

SUBCHAPTER D—AGENCY RESPONSIBILITIES

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AUTHORITY: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105-264, 112 Stat. 2350 (5 U.S.C. 5701, note); OMB Circular No. A-126, revised May 22, 1992; OMB Circular A-123, Appendix B, revised August 27, 2019.

SOURCE: FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, unless otherwise noted.

Subpart A—General Policies and Procedures

§ 301-70.1 How must we administer the authorization and payment of travel expenses?

When administering the authorization and payment of travel expenses, you—

(a) Must limit the authorization and payment of travel expenses to travel that is necessary to accomplish your mission in the most economical and effective manner, under rules stated throughout this chapter;

(b) Should give consideration to budget constraints, adherence to travel policies, and reasonableness of expenses;

(c) Should always consider alternatives, including teleconferencing, prior to authorizing travel; and

(d) Must require employees to use the ETS to process travel authorizations and claims for travel expenses once you migrate to the ETS, but no later than September 30, 2006, unless an exception has been granted under § 301-73.102 or § 301-73.104 of this chapter.

[FTR Amdt. 2003-07, 68 FR 71030, Dec. 22, 2003, as amended by FTR Amdt. 2007-05, 72 FR 61539, Oct. 31, 2007]

Subpart B—Policies and Procedures Relating to Transportation

§ 301-70.100 How must we administer the authorization and payment of transportation expenses?

You must:

(a) Limit authorization and payment of transportation expenses to those expenses that result in the greatest advantage to the Government;

(b) Ensure that travel is by the most expeditious means practicable.

§ 301-70.101 What factors must we consider in determining which method of transportation results in the greatest advantage to the Government?

In selecting a particular method of transportation you must consider:

(a) The total cost to the Government, including per diem, overtime, lost worktime, actual transportation cost, total distance of travel, number of

points visited, the number of travelers and energy conservation. As stated in 5 U.S.C. 5733, “travel of an employee 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.”

(b) Travel by common carrier (air, rail, bus) is considered the most advantageous method to perform official travel. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier exceeds the cost by another method of transportation. A determination that another method of transportation is more advantageous to the Government than common carrier will not be made on the basis of personal preference or inconvenience to the traveler.

(c) When travel must be performed by automobile, agencies should next consider using a Government-furnished automobile.

(d) If a Government-furnished automobile is not available, agencies should then consider using the least expensive compact rental vehicle.

(e) Agencies should lastly consider authorizing a POV only if the employee agrees to use a POV, because agencies cannot mandate employees to use their POV for official reasons.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 2015-03 80 FR 27261, May 13, 2015]

§ 301-70.102 What governing policies must we establish for authorization and payment of transportation expenses?

You must establish policies and procedures governing:

(a) Who will determine what method of transportation is more advantageous to the Government;

(b) Who will approve any of the following:

(1) Use of other than coach class accommodations under § 301-10.103 of this chapter;

(2) Use of a special-reduced fare or reduced group or charter fare;

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(3) Use of an extra-fare train service under § 301-10.160;

(4) Use of ship service;

(5) Use of a foreign ship;

(6) Use of a foreign air carrier;

(c) When you will:

(1) Require the use of a Government vehicle;

(2) Allow the use of a Government vehicle; and

(3) Prohibit the use of a Government vehicle;

(d) When you consider the use of a POV advantageous to the Government, such as travel to and from common carrier terminals or to the TDY location. When determining whether the use of a POV to a TDY location is the most advantageous method of transportation, you must consider the total cost of using a POV as compared to the total cost of using a rental vehicle, including rental costs, fuel, taxes, parking (at a common carrier terminal—not to exceed the cost of taxi or transportation network company fare, etc.), and any other relevant costs;

(e) Procedures for claiming POV reimbursement;

(f) Procedures for allowing the use of a special conveyance (e.g., taxis, TNCs, innovative mobility technology companies, or commercially rented vehicles), taking into account the requirements of § 301-10.450;

(g) What procedures an employee must follow when he/she travels by an indirect route or interrupts travel by a direct route;

(h) Whether to reimburse the full amount of transportation costs and in conjunction with TDY or only the amount by which transportation costs exceed the employee's normal costs for transportation between:

(1) Office or duty point and another place of business;

(2) Places of business; or

(3) Residence and place of business other than office or duty point;

(i) Develop and issue internal guidance on what specific mission criteria justify use of other than coach class under § 301-10.103(a)(9) and the use of other than the least expensive compact car available under § 301-10.450(c). The justification criteria shall be noted on the traveler's authorization.

(j) Develop and publish internal guidance regarding what constitutes a rest period upon arrival at a temporary duty location; and

(k) Develop and publish internal guidance regarding when coach class seating upgrade fees will be authorized as advantageous to the Government and reimbursed (see § 301-10.121).

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 2005-03, 70 FR 28460, May 18, 2005; FTR Amdt. 2009-06, 74 FR 55149, Oct. 27, 2009; FTR Amdt. 2010-02, 75 FR 24436, May 5, 2010; FTR Amdt. 2010-07, 75 FR 72967, Nov. 29, 2010; FTR Amdt. 2015-03, 80 FR 27261, May 13, 2015; FTR Amdt. 2017-01, 83 FR 604, Jan. 5, 2018; FTR Case 2020-300-1, 87 FR 55706, Sept. 12, 2022]

§ 301-70.103 In what circumstance may we authorize use of ship service?

Travel by ship is not generally regarded as advantageous. You must determine that the advantages accruing from the use of ocean transportation offset the higher costs associated with ship travel, *i.e.*, per diem, transportation, and lost worktime.

