.3 and requires the suspension of subsistence allowance during the leave of absence, when the compensatory time is granted or ordered in the interest of the Government, such as granting compensatory time to technical personnel performing work aboard FAA aircraft away from their duty station to cover the normal duty hours interrupted by contingencies during which they cannot be assigned to useful work, a suspension of per diem is not required, the "prescribed hours of duty" essential to the application of section 6.3 having no significance to the duty hours required on extended flight inspection trips. 49 Comp. Gen. 779 (1970).

### Religious holiday

Where an employee takes annual leave to observe a Jewish holiday, he is not entitled to per diem for that day. B-185618, June 1, 1976, and B-168053, November 10, 1969.

### Excess traveltime

Where an employee chooses to travel by POV for his own convenience, any excess traveltime will be charged to annual leave, and the employee will not be entitled to per diem while on leave. B-171420, March 3, 1971.

## Illness or injury

### Generally

Under the provisions of FTR para. 1-7.5b(1) when a traveler is incapacitated due to illness or injury not due to his own misconduct, his per diem shall be continued not to exceed 14 days during his leave of absence (unless a longer period is approved). B-176956, December 14, 1972, and B-174242, November 30, 30, 1971. See also 43 Comp. Gen. 128 (1963).

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### Sick leave

Although the regulations authorize reimbursement for an employee's return transportation expenses when he becomes incapacitated due to illness while en route to or at a temporary duty station and also provide for continuance of per diem for 14 days when a traveler takes a leave of absence because of being incapacitated due to illness, those provisions would not be applicable to situations where the employee becomes incapacitated due to illness prior to his departure on a temporary duty assignment. In such case payment of travel expenses would not be warranted. B-179134, January 14, 1974.

### Evidence of illness

As to evidence of illness or injury, see FTR para. 1-7.5b(2) and 41 Comp. Gen. 573 (1962).

### Limited to employee's per diem

The employee's per diem entitlement may be continued when he is sick but not the per diem entitlement of any dependents. B-181573, February 27, 1975, and B-174242, November 30, 1971.

### Employee's illness or injury

For the employee's per diem to continue, it must be the employee's illness or injury and not that of his or her dependents which is involved. B-175436, April 27, 1972, and B-148398, April 6, 1962.

### Illness occurs after entitlement to per diem ceases

If an employee's entitlement to per diem has expired, for example at the end of a house-hunting trip, prior to his having been injured, it cannot be continued under FTR para. 1-7.5(b)(1) because of his illness. B-166193, April 2, 1969.

### Employee dies while on temporary duty

An employee who dies while on a temporary duty assignment but while absent without leave may not be allowed

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per diem unless the absence is due to illness or injury and is not due to his own misconduct. 52 Comp. Gen. 493 (1973).

### When employee receives reimbursement for medical expenses

Generally--In accordance with FTR para. 1-7.5b(3), if a traveler receives hospitalization or reimbursement for expenses under any Federal statute other than the provisions of 5 U.S.C. §§ 8901-8913 pertaining to employee health benefit plans, per diem may not be allowed. 40 Comp. Gen. 167 (1960).

Even though reimbursement under the Federal Employee's Compensation Act is limited to the difference between the actual medical expenses incurred and personal insurance benefits, no per diem may be allowed. 32 Comp. Gen. 113 (1952).

### Computing hospital lodgings costs

As for computing per diem where the hospital is unable to allocate a specific figure for lodging, see 52 Comp. Gen. 123 (1972) and B-171933, March 19, 1971.

## Return to official station due to illness or injury

### Fitness for duty or medical emergency

Where an employee is directed to travel to undergo a physical examination for fitness for duty, he may be paid per diem for traveltime and the time for the examination. 49 Comp. Gen. 794 (1970).

### Nonemergency surgery

Where the employee elects to undergo surgery, no additional per diem may be allowed if there is no indication that the employee was incapacitated or that it was emergency surgery which could not have been reasonably postponed. 49 Comp. Gen. 794 (1970). See also B-185287, July 23, 1976.

### Routine exam

The absence from temporary duty must be one over which the employee has no control, and per diem will not be

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allowed where an employee returns to his official duty station in order to undergo a Veterans Administration examination, where the employee was not incapacitated, and where the examination was not for fitness for duty or primarily for the benefit of the Government.  
B-188012, May 10, 1977.

### Attendant required

Where an employee becomes ill on temporary duty and cannot return to his official duty station without the services of an attendant or escort as medically required, the transportation expenses (but no per diem) of such an attendant may be allowed. B-176128, August 30, 1972; B-174242, November 30, 1971; B-169917, July 13, 1970; and B-127109, April 6, 1956.

### Forfeited deposit or rent

An employee whose temporary duty assignment is terminated due to his illness and who returns to his official duty station, may not be reimbursed any additional amounts beyond his per diem entitlement for a security deposit or prepaid rent which he forfeited by abandoning his long-term temporary lodgings.  
B-184006, November 16, 1976.

## Return to official duty station

### Return travel required

Under the provisions of FTR para. 1-7.5c, an employee may, within the discretion of administration officials, be required to return to his official duty station during nonworkdays. B-184183, August 13, 1975, and B-188515, August 18, 1977.

In requiring the employee to return, the agency must pay the employee's total expenses even if it exceeds the cost of remaining at the temporary duty station.  
B-186200, January 27, 1977.

### Return based upon cost analysis

If the employee's presence is not required at the temporary duty station and the Government would realize a substantial savings, the employee must return on nonworkdays or be limited to the costs which would

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have been incurred if he had returned to his official duty station. B-172565, August 3, 1971, and B-139852, July 24, 1959.

### Minimal cost difference

An overall savings of \$7.50 has been held to be not sufficiently significant to require return travel by the employee. B-171583, March 23, 1971.

### Efficiency and productivity as cost factors

Agencies may determine, through cost analysis, that the costs of periodic weekend return travel are outweighed by savings realized through increased efficiency and productivity and reduced costs for recruitment and retention and, therefore, may authorize weekend return travel as a necessary travel expense of the agency. 55 Comp. Gen. 1291 (1976).

## Voluntary return travel

### Generally

An employee who voluntarily returns to his official duty station on nonworkdays (or workdays) may be reimbursed for transportation and per diem not to exceed the amount which would have been allowed had the employee remained at the temporary duty station. 54 Comp. Gen. 299 (1974) and 50 id. 44 (1970).

### Return to permanent residence

The employee may be reimbursed for travel to his permanent residence which is not located at his official duty station. 53 Comp. Gen. 313 (1973).

## Indirect route or interrupted travel

### Generally

Where a traveler interrupts his travel or deviates from the direct route for his personal convenience or through the taking of leave, the per diem allowed may not exceed that which would have been incurred on uninterrupted travel by a usually traveled route. B-185652, December 28, 1976.

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### Required to proceed expeditiously

Prudent person test--Travelers are generally required to proceed expeditiously to and from their temporary duty assignments and to exercise the same care in incurring expenses that a prudent person would exercise if traveling on official business. See FTR para. 1-1.3b.

Return would involve late arrival--Where an employee completes his temporary duty assignment at the close of the business day but reasonably delays his return travel until the next day in view of the length of his workday and the return traveltime, he may be allowed the additional per diem expense incurred. 51 Comp. Gen. 364 (1971).

Per diem for delay limited--An employee who completed his temporary duty assignment on Friday at 4 p.m., however, would not be allowed per diem beyond 5 p.m. Saturday. B-167422, August 13, 1969.

Early departure--It is not unreasonable for an employee to depart for temporary duty early so as to avoid a later arrival at the destination well beyond the end of the normal workday so as to travel to the maximum extent practicable during normal duty hours. B-179503, January 21, 1974.

Travel during duty hours--In determining constructive travel it is not unreasonable to give the employee the benefit of the doubt and to choose a flight which would allow travel during normal duty hours absent a determination that the employee's presence at the official station at that time was necessary. B-175627, July 5, 1972, and B-155693, January 11, 1965.

Travel during rest periods--The FTR provision requiring uninterrupted travel does not, however, require travel during normal hours of rest if sleeping accommodations are not available. 54 Comp. Gen. 1059 (1975).

### Delay due to leave or personal reasons

An employee assigned to temporary duty who departs earlier than necessary in order to take authorized annual leave and consumes traveltime in excess of

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that which would be allowed for official travel alone on a constructive travel basis, by virtue of special routing and departure times, may not be allowed per diem for the excess traveltime pursuant to the FTR and should be charged annual leave for such excess traveltime consumed for personal convenience. 54 Comp. Gen. 234 (1974).

An employee who delays his return travel for personal reasons so as to meet with former colleagues is not entitled to additional per diem. B-177138, January 18, 1973.

Delay due to airline strike--An exception to the general rule requiring employees to travel direct routes exists when the employee is unable to return by direct route due to circumstances beyond his control such as an airline strike. B-171708, February 18, 1971.

If the employee delayed his return travel by taking annual leave and was further delayed by an airline strike, no per diem for the delay is allowed. 41 Comp. Gen. 196 (1961).

Another airline flight available--Where an employee missed his return flight due to circumstances beyond his control, he is not entitled to an additional day of per diem since he did not return home on the next available flight which would not have involved extensive travel during nonduty hours. B-190163, February 13, 1978.

Awaiting ship's return--Where an employee missed the sailing of a ship on which he was to perform temporary duty, no additional per diem may be allowed while awaiting the ship's return since the employee delayed his travel for his own personal convenience. B-174325, January 7, 1972.

### Abandonment of temporary duty

#### Family illness or death

See Chapter 3.

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### Employee lacked equipment

An employee's actions in returning to his permanent duty station without the consent of his supervisor are improper and are not to be condoned, but where abandonment of the project was due to a lack of equipment and no additional expenses were incurred in completing the project, the employee's travel expenses may be allowed. B-176778, November 16, 1972.

### Return for military duty

Where an employee abandons his temporary duty assignment for induction into a National Guard unit which has been called into active military service, he may be paid travel expenses and per diem up to the point of induction. 37 Comp. Gen. 655 (1958).

## Delays for miscellaneous reasons

### Weather conditons

Where an employee's travel is delayed by weather conditions or while awaiting reservations which, by the nature of his work, could not be obtained earlier, the employee may be allowed additional per diem. 41 Comp. Gen. 605 (1962).

### Awaiting shipment of automobile

An employee of the Department of the Army who had suffered a heart attack and was authorized surface transportation for separation travel from Korea to Indiana based on doctor's recommendation in accordance with JTR, and who incurred delays as result of administrative oversight by Army, including 9-day delay in San Francisco awaiting arrival of automobile being shipped from Korea, is entitled to per diem for periods of delay since delays, in circumstances presented, are not deemed "for traveler's personal convenience" so as to destroy entitlement. B-181344, February 12, 1975.

### Passport stolen

An employee who, while traveling from an overseas

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post, has his passport stolen may be paid per diem while waiting for a special passport. B-121059, January 4, 1955.

### Breakdown of automobile

When an employee is delayed in his official travel by reason of the breakdown of his automobile, the use of which was determined to be advantageous to the Government, his per diem allowance should not be reduced if the period of delay was reasonable and the traveler's action following the breakdown accords with administrative instructions or was administratively approved. 42 Comp. Gen. 436 (1963).

### Vacating lodgings per Government orders

Although an employee's family, incident to his transfer from Wake Island to Kwajalein, traveled by an indirect route and incurred additional expenses by their delay, employee's travel voucher for additional 15 days per diem for his family may be paid since the indirect travel and delay was caused by the Government in requiring the family to leave Wake Island before quarters in Kwajalein were available and was not for the personal convenience of employee or his family. B-180736, June 18, 1974.

## E. COMPUTATION OF PER DIEM

### Time determinations

#### Use of standard time

Under the regulations and for the purposes of per diem, hours of departure and arrival shall be recorded in the standard time then currently in effect at the place where the official travel begins and ends even though daylight savings time is also in effect there. 46 Comp. Gen. 213 (1966).

#### International dateline

For the purposes of computing per diem when a traveler crosses the international dateline (180th meridian), the actual elapsed time shall be used rather than calendar days when the total traveltime exceeds 24 hours. 39 Comp. Gen. 853 (1960).

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### Computing basic entitlements

#### Travel of 24 hours or less

Under SGTR section 6.11 (now FTR para. 1-7.6d(1)), for continuous travel of 24 hours or less the travel period commences with the beginning of travel and ends with its completion with one-fourth of the applicable per diem rate allowed for each 6-hour period or fraction thereof. B-163011, December 27, 1967.

FTR para. 1-7.6d(1) does not require the payment of per diem for travel of 24 hours or less. B-185195, May 28, 1976.

#### Travel of 10 hours or less

Under FTR para. 1-7.6d(1), per diem shall not be allowed for travel of 10 hours or less during the same calendar day unless the travel period is 6 hours or more and begins before 6 a.m. or ends after 8 p.m. B-185195, May 28, 1976.

### Day of departure to and arrival from overseas

#### Generally

When employees are authorized to travel on official business to places outside of the continental United States, the rate of per diem applicable in the United States continues through the quarter beginning immediately prior to the actual hour of departure from the point of exit and commences at the beginning of the quarter immediately following the actual hour of arrival at the point of entry in the United States. 39 Comp. Gen. 728 (1960).

#### Duty point

Where an employee departs from Miami, Florida, to fly to storm areas outside the counterminous United States and return, the point of contact with a storm is not considered a duty point where travel begins or ends under the regulations. The employee's per diem entitlement will be based upon the actual elapsed traveltime. B-187921, November 18, 1977.

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### Beginning and ending entitlement

#### Generally

Under the provisions of FTR para. 1-7.6e, the per diem allowance shall be computed for official travel beginning at the time the traveler leaves his home, office, or other point of departure and ending with his return at the conclusion of the trip. Thus, per diem begins when the employee leaves home, without regard to the scheduled departure of the common carrier, but per diem may not be allowed when the traveler performs a substantial amount of official duty (1 hour or more) at his office prior to departure or after his return from temporary duty. B-172094, April 12, 1972.

#### "30-minute rule"

Under FTR para. 1-7.63, when the time of departure or arrival is within 30 minutes before or after the beginning of a quarter day, respectively, per diem for either such quarter day shall not be allowed absent a statement explaining the official necessity for the time of departure or return. 55 Comp. Gen. 1186 (1976).

