

DoD Travel Issues

Washington Headquarters Services &
Pentagon Force Protection Agency
Office of General Counsel
The Pentagon
Washington, DC

Guiding Principles

- Public office may not be used for private gain
- Federal property may be used only for authorized purposes
- Employees shall avoid creating the appearance that they are violating the law or ethical standards



Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes.

-- 31 U.S.C. § 1344







- Only persons whose transportation benefits the Government
- Scheduled and arranged to be the most cost-effective for the Government, not to maximize the personal convenience of the traveler
- Government transportation rules must be applied uniformly and not to selectively benefit someone solely because of rank or position

Modes of Transportation.

Once use of a Government vehicle is determined to be essential to the performance of official business, the following modes of transportation shall be considered in the following order, to the extent it is available and capable of meeting mission requirements:

- Scheduled DoD bus service;
- Scheduled public transportation;
- DoD motor vehicles;
- Voluntary use of privately owned vehicle (POV) (reimbursable);
- Taxi (reimbursable).







They had reduced rate on ticket sales today.

Air Travel

Military Air: See NEW Deputy Secretary of Defense Memo dated January 16, 2009: “Directive-Type Memorandum (DTM) 09-002 on the Use of Government Aircraft”

(OSD 00614-09)

Air Travel

Military Air: There are some “required users” of Military Air for ALL travel (Official and Unofficial):

Secretary of Defense

Deputy Secretary of Defense

Chairman, Joint Chiefs of Staff

Vice Chairman, Joint Chiefs of Staff

(only when acting as Chairman, JCS)

Air Travel

Military Air: There are some “required users”
of Military Air for Official Travel Only:

Military Department Secretaries

Vice Chairman, JCS

Chiefs of Military Services

Commanders of:

International Security Assistance Force –
Afghanistan (US only)

Multi-National Force – Iraq

United States Forces, Korea

Combatant Commands

- MilAir may be authorized for others (official travel) “when the exigencies of their travel needs prevent the use of commercial aircraft”:

Possible tests of “exigencies”:

- Highly unusual circumstances present a clear and present danger or other emergency; or
- Other compelling operational considerations make commercial transportation unacceptable.

- MilAir may be used by others for non-official business:
 - Must be accompanying a DoD or other Federal official who is traveling on MilAir on official business; and
 - May not displace official travelers or require larger aircraft; and
 - Travel is reimbursable at the full coach fare; and
 - Travel must be approved in advance, in writing, on a case-by-case basis.

Air Travel -- Contractors

- Contractors can not be issued ITAs
- Travel costs of Government contractors are governed by the rules in the FAR as a contract expense
- Generally, travel related items restricted to Government employees may not be given to contractors. Contractors may sometimes fly on MILAIR.

Routing of Travel

- Travel by the usually traveled route unless a different route is “officially necessary”
- Vacation *to* TDY *to* Vacation *or* Residence *or* PDS
- Residence (even if away from PDS) *to* TDY *to* Residence *or* PDS