§ 301-70.104 What factors should we consider in determining whether to require an employee to commit to the use of a Government-furnished automobile?

You should consider:

(a) The advantages of using a Government-furnished automobile. Such advantages may include, but are not limited to:

(1) Full utilization or availability of fleet vehicles;

(2) Lower cost;

(3) Official presence.

(b) The type of travel the employee performs. You should require such a commitment when an employee or group of employees requires the use of an automobile for official travel on a frequent or repetitive basis.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 015-03, 80 FR 27261, May 13, 2015]

§ 301-70.105 May we prohibit an employee from using a POV on official travel?

No, but if the employee elects to use a POV instead of an alternative form of transportation you authorize, you must:

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(a) Limit reimbursement to the constructive cost of the authorized method of transportation, which is the sum of travel and transportation expenses the employee would reasonably have incurred had the employee traveled by the method of transportation deemed to be most advantageous to the Government. The calculation will necessarily involve assumptions. Examples of related expenses that could be considered constructive costs include, but are not limited to, taxi and TNC fares, baggage fees, rental car costs, tolls, ferry fees, and parking charges; and

(b) Charge leave for any duty hours that are missed as a result of travel by POV.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended at 88 FR 2845, Jan. 18, 2023]

Subpart C—Policies and Procedures Relating to Per Diem Expenses

§ 301-70.200 What governing policies must we establish for authorization and payment of per diem expenses?

You must establish policies and procedures governing:

(a) Who will authorize a rest period;

(b) Circumstances allowing a rest period during prolonged travel (see § 301-11.20 for minimum standards);

(c) If, and in what instances, you will allow an employee to return to his/her official station on non-workdays;

(d) Who will determine if an employee will be allowed to return to his/her official station on a case by case basis.

(e) Who will determine in what instances you will pay a reduced per diem rate;

(f) Who will determine, and in what instances, to issue a blanket authorization for actual expenses under § 301-70.201 or when actual expenses are appropriate in individual cases; and

(g) Who will determine, and in what instances, an employee will be able to claim the full M&IE allowance even though meals are furnished to the em-

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ployee by the Government, in accordance with §§ 301-11.18(b) and 301-11.18(c).

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 2009-03, 74 FR 16329, Apr. 10, 2009; FTR Amdt. 2010-07, 75 FR 72967, Nov. 29, 2010; FTR Amdt. 2011-03, 76 FR 55275, Sept. 7, 2011]

§ 301-70.201 May we issue a blanket actual expense authorization for our employees during a Presidentially-Declared Disaster?

Yes. A blanket authorization regarding actual expense reimbursement may be issued to your employees assigned to perform TDY travel in an area subject to a Presidentially-Declared Disaster. These authorizations must apply to a specific Declaration, and must end on the expiration date of the Declaration, or one year from the date the Declaration is issued, whichever is sooner. A blanket authorization issued under this section shall not apply to any travel performed pursuant to chapter 302 of this title.

[FTR Amdt. 2011-03, 76 FR 55275, Sept. 7, 2011]

Subpart D—Policies and Procedures Relating to Miscellaneous Expenses

§ 301-70.300 How should we administer the authorization and payment of miscellaneous expenses?

You should limit payment of miscellaneous expenses to only those expenses that are necessary and in the interest of the Government.

§ 301-70.301 What governing policies must we establish for payment of miscellaneous expenses?

You must establish policies and procedures governing:

(a) Who will determine when excess baggage is necessary for official travel;

(b) When you will pay for communications services, including whether you will pay for a telephone call to the employee's home or place where the employee's dependent children are;

(c) Who will determine if other miscellaneous expenses are appropriate for reimbursement in connection with official travel, including but not limited to, fees for the use of automated teller machine (ATMs) when using the Government contractor-issued travel

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charge card and expenses for laundry, cleaning, and pressing of clothing.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 2016-02, 81 FR 63136, Sept. 14, 2016]

Subpart E—Policies and Procedures Relating to Travel of an Employee with a Disability or Special Need

§ 301-70.400 How should we authorize and administer the payment of additional travel expenses for an employee with a disability or special need?

You should authorize and administer the payment to reasonably accommodate employee(s) with disabilities in accordance with the Rehabilitation Act of 1973, as amended (29 U.S.C. 701, *et seq.*) and 5 U.S.C. 3102 and part 301-13 of this chapter. An employee with a special need should be treated the same as an employee with a disability. You must determine that additional travel expenses are necessary to accommodate the employee's needs.

[FTR Amdt. 2006-03, 71 FR 24597, Apr. 26, 2006, as amended at 85 FR 39849, July 2, 2020]

§ 301-70.401 What governing policies and procedures must we establish regarding travel of an employee with a disability or special need?

You must establish the policies and procedures governing:

(a) Who will determine if an employee has a disability or special need which requires accommodation, including when documentation is necessary under §§ 301-10.103 and 301-10.121, and when a determination may be based on a clearly visible and discernible physical condition; and

(b) Who will determine how to reasonably accommodate the employee and what expenses you will pay.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Case 2020-300-1, 87 FR 55706, Sept. 12, 2022]

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Subpart F—Policies and Procedures for Emergency Travel of Employee Due to Illness or Injury

§ 301-70.500 What governing policies and procedures should we establish relating to emergency travel?