#### Meeting fellow employee for travel

An employee, who drives to a rendezvous point to meet a fellow employee who will drive to the temporary duty station, is entitled to per diem based on the time of his departure from home to his return. 49 Comp. Gen. 525 (1970).

### Leave and temporary duty travel

#### General rule

The general rule is that when an employee proceeds to a point away from his official duty station on annual leave he assumes the obligation of returning at his own expense. 39 Comp. Gen. 611 (1960) and 11 *id.* 336 (1932).

#### Performs temporary duty and resumes leave

An employee whose authorized leave of absence was interrupted for the performance of temporary duty at

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places other than his headquarters and for temporary return to headquarters--being permitted thereafter to resume his leave status at the place where it was interrupted--is entitled to per diem in lieu of subsistence and traveling expenses incident to the travel from his place of leave to places of temporary duty, headquarters, and return to place of leave. 28 Comp. Gen. 237 (1948).

An employee whose leave of absence away from his official headquarters was interrupted for the performance of temporary duty at the place of leave--there being no additional travel involved--under orders which authorized per diem in lieu of subsistence is to be regarded as in a travel status, so as to be entitled to per diem in lieu of subsistence for the period of temporary duty. 28 Comp. Gen. 697 (1949).

### Performs temporary duty and returns to official station

If an employee is required to perform temporary duty during such leave and he is required or chooses to return to his permanent duty station after completion of the temporary duty, he may be reimbursed only for the difference between what it cost him to return to his permanent duty station via such temporary place of duty and what it would have cost him to return to his permanent duty station directly from the place where he was on leave. 56 Comp. Gen. 96 (1976); 30 id. 443 (1951); 16 id. 481 (1936); 11 id. 336 (1932); and B-185070, April 13, 1976.

### Temporary duty authorized prior to departure on leave

General rule--Where an employee is authorized prior to departure on annual leave to travel to a temporary duty station and return to headquarters, he may be paid travel expenses not to exceed the cost of direct travel from headquarters to the temporary duty station without regard to the cost of returning to headquarters from his place of leave. 24 Comp. Gen. 443 (1944).

### Temporary duty cancelled after departure on leave

An employee, who departs early on annual leave prior to scheduled temporary duty but whose temporary duty

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is later cancelled, may be reimbursed for his travel expenses if it can be shown that he would not have taken the annual leave but for the temporary duty assignment. 52 Comp. Gen. 841 (1973) and 36 id. 421 (1956).

### Additional temporary duty while on leave

An employee, who completed his temporary duty assignment and was authorized to return to headquarters by a circuitous route while on annual leave not to exceed the cost of travel by direct return route, is called back from his leave point to perform additional temporary duty; he may be allowed his travel expenses to the point he abandoned his travel on leave less the excess cost of air fare between the circuitous travel and direct travel. 53 Comp. Gen. 556 (1974).

### Traveltime

#### "Two-day rule"

Proceed expeditiously or travel during duty hours-- Pursuant to 5 U.S.C. § 6101(b)(2), we have recognized that travel may be delayed to permit travel during regular duty hours and such delays resulting in the payment of per diem up to 2 days is not unreasonable. See 53 Comp. Gen. 882 (1974).

Avoiding travel on weekend--An employee, who is scheduled to perform temporary duty on Monday, may not be paid per diem for 2 consecutive nonworkdays when he departs on Friday in order to avoid traveling on the weekend. 56 Comp. Gen. 847 (1977).

Where two employees completed their temporary duty assignments on Saturday but delayed their return travel until Monday it was within the agency's discretion to allow the 1 additional day of per diem. 53 Comp. Gen. 882 (1974).

Avoiding off-duty travel--In the absence of any indication that the employee was required to be at his headquarters at the start of the workday, he may delay his travel overnight so as to avoid off-duty travel of 3 hours. B-168855, March 24, 1970.

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### Excursion fares

General rule--An employee, who incurs additional per diem expenses in order to qualify for reduced rate excursion fares which cover or more than cover the additional per diem cost, may be reimbursed for the additional per diem cost. B-169024, May 5, 1970, and B-167567, August 18, 1969.

Vacation included--Where two employees arranged a vacation en route to their temporary duty assignments and where part of their excursion fare included ground accommodations, they may be reimbursed for the amount paid for accommodations as an additional air fare expense, not a subsistence expense, since the use of the accommodations qualified them for the lower fare and since there was no additional expense to the Government. 54 Comp. Gen. 268 (1974).

No double reimbursement for ground accommodations--Where payment for a ground accommodations package and per diem would result in double reimbursement and where the excursion fare and accommodations package would represent an additional expense to the Government, the employee will be limited to reimbursement for the air fare and per diem. 55 Comp. Gen. 1241 (1976).

### Fly America Act

Under the authority of the Fly America Act, 49 U.S.C. § 1517, additional per diem which may be paid in furtherance of the Act normally should be limited to 48 hours (2 days) which would include delays in the initiation of travel, en route travel, and additional time spent at the destination before proceeding with assigned duties, except that no per diem is payable for any delay incurred at the employee's permanent duty station. 56 Comp. Gen. 216 (1977).

## F. RATES

### Maximum rates payable

#### Conterminous United States

Reimbursement for official travel within the limits

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of the conterminous United States shall be at a daily rate not to exceed the maximum in FTR para. 1-7.2a.

### United States other than conterminous

For travel in Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States, the per diem rate shall be not in excess of the rate prescribed by the Secretary of Defense and published in Civilian Personnel Per Diem Bulletins. See FTR para. 1-7.2b.

### Foreign areas

As provided in FTR para. 1-7.2c, the per diem rate for travel in any area (including the Trust Territory of the Pacific Islands) situated outside the United States, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States, shall be not in excess of the rate prescribed by the Secretary of State and published in the Standardized Regulations (Government Civilians, Foreign Areas).

## Rates fixed by agencies

### Justified by circumstances

Under the provisions of FTR para. 1-7.3a, each agency shall authorize only such per diem allowances as are justified by the circumstances affecting travel, and the agency shall not fix per diem rates in excess of that necessary to meet authorized subsistence expenses.

### Lodging-plus method

Generally--Under the provisions of FTR para. 1-7.3c, when lodgings are required for travel in the conterminous United States, the per diem rate must be established on the basis of the average amount the traveler pays for lodging, plus an allowance for meals and miscellaneous expenses, not to exceed the maximum rate. The only discretion allowed on the part of the agency to set the per diem rate otherwise is to determine that the lodging-plus method is not appropriate under the circumstances of a particular travel situation. 55 Comp. Gen. 179 (1975).

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Computation--As provided in FTR para. 1-7.3c(1), the average cost of lodging is determined by dividing the total amount paid for lodgings during the period of temporary duty by the number of nights for which lodgings were or would have been required, adding the allowance for meals and miscellaneous expenses, and rounding off the figure to the next whole dollar. 54 Comp. Gen. 299 (1974).

Fractional days--same rate--Where per diem has been computed by the lodging-plus method, that rate applies to fractional days where lodging is not required, and there is no necessity to establish a second per diem rate. B-187344, February 23, 1977; B-178878, August 27, 1973; and B-174683, January 12, 1972.

Lodgings with monthly rate--A civilian employee on a temporary duty assignment rented lodging on monthly basis. The temporary duty assignment was cut short unexpectedly, and the employee incurred rental expenses for the remainder of the month following the termination of the temporary duty. Since rental on a daily basis would have been more expensive and because of unexpected curtailment of assignment, reimbursement may be made for rental on basis of dividing the total rent paid by the total number of days of occupancy, so long as the individual daily expenditures do not exceed the maximum authorized per diem as stated in the travel orders. B-188924, June 15, 1977.

Specific rate fixed by agency--If lodging-plus is considered inappropriate, an agency may fix a specific per diem rate where an employee, for example, uses a privately owned travel trailer while on temporary duty. B-174522, October 4, 1973.

Accommodations on common carrier--For the purposes of computation under the lodgings-plus method, lodging does not include accommodations on trains or other common carriers. B-183091, October 20, 1975.

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### Reduced per diem

#### Staying with friends or relatives--

##### Generally

Where an employee obtains lodgings with friends or relatives, he may not be reimbursed the maximum per diem allowance or a rate based on the lowest commercial rate in the locality. The charge for lodging in such noncommercial facilities must be reasonable in amount and necessarily incurred, and should reflect such factors as the number of visitors involved, the necessity for hiring extra help, and the extra work performed. 55 Comp. Gen. 856 (1976).

##### No gifts or gratuities

While it may be customary to purchase a gift or to treat the host to a meal, such a gratuity is unrelated to the cost of staying with a friend or relative and is not reimbursable. B-64193, March 14, 1978. See also 56 Comp. Gen. 321 (1977).

#### Lodging at family residence

##### Generally

An employee on temporary duty who stays at a family residence may not be reimbursed lodging costs based on the average mortgage, utility, and maintenance costs since these are costs attributable to the acquisition of private property as a second residence and are not incurred by reason of the employee's travel or in addition to his travel expenses. 56 Comp. Gen. 223 (1977).

##### Purchase as result of temporary duty assignment

An employee purchased a residence at his temporary duty location after assignment there, relocated his household and rented out his residence at his permanent duty station. He may be paid a per diem allowance in connection with the occupancy of purchased residence while on temporary duty based on the meals and miscellaneous expenses allowance plus a proration

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of monthly interest, tax, and utility costs actually incurred. Case is distinguished from 56 Comp. Gen. 223 involving employee whose second residence, where he lodged while on temporary duty, was maintained as result of employee's desire to maintain second residence without regard to temporary duty assignment. 57 Comp. Gen. 147 (1977).

### Based on survey of living costs

Where per diem rates for travel in a given location are reduced based on an agency survey of living costs, there is no entitlement to additional per diem even though it is contended that other employees were overpaid. B-184520, July 13, 1976.

### No survey of costs

Where no survey has been undertaken or where the reduced rate is based on reduced rate lodgings which were not available to the traveler, additional per diem may be allowed. B-177431, February 23, 1973.

### Reduced rates for extended stays

#### Lower costs

Employees, who are assigned to temporary duty for extended periods and who are able to secure lodgings and meals at lower costs, shall have their per diem rate adjusted downward. B-185975, October 28, 1976.

#### Rate continues despite interruption

Where an employee was authorized \$16 per day for the first 30 days and \$11 per day thereafter, he may not be allowed the higher rate following interruptions in the temporary duty for return travel to headquarters. B-160985, March 17, 1967.

### Meals or lodging furnished by the Government

#### Rate should be reduced

Where meals and/or lodgings are furnished by a Government agency without charge or at nominal cost, an appropriate deduction should be made from the per diem rate. 48 Comp. Gen. 185 (1968).

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### Sleeping bags and tents

Lodging may include any type of shelter, such as sleeping bags and shelters for employees such as firefighters. 24 Comp. Gen. 458 (1944) and B-162674, February 6, 1968.

### Trailer

Per diem should also be reduced where an employee uses a Government-owned automobile and trailer. 16 Comp. Gen. 895 (1937).

### Government vessel

Employees who are assigned to temporary duty aboard Government vessels may be paid "aboard ship" per diem rates up to 3 days while the vessel remains in port; after that they may be authorized per diem at the applicable locality rate. 50 Comp. Gen. 388 (1970).

Meals and lodging provided aboard a Government vessel requires a reduction in per diem, and the adequacy of such quarters is primarily a consideration for the agency concerned. B-170655, November 18, 1971, and B-138597, February 20, 1959.

### Part of convention fee

Where a fee or attendance at a meeting or convention is paid by the Government and includes the cost of meals, per diem must be reduced. B-66978, August 25, 1957.

### Foreign Government

The term "Government" refers to the United States Government and the regulation does not encompass meals and/or quarters furnished by a foreign government. 43 Comp. Gen. 227 (1963) and 33 id. 183 (1953).

## Increases and decreases in per diem rates

### Increases in maximum rates

General rule--The general rule is that a per diem rate increase authorized by statute or regulation is not automatically implemented and requires administrative

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action before it takes effect. 57 Comp. Gen. 281 (1978); 55 id. 179 (1975); 49 id. 493 (1970); 35 id. 148 (1955); and 28 id. 732 (1949).

Agency stipulates maximum rate--Where an agency, by regulation, has authorized the maximum allowable per diem rate and absent any specific intent to pay a lower rate, an employee may receive the higher per diem rate when it is increased. B-186809. July 27, 1976, and B-180970; November 11, 1974.

### Decreases in per diem rates

See also Chapter 2, Subchapter III.

#### Lower rate regardless of notice

Although an employee may be authorized a per diem rate in his travel orders, a lower rate which is established by statute or regulation will govern whether or not the employee or his office received notice of such a reduction. 56 Comp. Gen. 425 (1977).

#### Erroneous travel orders

Generally, travel orders may not be retroactively modified so as to increase or decrease the rights and entitlements of a traveler unless the error is apparent on its face or that which was previously intended has been omitted through error or inadvertence. See 24 Comp. Gen. 439 (1944) and 23 id. 713 (1944).

Where travel orders are issued in contravention of the scope of authority under law and regulation, it is proper to reduce the per diem rate. B-185429, July 2, 1976.

Where an unauthorized agency official issued travel orders prescribing a lower per diem rate, the employee is not precluded from claiming reimbursement at the higher, authorized per diem rate. 27 Comp. Gen. 556 (1948).

#### Limited to authorized rate

Where the per diem rate is clearly established and absent any error, there is no authority to pay a higher rate. B-183633, June 10, 1975.

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### Miscellaneous rate cases

#### Double occupancy of lodging

An accompanied employee who is charged for lodgings at a double occupancy rate, may be reimbursed for lodgings at the single occupancy rate, not one-half the double occupancy rate since he would have used the same accommodation at the single occupancy rate. B-187344, February 23, 1977.

#### Dual lodgings

Where it is administratively determined by an appropriate official that an employee had no alternative but to retain lodgings at two locations, the employee may be reimbursed for actual subsistence expenses in lieu of per diem up to the maximum allowable amount. 55 Comp. Gen. 690 (1976) and B-184790, December 9, 1976.

#### Required to use Government-furnished quarters

Where an employee is required to use Government-furnished quarters but it appears that such quarters are unavailable, the employee may be paid full per diem even in the absence of a certificate of unavailability of quarters where the lack of such a certificate is not the employee's fault. B-182715, August 28, 1975.

