

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301–51, 301–52, 301–54,
301–70, 301–71 and 301–76

[FTR Interim Rule 8]

RIN 3090–AG92

Federal Travel Regulation; Mandatory Use of the Travel Charge Card

AGENCY: Office of Governmentwide
Policy, GSA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Federal Travel Regulation (FTR) provisions pertaining to payment by the Government of expenses connected with official Government travel. This interim rule implements the requirements of Pub. L. 105–264, October 19, 1998, regarding the required use of the travel charge card, collection of amounts owed, and reimbursement of travel expenses. This interim rule also implements the Administrator of General Services' authority under 5 U.S.C. 5701 to require agencies to pay expenses in connection with official Government travel.

DATES: Effective Date: This interim rule is effective July 16, 1999, and applies to payment of expenses in connection with official Government travel performed on or after December 31, 1999.

Comment Date: Comments must be received by September 14, 1999.

ADDRESSES: Written comments should be sent to:

Ms. Sharon Kiser, Regulatory Secretariat (MVR), Office of Governmentwide Policy, General Services Administration, 1800 F Street, NW, Washington, DC 20405.

E-mail comments may be sent to RIN.3090_AG92@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Sandra Batton, Travel and Transportation Management Policy Division, at (202) 501–1538.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to Public Law 105–264, section 2(a), the Administrator of General Services is required to issue regulations “after consultation with the Secretary of the Treasury” requiring Federal employees to use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel.

Additionally, Pub. L. 105–264 requires the Administrator of General

Services to issue regulations on reimbursement of travel expenses and collection of delinquent amounts upon written request of a Federal contractor.

B. Regulatory Flexibility Act

This interim rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

C. Executive Order 12866

The General Services Administration (GSA) has determined that this interim rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This interim rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 301–51, 301–52, 301–54, 301–70, 301–71, and 301–76

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, 41 CFR Chapter 301 is amended as follows:

1. Part 301–51 is revised to read as follows:
Sec.

PART 301–51 PAYING TRAVEL EXPENSES

301–51.1 What is the required method of payment for official travel expenses?

301–51.2 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?

301–51.3 Who in my agency has the authority to grant exemption from this requirement?

301–51.4 How may I pay for official travel expenses if I receive an exemption from use of the Government contractor-issued travel charge card?

301–51.5 May I use the Government contractor-issued travel charge card for purposes other than those associated with official travel?

301–51.6 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

301–51.7 When must I use excess or near-excess foreign currencies owned by the United States to pay travel expenses?

Authority: 5 U.S.C. 5707.

§ 301–51.1 What is the required method of payment for official travel expenses?

You are required to use the Government contractor-issued travel charge card for all official travel expenses unless you have an exemption.

§ 301–51.2 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?

(a) Expenses incurred at a vendor that does not accept the Government contractor-issued travel charge card are exempt. Typical expenses of this type include:

- (1) Laundry/dry cleaning;
- (2) Parking;
- (3) Local transportation system; and
- (4) Taxi and tips.

(b) Any other expenses may be exempted, but such exemptions require written approval.

§ 301–51.3 Who in my agency has the authority to grant exemption from this requirement?

The head of your agency or his/her designee(s).

§ 301–51.4 How may I pay for official travel expenses if I receive an exemption from use of the Government contractor-issued travel charge card?

Your agency will authorize one or a combination of the following methods of payment:

- (a) Centrally billed account;
- (b) Government contractor-issued travelers check;
- (c) Personal funds, including cash or personal charge card;
- (d) Travel advances; or
- (e) Government Transportation Request (GTR).

Note to § 301–51.4: City pair contractors are not required to accept payment by the methods in paragraphs (b), (c) or (d) of this section.

§ 301–51.5 May I use the Government contractor-issued travel charge card for purposes other than those associated with official travel?

No.

§ 301–51.6 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

Your agency may take appropriate disciplinary action.

§ 301–51.7 When must I use excess or near-excess foreign currencies owned by the United States to pay travel expenses?

Your agency Travel Management System (TMS) should have available

information from the Department of State or Office of Management and Budget bulletins when the use of excess or near excess foreign currency will be required to pay for travel expenses.

PART 301-52—CLAIMING REIMBURSEMENT

2. The authority citation for 41 CFR part 301-52 continues to read as follows:

Authority: 5 U.S.C. 5707.

3. Part 301-52 is amended by adding sections 301-52.17 through 301-52.21 to read as follows:

§ 301-52.17 Within how many calendar days after I submit a proper travel voucher must my agency reimburse my allowable expenses?

Your agency must reimburse you within 30 calendar days after you submit a proper voucher to your approving official.

§ 301-52.18 Within how many calendar days after I submit a travel voucher must my agency notify me of any error that would prevent payment within 30 calendar days after submission?