Each agency must determine:

(a) When you will authorize emergency travel under part 301-30;

(b) Who will determine if the employee's situation warrants payment for emergency travel expenses;

(c) When and by whom travel to an alternate location other than official station or point of interruption will be authorized; and

(d) Who will determine when and if the definition of family may be extended and to whom.

§ 301-70.501 Does per diem continue when an employee interrupts a travel assignment because of an incapacitating illness or injury?

Yes, when an employee interrupts a travel assignment because of an incapacitating illness or injury and takes leave (annual or sick), per diem will be allowed, not to exceed the maximum rate for the location where the interruption occurs, for a reasonable period, normally not to exceed 14 calendar days (including fractional days) for any one period of absence. You may approve a longer period if justified.

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

§ 301-70.502 Are there any limitations to the payment of these expenses?

Yes, there are limitations to the payment of these expenses. Per diem is not payable, or if paid, must be collected from the employee when—

(a) The employee is confined to a hospital or medical facility that is within the proximity of the official station or that is the same one the employee would have been admitted to if the illness or injury had occurred while at the official station; and/or

(b) The Government provides or reimburses the employee for hospitalization under any Federal statute (including hospitalization in a Department of Veterans Affairs (VA) medical center or military hospital) other than 5 U.S.C.

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8901-8913 (Federal Employees Health Benefits program).

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002, as amended by FTR Amdt. 2010-07, 75 FR 72967, Nov. 29, 2010]

§ 301-70.503 What additional emergency expenses should we allow?

When an employee discontinues a TDY assignment before its completion due to an incapacitating illness or injury, you may pay—

(a) Transportation and per diem expenses for travel to an alternate location to receive medical treatment;

(b) Transportation and per diem expenses to return to the official station; and

(c) Transportation costs of a medically necessary attendant.

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

§ 301-70.504 When the employee is able to travel, should we continue the use of the existing travel authorization?

Not if the interrupted trip was authorized under a trip by trip authorization. If, when the employee's health has been restored, the agency decides that it is in the Government's interest to return the employee to the TDY location, such return is considered to be a new travel assignment at Government expense. An interrupted trip authorized under an open or limited open authorization may be continued without further authorization.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Redesignated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

§ 301-70.505 May any travel costs be reimbursed if the employee travels to an alternate location for medical treatment?

Yes. When an employee interrupts a TDY assignment because of an incapacitating illness or injury and takes leave of absence for travel to an alternate location to obtain medical services and returns to the TDY assignment, you may reimburse certain excess travel costs provided in this section. Specifically, you may reimburse the excess (if any) of actual costs of travel from the point of interruption to the alternate location and return to the TDY assignment, over the con-

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structive costs of round-trip travel between the official station and the alternate location. The nearest hospital or medical facility capable of treating the employee's illness or injury will not, however, be considered an alternate location.

NOTE TO § 301-70.505: An alternate location is a destination other than the employee's official station or the point of interruption.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Redesignated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

§ 301-70.506 How do we define actual cost and constructive cost when an employee interrupts a travel assignment because of an incapacitating illness or injury?

(a) Actual cost of travel will be the transportation expenses incurred and en route per diem for the travel as actually performed from the point of interruption to the alternate location and from the alternate location to the TDY assignment. No per diem is allowed for time spent at the alternate location if confined to a medical facility.

(b) Constructive cost is the sum of travel and transportation expenses the employee would reasonably have incurred for round-trip travel between the official station and the alternate location plus per diem calculated for the appropriate en route travel time. The calculation will necessarily involve assumptions. Examples of related expenses that could be considered constructive costs include, but are not limited to, taxi and TNC fares, baggage fees, rental car costs, tolls, ferry fees, and parking charges.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Redesignated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002, as amended at 88 FR 2845, Jan. 18, 2023]

§ 301-70.507 May we authorize per diem if an employee discontinues a TDY assignment because of a personal emergency situation?

Yes. Expenses of appropriate transportation and per diem while en route may be allowed, with the approval of

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an appropriate agency official, for return travel from the point of interruption to the official station.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Re-designated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

§ 301-70.508 How do we handle reimbursement if the employee travels to an alternate location and returns to the TDY location because of a personal emergency situation?

You may reimburse certain excess travel costs (transportation and en route per diem) to the same extent as provided in § 301-70.501 for incapacitating illness or injury to the employee.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Re-designated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

§ 301-70.509 What factors must we consider in expanding the definition of family for emergency travel purposes?

Agencies must consider on a case by case basis:

- (a) The extent of the emergency;
- (b) The employee's relationship to the individual involved in the emergency; and
- (c) The degree of the employee's responsibility for the individual involved in the emergency.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998. Re-designated by FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002]

Subpart G—Policies and Procedures Relating to Threatened Law Enforcement/Investigative Employees

§ 301-70.600 What governing policies and procedures must we establish related to threatened law enforcement/investigative employees?

You must establish policies and procedures governing:

- (a) When you will pay transportation and subsistence expenses of threatened law enforcement/investigative employees, under part 301-31 of this chapter;
- (b) Who will determine the degree and seriousness of threat in each individual case;

(c) Who will determine what protective action should be taken, including the location and duration of temporary lodging;

(d) Who will reevaluate the situation to determine whether protective action should be continued or discontinued and how often;

(e) What procedures must be followed to obtain authorization of transportation and subsistence expenses for threatened law enforcement/investigative employees; and

(f) What special procedures must an employee follow to claim expenses.

§ 301-70.601 What factors should we consider in determining whether to authorize payment of transportation and subsistence expenses for threatened law enforcement/investigative employees?

