

DoD Travel Issues

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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(a)(1)

- An officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government (except for an official purpose authorized by [section 1344](#) of this title) or otherwise violates [section 1344](#) shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

-- 31 U.S.C. § 1349(b) --





SO, ... HOW'S YOUR DAY GOING?

Basic concepts for use of Government transportation

- May be authorized only for persons whose transportation benefits the Government
- Transportation must be 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
- Rental Car
- Voluntary use of privately owned vehicle (POV) (reimbursable)
- Taxi (reimbursable)



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)
- United States Forces, Korea
- Combatant Commands

Air Travel

Military Air

Other “required users” of Military Air for
Official Travel Only:

Under Secretaries of Defense for:

- Intelligence
- Policy

[Omitted: USD(P&R); USD(C); USD (R&E);
USD (A&S) – unless “exigencies of their travel
needs prevent the use of commercial aircraft”]

Air Travel

Military Air

Possible “exigencies”:

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

Air Travel

Military Air

Military Air may be used by others for non-official business:

- Must be accompanying a DoD or other Federal official who is traveling on Military Air on official business; and
- May not displace official travelers or require larger aircraft; and
- Travel cost is reimbursed; and
- Travel must be approved in advance, in writing, on a case-by-case basis.

The Military Air Expert

Ann Marra

DoD General Counsel's Office

Acquisition and Logistics

703-693-1115

Air Travel -- Contractors

- Contractor employees cannot be issued Invitational Travel Authorizations
- Travel costs of Government contractors are governed by FAR provisions relating to contract expenses

Air Travel -- Contractors

- Contractors may sometimes fly on Military Air
 - When required by Government Official
 - Contemplated by the contract to fulfill requirements of the contract
- Generally, travel-related items restricted to Government employees may not be given to contractors.