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### CHAPTER 7

#### ACTUAL SUBSISTENCE EXPENSES

##### A. REGULATIONS

Regulations governing actual subsistence expenses are found at FTR Chapter 1, Part 8. A traveler may be authorized actual subsistence expenses if he is entitled to per diem and if it is determined that the maximum allowable per diem is inadequate to cover actual and necessary expenses. The determination that actual expenses are needed may be made when unusual circumstances are present in the travel assignment or when the traveler goes to a high-rate geographical area. FTR para. 1-8.1a.

##### B. AT DUTY STATION

An employee, who claims actual subsistence expenses at his official duty station because his duties as coordinator for the Vice President's Public Forum on Domestic Policy required his continued presence at a local hotel, may not be reimbursed. An employee is not entitled to per diem or subsistence at his official duty station regardless of unusual circumstances. B-185885, November 8, 1975.

##### C. TYPES OF EXPENSES COVERED

###### Snacks

Expenditures made for snacks in addition to regular meals may not be reimbursed. Snacks are not necessary expenses of subsistence. B-185826, May 28, 1976.

Newspapers, coffee and rolls (not part of a regular meal), candy, and soft drinks are not allowable subsistence expenses. B-167820, October 7, 1969.

###### Apartment costs

An employee on TDY, who was authorized actual and necessary expenses and who rented an apartment, may be reimbursed for electricity, reasonable cleaning fees, telephone user charges (but not installation), and television rental. 56 Comp. Gen. 40 (1976) and 49 Comp. Gen. 753 (1970).

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### Alcohol

Alcohol is not a subsistence expense. B-164366, August 16, 1968.

### Meals included in price of airplane ticket

Where a member of the Advisory Council to the Public Land Law Review Commission is reimbursed for actual travel and subsistence expenses incurred in attending meetings and meals are included in the price of the airplane ticket and in fact are provided during the course of the flight, it would not be proper to allow reimbursement for duplicate meals purchased after the member leaves the plane, in the absence of justifiable reasons as to why the member did not eat the meals on the flight, and if he did eat the meals, why extra meals were justified. B-157312, May 23, 1966.

### Expense must be incurred

An employee may not be reimbursed for lodging costs on a day he does not incur lodging costs, such as the last day of travel, even though the lodging expenses for previous days may have caused the employee to exceed the maximum authorized daily rate. B-164272, June 24, 1968.

### Excessive meal costs

An employee, who was authorized actual subsistence expenses for a TDY assignment lasting approximately 2 months in a high-rate geographical area, obtained lodgings at a monthly rate which were considerably cheaper than the daily rate. However, the employee submitted a claim for daily expenses at or near the maximum allowable rate, as the employee spent exorbitant amounts for meals. The employee may be reimbursed only for reasonable expenses for meals. Travelers are expected to act prudently in incurring expenses. B-186078, October 12, 1976.

## D. TRAVEL TO A HIGH-RATE GEOGRAPHICAL AREA

Actual subsistence expenses shall normally be authorized or approved when a traveller goes to a high-rate geographical area, unless the high rate area is en route or an intermediate stopover point where no official duty is performed. FTR para. 1-8.lb.

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### Permanent change of duty station

An employee who is transferred to a high-rate geographical area or makes a house hunting to such an area, as opposed to an employee on TDY in a high rate area, may not be authorized actual subsistence expenses. However, the employee is entitled to receive the maximum per diem allowable. 55 Comp. Gen. 1337 (1976).

### Per diem in high-rate geographical area

An employee who travels to a high-rate geographical area for TDY may not subsequently elect to receive per diem in lieu of itemized actual expenses. Travelers in high-rate areas normally are reimbursed for actual expenses. Per diem in such cases must specifically be authorized in advance under FTR para. 1-8.1b(1). 57 Comp. Gen. 367 (1978).

### Lodging with friends or relatives

When an employee lodges with friends or relatives in a high-rate area, the agency may under FTR para. 1-8.1b(1) establish a specific per diem rate under para. 1-7.3c provided that an appropriate official determines the per diem rate is justified under the circumstances. B-189317, November 23, 1977.

### Consultant--leased apartment

A consultant who maintains an apartment in Washington, D.C., for use when he is in Washington for business, may include 1/30 of monthly rental as part of daily subsistence expenses, on those days he is engaged in official business. B-185467, May 5, 1976.

### Mixed travel

Special rules for mixed travel, that is a single trip where the traveler is reimbursed both on a per diem basis and on actual expense basis, are found at FTR para. 1-8.2c.

#### Reimbursement of return day of mixed travel

Employee who returned to his duty station from high-rate geographical area must be reimbursed per diem, not actual expenses when first day of travel was on per diem basis. FTR para. 1-8.2c(2) provides that reimbursement on day of return is by same method as

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reimbursement for day of departure where mixed travel is concerned. B-187344, February 23, 1977.

### Fractional entitlement

An employee may be reimbursed up to the maximum daily amount of subsistence expenses even though he may be entitled to incur expenses for only part of the day, as on the first or last day of travel. B-164055, May 17, 1968.

## E. UNUSUAL CIRCUMSTANCES

Actual subsistence expenses may be authorized or approved when it is determined that the maximum per diem allowance would be inadequate due to unusual circumstances. For regulations concerning what constitutes unusual circumstances, see PTR para. 1-8.1c.

### Dual lodging costs

An employee on TDY who was authorized actual subsistence expenses incurred dual lodging costs on the same night. He may be reimbursed actual subsistence expenses up to authorized amount so long as an appropriate official determines the employee had no alternative but to retain lodgings at regular TDY post while occupying lodgings at another temporary post. 55 Comp. Gen. 690 (1976).

### Limitation

Since there is nothing in the statute or implementing regulations precluding an agency head from prescribing a daily limitation on the amount that may be paid a traveler for lodging who is being reimbursed on an actual expense basis, the agency head may by regulation or agency-wide policy place a limitation on lodging. B-182853, January 30, 1976.

## F. SUBSEQUENT APPROVAL

### Substitution of subsistence expenses for per diem

Employee authorized per diem, who forfeits prepaid rent and security deposit as a result of shortened TDY assignment, may be reimbursed for actual subsistence expenses if the agency determines that the employee otherwise qualifies for actual subsistence expenses. Rent may then be prorated over the time employee actually occupied lodgings, but not

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for the period of the rental agreement. B-184006, November 16, 1976; B-188346, August 9, 1977; and B-138032, January 2, 1959.

### Banquet expense

An employee may not have per diem changed to actual subsistence expenses to cover the cost of attending a banquet held in conjunction with a meeting. However, if the employee's agency administratively determines that the banquet was an integral part of the meeting, the cost of the banquet may be included in the cost of the meeting with an appropriate adjustment of per diem. 42 Comp. Gen. 549 (1963).

### Change in subsistence rate

An employee may not have his actual subsistence rate changed retroactively in the absence of error, as generally travel authorizations may not be modified retroactively. B-164228, October 9, 1975.

## G. AUTHORIZED REIMBURSEMENT

### Exceeds statutory maximum

There is no authority to exceed the statutory maximum for daily actual subsistence expenses. B-164228, October 9, 1975.

### Maximum daily reimbursement

An employee was authorized actual subsistence expenses for two temporary duty assignments totaling 22 days within a 30-day period in the same city. The employee rented lodgings at a special rate for 30 days which was \$54 cheaper than the daily rate for 22 days. He is entitled to reimbursement on the basis of dividing the total lodging cost by 22 instead of 30. B-183341, May 13, 1975.

## H. AGENCY RESPONSIBILITIES

### Review and administrative control

Agencies should establish procedures for review of expenses claimed by traveler who is reimbursed for actual expenses to determine whether the expenses were allowable and

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whether the expenses were incurred incident to the travel assignment. FTR para. 1-8.3b.

### I. INTERRUPTION OF SUBSISTENCE STATUS

#### Interrupted subsistence status

An employee assigned to a 2-month temporary duty assignment in Washington, D.C., interrupted his assignment and was away from Washington on two occasions--once for medical reasons and once due to a death in his family. Employee's claim for lodging expenses incurred while he was away from Washington may not be paid as there was no determination that he had no alternative but to retain the lodgings while away from the temporary duty station. B-190525, April 7, 1978.

#### Return to duty station on nonworkday

An employee on an extended temporary duty assignment in Washington, D.C., returned to his home voluntarily on a nonworkday break. However, he did not return to the TDY station due to medical reasons. Although he in effect abandoned his TDY assignment, he may be reimbursed for his subsistence expenses up to the point of abandonment. Since his travel home was part of voluntary weekend travel under FTR para. 1-8.4f, he may be reimbursed for the travel to the extent it does not exceed the allowable travel and subsistence expenses he would have incurred if he had remained at the TDY station. B-190525, April 7, 1978.

#### Weekend return travel

Where an agency determines after a cost analysis that the cost of reimbursing employees, who are required to perform extended periods of temporary duty, for the expenses of returning home for weekends is outweighed by savings in terms of employee efficiency, productivity and retention, the cost of weekend return travel may be considered a necessary travel expense of the agency. 55 Comp. Gen. 1291 (1976).

### J. EVIDENCE OF ACTUAL EXPENSES

See also Chapter 10.

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### Itemization

An employee who is authorized actual subsistence expenses while on TDY may not be reimbursed for meal expenses on a flat rate basis of \$18 per day. He must provide an itemization of actual food costs on a daily basis. 56 Comp. Gen. 40 (1976).

FTR para. 1-8.5 requires that a traveler authorized actual subsistence expenses shall itemize his expenses in a manner prescribed by his agency which will at least permit a review of amounts spent for lodgings, meals, and other items of subsistence. An agency may determine the reasonableness of a claim for reimbursement of meals by a traveler who itemized the cost of meals on a daily basis when the agency's regulations only require itemization on a daily basis. However, itemization of each meal would provide a better basis for determining the reasonableness of the claim. B-186740, March 15, 1977.

### Estimates

Generally an estimate of the average cost of meals per day is too general to be considered in compliance with the itemization requirements of STGR para. 6.12f (now FTR para. 1-8.5), and the employee may not be reimbursed. However, we have held in cases where the estimate for expenditures for meals was such that it is reasonable to assume at least the estimated amount would have been spent for food, the voucher may be certified. B-167662, September 18, 1969.

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### CHAPTER 8

#### TRAVEL OVERSEAS

##### A. REGULATIONS

The Standardized Regulations (Government Civilians, Foreign Areas) issued by the State Department apply to employees of Government agencies overseas. (See also certain provisions of the FTR.)

##### B. TOUR RENEWAL TRAVEL

See Title IV, CPLM Relocation.

##### C. EDUCATIONAL ALLOWANCE

Section 270, Standardized Regulations.

##### Employee transferred to different foreign post

An employee was transferred from The Hague to Hong Kong after his daughter had finished 3 years of high school but before she began her senior year. The daughter remained at The Hague to complete high school. The employee may be reimbursed at the rates designated for an educational allowance in Hong Kong, not at the higher rates for The Hague. B-186275, November 2, 1976.

##### Employee transferred to United States

There is no authority to continue the educational allowance to the end of the school year when an employee is transferred to the United States. The allowance terminates upon transfer under section 274.23 of the Standardized Regulations. B-156055, April 21, 1965.

##### Allowance in Panama City

An employee whose daughter had completed kindergarten in United States was transferred to Panama City, Panama. He was unable to enroll her in a Canal Zone school due to the requirement that students be 6 years old or older on December 1. (Daughter's birthday was December 2.) He may not receive educational allowance for sending his daughter to a private school in Panama City as Standardized Regulations

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at section 920 provide an educational allowance for Panama City only for handicapped children. B-177843, April 5, 1973.

### D. EDUCATIONAL TRAVEL

Section 280, Standardized Regulations.

#### Per diem

Employee's son traveled from the Canal Zone to United States on MAC flight to attend college. Due to scheduling of MAC flight, the son arrived 2 days earlier than necessary. He is not entitled to per diem for the 2 days awaiting the beginning of the school year. Per diem is limited to the time required to perform authorized travel. B-179178, March 21, 1974.

#### Entitlement

The travel of a USIA employee, his wife and son was authorized May 24, 1963, from Washington, D.C., to Oslo, Norway. The son, a Naval Academy student, left Washington in June 1963 by MATS for training in the Mediterranean, visited Beirut, and traveled at Government expense to Oslo, arriving on August 12, 1963. On August 30, 1963, he traveled to Washington to attend the Naval Academy. The employee may not be reimbursed for his son's travel from Oslo to Washington since the son was not overseas for 45 days as required by the Standardized Regulations for entitlement to educational travel. The son's travel overseas for training duty was unrelated to the employee's change of duty post. B-156493, June 17, 1965.

### E. MISCELLANEOUS

#### Temporary duty in United States

An employee of the Drug Enforcement Administration stationed in Japan was on leave in the United States at his personal expense. While on leave he was ordered to temporary duty in Los Angeles. The employee is not entitled to be reimbursed for the cost of return travel to Japan unless his temporary duty was approved prior to his departure from Japan. B-187926, June 8, 1977. 24 Comp. Gen. 443 (1944).

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### Passport for locally hired employee

A locally hired employee who meets the conditions for eligibility for tour renewal travel is generally entitled to the same benefits as an employee recruited in the continental United States. Therefore, the employee may be reimbursed for the cost of obtaining passports for himself and his dependents including photographs. 52 Comp. Gen. 177 (1972).

### Cost of currency conversion and cablegram

The cost resulting from a currency exchange at an unfavorable rate necessitated by regulations of the U.S.S.R. which required that payment for a hotel room be made in hard currency, not rubles, is allowable under FTR para. 1-1.9. The cost of a cablegram for the initial room reservation is also allowable. B-185286, August 26, 1976.

### Travelers checks

The cost of travelers' checks purchased in connection with travel outside the limits of the conterminous United States may be reimbursed. The amount of the checks may not exceed the amount reasonably needed to cover the reimbursable expenses incurred. B-182013, May 14, 1975.

### Travel document cost

Fees in connection with the issuance of passports, visas, and such as health certificates, etc., may be allowed when necessary. 55 Comp. Gen. 1343 (1976).

### Travel to obtain visa

An employee who traveled to and from Tokyo, Japan, to obtain a visa may be reimbursed for the travel expense, if it is administratively determined that it was necessary for the employee to appear personally before the embassy in Tokyo to obtain the visa. B-153103, January 21, 1964.

### Automobile insurance in foreign countries

See Chapter 4.

