

November 5, 2010

FEDERAL TRAVEL REGULATION  
Amendment 2010-04

TO: Heads of Federal agencies

Subject: Amendment 2010-04, Federal Travel Regulation (FTR)  
Case 2010-305, Miscellaneous Amendments

1. Purpose. This final rule amends the Federal Travel Regulation (FTR) by updating statutory references in a number of sections, by providing additional guidance for determining distance measurements when traveling by privately owned aircraft, by clarifying provisions regarding the use of personally owned vehicles (POV) for official travel, by updating the addresses to which per diem review requests should be sent, and by changing the method by which agencies must report the use of Government aircraft to carry senior Federal officials and non-Federal travelers.

2. Effective date: September 27, 2010.

Applicability date: This final rule is applicable for official travel performed on and after October 27, 2010.

3. Background. This amendment updates statutory references concerning when travel on Government aircraft is not reported; adds additional guidance for determining distance measurements when traveling on official business by privately owned aircraft; amends the heading regarding POV mileage reimbursement between an employee's residence, office and/or common carrier; updates the addresses for submitting per diem review requests; requires agencies to use an electronic reporting tool to report travel on Government aircraft by senior Federal officials and non-Federal travelers; and updates statutory references in certain sections.

This FTR rule was published in the *Federal Register* at 75 FR 59094, September 27, 2010.

4. Explanation of changes. This final rule amends the FTR by:

1. *Sections 301-10.261, 301-10.264, and 301-10.265* - Updating statutory references.

2. *Section 301-10.302* - Revising the information to determine distance measurements when traveling by privately owned aircraft in conjunction with official travel.

3. *Section 301-10.306* - Revising the question portion to clarify what an employee will be reimbursed if authorized to use a POV between the employee's residence, office and/or common carrier terminal.

4. *Section 301-11.26* - Updating the chart with current address information.

5. *Sections 301-70.801, 301-70.803, 301-70.804, and 301-70.902* - Updating statutory references.

6. *Section 301-70.906* - Updating the requirement of agencies to report the use of Government aircraft to carry senior Federal officials and non-Federal travelers by using an electronic reporting tool and updating a statutory reference.

5. Filing instructions. Remove and insert the following pages to the FTR:

| <u>Remove pages</u>                    | <u>Insert pages</u>                     |
|--|---|
| Chapter 301 TOC,<br>301-iii and 301-iv | Chapter 301 TOC,<br>301-iii thru 301-iv |
| 301-10-9 thru 301-10-12                | 301-10-9 thru 301-10-12                 |
| 301-11-3 and 301-11-4                  | 301-11-3 and 301-11-4                   |
| 301-70-5 thru 301-70-10                | 301-70-5 thru 301-70-10                 |



TONY BUTCHER,  
Director, Travel Policy Program.

- §301-10.261—When may I use a Government aircraft for travel?
- §301-10.262—How will my agency authorize travel on Government aircraft?
- §301-10.263—What travel authorization documents must I present to the aircraft management office that operates the Government aircraft?
- §301-10.264—What amount must the Government be reimbursed for travel on Government aircraft?
- §301-10.265—Will my travel on Government aircraft be reported?
- §301-10.266—Is information available to the public about travel on Government aircraft by senior Federal officials and non-Federal travelers?

**Subpart D—Privately Owned Vehicle (POV)**

- §301-10.300—When may I use a POV for official travel?
- §301-10.301—How do I compute my mileage reimbursement?
- §301-10.302—How do I determine distance measurements for my travel?
- §301-10.303—What am I reimbursed when use of a POV is determined by my agency to be advantageous to the Government?
- §301-10.304—What expenses are allowable in addition to the allowances prescribed in §301-10.303?
- §301-10.305—How is reimbursement handled if another person(s) travels in a POV with me?
- §301-10.306—What will I be reimbursed if authorized to use a POV between my residence and office and then from my office to a common carrier terminal, or from my residence directly to a common carrier terminal?
- §301-10.307—What will I be reimbursed if I use a POV to transport other employees?
- §301-10.308—What will I be reimbursed if I park my POV at a common carrier terminal while I am away from my official station?
- §301-10.309—What will I be reimbursed if I am authorized to use common carrier transportation and I use a POV instead?
- §301-10.310—What will I be reimbursed if I am authorized to use a Government automobile and I use a privately owned automobile instead?