You should consider:

(a) *The degree and seriousness of the threat.* You should pay transportation and subsistence expenses only if a situation poses a legitimate serious threat to life.

(b) *The option of relocating the employee.* You should consider whether relocating the employee permanently would be advantageous given the specific nature of the threat, the continued disruption of the family, and the alternative costs of a change of official station.

§ 301-70.602 How often must we reevaluate the payment of transportation and subsistence expenses to a threatened law enforcement/investigative employee?

You must reevaluate the situation every 30 days based on the same factors you considered when you first authorized the payment of the expenses.

Subpart H—Policies and Procedures Relating to Mandatory Use of the Government Contractor-Issued Travel Charge Card for Official Travel

SOURCE: FTR Amdt. 90, 65 FR 3056, Jan. 19, 2000, unless otherwise noted.

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§ 301-70.700 Must our employees use a Government contractor-issued travel charge card for official travel expenses?

Yes, your employees must use a Government contractor-issued travel charge card for official travel expenses unless:

- (a) A vendor does not accept the travel charge card;
- (b) The Administrator of General Services has granted an exemption. (see § 301-70.704); or
- (c) Your agency head or his/her designee has granted an exemption.

§ 301-70.701 Who has the authority to grant exemptions to mandatory use of Government contractor-issued travel charge card for official travel?

(a) The Administrator of General Services will exempt any payment, person, type or class of payments, or type or class of personnel in any case in which—

- (1) It is in the best interest of the United States to do so;
- (2) Payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or
- (3) The Secretary of Defense or the Secretary of Homeland Security (for the Coast Guard) requests an exemption for the members of their uniformed services.

(b) The head of a Federal agency or his/her designee(s) may exempt any payment, person, type or class of payments, or type or class of agency personnel if the exemption is determined to be necessary in the interest of the agency.

[FTR Amdt. 70, 63 FR 15971, Apr. 1, 1998, as amended by FTR Amdt. 2007-05, 72 FR 61539, Oct. 31, 2007]

§ 301-70.702 Must we notify the Administrator of General Services when we grant an exemption?

Yes, you must notify the Administrator of General Services, Office of Government-wide Policy, 1800 F Street, NW, Washington, DC 20405, in writing within 30 days after granting the ex-

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emption, stating the reasons for the exemption.

[FTR Amdt. 90, 65 FR 3056, Jan. 19, 2000, as amended by FTR Amdt. 2016-01, 81 FR 63138, Sept. 14, 2016; 85 FR 39849, July 2, 2020]

§ 301-70.703 If we grant an exemption, does that prevent the employee from using the card on a voluntary basis?

No, an exemption from use would not prevent the employee from using the Government contractor-issued travel charge card for official travel expenses on a voluntary basis in accordance with your policies.

§ 301-70.704 What classes of employees are exempt from mandatory use of the Government contractor-issued travel charge card?

The Administrator of General Services exempts the following classes of employees from mandatory use of the Government contractor-issued travel charge card:

- (a) Any employee who has an application pending for the Government contractor-issued travel charge card;
- (b) Any employee, when issuance of the Government contractor-issued travel charge card would adversely affect the mission or put the employee at risk; and
- (c) Any employee who is not eligible to receive a Government contractor-issued travel charge card.

[FTR Amdt. 2016-01, 81 FR 63138, Sept. 14, 2016]

§ 301-70.705 What methods of payment for official travel expenses may we authorize when an exemption from use of the Government contractor-issued travel charge card is granted?

When you grant an exemption from use of the Government contractor-issued travel charge card, you may authorize one or a combination of the following methods of payment:

- (a) Personal funds, including cash or personal charge card;
- (b) Travel advances; or
- (c) Government Transportation Request (GTR).

NOTE TO § 301-70.705: City pair contractors are not required to accept payment by the methods in paragraph (a) or (b) of this section.

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§ 301-70.706 For what purposes may an employee use the Government contractor-issued travel charge card while on official travel?

An employee is required to use the Government contractor-issued travel charge card for expenses directly related to official travel.

[FTR Amdt. 2010-02, 75 FR 24436, May 5, 2010]

§ 301-70.707 May an employee use the Government contractor-issued travel charge card for personal use while on official travel?

No, an employee may not use the Government contractor-issued travel charge card for personal use while on official travel.

[FTR Amdt. 2010-02, 75 FR 24436, May 5, 2010]

§ 301-70.708 What actions may we take if an employee fails to activate the Government contractor-issued travel charge card and/or misuses the travel charge card?

Internal agency policies and procedures should be established defining what are considered to be misuses of the Government contractor-issued travel charge card. Appropriate action may be taken pursuant to those policies if an employee fails to activate the Government contractor-issued travel charge card within 60 days of receipt or misuses the travel charge card.

[FTR Amdt. 2016-01, 81 FR 63138, Sept. 14, 2016]

§ 301-70.709 What can we do to reduce travel charge card delinquencies?

To reduce travel charge card delinquencies by your employees, you should consider implementing one or more of the following suggestions (this list is not comprehensive; you may adopt other appropriate procedures):

(a) Agency travel program coordinators must be trained and aware of their responsibilities and the delinquency management tools available under your agreement with the travel charge card contractor.

(b) Ensure that managers and supervisors are provided monthly delinquency and questionable charges report.

(c) Periodically, but at least once a year, verify that cardholders are still current employees.

(d) For inactive accounts (cards not used within 6 months, one year, etc., reduce card limit to \$1, increase dollar limit when necessary.

(e) Work with the charge card contractor to block certain high-risk category codes (e.g., department stores, automobile dealerships, specialty stores), etc.