### Fly America Act

See Chapter 4, Subchapter I.

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### CHAPTER 9

#### SOURCES OF FUNDS

##### REGULATIONS

FTR 1-10.1 to 1-10.4 set forth the applicable regulations concerning the sources of funds.

##### A. ADVANCE OF FUNDS

###### Loss of advanced travel funds by traveler

Advanced travel funds in the amount of \$768.80 were stolen from an employee's apartment prior to his departure on temporary duty overseas. The agency head must recoup advanced travel funds from the employee even though they were stolen. FTR 1-10.3c. Advances not fully recovered by deduction from reimbursement vouchers or voluntary payments shall be deducted from salary due or retirement credit. FTR 1-10.3c(3). Advanced travel funds are a loan for the personal benefit of the traveler who would otherwise expend personal funds for which he would later be reimbursed. A bond or other security can be required. B-183489, June 30, 1975.

##### B. CONTRIBUTIONS FROM PRIVATE SOURCES--18 U.S.C. § 209

###### Generally

18 U.S.C. § 209 sets forth the prohibition of employees receiving income from sources other than the Government of the United States.

###### Previous statutory provision

Prior to the enactment of title 18 into positive law similar provisions with only minor phraseology differences were contained in the Act of March 3, 1917, 39 Stat. 1106. Two distinct prohibitions are involved: One against the receipt by any employee, from any source other than the Government, of any salary in connection with his services as such employee; and the other against the making of any contribution to, or supplementing the salary of any employee for the services performed by him for the Government. 36 Comp. Gen. 155 (1956).

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### Criminal nature of statute

Jurisdiction in the enforcement of 18 U.S.C. § 209 (formerly 18 U.S.C. § 1914) rests with the Attorney General since it is a criminal statute. Decisions of the Comptroller General which must apply the provisions are not binding on the Attorney General. 37 Comp. Gen. 776, 779 (1958) and 48 Comp. Gen. 24 (1968).

### Application of 18 U.S.C. § 209 to travel

#### Generally

Payment of an employee's expenses incurred incident to official travel including the cost of travel and subsistence must be made by the employing agency from appropriated funds. 36 Comp. Gen. 268 (1956).

#### Exceptions

Reimbursement for travel expenses, either in cash or in kind, from private sources constitutes an improper augmentation of the agency appropriation unless (1) the agency has statutory authority to accept gifts or donations from private sources, or (2) the reimbursement is made directly to the employee by a tax-exempt organization for training purposes or for traveling expenses to attend a meeting pursuant to the authority of 5 U.S.C. § 4111. 49 Comp. Gen. 572 (1970).

#### Nonduty status

No augmentation question is present if an employee receives travel and subsistence funds while he takes a leave of absence and voluntarily participates in an outside activity. 49 Comp. Gen. 572, 576 (1970).

#### Acceptance of funds by employee

When a Federal agency is authorized to accept gifts, the travel expenses incurred by an officer or employee directed to participate in a convention, seminar, or similar meeting of an "association of regulated industries" for the mutual interest of the Government and the association may not be made by the donor directly to the employee. The reimbursement or donation should be made to the agency and credited to its

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appropriation. The employee should be paid in accordance with the laws and regulations relating to reimbursement for official travel. 46 Comp. Gen. 689 (1967).

### Goods and services furnished in kind

Any accommodations and goods or services furnished in kind to an employee may be treated as a donation to the employing agency and either no per diem and other travel expenses may be paid to the employee or an appropriate reduction may be made in reimbursing him, depending upon the extent of the donation. 46 Comp. Gen. 689 (1967).

### Ceremonial flight

Ceremonial flights in which Government employees and their wives participate as guests of commercial air carriers at no cost to the employees or the Government do not seem to be violations of 18 U.S.C. § 290 (formerly § 1914) so as to make audit exception necessary so long as the flight has an official nature. 37 Comp. Gen. 776 (1958).

### Recovery of reservation penalties--carrier liability

Where an air carrier becomes liable for liquidated damages for failure to provide a Government employee on official travel with confirmed reserved space, the Government is regarded as damaged by the carrier's default. Since the employee is precluded from accepting payments from private sources incident to the performance of official duties, the payment should be made to the Government and deposited with miscellaneous receipts. 41 Comp. Gen. 806 (1962).

## C. USE OF FOREIGN CURRENCIES

Specific provisions in appropriation statutes that authorize use of foreign currencies for projects involving foreign travel are not viewed as having been impliedly modified by enactment of 49 U.S.C. § 1517; hence, Government-sponsored travel that can be financed only with such foreign currencies may be made by noncertificated carrier when otherwise available American-flag carriers will not accept such currencies. 55 Comp. Gen. 1355 (1976).

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### CHAPTER 10

#### CLAIMS FOR REIMBURSEMENT

##### REGULATIONS

FTR paras. 1-11.1 to 1-11.7 set forth the applicable regulations concerning claims for reimbursement.

##### A. FRAUDULENT CLAIMS

Employees of the Presidential Transition Team were given money on the strength of travel orders and vouchers representing that the money was for travel. No travel was intended or taken. Payments were intended as, in effect, salary. The money has been repaid. Anyone knowingly and willfully participating in false representations may have violated 18 U.S.C. § 1001 (1970). Also, there are civil penalties for false or fraudulent claims against United States. 31 U.S.C. § 231 (1970). Enforcement of both statutes is vested in the Department of Justice. B-149372, February 14, 1978.

Although the false claims act--28 U.S.C. § 2514--relates to claims before the Court of Claims and has no direct application in the audit of a disbursing officer's accounts, it does not mean that it would be proper for a disbursing officer to pay or for the GAO to allow a claim thought to be fraudulent. If fraud is suspected the claim obviously is of doubtful validity and under the principles of Longwill v. United States, 17 Ct. Cl. 288, and Charles v. United States, 19 Ct. Cl. 316, the claimant in such cases should be left to his remedy in the Court of Claims. 41 Comp. Gen. 206, 208 (1961) and 41 id. 285, 288 (1961).

28 U.S.C. § 2514 has no application to a claim which has been settled by payment; however, where an item of pay and allowances is wrongfully obtained through fraud, misrepresentation or otherwise, such payment is an erroneous payment for recoupment as such. It would be proper to recoup only the specific portion of the claim which is based on fraud. 41 Comp. Gen. 285 (1961).

##### B. RECORDS OF TRAVEL AND EXPENSES

###### Evidence sufficiency

A traveler's claim for reimbursement shall accurately

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reflect the facts involved in every instance to avoid any violation or apparent violation of the FTR. 56 Comp. Gen. 104, citing FTR para. 1-11.1.

### Actual subsistence

High-rate geographical area--Employee assigned to temporary duty in a designated high-rate geographical area failed to keep records of his meal costs and failed to obtain receipts for lodging cost. The employee was not entitled to per diem. Therefore the employee's claim must be limited by such requirements set forth in FTR paras. 1-8.5, 1-11.2, and 1-11.3c concerning itemization, records, and receipts. B-184614, October 5, 1976.

In order that actual subsistence expenses may be determined, FTR para. 1-8.5 requires an itemization of actual daily expenses. Thus a daily average rate of \$18 for meals rather than an itemization of actual costs may not be paid. 56 Comp. Gen. 40, 42 (1976).

Employee was authorized actual subsistence. He obtained lodgings at a reasonable rate of \$13.78 a day. He spent, however, between \$27.10 and \$38.25 each day for meals and submitted a claim for daily expenses at or near maximum rate. Employee is entitled to reimbursement only for reasonable expenses for meals since travelers are required to act prudently incurring expenses. Employing agency must determine what constitutes reasonable expenses for meals under the circumstances. B-186740, March 15, 1977.

### Receipts required--

#### Generally

GAO requirements are ordinarily satisfied when legible copies of receipts are attached to travel vouchers to support employees' claim for reimbursement of travel expenses. See B-175111, February 14, 1971, and B-173221, April 26, 1973.

#### Use of credit cards

A rental car agreement stating that the cost had been charged to his personal credit card does evidence that the employee incurred the rental

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cost as a personal obligation and will be regarded as satisfying receipt requirements of FTR para. 1-11.3c(5) for the purpose of reimbursing the employee for the cost of the rental car. 55 Comp. Gen. 224 (1975).

Copies of receipts--Concerning lodging receipts for attachment to travel voucher, SF 1012, there is no requirement that such receipts be originals--legible copies are ordinarily acceptable to support items claimed. As to certification by payee on the face of the travel voucher that the amount claimed is correct, the receipt attached to voucher serves as evidence of amount paid and details nature of the expense and the basis for charges. Certification by payee is certification that expenses have been incurred, as evidenced by receipts. If such expenses have not in fact been incurred, provisions of 28 U.S.C. § 2514, 18 U.S.C. §§ 287 and 1001, relevant to fraudulent claims, would be for consideration. See 39 Comp. Gen. 164 (1959). B-175111, February 14, 1972.

### Travel vouchers and attachment

An employee in a travel status is responsible for maintaining a contemporaneous record of expenses incurred incident to travel and for submitting a voucher itemizing such expenses. 56 Comp. Gen. 40, 42 (1976) citing FTR paras. 1-11.2 and 1-11.3.

A claim on a flat-rate basis may not be allowed where an employee is on temporary duty to a designated high-rate geographical area since the employee may not be reimbursed on a per diem basis and the voucher does not identify daily expenditure for meals so that such expenses may be reviewed by the agency to determine that they are proper subsistence items. 57 Comp. Gen. 367 (1978).

### Use of authorized form

If a multiple-person travel voucher would serve the purpose of paying travel expenses incurred for foreign journalists touring the United States under arrangements with the United States Travel Service, the Department of Commerce should seek approval by Administrator of General Services Administration in accordance with FTR para. 1-11.3a. 55 Comp. Gen. 437, 438 (1975).

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### Certification

#### Comptroller General decision

Comptroller General's decision B-156593, April 8, 1966, authorizing payment of voucher in amount of \$124.38 is sufficient authorization to support payment of amount stated. Although the original approved voucher was not received with the decision, a properly certified substitute voucher incorporating all information shown on copy of original, may be paid. A copy of the decision in question may be attached to the substitute voucher as evidence of the propriety of payment. B-156593, September 9, 1966.

#### Items of \$25 or less

Certifying and disbursing officers may hereafter rely upon written advice from an agency official designated by the head of an agency in lieu of requesting Comptroller General's decision concerning items of \$25 or less. A copy of the advice should be attached to the voucher and the propriety of any such payment will be considered conclusive by GAO. B-161457, July 14, 1976.

#### Coast Guard

Vouchers covering the expenses of investigations under 14 U.S.C. § 93(e), which were incurred on official business of confidential nature and approved by Coast Guard officer, but the nature of the expenses are unknown to the certifying officer, may not be certified for payment without holding certifying officer accountable for legality of payment. 14 U.S.C. § 93(e) contains no provision for certification of vouchers by Commandant of the Coast Guard, who is authorized to make investigations and, therefore, responsibility for certifying vouchers for payment is governed by act of December 29, 1941, which fixes responsibilities of certifying and disbursing officers, and payment for the costs of investigations may only be made in accordance with 1941 act. 49 Comp. Gen. 486 (1970).

#### Long-distance phone calls

Travel Voucher, Standard Form 1012, revised August

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1970, provides for certification of long-distance telephone calls by officials authorized under 31 U.S.C. § 680a on voucher itself. Separate certification of long-distance calls is no longer required. 56 Comp. Gen. 28 (1976).

### Evidence of authorization

Proposed amendment to JTR para. C2050-3 eliminating requirement of written orders for sea trials would not be proper since FTR para. 1-1.4 requires that written orders be issued prior to incurring expenses, unless prior issuance is impractical or travel is of a limited nature in the vicinity of the employee's station. FTR para. 1-11.3b which states that the travel voucher must be supported by a copy of the authorization supports the above construction of FTR para. 1-1.4. B-181431, February 27, 1975.

### C. PREPARATION OF VOUCHER

A transferred employee claimed per diem on a travel voucher which stated only the date of departure from his old station, the date of arrival at his new station, and the allowable travel time based on miles between stations divided by 300 miles per day. Payment of per diem must be suspended since the voucher does not meet the requirements of FTR para. 1-11.5a which specifies that taking of leave and exact hour of departure from and return to duty status be recorded. 56 Comp. Gen. 104 (1976).

Compliance with FTR para. 1-11.5a which specifies voucher requirements, is not waived by FTR para. 2-2.3d(2), which fixes maximum allowable per diem on the basis of minimum driving distance of 300 miles per day, since the latter provision is for application when it appears from properly executed and documented voucher that traveler failed to maintain prescribed minimum mileage. 56 Comp. Gen. 104 (1976).

Agencies may administratively correct travel voucher with underclaims not exceeding \$30. Overclaims in any amount may be administratively reduced. 57 Comp. Gen. 298 (1978).

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**D. SUSPENSION OF CHARGES**

FTR para. 1-11.7 provides that items in travel vouchers which are not stated in accordance with those regulations shall be suspended, and requires full itemization of all such items which are reclaimed. 56 Comp. Gen. 104, 106 (1976) and B-147476, November 19, 1974.

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### CHAPTER 11

#### PAYMENT OF EXPENSES CONNECTED WITH DEATH OF EMPLOYEES AND THEIR DEPENDENTS

##### A. STATUTORY AND REGULATORY AUTHORITIES

See 5 U.S.C. §§ 5724, 5722, and 8134; FTR Chapter 3; JTR paras. C6050 through C6065. See also Chapter 13, Subsection I, Death of Foreign Service Officers, employees and family members.

##### B. DEATH OF EMPLOYEE WHILE IN THE UNITED STATES

###### Remains

###### Employee dies while stationed in Alaska

The preparation and transportation of the remains of an employee who dies while stationed in Alaska is not authorized under the Act of July 8, 1940, as amended (currently codified at 5 U.S.C. § 5742(b)) unless the employee was in a travel status. Furthermore sections 1 and 7 of the Administrative Expenses Act of 1946 (now codified at 5 U.S.C. § 5722) which prescribed travel and transportation expenses in connection with transfer to and from a duty station outside the continental limitations of the United States does not authorize the transportation of the remains of an employee stationed in Alaska. 53 Comp. Gen. 120 (1973).

