



DefenseTravel
Management Office

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Topics

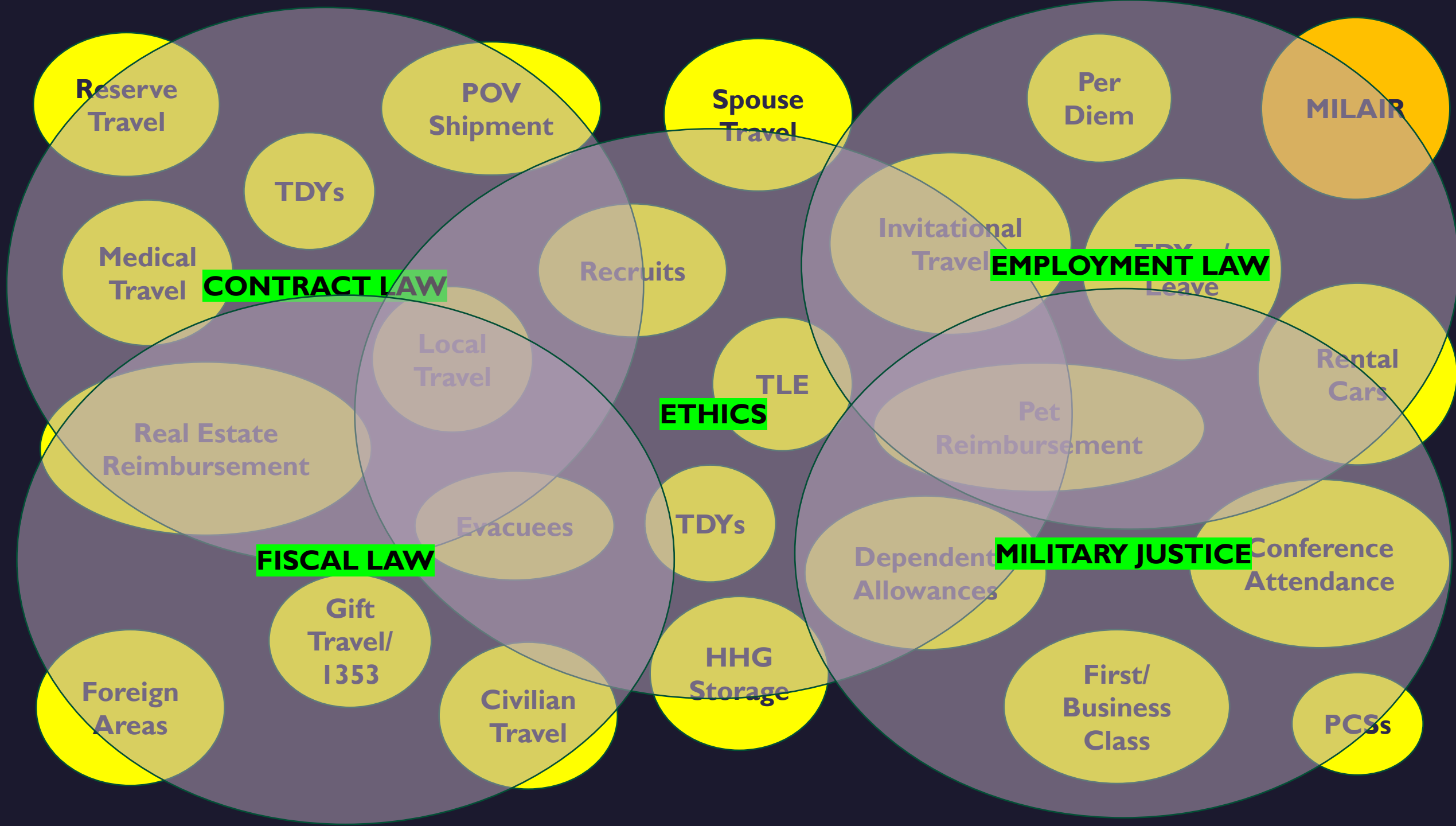
- Overview of DoD Travel
- Ethics & Travel: Guiding Principles
- 1353/Gift Travel
- Military Cars/Planes
- Commercial Air
- Rental Cars
- “Is this TDY legal?”
- Leave/Personal Travel + TDY
- Government Travel Card (GTC)



Overview of DoD Travel

- Planes
- Trains
- Rental Cars
- Rental Trucks
- Buses
- Lodging
- DineSmart
- Travel Card (GTCC)
- Travel Management Companies (TMCs)
- Defense Travel System (DTS)





