

# Guide to Judiciary Policy

Vol. 19: Travel and Relocation

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## **§ 410 Authority, Applicability, and General Provisions**

### **§ 410.10 Authority**

These regulations are published by the Director of the Administrative Office of the U.S. Courts (AO) under 28 U.S.C. § 604(a)(7) and 5 U.S.C. § 5707(a)(1).

### **§ 410.20 Applicability**

These regulations apply to the individuals and under the conditions identified below:

- (a) Employees of the judicial branch, including employees of the Federal Judicial Center (FJC), United States Sentencing Commission (USSC), Administrative Office, and federal public defender organizations (FPDOs), as well as uncompensated volunteers, interns who take the oath of office as employees, and, to the extent authorized by guidelines issued by the AO, personal attendants accompanying employees and judges or justices with disabilities. For travel regulations for judges, **see:** Guide, Vol. 19, Ch. 2 (Travel Regulations for Justices and Judges).
- (b) Consultants or experts employed intermittently and paid on a daily when-actually-employed (WAE) basis and individuals serving without pay or at \$1.00 a year in accordance with 5 U.S.C. § 5703.
- (c) Contractors, including contract court reporters and court interpreters, to the extent the terms and conditions of the contract provide for travel payments in accordance with these regulations.
  - (1) However, contractors are not entitled to government contract airfares.
  - (2) This is an airline contract limitation and may not be waived by the judiciary or the judiciary's contract travel agency. Hotels and car rental firms have the discretion to extend government rates to contractors.

(d) Applicants

- (1) Nominees for Article III, territorial district courts, and Court of Federal Claims judgeships and persons in the concluding stages of the selection process for bankruptcy judgeships and magistrate judgeships when traveling to attend orientation programs sponsored by the AO, the FJC, or the respective court. Each eligible individual may be reimbursed for transportation (not to exceed the available government contract air fare) and actual subsistence expenses for the day of the program and the necessary travel day(s), up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the AO, the FJC, or court.
- (2) Applicants for the position of bankruptcy judge, magistrate judge, circuit executive, clerk of court, district court executive, senior staff attorney, chief circuit mediator, circuit librarian, federal public defender, bankruptcy administrator, chief pretrial services officer or chief probation officer when, summoned by a judge or court for an interview. FPDs need to seek authorization from the Chief of the AO's Defender Services Office (DSO) after being summoned by the judge for the interview.
  - (A) The applicant may be reimbursed for transportation and subsistence expenses on an actual expense basis only, up to 150 percent of the applicable per diem allowance or such lesser amount as determined by the judge or court.
  - (B) The number of applicants authorized must be limited to the final three candidates. Authorization for travel of more than three candidates lies with the Director.
- (3) When authorized by the chief judge, three final candidates for chief deputy (or equivalent second-in-command), deputy-in-charge (or equivalent in-charge) of a divisional office, or satellite librarian positions and positions in a work shortage category may be reimbursed from local budgets for transportation and subsistence expenses on an actual expense basis only, up to 150 percent of the applicable per diem allowance or such lesser amount as determined by the chief judge. The determination of a work shortage category position will be made by the unit executive on a case-by-case evaluation, with assistance from the AO's Human Resources Office.

<b>§ 410.30 Definitions and Abbreviations</b>	
Approving Official	The individual who has the authority to approve travel advance requests and travel vouchers in accordance with Guide, Vol. 13, Ch. 6 (Travel Advances and Corrective Salary Payments), including the authority to approve specific types of travel expenses defined in these regulations.
Authorizing Official	The individual who has the authority to authorize travel of subordinates, consultants and contractors.  <b>Note:</b> In some instances, an official authorizing funds, such as an officer of FJC, may not be the same officer who approves travel advance requests and travel vouchers (e.g., an employee of the AO may be authorized travel from the FJC, but must seek travel voucher approval from the employee's direct supervisor).
Car Service	A company that provides local transportation, using a digital network to connect riders and drivers. Fares for a car service are direct billed to the traveler's credit card.
Centrally Billed Account	The CBA is a type of credit card account assigned to an agency, office, or group for paying a traveler's authorized official government travel expenses on the judiciary's behalf. It is primarily used for an employee's airfare, but may be used for lodging expenses.
Certifying Official	An accountable officer designated in writing by the AO Director (or Director's designee) with statutory responsibility for certifying that proposed payments are legal, proper and correct. The certifying officer has pecuniary liability for any improper payments resulting from a false, inaccurate or misleading certification, as well as for any payment prohibited by law or that did not represent a legal obligation under the appropriation or fund involved. The certifying officer may be required to reimburse the government for any payments that are not legal, proper or correct.
Common Carrier	A private-sector supplier of air, rail or bus transportation.
Contracted Travel Agency	A private-sector travel service or a Travel Management Center (TMC), which is under contract with the judiciary to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals, and ticketing.
Constructive Cost	The total cost of transportation, subsistence, and incidental expenses that would have been incurred for travel had an employee traveled in the manner most cost effective to the judiciary. <b>See:</b> § 440.20.10 (Constructive Cost of Travel).
Continental U.S. (CONUS)	The 48 contiguous states of the United States (which excludes Alaska and Hawaii), plus the District of Columbia.

<b>§ 410.30 Definitions and Abbreviations</b>	
Court Unit Executives (CUEs)	<p>CUEs include the following position titles:</p> <ul style="list-style-type: none"> <li>• circuit executives;</li> <li>• circuit librarians;</li> <li>• chief circuit mediators;</li> <li>• district court executives;</li> <li>• clerks of court;</li> <li>• clerks, bankruptcy appellate panel;</li> <li>• bankruptcy administrators;</li> <li>• senior staff attorneys;</li> <li>• chief probation officers; or</li> <li>• chief pretrial services officers.</li> </ul>
Excess Baggage	This term refers to baggage that exceeds the weight, size, or number of pieces carried at the standard fee charged by common carriers.
Extra-Fare Train	A train that operates at an increased fare due to the extra performance of the train (faster speed or fewer stops). The term “extra-fare train” does not mean first-class train accommodations, even though an extra-fare train may offer first-class accommodations.
FPDO	Federal Public Defender Organization
Government-Furnished Automobile	A vehicle which is (a) owned by a government agency, (b) assigned or dispatched to the judiciary from the General Services Administration (GSA) Interagency Fleet Management System, or (c) leased by the government for a period of 60 days or longer from a commercial source.
GTCC	<b>See:</b> Vol. 19, § 620 (Government Travel Charge Card).
Home Circuit/District	The geographic boundaries of the employing court (e.g., circuit boundaries for employees of the appeals court and district boundaries for district court, bankruptcy court, and FPDO employees).
Incidental Expenses	This term refers to the following types of expenses: (1) Fees or gratuities for services and tips given to porters, baggage carriers, bellhops, hotel maids, room stewards, sky caps, and others; and (2) transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site. Incidental expenses are not miscellaneous expenses (defined below).
Local Commuting Area	The geographic area, as determined by the authorizing official, from which most employees in the applicable court, court unit, agency, or office routinely commute to the official duty station on a daily basis.

<b>§ 410.30 Definitions and Abbreviations</b>	
Local Transportation/Travel Expenses	Transportation expenses incurred for authorized travel within the local commuting area. Transportation expenses include expenses for travel by automobile, bus, train, or transport by a service provider (e.g., taxi or car service). The usual fare plus tip for use of a taxi, car service, or other courtesy transportation is reimbursable.
Lodgings Plus	A method for computing per diem allowances under which the employee is reimbursed for actual expenses of lodging up to the maximum rate set by the GSA and the GSA locality rate for meals and incidental expenses (M&IE). <b>See:</b> Meals and Incidental Expenses (M&IE) Breakdown on the GSA website.
M&IE Rate	The rate allowed for meals and incidental expenses while in an official travel status including the full GSA locality rate for the first and last day of travel, unless a reduced allowance is authorized. <b>See:</b> Meals and Incidental Expenses (M&IE) Breakdown on the GSA website.
Miscellaneous Expenses	Reasonable and necessary expenses incurred by a traveler in the conduct of the official business, which are not included in the traveler's per diem and transportation allowances.
Outside the Continental U.S. (OCONUS)	U.S. states and territories outside the contiguous United States.
Official Duty Station	The official duty station is an area defined by the agency that includes the location where the employee regularly performs his or her duties or an invitational traveler's home or regular place of business. The boundaries of the official duty station are the corporate limits of the official duty station.
Per Diem Allowance	The daily fixed locality allowance for lodging, meals, and incidental expenses established by GSA. <b>See:</b> Domestic Per Diem Rates on GSA's website. The per diem allowance is separate from the allowance for transportation expenses (§ 440 (Transportation)) and other miscellaneous expenses (§ 460.20 (Claiming Miscellaneous Subsistence-Related Expenses)).
Place of Abode	The residence from which the employee commutes regularly to the employee's official duty station.
Temporary Duty (TDY) Location	A place, away from an employee's official duty station, where the employee is authorized to travel.
U.S.C.	United States Code.
Volunteer	Individuals who are participating in voluntary and work-training programs. <b>See:</b> Guide, Vol. 12, § 550 (Volunteer Employees and Voluntary Work-Training Programs).

<b>§ 410.30 Definitions and Abbreviations</b>	
Voucher Reviewer	An individual who has been assigned the responsibility to review and/or examine the travel vouchers in accordance with procedures established by the certifying officer.

## **§ 410.40 In General**

### **§ 410.40.10 “Prudent Traveler” Rule**

- (a) An employee traveling on official business must exercise the same care in incurring expenses that a prudent person would exercise in conducting personal business using his or her own money.
- (b) Excess costs, circuitous routes, and services unnecessary or unjustified in the performance of official business are not acceptable under this standard.
- (c) Employees will be responsible for excess costs and any additional expenses incurred for personal preference or convenience.
- (d) Mileage and other expenses must be claimed only for the direct mileage route, unless there is an official necessity for travel by another route.

### **§ 410.40.15 Authorizing Officials’ Responsibilities**

It is the responsibility of the authorizing official to provide advance authorization for travel of subordinates, consultants, and contractors. The authorizing official determines that official travel is necessary and in the interest of the judiciary.

### **§ 410.40.20 Approving Officials’ Responsibilities**

- (a) It is the responsibility of the approving official to approve the business purpose of the request for reimbursement and the reasonableness of the amount claimed by the traveler.
- (b) Approving authority does not bring the approving official within the narrow scope of officials who have personal liability with regard to government funds. Those who approve travel vouchers are responsible for providing reasonable assurance that the travel was for legitimate business purposes and the expenses approved for reimbursement are reasonable.
- (c) For additional information on the roles and responsibilities of certifying officials as they relate to authorization of government expenditures, including travel payments, **see:** Guide, Vol. 13, § 420.40 (Roles and Responsibilities of Approving, Certifying, and Disbursing Officers).