###### Employee dies while on leave

An employee who dies at a place of leave en route to his new duty station may be regarded as having been in a travel status during the period of leave within the meaning of the Act of July 8, 1940 (5 U.S.C. § 5742(b)), even though for travel reimbursement purposes the period of leave interrupted his travel status. 43 Comp. Gen. 128 (1963).

###### Employee dies while on AWOL from temporary duty station

The preparation and transportation of the remains of an employee who was AWOL from his temporary duty

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station is authorized under 5 U.S.C. § 5742(b).  
52 Comp. Gen. 493 (1973).

### Employee dies while on temporary duty

A civilian employee who died at a place to which he had been ordered for "temporary duty" under orders precluding the payment of a per diem in lieu of subsistence may be considered as having been in a "travel status" at the time of his death within the meaning of the Act of July 8, 1940 (5 U.S.C. § 5742(b)).  
21 Comp. Gen. 591 (1941).

### Transportation of dependents and household effects of deceased employees

#### Generally

Claimant paid towing and storage charges on the private automobile owned by a deceased employee. At the time of his death, the employee was on temporary duty returning from a training session. The claimant also drove automobile to the employee's last duty station. The claim for towing and storage charges is denied since an automobile is not "baggage" within the meaning of FTR para. 3-2.7. The claim for mileage is also denied since there is no authority to return a deceased employee's privately owned automobile to his residence at his last official station. B-189826, April 7, 1978.

#### Death of employee en route to new duty station

Although an employee who takes sick while en route with his dependents to a new duty station (transfer between duty points within the United States) would be entitled to mileage and per diem to the place of leave and per diem during the period of hospitalization not in excess of 14 days, the death of the employee at the place of leave before reporting to the new duty station terminates any rights to further transportation of his dependents and household effects so that his widow may not be reimbursed for travel beyond the place of death or for the expenses of having her household effects returned from the new duty station.  
43 Comp. Gen. 128 (1963).

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### Shipment of household goods made after death

Where a Government bill of lading had been issued to cover the shipment of the household effects of a civilian employee (now deceased) to his new official station to which he previously had reported under change of station orders authorizing transportation of his household effects, but shipment was not accomplished until after his death, the right under executive regulations to reimbursement of the cost of shipment did not cease with the employee's death, so that collection from his estate of the cost within allowable limits is not required. 24 Comp. Gen. 319 (1944).

### Employee who dies while in Alaska or Hawaii

The transportation of the dependents and the household and personal effects of a deceased employee stationed outside the continental United States while not authorized under 5 U.S.C. § 5742(b) is authorized under 5 U.S.C. § 5722 if the employee has completed his agreed period of service on the basis that the right to such transportation vested prior to the employee's death. In case the employee has not completed the agreed period of service at the time of his death, if the department or agency regards the situation as being a separation for reasons beyond the control of the employee such transportation expenses are allowable. 40 Comp. Gen. 196 (1960).

## C. DEATH OF EMPLOYEE WHILE TRAVELING OR ASSIGNED OUTSIDE THE UNITED STATES

### Remains

#### Death of employee assigned overseas while on leave in United States

Where a civilian employee died while on leave in the United States from his post of duty in a foreign country, the preparation of his remains at Government expense is authorized under the act of July 8, 1940 (5 U.S.C. § 5742(b)). 21 Comp. Gen. 1100 (1942).

#### Foreign employees

Where a Filipino was hired in the Philippines for

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overseas duty in the Marianas-Bonif Command and died while in Guam, the cost of preparation and encasement of the remains may be borne by the Government under the Act of July 8, 1940 (5 U.S.C. § 5742(b)). B-104496, B-104497, September 21, 1951.

### Transportation of dependents and household effects of deceased employees

#### Transportation of automobile

The transportation of the automobile of a decedent who was stationed outside the United States is authorized under 5 U.S.C. § 5722 only if it was determined that it was in the interest of the Government for the employee to have a privately owned automobile. See JTR para. C6061. B-169032, May 19, 1970.

#### Transportation to location outside the United States

The transportation of a decedent's dependents and household and personal effects to a location outside the United States is authorized under 5 U.S.C. § 5722(a)(2) if the location constitutes the employee's actual residence prior to his assignment. B-171877.08, June 12, 1975.

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### CHAPTER 12

#### TRAINING

##### A. STATUTES AND REGULATIONS

###### Statutory authority

An employee selected and assigned for training may be paid or reimbursed for all or a part of the necessary expenses of the training including the necessary costs of (1) travel and per diem instead of subsistence; and (2) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying and unpacking when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training. 5 U.S.C. § 4109(a)(2)(A) and (B).

###### Regulatory provisions

The regulations concerning contributions or payments incident to training, by donor organizations under 5 U.S.C. § 4111, are contained at section 4-2.1 of the FTR.

##### B. RELOCATION EXPENSES OR PER DIEM

###### Generally

An employee who was paid per diem while participating in a 9 months Congressional Fellowship may not be reimbursed for transporting his family and household goods under provisions of 5 U.S.C. § 4109 applicable to training because that statute authorizes reimbursing an employee for necessary expenses of training, including, either travel and per diem, or transportation of family, household goods, and personal effects when the estimated costs of transportation are less than the estimated aggregate per diem payments for the period of training, and it was administratively determined that the employee should be paid per diem. B-169555, July 2, 1970.

An employee of the Department of the Army attended a training course and was issued a travel order which authorized shipment of household goods as being advantageous to the Government. His claim for per diem for a 180-day period while attending the training course was disallowed.

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since 5 U.S.C. § 4109 provides that if the estimated aggregate per diem for the entire period of training is greater than the estimated costs of transportation of the employee's family and household goods, the Department may authorize such transportation (as was done in this case) rather than payment of per diem during an extensive period of training. B-157616, February 21, 1968.

### Agency discretion

An employee authorized travel for purposes of graduate studies received per diem for his traveltime. He is not entitled to per diem for the period of his studies nor to moving expenses as 5 U.S.C. § 4109 delegates to the agency head discretion as to whether to pay all or part of the costs of travel and per diem, or, for transportation of the immediate family, household goods and personal effects when transportation and related costs are less than the estimated per diem payments during the training period. The policy of the employee's office to pay only for traveling to and from the training was a valid exercise of discretion under the statute. B-164864, November 19, 1968.

An employee of the Department of Defense was not authorized per diem during a period of training prior to reporting to his first official duty station because of an agreement between agency personnel and finance officers not to pay per diem to employees whose residence was less than 50 miles from their training site. The subject employee resided 18 miles from the training location. The decision not to authorize per diem was a proper exercise of agency discretion in light of a continuing policy that per diem be paid only where necessary to cover increases in expenses of employees arising from temporary duty. B-185374, July 29, 1976.

### Election by employee

An agency, by regulation, may permit an employee selected for training under the Government Employees Training Act, to elect to receive transportation of household goods rather than per diem whenever the transportation costs are determined to be less than the estimated per diem for the period of training. See 39 Comp. Gen. 140 (1959).

### C. ACTUAL SUBSISTENCE EXPENSES IN LIEU OF PER DIEM

Payment of actual subsistence expenses instead of per diem

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in lieu of subsistence to Federal employees who participate in training away from their official stations, when in unusual circumstances the per diem provided is insufficient to cover expenses, is not precluded by 5 U.S.C. § 4109 which authorizes reimbursement for various expenses of training including the cost of necessary "travel and per diem instead of subsistence." Nothing in the legislative history of the Government Employees Training Act indicates an intent to restrict employees undergoing training to reimbursement on a per diem basis as opposed to actual subsistence expenses. Furthermore, 5 U.S.C. § 5702(c) provides for payment of actual subsistence expenses in unusual circumstances when authorized per diem is insufficient. 52 Comp. Gen. 684 (1973).

### D. EXPENSES ALLOWED UPON RETURN TO HEADQUARTERS

See also Chapter 6.

#### During school recess

An employee who was paid per diem while pursuing a training course at Syracuse, New York, was later charged annual leave for periods when he returned to headquarters during school recesses, and was required to refund per diem paid for such periods. His claim for travel costs between his headquarters and the temporary duty station and per diem en route, not to exceed the per diem in lieu of subsistence which would have been allowable had he remained at the temporary duty station, is allowed. B-166469, October 29, 1969.

An employee who was authorized travel by POV from Washington, D.C., to Boston, Massachusetts, to attend university under orders providing for payment of per diem at a rate of \$16 for the first 30 days and \$11 thereafter, alleged that return trips to Washington during school recess periods started new 30-day periods for purposes of per diem payments. No basis for payment of additional per diem was presented since his travel orders clearly stated that the employee would return to Washington during recess periods and that he was entitled to the \$16 rate for 30 days only. B-160985, March 17, 1967.

#### On official business

An employee moved his family and household goods to his

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training site at Government expense based on a determination made under 5 U.S.C. § 4109(a)(2)(B) that the costs of such transportation were less than the estimated aggregate per diem payments for the period of training, and thus forfeited his right to per diem while at the training site. In view thereof, the employee was entitled to transportation costs and per diem when required to travel on official business away from his training site, even while performing official duties at a location which would otherwise be his official station. For the purpose of regulations which prohibit payment of per diem at one's permanent duty station, the training site may be considered the employee's permanent duty station, thus entitling him to per diem while temporarily assigned official duties away from the training site. 48 Comp. Gen. 313 (1968).

### As part of training program

An employee, headquartered at Denver but temporarily assigned to Washington, D.C., as a participant in a 10-month manager development program, returned as part of the program to Denver for some 10 days. The FTR disallow per diem to an employee at his official duty station. However, since the subject employee's room and meal expenses, incurred at the official duty station, may reasonably be viewed as necessary training expenses incident to the program involved, reimbursement for out-of-pocket expenses could be made on an actual expense basis not to exceed the per diem rate limitation. B-140417, June 20, 1972.

## E. TRAVEL AND MISCELLANEOUS EXPENSES

### Parking fees

An employee was authorized travel by POV from Washington, D.C., to Boston, Massachusetts, to attend a university. Inasmuch as travel by POV was to the advantage of the United States and since a \$20 parking fee was required to park on campus, the parking fee may be allowed. B-160985, March 17, 1967.

### Travel from place of residence

An employee may be reimbursed for mileage incurred for six round trips by privately owned automobile from his residence in Vienna, Virginia, to Washington, D.C., in connection with approved training since 5 U.S.C. § 4109 provides that an employee may be reimbursed for all or part of the

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necessary expenses of training, including costs of travel under 5 U.S.C. § 5704 which authorizes the use of privately owned automobiles when more advantageous to the Government. The decision in 36 Comp. Gen. 618 requiring an employee to bear the cost of travel between his residence and place of duty was modified by 36 Comp. Gen. 795 to permit payment of mileage from an employee's residence to his temporary duty station with no deduction for mileage normally traveled between the employee's residence and his headquarters. B-163852, April 25, 1968.

### Unusual expenses

Concerning unusual expenses of personnel training at Harvard University and the University of Pittsburgh, there is no statutory basis for authorizing travel at government expense or per diem allowances for wives of civilian personnel in connection with "Graduation (Wives) Week." Parking fees are allowable when mandatory but telephone installation and service charges are not allowable when for personal convenience. Expenses for alcoholic beverages are not allowable. Moreover, "Cape Cod Weekend Expenses," "Can Group Dinner Expense" and a pro-rata share for entertainment of faculty and students cannot be considered extraordinary costs of banquets incident to official business addressed in 42 Comp. Gen. 549 (1963). Neither may such expenses be considered in determining the level of per diem since the purpose of per diem is to offset the necessary subsistence costs of travel. B-174464, February 28, 1972.

### Cost of storing household goods

An employee who will be permanently assigned to a new duty station upon completion of a training assignment and who, upon entering training, was forced to vacate his Government-owned residence may not be reimbursed for the cost of storing his household goods. The applicable statute (5 U.S.C. § 4109) contemplates that when paid per diem, employees bear storage expenses. Payments made for packing and moving effects to storage are proper, however, because where an employee's household goods are moved to or from Government quarters for the Government's convenience, the expenses of moving may be considered part of the administrative costs of operating the installation. B-169893, July 29, 1970.

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### F. TRAINING DUTY PRIOR TO REPORTING TO FIRST DUTY STATION

An employee who traveled at his own expense from his home in Houston, Texas, to Oxford, Wisconsin, for an interview with the Bureau of Prisons was sworn in on the day of the interview and told to report to Dallas for 2 weeks of training prior to entrance on duty in Wisconsin. He returned to Houston and then attended orientation training in Dallas while en route to Wisconsin. He is not entitled to reimbursement for the expense of round-trip travel between Oxford, Wisconsin, and Dallas, Texas, but only to the additional cost incurred by him because of travel via Dallas while en route from Houston to Oxford. This employee, like most prospective employees, was required to bear the expense of traveling to and from the place of his interview and of reporting to his first duty station. B-182876, September 17, 1975.

See also Chapter 2, Subchapter I, Prospective Employees.

Notwithstanding that a newly appointed employee was prevented from establishing a residence at his designated official duty station because of a temporary training assignment prior to entrance on duty, his entitlement incident to travel to and from his temporary duty station is limited to travel from the official station to the temporary station and return. Disallowance of his claim for travel expenses from his residence to the temporary station and return was proper. The general rule is that an employee must bear the expenses of travel to his first permanent duty station in the absence of a statute to the contrary. Therefore, when a new employee incident to travel to his first duty station is assigned temporary duty away from his permanent duty station, reimbursement of travel expenses is limited to the additional costs of travel related to the temporary duty assignment. 53 Comp. Gen. 313 (1973).

A resident of Syracuse, New York, who at the time of hire by the Internal Revenue Service was assigned 30 days temporary training duty in Philadelphia, Pennsylvania, thus preventing him from establishing a residence at his designated official station in Newburgh, New York, is entitled incident to his voluntary return to Syracuse over 4 weeks to have Syracuse considered as his residence for the purpose of 1-7.5(c) of the FTR, and to be reimbursed in an amount that will not exceed the per diem and other expenses that would have been allowed had he remained at his

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temporary duty station. However, inasmuch as the employee was not in a subsistence status on weekends, the 8 nights involved should not be included in the average lodging cost computation. 53 Comp. Gen. 313 (1973).