**Subpart E—Special Conveyances**

- §301-10.400—What types of special conveyances may my agency authorize me to use?
- §301-10.401—What types of charges are reimbursable for use of a special conveyance?
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**—Taxicabs, Shuttle Services, or Other Courtesy Transportation**

- §301-10.420—When may I use a taxi, shuttle service or other courtesy transportation?
- §301-10.421—How much will my agency reimburse me for a tip to a taxi, shuttle service, or courtesy transportation driver?

**—Rental Automobiles**

- §301-10.450—When can I use a rental vehicle?
- §301-10.451—May I be reimbursed for the cost of collision damage waiver (CDW) or theft insurance?
- §301-10.452—May I be reimbursed for personal accident insurance?
- §301-10.453—What is my liability for unauthorized use of a rental automobile obtained with Government funds?

**Part 301-11—Per Diem Expenses**

**Subpart A—General Rules**

- §301-11.1—When am I eligible for an allowance (per diem or actual expense)?
- §301-11.2—Will I be reimbursed for per diem expenses if my official travel is 12 hours or less?
- §301-11.3—Must my agency pay an allowance (either a per diem allowance or actual expense)?
- §301-11.4—May I be reimbursed actual expense and per diem on the same trip?
- §301-11.5—How will my per diem expenses be reimbursed?

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§301-11.14—How is my daily lodging rate computed when I rent lodging on a long-term basis?  
§301-11.15—What expenses may be considered part of the daily lodging cost when I rent on a long-term basis?  
§301-11.16—What reimbursement will I receive if I prepay my lodging expenses and my TDY is curtailed, canceled or interrupted for official purposes or for other reasons beyond my control that are acceptable to my agency?  
§301-11.17—If my agency authorizes per diem reimbursement, will it reduce my M&IE allowance for a meal(s) provided by a common carrier or for a complimentary meal(s) provided by a hotel/motel?  
§301-11.18—What M&IE rate will I receive if a meal(s) is furnished by the Government or is included in the registration fee?  
§301-11.19—How is my per diem calculated when I travel across the international dateline (IDL)?  
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§301-11.21—Will I be reimbursed for per diem or actual expenses on leave or non-workdays (weekend, legal Federal Government holiday, or other scheduled non-workdays) while I am on official travel?  
§301-11.22—Am I entitled to per diem or actual expense reimbursement if I am required to return to my official station on a non-workday?  
§301-11.23—Are there any other circumstances when my agency may reimburse me to return home or to my official station for non-workdays during a TDY assignment?  
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§301-11.25—Must I provide receipts to substantiate my claimed travel expenses?  
§301-11.26—How do I get a per diem rate increased?  
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§301-11.28—As a traveler on official business, am I required to pay applicable lodging taxes?  
§301-11.29—Are lodging facilities required to accept a generic federal, state or local tax exempt certificate?  
§301-11.30—What is my option if the Government lodging rate plus applicable taxes exceeds my lodging reimbursement?  
§301-11.31—Are laundry, cleaning and pressing of clothing expenses reimbursable?  
§301-11.32—May I be reimbursed for an advanced room deposit in situations where a lodging facility requires the payment of a deposit, prior to the beginning of my scheduled official travel?

### **Subpart B—Lodgings Plus Per Diem**

- §301-11.100—What will I be paid for lodging under Lodgings-plus per diem?  
§301-11.101—What allowance will I be paid for M&IE?  
§301-11.102—What is the applicable M&IE rate?

### **Subpart C—Reduced Per Diem**

- §301-11.200—Under what circumstances may my agency prescribe a reduced per diem rate lower than the prescribed maximum?

### **Subpart D—Actual Expense**

- §301-11.300—When is actual expense reimbursement warranted?  
§301-11.301—Who in my agency can authorize/approve my request for actual expense?  
§301-11.302—When should I request authorization for reimbursement under actual expense?  
§301-11.303—What is the maximum amount that I may be reimbursed under actual expense?  
§301-11.304—What if my expenses are less than the authorized amount?  
§301-11.305—What if my actual expenses exceed the 300 percent ceiling?  
§301-11.306—What expenses am I required to itemize under actual expense?

