



Navigating DoD Travel 2024



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Navigating DoD Travel

- **5 U.S.C**
- **10 U.S.C.**
- **22 U.S.C.**
- **31 U.S.C.**
- **37 U.S.C.**
- **5 C.F.R. §2635**
- **DoDI 4500.56**
- **DoDI 1400.25**
- **OMB Circulars**
- **Federal Travel Regulation (FTR)**
- **Joint Travel Regulations (JTR)**
- **Joint Ethics Regulation (JER)**
- **CBCA Decisions**
- **DOHA Decisions**
- **DoD SOCO Deskbook**





Guiding Principles

5 C.F.R §2635.101(b)



- #7 **Public office** is not for **private gain**
- #9 **Federal property** only for authorized purposes
- #14 Avoid the **appearance** of violating law or ethical standards



Adverse Actions

31 U.S.C. §1349(b)



Authorized uses of government vehicles/aircraft:

31 U.S.C. §1344 – for an “official purpose”

Unauthorized uses of government vehicle/aircraft:

- **Shall be** suspended without pay (at least 1 month)
- **Potentially** terminated/removed

General Principles of Travel and Transportation: FTR and JTR

- Government vehicles/aircraft use: for official purposes
- Government transportation: cost effective for government, not to maximize traveler convenience
- Rules applied uniformly
- DoD does not provide transportation justified solely by rank, prestige, or personal convenience
- Transportation between work and home is not an “official purpose” (i.e., don’t use government vehicle)

Modes of Transportation

If 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 available and capable of meeting mission requirements:

- Scheduled DoD bus service, DoD Bus Agreement
- Scheduled public transportation
- DoD motor vehicles
- Rental Car, U.S. Government Rental Car Agreement
- **Voluntary** use of privately owned vehicle (POV) (reimbursable)
- Taxi, **Rideshare** (*Transportation Network Company*) (reimbursable) JTR 020213-B

Modes of Transportation

In the Pentagon Area:

- Public and commercial transportation to commercial transportation terminals in the Pentagon area is considered adequate for all but emergency situations, security requirements, and other unusual circumstances.
- If public and commercial transportation is not routinely available, a DoD vehicle may be used on official business involving these commercial terminals.
- Pentagon Area = National Capital Region

Contractor employees may use DoD vehicles only under cost-reimbursement contracts.

- DoDI 4500.36, Section 3.3.b; FAR Subpart 51.2
- Unless specifically approved by GSA

Routing of Travel

- Travel by the **usually traveled** route, unless a different route is “officially necessary” JTR 050202
- *Vacation to TDY to Vacation or Residence or Permanent Duty Station* JTR Part E
- *Residence (even if away from PDS) to TDY to Residence or PDS*



Government Aircraft “MILAIR”



DoDI 4500.56 and OMB Circular A-126

- There are MILAIR “required use travelers”
 - But: may use commercial aircraft when “in best interest of the DoD”
- There are MILAIR “priority use positions”



Government Aircraft “MILAIR”



DoDI 4500.56 and OMB Circular A-126

- Everybody else: “other official travel”
 - Generally: use commercial transportation
 - Unless:
 - Valid business reason (i.e., not personal convenience) can be shown.
 - “Clear and present danger”
 - An emergency
 - “Other compelling operational consideration”



Government Aircraft “MILAIR”



DoDI 4500.56 and OMB Circular A-126

- “Unofficial travel” on MILAIR
 - People (i.e., family) accompanying DoD official
 - Invitational Travel Authorization (ITA) required
 - Only when:
 - Aircraft is already scheduled for “official purpose”
 - Negligible additional cost to government
 - Official travelers not displaced
 - Traveler reimburses government

MILAIR

Real Scenario:

Senior military officer scheduled to fly MILAIR on a C-12, but flight was delayed; arranged for unscheduled flight of C-5 and flew on near-empty jet, resulting in \$38,000 of additional costs to the government.

Violation; received counseling.