Airline City-Pair Contract Flights

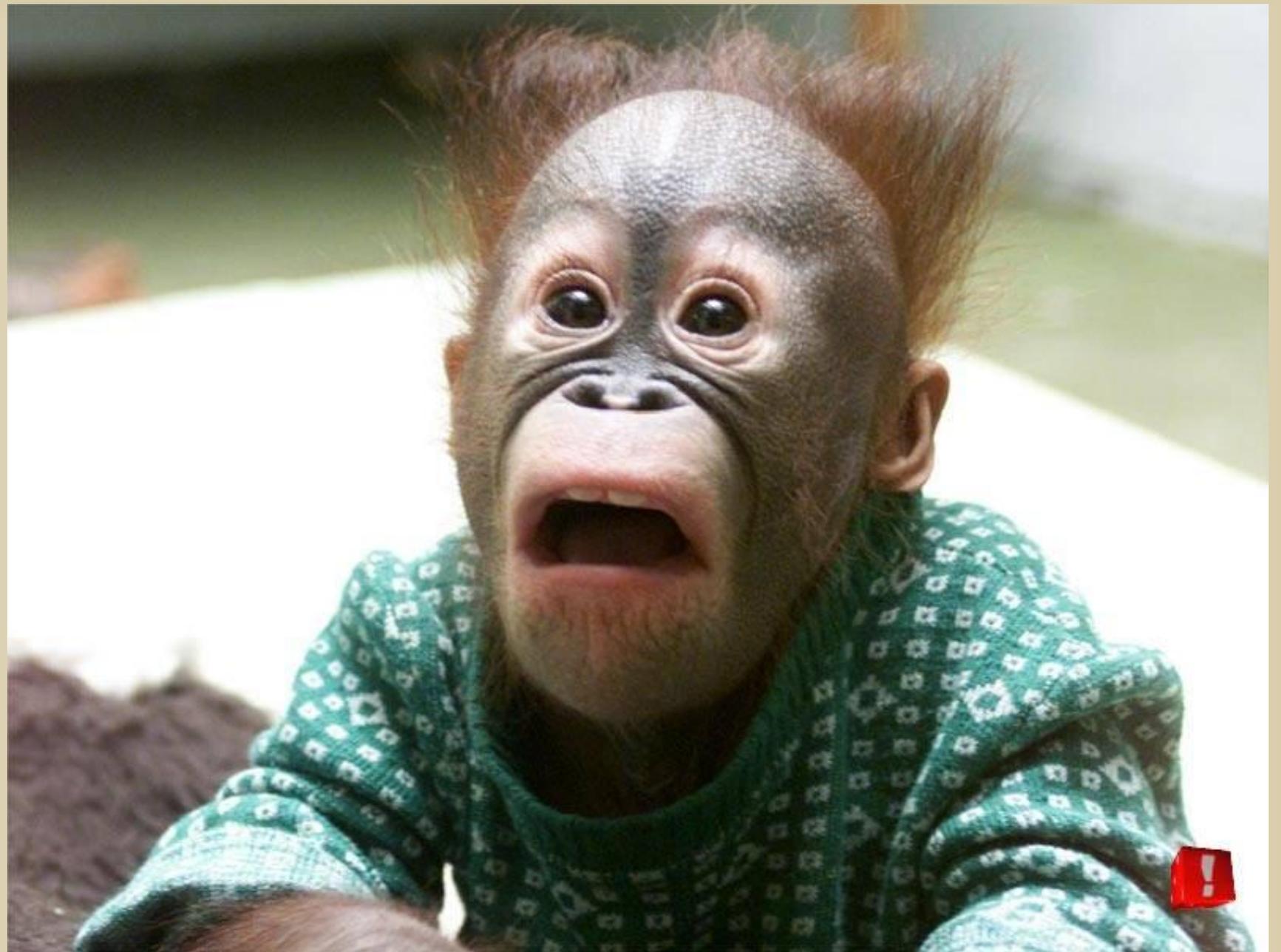
- Seat not available in time to accomplish mission or would require additional per diem
- Preference for travel during normal working hours
- Statutory comp time for travel during non-duty hours (5 U.S.C. § 5550b)
- Lower fare on non-contract carrier available to the general public

Commercial Air Travel

- It is the policy of the Government that employees and/or dependents that use commercial air carriers for domestic and international travel on official business shall use coach-class airline accommodations.
- Employees shall ascertain their travel requirements in sufficient time to book coach-class accommodations.

Commercial Air Travel

First Class and Premium Class Less than First Class (Business Class) Airline Accommodations can only be used in specified, limited circumstances.



First Class Travel

- Plan in Advance, except for extenuating circumstances or emergency situations
- In the absence of specific authorization/ approval, the employee shall be responsible for all additional costs resulting from the use of first-class air accommodations.

First Class Travel (continued)

- Justifying First Class Travel:
 - Only first class accommodations available; or
 - Other classes not “reasonably available.”
 - Scheduled to leave within 24 hours before the employee's proposed departure time, or scheduled to arrive up to 24 hours before the employee's proposed arrival time.
 - No requirement to arrive late or leave early.

First Class Travel (continued)

- Justifying First Class Travel (continued):
 - Exceptional security circumstances
 - Coach-class airline accommodations on foreign carriers don't provide adequate sanitation or health standards, and the use of foreign flag air carrier service has been approved
 - Required for Agency Mission
 - Medical condition substantiated by “competent medical authority”

First Class Travel (continued)

- Time limits for medical condition:
 - Certifications remain in effect for up to 6 months or the duration of the need, whichever is shorter
 - Permanent disabilities/needs require review and renewal on an annual basis by a physician

~~XXXXXXXXXX~~
A Professional Corporation
NEUROLOGY

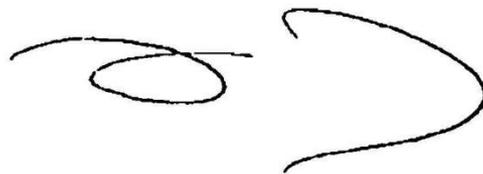
~~XXXXXXXXXX~~
ALAMEDA, CA. 94501
~~XXXXXXXXXX~~

EEG, EMC &
EVOKED RESPONSES

6/24/09

To Whom It May Concern,

Because of her medical
condition, ~~XXXXXX~~ ~~XXXXXX~~ should
fly first class.

A handwritten signature consisting of a stylized, cursive 'D' shape with a loop on the left side.

Business Class Travel

- Plan in Advance, except for extenuating circumstances or emergency situations
- In the absence of specific authorization/ approval, the employee shall be responsible for all additional costs resulting from the use of business class air accommodations.