(3) From your residence to your office on the day you depart the official station on official TDY that requires at least one night's lodging; or

(4) From your office to your residence on the day you return to the official station from an official TDY assignment that required at least one night's lodging.

(b) *At your TDY location.* (1) From the TDY transit system station(s) to your place of lodging or place of official business and return;

(2) To, from, and between your places of lodging and official business;

(3) Between places of official business; or

(4) To obtain meals at the nearest available place when the nature and location of the official business or the lodging at a TDY location are such that meals cannot be obtained there. You must attach a statement or include electronic remarks with your travel voucher explaining why such transportation was necessary.

**Subpart C—Government Vehicle**

**§301-10.200 What types of Government vehicles may my agency authorize me to use?**

You may be authorized to use:

(a) A Government automobile in accordance with [§301-10.220](#);

(b) A Government aircraft in accordance with [§§301-10.260](#) through [301-10.262](#) of this part; and

(c) Other type of Government vehicle in accordance with any Government-issued rules governing its use.

**§301-10.201 For what purposes may I use a Government vehicle other than a Government aircraft?**

Only for official purposes which include transportation:

(a) Between places of official business;

(b) Between such places and places of temporary lodging when public transportation is unavailable or its use is impractical;

(c) Between either [paragraph \(a\)](#) or [\(b\)](#) of this section and restaurants, drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary for the sustenance, comfort, or health of the employee to foster the continued efficient performance of Government business; or

(d) As otherwise authorized by your agency under 31 U.S.C. 1344.

**§301-10.202 What is my liability for unauthorized use of a Government vehicle?**

You are responsible for any additional cost resulting from unauthorized use of a Government vehicle and you may be subject to administrative and/or criminal liability for misuse of Government property.

**Government Automobiles**

**§301-10.220 What requirements must I meet to operate a Government automobile for official travel?**

You must possess a valid State, District of Columbia, or territorial motor vehicle operator's license and have a travel authorization specifically authorizing the use of a Government-furnished automobile.

**Travel on Government Aircraft**

**§301-10.260 May I use a Government aircraft for travel?**

You may use Government aircraft for travel only if you have authorization from an executive agency under the rules specified in this part (except with regard to travel under [§301-70.808](#) and [§301-70.910](#)). Because the taxpayers should pay no more than necessary for your transportation, generally you may travel on Government aircraft only when a Government aircraft is the most cost-effective mode of travel.

**§301-10.261 When may I use a Government aircraft for travel?**

You may use Government aircraft—

(a) For official travel only when—

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

(2) The cost of using a Government aircraft is less 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 you. The cost of non-productive or lost work time while in travel status and certain other costs should be considered when comparing the cost of using a Government aircraft in lieu of scheduled commercial airline service. Additional information on costs included in this cost comparison may be found in the "U.S. Government Aircraft Cost Accounting Guide," available from the General Services Administration, Office of Governmentwide Policy, MTA, 1800 F Street, N.W., Washington, DC 20405.

(b) For required-use travel only when you are required to use Government aircraft for bona fide communications (*e.g.*, 24-hour secure communications) or security reasons (*e.g.*, highly unusual circumstances that present a clear and present danger) 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 only when—

(1) The aircraft is already scheduled for use for an official purpose, and your use of the aircraft does not require a

larger aircraft or result in more than minor additional cost to the Government; or

(2) You are a Federal traveler or a dependent of a Federal traveler stationed by the Government in a remote location not accessible to commercial airline service and authorized to use Government aircraft; or

(3) You are authorized to travel on a space available basis under 10 U.S.C. 2648 and regulations implementing that statute.

**§301-10.262 How will my agency authorize travel on Government aircraft?**

Your agency will authorize your travel on Government aircraft as follows:

(a) *Required use travelers.* Your agency’s senior legal official or his/her principal deputy must authorize your required-use travel on a trip-by-trip basis, in advance, in writing, and in compliance with the agency’s written policies describing the special circumstances under which the agency will require a traveler to use Government aircraft, unless—

(1) You are an agency head and the President has determined that all your travel (or your travel in specified categories) qualifies as required-use travel; or

(2) You are not an agency head, and your agency head has determined in writing that all of your travel, or your travel in specified categories, qualifies as required-use travel. Such written explanation must state the specific basis for the determination.