Commercial Air Travel

GSA City Pair Program: Gov Contract

- **Must use** “when available” (JTR 020206-M)
- **Many benefits** like refundable, no change ticket or cancel fee, no black outs
- Prefer travel during normal working hours
- Comp Time for Travel during non-duty hours 5 U.S.C. § 5550b

Commercial Air Travel

JTR: 3 “Classes” of Commercial Air Travel (JTR Appendix A)

- 1) Economy or coach (least expensive)*
- 2) “Premium Class,” or “Other than Economy Class” which includes:
 - First class: the highest
 - Business: higher than coach and lower than First class
 - Economy plus: higher than coach and lower than First

***Nearly always use economy/coach – plan ahead**

Premium Class Travel



- AKA “Other Than Economy Class Travel”
- Absent specific authorization/ approval, the **employee shall be responsible for all additional costs** resulting from the use of accommodations other than economy/coach class.

Premium Class Travel



- Justifying Premium Class:
 - **Only** class available (such as Acela train); or
 - See JTR section 020206.J and Table 4
 - Addresses First Class, Business Class, and other upgraded classes of service
 - First Class has different approval authorities (some non-delegable)

Premium Class Travel

- Examples:
 - Coach-class airline accommodations on foreign carriers do **not** provide **adequate sanitation or health standards**, and the **use of foreign flag** air carrier service has been **approved**
 - Required for agency **mission**
 - Overall, cheaper than economy/coach
 - Economy/coach not reasonably available based on departure times or mission needs



Premium Class Travel

More examples:

- Non-federal source pays in advance
- Foreign government official traveling and there are relevant MOAs/MOUs/SOFAs
- Exceptional security/mission circumstances
- Poor sanitation/health conditions in coach
- Reasonable accommodation/special need
- Looooooooooooong flight

Reasonable Accommodation or “Special Need”

- Federal laws regarding **disabilities and other “special needs”** (JTR 020206-K)
 - ADA/Rehabilitation Act
 - FTR
 - GSA Bulletins and CBCA/DOHA decisions

⦿ § 301-13.1 What is the policy for paying additional travel expenses incurred by an employee with a special need?

To provide reasonable accommodations to an employee with a special need by paying for additional travel expenses incurred.

- **High-level approval required** prior to travel
(JTR Table 2-5)

Reasonable Accommodation or “Special Need”

October 20, 2021

Federal Travel Regulation
GSA Bulletin FTR 22-03

TO: Heads of Federal Agencies

SUBJECT: Applicability of Federal Travel Regulation Part 301-13 to Employees who are Nursing

1. What is the purpose of this bulletin? This FTR Bulletin provides guidance to agencies subject to the Federal Travel Regulation (FTR) to clarify that “special needs” travel may include employees who breastfeed.
2. What is the effective date of this bulletin? This bulletin is effective as of the date of publication.
3. When does this bulletin expire? This bulletin will remain in effect until explicitly cancelled or superseded.
4. What is the background of this bulletin? Federal agencies can accommodate an employee’s special needs while on temporary duty travel pursuant to the FTR, Part 301-13. Per FTR §301-13.2, an agency can pay for additional travel expenses to accommodate a special physical need which is either: (a) clearly visible and discernible; or (b) substantiated in writing by a competent medical authority.

In recent years, agencies and employees have asked whether employees who breastfeed have a special need that agencies may accommodate while the employee is on temporary duty travel (TDY).

Federal agencies have discretion under the FTR to determine if a request based on a physical need is reasonable, for example allowing a very tall individual (a trait that is clearly visible and discernible) to upgrade to extra-fare seating on an airplane, such as an exit row seat. Or, if someone has a chronic medical condition that may not be visible, but requires the help of an assistant, a letter from a competent medical authority can substantiate the request.

[REDACTED]
A Professional Corporation
NEUROLOGY

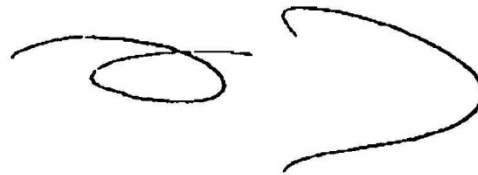
[REDACTED]
ALAMEDA, CA. 94501
[REDACTED]

EEG, EMC &
EVOKED RESPONSES

6/24/09

To Whom It May Concern,

Because of her medical
condition, ~~[REDACTED]~~ ~~[REDACTED]~~ should
fly first class.

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

Long Duration Flights

- Flight length alone not sufficient
- May justify First- or Business-Class
- Looooong Flight (**more than 14 hours**)
 - Origin or Destination **OCONUS**; AND
 - **Mission so unexpected/urgent that it cannot be delayed** or postponed; AND
 - **Rest period cannot be scheduled en route** or at TDY site before commencing duties
 - **Only** used **to TDY location**, not return!

