

# Travel

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# Ethical Principles and Travel

- *Principle #7:* Employees shall not use public office for private gain.
- *Principle #8:* Employees shall act impartially and not give preferential treatment to any private organization or individual.
- *Principle #9:* Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- *Principle #11:* Employees shall disclose waste, fraud, abuse, and corruption to the appropriate authorities.
- *Principle #14:* Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards.

# Overview

- Introduction
- Official TDY Travel by Government Individuals
- Official TDY Travel by Non-Government Travelers
- Use of NTVs
- Practical Advice/Practice Tips
- Questions



# Introduction

# Introduction

- Legal authority required for government-funded travel
- United States Code (primarily Titles 5, 10, and 37)
- Federal Travel Regulation – 41 C.F.R. Chapter 300-304 (applies to civilians only)
- Joint Travel Regulations – applies to servicemembers, civilians, DoD-funded travel by others, etc.
- Service/ Agency- specific policies

# Introduction – JTR Guiding Principles

- “...the traveler exercises the same care in incurring expenses for Government travel that a prudent person would exercise if traveling at personal expense.” JTR para. 010102
- “..if the JTR does not say something can be reimbursed, then it cannot be reimbursed as a travel claim.” JTR para. 010103.B
- “The traveler must comply with Federal ethics laws, DoD 5500.07-R, “Joint Ethics Regulation,” and the Agency’s or Service’s ethics regulations and rules.” JTR para. 010103.C

# Travel Covered by JTR

- Local Travel at the Permanent Duty Station (PDS). (JTR Chapter 2, para 0206)
- Temporary Duty (TDY) Travel. (JTR Chapter 3)
- Government-funded Leave Travel. (JTR Chapter 4)
- Permanent Duty Travel (PDT), including Permanent Change of Station (PCS) Travel. (JTR Chapter 5)
- Evacuation Travel (JTR Chapter 6)



# Official TDY Travel by Government Individuals



# Travel Review Process

- Get the facts and itinerary.

# Facts and Itinerary

- Get all relevant facts
  - Use a Questionnaire – practical tip
  - Ask questions. Then, ask more questions.
- Review final itinerary.

# Travel Review Process

- Get the facts and itinerary.
- Is Travel Required?

# Is travel required?

- **DOD**: Travel is required when other means of conducting business, such as telephone calls or video teleconferencing, are unavailable or cannot meet the mission's needs. **Approval of a travel order or authorization, by the AO, certifies that travel is required and that other means are not sufficient to accomplish the mission.** Government-funded travel and transportation are used only when officially justified and by the means that meet mission requirements consistent with good management. JTR para. 010202

# Duration of TDY

- 180 days Rule (JTR 010206)
  - Generally, TDY may not exceed 180 days.
  - Special Approval for more than 180 days TDY.
  - Special Rules for TDY for training.
  - Special Rules for Reserve Component (JTR para. 030302 )
  - Potential tax consequences for TDY exceeding 365 consecutive days.

# Travel Review Process

- Get the facts and itinerary
- Is Travel Required?
- Is there LEGAL authority for the travel?

# Legal Authorities

- United States Code (primarily Titles 5, 10, and 37)
- Federal Travel Regulation – applies to civilians only
- Joint Travel Regulations (JTR) – applies to servicemembers, civilians, DoD, funded travel by others, etc.

# TDY LEGAL AUTHORITIES – Servicemember

- 37 U.S.C. § 452. Allowable travel and transportation: general authorities

“Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulation including for...[t]emporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.”



# TDY LEGAL AUTHORITIES – CIVILIANS

- 5 U.S. Code § 5702. Per diem; employees traveling on official business
- 5 U.S. Code § 4109. Expenses of training
- 5 U.S. Code § 4110. Expenses of attendance at meetings

# TDY LEGAL AUTHORITIES – CIVILIANS

- 5 U.S. Code § 5702. A civilian “employee, when traveling on official business away from the employee’s designated post of duty, or away from the employee’s home or regular place of business is entitled to per diem, actual expenses, or a combination of the two, consistent with GSA regulations.”
- 5 U.S.C. § 5733. Civilian employee travel “shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.

# OTHER TDY LEGAL AUTHORITIES – CIVILIANS

- 5 U.S. Code § 4109. Expenses of training
- An agency may “pay, or reimburse the employee for, **all or a part of the necessary expenses** of the training...including among the expenses the necessary costs of travel and per diem”

# OTHER TDY LEGAL AUTHORITIES – CIVILIANS

- 5 U.S. Code § 4110. Expenses of attendance at meetings.
- “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.”