**§ 410.40.25 Agency Review and Administrative Control**

- (a) The Director of the AO periodically conducts reviews and audits of transportation and subsistence expenses to determine whether expenses were proper, necessarily incurred in connection with the specific travel assignment, and properly documented.
- (b) The Director cautions authorizing and/or approving officials to administer travel in accordance with the letter and spirit of the law and these regulations, and to take such action as is necessary to prevent abuses. For additional responsibilities of the authorizing, approving, and/or certifying officials, **see:** Guide, Vol. 13, Ch. 1 (Overview) and Ch. 4 (Disbursing).

**§ 410.40.30 Reimbursable Expenses**

- (a) Only travel expenses essential to the transaction of official business within the scope of these regulations will be reimbursed.
- (b) Reimbursement may not be provided for a traveler's payments to another government employee for transportation, lodging, meals, or other goods or services except:
  - (1) staff of part-time magistrate judges; and
  - (2) in exigent circumstances that have been approved in advance by the Director of the AO.
- (c) Alcoholic beverages and the cost of entertainment are not reimbursable expenses.

**§ 410.40.35 Promotional Materials and Frequent Flyer Benefits**

- (a) Frequent flyer mileage and similar travel bonuses arising from official travel is available for personal use.
- (b) Any travel entitlements received including frequent flyer benefits and/or hotel benefits incident to official travel must be obtained under the same conditions as those offered to the general public at no additional cost to the government.
  - (1) This means that judiciary travelers may not selectively travel in order to obtain benefits.
  - (2) Travel arrangements should be made based on the official business need and not the frequent travel miles that may be earned or bonuses that may be received.



- (c) The Internal Revenue Service (IRS) has not pursued a tax enforcement program with respect to promotion benefits such as frequent flyer miles. Any future guidance on the taxability of these benefits will be applied prospectively at which time this section will be updated.

#### **§ 410.40.40 Contract Travel Agencies**

- (a) Government employees are encouraged to use government contract travel agencies.
- (b) Under the master contract of GSA, the judiciary utilizes a TMC that serves the judiciary nationwide.
- (c) The GSA also contracts with other travel agencies to provide services to government travelers, including judges and judicial employees.
- (d) These contract travel agencies provide special contract airfares to government travelers when the traveler purchases a ticket with the Government Travel Charge Card or through a centrally billed government-sponsored account. These centrally billed accounts may be used only at contract travel agencies.

#### **§ 410.40.45 Death While in Travel Status**

- (a) In General

The expense payment regulations in 41 CFR chapter 303.70.10 apply. If death of an employee covered by travel regulations occurs while in a travel status, the deceased's supervisor should contact the AO's Human Resources Office and Travel Management and Policy Branch for assistance.

- (b) Vouchers

- (1) Outbound Travel

A voucher, with supporting documentation, must be prepared for the deceased employee.

- (2) Return Transportation

The judiciary will pay death-related transportation expenses for an employee who dies while on official travel. A travel voucher with

supporting documentation should be submitted to the same finance unit that previously processed the now-deceased travel vouchers.

- (c) Payments should be issued via U.S. Treasury check, made payable to the deceased employee. **See:** Guide, Vol. 13, § 430.20 (Payments on Behalf of a Deceased Payee).
- (d) Cost of Transportation of Deceased to Official Duty Station

41 CFR chapter 303 contains regulations governing reimbursable expenditures. Receipts documenting the travel are required.

#### **§ 410.40.50 Claims Arising from Accidents During Official Travel**

When accidents occur during official travel and personal injury or property damage results, the government may provide a remedy depending on a variety of factors. **See:** Guide, Vol. 20 (Administrative Claims and Litigation).

#### **§ 410.40.60 Combining Personal Travel with Official Government Travel**

- (a) The judiciary will reimburse an employee only for costs incurred for official travel.
  - (1) If an employee combines personal and official travel, the employee ordinarily should schedule and route the official portion of the trip in a way that is most direct and advantageous to the government.
  - (2) The employee should obtain the approval of his or her authorizing official before arranging a trip that includes both official and personal travel.
- (b) If the official portion of a trip is not scheduled and routed as described above, a constructive cost analysis (consistent with the definition of constructive cost in § 410.30 (Definitions and Abbreviations)) must be performed to determine what the cost of the trip would have been had the employee traveled in the manner most cost effective to the government. The employee's reimbursement will be limited to the constructive cost of travel.
- (c) Expenses over the constructive cost analysis will not be paid or reimbursed.
- (d) As discussed below in § 440.40.10(c) (Government Contract Fares), the GSA contract with the airlines, through which the government obtains discounted government fares for official government travel, precludes use of government contract airfares for personal travel.

### **§ 410.40.65 Reduced Travel Allowances**

If the AO or FJC authorizes reduced transportation and/or subsistence allowances for travel it sponsors, a traveler's office may not supplement the AO or FJC allowances with local funds.

## **§ 420 Authorizing and Approving Travel**

### **§ 420.10 In General**

- (a) All judiciary employees who travel on official business must have written authorization of the court, court unit, FPDO, AO, FJC or USSC as provided in this chapter, except chambers staff traveling with the employing judge to attend court sessions or authorized judicial meetings as defined in Guide, Vol. 19, Ch. 2 (Travel Regulations for Justices and Judges). Employees can travel on verbal approval, but it must be followed up with a written authorization from the traveler's immediate supervisor.
- (b) The following are acceptable types of written authorization:
  - (1) Specific authorization for each trip.
  - (2) Approval of periodic travel plan reports.
  - (3) Blanket authorization, issued to an individual, or to multiple employees. A blanket authorization may cover a single employee's travel around the district for a certain period of time or may cover a group of employees, such as probation officers in a court unit, for a single event or a period of time. This travel is funded by the individual court unit or FPDO.
    - (A) Immediate supervisor approval is still required.
    - (B) For pretrial services and probation officers, the blanket authorization may also cover travel to adjacent districts for supervision and investigation of defendants and offenders.
  - (4) Invitation to an event sponsored by another organization.

An individual may receive an invitation to attend an event at the expense of another organization. This is called sponsored travel, as the sponsor is funding the travel. Immediate supervisor approval is still required.

- (c) Authorizations in paragraph (b) may be communicated by email, letter, memo, or text message. Like vocal authorizations, text messages must be followed up with an email, letter, or memo.

## **§ 420.20 Authorizing and Approving Officials**

### **§ 420.20.10 Authorization and Obligation of Travel**

- (a) Authorizing officials are responsible for providing advance authorization for travel of subordinates, consultants, and contractors and for determining that official travel is necessary and in the interest of the judiciary.
- (b) The following officials may authorize official travel:
  - (1) Chief Judge
    - (A) For his or her own chambers staff, court unit executives, pro se law clerks, death penalty law clerks, and land commissioners.
    - (B) The chief judge may designate others to authorize or approve travel for court unit executives, pro se law clerks, death penalty law clerks, and land commissioners.
      - (i) Chief district judges should not designate a court unit executive to authorize another court unit executive's travel.
      - (ii) The designation must be in writing.
  - (2) Judge  
For his or her chambers staff.
  - (3) Circuit Executive  
For employees within the circuit, including other employees serving under direct supervision. This includes circuit mediators, if administratively assigned to the circuit executive.
  - (4) Magistrate Judge  
For his or her chambers staff.
  - (5) Bankruptcy Judge  
For his or her chambers staff.

- (6) District Court Executive  
For employees in the district court executive's office.
- (7) Clerk of Court  
For employees in the clerk's office, court reporters, court interpreters, and jury commissioners. This includes mediators, if administratively assigned to the clerk of court.
- (8) Chief Probation Officer  
For employees in the probation office.
- (9) Chief Pretrial Services Officer  
For employees in the pretrial services office.
- (10) Federal Public Defenders
  - (A) For self, except that written authorization from the Chief of the AO's DSO, is required for any travel into and out of the continental United States and for all non-case related travel outside of the district.
  - (B) For FPDO employees, except that written authorization from the Chief of the AO's DSO, is required for all travel to locations outside of the continental United States.
- (11) Senior Staff Attorney  
For employees under his or her supervision. This includes circuit mediators, if administratively assigned to the senior staff attorney.
- (12) Bankruptcy Administrators  
For employees in the bankruptcy administrator's office.
- (13) Circuit Librarian  
For employees under his or her supervision.
- (14) Director of the AO  
For self, employees of the AO, and under § 420.30.40 (Travel of Individuals Who Are Not Judiciary Employees), individuals who perform invitational travel in connection with a meeting of a

committee of the Judicial Conference. The Director has delegated the authority to authorize certain types of travel to officials in the AO, as documented by internal policy.

(15) Director of the FJC

For self and employees of the FJC.

(16) Chair of the USSC

For self and employees of USSC.

(c) Except as identified in this volume, authorizing officials may not authorize their own travel.

(d) Once travel is authorized, funds for expected travel related expenses must be obligated prior to the initiation of travel. For guidance on charging travel to the proper fiscal year, **see:** Chief Financial Officer's memo, July 23, 2015.

**§ 420.20.20 Voucher Approval**

(a) Chief judges of appellate, district, and bankruptcy courts, the Director of the AO, Director of the FJC, and Chair of the USSC, should establish systems of review and control to provide reasonable assurance that travel is for legitimate business purposes and that the expenses approved for reimbursement are reasonable.

(b) The system of controls should include review of all travel vouchers by an individual within the judicial organization such as a financial administrator or budget analyst for compliance with the travel regulations and mathematical accuracy. The reviewer is expected to maintain expertise in the travel regulations and policies.

(c) The following are acceptable methods of travel voucher approval:

(1) Chief judges of appellate, district, and bankruptcy courts must approve or designate one or more other judges to approve court unit executives' travel vouchers. The designated judges may further designate other approving officials.

(2) Chief judges of courts of appeals must designate an official to approve the travel vouchers of the federal public defenders and bankruptcy administrators. The approving official may be another court unit executive or a court unit executive's deputy.

**Note:** In lieu of approving a court unit executive's or federal public defender's voucher or designating another judge or other official to do so, a chief judge may opt to review and approve a report of completed travel. If this method is adopted, the chief judge should sign the report, a copy of which should be filed with the travel vouchers listed on the report.

- (3) The Director of the AO, Director of the FJC, and Chair of the USSC must designate an executive or approve a delegations plan for the approval of staff travel vouchers.

#### **§ 420.20.30 Written Delegation of Authorizing Authority**

An authorizing official may delegate the authority to authorize travel in writing, but must keep such designations to as high a supervisory level as practicable to ensure adequate oversight.

#### **§ 420.20.40 Written Delegation of Approving Authority**

An approving official may delegate the authority to approve vouchers in writing, but must keep such designations to as high a supervisory level as practicable to ensure adequate oversight.

#### **§ 420.20.50 When Travel is Not Funded by Employing Unit**

When funding for official travel is provided by the AO, FJC, USSC or any source other than the organization employing the traveler, a written authorization signed by an authorized representative of the funding organization is required in addition to the approvals listed above.