### G. TRAINING DUTY PRIOR TO CHANGE OF PERMANENT DUTY STATION

An employee who upon completion of her Alaskan tour of duty, was authorized to travel with her husband to attend a training course at Pennsylvania University in Philadelphia and was reimbursed constructive air travel cost for self, per diem and husband's transportation, and paid on an actual expense basis for movement of household effects, is required under 5 U.S.C. § 4108 to execute a continued service agreement if payment is to be considered proper as incident to training. Furthermore, the activity authorizing the training must approve transportation of her husband and household effects as incident to the training assignment. Subsequent transportation of effects to Gallup, New Mexico, may be regarded as incident to the change of official station from Mt. Edgecumbe, Alaska, to Gallup, New Mexico, and payment may be made on a commuted basis. B-162915, February 1, 1968.

### H. EXPENSES ASSUMED BY AND REIMBURSED TO CONTRACTOR

The Bureau of Indian Affairs, which is authorized under 5 U.S.C. § 4109 to pay the necessary expenses of training employees pursuant to section 4105, may, in negotiating a fixed price contract with a university to design and coordinate educational workshops and to perform all administrative functions of the program, provide for the contractor to pay the transportation cost and per diem of Bureau participants in workshops. However, amounts payable to the contractor for travel expenses and per diem may not exceed amounts that would be directly payable to employees under 5 U.S.C. § 4109(a), and reimbursement to the contractor should be on an actual expense basis. 47 Comp. Gen. 662 (1968).

### I. POST DIFFERENTIALS

Under 5 U.S.C. § 4109, an employee who is authorized to receive training at an overseas location where a post differential is payable may, in the discretion of the head of the department, be paid all or part of the post differential which is additional compensation payable under

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5 U.S.C. § 5941, and also receive a per diem allowance during the period of detail, provided that such employee would be eligible for post differential if the detail or assignment were in connection with the official duties of his position, as distinguished from training. 39 Comp. Gen. 140 (1959).

## J. SERVICE AGREEMENT REQUIREMENT

With the amendment of the Federal Personnel Manual by Letter No. 410-8, the head of an agency or his delegated representative is authorized to waive recovery of training costs extended under 5 U.S.C. § 4108 when an employee transfers to another agency or organization in any branch of the Government prior to completion of an agreed period of service and gives notice of at least 10 workdays of his intent to transfer, and the losing agency determines collection of the training costs would be against equity and good conscience or against the public interest. 51 Comp. Gen. 419 (1972).

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## CHAPTER 13

### SPECIAL CLASSES

#### SUBCHAPTER I--FOREIGN SERVICE TRAVEL

##### A. AUTHORITY AND APPLICABILITY

###### Regulations

The Foreign Service Travel Regulations are found in the Department of State's Foreign Affairs Manual, Volume 6, chapter 100 (6 FAM 110 et seq.). See also Volume 3, FAM, chapter 600.

###### Statutory authority

"These Foreign Service Travel Regulations are prescribed in accordance with the authority granted to the Secretary of State by the Foreign Service Act of 1946, as amended [22 U.S.C. §§ 1136, 1138, 1157]; to the Director, United States Information Agency under Reorganization Plan 8, 1953, and Executive Order 10477 dated August 1, 1953; and to the Administrator, Agency for International Development by the Foreign Assistance Act of 1961, as amended [22 U.S.C. § 2396], Executive Order 10973 dated November 3, 1961, as amended, and State Department Delegation of Authority No. 104 of November 3, 1961, as amended." 6 FAM 110.1.

NOTE: For a compilation of other statutes authorizing overseas travel allowances for employees of various departments and agencies, see appendix IV of the Comptroller General's report to the Congress entitled "Fundamental Changes Needed To Achieve A Uniform Government-Wide Overseas Benefits And Allowances System For U.S. Employees," B-180403, October 10, 1974.

###### Applicability of Foreign Service Travel Regulations

"Except as provided in sections 111.1, 111.2, and 111.3, these regulations cover travel of Foreign Service employees and the members of their families, storage and shipment of their furniture, household and personal effects, and motor vehicles, and apply to travel and transportation within the United States as well as abroad.

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"For AID, these regulations also cover FC Schedule employees of participating agencies, including commissioned officers of the Uniformed Services assigned to AID programs overseas. These regulations do not apply to AID third-country national employees as defined in pertinent Manual Orders. Expenses are allowed in accordance with the regulations in effect at the time expenses are actually incurred, except as provided by sections 111.5 and 162.6-3." 6 FAM 111.

### Relation to Federal Travel Regulations

"The Federal Travel Regulations do not apply to Foreign Service personnel, except as provided in sections 111.1 and 111.2." 6 FAM 112.

## B. TEMPORARY DUTY TRAVEL

### Per diem

#### Extended temporary duty

An AID employee who spent 11-1/2 out of 15 months on temporary duty at different locations while stationed in Nigeria need not have his per diem reduced after 60 calendar days or eliminated after 90 days as required by the regulations since that limitation applies only when an employee is on temporary duty at one particular place. Even if the limitation were applicable, the Executive Officer's approval of the voucher would constitute an administrative determination approving the continuation beyond the prescribed period. B-162553, October 16, 1967.

#### Mixed with actual expenses

State Department employees performing travel under actual subsistence reimbursement authority should have the same rule applied as that contained in SGTR section 6.12 and they may be reimbursed expenses up to the applicable daily maximum, even though fractional days are involved. However, when they are entitled to fixed per diem for part of day and reimbursement of actual expenses for another part of day, per diem should be paid until end of quarter day when the employees qualify for reimbursement of actual subsistence expenses, but the total should not exceed the

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maximum allowable for reimbursement of actual expenses. If two maximum rates are involved for the same day, the higher rate should limit reimbursement allowable for the full day. B-164055, May 17, 1978.

### Retroactive adjustment

Contra to regulations--6 FAM 112 provides that the Department may authorize or approve any emergency, unusual, or additional payment which is necessary or expedient if allowable under existing authority, whether or not specifically provided by regulations. However, a "Certificate of Approval" dated April 10, 1967, is not effective to amend travel orders issued to Foreign Service employees in 1965 fiscal year and approve retroactively per diem payments erroneously made in excess of rates authorized by 6 FAM 154.4-3b for new appointees without dependents. Travel orders may not be amended retroactively to increase or decrease employees' vested rights. Moreover, the use of a "Certificate of Approval" is inconsistent with the regulations in effect when the erroneous payments were made. B-161749, August 4, 1967.

By unauthorized official--An AID employee whose travel orders to Ceylon authorized per diem at a rate of \$20 per day--the rate specified in the manual--and who was later advised by the AID Affairs Officer that his per diem would be retroactively reduced, on the basis of a notice of the Embassy in Ceylon authorizing lower rates for travel of its employees outside Colombo, is entitled to per diem at rate of \$20. The AID Mission Director in India, the official having authority to authorize the employee's travel in Ceylon, and whose duty it was to set the rate, issued the travel authorization for the maximum rate and the regulations made no provision for the reduction of per diem by any official other than the authorizing officer. B-162794, January 9, 1968.

### Temporary duty station becomes permanent

Date of termination--An employee detailed from the Bureau of Land Management to AID on February 5, 1965, for temporary duty in Brazil, was separated from his domestic position on April 10, 1965, and was appointed to a Foreign Service position on April 11, 1965. He claims per diem in lieu of subsistence until May 1,

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1965, the date of his temporary return to Washington, D.C., on the basis that he was not officially notified of the change in station until June 4, 1965. He is not entitled to per diem in lieu of subsistence subsequent to April 11, 1965, the date the administrative agency alleges he was officially notified of the transfer. B-162063, August 15, 1967.

Reassignment delayed--An employee stationed in Liberia was authorized travel for home leave and consultation in Washington, D.C. At that time, his permanent transfer to the Republic of the Cameroons was under consideration but not effective. While in Washington for consultation, his transfer to the Cameroons became doubtful, and he was therefore assigned to various temporary duty positions in Washington. After approximately 2 months, he was permanently transferred to Washington, D.C. Although his original travel orders did not authorize per diem for the full 2-month period, his orders could be amended to permit payment of per diem up until the effective date of his permanent transfer to Washington, since it appears he was on temporary duty in Washington prior to that date. B-173271, September 9, 1971.

### At designated residence following separation

A Foreign Service officer's services at his foreign duty post were terminated prior to his departure for his place of residence in the United States, Washington, D.C., for retirement, and his orders authorized traveling expenses and per diem to that point. He may not be considered as having been in a travel status away from his foreign duty station during a period of consultation at Washington, D.C., prior to the effective date of his retirement at his designated place of residence, so as to be entitled under the Foreign Service Regulations to per diem for such period. 29 Comp. Gen. 453 (1950). B-153664, March 26, 1964.

### Family travel

The Department of State has authority to pay family travel expenses to the TDY station when home leave follows TDY. Since the consultation or training incident to the TDY is generally essential to a new assignment, the authorization of home leave subsequent to the TDY should not be viewed

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as contravening the "en route" requirement of 22 U.S.C. § 1135(10). B-192085, July 6, 1978.

### Travel to appeal separation

An employee of the State Department who traveled from overseas to Washington to appeal his proposed separation may be reimbursed for travel expenses in connection therewith. B-187989, August 18, 1977.

## C. HOME LEAVE TRAVEL

### Entitlement

Persons employed outside the continental United States under the Act for International Development and the China Aid Act of 1948, who are exempted from the Annual and Sick Leave Act of 1951 as amended by subsection 202(c)(1)(C), are not entitled to home leave authorized by section 203 of the act and are excluded from the operation of the Foreign Service Act of 1946, which provides for the payment of traveling expenses to the United States for leave purposes. 33 Comp. Gen. 105 (1953).

### Chief of mission

An ambassador who traveled on home leave from Accra, Ghana, using economy class accommodations to London (wife traveled to Paris) and first class air accommodations to New York City, is entitled to first-class accommodations between London and New York City. Although 6 FAM 131.3-2 limits the reimbursement for costs incurred in travel by an indirect route to the cost of economy jet on the usually traveled route, the State Department considers travel by way of Europe as the usually traveled route in returning to the U.S. from Ghana, and 6 FAM 146.3f authorizes first-class air accommodations for a chief of mission and his spouse when such accommodations are used. B-168060, December 10, 1969.

### Delay en route for personal reasons

#### Per diem

An employee who upon return to her overseas station following home leave in the United States takes leave en route at a point at which a strike on the airline on which the employee is scheduled to travel is in

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progress is not entitled to per diem while awaiting onward transportation after the period of leave if, but for the interruption to take leave, the employee could have obtained a flight on to her overseas station shortly after her arrival at the intermediate point; however, if the flight which the employee was scheduled to use after the period of leave was the first available flight after her arrival at the intermediate point, then per diem is payable for the delay irrespective of the intervening leave of absence. 41 Comp. Gen. 196 (1961).

### Transportation costs

State Department employee who, while on authorized travel from Iran to United States on home leave, stopped over in Italy on annual leave, thereby increasing travel expense because fare on different ship was higher than it would have been on through travel, is not entitled to reimbursement for extra fare, since interruption of travel was for personal convenience, notwithstanding purported authorization from Embassy in Iran. B-127878, July 30, 1956.

## Dependents

### Delay en route

A State Department employee who, incident to travel from Germany to California for home leave, upon arrival in New York was unable to secure through rail reservations to California for his dependents, had them accompany him to Washington, D.C., where he performed temporary duty. He is not entitled to additional per diem in lieu of subsistence and reimbursement of baggage charges resulting from his dependents' 5-day delay en route since he is entitled only to the actual and necessary expenses incurred in the performance of official travel and there is no indication in the record that the delay of his dependents in Washington was caused by reasons beyond his control, or that the delay was reasonably necessary. B-156592, May 13, 1965.

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### Travel further than employee

An employee, transferring from Brussels, Belgium, to Saigon, Vietnam, was authorized home leave in Seattle, Washington, and a temporary training period in Washington, D.C., prior to reporting to Saigon. His family accompanied him directly from Brussels to Washington, D.C., and elected to remain in Washington, D.C., during the employee's Saigon tour of duty. The family may not travel at Government expense from Washington, D.C., to Seattle for home leave after the children finish the school term, since it is not established that the employee spent time in Seattle. Although such travel would be within the time limitation prescribed in 6 FAM 132.2-1, there is no authority under which the family may travel to any further point than that to which the employee traveled for the purpose of home leave. B-164442, June 12, 1968.

### Separate travel

Generally--The Foreign Service and Central Intelligence Agency laws and regulations which authorize the payment of travel expenses of dependents when accompanying an employee on home leave do not require the joint travel of the dependents and the employee, but only that the dependents travel after after the issuance of travel orders and after the date the employee becomes eligible for home leave. 36 Comp. Gen. 116 (1956).

### No reasonable connection

Under section 22 of the act of February 23, 1931, as amended, authorizing the payment of transportation and and subsistence expenses of Foreign Service officers and their immediate families in traveling from their overseas posts to the United States and return on statutory leave, such expenses are not payable in the case of an officer's immediate family who, because of illness, traveled to the United States and returned to the officer's overseas post subsequent to the date the officer completed the travel incident to his statutory leave--such travel having no reasonable connection with the statutory leave previously taken and completed. 26 Comp. Gen. 864 (1947).

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### Illness and medical service

#### Illness

An overseas employee who becomes ill or incapacitated during a period of home leave may not be regarded as being in a travel status after arrival at the home leave point so as to come within the purview of SGTR section 6.5a. This section permits a continuation of per diem for travelers who take leave because of illness or injury, provided that they are in fact in an official travel or temporary duty status away from or en route to an official station. Therefore, the employee's travel status having terminated on arrival at the home leave point, he is not entitled to per diem for a subsequent period of illness and his travel status did not commence again until he began travel to the temporary duty point for consultation duty. 39 Comp. Gen. 446 (1959).

#### Operation

An overseas employee who used a taxi for trips to a hospital incident to an operation which she had undergone while on home leave in the United States is not entitled to reimbursement for the taxi fares under section 942 of the Foreign Service Act of 1946, 22 U.S.C. § 1157, which restricts payment of travel expenses incident to hospitalization authorized while the employee is stationed abroad in a locality where there is no facility to provide necessary care. 41 Comp. Gen. 196 (1961).

#### Physical examination

A Bureau of Mines employee, upon return to the U.S. on home leave from an overseas assignment with the ICA, reported to the Department of State medical unit, Washington, D.C., for a required physical examination and then to the PHS Hospital, Baltimore, Maryland, for further examinations and treatment prior to resuming travel for home leave. He is not entitled to travel expenses between Washington, D.C., and Baltimore or per diem while waiting in Washington between outpatient visits to the hospital. His admission to the hospital was not due to an emergency illness and no authority exists for the allowance of travel expenses to determine an employee's physical qualifications as

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a prerequisite to his return to his overseas duty post. B-144637, January 18, 1961.