# Joint Travel Regulations (JTR)

- “The JTR has the force and effect of law for travelers, and implements statutory regulations and law for DoD civilian travelers. Organizations are expected to take appropriate disciplinary action when travelers willfully fail to follow the JTR.” JTR Introduction.

# DOD Joint Travel Regulations (JTR) - Applies to...

- Uniformed Service Active and Reserve Component members and their dependents.
- DoD civilian employees and their dependents.
- Other authorized travelers who use appropriated DoD funding, including new DoD Senior Executive Service appointees and certain Presidential appointees.
- DoD personal services contract employees.

# DOD Joint Travel Regulations (JTR) – Does not apply to...

- DoD Contractor (except personal services contractor).
- DoD employees appointed under 22 U.S.C. §2385(d).
- DoD civilian employees performing official assignments funded by a non-DoD Agency who are subject to that Agency's travel and transportation policies.
- Government employees whose salaries are paid with Nonappropriated Funds (NAF) traveling on NAF business.
- Foreign personnel traveling under Security Assistance Management Manual authority.

# DOD Travel Policy - JTR

- Implements several travel legal authorities and allowances.
- “..if the JTR does not say something can be reimbursed, then it cannot be reimbursed as a travel claim.” JTR 010103.B



# DOD Travel Policy – JTR (cont'd...)

- “Travelers and travel officials must adhere strictly to the JTR. The traveler could be personally financially responsible for any expense accrued by not complying with the JTR. When the General Services Administration’s Federal Travel Regulation (FTR) authorizes a discretionary travel and transportation allowance that the JTR does not address, the allowance is not authorized or implemented within the DoD.”

# Travel Review Process

- Get the facts and itinerary
- Is Travel Required?
- Is there LEGAL authority for the travel?
- What Travel Allowances Are Authorized?

# ALLOWABLE EXPENSES

- 3 Major types of standard travel and transportation allowances:
  - Transportation
  - Per diem (Lodging and Meals & Incidental Expenses), and
  - Miscellaneous reimbursable expenses.

# Transportation

- Transportation most advantageous to the Government (unless the AO determines otherwise) in the following order:
  - MILAIR (if traveler is eligible and consistent with DoDI 4500.56 and other applicable policies)
  - Commercial travel by airplane, train, bus, or ship.
  - Automobile – Government Vehicle (NTV) (requires compliance with DoDM 4500.36 and other applicable policies)
  - Automobile – Rental Car
  - Automobile – POV

JTR para. 020203

# Transportation – Class Type

- General Rule: Economy/coach accommodations required
- Limited exception for Other than economy or coach class (OTECC) – JTR 020206.J. and table 2-4.
  - Secretary Concerned prior approval required, with limited delegation to individuals in JTR table 2-5.
  - Traveler experiencing extenuating or emergency circumstances may seek approval up to 7 days after travel ends.

# OTEC- Business/First Class Exceptions

- Business or first class cheaper than economy or coach (no higher level approval required from Table 2-5 officials)
- A non-Federal source pays for business-class transportation in advance.
- Other transportation accommodations are not available and the AO identified in Table 2-5 determines that a premium-class upgrade or extra train fares are necessary for the mission after considering the TDY location, cost, and travel time.
- Disability or Special Need (see JTR para 020206).

# Transportation – Commercial Air

- U.S. Carriers Required. The Fly America Act requires that U.S. flag carriers be used for all commercial transportation when the Government funds the travel (49 U.S.C. §40118(d)).

# Transportation – Rental Car

- Official Use Only; including “transportation to and from duty sites, lodgings, dining facilities, drugstores, barber shops, places of worship, cleaning establishments, and similar places required for the traveler’s subsistence, health, or comfort.”
- AO approval required.



# Per Diem

- Meals and incidental expenses (M&IE), AND
- Lodging.

# Per Diem - Lodging

- “When TDY, a DoD traveler must use the Integrated Lodging Program Pilot (ILPP) facilities if available.” See JTR para 020303 for rules and exceptions.
- Traveler is responsible for any charges in excess of the per diem rate.