#### **§ 420.20.60 Travel Outside Geographic Boundaries of the Home Circuit or District**

- (a) Chambers Staff (Law Clerks and Secretaries or Judicial Assistants)
  - (1) Specific authorization is required from the employing judge for travel outside the employee's home circuit (for a court of appeals employee) or district (for a district court employee) except for travel to a court session by one or two chambers staff members.
  - (2) When more than two chambers staff members from the same court travel outside the home circuit or district for any official purpose other than to attend a meeting or course for learning and development as specified in § 420.40.10(c) (To Attend Meetings or Conventions of Societies and Private Associations), authorization must be obtained from the employing judge, the appropriate chief judge, and the AO's Judicial Services Office.

- (b) Court Employees (Other than Chambers Staff) and Federal Public Defender Organization Employees
  - (1) Specific authorization is required from the employing court unit executive or federal public defender for travel outside the employee's home circuit (for a court of appeals employee) or district (for a district court employee) for any official purpose.
  - (2) When a court employee travels to a court session outside the home circuit or district, authorization must also be obtained from the AO's Court Services Office. Probation and Pretrial Services officers who are ordered by the judge to travel to a court session outside of their home district do not require approval from the AO.
  - (3) When an FPDO employee travels to a court session outside the home circuit, authorization must also be obtained from the AO's DSO.

## **§ 420.30 Special Provisions for Certain Categories of Employees and Contractors**

### **§ 420.30.10 Chambers Staff**

Immediate staff members of a circuit, district, bankruptcy, or magistrate judge need no authorization to attend regular or special sessions of court. The travel voucher must include the statement, "This travel was for the purpose of attending court and was performed at the direction of and with the approval of the [title of judge]."

### **§ 420.30.15 Courtroom Deputies and Official Court Reporters and Court Interpreters Who Are Employees**

- (a) Intra-District/Circuit Travel

A courtroom deputy and official court reporter and court interpreter need no authorization to attend regular or special sessions of court conducted by a circuit, district, bankruptcy, or magistrate judge within the geographic boundaries of their home district/circuit. The travel voucher must include the statement "This travel was performed at the direction of and with the approval of the [title of judge] or [title of the clerk of court]."

- (b) Inter-District/Circuit Travel

- (1) Such travel is generally restricted. Only when a host court is unable to provide required services may an official court reporter, staff interpreter, or courtroom deputy travel to another district.



(2) The host court must certify that it is unable to provide the required services, and the providing court must seek a travel authorization from the AO's Court Services Office. Such authorizations must be obtained in writing in advance, except when emergency situations do not permit. For courts with established staff resource sharing arrangements, blanket travel authorizations may be requested from the Court Services Office, and issued to the providing court, to cover staff travel to the host court for an entire fiscal year.

(c) Expedited Transcripts

Official court reporters may not claim reimbursement for travel expenses incurred in assisting another reporter in the production of daily or expedited transcripts or the handling of backlogs. **See:** Guide, Vol. 6, § 270.10 (Travel Funding).

#### § 420.30.20 Contract Court Reporters and Interpreters

- (a) Contract court reporters and interpreters may be paid travel allowances only when specifically authorized by the contract.
- (b) Subsistence allowances may be claimed only on an actual expense (itemized) basis, up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the court unit executive.
- (c) Contractual restrictions take precedence over these regulations.
- (d) Each trip must be authorized in a manner that provides for verification and documentation to assure that travel is only for officially approved purposes and within the scope of the contract.
- (e) For more specific guidance, **see:** Guide, Vol. 6, § 270.10 (Travel Funding).

#### § 420.30.25 Contractors

- (a) Contractors may be reimbursed on an actual expense (itemized) basis, up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the judicial organizations covered by these regulations.
- (b) Travel for contractors may only be reimbursed to the extent the terms and conditions of the contract authorize payment in accordance with these regulations. **Note:** Contractors are not eligible to use government contract rates for airfare. **See:** Guide, Vol. 19, § 410.20 (Applicability).

**§ 420.30.30 Organizations Using Automated Travel Programs**

Employees of organizations using an AO-endorsed automated travel program must obtain authorization for official travel from the appropriate authorizing official of their organization on forms that have been specifically designated. The "Authorization for Official Travel," generated by an AO-endorsed automated travel system is considered an official authorization once electronically signed by an authorized official or designee.

**§ 420.30.35 Attending Judicial Conference, Circuit Judicial Conference, or Judicial Conference Committee Meetings**

Employees may be reimbursed for travel expenses incurred to appear at the Judicial Conference, a circuit judicial conference, or a Judicial Conference committee meeting only when they are authorized by the Director of the AO or invited to appear by the Chief Justice, the chief judge of a court of appeals, or the chair of the committee involved.

**§ 420.30.40 Travel of Individuals Who Are Not Judiciary Employees**

- (a) Consistent with 5 U.S.C. § 5703, individuals who are invited by the judiciary to travel as attendants, experts, speakers, participants at a conference or meeting, and applicants for employment (consistent with § 410.20(d) (Applicants)), or who are otherwise requested to confer on official government business may be reimbursed for travel expenses, including subsistence expenses, on an actual expense basis consistent with this chapter.
- (b) In those instances where the invitational traveler is requested to attend a meeting with judges at a temporary duty location, the traveler may be reimbursed actual expenses of subsistence not to exceed the maximum amount that the judges may claim at that location.
- (c) Where invitational travel is performed on behalf of a court, travel authorization must be obtained from the chief judge or court unit executive inviting the traveler.
- (d) Where invitational travel is performed on behalf of the AO or a Judicial Conference committee, travel authorization must be obtained from the Director or his or her designee.
- (e) Travel for individuals serving as contractors may be reimbursed to the extent the terms and conditions of the contract authorize payment in accordance with these regulations.

**§ 420.30.45 Official Duty Station**

- (a) Employees

- (1) The official duty station is an area defined by the agency that includes the location where the employee regularly performs his or her duties or an invitational traveler's home or regular place of business. The boundaries of the official duty station are the corporate limits of the official duty station.
  - (2) If an employee is not stationed in an incorporated city or town, the official duty station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated duty station is located.
  - (3) If the employee's work involves recurring travel or varies on a recurring basis, the primary location where the work activities are based is considered the regular place of work.
- (b) Experts, Consultants, Contractors, and Uncompensated Invitational Travelers

For the purposes of determining the allowances payable under these regulations, the official duty station of uncompensated invitational travelers, contractors, experts, and consultants who travel at the request of the judiciary, will be their regular place of business, or, if they have no place of business, their residence.

- (c) Volunteers

The official duty station of a volunteer employee will be the employing court.

- (d) Permanent change of official duty station

**See:** Guide, Vol. 19, Ch. 5 (Relocation Allowances for Judiciary Staff).

#### **§ 420.30.50 Jurors**

**See:** Guide, Vol. 4, § 365 (Juror Compensation and Reimbursement) and 28 U.S.C. § 1871.

#### **§ 420.30.55 Employee Subpoenaed as a Witness**

- (a) When an employee is subpoenaed as a witness in connection with official duties performed as an employee of the judicial branch, travel must be reimbursed in accordance with these regulations and payment must be made from the employing organization's budget.
- (b) Witness Representing Another Branch of the Federal Government

- (1) If the employee's appearance as a witness concerns his or her prior employment by another federal agency outside the judicial branch, payment must be made from the employing organization's budget; however, the approving official must notify the AO's Finance and Accounting Division, which will request reimbursement from the involved agency in accordance with 5 U.S.C. § 5751.
  - (2) The employee must refund to the District Court Clerk's Office, AO, FJC, or USSC any amount received as a witness fee, which is for deposit to the credit of the appropriation from which the witness's salary is paid, in accordance with 5 U.S.C. § 5515.
- (c) When an employee is subpoenaed as a witness on a matter not relating to official duties either in the judicial branch or another federal agency, travel expenses will not be reimbursed by the judiciary.

#### **§ 420.30.60 Volunteers**

- (a) Volunteers generally are not expected to travel; however, if a situation arises which warrants the performance of official travel by an uncompensated employee other than those identified in § 420.30.60(b), below, written authorization must be obtained from the supervising court unit executive, federal public defender, or AO, FJC, or USSC official with such authority.
- (b) When travel is funded by a source other than the local budget of the employing organization, written authorization must also be obtained from the AO's Budget Division to ensure that funds are available.
- (c) Volunteers who are not employees, such as students under the Workforce Investment Act, are not permitted to travel at judiciary expense. **See:** Guide, Vol. 12, § 550.50.30(b) (Limits on Use of WIOA Participants).

#### **§ 420.30.65 Retreats**

- (a) A judiciary organization may conduct a retreat with the approval of the appropriate officer (i.e., the chief judge, federal public defender, Director of the AO, Director of the FJC, or Chair of the USSC).
- (b) When the retreat is held outside the corporate limits of the duty station of some or all of the attendees, such employees may be reimbursed for their travel and subsistence expenses in accordance with these regulations.
- (c) For guidance on provision of meals or refreshments at retreats, **see:** Guide, Vol. 24, § 430 (Authorized Exceptions).

**§ 420.30.70 Federal Public Defender Organization Employees**

- (a) This paragraph constitutes a standing authorization for travel on official business by employees of an FPDO for all travel within the district(s) served when the travel is related directly to the organization's casework and is entirely within the CONUS.
- (b) Employees of OCONUS federal public defender organizations have authorization to travel on official business within the district(s) served when the travel is related directly to the organization's casework.
- (c) The federal public defender is responsible for ensuring that the organization's travel expenses do not exceed the funds budgeted for this purpose.

**§ 420.30.80 Emergency Travel for Reasons of Security**

When a federal, state, or local law enforcement agency determines that the life of a judiciary employee is threatened as a result of the employee's assigned duties, the respective chief judge may ask the Director of the AO to authorize the expenditures of transportation, lodging, and subsistence, within the limits of § 440 (Transportation) and § 450 (Subsistence Expenses), to pay or reimburse the cost of transporting the employee and/or the employee's immediate family to and from their residence to an alternate location.

**§ 420.40 Travel Expenses Not Subject to Reimbursement**

As discussed below, not all travel is reimbursable.

**§ 420.40.10 To Attend Meetings or Conventions of Societies and Private Associations**

- (a) In general, appropriated funds are not available to cover the cost of travel and subsistence expenses, membership fees or dues, registration fees, and any other expenses for an employee to attend a meeting or convention of an association.

**Note:** Attendance or participation in meetings of private associations such as the American Bar Association, court clerks' associations, U.S. Court Reporters' Association, and other similar associations and societies does not constitute the performance of official business.

- (b) Exceptions
  - (1) Travel is reimbursable when the Chief Justice, the chief judge of the appropriate court of appeals, the chair of a committee of the Judicial Conference, the Director of the AO, the Chair of the USSC, or the Director of the FJC designates a court employee to attend or

participate in an official capacity as a representative of the judicial branch.