**Note to §301-10.262(a):** In an emergency situation, prior verbal approval for required-use travel with an after-the-fact written authorization is permitted.

(b) *Senior Federal officials.* If you are a senior Federal official, your agency’s senior legal official or his/her principal deputy must authorize all your travel on Government aircraft in advance and in writing, except for required use travel authorized under paragraphs (a)(1) and (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) *Non-Federal travelers.* If you are a non-Federal traveler, the senior legal official or his/her principal deputy in the agency sponsoring your travel must authorize you to fly on Government aircraft in advance and in writing. In an emergency situation, prior verbal approval with an after-the-fact written authorization by your sponsoring agency’s senior legal official is permitted.

(d) *All other Federal travelers.* Your designated travel-approving official (or anyone to whom he/she delegates this

authority), who must be at least one organizational level above you, must authorize your travel on Government aircraft, in advance and in writing. Prior verbal approval with an after-the-fact written authorization by your agency’s designated travel approving official is permitted in an emergency situation. If you hold a blanket travel authorization for official travel that authorizes travel on Government aircraft, it must define the circumstances that must be met for using Government aircraft and must comply 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. Check with your designated travel approving official for information on your agency’s policy.

**§301-10.263 What travel authorization documents must I present to the aircraft management office that operates the Government aircraft?**

You must present to the aircraft management office that operates the Government aircraft—

(a) A copy of your written travel authorization, including a blanket travel authorization, if applicable, approved in accordance with §301-10.262; and

(b) Valid picture identification, such as a Government identification card or a state-issued driver’s license.

**§301-10.264 What amount must the Government be reimbursed for travel on 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) For any required use travel, you must reimburse the Government for the excess of the full coach fare for all flights taken over the full coach fare for the flights that you would have taken had you not engaged in personal activities during the trip, *i.e.*, for a wholly personal trip, you must pay the full coach fare for the entire trip;

(2) For travel authorized under 10 U.S.C. 2648 and regulations implementing that statute, or when you or your dependents are stationed by the Government in a remote location with no access to regularly scheduled commercial airline service and are authorized to use Government aircraft, you do not have to reimburse the Government.

(c) For political travel on a Government aircraft (*i.e.*, for any trip or part of a trip during which you engage in political activities), the Government must 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 you would have taken had you not engaged in political activities, except if other law or regulation specifies a different amount (see, *e.g.*, 11 CFR 106.3,

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“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.

**Note to §301-10.264:** Except for required use travel, any use of Government aircraft for personal or political activities shall not cause an increase in the actual costs to the Government of operating the aircraft.

**§301-10.265 Will my travel on Government aircraft be reported?**

Your travel on Government aircraft will not be reported unless you are a senior Federal official, or a non-Federal traveler. (Travel under 10 U.S.C. 2648 is not reported.) If you are a senior Federal official or a non-Federal traveler, any use you make of Government aircraft, *i.e.*, as a passenger, crewmember, or qualified non-crewmember, will be reported to the General Services Administration (GSA) by the agency that owns or hires the Government aircraft. (Agencies must maintain information on classified trips, but do not report classified trips to GSA.)

**§301-10.266 Is information available to the public about travel on Government aircraft by senior Federal officials and non-Federal travelers?**

Yes, an agency that authorizes travel on Government aircraft and an agency that owns or hires 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).

**Subpart D—Privately Owned Vehicle (POV)**

**§301-10.300 When may I use a POV for official travel?**

When authorized by your agency.

**§301-10.301 How do I compute my mileage reimbursement?**

You compute mileage reimbursement by multiplying the distance traveled, determined under [§301-10.302](#) of this subpart by the applicable mileage rate prescribed in [§301-10.303](#) of this subpart.

