

MODERNIZING GOVERNMENT TRAVEL ACT

SEPTEMBER 20, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 5625]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 5625) to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Modernizing Government Travel Act”.

**SEC. 2. FEDERAL EMPLOYEE REIMBURSEMENT FOR USE OF MODERN TRAVEL SERVICES.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of General Services shall prescribe regulations under section 5707 of title 5, United States Code, to provide for the reimbursement for the use of a transportation network company or innovative mobility technology company by any Federal employee traveling on official business under subchapter I of chapter 57 of such title, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to employees of the judicial branch of the Government.

(b) **DEFINITIONS.**—In this section:

(1) **INNOVATIVE MOBILITY TECHNOLOGY COMPANY.**—The term “innovative mobility technology company” means an organization, including a corporation, limited liability company, partnership, sole proprietorship, or any other entity, that applies technology to expand and enhance available transportation choices, better manage demand for transportation services, and provide alternatives to driving alone.

(2) **TRANSPORTATION NETWORK COMPANY.**—The term “transportation network company” means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for a driver to provide transportation services to a rider.

**SEC. 3. REPORT ON TRANSPORTATION COSTS.**

Section 5707(c) of title 5, United States Code, is amended to read as follows:

“(c)(1) Not later than November 31 of each year, the head of each agency shall submit to the Administrator of the General Services, in a format prescribed by the Administrator and approved by the Director the Office of Management and Budget—

“(A) data on total agency payments for such items as travel and transportation of people, average costs and durations of trips, and purposes of official travel;

“(B) data on estimated total agency payments for employee relocation; and

“(C) an analysis of the total costs of transportation service by type, and the total number of trips utilizing each transportation type for purposes of official travel.

“(2) The Administrator of the General Services shall make the data submitted pursuant to paragraph (1) publically available upon receipt.

“(3) Not later than January 31 of each year, the Administrator of the General Services shall submit to the Director of the Office of Management and Budget, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate—

“(A) an analysis of the data submitted pursuant to paragraph (1) for the agencies listed in section 901(b) of title 31 and a survey of such data for each other agency; and

“(B) a description of any new regulations promulgated or changes to existing regulations authorized under this section.”.

**COMMITTEE STATEMENT AND VIEWS****PURPOSE AND SUMMARY**

H.R. 5625, the Modernizing Government Travel Act, as amended, will expand transportation options for federal employees on official travel. The legislation will require the General Services Administration (GSA) to promulgate regulations necessary to provide for reimbursement of official travel using transportation network companies (TNCs) or Innovative Mobility Technology Company (IMTC). The bill also requires GSA to produce an annual report on the utilization of TNCs and IMTCs by employees for official travel.

**BACKGROUND AND NEED FOR LEGISLATION**

In recent years, with the evolution of technology and the transportation industry, a wide range of new transportation options now exist that could save the federal government time and expense. Adoption of regulations and reforms granting federal employees the ability to utilize many of these innovative and cost-saving travel

methods has not kept pace with transportation service innovation. H.R. 5625, the Modernizing Government Travel Act would address this problem and open up new options for travel by federal employees while on official business.<sup>1</sup>

H.R. 5625, the Modernizing Government Travel Act, will also resolve confusion over what a TNC or IMTC is for purposes of reimbursement in the absence of federal definitions for each. The bill defines both terms, providing clarity to agencies and the GSA when promulgating necessary regulations and guidelines. The bill also contains definitions that are designed to easily incorporate new forms of technology that are not yet known or available. In doing so, H.R. 5625 will help ensure that the federal government is positioned to rapidly access the benefits that future services provide as they are developed. These benefits include additional reimbursement options for federal employees for official travel, and the opportunity to realize cost savings. The bill will also encourage innovation through competition for the business of federal employees on official travel.

In addition to providing increased options, the reporting requirements in H.R. 5625 will make more transparent agencies utilization of transportation services. Currently, all agencies are not required to provide their official travel expenditures to GSA. H.R. 5625 will remedy this deficiency in data reporting by requiring agencies to provide a detailed breakdown of the official travel costs of the agency. This breakdown will help GSA and Congress understand the true costs associated with official travel. The reports required in the bill will also help determine what the most efficient and cost effective methods of transportation are for federal employees seeking reimbursement for official travel. Importantly, H.R. 5625 will also require the release of agency data for public review. By releasing data for public review, it will help provide accountability for how such resources are used.

#### LEGISLATIVE HISTORY

H.R. 5625 was introduced by Representative Seth Moulton (D-MA) on July 5, 2016 and referred to the Committee on Oversight and Government Reform. On September 15, 2016, the Committee on Oversight and Government Reform ordered H.R. 5625 favorably reported, with an amendment, by unanimous consent.

#### SECTION-BY-SECTION

##### *Section 1. Short title*

Designates the short title of the bill as the “Modernizing Government Travel Act”.

##### *Section 2. Federal employee reimbursement for use of modern travel services*

Allows federal employees on official travel to be reimbursed for the use of the services of transportation network companies or innovative mobility technology companies.

<sup>1</sup>300 C.F.R. 300-3.1 (defining official travel as travel under official authorization from an employee’s official station or other authorized point of departure to a temporary duty location and return from a temporary duty location, between two temporary duty locations, or relocation at the direction of a Federal agency).