Business Class Travel (continued)

- Justifying Business Class Travel:
 - Only premium class accommodations available
 - Space is not available in coach-class airline accommodations on any scheduled flight in time to accomplish the purpose of the official travel, which is so urgent it cannot be postponed

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Medical condition substantiated by “competent medical authority”
 - Exceptional security circumstances
 - Results in Overall Savings to the Government

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Inadequate sanitation or health standards in coach
 - Required for agency mission

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Obtained as an accommodation upgrade through the redemption of frequent traveler benefits.
 - The employee's transportation is paid in full through the DoD component's acceptance of payment from a non-Federal source.

Business Class Travel (continued)

- Justifying Business Class Travel (continued):
 - Long Flight:
 - Several Time Zones; and
 - Origin or Destination outside CONUS; and
 - TDY cannot be delayed or postponed; and
 - Scheduled flight time in excess of 14 hours, w/o rest en route or at TDY site before commencing duties at TDY site

- ***The length of flight (14, 20, 30, 40 hours) in and of itself is not sufficient justification to authorize premium class accommodations. The justification must be that the TDY mission was so unexpected that traveler was unable to schedule a flight arriving the day prior to allow rest before starting work or a layover en route to allow rest before traveling on to the destination to begin work. When using flight length to justify business-class accommodations, the business-class authorizing/ approving official must cause the travel authorization to be clearly annotated as to when the TDY travel was identified, when travel reservations were made, and the cost difference between coach-class and business-class accommodations.***

Denied Boarding Compensation

- Involuntary Bumping: Benefits received are considered a form of “liquidated damages” – benefits belong to the Government
- Voluntarily Vacating an Airline Seat: Employee may keep benefits if it doesn't cost the Government more money

Use of Frequent Flyer Benefits

- Old Rule: All benefits belonged to the Government
 - If you commingled benefits, all of them belonged to the Government
- New Rule: All benefits belong to the Employee
 - Section 1116 of P.L. 107-107 (National Defense Authorization Act of 2002)

Use of Frequent Flyer Benefits

- Includes frequent flyer miles, upgrades, access to airline clubs or facilities
- Applies to employees, family members and dependents who receive promotional items while traveling for the Government
- Includes all promotional items received before, on, or after enactment of the new law

Use of Frequent Flyer Benefits

- Applicable to promotional items obtained whether travel is at the expense of the Government or accepted from a non-Federal source
- Applies to all promotional items obtained while on official travel – including airlines, hotels, and car rental companies

Payment of Travel from Non-Federal Source

- 31 U.S.C. § 1353 authorizes Federal agencies to accept payment of travel expenses for employees to attend meetings and similar functions
 - Per diem maximums waived if everyone gets the same rate (Gov't and non-Gov't)
 - May not be accepted if attendance is “necessary to perform normal mission” (for example, an audit or an investigation)

Mandatory Use of the Travel Charge Card

- Public Law 105-264, January 27, 1998, mandates the use of a government furnished travel charge card
- May not be used for local travel
- “Infrequent” travelers are exempt

Failure to Pay Charge Card Bills

- Public Law 105-264 permits your agency to offset amounts owed to the travel card company from employees' salaries.
- Offset up to 15% of salary are permissible.
- This permission is discretionary. Thus, there are union consultation issues.

Prompt Reimbursement of Travel Expenses

- Public Law 105-264 mandates reimbursement of travel expenses by agencies to employees within 30 days
- This assures that the traveler will have the money to pay the Government Travel Charge Card when the bill comes due

Car Rental While on Official Travel

- Liability and Vehicle Damage
- Passengers in Rental Vehicle
- Personal Use of Vehicle While TDY
 - Not a violation of “official use”
 - Personal Liability for Accident
 - DoD prohibits it!

Shuttle Bus Transportation

- OK for official business between offices on installations or between nearby installations
 - Military personnel, DoD employees, and other Federal employees between offices and work areas
 - Enlisted personnel between troop billets and work areas (Korea exception for Officers)
 - DoD contractor personnel conducting official defense business



Shuttle Buses (continued)

- Space-available transportation on existing, scheduled shuttle buses:
 - Off-duty personnel
 - Reserve and National Guard members
 - Dependents of active duty personnel
 - Retirees
 - Visitors
 - Some Volunteers

Mass Transit Services

31 U.S.C. § 1344 permits the use of passenger carriers to transport federal employees between their place of employment and mass transit facilities. (31 U.S.C. § 1344(g)) On December 18, 2006, the Deputy Secretary of Defense issued a memorandum implementing this amendment for the Department of Defense. (OSD 18687-06) Note that there are very strict approval authorities, findings, and procedures necessary before this permission may be implemented locally. See paragraph C5.2 of DoD 4500.36-R, “Management, Acquisition and Use of Motor Vehicles.”

Conferences

- An increased per diem rate is permissible for conference attendance (up to 25% more)
- Decision concerning increase is made by Government host agency for Gov't Conference
- Increase applies to all Gov't attendees
- Food permitted – See Comp. Gen. Decision B-300826, March 8, 2005

Questions ?