Overview of DoD Travel



“Uniformed service members and DoD civilian employees”

Joint Travel Regulations (JTR)
<https://www.travel.dod.mil>

U.S. Code

Executive Orders

CFR (Federal Travel Regulations (FTR) (GSA)

OMB Circulars

CBCA Decisions

GSA Bulletins

DOHA Decisions

DoDDs /DoDIs/ DoDMs

Joint Ethics Regulation (JER)

Ethics & Travel: Guiding Principles

5 CFR §2635.101(b)

#4: No gifts from those seeking to do business with agency OR those whose interests may be affected by an employee's performance/nonperformance

#7: Public office is not for private gain

#8: Act impartially; no preferential treatment to private entities

#9: Federal property (incl. travel funds) only for authorized purposes

PLUS, THE CATCH-ALL...

#14: Avoid appearance of violating law/ethical standards

Ethics & Travel: Guiding Principles

- 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: not an “official purpose” (i.e., don’t use government vehicle)

When Gov Vehicle Use is “Official”

Use this mode of transportation order:

- **Scheduled DoD Bus Service**
- **Scheduled public transport**
- **DoD motor vehicles**
- **Rental Car**
- **Voluntary POV use (reimbursable)**
- **Taxi/Rideshare (aka “Transportation Network Company” or “TNC”) (reimbursable)**

1353/Gift Travel

*May accept for meeting, conference, seminar, symposia, etc.

*Only at issue for acceptance in official capacity

What do we care about?

Principle #4: no gifts from those seeking to do business with agency or with affected interests

Principle #7: public office not for private gain

Principle #8: impartial treatment



1353/Gift Travel

31 U.S.C. 1353 | 41 CFR Chapter 304

Would acceptance cause a reasonable person to question the integrity of the agency's program or operations?

- Who is the gifter? *If there's a conflict of interest → **HARD NO**
- Who is the giftee?
- How much \$?
- Was the gift solicited? **HARD NO**
- Purpose of the event? *Travel in government's interest?
 - *But if required to carry out a mission-essential function → **HARD NO**
 - *If primarily a marketing/promotional event → **HARD NO**
- Other event attendees?
- Any matter pending at agency that may affect gifter's interest (and, if so, giftee's role)?
- Impact performance or nonperformance of traveler's duties might have on the gifter?

The gift *MUST* be approved prior to travel!*

****Exception: if offered on-the-spot***



1353/Gift Travel

Examples

- Commander accepted helicopter ride to work from contractor → not OK; removed; LOR
- U.S. Ombudsman Association paying for agency ombudsman attendance at annual conference → OK



Military Cars/Planes

What do we care about?

Principle #7: Public office not for private gain

Principle #9: Federal property conserved; used only for authorized purposes



Military Cars

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

31 U.S.C. § 1349: use for other than official purpose → suspended w/o pay (and maybe removed)

Generally, OK/Official Use

- Group transport for authorized activities
- When officially participating in ceremony
- Service-specific permission

Generally, not OK/not Official Use

- To/from residence/work (unless authorized)
- Conducting personal/family business
- Going to unofficial functions
- To attend WAG



Military Planes (“MLAIR”)

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

31 U.S.C. § 1349: use for other than official purpose → suspended w/o pay (and maybe removed)

DoDI 4500.56 & OMB Circular A-126

3 categories of MILAIR official travelers

1. MILAIR “required use” travelers (i.e., SecDef)
2. MILAIR “priority use” positions (i.e., OSD positions)
3. Everybody else: “other official travel”

* Generally: use commercial transportation

* Unless: valid business reason (not personal convenience),

clear/present danger, emergency, other compelling operational reason



Military Planes

DoDI 4500.56 & OMB Circular A-126

“Unofficial Travel” on MILAIR

- People (i.e., family) accompanying DoD official when:
 - * Aircraft already scheduled for “official purpose”
 - * Negligible additional gov cost
 - * Official travelers not displaced
 - * Traveler reimburses gov
- Invitational Travel Authorization (ITA) required



Military Planes

Examples

- Senior officer scheduled for C-12 flight but flight delayed; arranged unscheduled C-5 flight and flew on near-empty jet (\$38,000 in + gov costs) → not OK; LOC
- Employee's family had car trouble; employee let them use GOV → not OK; suspended & reassigned



Commercial Air Travel

GSA City Pair Program: GSA Contract

- Must use “when available”
 - JTR 020206-M
- Refundable
- No change/cancel fees
- No black outs
- Prefer travel during 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

1. Economy/coach (least expensive)

- Should be default!
- Plan ahead

2. “Premium Class” = anything else

2a. Business class/Economy plus

2b. First class



Premium Travel (First/Business/Premium Class)

If it's not economy/coach,
then it's “premium”
JTR Appendix A



Premium Travel (First/Business/Premium Class)


“In a recent GAO Audit, GAO reported that internal control weaknesses within the DoD led to the improper use of first and business class travel, at increased cost to taxpayers.”