Defines “innovative mobility technology company” as an organization, including a corporation, limited liability company, partnership, sole proprietorship, or any other entity, that applies technology to expand and enhance available transportation choices, better manage demand for transportation services, and provide alternatives to driving alone.

Defines “transportation network company” as a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for a driver to provide transportation services to a rider.

### *Section 3. Report on transportation costs*

Revises agency reporting requirements to include analyses of total costs of transportation service by type and the total number of trips utilizing each transportation type for the purposes of official travel.

Requires all such data submitted to the General Services Administration to be publicly available.

Instructs the GSA to report to Congress on the official travel data submitted to GSA and on any new regulations promulgated in accordance to official travel.

### EXPLANATION OF AMENDMENTS

During Full Committee consideration of the bill, Representative Will Hurd (R-TX) introduced an amendment in the nature of substitute. The amendment made changes to the definitions of an “Innovative Mobility Technology Company” and “Transportation Network Company”. The definitions were changed to provide a clearer understanding of the types of entities eligible for reimbursement. The amendment also harmonized the definition of TNC with the definition used in the Fiscal Year 2017 National Defense Authorization Act (S. 2943) as approved by the Senate. Representative Hurd’s amendment also altered the reporting requirements for agencies and GSA. The amendment requires all agencies to submit to GSA data on the total payments for travel and transportation of people, average costs and durations of trips, payments for employee relocation, and an analysis of total cost of transportation service by trip and total number of trips. This data is required to be provided by November 31 of each calendar year. Once provided, GSA is required to create a report analyzing the data of all agencies listed in section 901(b) of title 31, and a survey of all other agencies. The data received is also to be made publically available upon receipt by GSA. The Hurd amendment in the nature of a substitute was adopted by unanimous consent.

### COMMITTEE CONSIDERATION

On September 15, 2016, the Committee, having quorum present, favorably reported H.R. 5625 as amended, by unanimous consent.

### ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 5625.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill provides for reimbursement for the use of modern travel services by Federal employees traveling on official Government business. As such this bill does not relate to employment or access to public services and accommodations.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of the bill is to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does direct the completion of specific rule makings within the meaning of 5 U.S.C. 551. H.R. 5625 requires that GSA promulgate regulations under 5 U.S.C. 5707, to provide for the reimbursement of federal employees use of transportation network companies or innovative mobility technology companies while on official business as defined in subchapter 1, chapter 57, of title 5 of the United States Code. H.R. 5625 requires that the Administrative Officer of the United States Courts prescribe regulations for the judicial branch.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement as to whether the

provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

#### EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### COMMITTEE ESTIMATE

At the time of this writing, the Committee had yet to receive a formal cost estimate from the Congressional Budget Office for H.R. 5625. The Committee notes that the bill contains a provision that slightly expands an existing report from every other year to one that is required every year. This may result in nominal administrative costs.

#### BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has not received a cost estimate for this bill from the Director of Congressional Budget Office, and instead has included a committee estimate in the section prior to this one.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

### **TITLE 5, UNITED STATES CODE**

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### **PART III—EMPLOYEES**

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### **SUBPART D—PAY AND ALLOWANCES**

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### **CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE**

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SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES;  
MILEAGE ALLOWANCES

\* \* \* \* \*

**§ 5707. Regulations and reports**

(a)(1) The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government.

(2) Regulations promulgated to implement section 5702 or 5706a of this title shall be transmitted to the appropriate committees of the Congress and shall not take effect until 30 days after such transmittal.

(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

(1)(A) The Administrator of General Services shall conduct periodic investigations of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

- (i) depreciation of original vehicle cost;
- (ii) gasoline and oil (excluding taxes);
- (iii) maintenance, accessories, parts, and tires;
- (iv) insurance; and
- (v) State and Federal taxes.

(2)(A) The Administrator shall issue regulations under this section which—

(i) shall provide that the mileage reimbursement rate for privately owned automobiles, as provided in section 5704(a)(1), is the single standard mileage rate established by the Internal Revenue Service referred to in that section, and

(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph.

[(c) The Administrator of General Services shall periodically, but at least every 2 years, submit to the Director of the Office of Management and Budget an analysis of estimated total agency payments for such items as travel and transportation of people, average costs and duration of trips, and purposes of official travel; and of estimated total agency payments for employee relocation. This analysis shall be based on a sampling survey of agencies each of which spent more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. Agencies shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director.]

*(c)(1) Not later than November 31 of each year, the head of each agency shall submit to the Administrator of the General Services, in a format prescribed by the Administrator and approved by the Director the Office of Management and Budget—*

*(A) data on total agency payments for such items as travel and transportation of people, average costs and durations of trips, and purposes of official travel;*

*(B) data on estimated total agency payments for employee relocation; and*

*(C) an analysis of the total costs of transportation service by type, and the total number of trips utilizing each transportation type for purposes of official travel.*

*(2) The Administrator of the General Services shall make the data submitted pursuant to paragraph (1) publically available upon receipt.*

*(3) Not later than January 31 of each year, the Administrator of the General Services shall submit to the Director of the Office of Management and Budget, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate—*

*(A) an analysis of the data submitted pursuant to paragraph (1) for the agencies listed in section 901(b) of title 31 and a survey of such data for each other agency; and*

*(B) a description of any new regulations promulgated or changes to existing regulations authorized under this section.*

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