- (2) Travel is reimbursable when the appropriate judge, federal public defender, or court unit executive determines that an employee's attendance at portions of a meeting is essential for carrying out the purposes of the organization's program. **See:** Guide, Vol. 12, § 1145.20(b)(1) (Non-Government Sources).
- (3) If training is approved consistent with the HR policy, then the cost of transportation to and from the training location is fully reimbursable as official travel as provided in this chapter.
  - (A) Payment of the expenses of lodging and subsistence is at the discretion of the authorizing official consistent with § 450.10 (Lodgings Plus or Actual Expenses of Subsistence).
  - (B) If the entire program does not meet the criteria in Guide, Vol. 12, § 1145.20(b)(1) (Non-Government Sources), reimbursement of lodging and subsistence expenses must be prorated based on the proportionate amount of the program material that is designated as official or job related.
  - (C) Transportation expenses are fully reimbursable and should not be prorated.

#### **§ 420.40.20 To Attend Investitures, Memorial Services, Building Dedications, and Similar Ceremonies**

In general, travel to attend memorial services, funerals, portrait hangings, building dedications, groundbreakings, investitures and functions of a similar nature is not reimbursable as an official travel expense. Notwithstanding this general prohibition, employees may be authorized reimbursement for the expenses of travel to attend such an event under one of the following three circumstances:

- (a) Where a chief judge designates a court unit executive to attend an event as a representative of the court;
- (b) Where a chief judge or the Director of the AO or FJC or the chair of the USSC designates official representatives (not to exceed two) to attend the funeral or memorial service of a judge or employee of the judiciary to sustain morale and reinforce to the court and others the significance of the deceased judge or employee to the judiciary; or

- (c) Where a chief judge authorizes one or more employees to attend an event for the purpose of coordinating the logistics for the event.

#### **§ 420.40.30 Accompanying Family Members**

Travel by family members accompanying an employee on official business is not subject to reimbursement, except under the following circumstances:

- (a) The family member is designated to serve as an attendant to an employee with disabilities in accordance with guidelines issued by the AO (**see:** Reasonable Accommodations Guidelines);
- (b) The employee is authorized to relocate (**see:** Guide, Vol. 19, § 510.20 (Authority));
- (c) Reasons of security, as defined in § 420.30.80 (Emergency Travel for Reasons of Security); or
- (d) Safe haven and evacuation, as provided in § 470 (Evacuation, Safe Haven, and Other Special Allowances).

#### **§ 420.40.40 Commuting and Parking**

- (a) The expense of commuting between an employee's residence and his or her official duty station is a personal expense. Appropriated funds are generally not available to pay for commuting and parking expenses. **See:** Guide, Vol. 16, § 630.60 (Employee Parking).
- (b) Exceptions include certain circumstances defined in § 440.40.20(e) (Privately Owned Automobile), § 440.50.10(c) (To, From, and Between Places of Work), and § 440.60(b) (Residence-to-Work Transportation for a Disabled Employee), and local transit subsidy programs.

#### **§ 420.40.50 Applicants for Judiciary Positions**

Travel by applicants (employees or non-employees) is not reimbursable for positions within the judiciary, except as provided in § 410.20(d) (Applicants).

#### **§ 420.40.60 Judgeship Nominees**

Travel by nominees for Article III and Claims Court judgeships is generally not reimbursable, except as provided in § 410.20(d)(3) (Applicants).

### **§ 420.40.70 Subsistence Expenses at Official Duty Station**

Meals or other subsistence expenses incurred at the employee's official duty station are generally not reimbursable. For exceptions related to meals permitted at a meeting or retreat, **see:** Guide, Vol. 24, Ch. 4 (Meals and Light Refreshments).

## **§ 430 Credit Cards and Other Means of Paying for Travel Costs**

### **§ 430.10 Government Travel Charge Cards**

- (a) Judiciary organizations are encouraged to authorize employees traveling more than one time per year to obtain a Government Travel Charge Card (GTCC).
- (b) When an employee is authorized to perform official travel, the card may be used to obtain a travel advance, if necessary.
- (c) The GTCC may only be used by the employee-cardholder to pay authorized official business expenses associated with temporary duty travel or judiciary-authorized relocation. Use of the GTCC for any other purposes is not permitted and could result in disciplinary action. **See:** Guide, Vol. 19, § 620 (Government Travel Charge Card).

### **§ 430.20 Purchasing Common Carrier Transportation**

#### **§ 430.20.10 Government Travel Charge Card**

- (a) Government employees are encouraged to use their individual GTCC to purchase common carrier tickets directly from the common carrier or through a contract travel agent.
- (b) Only a GTCC or centrally billed account can be used to obtain government contract airfares.

#### **§ 430.20.20 Centrally Billed Account**

A court or any other judicial branch entity may establish a centrally billed account through which common carrier tickets are purchased from a contract travel agent, common carrier, or non-contract travel agent, and the cost of the tickets is charged to the centrally billed account. **See:** Guide, Vol. 19, § 630 (Centrally Billed Account).

#### **§ 430.20.30 CJA Panel Attorneys**

- (a) Panel attorneys and related service providers under the Criminal Justice Act are entitled to and expected to use government airfares.



- (b) Courts or FPDOs should establish separate centrally billed accounts to pay for these tickets.

## **§ 430.30 Travel Advances**

### **§ 430.30.05 Payment of Travel Expenses Incurred Prior to Travel**

- (a) Travel advances should be issued only for a traveler's subsistence or miscellaneous expenses.
- (b) A travel advance other than for subsistence or miscellaneous expenses should not be issued for expenses incurred and billed before the trip, including hotel and airfare.

### **§ 430.30.10 Obtaining Advance with Government Travel Charge Card (GTCC)**

- (a) An employee who has a GTCC may obtain an advance of travel funds if necessary, from an automated teller machine (ATM) or bank using the GTCC.
- (b) Except in unusual situations, such an advance may not exceed the total of the applicable M&IE rate per each day of travel and other allowable miscellaneous travel expenses that will not be purchased with the GTCC.
- (c) Any fee incurred while using the GTCC to obtain a travel advance for official travel is a reimbursable travel expense.

### **§ 430.30.20 Court Advances to Employees with Card**

An employee required to travel for official business may be eligible for a travel advance if the employee has not been issued a GTCC. For payment of travel expenses incurred prior to travel, **see:** § 430.30.05 (Payment of Travel Expenses Incurred Prior to Travel).

### **§ 430.30.30 Permissible Coverage**

When a traveler is in a continuous travel status for a period of at least 30 days, an advance may cover the entire period of travel except if periodic reimbursement vouchers are to be submitted, in which case the amount advanced will cover only the period between projected voucher submissions.

### **§ 430.30.40 Only for Official Travel Expenditures**

- (a) Travel advances are to be used only for official travel expenditures.
- (b) Use of funds for personal, unofficial expenditures is prohibited.

### **§ 430.30.50 Traveler Liability**

- (a) Travelers are fully responsible and liable for repaying travel advances to the government within 60 days of completion of travel.
- (b) Travel advances will be applied to the reimbursement amount owed to the traveler on the travel voucher, thus reducing the amount paid on the voucher to the difference between the allowable expenses and the advance received.
- (c) If the travel is canceled or the allowable expenses are less than the advance, the traveler must repay any balance remaining even if the advanced funds are lost or stolen.
- (d) Judiciary agencies are responsible for collecting advances as prescribed in Guide, Vol. 13, Ch. 6 (Travel Advances and Corrective Salary Payments).

### **§ 430.30.60 Accounting for Advances**

The accounting for travel advances, recoveries, and reimbursements must be in accordance with procedures prescribed in Guide, Vol. 13, Ch. 6 (Travel Advances and Corrective Salary Payments).

## **§ 440 Transportation**

### **§ 440.10 Reimbursable Transportation Expenses**

An employee may be reimbursed for expenses incident to transportation such as common carrier fares, mileage expenses, automobile rental fees, and parking fees, within the limitations described below.

### **§ 440.20 Selecting Method of Transportation**

- (a) Travel on official business must be by the method of transportation which will result in the greatest advantage to the judiciary, cost and other factors considered. In selecting a particular method of transportation to be used, the traveling employee and the authorizing official must consider factors such as cost (including the cost of transportation to and from common carrier terminals, cost of a Saturday night stayover, etc.), distance, estimated travel time, lost productivity and allowable overtime.
- (b) The traveler must use the method of transportation administratively authorized as most advantageous to the government. A traveler should not select a carrier solely based on frequent flyer mileage or other promotions and benefits.

#### **§ 440.20.10 Constructive Cost of Travel**

- (a) When an employee deviates from the method or transportation most advantageous to the judiciary, claims for reimbursement are limited to the lesser of the actual expenses of travel, or the constructive cost of travel (as set forth below). The constructive cost of travel consists of the following:
  - (1) the cost of air travel at the government contract rate (if no government contract fare is available, then the lowest coach fare available), including transactions, additional airport, and checked baggage fees, where applicable;
  - (2) a subsistence allowance based on reasonable common carrier schedules;
  - (3) the usual transportation costs to and from the common carrier terminals including parking fees; and
  - (4) tips to drivers of taxis and other car services.
- (b) Cost of parking a private vehicle at a place of temporary lodging and presumed cost of local transportation (taxis, car services, or rental vehicles) at temporary duty station are not allowable in constructive cost calculation.

#### **§ 440.30 Traveler's Cost Liability When Selected Method Not Used**

- (a) Any additional cost resulting from use of a method of transportation other than that authorized will be paid from the traveler's personal funds.
- (b) For purposes of performing a constructive cost analysis, the government contract airfare (to the extent one is available) should serve as the basis for comparison.
- (c) If a traveler uses a fare more expensive than the government contract airfare, that has not been authorized to meet a bona fide business need, the judiciary will reimburse only the amount of the government contract airfare.
- (d) The government must not pay for costs over the constructive cost even if the employee agrees to make reimbursement later.

#### **§ 440.40 Authorized Methods of Transportation**

Methods of transportation authorized for travel on official business include:

- airline;
- railroad;
- subway;
- ferry;
- bus;
- commuter rail;
- streetcar;
- car service;
- taxi;
- privately owned vehicle (POV) or airplane;
- government owned or rented automobile and airplane; and
- other necessary means of conveyance.

#### § 440.40.10 Common Carrier

(a) Travel by common carrier is generally advantageous to the government and must be used when reasonably available.

(b) Air Travel

(1) General

Since travel by air is generally the least costly and most expeditious mode of long-distance transportation, this method should normally be used for long trips. Reimbursement must be limited to coach accommodations, except when:

- (A) flights to the destination provide only higher class accommodations;
- (B) space is not available in coach class in time to carry out the purpose of the travel (travelers are responsible for making their reservations at the earliest possible date to avoid this situation);
- (C) it is necessary to accommodate an employee with a documented disability; or
- (D) authorized in advance by the authorizing official for reasons of the traveler's health.

(2) OCONUS Travel

- (A) When the origin and/or destination is OCONUS and the scheduled flight time, including stopovers, is over 14 hours,

the employee may use premium or business class air travel if authorized in advance by the authorizing official.

(B) Rest Stops

(i) The authorizing official may authorize a rest stop for a period not to exceed 24 hours or which will result in no more than one day's subsistence expense at either an intermediate point or at a traveler's final destination if:

- the scheduled flight time including stopovers, exceeds 14 hours, and
- travel is by a direct or usually traveled route.