GAO Audit → USD(P&R) task force →

- **Travel rules and premium travel authority strengthened**
- **Ongoing premium travel reporting requirement (2007 memo)**

DTMO Website: travel.dod.mil/Programs/Commercial-Air/Airfare-Types/

DoD SOCO Website: dodsoco.ogc.osd.mil/ETHICS-TOPICS/Travel-and-Transportation/Toolbox-Travel-and-Transportation/



DEPUTY SECRETARY OF DEFENSE
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19 MAR 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR OF FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Premium Class Travel Guidance and Reporting Requirements

This memorandum promulgates guidance on the use of premium class (first class and business class) transportation for all official travel. Effective immediately, I am directing all DoD Components, when using premium class travel, to follow the Joint Federal Travel Regulations (JFTR) and Joint Travel Regulations (JTR). The attached document on premium class travel requirements contains a summary of major changes made to the JFTR and JTR.

In a recent General Accounting Office Audit (GAO #04-88), GAO reported that internal control weaknesses within the Department of Defense led to the improper use of first and business class travel, at increased cost to taxpayers. Consequently, the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) chartered a multi-agency task force to clarify policy and recommend corrective action. An important outcome of the task force was the strengthening of the travel rules and approval authority for premium class travel.

To maintain effective oversight of this program, each addressee will be required to submit a report to OUSD (P&R) on the use of premium class travel. The first two report submissions will be due NLT July 31 and October 30, 2004, covering the periods from April 1 through June 30 and July 1 through September 30, 2004, respectively. Thereafter, a report will be due semiannually NLT April 30 and October 30. You will be receiving within the week additional guidance on the reporting format and procedures from OUSD (P&R).

Paul W. Davis

Attachment:

Premium Travel (First/Business/Premium Class)

What do we care about?

Principle #7: Public office not for private gain

Principle #9: Federal property conserved; used only for authorized purposes

*personal funds/frequent flyer points are OK, but...



Premium Travel (First/Business/Premium Class)

- JTR 020206-J: Must use non-premium unless exception applies
- JTR Table 2-4: Exceptions
 - Coach on foreign carrier inadequate
 - Mission-required
 - Cheaper than economy
 - Economy not reasonably available (high burden)
 - Foreign official traveling + MOA/MOU/SOFA
 - Reasonable accommodation
 - Looooooooooooooooong flight (maybe, not really)



Premium Travel (First/Business/Premium Class)

Exception: Reasonable Accommodation or “Special Need”

- Federal laws regarding disabilities and other “special needs”
 - JTR 020206-K
 - ADA/Rehabilitation Act
 - FTR 30 1-13.1
 - GSA Bulletins and CBCA/DOHA decisions
- Higher-level approval required before travel



Premium Travel (First/Business/Premium Class)

Example of JTR updates based on FTR changes from GSA Bulletins

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.

Premium Travel (First/Business/Premium Class)

Exception: Looooooooooooong flight (maybe, but probably not)

- Flight length alone not enough
- Maybe enough:
 - More than 14-hour flight; AND
 - Origin or destination OCONUS; AND
 - Mission so unexpected/urgent that it can't be delayed; AND
 - Rest period can't be scheduled en route or at TDY before work starts; AND
 - Only to the TDY location; not for return.



Premium Travel (First/Business/Premium Class)

Exception: Looooooooooooong flight (maybe, but probably not)

- Order of Precedence

- 1 – Fly coach and arrive a day early to rest.

- 2 – Rest stop (no more than 24 hours), arriving day TDY starts.

- 3 – Premium economy if flight time >8 hours

BUT ONLY between foreign and non-foreign
OCONUS

- 4 – Last option: use business class, arriving day TDY starts



Premium Travel (First/Business/Premium Class)

- If exception applies, who can approve? → JTR Table 2-5

Even if it's "legal," should we?

* Principle # 14

* Also: Uniforms!