### Medically disqualified

A Foreign Service employee who was authorized round-trip travel from Buenos Aires to New York for home leave returned to Buenos Aires despite the fact that he was denied medical clearance for further overseas assignment when given a physical examination in the U.S. as required by Foreign Service regulations. He may not be reimbursed for the cost of the return transportation. Although his travel orders were not formally modified to cancel his return travel to Buenos Aires until after he had returned, the employee was aware that he had been determined to be medically unfit to return to his former overseas post of duty. B-154450, July 9, 1964.

## Residence

### Change

A Foreign Service employee's original home leave orders were supplemented by later orders to authorize the resumption of home leave travel, in accordance with the earlier orders, which had been interrupted by official duties. He is entitled to per diem and traveling expenses only to his home of record at the time of the issuance of the earlier orders, notwithstanding his contention that the latter orders superseded the former orders and the fact that the Department was notified of a change in his residence in the United States prior to the issuance of the latter orders. The Foreign Service Regulations provide that an employee's residence for the purpose of home leave is the place designated by the employee on the most recent form on file with the Department as of the date of issuance of the travel orders and the Department has reported that the latter orders did not supersede the original orders. B-130544, March 5, 1957.

### Alternate point

An employee, who was authorized to travel from his official station in the Canal Zone to his residence in the Virgin Islands and return for home leave, traveled

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instead to the continental United States. Under pertinent law and regulations an employee residing in one United States territory or possession whose official station is in another is entitled to expenses for home leave travel to the continental United States or any other territory, but not in excess of the amount which would be allowable for such travel from his official station to his actual place of residence. B-173226, August 2, 1971.

### Shipment of privately owned vehicle

An employee who, incident to home leave in the United States from Beirut during 1956, shipped a foreign automobile from Cannes, France, to the U.S. may not be reimbursed for shipping costs on the basis of orders dated June 2, 1960, which authorized shipment of an automobile from Beirut to Chevy Chase, Maryland, incident to the employee's separation. There is no authority to pay the cost of transporting an automobile from overseas to the United States for use during home leave. B-148529, May 18, 1962.

### Unaccompanied baggage distinguished from household effects

The cost to a civilian employee of transporting a "Hi Fi System" incident to his return to his overseas duty station from home leave is not reimbursable under orders that authorized the shipment of baggage. Baggage consists of those articles a traveler "bags up" and "lugs along," or has carried for him on his journey for his comfort or convenience during the journey or upon arrival at his destination. A "hi fi" system is not baggage but a part of household effects comparable to other instruments which are used for residential or social amusement and entertainment. Therefore, the cost of its transportation may not be allowed on basis that it is unaccompanied baggage. 47 Comp. Gen. 572 (1968).

## D. MEDICAL TRAVEL

### Attendants

An employee's claim for reimbursement of travel expenses from Frankfurt, Germany, to Beirut, Lebanon, incurred by his wife in connection with his hospitalization was properly properly disallowed. The travel of medical attendants is limited to accompanying employee, too ill to travel alone, being evacuated to a location where suitable

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medical care can be obtained and since employee did not require medical attendant during evacuation flight, there is no authority for wife's travel at later time for visitation purposes, nor does employee's case satisfy criteria of either imminent death or great personal hardship requiring emergency visitation travel. B-178529, June 22, 1973.

### Use of foreign flag vessels

The transportation of officers and employees to approved hospitals, under section 942(a), Foreign Service Act of 1946 (22 U.S.C. § 1157) and 6 FAM 125.3 is of an emergent nature and ships of foreign registry may be used if required by the exigencies. B-106864, February 1, 1952.

### Home leave

See 41 Comp. Gen. 196 (1961) cited in this subchapter in section C. HOME LEAVE TRAVEL, Illness and medical service, Operation.

## E. EDUCATIONAL TRAVEL

See Chapter 8.

## F. SEPARATION TRAVEL

### Postponement of return to United States

A Foreign Service employee who retired overseas has delayed his return travel for more than 7 years even though the State Department travel regulations require that such travel must begin not later than 18 months after separation. The State Department regulation which permits granting exceptions to travel regulations in some cases where allowances are exceeded or excess costs are incurred does not provide any basis for granting exceptions to the time limitation on return travel. Therefore, the former employee may not be granted any further time extensions. 57 Comp. Gen. 387 (1978).

## G. REST AND RECUPERATION TRAVEL

### Entitlement

The wife of a Foreign Service Reserve Officer who, after evacuation to the United States from the officer's foreign

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post for medical reasons, returned at her own expense following the denial of medical clearance is not ineligible for medical, home leave, transfer, or rest and recuperation travel. Nor is the officer ineligible to receive a post allowance at the "with family" rate, in absence of a showing that the officer participated in his wife's unauthorized return. However, travel must be administratively authorized or approved in accordance with regulations and the agency has discretion to grant or deny separate rest and recuperation travel for the wife. B-152371, November 1, 1963.

### Alternate R & R point--Fly America Act

In view of the State Department's instruction that the alternate R & R point is to be regarded as an employee's primary R & R point for the purposes of 49 U.S.C. § 1517 and the application of the Fly America guidelines, an employee's choice of an alternate R & R location not serviced by certificated United States air carriers will be scrutinized to assure that it meets the purpose of rest and recuperation and was not selected for the purpose of avoiding the requirement for the use of certificated United States air carriers. 56 Comp. Gen. 209 (1977).

## H. VISITATION TRAVEL

### Authority

The expenditure of Government funds for visitation travel is specifically authorized by section 911(11) of the Foreign Assistance Act of 1946 (22 U.S.C. § 1136(11)), added by Public Law 90-221, December 23, 1967, 81 Stat. 671. 5 U.S.C. § 5924(3), providing for a separate maintenance allowance, does not authorize payment for such travel. B-160574, December 29, 1966.

### Entitlement

#### Nonemergency

Wife--The wife of the Budget Officer, United States Embassy, Saigon, was permitted to accompany him to Saigon but their two minor sons were not. The employee was authorized visitation travel under 3 FAM 699, which implements Public Law 90-221, approved December 23, 1967, 22 U.S.C. § 1136(11), but his wife, who accompanied him, was not authorized to travel at

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Government expense. The wife's travel is not reimbursable since there is nothing in the statute's legislative history to indicate that Congress intended to provide visitation travel to other than officers and employees, except in emergency situations involving personal hardship. B-176471, September 5, 1972.

Children of divorced officer--A Foreign Service Officer who considers as unfair the Government's failure to pay for visitation travel of a divorced officer's dependents when he lacks legal custody but supports them, has misinterpreted GAO decisions. 5 U.S.C. § 5924, as implemented by State Department Standardized Regulations, authorizes travel and educational allowances for family members residing at the officer's post, but makes no provision for "visitation travel" to the employee's post by his dependents residing elsewhere. B-129962, November 17, 1976.

Breach in domestic relations--An AID employee is not disqualified for visitation travel because of a "breach of domestic relations" if there has been no legal action instituted for divorce or legal separation. B-178490, July 2, 1975.

### Emergency

For visits during recuperation--An employee's claim for reimbursement of travel expenses from Frankfurt, Germany, to Beirut, Lebanon, incurred by his wife, subsequent to his travel incident to his hospitalization, to visit with him during his recuperation was properly disallowed. Such travel does not meet the criteria specified for emergency visitation travel in 3 FAM 669.5. B-178529, June 22, 1973.

Other agencies--An overseas employee of IRS claims reimbursement for emergency visitation travel expenses incurred by his wife. The claim is based upon Department of Treasury OASIA Personnel Bulletin 75-2, July 30, 1974. This Bulletin adopts as guidelines the Department of State regulations which were promulgated to carry out the provisions of 22 U.S.C. § 1136(11). This law and these regulations apply only to the Department of State, AID, and USIA employees and are not applicable to IRS employees in the absence of

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authorizing legislation. B-185277, February 5, 1976.  
See also 53 Comp. Gen. 230 (1973).

### I. REPRESENTATIONAL TRAVEL

#### Wives

Civil departments and agencies of the Government do not usually pay travel and subsistence expenses for employees' wives traveling with their husbands on official business except when such travel expenses are specifically authorized by law, such as when the travel of a Foreign Service Officer's wife is for representational purposes. 22 U.S.C. § 1136(2) and B-155823, July 23, 1965.

### J. CIRCUITIOUS ROUTE

#### Constructive cost

##### Total actual expenses

The constructive travel cost limitation in the Foreign Service Travel Regulations, which fixes the amount due when official travel is interrupted or performed by circuitous routes for personal reasons on the bases of the total of transportation costs plus per diem, is inconsistent with the comparable provisions of the SGTR applicable to travel of Government employees generally which require that transportation costs and per diem be considered separately. However, the provisions of the Foreign Service Travel Regulations do not contravene the express provisions in the Travel Expense Act of 1949 and they are within the authority vested in the Secretary of State under the Foreign Service Act of 1946. Therefore, payments made to Foreign Service personnel on the basis of a comparison of the total actual expenses (travel expenses, per diem and incidental expenses) with the constructive cost of direct travel over the usually traveled route and payment of the lesser of the two amounts will not be questioned. 40 Comp. Gen. 65 (1960).

##### Less than first-class air

A State Department employee who traveled by a privately owned automobile by an indirect route claims additional travel expenses based on the constructive

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cost of privately owned automobile travel via the direct route. His claim is disallowed since, under 6 FAM 131.3-2, he is only entitled to reimbursement on the basis of the constructive total cost that would have been allowable if he had traveled by less than first-class air accommodations over the usually traveled route. B-166107, March 18, 1969.

### Fly America Act (See also Chapter 4, Subchapter I.)

A State Department employee who elected not to use American flag airline service between Beirut and London and instead traveled via Vienna, Austria, with a 3-day stopover, may not be allowed reimbursement for foreign airline fare, since there was no schedule change nor other circumstances beyond his control. Moreover, he may not be allowed reimbursement for per diem expenses in excess of the amount allowable for travel by direct air services on available American flag aircraft from Beirut to London. B-171678, April 27, 1971.

### American flag vessels (See also Transportation Law Manual)

Proposed routes of travel from points in the United States to Panama by American flag passenger vessels and thence by air to points in Central America and from points in the United States to Jamaica by American flag passenger vessels and thence by air to British Honduras are not direct routes and the cost of such travel, utilizing the modes indicated, is greatly in excess of the cost of direct air transportation between the points in question. In view of the cost and of the limited service on American ships between the United States and Panama or Jamaica, it would not be proper to regard travel by the indirect routes suggested as travel by the usually traveled route. B-152381, December 15, 1969.

## K. USE OF GOVERNMENT VEHICLES BETWEEN HOME AND WORK

See Chapter 4, Subchapter II.

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L. DEATH OF FOREIGN SERVICE OFFICERS, EMPLOYEES,  
AND FAMILY MEMBERS

Statutory authority

22 U.S.C. § 1136(8) (1970) provides authority to transport the remains of a foreign service officer or employee and members of their families who may die outside the United States or while in a travel status.

Regulatory authority

Foreign Affairs Manual, Volume 6, Section 126.5.

M. FLY AMERICA ACT

See Chapter 4, Subchapter I.

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### SUBCHAPTER II--OTHER SPECIAL CLASSES

#### A. CONGRESS

##### Authority

Members and employees of the Congress are excluded from the coverage of subchapter I of chapter 57, title 5, United States Code (Travel and Subsistence Expenses; Mileage Allowances) by 5 U.S.C. § 5701. Consequently the travel of these individuals is not governed by the Federal Travel Regulations which implement this subchapter pursuant to 5 U.S.C. § 5707. For authorities pertaining to their travel see generally title 2, United States Code, and the rules of the House of Representatives and the Senate.

##### Travel to congressional districts

Payments from the contingent fund to a Member of the House of Representatives for round trips on official business between Washington, D.C., and his district, the number of which each year may not exceed the number of months Congress is in session, 2 U.S.C. § 43b, and payments from the contingent fund for two employee round trips per year to the Member's district, 2 U.S.C. § 127a, should be computed on the basis of the 365-day period commencing January 1 and ending December 31 rather than the period from the beginning of one session to the beginning of the next. The legislative history of Pub. L. 89-147 indicates that the term "year" as used in 2 U.S.C. § 43b clearly means "calendar year," and the use of the term "calendar year" in 2 U.S.C. § 127a clearly denotes this intended meaning. B-163423, February 23, 1968.

##### Use of counterpart funds

###### Authorized for specific committees

In the absence of specific authorization in an appropriation act, 22 U.S.C. § 1754(b) is the sole authority making counterpart funds (foreign currencies) available to members and employees of congressional committees in connection with overseas travel. Under this provision, such funds are available only to specific committees, not including the House Select Committee on Aging, and to committees performing functions under 2 U.S.C. § 190(d), which refers to standing committees but not select committees.

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Accordingly, members and employees of the House Select Committee on Aging are not authorized to use counterpart funds. 55 Comp. Gen. 537 (1975).

### Purchase prohibited

No authority exists for the practice of purchasing foreign currencies using dollars of the Treasury miscellaneous receipts and the Commodity Credit Corporation revolving fund, for congressional travel under section 502(b) of the Mutual Security Act of 1954, as amended, 22 U.S.C. § 1754(b), in instances where no foreign currency of the particular country is owned by the United States. Where foreign currency is owned by the United States, up to \$75 per day per person exclusive of transportation costs in foreign currency is available for congressional travel under section 502(b) even though there may be insufficient foreign currency for dollar appropriated programs. B-129650, May 11, 1977.

### Travel after the expiration of congressional term

Travel by members of the House Subcommittee on Labor Standards after the expiration of the congressional term, to study and investigate matters within the Subcommittee's oversight jurisdiction, may not be authorized. Both House Rule XI and the house resolution authorizing expenditures for travel by the House Committee on Education and Labor limit expenditures to the year for which the resolution was approved, and no statutory appropriation for travel expenses of the Subcommittee exists. The House may not empower the Committee to sit beyond the House's constitutional term, although the Committee may function under a statute constituting it as a commission by law. B-143248, November 15, 1976.