# Per Diem – Meals

- Covers meals (breakfast, lunch, and dinner), including related taxes and tips for the meals.
- Meals entitlement reduced only if the traveler received a deductible meal
  - See JTR 020304.A and Table 2-18 for deductible and non-deductible meals.
  - Exception to deductible meal requirement - Mission requirements, Medical Requirements, or Religious beliefs.

# Government Travel Charge Card (GTCC)

- GTCC Mandatory Use Policy
  - “Unless otherwise exempt (see section 0406), all DoD personnel (military or civilian) are required to use the travel card for all authorized expenses relating to official government travel. “  
GTCC Regulations, para 040501
- Several exceptions to mandatory use policy
- Failure to use could result in disciplinary action.
- Prohibition on Personal Use, Misuse, Abuse or Fraud
- Prompt Payment Required.

# GTCC – Mandatory Use Exemptions

- Certain Classes of Personnel –
  - Personnel with a card application pending
  - individuals travelling on ITAs
  - individuals denied a card or whose card is cancelled or suspended
  - ROTC Cadets and members undergoing IET prior to reporting to their first PDS.

See GTCC Regulations para 040602 for full list.

# GTCC – Mandatory Use Exemptions

- Certain Expense
  - Expenses, including meals, incurred at a vendor that does not accept the travel card, such as government dining facilities, coin-operated parking meters, tollbooths, laundry facilities, official local and long distance phone calls, etc.
- Where practicable, traveler should withdraw cash from an ATM to pay for these expenses.

See GTCC Regulation at para 040603

# GTCC – Prohibition on Personal Use, Misuse, Abuse or Fraud (examples)

- Expenses related to adult entertainment and gambling
- Purchases for personal, family or household purposes except for authorized PCS expenses
- Cash withdrawals or advances used during non-travel periods or not related to official government travel requirements are not authorized
- Intentional failure to pay undisputed charges in a timely manner
- Cash withdrawals or advances taken more than three working days prior to official government travel.

# Use of GTCC

- Timely reimbursement by agency – within 30 days of traveler submitting voucher.
- Traveler must pay GTCC card promptly.



# Travel Benefits

- Traveler may keep frequent-flyer points or miles, hotel rewards or rental car upgrades earned during official travel, if available to the general public or a class consisting of all civilian employees or Service members.
- May not use personal credit card to get rewards such as points and/cash back. Must use GTCC.
- Traveler cannot select specific flights or hotels to earn points if it will cost the Government additional money.

See JTR para. 020206.G



# Official TDY Travel by Non- Government Traveler

# Official TDY Travel by Non-Government Travelers – Some Legal Authorities

- Experts, consultants, individuals serving w/out pay or \$1/year- 5 U.S.C. § 5703 – JTR para 030501
- Guest at an award ceremony - 10 U.S.C. § 1124 and 5 U.S.C. § 4503 - JTR para 030901
- Attendant for disabled employee - 5 U.S.C. § 3102

# Official TDY Travel by Non-Government Travelers – Spouses

- Authority - 5 U.S.C. § 5703 – JTR para 030501 (effective 1 October 2020)
  - Specific para 030501 circumstance. (e.g., consultant, expert, statutory volunteer, guest speaker, anti-terrorism training)
  - Direct Service Standard (JTR para 030501A-12) – “Catch-all” that permits travel for invited travel, including a spouse, when the traveler is “legitimately performing a direct service for the Government.”
  - Approval Authorities – Officials in senior positions specified in the JTR.

# Official TDY Travel by Non-Government Travelers – Spouses...cont'd

- Allowances:
  - Under JTR para 030501-A 1 through 11: Standard travel and transportations allowance for civilians in JTR chapter 2.
  - Under JTR para 030501-A 12 “catch all”: Standard travel and transportation allowance for civilians in JTR chapter 2, except per diem must be separately authorized if the spouse is traveling with DoD sponsor.

See 030501-B



# Use of NTVs

# NTV – Some Relevant Authorities

- 31 U.S.C. § 1344
- Federal Travel Regulation (at 41 CFR § 301-10.200 to §301-10.266)
- DoDI 4500.36 - Acquisition, Management, and Use of Non-Tactical Vehicles (NTVs)
- DoDM 4500.36 - Acquisition, Management, and Use of DoD Non-Tactical Vehicles
- National Capital Region (NCR), Administrative Instruction 109

# NTV Defined

- “Any commercial NTV, trailer, material handling or engineering equipment that carries passengers or cargo acquired for administrative, direct mission, or operational support of military functions. All DOD sedans, station wagons, carryalls, vans, and buses are considered nontactical.” DoDM 4500.36, Glossary.