* Also: Reporting Requirement



Premium Travel (First/Business/Premium Class)

Example

Military officer flew premium class b/c he said he had official business immediately after arrival (but he didn't) and that it would look "strange" if he flew economy → not OK; NJP



Premium Travel (First/Business/Premium Class)

Traveler can purchase premium class at their own expense using:

- Personal funds
- Frequent traveler benefits



Commercial Air: “Restricted Airfare”

- Should default to City Pair Program fare.
- If no City Pair Program fare, traveler should use the lowest cost coach fare that meets mission requirements.
- Regular market priced ticket may be authorized when:
 - Offered to general public; and
 - Trip cancellation would not impose significant costs

If City Pair Program fare is available, MUST use “Restricted Airfare Checklist”

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

Commercial Air: “Restricted Airfare”

- No blanket approval
- Case-by-case basis
- AO must consider if a Restricted Airfare is authorized, then ticket is canceled/changed, the government pays for the excess costs
- Tip: Get Travel Management Company (TMC) help
- Tip: Discuss with AO and TMC to ensure timely approval/ticketing to meet Restricted Airfare requirement.

Yay! More Commercial Air Slides!

Involuntarily denied flight boarding (canceled/bumped):

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

Cannot voluntarily incur costs to the gov

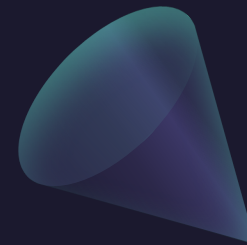
Cannot unilaterally incur costs to the gov

- 67 Comp Gen 328 (B-228696) (1988): denied lodging; free lodging voucher goes to the government
- Comp Gen B-257704 (1994): 5-hour flight delay; free ticket goes to the government

Yep, More Commercial Air Slides

Frequent Flyer Benefits

- Old-ish Rule: frequent flyer points from gov travel belonged to government
- New/Current Rule: all frequent flyer points belong to the traveler
 - Section 1116 of P.L. 107-107 (FY2002 NDAA)
- Includes:
 - Frequent flyer miles/hotel + rental car points
 - Upgrades
 - Access to airline clubs/facilities
- Applies to:
 - Employees
 - Family members/dependents traveling for the government
 - 1353 gift travel accepted from a non-federal entity (NFE)



Still More Air Travel Slides

Contractors and Air Travel

- Contract employees cannot be issued ITAs
 - JTR 030501-D6
- Travel of contractors covered by FAR provisions
 - FAR 31.205-46
- May get DoD-funded travel when contractual requirements for DoD to provide transportation
 - May not use City Pairs Program
- Contractors may sometimes fly MILAIR (to fulfill contract)
 - DoDI 4515.13 – eligibility

Rental Cars

What do we care about?

Principle #7: Public office
not for private gain

Principle #8: Act
impartially; no preferential
treatment to private entities

Principle #9: Federal
property conserved; used
only for authorized purposes



Rental Cars

U.S. Gov Rental Car Agreement

JTR 020209

- Can use rental car for “official use” (can include subsistence, health, comfort) but not “personal use”; damage costs follow these rules → personal liability!

- Riding with contractors (gifts)

DoD SOCO Website: Toolbox (Gifts)

OGE Advisory Opinion 98x8 – detailed analysis

OGE Advisory Opinion 06x023

- Riding with “others”

- Fellow TDYers → OK

- Family → Not OK

Rental Car Agreement #5



Rental Cars

Examples

- TDY employee had rental car; stayed longer for personal leave; had accident; requested reimbursement → not OK
- TDY employees requested gas reimbursement for tourist trips in rental car → not OK



“Is this TDY legal?”

What do we care about?

Principle #7: Public office
not for private gain

Principle #9: Conserve
federal property; only for
authorized purposes



“Is this TDY legal?”

JTR 010102, 010103, 010104

- Travel “responsibly”
 - Least expensive options for all travel
 - Scheduling early
- Approve/authorize only travel necessary to accomplish mission
- JTR must affirmatively authorize expense reimbursement



“Is this TDY legal?”

Examples

- Extending TDY to attend golf outing (\$3,000 cost to gov) → not OK; had to pay back
- Commander got official travel orders to attend two formal balls w/in 1 hour of duty station → not OK; relieved of command; LOR



Leave/Personal Travel with TDY

- No additional money for the gov
- City Pair Program flights only for official travel portion
- Personal travel = personal money
- No clandestine TDY
 - JTR Chapter 3
 - JTR Table 3-20



Government Travel Charge Card (GTCC)

- Use it for official travel
- Don't use it for personal travel
- Pay it off (or risk salary offset)
 - P.L. 105-264



<https://www.travel.dod.mil/Portals/119/Documents/GTCC/GTCC-Regs.pdf>

Wrap-Up: things not to do/approve:

- Fun
- Com fort
- Personal Use





Questions?



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