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*



**MAJOR ACCIDENT
LEFT LANES CLOSED
USE LEFT LANE**

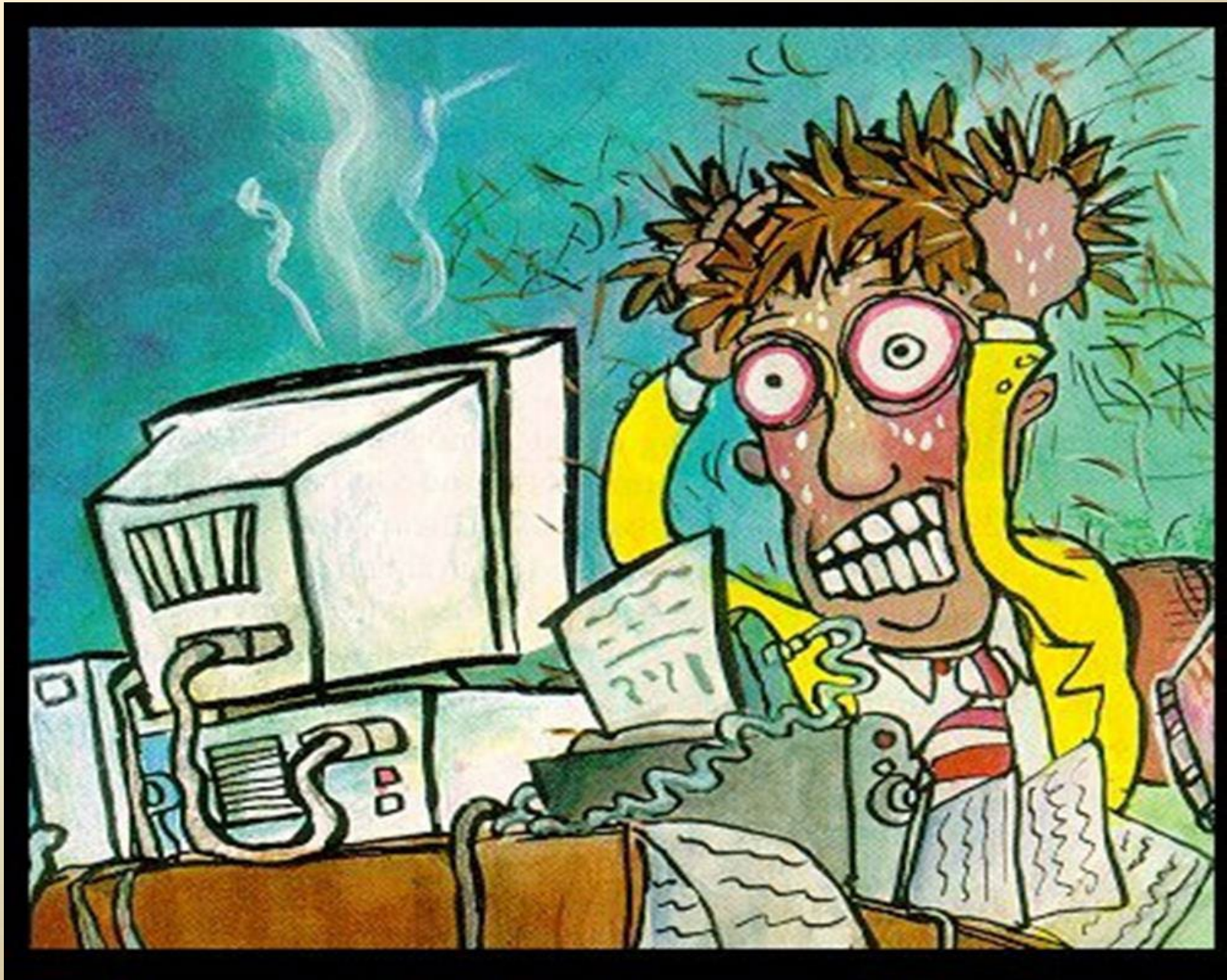
Airline City-Pair Contract Flights

- 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
- Seat not available in time to accomplish mission or would require additional per diem
- Why use contract carrier anyway?

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.

No approval is required to buy or use other than coach-class airfare where the cost is less than the least expensive unrestricted economy / coach class airfare.



Commercial Air Travel

- Premium Class Travel is only available in limited circumstances
 - The current JTR terminology is difficult to follow in relation to classes of accommodations
 - A frequent distinction in the JTR:
 - Economy or Coach accommodations; and
 - Premium-class accommodations
 - Decision support tool is helpful—available on DTMO web site under “JTR Supplements”

Commercial Air Travel

- Premium Class Travel (continued)
 - Consider Premium Class to be any accommodation more expensive than Economy or Coach class
 - Appendix A defines certain classes under the term “Accommodation”
 - First Class is the most expensive accommodation
 - Business Class is somewhere between First Class and Economy/Coach
 - Economy/Coach is the least expensive (but there are variations)

Premium 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.

Premium Class Travel

- Justifying First Class Travel:
 - Only first class accommodations available; or
 - Other classes not “reasonably available”
 - There is no requirement to use a flight scheduled to depart more than 24 hours before the employee's proposed departure time, or scheduled to arrive more than 24 hours before the employee's proposed arrival time.
 - There is no requirement to arrive late or leave early in order to be able to use a coach seat.

Premium Class Travel

- Justifying First Class Travel (continued):
 - Exceptional security circumstances
 - 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
 - Medical condition substantiated by “competent medical authority” (may be a “disability” or “special need”)

~~XXXXXXXXXX~~
A Professional Corporation
NEUROLOGY

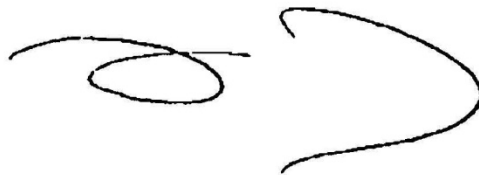
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ALAMEDA, CA. 94501
~~XXXXXXXXXX~~

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.

First Class Travel

- Time limits for medical condition:
 - Temporary disabilities/needs: 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 by a physician EVERY 2 YEARS
 - Refer to the Decision Support Tool—the above time requirements are not in 020206.K
 - Was there a policy change?