Your agency must notify you within seven calendar days after its receipt of the voucher, and must provide the reasons why the voucher is not proper.

§ 301-52.19 Will I receive a late payment fee in addition to the amount due me if my agency fails to reimburse me within 30 calendar days after I submit a proper travel voucher?

Yes.

§ 301-52.20 How are late payment fees calculated?

Late payment fees are calculated using the prevailing Prompt Payment Act Interest Rate beginning on the 31st day after the required payment date and ending on the date on which payment is made. In addition to this fee, your agency must also pay you an amount equivalent to any late payment charge that the card contractor would have been able to charge you had you not paid the bill.

§ 301-52.21 Does this change my obligation to pay my travel card bill by the due date?

No, you must still pay your bill in accordance with your cardholder agreement.

4. Part 301-54 is added to subchapter C to read as follows:

PART 301-54—COLLECTION OF UNDISPUTED DELINQUENT AMOUNTS OWED ON BEHALF OF THE CONTRACTOR ISSUING THE GOVERNMENT CONTRACTOR-ISSUED INDIVIDUALLY BILLED TRAVEL CHARGE CARD

Subpart A—General Rules

Sec.

301-54.1 Is my agency allowed to collect undisputed delinquent amounts that I owe to a Government travel charge card contractor from my disposable pay?

301-54.2 What is disposable pay?

Subpart B—Policies and Procedures

301-54.100 Are there any due process requirements with which my agency must comply?

301-54.101 Can my agency initiate collection of undisputed delinquent amounts if they have not reimbursed me for amounts reimbursable under the applicable travel regulations?

301-54.102 What is the maximum amount my agency may deduct from my disposable pay?

Authority: 5 U.S.C. 5707; 40 U.S.C. 486(c).

Subpart A—General Rules

Note to subpart A: Use of pronouns "I", "you", and their variants throughout this subpart refers to the employee.

§ 301-54.1 Is my agency allowed to collect undisputed delinquent amounts that I owe to a Government travel charge card contractor from my disposable pay?

Yes, upon written request from the contractor.

§ 301-54.2 What is disposable pay?

Your compensation remaining after the deduction from your earnings of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as health insurance, savings bonds, charitable contributions, etc. Deductions may be made from any type of pay you receive from your agency, e.g., basic pay, special pay, retirement pay, or incentive pay.

Subpart B—Policies and Procedures

Note to Subpart B: Use of pronouns "I", "you", and their variants throughout this subpart refers to the employee.

§ 301-54.100 Are there any due process requirements with which my agency must comply?

Yes, your agency must:

(a) Provide you with written notice of the type and amount of the claim, the intention to collect the claim by deduction from your disposable pay, and an explanation of your rights as a debtor;

(b) Give you the opportunity to inspect and copy their records related to the claim;

(c) Allow an opportunity for a review within the agency of its decision to collect the amount; and

(d) Provide you with an opportunity to make a written agreement with the contractor to repay the delinquent amount of the claim.

§ 301-54.101 Can my agency initiate collection of undisputed delinquent amounts if they have not reimbursed me for amounts reimbursable under the applicable travel regulations?

No.

§ 301-54.102 What is the maximum amount my agency may deduct from my disposable pay?

The maximum amount it may deduct from your disposable pay is 15 percent a pay period, unless you agree in writing to a larger percentage.

PART 301-70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

5. The authority citation for 41 CFR part 301-70 continues to read as follows:

Authority: 5 U.S.C. 5707.

6. Part 301-70 is amended by adding Subpart H to read as follows:

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

Sec.

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

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

301-70.702 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?

301-70.703 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?

301-70.704 Must we notify the Administrator of General Services when we grant an exemption?

301-70.705 May an employee use the Government contractor-issued travel charge card for purposes other than those associated with official travel?

301-70.706 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

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

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

Yes, unless:

- (a) A vendor does not accept the travel charge card;
- (b) The Administrator of General Services has granted an exemption; 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 Transportation (for the Coast Guard) requests an exemption for the members of the 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. Not later than 30 days after granting such an exemption, you must notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

§ 301–70.702 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?

You may authorize one or a combination of the following methods of payment:

- (a) Centrally billed account;
- (b) Government contractor-issued travelers check;
- (c) Personal funds, including cash or personal charge card;
- (d) Travel advances; or
- (e) Government Transportation Request (GTR).

Note to § 301–70.702: City pair contracts are not required to accept payment by the methods in paragraphs (b), (c) or (d) of this section.

§ 301–70.703 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?

(a) Expenses incurred at a vendor that does not accept the Government contractor-issued travel charge card are exempt. Typical expenses of this type include:

- (1) Laundry/dry cleaning;
- (2) Parking;
- (3) Local transportation system; and
- (4) Taxi and tips.