# NTV Use

- General Rule: NTVs may only be used for official purposes.
- Official purpose: “Any application of an NTV in support of authorized DoD functions, activities, or operations, consistent with the purpose for which the NTV was acquired.” DoDM 4500.36, Glossary.

# Use of NTVs

- General analysis for NTV Official Use:
  - Essential to the successful completion of a DoD function, activity, or operation, **AND**
  - Consistent with the purpose for which the vehicle was acquired.

# NTV Use - TDY

- TDY status not determinative.
- Justified based on need, distance involved, and other conditions.
- NTV use impermissible if “adequate” DoD, public, or commercial transportation system is available.

# NTV Use - TDY

- Permissible uses if NTV authorized:
  - Between lodgings and duty stations when public/commercial services are inadequate or nonexistent.
  - To/between places of official business and temporary lodgings.
  - Between places of business, lodging, eating establishments, places of worship, and similar places required for the comfort or health and welfare of traveler, if public transportation is not available or its use is impractical.

# NTV Use to terminals

- Travel between domiciles or places of employment and commercial or military terminals, permissible only if at least one of the following is met:
  - terminals are located in areas where other methods of transportation cannot meet mission requirements in a responsive manner.
  - used by an individual authorized DTD travel; or
  - necessary due to emergency situations or to meet security requirements.

# Some Prohibited NTV Uses

- Use of a DoD NTV while on TDY, unless authorized.
- “Home-to-Work” AKA Domicile to Duty (DTD)- some exceptions
- Conducting personal business by military or civilian personnel, their family members, or others.
- Use of NTV based solely on rank, position, prestige, or personal convenience.
- Transportation of non-DoD personnel in NTVs, unless authorized.
- Driven by unauthorized personnel.

# NTVs: Home-to-Work Use

- Generally not allowed.
- Some exceptions.
- The comfort and convenience of an employee shall not be considered sufficient justification for an agency to authorize home-to-work transportation.

# Home-to-Work (Exceptions)

- Certain positions
- Field work
- Clear and present danger, emergency, or compelling operational considerations
- Intelligence/counterintelligence/protective services/criminal law enforcement duties (when required)
- Special overseas authority



# Home-to-Work (Exceptions)

## Certain Positions in 31 U.S.C. § 1344(b) and DoDM 4500.36 (Enc.5)

- Secretary of Defense
- Deputy Secretary of Defense
- Secretaries of the Military Departments.
- Chairman and Vice Chairman of the Joint Chiefs of Staff.
- Under Secretaries of Defense.
- Chiefs of Staff of the Army and Air Force, Chief of Naval Operations, Commandant of the Marine Corps, and Chief of the National Guard Bureau.

# Home-to-Work (Exceptions)

Clear and present danger, emergency, or compelling operational considerations. 31 U.S.C. § 1344(b)(9)

- Secretary Concerned approval required – non delegable.

# Home-to-Work (Exceptions)

## Employees Engaged in Field Work 31 U.S.C. § 1344(a)(2)

- official work performed by employees whose jobs require their presence at various locations that are at a distance from their place of employment (itinerant-type travel with multiple stops in the local commuting area, or use outside that area) or at a remote location that is accessible only by Government-provided transportation.
- Secretary Concerned approval required – non delegable.

# Home-to-Work (Exceptions)

## Field work examples:

- mine inspectors
- meat inspectors
- quality assurance inspectors
- construction inspectors
- recruiters
- compliance investigators,
- personnel background investigators

# Home-to-Work (Exceptions)

- “essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties” See 31 U.S.C. § 1344(a)(2)
- Secretary Concerned approval required – non delegable.

# Home-to-Work (Exceptions)

- *Special Overseas Authority.* The Secretary of Defense has given overseas combatant commanders authority to approve home-to-work transportation using Government owned or leased vehicles for certain personnel. 10 U.S.C. § 2637.



# Practical Advice/Practice Tips

# Practical Advice/Practice Tips

- Review all relevant authorities (Statutes, FTR, JTR, DoD/Service issuances, policy memos, org. unit policies, etc.).
- Get all the facts.
- Use questionnaires to gather information and advice templates.
- Get to know aides and other front office staff.
- Talk to colleagues.





**QUESTIONS?**