### Funded by foreign governments

#### Individuals

Since the Government of South Africa provides most of the financing for the University of South Africa, must approve all University directives and regulations, and retains other administrative and financial control, GAO believes the University must be deemed an agency or representative of the government for the purposes of the constitutional prohibition against

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U.S. officials accepting gifts or emoluments from foreign governments without the consent of Congress. Accordingly, GAO believes a Member of Congress may not properly accept an invitation to visit South Africa as a guest of the University to study mineral developments, without the consent of Congress. B-180472, August 16, 1974.

### Delegations representing United States

The question has been raised as to whether a visit to the Peoples Republic of China by a delegation of Members of the House of Representatives, at the invitation of the Chinese Government, would be in accord with article I, section 9, clause 8 of the United States Constitution and the Foreign Gifts and Decorations Act of 1966, 5 U.S.C. § 7342, which prohibit the acceptance of gifts by Members of Congress from foreign governments unless consent is granted by Congress. GAO believes that the acceptance of this invitation will not contravene the above provisions. Under the circumstances, the benefits have in reality been extended to the United States, not to the recipients as individuals, and acceptance would be in behalf of the United States. B-171961, December 22, 1975.

Certain officials of the U.S. Government (Speaker and Minority Leader), together with their wives and certain staff members, have been invited by the Government of Peoples Republic of China to visit the Peoples Republic. The visit has the concurrence of the President and is in the nature of a Presidential diplomatic mission. Acceptance of the invitation would not appear to contravene article I, section 9, clause 8 of the Constitution. Because of the diplomatic essence of the visit and the nature of the relationship with the host Government, it would appear that the benefits have actually been extended to the United States and not to the individuals. B-180472, March 12, 1975.

### Funded by state and Congress jointly

Where the House Committee on Education and Labor seeks to authorize a staff member's travel on official Committee business to investigate certain Federal education programs in Oregon, this Office sees no objection from the Federal standpoint to the arrangement for the payment of

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transportation expenses by the State of Oregon and the payment of a subsistence allowance by the Committee since the programs involved appear to be ones in which there is joint interest of the Federal Government and the State of Oregon. Moreover, the State officials who proposed such an arrangement should be able to determine the propriety of the expenditure from State funds. B-143248, September 29, 1972.

### Official committee business

#### Inspection and investigation

The authorization to travel requested by an individual Congressman for a proposed inspection and investigation tour of various facilities in the territory of Guam, the Philippines, South Vietnam, and the Crown Colony of Hong Kong may not be granted under Rule 16(c)(2). However, if within the jurisdiction of the House Committee on Education and Labor, the proposal may be undertaken as a committee project. B-129650, B-171961, August 3, 1973.

#### International organization meetings

Concerning the requested travel authorization for a staff member of the House Committee on Education and Labor to travel to Hong Kong to attend a regional meeting of the United States Committee of the International Council on Social Welfare, Inc., GAO has found no prohibitions in any statute or House rule that would preclude authorizing the staff member's travel. This Office has reviewed the correspondence and concludes that the conference is of the type contemplated by Rule 16(c)(2). Therefore, the Committee may legally authorize the travel outside the United States to attend the conference if it is determined that the conference involves subject matter which is under the general jurisdiction of the Committee. B-129650, B-171961, July 30, 1975.

### Retroactive authorization

A member of the Committee on Education and Labor, United States House of Representatives, was verbally authorized by the committee chairman to travel to England to conduct labor relations studies as part of another trip to Switzerland for which written authorization had been given.

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Verbal arrangements were made with the Department of State to utilize counterpart funds to defray travel expenses. The chairman states he is willing to issue written authorization retrospectively, with the approval of the full committee. In view of the prior verbal authorization this Office does not object to the proposed action by the chairman. B-129650, November 29, 1977.

Concerning the propriety and legality of field investigations and hearings by the House Committee on Education and Labor prior to the official organization of the Committee and the approval of the investigating and funding resolution, GAO advises that H. Res. 213, 92d Congress, would provide the authorization retroactive to January 3, 1971, for the payment of domestic travel. However, since the necessary authority for investigation and funding are within the jurisdiction of the Committees on Rules and House Administration, respectively, it is suggested that those committees be contacted. B-171961, March 2, 1971.

### B. INTERGOVERNMENTAL PERSONNEL ACT

#### Authority

The payment of travel expenses of employees of Federal, State, and local Governments and institutions of higher education in connection with IPA assignments is specifically authorized by 5 U.S.C. § 3375. Payment is to be made in accordance with the provisions of chapter 57 of title 5, United States Code.

#### No entitlement to both per diem and change of station allowances

Under the Intergovernmental Personnel Act of 1970, 5 U.S.C. §§ 3371-3376, Federal employees who are temporarily assigned to state and local governments and institutions of higher education are not entitled to both per diem and change of station allowances for the same assignment. Even though 5 U.S.C. § 3375 permits payment of both benefits associated with a permanent change of station and those normally associated with temporary duty status, nothing in the statute or its legislative history suggests both types of benefits may be paid incident to the same assignment. Therefore, on the basis of GAO's interpretation of similar provisions in the Government Employees Training Act, an agency should determine, taking cost to Government into consideration, whether to authorize

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permanent change of station allowances or per diem in lieu of subsistence under 5 U.S.C. chapter 57, subchapter I, to employees on intergovernmental assignment. 53 Comp. Gen. 81 (1973).

### Per diem at headquarters to supplement salary prohibited

A state employee detailed under the Intergovernmental Personnel Act to an executive agency was authorized per diem by his Assignment Agreement while not traveling, purportedly to bring his salary to a level comparable with Federal employees. 5 U.S.C. § 3374(c)(1), states that a state or local government employee detailed to executive agency "is not entitled to pay from the agency." Thus, that portion of the Assignment Agreement purporting to grant per diem for the purpose of supplementing salary was without legal effect. Moreover, the travel expenses for state or local government employees detailed to an executive agency under 5 U.S.C. § 3375 must be paid in accordance with the usual rules which apply to Federal employees traveling on training assignments or on official business. Since this employee's duty station prior to and during his detail was in Boston, Massachusetts, he may not be allowed per diem while stationed at his headquarters. B-185496, August 26, 1976.

### Travel between IPA station and permanent duty station or residence during assignment

#### Daily

An employee assigned under the Intergovernmental Personnel Act to Bethesda, Maryland, on temporary duty, who desires to commute each day to Bethesda from his residence in Baltimore, Maryland, the employee's original permanent duty station, may be paid travel expenses, including a per diem allowance and mileage for use of his automobile in accordance with the FTR. Concerning per diem, note the 10-hour restriction in FTR 1-7.6d(1). B-178759, March 12, 1975.

#### Weekly

An employee stationed in New York who is assigned to Washington, D.C., under the Intergovernmental Personnel Act on a temporary basis for a 4-day period each week may be paid travel expenses and per diem en route

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for weekly round trips between New York and Washington so long as the payment does not exceed the per diem that would have been paid had the employee stayed in Washington for the 3 nonworkdays. Per diem payments for the 4 workdays in Washington would also be permissible. B-178759, March 12, 1975.

### For consultation

A Federal employee on detail to a state government under the Intergovernmental Personnel Act of 1970 may be reimbursed from Federal funds for travel expenses while away from his place of assignment when the head of his Federal agency considers the travel "in the interest of the U.S." B-182697, June 9, 1975.

## C. JURORS (GOVERNMENT EMPLOYEES IN STATE COURTS)

### Travel expenses distinguished from fees for service

#### Statute

"An amount received by an employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia for service as a juror or witness during a period for which he is entitled to leave under section 6322(a) of this title, or is performing official duty under section 6322(b) of this title, shall be credited against pay payable to him by the United States or the District of Columbia with respect to that period." 5 U.S.C. § 5515.

#### Local law authorizes fees for services, not travel expenses

A voucher covering a Federal employee's mileage expenses when commuting between his Silver Spring residence and the Court House in Rockville, Maryland, while serving on jury duty in Montgomery County, Maryland, may not be certified for payment and no part of his jury duty fee may be retained by him for transportation expenses. Mileage and related allowances are authorized by 5 U.S.C. § 5704(a) only when a Federal employee is engaged on official business for the United States. When serving as a juror the claimant

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was engaged on Montgomery County official business and no part of his juror's pay was specifically designated as travel or mileage expense reimbursement. B-119969, September 14, 1973.

A Government employee, who served on a county grand jury and who was required to travel by public transportation to and from the courthouse, may not retain a portion of the fee paid by the state for jury duty as reimbursement for his transportation expenses. Where a Government employee is entitled to jury duty leave, the amount received from a state as a juror's fee must be credited, absent evidence that the state intended a portion of the fee as travel expenses, against the amount of compensation payable to the employee by Government for the period in question. Also, the employee is not entitled to Government reimbursement for travel expenses since the travel was not incident to official Government business. B-176863, October 4, 1972.

Jury fees obtained in a state court by a Government employee, who was required to return to work when court was not in session, must be credited against his pay, without set-off for his out-of-pocket travel expenses. 5 U.S.C. § 5515 makes no provision for the payment of the traveling expenses of an employee incident to his service as a juror in a state court. Neither does it permit any reduction in the amount of his jury fees to be credited against the employee's pay to provide for his expenses of travel in connection with such duty merely because the state law makes no provision for the payment of his travel expenses. B-165205, October 1, 1968.

### Local law authorizes travel expenses

When jury services are performed in the courts of Calvert, Charles, Prince George's, and St. Mary's counties in the State of Maryland by Federal employees who are granted court leave pursuant to 5 U.S.C. § 6322(a), and who are required under 5 U.S.C. § 5515 to turn over their jury fees for credit against their salary payments for the periods of court leave, the expense money received as authorized by article 51, section 19(f) of the Maryland Code may be retained by such employees on the basis that the moneys received are traveling expenses within the contemplation of

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section 12 of article 51 of the Code rather than jury fees. Payments for traveling expenses are not within the purview of 5 U.S.C. § 5515. 52 Comp. Gen. 325 (1972).

Where a Kentucky statute provides for an expense allowance for jurors in an amount of \$7.50 per day, a civilian employee of the Department of Army may retain the \$45 received for an expense allowance incident to jury service. GAO will not look beyond the prima facie intent of the statute and payments for expenses are not within the purview of 5 U.S.C. § 5515 (1970). B-183711, August 23, 1977.

Since section 59-120 of the Georgia Code Annotated, as amended effective July 1, 1974, provides that jurors in state courts are to receive expenses instead of compensation in connection with their services, we held in B-183711, October 21, 1975, that Federal employees who served as jurors in Georgia state courts could retain the monies received. Accordingly, employees who served as jurors in Georgia state courts on or after July 1, 1974, and who have turned in the monies received to their agencies, are entitled to refunds from the appropriations into which such monies were deposited. B-183711, October 6, 1976.

### D. WITNESSES (OTHER THAN GOVERNMENT EMPLOYEES TESTIFYING IN THEIR OFFICIAL CAPACITIES)

See also Chapter 2, Witnesses, for those paid travel expenses under chapter 57, subchapter 1 of title 5, United States Code.

#### Authority

The authority for the payment of travel expenses of a witness, other than a Government employee testifying in his official capacity, attending in any court of the United States or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States is contained in 28 U.S.C. § 1821. See also 5 U.S.C. § 503(b) relating to witnesses in administrative as well as judicial proceedings and 5 U.S.C. § 5703 relating to individuals serving without pay. (For authorization of travel expenses of Government employees testifying in their official capacities, see 5 U.S.C. § 5751.)

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### Administrative proceedings

#### Not limited to formal hearings

Judicial precedent having established a basis for the payment of mileage and fees to witnesses appearing at administrative proceedings, persons summoned for testimony pursuant to 26 U.S.C. § 7602 to enable the Internal Revenue Service to determine the tax liability of a taxpayer may be paid the fees and mileage provided by 5 U.S.C. § 503(b), whether the witness is the person liable for the tax or is a person whose testimony is revelant or material to the inquiry involving the taxpayer. 48 Comp. Gen. 97 (1968).

#### Business organization summoned

The word "person" as used in 26 U.S.C. § 7602, which authorizes the issuance of a summons incident to an inquiry into the "liability of any person for any internal revenue tax," means, as defined in section 7701(a)(1), "an individual, a trust, estate, partnership, association, company or corporation." Therefore, when a summons is directed to a corporation or an unincorporated association to compel attendance as a witness at a hearing before an internal revenue officer, the witness fees and allowances authorized in 5 U.S.C. § 503(b) for appearances at agency hearings and prescribed in 28 U.S.C. § 1821, to compensate persons appearing as witnesses, are payable directly to the business organization and not to the individual appearing on its behalf. The organization incurs the same costs to comply with a summons as does a natural person. 49 Comp. Gen. 666 (1970).

### Suspended Government employee

Federal employees who were requested by a United States Attorney to give testimony before a Federal grand jury and in the trial of criminal cases while suspended from their positions were not placed in a pay or duty status by reason of the request even though the testimony before the grand jury was in regard to their official duties. Therefore, these employees are not entitled to salary or travel expenses as Government employees under 5 U.S.C. § 5751 for the period of time they spent testifying. They may, however, be paid and retain any witness fees and travel expenses that would be payable under 28 U.S.C. § 1821 to

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non-Government employees appearing as witnesses in such proceedings. 53 Comp. Gen. 515 (1974).

### Expenses limited by 28 U.S.C. § 1821 and actual cost

A claimant who traveled from San Francisco, California, to Hawaii to serve as a witness for the United States and was paid per diem of \$4, plus an additional subsistence allowance of \$8 per day, is not entitled to additional "out of pocket" expenses since the amounts paid are the maximum daily reimbursement set by 28 U.S.C. § 1821. Moreover, notwithstanding that the cited law provides that witnesses required to travel to and from the continental United States shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, neither GAO nor the Department of Justice interprets this as authorizing payment to a witness of more than his actual cost for transportation outside continental United States even though it is less than the minimum first-class rate. B-126888, October 22, 1963.

### Military proceedings

Witnesses (other than Government employees and members of the uniformed services) who are required to appear before military courts are entitled to the same mileage payments as witnesses in United States courts (28 U.S.C. § 1821), and the uniform table of distances designated by the Attorney General, which at present is the Rand McNally Standard Highway Mileage Guide, should be used in the computation of mileage payments. 36 Comp. Gen. 777 (1957).

**END**