**§301-10.302 How do I determine distance measurements for my travel?**

| If you travel by  | The distance between your origin and destination is   |
|---|---|
| Privately owned automobile or privately owned motorcycle. | As shown in paper or electronic standard highway mileage guides, or the actual miles driven as determined from odometer readings.   |
| Privately owned aircraft.                                 | As determined from charts issued by the Federal Aviation Administration (FAA). You may include in your travel claim with an explanation any additional air mileage resulting from a detour necessary due to adverse weather, mechanical difficulty, or other unusual conditions. If a required deviation is such that airway mileage charts are not adequate to determine distance, you may use the formula of flight time multiplied by cruising speed of the aircraft to determine distance. You must convert nautical miles to statute or regular miles when submitting a claim (1 nautical mile equals 1.15077945 statute miles). |

**§301-10.303 What am I reimbursed when use of a POV is determined by my agency to be advantageous to the Government?**

| For use of a   | Your reimbursement is  |
|--|--|
| Privately owned aircraft (e.g., helicopter, except an airplane). | Actual cost of operation (i.e., fuel, oil, plus the additional expenses listed in <a href="#">§301-10.304</a> ). |
| Privately owned airplane.  | <sup>1</sup> 1.29  |
| Privately owned automobile.                                      | <sup>1</sup> 0.50  |
| Privately owned motorcycle.                                      | <sup>1</sup> 0.47  |

<sup>1</sup> Per mile.

**§301-10.304 What expenses are allowable in addition to the allowances prescribed in [§301-10.303](#)?**

Following is a chart listing the reimbursable and non-reimbursable expenses:

| Reimbursable expenses in addition to mileage allowance   | Non-reimbursable expenses included in the mileage allowance  |
|--|--|
| Parking fees; ferry fees; bridge, road, and tunnel fees; and aircraft or airplane parking, landing, and tie-down fees. | Charges for repairs, depreciation, replacements, grease, oil, antifreeze, towage and similar speculative expenses, gasoline, insurance, state and Federal taxes. |

**§301-10.305 How is reimbursement handled if another person(s) travels in a POV with me?**

If another employee(s) travels with you on the same trip in the same POV, mileage is payable to only one of you. No deduction will be made from your mileage allowance if other passengers contribute to defraying your expenses.

**§301-10.306 What will I be reimbursed if authorized to use a POV between my residence and office and then from my office to a common carrier terminal, or from my residence directly to a common carrier terminal?**

If determined advantageous to the Government, you will be reimbursed on a mileage basis plus other allowable costs for round-trip travel on the beginning and/or ending of travel between the points involved.

**§301-10.307 What will I be reimbursed if I use a POV to transport other employees?**

Using a POV to transport other employees is strictly voluntary and you may be reimbursed in accordance with [§301-10.305](#).

**§301-10.308 What will I be reimbursed if I park my POV at a common carrier terminal while I am away from my official station?**

Your agency may reimburse your parking fee as an allowable transportation expense not to exceed the cost of taxi fare to/from the terminal.

**§301-10.309 What will I be reimbursed if I am authorized to use common carrier transportation and I use a POV instead?**

You will be reimbursed on a mileage basis (see [§301-10.303](#)), plus per diem, not to exceed the total constructive cost of the authorized method of common carrier transportation plus per diem. Your agency must determine the constructive cost of transportation and per diem by common carrier under the rules in [§301-10.310](#).

**§301-10.310 What will I be reimbursed if I am authorized to use a Government automobile and I use a privately owned automobile instead?**

(a) *Reimbursement based on Government costs*—Unless you are committed to using a Government automobile as provided in [paragraph \(b\)](#) of this section, your reimbursement will be limited to the cost that would be incurred for use of a Government automobile, which in CONUS is 28.5 cents per mile. If your agency determines the cost of providing a Government automobile would be higher because of unusual circumstances, it may allow reimbursement not to exceed the mileage rate provided in [§301-10.303](#) for a privately owned automobile.

In addition, you may be reimbursed other allowable expenses as provided in [§301-10.304](#).

(b) *Partial reimbursement when you are committed to use a Government owned automobile*—When you are committed to use a Government automobile or would not ordinarily be authorized to use a privately owned automobile due to the availability of a Government automobile, but nevertheless request to use a privately owned automobile, you will be

reimbursed 12.5 cents per mile. This is the approximate cost of operating a Government automobile, fixed costs excluded. In addition, parking fees, bridge, road and tunnel fees are reimbursable.

**Subpart E—Special Conveyances**

**§301-10.400 What types of special conveyances may my agency authorize me to use?**

Your agency may authorize/approve use of:

- (a) Taxicabs as specified in [§§301-10.420](#) through [301-10.421](#) of this chapter;
- (b) Commercial rental automobiles as specified in [§§301-10.450](#) through [301-10.453](#) of this chapter; or
- (c) Any other special conveyance when determined to be advantageous to the Government.