(ii) The fact that an employee may use a class of air service higher than coach class does not preclude a rest stop.

(iii) When a rest stop is authorized, the applicable subsistence rate is the rate for the rest stop location.

(3) Government Contract Fares

(A) Under its City Pair Program, GSA maintains contracts with various airlines to obtain discounted, refundable fares for official business travel by government employees.

(B) Use of these government contract fares is generally considered advantageous to the judiciary.

(C) Two contract fares are available through the City Pair Program: an unrestricted "YCA" fare and a capacity-controlled (limited seating), even more discounted "-CA" fare.

(D) Authorizing officials should encourage the use of the lowest reasonably available fare, government contract or otherwise. **See also:** § 440.40.10(b)(4) (Use of Discounted Government Fares) and § 440.40.10(b)(5) (Use of Non-Refundable Fares).

(E) **Note:** GSA's City Pair contracts preclude the use of government contract airfares for official government business travel by cost-reimbursable contractors (excluding

CJA panel attorneys and experts), and personal travel. **See:** Guide, Vol. 19, Ch. 6 (Available Travel Programs).

(4) Use of Discounted Government Fares

- (A) Typically, only one airline holds the contract for a specific city pair for a given year. Airlines who are **not** the contract carrier often offer discounted government fares to federal travelers on official business. These fares are noted as “-DG”. Similar to contract fares, these fares are fully refundable and changeable, and judiciary travelers are encouraged to use them.
- (B) At times, these “-DG” fares may be over the government contract rate. Any excess above the government contract airfare that does not meet the exception criteria provided in § 440.40.10(b)(5)(C) (Use of Non-Refundable Fares) is the personal financial liability of the traveler.

(5) Use of Non-Refundable Fares

- (A) In the interest of economy, the authorizing official may authorize a traveler to use a discounted airfare that is:
- less expensive than the government contract fare;
  - non-refundable;
  - subject to a penalty or additional fee if the reservation is cancelled or otherwise changed after booking; or
  - conditioned on a Saturday night stay-over or similar requirement.
- (B) Before purchasing a non-refundable airfare, the traveler should consider the following:
- (i) Ticket Savings
- The savings should be at a minimum the difference between the government contract airfare and the non-refundable airfare, plus the change fee of that airline. **Note:** Most airline change fees begin at \$200.
- (ii) Type of Traveler
- If travel is cancelled, frequent travelers may have the opportunity to use resulting ticket credits, whereas credits are unlikely to be used by:

- Invitational travelers who are not judiciary employees; and
- Employees who travel less than once a year.

(iii) Likelihood of the Event Occurring

Non-refundable airfares are riskier for travel to events that have a greater potential of being cancelled.

- (C) When non-refundable airfare is authorized, the government will pay or reimburse the traveler for any penalties or additional fees assessed for a cancellation or other change in reservations (including the cost of an entirely new ticket if the previously ticketed fare was totally non-refundable) when the change is made for official reasons (e.g., a case, meeting or other official business event ends significantly earlier or later than expected) or for other reasons beyond a traveling employee's control (e.g., the employee becomes ill, or has an accident, serious illness of employee or family member, or death occurs within the employee's immediate family).
- (D) If a penalty or additional fee is incurred because of a change made at the traveling employee's discretion solely for his or her personal convenience, the government will pay or reimburse the cost of the fare and any penalty only up to the amount of the government contract airfare.
- (E) An authorizing official may authorize a traveler who uses non-refundable airfare to be reimbursed for additional lodging, meal, and incidental expenses at the GSA authorized locality per diem rate incurred in connection with a Saturday night stay-over or similar requirement for that airfare, *only to the extent* that the total cost of the reduced airfare plus the cost of the additional per diem allowance is less than the lowest reasonably available government contract fare.

(6) Early Boarding, Seat Assignment, and Preferred Seating Fees

- (A) When making common carrier reservations, a traveler, for business purposes, may be authorized to purchase early boarding access, a seat assignment, or obtain a seat choice with business related amenities (e.g., WiFi within the coach-class cabin). This includes the incursion of fees for "Early Bird Boarding" or seats coded as "Coach Elite," "Coach

Plus,” “Preferred Coach” or some other identifier (e.g., securing overhead space for official files and/or equipment or tight flight connections that require expedited de-boarding).

- (B) Travelers must obtain authorization from their approving official before incurring such fees. Travelers must submit evidence of this prior approval with their travel voucher.
  - (C) Early boarding and seat assignment fees obtained without proper approval or merely for personal convenience are not reimbursable.
- (7) Payments from Airlines for Overbooking or Voluntary Bumping
- (A) When an airline fails to provide confirmed reserved space and is required to pay liquidated damages to a traveler on official business, such payments must be turned over to the government.
  - (B) Travelers who volunteer to give up their seats on overbooked flights may retain payments, tickets for future travel, or other awards made by airlines.
  - (C) Employees should not voluntarily give up their seats if such will interfere with the timely performance of official duties.
  - (D) Employees who voluntarily give up their seat may not receive any additional travel reimbursements from the judiciary for transportation or subsistence expenses incurred as a result of the delay.
- (c) Rail or Bus Service
- (1) An employee may travel by rail or bus rather than by air when such is determined to be advantageous to the judiciary based on cost and other relevant factors (e.g., overall travel time, compatibility with the requirements of official travel, availability and cost of ground transportation).
  - (2) Travelers may use extra-fare train service (e.g., Acela, Metroliner) when it is advantageous to the judiciary and the justification is documented as part of the travel authorization process.
  - (3) In general, travelers should use the lowest class accommodations available on a train; however when approved in advance,



exceptions may be made to accommodate a traveler's disability or other special need.

- (4) If rail transportation is used due to the personal preference of the employee or other reasons, reimbursement of expenses will be limited to the constructive cost of air travel at the government contract rate.
  - (5) The use of discount fares offered to the government by rail or bus carrier should be used to the maximum extent possible.
- (d) Travel by Ship
- (1) Except for travel between two points served by ferries, travel by ship is generally not regarded as advantageous to the judiciary.
  - (2) When an employee travels by ship, he or she will generally be limited to the constructive cost of air travel at the government contract rate.

#### **§ 440.40.20 Privately Owned Vehicle (POV)**

- (a) When Authorized
- (1) Travel by POV within 500 miles of an employee's official duty station is presumed to be advantageous to the judiciary, and reimbursement for mileage, parking fees, and road, bridge, and tunnel tolls is therefore permitted.
  - (2) This does not limit the employee from electing travel by common carrier.
- (b) Travel Over 500 Miles One-Way

When an employee uses a POV for official travel for a one-way distance of more than 500 miles, claims for reimbursement are limited to the lesser of the actual expenses of mileage, tolls and subsistence or the constructive cost of travel as set forth in § 440.20(d) (Selecting Method of Transportation).

**Note:** In the event that the points of travel are not served by an airline, the constructive cost will be based on the cost of travel by the mode of transportation available and most commonly used (e.g., train or automobile mileage).

- (c) Reimbursable Expenses

- (1) Reimbursement may be claimed for travel by POV at the time of travel, plus necessary parking fees, ferry charges, and road, bridge and tunnel tolls.
  - (2) Distances shown by a standard online mapping application may be used as the basis for such claims, or actual mileage may be shown.
  - (3) The employee's travel voucher must show the points between which official travel was performed, the total mileage claimed, and the dates of travel in the section entitled "Transportation and Other Expenses."
- (d) Multiple Travelers to Same Destination
- (1) Travel by POV may be advantageous to the judiciary when two or more employees travel together.
  - (2) Only the owner of the vehicle may claim reimbursement for mileage, parking fees, tolls, etc.
  - (3) The owner may claim mileage between the starting point of the trip and the locations where passengers assemble.
  - (4) Passengers may claim taxi or car service fares, mileage, or other costs actually incurred for travel to and from the assembly points.
  - (5) The names of passengers must be listed on the vehicle owner's travel voucher.
- (e) Monthly Parking for Probation Officers, Pretrial Services Officers, and Federal Public and Community Defender Personnel
- (1) The authorizing official may authorize reimbursement for parking fees to probation officers, pretrial services officers, federal public and community defenders, assistant federal public and community defenders and their investigative staff for the days they use their personal vehicles to travel on official business.
    - (A) To determine the amount of the reimbursement, the employee should divide the days they use their car (POV) for official business by the number of work days in the month.
    - (B) For example, if an employee uses his or her car (POV) for official travel for 12 days during a month, which has 20 workdays, the employee will be reimbursed 12/20 of the monthly parking rate.

- (2) A parking receipt, clearly indicating the amount and period covered by the charge, must accompany any claim for such reimbursement.

#### **§ 440.40.30 Rental Vehicles**

##### (a) In General

- (1) Reimbursement of the costs of a rental vehicle is permitted when the authorizing official determines that the use of a rental vehicle is more advantageous to the judiciary than the use of a taxi, car service, or other mode of transportation.
- (2) When an employee rents a vehicle for personal convenience, the approving officer must limit reimbursement to the amount that the traveler otherwise would have expended for car service or transportation by common carrier.

##### (b) Personal Use of Rental Vehicles

- (1) Personal use of a rental automobile is permissible to the extent it does not increase the cost to the government.
- (2) A traveler who uses a rental car for personal use and, as a consequence, incurs additional costs (e.g., gasoline), is personally responsible for those costs.

##### (c) Global Positioning Systems (GPS)

The expense of renting a portable GPS device or upgrading to a vehicle equipped with satellite navigation may be reimbursable when a traveler establishes official necessity, the rental or upgrade is advantageous to the judiciary, and the authorizing official approves it in advance of the temporary duty travel.

##### (d) Rental of Commercial Vehicle Under Government Contract

- (1) A government contract rental should be used, if available.
- (2) Most national vehicle rental companies participate in the U.S. Government Car Rental Agreement and provide special daily flat-rates with no mileage restrictions to all government employees on official travel.
- (3) Rental vehicles available under agreements with the government include full insurance coverage for damages resulting from an accident while performing official travel. The cost of collision

damage waiver or insurance is included in the government contract rental rate and therefore should not be purchased separately.

- (A) To obtain the collision damage waiver/insurance benefit, the traveler must use the GTCC to pay the cost of the rental vehicle.
- (B) Where a traveler does not use the GTCC to pay the cost of rental vehicle, he or she must ensure that the paperwork for the rental vehicle specifically identifies it as a "U.S. Government business rental."

(e) When Use of a Non-Government Contract Rental Is Permissible

- (1) An employee may use a non-government contract rental only when no government contract rate is available.
- (2) The employee must use the least expensive reasonably available commercial rental rate.
- (3) The employee should use the GTCC for payment of such a rental, because the card includes some insurance for rentals used for official purposes.
- (4) Rental of a vehicle from another employee or a member of the traveler's family is not allowed.

(f) Reimbursement for the Cost of Insurance

- (1) An employee will not be reimbursed for the cost of personal accident insurance.
- (2) When an employee uses a non-government contract rental, charges for collision damage waiver or collision damage insurance are not reimbursable.