(f) Review ATM cash withdrawals for reasonableness and association with official travel.

(g) Implement a salary offset program. (See part 301-76 of this chapter).

(h) Implement split disbursement in your travel vouchering system, so that an employee may authorize you to make certain payments directly to the charge card contractor on the employee's behalf.

(i) Refer potential fraud cases to your agency IG for investigation.

(j) Information on travel cardholder training is available at <https://smartpay.gsa.gov/content/training>.

(k) Ensure that employees turn in their travel charge card when they retire or leave the agency.

[FTR Amdt. 108, 67 FR 57967, Sept. 13, 2002, as amended by FTR Amdt. 2007-05, 72 FR 61539, Oct. 31, 2007. Redesignated by FTR Amdt. 2010-02, 75 FR 24436, May 5, 2010, as amended at 85 FR 39849, July 2, 2020]

Subpart I—Policies and Procedures for Agencies That Authorize Travel on Government Aircraft

SOURCE: FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, unless otherwise noted.

§ 301-70.800 Whom may we authorize to travel on Government aircraft?

You may authorize Federal travelers, non-Federal travelers, and any other passengers, as defined in part 300-3 of this subtitle, to travel on Government aircraft, subject to the rules in this subpart. Because the taxpayers generally should pay no more than necessary for transportation of travelers, except for required use travel, you may authorize travel on Government aircraft only when a Government aircraft

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is the most cost-effective mode of travel and the traveler is traveling for Governmental purposes.

§ 301-70.801 When may we authorize travel on Government aircraft?

You may authorize travel on Government aircraft only as follows:

(a) For official travel when—

(1) No scheduled commercial airline service is reasonably available to fulfill your agency's travel requirement (*i.e.*, able to meet the traveler's departure and/or arrival requirements within a 24-hour period, unless you demonstrate that extraordinary circumstances require a shorter period); or

(2) The cost of using a Government aircraft is not more than the cost of the city-pair fare for scheduled commercial airline service or the cost of the lowest available full coach fare if a city-pair fare is not available to the traveler.

(b) For required-use travel, *i.e.*, when the traveler is authorized to use Government aircraft because of bona fide communications needs (e.g., 24-hour secure communications are required) or security reasons (e.g., highly unusual circumstances that present a clear and present danger to the traveler) or exceptional scheduling requirements (e.g., a national emergency or other compelling operational considerations). Required-use travel may include travel for official, personal, or political purposes, but must be approved in accordance with §§ 301-10.262(a) and 301-70.803(a).

(c) For space available travel when—

(1) The aircraft is already scheduled for use for an official purpose and carrying an official traveler(s) on the aircraft does not cause the need for a larger aircraft or result in more than minor additional cost to the Government; or

(2) The Federal traveler or the dependent of a Federal traveler is stationed by the Government in a remote location not accessible to commercial airline service; or

(3) The traveler is authorized to travel space available under 10 U.S.C. 2648

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and regulations implementing that statute.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended by FTR Amdt. 2010-04, 75 FR 59095, Sept. 27, 2010]

§ 301-70.802 Must we ensure that travel on Government aircraft is the most cost-effective alternative?

(a) Yes, you must ensure that travel on a Government aircraft is the most cost-effective alternative that will meet the travel requirement. Your designated travel approving official must—

(1) Compare the cost of all travel alternatives, as applicable, that is—

(i) Travel on a scheduled commercial airline;

(ii) Travel on a Federal aircraft;

(iii) Travel on a Government aircraft hired as a commercial aviation service (CAS); and

(iv) Travel by other available modes of transportation; and

(2) Approve only the most cost-effective alternative that meets your agency's needs.

(3) Consider the cost of non-productive or lost work time while in travel status and certain other costs when comparing the costs of using Government aircraft in lieu of scheduled commercial airline service and other available modes of transportation. Additional information on costs included in the cost comparison may be found in the "U.S. Government Aircraft Cost Accounting Guide," published by the General Services Administration, Office of Government-wide Policy. To obtain a copy of the guide, please contact aviationpolicy@gsa.gov.

(b) The aircraft management office in the agency that owns or hires the Government aircraft must provide your designated travel-approving official with cost estimates for a Government aircraft trip (*i.e.*, a Federal aircraft trip cost or a CAS aircraft trip cost).

(c) When an agency operates a Government aircraft to fulfill a non-travel related governmental function or for required use travel, using any space available for passengers on official travel is presumed to result in cost savings.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended at 85 FR 39849, July 2, 2020]

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§ 301-70.803 How must we authorize travel on a Government aircraft?

You must authorize travel on a Government aircraft as follows:

(a) *For required-use travel.* Your agency must first establish written standards for determining the special circumstances under which it will require travelers to use Government aircraft. Then, following those standards, your agency's senior legal official or his/her principal deputy must authorize required-use travel on a trip-by-trip basis in advance and in writing, unless—

(1) The traveler is an agency head, and the President has determined that all of his or her travel, or travel in specified categories, requires the use of Government aircraft; or

(2) Your agency head has determined in writing that all travel, or travel in specified categories, by another traveler requires the use of Government aircraft.

NOTE TO § 301-70.803(a): In an emergency situation, prior verbal approval for required-use travel with an after-the-fact written authorization is permitted.