(b) Any other expenses may be exempted, but such exemptions require written approval.

§ 301–70.704 Must we notify the Administrator of General Services when we grant an exemption?

Yes, you must notify the Administrator of General Services in writing within 30 days after granting the exemption, stating the reasons for the exemption.

§ 301–70.705 May an employee use the Government contractor-issued travel charge card for purposes other than those associated with official travel?

No.

§ 301–70.706 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

You may take appropriate disciplinary action.

PART 301–71—AGENCY TRAVEL ACCOUNTABILITY REQUIREMENTS

7. The authority citation for 41 CFR part 301–71 continues to read as follows:

Authority: 5 U.S.C. 5707.

8. Part 301–71 is amended by revising section 301–71.204 and by adding sections 301–71.208 through 301–71.211 to Subpart C to read as follows:

§ 301–71.204 Within how many calendar days after the submission of a proper travel voucher must we reimburse the employee's allowable expenses?

You must reimburse the employee within 30 calendar days after the employee submits a proper voucher to the approving official.

§ 301–71.208 Within how many calendar days after receipt of the travel voucher must we notify the employee of any errors in the voucher?

You must notify the employee within seven calendar days after agency receipt of the voucher and provide the reasons why the voucher is not proper.

§ 301–71.209 Must we pay a late payment fee in addition to the amount due the employee if we fail to reimburse the employee within 30 calendar days after receipt of a proper travel voucher?

Yes.

§ 301–71.210 How do we calculate late payment fees?

Late payment fees must be calculated using the prevailing Prompt Payment Act Interest Rate beginning on the 31st day after the required payment date and ending on the date on which payment is made. In addition to this fee, you must also pay an amount equivalent to any late payment charge that the card contractor would have been able to charge the employee had the bill not been paid. Payment of this additional fee will be based upon the effective date that a late payment charge would be allowed under the agreement between you and the card contractor.

§ 301–71.211 Does this change the employee's obligation to pay their travel card bill by the due date?

No, the employee must still pay their bill in accordance with their cardholder agreement.

9. Part 301–76 is added to read as follows:

PART 301–76—COLLECTION OF UNDISPUTED DELINQUENT AMOUNTS ON BEHALF OF THE CONTRACTOR ISSUING THE GOVERNMENT CONTRACTOR-ISSUED INDIVIDUALLY BILLED TRAVEL CHARGE CARD

Subpart A—General Rules

Sec.

301–76.1 May we collect undisputed delinquent amounts owed to a Government travel charge card contractor by an employee (including members of the uniformed services) from the employee's disposable pay?

301–76.2 What is disposable pay?

Subpart B—Policies and Procedures

301–76.100 Are there any due process requirements with which we must comply?

301–76.101 Who is responsible for ensuring that all due process and legal requirements have been met?

301–76.102 Can we collect undisputed delinquent amounts if we have not reimbursed the employee for amounts reimbursable under applicable travel regulations?

301–76.103 What is the maximum amount we may deduct from the employee's disposable pay?

Authority: 5 U.S.C. 5707.

Subpart A—General Rules

§ 301–76.1 May we collect undisputed delinquent amounts owed to a Government travel charge card contractor by an employee (including members of the uniformed services) from the employee's disposable pay?

Yes, upon written request from the contractor and in accordance with the procedures specified in § 301–76.100. You must promptly forward all amounts deducted to the contractor.

§ 301–76.2 What is disposable pay?

The part of the employee's compensation remaining after the deduction of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as health insurance, savings bonds, charitable contributions, etc. Deductions may be made from any type of pay, *e.g.*, basic pay, special pay, retirement pay, or incentive pay.

Subpart B—Policies and Procedures

§ 301–76.100 Are there any due process requirements with which we must comply?

Yes, you must:

(a) Provide the employee with written notice of the type and amount of the claim, the intention to collect the claim by deduction from his/her disposable pay, and an explanation of his/her rights as a debtor;

(b) Give the employee the opportunity to inspect and copy your records related to the claim;

(c) Allow an opportunity for a review within the agency of your decision to collect the amount; and

(d) Provide the employee an opportunity to make a written agreement with the contractor to repay the delinquent amount.

§ 301–76.101 Who is responsible for ensuring that all due process and legal requirements have been met?

You are responsible for ensuring that all requirements have been met.

§ 301–76.102 Can we collect undisputed delinquent amounts if we have not reimbursed the employee for amounts reimbursable under applicable travel regulations?

No.

§ 301–76.103 What is the maximum amount we may deduct from the employee's disposable pay?

The maximum amount you may deduct from the employee's disposable pay is 15 percent per pay period, unless the employee consents in writing to deduction of a greater percentage.

Dated: July 13, 1999.

David J. Barram,

Administrator of General Services.

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