(g) Accident and/or Damage to a Non-Government Contract Rental Vehicle

- (1) If the employee used the GTCC as advised above and the employee is involved in an accident, the employee should immediately call the customer service number on the back of the card to report the accident and await further instructions. In addition, the employee should notify the AO's Office of the General Counsel.
- (2) If the employee did not have a government rate or use the GTCC (and thus is not covered by collision damage waiver or collision

damage insurance), the employee should advise the rental agency to submit any damage-connected claims directly to the AO's Office of the General Counsel.

(h) Incidental Charges

If rental charges do not include the cost of gas or other incidental expenses of operation, the employee should pay the costs and then itemize the expenses on his or her travel voucher.

**§ 440.40.40 Privately Owned Airplane**

Travel by privately owned airplane is reimbursable at the prescribed rate at the time of travel, plus airplane parking, landing, and tie down fees, not to exceed the cost of travel by commercial airline.

**§ 440.40.50 Privately Owned Motorcycle**

Travel by privately owned motorcycle is reimbursable at the prescribed rate at the time of travel, with the same allowances and limitations as by POV.

**§ 440.50 Local Transportation**

An employee may claim reimbursement for the expense of transportation by bus, ferry, commuter rail, streetcar, subway, car service (subject to the restrictions below) or POV (at the prescribed mileage rate) incurred in connection with the following:

**§ 440.50.10 To, From, and Between Places of Work**

- (a) Employees may be reimbursed for the expense of travel between place of lodging and places of business at a temporary duty station.
- (b) An employee may be reimbursed transportation expenses incurred in the local commuting area to perform official business.
- (c) Where an employee is traveling in the commuting area or temporary duty station and at some point in the day reports to his or her official duty station, mileage is reimbursable only to the extent it exceeds the traveler's normal daily commuting mileage between his or her residence and the official duty station.
  - (1) If a traveler leaves his or her residence, goes to the temporary duty station, and returns to his or her residence without going to the official duty station, the traveler can claim the mileage from his or her residence to the temporary duty location and back to his or her residence, without any deduction for the normal round-trip commuting distance. However, an approving official, may at his or

her discretion, limit reimbursement to only the mileage over the traveler's normal round-trip commuting mileage or establish another mileage limitation should the situation warrant.

- (2) If a traveler leaves the official duty station, goes to the temporary duty station, and returns to his or her residence without going to the official duty station, the traveler can claim the mileage from the official duty station to the temporary duty station and back to his or her residence, less the normal one-way commuting distance.
  - (3) If a traveler leaves his or her residence, goes to the temporary duty station, and returns to the official duty station, the traveler should claim the mileage from his or her home to the temporary duty location and back to the workplace, less his or her normal one-way commuting distance.
- (d) Where an employee is traveling in the local commuting area or temporary duty station, but does not report to his or her official duty station or TDY on the day in question, no deduction for commuting distance should be made. The following example illustrates the application of this rule:

If an employee, in a full-time telework status, is not required to report in person to the employing judiciary organization at least twice per biweekly pay period, and has an official duty station of their residence, the traveler may claim the mileage from his or her residence to the temporary duty location and back to his or her residence, without any deduction for the normal round-trip commuting distance.

#### **§ 440.50.20 To and From Common Carrier Terminals**

- (a) Employees may be reimbursed for the reasonable cost of ground transportation to and from common carrier terminals.
- (b) An employee may be reimbursed round-trip mileage and parking when driving his or her POV personally or round-trip mileage each way when driven by a family member, provided that mileage is limited to the direct route and that the total cost of mileage and parking at the terminal (if applicable) may not exceed the cost of travel by taxi, car service, or other readily available common carrier.
- (c) Courtesy transportation services (e.g., hotel shuttle buses) to and from a place of lodging must be used when such services are available at no cost (or at a lower cost than alternative travel) and their use does not unreasonably interfere with the traveler's schedule. A reasonable tip to the driver may be reimbursed.

**§ 440.50.30 To Places Where Meals Are Obtained**

Consistent with the definition of incidental expenses in § 410.30 (Definitions and Abbreviations), the expense of travel to obtain meals at a temporary duty station is normally included within the subsistence (M&IE) allowance and is not reimbursable separately.

**§ 440.50.40 Between Residence and Office on Days of Departure and Return**

Travel from an employee's residence to the office on the day the employee departs from the office for an official trip and from the office to the employee's home upon return may be reimbursed at the discretion of the approving official.

**§ 440.50.50 Automobiles Furnished or Rented by the Government**

- (a) When an automobile is regularly required for official travel performed locally or within commuting distance of an employee's official duty station, a government-furnished automobile should be the first resource considered.
- (b) If such is unavailable, long-term commercial rentals may be considered.
- (c) When an employee chooses to use a POV instead of an available government-owned or rented vehicle, reimbursement will be limited to the lesser of the actual cost of a government-owned or rented vehicle or the mileage allowance. **See:** Privately Owned Vehicle (POV) Mileage Reimbursement Rates on the GSA website.

**§ 440.50.60 Taking Government-Furnished Vehicle to an Employee's Residence**

- (a) An employee must receive written authorization from the chief judge of the court to take a government-furnished vehicle to the employee's residence.
  - (1) The chief judge may delegate the authority to grant such permission to other judges and/or court unit executives.
  - (2) Such a vehicle may not be used for personal reasons or for transportation of family members even when an employee is conducting official business.
- (b) For guidance on tax consequences, **see:** Guide, Vol. 13, § 1250.30 (Taking Government-Furnished Vehicles to Employee's Residence).

**§ 440.50.70 Between Office and Residence When Working after Hours**

An approving official may approve reimbursement of car service fares for travel between an employee's official duty station and residence due to the conduct of official business

outside of the employee's regular business hours. The after-hours work must be officially ordered, and the use of car service may be reasonable due to infrequently scheduled public transportation or time of day.

#### **§ 440.50.80 Taxi or Car Service Incident to the Performance of Official Business**

- (a) A receipt is required for taxi or car service fares of \$50 or more. A reasonable tip may be claimed in addition to the fare.
- (b) A voucher which includes taxi or car service fares over \$75 must have a certification from the employee that a less expensive means of transportation was not available, was impractical to obtain, or that the use of a taxi or car service resulted in the greatest advantage to the judiciary.
- (c) When one judicial employee pays the taxi or car service fare for two or more judicial employees sharing transportation, claim may be made by that employee for the full fare. Identification of other judicial employees must be included on the claimant's voucher. Use of larger vehicles may be authorized to accommodate several passengers.
- (d) Car services provide several tiers of vehicle and sharing options. Use of lower cost options is encouraged, however, in the interest of safety pooling with unknown individuals is generally discouraged. Use of luxury car service options is not considered prudent and may not be approved by the authorizing official.

#### **§ 440.60 Residence-to-Work Transportation for a Disabled Employee**

##### **§ 440.60.10 Authority**

Under 31 U.S.C. § 1344(b)(9), the Director of the AO, upon the recommendation of the appropriate chief judge, Director of the FJC, Chair of the USSC, federal public defender or Deputy Director of the AO, as appropriate, may authorize residence-to-work transportation for a disabled employee upon determining that "compelling operational considerations make such transportation essential to the conduct of official business."

##### **§ 440.60.20 Scope of Authorization**

If authorized, residence-to-work transportation may be provided for not more than 15 calendar days. Upon request, the Director of the AO may extend an authorization for one or more periods of not more than 90 additional calendar days. **See:** 31 U.S.C. § 1344(b), (d)(2).



**§ 440.60.30 Procedures for Requesting Authorization**

A disabled employee who requires residence-to-work transportation must submit a written request to the appropriate approving authority. This same process should be used to submit requests for extensions of authorization.

(a) Approving Official

(1) Court Employees

A request from a court employee should be submitted in writing to the chief judge of his or her court. If approved, the chief judge should endorse the request and forward it to the Director of the AO.

(2) Federal Public Defender Organization Employees

A request from a federal public defender organization employee should be submitted in writing to the federal public defender. If approved, the federal public defender should endorse the request and forward it to the Director of the AO. **Note:** The request should not be submitted through the chief circuit or district judge.

(3) AO Employees

A request from an AO employee should be submitted in writing to the employee's supervisor, and if approved, to the appropriate Associate Director. If approved, the Associate Director should endorse the request and forward it to the Deputy Director of the AO. If approved by the Deputy Director, the request should be forwarded to the Director of the AO.

(4) FJC and USSC Employees

A request from an FJC or USSC employee should be submitted in writing to the Director of the FJC or Chair of the USSC, as appropriate. If approved, the FJC Director or USSC Chair should endorse the request and forward it to the Director of the AO.

(b) The request must contain:

- (1) the employees' name, address, and telephone number;
- (2) the reason for requesting residence-to-work transportation;
- (3) the anticipated duration of the need for residence-to-work transportation; and

- (4) the compelling considerations that exist to make the transportation essential to the conduct of judiciary business.

#### **§ 440.60.40 Notification Requirement**

Under 31 U.S.C. § 1344(d)(4), notification of authorization or extension of residence-to-work transportation for a disabled employee must be transmitted to the House of Representatives' Committee on Oversight and Government Reform and the Senate's Committee on Homeland Security and Governmental Affairs within 60 calendar days of approval. Upon authorizing residence-to-work transportation for a disabled employee, the Director of the AO will transmit a report to these committees.

#### **§ 440.70 Use of United States Flag Carriers**

##### **§ 440.70.10 Travel by United States Flag Ships**

Section 901 of the Merchant Marine Act (46 U.S.C. app. § 1241(a)) provides that any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States must travel and transport all personal effects on ships registered under the laws of the United States where such ships are available. If such ships are not available, the employees should provide proof to allow an exception.

##### **§ 440.70.20 Use of Foreign Flag Air Carrier**

- (a) Generally the use of a foreign air carrier is not authorized under the Fly America Act, 49 U.S.C. § 40118.
- (b) Transportation by a U.S. flag air carrier should be used when available.
- (c) If such services are not available, in the case of transportation between the United States and a foreign country, or not reasonably available, in the case of transportation between two places outside the United States, a code share (a U.S. flag air carrier cooperating with a foreign air carrier) must be used if available.
- (d) If there is neither a U.S. flag air carrier nor code share, the traveler must provide proof to the authorizing official of such unavailability for an exception to fly by foreign flag air carrier.

#### **§ 450 Subsistence Expenses**

##### **§ 450.10 Lodgings Plus or Actual Expenses of Subsistence**

- (a) Subject to limitations imposed by the authorizing official or by local court, AO, FJC, or USSC policy, an employee may be authorized reimbursement

using the lodgings plus expense method or actual expenses of subsistence allowances not to exceed 150 percent of the GSA locality per diem rate. A lodging receipt must be attached to the reimbursement voucher to support a claim for either lodgings plus or actual expenses.