(b) *For travel by senior Federal officials.* Your agency's senior legal official or his/her principal deputy must authorize all travel on Government aircraft by senior Federal officials on a trip-by-trip basis, in advance and in writing, except for required use travel authorized under paragraphs (a)(1) or (a)(2) of this section. In an emergency situation, prior verbal approval with an after-the-fact written authorization by your agency's senior legal official is permitted. Senior Federal officials who are crewmembers or qualified non-crewmembers on a flight in which they are also traveling (*i.e.*, being transported from point-to-point) are considered travelers and must be authorized to travel on Government aircraft according to this paragraph.

(c) *For travel by non-Federal travelers.* If you are the sponsoring agency for a non-Federal traveler, your senior legal official or his/her deputy must authorize all travel on Government aircraft by that non-Federal traveler on a trip-by-trip basis, in advance and in writing. In an emergency situation, prior verbal approval with an after-the-fact

written authorization by your agency's senior legal official is permitted.

(d) *For all other travel.* (1) Your agency's designated travel approving official (or anyone to whom he/she delegates this authority and who is at least one organizational level above the traveler) must authorize, in advance and in writing, all other travel on Government aircraft (*i.e.*, by passengers, crewmembers, or qualified non-crewmembers) that is not covered in paragraphs (a), (b), and (c) of this section. In an emergency situation, prior verbal approval with an after-the-fact written authorization by your agency's designated travel approving official is permitted. If your agency wishes to issue blanket travel authorizations that authorize travel on Government aircraft, such blanket authorizations must define the circumstances that must be met for using Government aircraft in compliance with this regulation and any additional agency policies. Travel on Government aircraft that does not meet the circumstances specified in the blanket travel authorization must be authorized on a trip-by-trip basis in accordance with this regulation and other applicable agency policies.

(2) When authorizing space available travel (except as authorized under 10 U.S.C. 2648 and regulations implementing that statute), you must ensure that the aircraft management office in the agency that owns or hires the aircraft has certified in writing before the flight that the aircraft is scheduled to be used for a bona fide governmental function. Bona fide governmental functions may include support for official travel. The aircraft management office must also certify that carrying a traveler(s) in space available does not cause the need for a larger aircraft or result in more than minor additional cost to the Government. The aircraft management office must retain this certification for two years. In an emergency situation, prior verbal confirmation of this information with an after-the-fact written certification is permitted.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended by FTR Amdt. 2010-04, 75 FR 59095, Sept. 27, 2010]

§ 301-70.804

§ 301-70.804 What amount must the Government be reimbursed for travel on a Government aircraft?

(a) No reimbursement is required for official travel on a Government aircraft.

(b) For personal travel on Government aircraft, reimbursement depends upon which of the following special cases applies:

(1) You must require a traveler on required-use travel to reimburse the Government for the excess of the full coach fare for all flights taken on a trip over the full coach fare for the flights that he/she would have taken had he/she not engaged in personal activities during the trip; and

(2) No reimbursement is required for travel authorized under 10 U.S.C. 2648 and regulations implementing that statute, or when the traveler and his/her dependents are stationed by the Government in a remote location with no access to regularly scheduled commercial airline service.

(c) For political travel on a Government aircraft (*i.e.*, for any trip or part of a trip during which the traveler engages in political activities), you must require that the Government be reimbursed the excess of the full coach fare for all flights taken on the trip over the full coach fare for the flights that the traveler would have taken had he/she not engaged in political activities, except if other law or regulation specifies a different amount (see, *e.g.*, 11 CFR 106.3, "Allocation of Expenses between Campaign and Non-campaign Related Travel"), in which case the amount reimbursed is the amount required by such law or regulation.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended by FTR Amdt. 2010-04, 75 FR 59095, Sept. 27, 2010]

§ 301-70.805 Must we include special information on a travel authorization for a senior Federal official or a non-Federal traveler who travels on Government aircraft?

Yes, you must include the following information on a travel authorization for a senior Federal official or a non-Federal traveler:

(a) Traveler's name with indication that the traveler is either a senior Fed-

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eral official or a non-Federal traveler, whichever is appropriate.

(b) The traveler's organization and title or other appropriate descriptive information, *e.g.*, dependent, press, etc.

(c) Name of the authorizing agency.

(d) The official purpose of the trip.

(e) The destination(s).

(f) For personal or political travel, the amount that the traveler must reimburse the Government (*i.e.*, the full coach fare or appropriate share of that fare).

(g) For official travel, the comparable city-pair fare (if available to the traveler) or full coach fare if a city-pair fare is not available.

§ 301-70.806 What documentation must we retain for travel on Government aircraft?

You must retain all travel authorizations and cost-comparisons for travel on Government aircraft for two years.

§ 301-70.807 Must we make information available to the public about travel by senior Federal officials and non-Federal travelers on Government aircraft?

Yes, an agency that authorizes travel on Government aircraft must make records about travelers on those aircraft available to the public in response to written requests under the Freedom of Information Act (5 U.S.C. 552), except for portions exempt from disclosure under that Act (such as classified information).

§ 301-70.808 Do the rules in this part apply to travel on Government aircraft by the President and Vice President or by individuals traveling in support of the President and Vice President?

Given the unique functions and needs of the presidency and the vice presidency, section 4 of Circular A-126, "Improving the Management and Use of Government Aircraft," Revised May 1992, makes clear that Circular A-126 does not apply to aircraft while in use by or in support of the President or Vice President. Since the principal purpose of the rules in this part is to implement Circular A-126, the rules in this part also do not apply to such travel. If any questions arise regarding travel related to the President or Vice

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President, contact the Office of the Counsel to the President or the Office of the Counsel to the Vice President, respectively.

with an after-the-fact written certification is permitted.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended at 85 FR 39849, July 2, 2020]

Subpart J—Policies and Procedures for Agencies That Own or Hire Government Aircraft for Travel

§ 301-70.903 What are our responsibilities for ensuring that Government aircraft are the most cost-effective alternative for travel?