**§301-10.401 What types of charges are reimbursable for use of a special conveyance?**

Actual expenses that your agency determines are necessary, including, but not limited to:

- (a) Gasoline and oil;
- (b) Rental of a garage, hangar, or boathouse;
- (c) Feeding and stabling of horses;
- (d) Per diem of operator; and
- (e) Ferriage, tolls, etc.

**§301-10.402 What will I be reimbursed if I am authorized to use a special conveyance and I use a POV instead?**

You will be reimbursed the mileage cost for the use of your POV, and additional expenses such as parking fees, bridge, road and tunnel fees, not to exceed the constructive cost of the special conveyance.

**§301-10.403 What is the difference between a Government aircraft and an aircraft hired as a special conveyance?**

A Government aircraft is any aircraft owned, leased, chartered, or rented and operated by the Government. An aircraft hired as a special conveyance is an aircraft that you, in your private capacity, rent, lease, or charter and operate.

**Taxicabs, Shuttle Services, or Other Courtesy Transportation**

**§301-10.420 When may I use a taxi, shuttle service or other courtesy transportation?**

(a) When authorized and approved by your agency, your transportation expenses in the performance of official travel are reimbursable for the usual fare plus tip for use of a taxi, shuttle service or other courtesy transportation (if charges result), in the following manner:



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**§301-11.17 If my agency authorizes per diem reimbursement, will it reduce my M&IE allowance for a meal(s) provided by a common carrier or for a complimentary meal(s) provided by a hotel/motel?**

No. A meal provided by a common carrier or a complimentary meal provided by a hotel/motel does not affect your per diem.

**§301-11.18 What M&IE rate will I receive if a meal(s) is furnished by the Government or is included in the registration fee?**

(a) Except as provided in [§301-11.17](#) or in [paragraph \(b\)](#) of this section, your M&IE allowance must be adjusted for meals furnished to you by the Government (including meals furnished under the authority of [Chapter 304](#) of this Title) by deducting the appropriate amount shown in the chart in this section for travel within CONUS and the chart in [Appendix B](#) of this chapter for meal deductions for OCONUS and foreign travel. The total amount of deductions made will not cause you to receive less than the amount allowed for incidental expenses.

| Total M&IE                      | \$46 | \$51 | \$56 | \$61 | \$66 | \$71 |
|---------------------------------|------|------|------|------|------|------|
| Continental Breakfast/Breakfast | 7    | 8    | 9    | 10   | 11   | 12   |
| Lunch                           | 11   | 12   | 13   | 15   | 16   | 18   |
| Dinner                          | 23   | 26   | 29   | 31   | 34   | 36   |
| Incidentals                     | 5    | 5    | 5    | 5    | 5    | 5    |

(b) Your agency, at its discretion, may allow you to claim the full M&IE allowance if:

- (1) You are unable to consume the furnished meal(s) because of medical requirements or religious beliefs;
  - (2) In accordance with administrative procedures prescribed by your agency, you requested specific approval to claim the full M&IE allowance prior to your travel;
  - (3) In accordance with administrative procedures prescribed by your agency, you have made a reasonable effort to make alternative meal arrangements, but were unable to do so; and
  - (4) You purchase substitute meals in order to satisfy your medical requirements or religious beliefs.
- (c) In your agency's discretion, and in accordance with administrative procedures prescribed by your agency, you may also claim the full M&IE allowance if you were unable to take part in a Government-furnished meal due to the conduct of official business.

**§301-11.19 How is my per diem calculated when I travel across the international dateline (IDL)?**

When you cross the IDL your actual elapsed travel time will be used to compute your per diem entitlement rather than calendar days.

**§301-11.20 May my agency authorize a rest period for me while I am traveling?**

(a) Your agency may authorize a rest period not in excess of 24 hours at either an intermediate point or at your destination if:

- (1) Either your origin or destination point is OCONUS;
- (2) Your scheduled flight time, including stopovers, exceeds 14 hours;
- (3) Travel is by a direct or usually traveled route; and
- (4) Travel is by coach-class service.