- (b) Travelers should be authorized reimbursement for only those expenses necessary to conduct official business. Before completing a travel authorization or approving a travel reimbursement voucher, the officials authorizing or approving the travel must carefully scrutinize the travel allowance or travel expenditures to ensure they are appropriate.
- (c) Consistent with § 410.40.10 (Prudent Traveler Rule), travelers are expected to select medium-priced restaurants and hotels/motels (or for higher-priced hotels, to obtain a rate equivalent to the charges of a medium-priced hotel) and to be prudent in controlling their expenses.
  - (1) The term medium-priced hotel means a hotel or a motel which offers room rates at or below the maximum lodging rate set by GSA for the location.
  - (2) In general, the judiciary limits reimbursement for meals at no more than 150 percent of the amounts specified by GSA in its breakdown of breakfast, lunch, and dinner rates by temporary duty location. **See:** Meals and Incidental Expenses (M&IE) Breakdown on the GSA website.
  - (3) The judiciary reimburses judges and judicial staff for their travel expenses under an accountable plan, as defined by the IRS.
    - (A) IRS regulations provide that only “ordinary and necessary” business-related travel expenses may be reimbursed.
    - (B) The IRS further states that meal and hotel/motel expenses cannot be “lavish or extravagant.”
    - (C) The expense of alcoholic beverages is not reimbursable.
    - (D) Under no circumstances may a traveler claim reimbursement for the expense of another individual’s meal(s).
- (d) The authorizing official may restrict the subsistence allowances otherwise payable to a traveler by authorizing use of the actual expense method or by limiting the dollar amount of the meals and incidental portion of the per diem allowance.

- (1) In imposing such restrictions, the authorizing official must consider factors such as:
  - special accommodations made available for a particular meeting or conference or obtained at reduced rates;
  - the inclusion of sleeping accommodations in transportation service;
  - the inclusion of meals (other than a continental breakfast) as part of the meeting or activity;
  - the furnishing of meals and/or lodging at no or reduced charge by a federal government agency at a temporary duty station; and
  - travel involving more than a one-month stay at a temporary duty station.
- (2) An authorizing official may not establish subsistence rates over those provided for within these regulations.

## § 450.20 Subsistence Allowance

### § 450.20.10 In General

- (a) An employee may claim a subsistence allowance when the employee's travel involves an overnight absence from his or her official duty station. There are two reimbursement alternatives:
  - (1) the GSA authorized locality M&IE allowance plus actual lodging expenses incurred (lodgings plus); or
  - (2) actual expenses of subsistence.
- (b) Incidental expenses are reimbursed through the meals and incidental expenses (M&IE) portion of per diem. The rates for the per diem including M&IE are published in the Federal Register periodically by GSA. The IRS has adopted these rates in its rules for accountable plans.
- (c) For the day of return to the employee's official duty station or residence, only the M&IE rate will be payable. **Exception:** If the traveler is en route after midnight, an additional one-fourth of the M&IE rate will be allowed for each quarter day of the travel period after midnight through the quarter of arrival at residence, official duty station or other location where the trip officially ends.

**§ 450.20.20 [Reserved]**

**§ 450.20.30 Foreign and OCONUS Travel**

- (a) The per diem rates for foreign localities are established by the Secretary of State. These rates are set forth on the Per Diem Rates on the U.S. State Department website.
- (b) The per diem rates for OCONUS travel are established by the Department of Defense. These rates are set forth on the Per Diem Rates on the Department of Defense website.
- (c) For the day of return to the employee's official duty station or residence, the employee may claim the M&IE rate for the temporary duty point as the per diem allowance.
- (d) In computing per diem when the traveler crosses the International Date Line (180th meridian), the actual elapsed time will be used rather than calendar days.

**§ 450.20.40 Lodgings Plus Meals & Incidental Expenses**

- (a) Employees should generally be authorized reimbursement for expenses of travel under the lodgings plus M&IE method of reimbursement when travel requires an overnight stay.
- (b) Under the lodgings plus M&IE method of reimbursement, an employee may be reimbursed for the actual cost of lodging, up to a specific daily maximum allowable rate, plus a locality-based M&IE allowance.
- (c) An employee who is reimbursed under the lodgings plus M&IE method of reimbursement is limited to out-of-pocket lodging costs.
  - (1) If an employee's daily expenses of lodging are less than the GSA maximum locality lodging allowance, then the employee may not be reimbursed for the difference between the two amounts or apportion the unspent lodging amount to meals.
  - (2) The following example illustrates the application of this policy.

**Example:** Employee travels to a location with a GSA maximum lodging allowance of \$250 and an M&IE allowance of \$74. The employee incurs actual lodging expenses of \$100 per day (exclusive of taxes). The traveler may be reimbursed no more than \$174 per day.

(d) Lodging Taxes

An employee who is authorized reimbursement under the lodgings plus M&IE method of reimbursement may claim reimbursement for applicable lodging taxes as miscellaneous expenses. **See:** § 460.20(n) (Claiming Miscellaneous Subsistence-Related Expenses).

(e) The applicable per diem rate is the GSA locality rate for the location where the employee is authorized to travel.

**Example:** An employee performs temporary duty travel to New York, New York. The employee stays in Fort Lee, New Jersey. The applicable GSA locality per diem rate would be the New York, New York rate.

(f) When an employee's expenses of lodging are expected to exceed the GSA maximum lodging rate for the location, the authorizing official funding the travel may authorize reimbursement for the actual cost of lodging plus the applicable GSA locality M&IE allowance, up to 150 percent of the applicable GSA locality per diem rate.

(g) When court employees traveling with an individual judge are unable to secure lodging at the GSA maximum lodging rate for the location, the appointing judge may request the Director of the AO for an exception.

(1) Exceptions will be granted solely with respect to lodging expenses, allowing a traveler to be reimbursed on an actual expense basis, within a set dollar limit up to, but not exceeding, 150 percent of the per diem allowance applicable to the locality.

(2) Exceptions will only be granted in extraordinary circumstances and requests for exceptions must be made before the travel begins.

## § 450.30 Actual Expenses of Subsistence

### § 450.30.10 In General

(a) In general, an employee who will be in a travel status for at least 24 hours may be allowed reimbursement of actual expenses of subsistence up to the GSA per diem rate for the locality. The authorizing official funding the travel must approve the actual expense method.

(1) The circumstances justifying actual expenses of the GSA per diem rates for the locality must be documented on the authorization prior to travel taking place.

- (A) In the event a traveler requests actual expense reimbursement after a different reimbursement method was selected, the traveler's request must include a justification for the change in reimbursement method.
  - (B) If the request for change in reimbursement method is approved, then the letter of approval must be appended to the traveler's voucher when submitted for payment.
  - (C) Reimbursement for actual expenses must not be authorized for the convenience of the traveler only.
- (2) When reimbursement of actual expenses over the GSA per diem rate for a locality is authorized, consistent with § 450.30.40 (Payment at Judges' Rates), such reimbursement will be subject to the daily limits for meal and incidental expenses established by the Judicial Conference. **See:** JCUS-SEP 11, p. 26.
- (b) If an employee claims actual expenses for travel to a temporary duty station, the employee must compute expenses under that method for the duration of the period at that location. Should the employee proceed to a second temporary duty station, the employee may elect to claim reimbursement using either the lodgings plus or actual expense basis for each temporary duty station.
  - (c) Employees may not claim a per diem allowance for travel less than 24 hours. When travel is 12 hours or more, but less than 24 hours, and no lodging expense is incurred, reimbursement of meal expenses may be paid on an actual expense basis not to exceed the M&IE allowance, provided the employee performed temporary duty travel to a location outside the "local commuting area," as defined in § 410.30 (Definitions and Abbreviations), or to a location that is at least 40 miles from the employee's official duty station.
  - (d) For guidance on tax consequences of reimbursement for meals while on same-day travel, **see:** Guide, Vol. 13, § 1250.10 (Meal Reimbursement While in Travel Status).

#### **§ 450.30.20 Staff of Part-Time Magistrate Judges**

Transportation and subsistence expenses incurred by staff of part-time magistrate judges must be included on the magistrate judge's travel voucher, and must be payable only on an actual expenses basis, not to exceed the allowances which would be reimbursable if the travel were performed by a salaried federal employee.

**§ 450.30.30 Itemization of Expenses**

- (a) If an employee claims actual expenses, each subsistence expense, including each meal, must be itemized for each calendar day of official travel, including the day on which the employee returns to the official duty station or residence from which he or she commutes to that duty station.
- (b) Travelers must provide itemized receipts for lodging, regardless of amount, plus any other item of subsistence costing \$50 or more.
- (c) Consistent with § 460.10.10 (Documentation of Expenses), authorizing officials may, at their discretion, require travelers to submit receipts for individual travel expenses that are less than \$50.
- (d) The following expenses are considered items of subsistence and should be listed separately:
  - (1) Lodging or Daytime Room Rental (single occupancy rate if accompanied by spouse or dependent)

**Note:** Lodging taxes are reimbursed separately and should be claimed on the travel voucher as a miscellaneous expense. Travelers should take advantage of exemption from the tax, whenever legally entitled. Travelers should reference the GSA SmartPay website to determine a location's lodging taxes. When a state and/or local government offers tax exemption for lodging taxes, the traveler should present a completed state tax exemption form to the hotel upon arrival, to ensure that such taxes are not charged. **See:** § 460.20(n) (Claiming Miscellaneous Subsistence-Related Expenses).

- (2) Customary Tips and Gratuities

**Note:** Only tips and gratuities considered normal and customary amounts for the service provided will be reimbursed as miscellaneous expenses, as allowable per § 460.20 (Claiming Miscellaneous Subsistence-Related Expenses).

- (3) Transportation to Obtain Meals

**Note:** The expenses of travel to obtain meals at a temporary duty station are normally included within the subsistence allowance. However, such expenses may be claimed as a miscellaneous expense in the uncommon situation where suitable meals cannot be obtained at or near the place of lodging or work at a temporary duty station.



- (e) An employee may not be reimbursed for the purchase of alcoholic beverages, the cost of entertainment (e.g., sporting events, sightseeing tours), cocktail parties, or other social events.

#### **§ 450.30.40 Payment at Judges' Rates**

- (a) When an employee is required to travel to attend a meeting of the Judicial Conference, its committees or subcommittees, a circuit judicial conference, a circuit judicial council committee meeting, or a district-wide judges' meeting the authorizing official may authorize the employee to be reimbursed for actual expenses in an amount not to exceed the maximum amount that judges may claim or 150 percent of the per diem rate for the locality, whichever is greater.
- (b) The Directors and Deputy Directors of the AO and the FJC, and the Chair of the USSC will be reimbursed expenses of subsistence in accordance with the provisions of the Travel Regulations for United States Justices and Judges. Staff of the AO, FJC, and USSC may also be reimbursed in accordance with the Travel Regulations for United States Justices and Judges, for travel in addition to that described in § 450.30.40(a) above, when authorized in advance by the appropriate agency director.
- (c) Travel reimbursement at the judges' rate is intended for the benefit of the government and not the individual traveler. Travel reimbursement at the judges' rate should not be treated as an entitlement, and travelers are expected to exercise restraint in incurring expenses, consistent with § 410.40.10 (Prudent Traveler Rule) and § 450.10 (Lodgings Plus or Actual Expenses of Subsistence).