SOURCE: FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, unless otherwise noted.

To help ensure that Government aircraft are the most cost-effective alternative for travel, your aircraft management office must calculate the cost of a trip on your aircraft, whether Federal aircraft or CAS aircraft, and submit that information to the traveler's designated travel-approving official upon request. The designated travel-approving official must use that information to compare the cost of using Government aircraft with the cost of scheduled commercial airline service and the cost of using other available modes of transportation. When you operate a Government aircraft to fulfill a non-travel related governmental function or for required use travel, using any space available for passengers on official travel is presumed to result in cost savings. For guidance on how and when to calculate the cost of a trip on a Government aircraft, see the "U.S. Government Aircraft Cost Accounting Guide," published by the General Services Administration, Office of Government-wide Policy. To obtain a copy of the guide, please contact aviationpolicy@gsa.gov.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended at 85 FR 39849, July 2, 2020]

§ 301-70.900 May we use our Government aircraft to carry passengers?

Yes. You may use Government aircraft, *i.e.*, aircraft that you own, borrow, operate as a bailed aircraft, or hire as a commercial aviation service (CAS), to carry Federal and non-Federal travelers, but only in accordance with the rules in 41 CFR 102-33.215 and 102-33.220 and the regulations in this part.

§ 301-70.901 Who may approve use of our Government aircraft to carry passengers?

Your agency head or his/her designee must approve the use of your agency's Government aircraft for travel, *i.e.*, for carrying passengers and any crewmembers or qualified non-crewmembers who are also traveling. This approval must be in writing and may be for recurring travel.

§ 301-70.902 Do we have any special responsibilities related to space available travel on our Government aircraft?

Yes, except for travel authorized under 10 U.S.C. 2648 and regulations implementing that statute, you must certify in writing before carrying passengers on a space available basis on your Government aircraft that the aircraft is scheduled to perform a bona fide governmental function. Bona fide governmental functions may include support for official travel. You must also certify that carrying a passenger in space available does not cause the need for a larger aircraft and does not result in more than minor additional cost to the Government. Your aircraft management office must retain this certification for two years. In an emergency situation, prior verbal approval

§ 301-70.904 Must travelers whom we carry on Government aircraft be authorized to travel?

Yes, every traveler on one of your aircraft must have a written travel authorization from an authorizing executive agency, and he/she must present that authorization, before the flight, to the aircraft management office or its representative in the organization that owns or hires the Government aircraft. In addition to all passengers, those crewmembers and qualified non-crewmembers on a flight in which they are also traveling (*i.e.*, being transported from point to point) are considered travelers and must also be authorized to travel on Government aircraft.

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§ 301-70.905 What documentation must we retain for travel on our Government aircraft?

(a) You must retain for two years copies of travel authorizations for senior Federal officials and non-Federal travelers who travel on your Government aircraft.

(b) You must also retain for two years the following information for each flight:

- (1) The tail number of the Government aircraft used.
- (2) The dates used for travel.
- (3) The name(s) of the pilot(s), other crewmembers, and qualified non-crewmembers.
- (4) The purpose(s) of the flight.
- (5) The route(s) flown.
- (6) The names of all passengers.

§ 301-70.906 Must we report use of our Government aircraft to carry senior Federal officials and non-Federal travelers?

Yes, except when the trips are classified, you must report to the General Services Administration, Office of Government-wide Policy, all uses of your aircraft for travel by any senior Federal official or non-Federal traveler, by using an electronic reporting tool found at “<https://www.gsa.gov/sftr>”, unless travel is authorized under 10 U.S.C. 2648 and regulations implementing that statute.

[85 FR 39849, July 2, 2020]

§ 301-70.907 What information must we report on the use of Government aircraft to carry senior Federal officials and non-Federal travelers and when must it be reported?

You must report on a semi-annual basis to the General Services Administration (GSA) information about Senior Federal officials and non-Federal travelers who fly aboard your aircraft. The reporting periods are October 1 through March 31 and April 1 through September 30 of each fiscal year. A report is due to GSA not later than 30 calendar days after the close of each reporting period and must contain the following information:

(a) The person's name with indication that he/she is either a senior Federal official or a non-Federal traveler, whichever is appropriate.

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(b) The traveler's organization and title or other appropriate descriptive information, e.g., dependent, press, etc.

(c) Name of the authorizing agency.

(d) The official purposes of the trip.

(e) The destination(s).

(f) For personal or political travel, the amount that the traveler must reimburse the Government (*i.e.*, the full coach fare or appropriate share of that fare).

(g) For official travel, the comparable city-pair fare (if available to the traveler) or the full coach fare if the city-pair fare is not available.

(h) The cost to the Government to carry this person (*i.e.*, the appropriate allocated share of the Federal or CAS aircraft trip costs).

NOTE TO § 301-70.907: You are not required to report classified trips; however, you must maintain information on classified trips for two years. Most of the information required by paragraphs (a) through (g) of this section can be found on the traveler's travel authorization. Your aircraft management office must provide the information about crewmembers and qualified non-crewmembers required by paragraph (b) as well as the information required by paragraph (h). For more information on calculating costs, see the “U.S. Government Aircraft Cost Accounting Guide,” published by the General Services Administration, Office of Government-wide Policy. To obtain a copy of the guide, please contact aviationpolicy@gsa.gov.

