

April 1, 2011

FEDERAL TRAVEL REGULATION
GSA Bulletin FTR 11-07

TO: Heads of Federal Agencies

SUBJECT: Relocation and Temporary Duty Assignment Allowances--Questions regarding implementation of the Same-Sex Domestic Partners Rule

1. What is the purpose of this bulletin? This bulletin provides answers to agency travel and relocation managers' questions regarding implementation of the Federal Travel Regulation (FTR) interim rule published in the Federal Register on November 3, 2010 (75 FR 67629). Among other changes, the interim rule amended the FTR definition of "immediate family" to include same-sex domestic partners and their dependents.
2. What is the effective date of this bulletin? This bulletin is effective April 1, 2011.
3. When does this bulletin expire? This bulletin will remain in effect until explicitly cancelled or superseded. GSA intends to publish a final rule that will supercede the interim rule. This bulletin will remain in effect after publication of that final rule, unless cancelled, superseded or amended before then.
4. What is the background of this bulletin? On June 2, 2010, President Obama signed a Presidential Memorandum (75 FR 32247) directing agencies to immediately take actions, consistent with existing law, to extend certain benefits, including travel and relocation benefits, to same-sex domestic partners of Federal employees, and, where applicable, to the children of same-sex domestic partners of Federal employees. On November 3, 2010, GSA published an interim rule (cited above) that fulfilled the Presidential Memorandum by, among other things, amending the definition of "immediate family" in the FTR to include same-sex domestic partners.
5. How do agencies implement the changes? The changes have raised questions among several civilian agency travel and relocation managers. The specific questions raised are addressed in the following paragraphs:

a. What must agencies do to implement the interim rule in terms of relocation?

If an employee who has been directed to transfer into a position that qualifies him or her for relocation benefits, or who has accepted a position that qualifies him or her for relocation benefits, chooses to identify and certify upon agency request, someone as his or her same-sex domestic partner, and if the domestic partnership meets the requirements of the FTR, then that partner and any dependents of the partner must be named on the relocation orders. The agency must then reimburse the employee, in

accordance with the FTR, for all reimbursable relocation expenses incurred by or on behalf of the same-sex domestic partner and his or her dependents. These expenses include, but are not limited to:

Travel and transportation to the new duty station;
Temporary quarters;
Shipment and storage of household goods;
Transportation of privately owned vehicle(s);
Residence transaction expenses;
Services of relocation services contractors;
Home marketing incentive payment; and
Miscellaneous expenses allowance.

b. What expenses are not reimbursable to same-sex domestic partners that are included in relocation orders?

Taxes and expenses incurred by same-sex domestic partners for househunting trips are not reimbursable. Further, agencies may not accept travel and related expenses from non-Federal sources on behalf of an employee's same-sex domestic partner. Each are more fully explained below.

c. What is the impact on househunting trips, since applicable statutes and the FTR both use the term "spouse" rather than "immediate family?"

5 U.S.C. 5724a(b) states, in applicable part: ". . .an agency may pay to or on behalf of an employee who transfers . . . between official stations within the United States— (A) the expenses of transportation of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station;" The FTR implements this at part 302-5 (41 CFR Part 302-5).

5 U.S.C 5737(a)(4) provides for househunting trips for extended temporary duty in accordance with 5 U.S.C. 5724a(b).

Since the statute uses the term "spouse" when addressing househunting trips, it would be inconsistent with existing law (1 U.S.C. § 7) for an agency to reimburse the expenses of a same-sex domestic partner if he or she chooses to accompany the employee on a househunting trip.

d. What is the impact on reimbursement for taxes incurred as a result of travel and relocation benefits, since applicable statutes and the FTR both use the term "spouse" rather than immediate family"?

Applicable statutes use the term "spouse" in reference to tax reimbursement for travel and relocation benefits in two sections:

Section 5706c Taxes incurred on money received for travel (i.e., extended temporary

duty) expenses; and

Section 5724b Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.

Since the statutes use the term "spouse" when addressing reimbursement of taxes, it would be inconsistent with existing law (1 U.S.C. § 7) for an agency to reimburse these expenses on behalf of an employee's same-sex domestic partner.

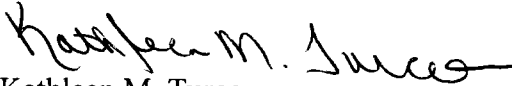
e. May an agency accept travel and related expenses from non-Federal sources on behalf of an employee's same-sex domestic partner, since applicable statutes and the FTR both use the term "spouse" rather than immediate family"?

Similar to the above, 31 U.S.C. § 1353, uses the term "spouse." As such, it would be inconsistent with existing law (1 U.S.C. § 7) for an agency to accept travel and related expenses from non-Federal sources on behalf of an employee's same-sex domestic partner.

6. How does the March 3 effective date of the interim rule impact the various relocation benefits? The employee will be eligible for reimbursement of relocation expenses incurred by, or on behalf of the same-sex domestic partner, and dependents of the same-sex domestic partner, as applicable, after March 3, 2011, on the effective date of transfer or appointment. This is defined as the "date on which an employee or new appointee reports for duty at his/her new or first official station.

7. Whom should I call for further information? For further information, contact Ms. Pam Silvis-Zelasko, Office of Governmentwide Policy (M), Office of Travel, Transportation and Asset Management (MT), General Services Administration at (202) 219-7749 or via e-mail at pamela.silvis-zelasko@gsa.gov.

By delegation of the Administrator of General Services,


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