Long Duration Flights: Order of Precedence

1. Fly coach and arrive one day early to allow rest; or
2. Rest stop (no more than 24 hours), and arrive on the day the TDY starts
3. Premium economy when flight time exceeds 8 hours, BUT only between foreign and non-foreign OCONUS locations.
4. The last option is to use business-class accommodations with a scheduled arrival on the day TDY starts.

Premium Class Travel

Real Scenario:

Senior military officer flew business class multiple times; said it would look “strange” if he flew coach and he needed to perform official business immediately upon arrival.

IG: violation of FTR and JTR (rank of traveler not a justification)

Premium Class Travel

- Employee traveler can purchase premium class at their own expense:
 - Personal funds
 - Frequent traveler benefits

RESTRICTED Airfare


- The AO may authorize or approve restricted airfares when offered to the general public and if trip cancellation would not impose significant costs.
- If City Pair Program fare is available, the **AO must use the Restricted Fares Checklist** when considering the approval of restricted airfares.

https://www.travel.dod.mil/Portals/119/Documents/JTR/Supplements/Restricted_Airfares_Checklist.pdf

RESTRICTED Airfare

- **No blanket approval**, but can be considered on a case-by-case basis.
- For City Pair Program routes, if the contract carrier offers a lower fare, the **traveler must use that airline's restricted fare** before selecting another airline's restricted economy or coach airfare.

RESTRICTED Airfare

- No City Pair Program fare? Traveler should use the **lowest cost coach** fare that meets mission requirements.
- The AO must consider **if a restricted fare is authorized, then later canceled or changed for official reasons** (not for the personal convenience of the traveler), **the USG is pays for excess costs.**  **Risk**

RESTRICTED

Airfare Tips

- **Request assistance** from Travel Management Company to book.
- **Timely discussions with AO and TMC** to assure timely approval and ticketing to meet Restricted Airfare requirement.

Commercial Air Travel

Involuntary denied flight boarding

- Must contact TMC to book new flight if there will be added cost to USG
- Any compensation for the denied seat belongs to the Government
- “Treasurer of the United States” is payee for any compensation JTR 020206-M3

Frequent Flyer Benefits

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





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
- **All** promotional items received before, on, or after enactment of the law (2002)



Promotional Benefits

- **Applies *when*** 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



Travel from NFE

31 U.S.C. §1353



- **Travel benefits**: transportation, lodging, meals
- From: **non-federal sources** (third parties)
- May be accepted to attend meetings, conferences, seminars, symposia, and similar

Air Travel -- Contractors

- Contractor employees **cannot** be issued Invitational Travel Authorizations

Joint Travel Regulations, p. Intro-1 and 030501-D6

- Travel costs of Government **contractors** **are governed by FAR** provisions relating to contract expenses (FAR 31.205-46)

Air Travel -- Contractors

- Contractors may **sometimes** fly MILAIR
 - When **required** by Government Official
 - Contemplated by the contract **to fulfill requirements of the contract**
- Generally, travel-related benefits restricted to Government employees may **not** be given to contractors (absent a USG affiliation, e.g. military).

Government Travel Charge Card

Must Use It



- Public Law 105-264, January 27, 1998, mandates the use of a government furnished travel charge card
- **But “Infrequent” travelers are exempt**

GTCC

Failure to Pay It

- 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 is discretionary—there may be union consultation issues.

GTCC

Prompt Reimbursement

- 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 on Official Travel

- **U.S. Government Rental Car Agreement**
 - Managed by DTMO, benefits to the USG
 - JTR 020209 can allow for rentals, if:
 - <https://www.travel.dod.mil/Programs/Rental-Car/>
- **Use of Rental Vehicle**
 - **May be “official use”** generally if limited to places required **for traveler’s subsistence, health, or comfort, BUT:**
 - DoD prohibits other personal use =
 - **Personal Liability** for Accident – Ouch!

Car Rental on Official Travel

Real Scenario:

- Employee went TDY and rented a car.
- Remained in TDY location for personal reasons and retained the rental car.
- Had a car accident and paid the rental car company \$2,500.
- Sought reimbursement from the government for the cost of repairs.

Not reimbursable: not on official business

THE JOINT TRAVEL REGULATIONS (JTR)

UNIFORMED SERVICE MEMBERS AND DOD CIVILIAN EMPLOYEES

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