First Class Travel

- An AO should consider physical characteristics when determining the class of travel and the options for accommodating those special needs.
- Before approving premium class travel, the AO should consider:
 - “Economy Plus” / “Coach Elite” / Bulkhead; or
 - Two coach/economy class seats

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

- Justifying Business Class Travel:
 - Only premium class accommodations available
 - Space is not available in economy/coach 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

- 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

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

Business Class Travel

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

Business Class Travel

- 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, without rest en route or at TDY site before commencing duties at TDY site
 - Only used for flight to TDY location, not return!

Business Class Travel

Avoid 14-Hour Rule Upgrade

1. Arrive one day early to allow rest; or
2. Rest stop (no more than 24 hours), and arrive on the day the TDY starts

Business Class under this rule may only be used if traveler must arrive on the day the TDY starts, without a rest en route.

Business Class Travel

- Current JTR Provision (as of 23 March 2020), section 020206.J.3
 - The flight length alone is insufficient justification to authorize or approve business-class travel.
 - The AO must first consider using economy or coach-class fare and scheduling the traveler to arrive the day before TDY begins to allow appropriate rest.

Business Class Travel

- Current JTR Provision (continued)
 - The second choice is to use economy or coach-class fare and arrange a rest stop, preferably at a no-cost point allowed by the airline with the traveler scheduled to arrive on the day TDY starts.
 - The last option is to use business-class accommodations with a scheduled arrival on the day TDY starts.

Travel time in excess of 14 hours (JTR Table 2-4)

- Justification: 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 travel time to justify business-class accommodations, the authorizing/approving official must ensure the travel authorization clearly states:
 - When the TDY travel was identified;
 - When travel reservations were made; and
 - The cost difference between coach-class and business-class accommodations.

**See JTR Chapter 2 for assistance
in determining if other than
economy/coach class
accommodations
may be approved**

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
- Current 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 law (2002)

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

Mandatory Use of the Travel Charge Card

- Public Law 105-264, January 27, 1998, mandates the use of a government furnished travel charge card
- “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 is discretionary—there may be 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 (DTMO Agreement)
- Passengers in Rental Vehicle
- Personal Use of Vehicle While TDY
 - 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

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 strict approval authorities, findings, and procedures necessary before this permission may be implemented locally. (See Enclosure 5, paragraph 5.b, of DoD Manual 4500.36, “Acquisition, Management, and Use of DoD Non-Tactical Vehicles” July 7, 2015)

CLOSING ISSUES

DoD Manual 4500.36

Acquisition, Management, and Use of DoD Non-Tactical Vehicles

July 7, 2015

**Includes Recent Changes
Current version incorporates Change 1, Effective
December 20, 2018**

Joint Travel Regulations

(Updated as of 06/01/21)

THE JOINT TRAVEL REGULATIONS UNIFORMED SERVICE MEMBERS AND DOD CIVILIAN EMPLOYEES

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Mandatory Travel Authorization Statement

All DoD travel requests must include justification that alternate means (SVTC, web-based communications) are not sufficiently able to accomplish travel objectives

Restricted Airfare Rules

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

Restricted Airfares

- Restricted airfares cannot be applied in a blanket fashion, but can be considered for each trip on an individual 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 Airfares

- When a City Pair Program Fare is not available, the traveler should use the lowest cost coach-class fare that meets mission requirements.
- The AO must consider that if a restricted fare is authorized and then later canceled or changed for official reasons and not for the personal convenience of the traveler, the Government is responsible for any excess costs.

Restricted Airfare Rule Tips

- Request assistance from CTO to book a restricted fare through comments via the CTO “Assistance Button” in DTS.
- Maintain timely discussions with Authorizing Official and CTO to assure timely approval and ticketing to meet Restricted Airfare requirement.

ECONOMY PLUS/COACH ELITE SEATING

JTRs

Chapter 2, Table 2-4

Travelers Changing Class of Service

QUESTIONS

