



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter Of:** Security Training for Spouses of FAA Employees

**File:** B-243180

**Date:** October 4, 1991

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### DIGEST

Federal Aviation Administration (FAA) may reimburse travel expenses of spouses of its employees who attend security training provided by the State Department to FAA employees and their spouses prior to permanent duty assignments overseas. Since this training clearly furthers the Government's interests, those who attend, including employee spouses, provide a direct service to the Government. Accordingly, the spouses may be issued invitational travel orders for the training and allowed travel expenses under 5 U.S.C. § 5703. Reimbursement of their expenses does not violate 31 U.S.C. § 1345. 55 Comp. Gen. 750 (1976); B-193644, July 2, 1979, clarified.

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### DECISION

The Federal Aviation Administration (FAA) has requested our decision on whether it may reimburse the travel expenses of the spouses of FAA employees for attending Government-sponsored security training prior to en route travel to the employee's permanent overseas duty assignment.<sup>1/</sup> We conclude that FAA may reimburse these expenses.

### BACKGROUND

According to the FAA submission, the Department of State offers free of charge a 3-day "Security Overseas Seminar" in Washington, D.C., to FAA employees being transferred overseas and their spouses. The seminar provides information on security measures for traveling and living in foreign

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<sup>1/</sup> The request was submitted by E. M. Keeling, FAA's Director of Accounting.

locations. Attendance by an employee's spouse is considered necessary when the agency determines that the spouse requires training to effectively protect the family and the interests of the Government under situations including surveillance, counterintelligence, and terrorist activities.

Currently, FAA authorizes the employee and spouse to attend the seminar during the family's en route travel to the foreign assignment, and their travel expenses are reimbursed in accordance with 49 U.S.C. § 1344(a) and 6 Foreign Affairs Manual (FAM) § 126.4. However, FAA believes it would be more efficient and cost effective to have the employee and spouse make separate trips to Washington to attend the course prior to their en route overseas travel. It proposes that, if this is done, their travel expenses be reimbursed under the temporary duty provisions of the Federal Travel Regulations (FTRs). While there is no doubt as to the employee's travel costs, FAA questions whether the spouse's expenses can be reimbursed under the FTRs.

#### ANALYSIS

While reimbursement of travel and temporary duty expenses under the FTRs is limited to federal employees, private individuals may be treated as federal employees for purposes of issuing them travel orders and reimbursing their expenses in some circumstances. See generally 41 C.F.R. § 301 (1990). The issuance of travel orders (usually referred to as "invitational travel orders") to such individuals is authorized by 5 U.S.C. § 5703 (1988), which provides:

"An employee serving intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service."

We have approved reimbursement of travel expenses for private individuals upon a determination that the travel served a sufficient Government interest. For example, in 60 Comp. Gen. 235 (1981), we held that, in appropriate circumstances, applicants for federal positions could be reimbursed their expenses to attend pre-employment interviews.<sup>2/</sup> Likewise, we

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<sup>2/</sup> This decision pre-dated the enactment of a statute which now specifically covers reimbursement of expenses for pre-employment interviews. See 5 U.S.C. § 5706b, added by Pub. L. No. 101-509 (Nov. 5, 1990), § 206(a)(1), 104 Stat. 1457.

held in Sharon S. Rutledge, 69 Comp. Gen. 38 (1989), that an agency could reimburse the expenses of an employee's spouse to attend an awards ceremony honoring the employee if the agency determined that the spouse's attendance would further the purposes of the awards program.

Reimbursing the expenses of an employee's spouse to attend the security course involved here appears consistent with these authorities. The only doubt arises in consideration of 31 U.S.C. § 1345, which provides in part:

"Except as specifically provided by law, an appropriation may not be used for travel, transportation, and subsistence expenses for a meeting. This section does not prohibit--

"(1) an agency from paying the expenses of an officer or employee of the United States Government carrying out an official duty . . ."

While it is not entirely clear that a Government training course constitutes the sort of "meeting" contemplated by section 1345,<sup>3/</sup> we have invoked the prohibition in the context of some activities that include an element of training. See 62 Comp. Gen. 531 (1983); B-193644, July 2, 1979. In any event, however, our decisions recognize that section 1345 does not apply to individuals issued travel orders under 5 U.S.C. § 5703, discussed above, provided that they are "performing direct service to the Government" such as by "confer[ring] on matters of importance to the Government." B-193644, supra, quoting from 55 Comp. Gen. 750 (1959).

Although these decisions might be read to imply that 5 U.S.C. § 5703 only applies to experts and consultants retained by the Government to provide advice to it, we conclude that such a restrictive reading is not necessary. As noted previously, we have approved reimbursement of travel expenses for individuals who were not experts or consultants but whose attendance at a particular function was, nonetheless, determined to be of direct benefit to the Government.

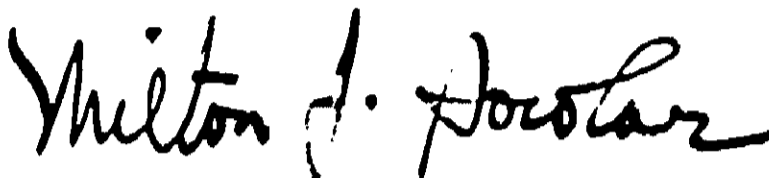
In our view, participation of spouses in the security course here involved readily meets this test. Travel to participate in training in which the State Department imparts critical knowledge and information to the employees and spouses which they will need when residing abroad as a result of the

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<sup>3/</sup> We have noted that section 1345 was intended to reach any "convention or other form of assemblage or gathering." See B-242880, Mar. 27, 1991, quoting 14 Comp. Gen. 638, 640 (1935).

employee's prospective service clearly constitutes significantly more than mere attendance at a conference or meeting. Essentially, the briefings and training sessions are integral aspects of the proper execution of the employee's own reassignment and his or her family's attendant change of station.

Therefore, we conclude that the participation of spouses provides a direct service to the Government for which reimbursement of travel expenses is warranted under 5 U.S.C. § 5703 and is not inconsistent with 31 U.S.C. § 1345.4/

*for*   
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4/ By decision of today, B-238352, we are reaching a similar conclusion with respect to the travel expenses of dependents of military members to attend security briefings and training sessions prior to their overseas assignments.