(b) When a rest stop is authorized the applicable per diem rate is the rate for the rest stop location.

**§301-11.21 Will I be reimbursed for per diem or actual expenses on leave or non-workdays (weekend, legal Federal Government holiday, or other scheduled non-workdays) while I am on official travel?**

(a) In general, you will be reimbursed as long as your travel status requires your stay to include a non-workday, (e.g., if you are on travel through Friday and again starting Monday you will be reimbursed for Saturday and Sunday), however, your agency should determine the most cost effective situation (i.e., remaining in a travel status and paying per diem or actual expenses or permitting your return to your official station).

(b) Your agency will determine whether you will be reimbursed for non-workdays when you take leave immediately (e.g., Friday or Monday) before or after the non-workday(s).

**Note to §301-11.21:** If emergency travel is involved due to an incapacitating illness or injury, the rules in [Part 301-30](#) of this chapter govern.

**§301-11.22 Am I entitled to per diem or actual expense reimbursement if I am required to return to my official station on a non-workday?**

If required by your agency to return to your official station on a non-workday, you will be reimbursed the amount allowable for return travel.

**§301-11.23 Are there any other circumstances when my agency may reimburse me to return home or to my official station for non-workdays during a TDY assignment?**

Your agency may authorize per diem or actual expense and round-trip transportation expenses for periodic return travel on non-workdays to your home or official station under the following circumstances:

(a) The agency requires you to return to your official station to perform official business; or

- (b) The agency will realize a substantial cost savings by returning you home; or
- (c) Periodic return travel home is justified incident to an extended TDY assignment.

**§301-11.24 What reimbursement will I receive if I voluntarily return home or to my official station on non-workdays during my TDY assignment?**

If you voluntarily return home or to your official station on non-workdays during a TDY assignment, the maximum reimbursement for round trip transportation and per diem or actual expense is limited to what would have been allowed had you remained at the TDY location.

**§301-11.25 Must I provide receipts to substantiate my claimed travel expenses?**

Yes. You must provide a lodging receipt and a receipt for every authorized expense over \$75, or provide a reason acceptable to your agency explaining why you are unable to furnish the necessary receipt(s) (see [§301-52.4](#) of this chapter).

**Note to 301-11.25:** Hard copy receipts should be electronically scanned and submitted with your electronic travel claim when your agency has fully deployed ETS and notifies you that electronic scanning is available within your agency (see [§301-50.3](#) of this chapter). You may submit a hard copy receipt, in accordance with your agency's policies, to support a claimed travel expense only when electronic imaging is not available within your agency.

**§301-11.26 How do I get a per diem rate increased?**

If you travel to a location where the per diem rate is insufficient to meet necessary expenses, you may submit a request, containing pertinent lodging and meal cost data, through your agency asking that the location be surveyed. Depending on the location in question your agency may submit the survey request to:

| <b>For CONUS locations</b>  | <b>For non-foreign area locations</b>  | <b>For foreign area locations</b>   |
|---|--|---|
| General Services Administration, Office of Governmentwide Policy, Attn: Travel Policy (MTT), 1800 F St. NW, Washington, DC 20405. | Defense Travel Management Office, Attn: SP&P/ Allowances Branch, 4601 N. Fairfax Dr, Suite 800, Arlington, VA 22203. | Director, Office of Allowances, Department of State, Annex 1, Suite L-314, Washington, DC 20522-0103. |

**§301-11.27 Are taxes included in the lodging portion of the Government per diem rate?**

No. Lodging taxes paid by you are reimbursable as a miscellaneous travel expense limited to the taxes on reimbursable lodging costs. For example, if your agency authorizes you a maximum lodging rate of \$50 per night, and you elect to stay at a hotel that costs \$100 per night, you can only claim the amount of taxes on \$50, which is the maximum authorized lodging amount. This section is effective January 1, 1999, for CONUS locations and effective January 1, 2000, for non-foreign areas. For foreign areas, lodging taxes have not been removed from foreign per diem rates established by the Department of State. Separate claims for lodging taxes incurred in foreign areas are not allowed.

**§301-11.28 As a traveler on official business, am I required to pay applicable lodging taxes?**

Yes, unless exempted by the State of local jurisdiction.