[FTR Amdt. 2004-02, 69 FR 34305, June 21, 2004, as amended at 85 FR 39849, July 2, 2020]

§ 301-70.908 Must we make information available to the public about travel by senior Federal officials and non-Federal travelers on Government aircraft?

Yes, an agency that operates aircraft must make records about travelers on those aircraft available to the public in response to written requests under the Freedom of Information Act (5 U.S.C. 552), except for portions exempt from disclosure under that Act (such as classified information).

§ 301-70.909 What disclosure information must we give to anyone who flies on our Government aircraft?

You must give each person aboard your aircraft a copy of the following disclosure statement:

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DISCLOSURE FOR PERSONS FLYING ABOARD FEDERAL GOVERNMENT AIR- CRAFT

NOTE: The disclosure contained herein is not all-inclusive. You should contact your sponsoring agency for further assistance.

Generally, an aircraft used exclusively for the U.S. Government may be considered a 'public aircraft' as defined in 49 U.S.C. 40102 and 40125, unless it is transporting passengers or operating for commercial purposes. A public aircraft is not subject to many Federal aviation regulations, including requirements relating to aircraft certification, maintenance, and pilot certification. If a U.S. Government agency transports passengers on a Government aircraft, that agency must comply with all Federal aviation regulations applicable to civil aircraft. If you have questions about the status of a particular flight, you should contact the agency sponsoring the flight.

You and your family have certain rights and benefits in the unlikely event you are injured or killed while riding aboard a Government aircraft. Federal employees and some private citizens are eligible for workers' compensation benefits under the Federal Employees' Compensation Act (FECA). When FECA applies, it is the sole remedy. For more information about FECA and its coverage, consult with your agency's benefits office or contact the Branch of Technical Assistance at the Department of Labor's Office of Workers' Compensation Programs at (202) 693-0044. (These rules also apply to travel on other Government-owned or operated conveyances such as cars, vans, or buses.)

State or foreign laws may provide for product liability or "third party" causes of actions for personal injury or wrongful death. If you have questions about a particular case or believe you have a claim, you should consult with an attorney.

Some insurance policies may exclude coverage for injuries or death sustained while traveling aboard a Government or military aircraft or while within a combat area. You may wish to check your policy or consult with your insurance provider before your flight. The insurance available to Federal employees through the Federal Employees Group Life Insurance Program does not contain an exclusion of this type.

If you are the victim of an air disaster resulting from criminal activity, Victim and Witness Specialists from the Federal Bureau of Investigation (FBI) and/or the local U.S. Attorney's Office will keep you or your family informed about the status of the criminal investigation(s) and provide you or your family with information about rights and services, such as crisis intervention, counseling and emotional support. State crime victim compensation may be able to cover crime-related expenses, such as medical

costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. The Office for Victims of Crime (an agency of the Department of Justice) is authorized by the Antiterrorism Act of 1996 to provide emergency financial assistance to state programs, as well as the U.S. Attorneys Office, for the benefit of victims of terrorist acts or mass violence.

If you are a Federal employee:

1. If you are injured or killed on the job during the performance of duty - including while traveling aboard a Government aircraft or other government-owned or operated conveyance for business purposes, you and your family are eligible to collect workers' compensation benefits under FECA. You and your family may not file a personal injury or wrongful death suit against the United States or its employees. However, you may have cause of action against potentially liable third parties.

2. You or your qualifying family member must normally also choose between FECA disability or death benefits, and those payable under your retirement system (either the Civil Service Retirement System or the Federal Employees Retirement System). You may choose the benefit that is more favorable to you.

If you are a private citizen not employed by the Federal Government:

1. Even if you are not regularly employed by the Federal Government, if you are rendering personal service to the Federal Government on a voluntary basis or for nominal pay, you may be defined as a Federal employee for purposes of FECA. If that is the case, you and your family are eligible to receive workers' compensation benefits under FECA, but may not collect in a personal injury or wrongful death lawsuit against the United States or its employees. You and your family may file suit against potentially liable third parties. Before you depart, you may wish to consult with the department or agency sponsoring the flight to clarify whether you are considered a Federal employee.

2. If there is a determination that you are not a Federal employee, you and your family will not be eligible to receive workman's compensation benefits under FECA. If you are traveling for business purposes, you may be eligible for workman's compensation benefits under state law. If the accident occurs within the United States, or its territories, its airspace, or over the high seas, you and your family may claim against the United States under the Federal Tort Claims Act or Suits in Admiralty Act. If you are killed aboard a military aircraft, your family may be eligible to receive compensation under the Military Claims Act, or if you are an inhabitant of a foreign country, under the Foreign Claims Act.

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§ 301-70.910 Do the rules in this part apply to travel on Government aircraft by the President and Vice President or by individuals traveling in support of the President and Vice President?

Given the unique functions and needs of the presidency and the vice presidency, section 4 of Circular A-126, "Improving the Management and Use of Government Aircraft," Revised May 1992, makes clear that Circular A-126 does not apply to aircraft while in use by or in support of the President or Vice President. Since the principal purpose of the rules in this part is to implement Circular A-126, the rules in this part also do not apply to such travel. If any questions arise regarding travel related to the President or Vice President, contact the Office of the Counsel to the President or the Office of the Counsel to the Vice President, respectively.

PART 301-71—AGENCY TRAVEL ACCOUNTABILITY REQUIREMENTS

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- 301-71.304 Are we responsible for ensuring the collection of outstanding travel advances?