**§301-11.29 Are lodging facilities required to accept a generic federal, state or local tax exempt certificate?**

Exemptions from taxes for Federal travelers, and the forms required to claim them, vary from location to location. The GSA Per Diem Rates webpage (<http://gsa.gov/perdiem>) provides more information on State tax exemptions.

**§301-11.30 What is my option if the Government lodging rate plus applicable taxes exceeds my lodging reimbursement?**

You may request reimbursement on an actual expense basis, not to exceed 300 percent of the maximum per diem allowance. Approval of actual expenses is usually in advance of travel and at the discretion of your agency. (See [§301-11.302](#).)

**§301-11.31 Are laundry, cleaning and pressing of clothing expenses reimbursable?**

Yes. The expenses incurred for laundry, cleaning and pressing of clothing at a TDY location are reimbursable as a miscellaneous travel expense. However, you must incur a minimum of 4 consecutive nights lodging on official travel to qualify for this reimbursement. Laundry and dry cleaning expenses have not been removed from foreign per diem rates established by the Department of State, or from non-foreign area per diem rates established by the Department of Defense. Separate claims for laundry and dry cleaning expenses incurred in foreign areas and non-foreign areas are not allowed.

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or type or class of agency personnel if the exemption is determined to be necessary in the interest of the agency.

### §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 (Attention: MTT), 1800 F Street, NW, Washington, DC 20405, in writing within 30 days after granting the exemption, stating the reasons for the exemption.

### §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 expenses and/or classes of employees are exempt from the mandatory use of the Government contractor-issued travel charge card?

The Administrator of General Services exempts the following 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;
- (b) Laundry/dry cleaning;
- (c) Parking;
- (d) Transit system at a TDY location;
- (e) Taxi;
- (f) Tips;
- (g) Meals (only when use of the card is impractical, *i.e.*, group meals or the Government contractor-issued travel charge card is not accepted);
- (h) Phone calls (when a Government calling card is available for use in accordance with agency policy);
- (i) An employee who has an application pending for the travel charge card;
- (j) Individuals traveling on invitational travel; and
- (k) New appointees.

**Note to §301-70.704:** Relocation allowances prescribed in [Chapter 302](#) of this title, except en-route travel and house-hunting trip expenses are not covered by this requirement.

### §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.

### §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.

### §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.

### §301-70.708 What actions may we take if an employee misuses the Government contractor-issued travel charge card while on official travel?

You may take appropriate disciplinary action if an employee misuses the Government contractor-issued travel charge card. Internal agency policies and procedures should define what the agency considers to be misuses of the travel charge card.

### §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 (internet training is available for the GSA SmartPay™ Travel Charge Card at: <http://www.gsa.gov/traveltraining>).

(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

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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) For some helpful do's and don'ts for travel cardholders, see GSA publication (Card-F001) entitled "Helpful Hints for Travel Cardholders". This publication is available on the Internet at <http://fss.gsa.gov/services/gsa-smartpay>. Click on "Publications and Presentations" and under "Publications," click on "Helpful Hints for Travel Card Use".

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

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

**§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 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 and regulations implementing that statute.

**§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," available through the General Services Administration, Office of Governmentwide Policy, MTA, 1800 F Street, N.W., Washington, DC 20405.

(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.

**§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 implement-

ing 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.

**§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.

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

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

**§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 com-

mercial 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. 4744 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 with an after-the-fact written certification is permitted.

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

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 Government aircraft, see the "U.S. Government Aircraft Cost Accounting Guide," published by the Aircraft Management Policy Division (MTA), General Services Administration, 1800 F Street, N.W., Washington, DC, 20405.

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## §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.

## §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 GSA's Office of Governmentwide Policy (MTT) all uses of your aircraft for travel by any senior Federal official or non-Federal traveler, by using an electronic reporting tool found at [www.gsa.gov/sftf](http://www.gsa.gov/sftf), unless travel is authorized under 10 U.S.C. 2648 and regulations implementing that statute.

## §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.

(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 Aircraft Management Policy Division (MTA), General Services Administration, 1800 F Street, N.W., Washington, DC, 20405.

## §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:

### DISCLOSURE FOR PERSONS FLYING ABOARD FEDERAL GOVERNMENT AIRCRAFT

**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.

**§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.