#### **§ 450.30.50 Actual Expense Maximum Daily Rates for OCONUS Travel**

An authorizing official may authorize OCONUS travel, and, in unusual circumstances, authorize reimbursement for actual expenses incurred using the greater of the following allowances:

- (a) 150 percent of the authorized per diem allowance for the area; or
- (b) \$50 plus the applicable authorized per diem allowance.

#### **§ 450.30.60 Exceeding Normal Subsistence Limits**

- (a) The Director of the AO may authorize subsistence on an actual expense basis not to exceed 300 percent of the locality per diem rate for any judiciary employee:

- (1) to accommodate the special needs of an employee with disabilities (such as the higher cost of a hotel room that is accessible or otherwise equipped for physically disabled persons), or
- (2) where special or unusual circumstances in the travel area (such as a natural disaster declared by the President):
  - (A) result in an extreme increase in subsistence costs for a temporary period, or
  - (B) otherwise cause the ordinary maximum allowance to become inadequate to cover reasonable expenses.
- (b) An increased rate due to special or unusual circumstances will ordinarily be authorized only for groups of official travelers and is not usually justified by nominal excess subsistence costs incurred by individual travelers.
- (c) A request of the Director of the AO for a higher rate under this authority should be made in writing and describe the circumstances that justify an increased rate.

**§ 450.30.70 Reimbursement for Subsistence Expenses When an Employee Owns or Rents a Secondary Abode**

- (a) When an employee performs temporary duty at a place at which he or she rents or maintains a secondary abode, claims for lodging expense may be prorated based on the average daily cost. Reimbursement is authorized regardless of whether an employee acquires a place of abode solely to meet his or her needs during official travel or whether an employee owned or rented the property prior to official travel.
- (b) The amount which may be claimed for lodging for each day of travel is the monthly rental or mortgage interest expense plus the cost of utilities (including basic monthly personal telecommunications charges) divided by the days of the month.
  - (1) Computation of allowable expenses, including copies of bills, must accompany claims.
  - (2) The allowable daily lodging amount should be less than the GSA lodging rate unless previously authorized up to the 150 percent of the GSA locality rate. If the lodging rate is less than the GSA rate, the employee will be reimbursed for the lodging rate obtained as long as it does not exceed the GSA rate.
  - (3) The maximum daily allowance for lodging and meals may not exceed 150 percent of the GSA locality per diem rate applicable to

the location of the abode or the temporary duty station for the time period specified.

- (4) The actual expense rate otherwise allowable when attending a judicial meeting or traveling with a judge under § 450.30.40 (Payment at Judges' Rates) is not applicable when claiming subsistence under this paragraph.

#### **§ 450.30.80 Meals at Duty Station**

Generally, meals may not be provided by the government at the official duty station. For authorized exceptions related to meetings, retreats, or other official functions, **see**: Guide, Vol. 24, § 430 (Authorized Exceptions).

#### **§ 450.40 Reduced Per Diem/Subsistence Allowance**

##### **§ 450.40.10 Staying with Family and Friends**

When an employee does not incur a lodging expense because he or she stays with family or friends, the employee may, if authorized in advance by the authorizing official, claim a per diem allowance at the M&IE rate or actual expenses up to a daily maximum of 150 percent of the M&IE rate.

##### **§ 450.40.20 Lodging or Meals Provided by the Government**

###### **(a) Lodging Only**

- (1) When lodging is provided to the traveler by the government, the employee may be authorized a per diem allowance at the M&IE rate or itemize actual expenses up to a daily maximum of 150 percent of the M&IE rate.
- (2) When the purpose of travel is to attend a circuit judicial conference or a meeting of the Judicial Conference or its committees or subcommittees, or to accompany a judge on travel, actual subsistence expenses may not exceed what a judge may claim for M&IE.
- (3) The subsistence allowance under this paragraph must be reduced to reflect the cost of any meals provided by direct payment by the judiciary.

###### **(b) Lodging and/or Meals**

- (1) When all lodging and meals are provided by the government, an employee may claim only a minimal daily subsistence allowance not over \$8.00; the claim must itemize all expenses.

- (2) When meals are provided by the government, the employee must claim a reduced M&IE rate by deducting the cost of the GSA locality rate for the meal from the day's GSA M&IE allowance. **See:** Meals and Incidental Expenses (M&IE) Breakdown on the GSA website.

#### **§ 450.40.30 Extended Temporary Duty Assignments**

- (a) When a travel assignment involves an extended period of more than 30 days at one temporary duty location, it may become financially advantageous to the judiciary for the employee to obtain alternative living arrangements to hotels and restaurant meals.
- (b) In this case, the employee can reasonably be expected to secure lodging and/or meals at a lower cost by using commercial lodging that caters to the long-term visitor (e.g., an extended stay unit with a kitchen, an apartment, or a monthly or weekly room rental).
- (c) The authorizing official should authorize the employee a reduced per diem allowance, M&IE allowance, or subsistence allowance, as appropriate.
- (d) In general, the employee should be authorized a per diem allowance that is no more than 75 percent of the full amount (but may be lower, depending on the circumstances) of the applicable GSA locality per diem rate for the area.
- (e) Where an employee's temporary duty assignment exceeds 60 days, the employee should be authorized a per diem allowance that is no more than 65 percent (but may be lower, depending on the circumstances) of the applicable GSA locality per diem rate.

#### **§ 450.40.40 When the Cost of Lodging and/or Meals Is Known in Advance**

The authorizing official may authorize an employee a reduced per diem rate when the authorizing official knows in advance that lodging and/or meal costs will be lower than the prescribed locality per diem rate for the temporary duty location.

#### **§ 450.50 Interruption of Subsistence Entitlement**

##### **§ 450.50.10 Other than Due to Illness or Injury or Personal Emergency**

- (a) Workdays

The taking of leave, other than for illness or injury, for one-half or less of the prescribed working day will be disregarded for subsistence purposes. When leave exceeds one-half of the prescribed working day, no subsistence will be allowed for that day.

(b) Non-Workdays

(1) Temporary Duty Travel of 30 Days or Less

- (A) As a general rule, when the cost of maintaining an employee at the temporary duty location exceeds the cost of returning the employee to the official duty station or residence, the employee should be required to return to his or her official duty station or residence.
- (B) Exceptions may be authorized by an authorizing official when it would be advantageous to the judiciary to require the employee to remain at the temporary duty location for reasons of efficiency or effectiveness (e.g., where the time and/or distance involved would make it impractical for the employee to return home or would otherwise create an undue hardship for the employee).
- (C) Any such exception(s) to the policy should be documented in the travel authorization, including the constructive cost analysis. **See:** § 410.40.60 (Combining Personal Travel With Official Government Travel).

(2) Temporary Duty Travel Exceeding 30 Consecutive Calendar Days

For periods of temporary duty exceeding 30 calendar days, the authorizing official may authorize a return to the employee's official duty station or residence after a reasonable period of time, when such is determined to be advantageous to the judiciary in order to improve the employee's morale and increase productivity or when it is in the interest of economy.

- (3) On non-workdays when a traveler does not return to his or her official duty station or residence, a subsistence allowance may be paid. If, due to the taking of leave, subsistence is not allowable for the days preceding and following the non-workdays, subsistence is not allowable for the non-workdays.

**§ 450.50.20 Due to Illness or Injury**

- (a) When an employee on official travel is incapacitated by illness or injury that occurs for reasons other than the employee's own misconduct, the authorizing official may authorize the continued payment of subsistence to the employee for a period of not more than 14 calendar days. Should the period of illness or injury exceed 14 calendar days, the chief judge, Directors of the AO or the FJC, or the Chair of the USSC, may authorize

continuation of subsistence payments for such longer period as is reasonable under the circumstances.

- (b) The authorizing official may also authorize the employee to return to his or her official duty station.
  - (1) In emergency situations, an employee may be reimbursed for the cost of return transportation to his or her official duty station or residence by a mode of travel that he or she would not have ordinarily utilized, such as an ambulance.
  - (2) The authorizing official may also authorize transportation costs of a medically necessary attendant.
- (c) If, when the employee recovers, the authorizing official determines that resumption of the travel is in the judiciary's interest, such will require a new travel authorization.
- (d) An employee seeking reimbursement under this section must state on his or her voucher that the claim was due to illness or injury. The approving official may require a physician's statement to support the claim as well.

#### **§ 450.50.30 Due to Personal Emergency**

- (a) When an employee must discontinue official travel due to a personal emergency, such as death or injury to a family member, or fire, flood or other natural disaster at the employee's residence, the authorizing official may authorize appropriate claims for transportation and subsistence for return travel to the traveler's official duty station.
- (b) If the employee must travel to an alternate location to deal with an emergency, the authorizing official may authorize transportation and subsistence to the alternate location, followed by return travel either to the temporary duty station or official duty station as is most appropriate under the circumstances.
  - (1) The amount of transportation and subsistence reimbursable in connection with travel to and from an alternate location may not exceed the amount of reimbursable expenses that were authorized for the original travel.
  - (2) The reasons for the authorization to return to the official duty station or to travel to an alternate location must be documented on the travel voucher.

### **§ 450.50.40 Receipt of Payment From Other Federal Sources**

If, after suffering injury or illness during official travel, an employee receives transportation or hospitalization (or is reimbursed for hospital expenses) under any federal statute (including hospitalization in a Department of Veterans Affairs or military hospital) other than 5 U.S.C. §§ 8901-8914 (Federal Employees Health Benefits Program), the transportation expenses allowed for the emergency travel and the subsistence allowance for the period involved will not be paid by the judiciary, or, if paid by the judiciary prior to the reimbursement from another source, the amount paid by the judiciary must be repaid by the traveler.

## **§ 460 Claims for Reimbursement**

### **§ 460.10 In General**

- (a) Claims for reimbursement of travel expenses must be submitted on a travel voucher form. The travel authorization should be submitted with the voucher, and the voucher must be signed by the approving official.
- (b) Claimants cannot approve their own claims for reimbursement of travel expenses. All claims must be submitted to the appropriate authorizing official within 60 days after completion of the travel in accordance with the organization's internal procedures and regulations.
  - (1) To comply with IRS rules for an accountable plan, if a claimant is unable to file the claim with the approving official within 60 days of return, the claimant may request an exception on grounds that compelling, extenuating circumstances prevented timely filing. Extensions must be requested from the appropriate official:
    - (A) Chief judge for court employees,
    - (B) Chief of the AO's DSO for FPDO employees,
    - (C) Director of the FJC for FJC employees,
    - (D) Chair of the USSC for USSC employees,
    - (E) AO Deputy Director for AO Associate Directors and AO Executive Office Staff, or
    - (F) the appropriate AO Associate Director for AO employees.
  - (2) A pattern of delinquency in timely travel voucher submission by an individual traveler may result in the treatment of the delinquent voucher as taxable income.

**§ 460.10.10 Documentation of Expenses**

- (a) Receipts, paid bills, or similar documentary evidence showing proof of payment must be submitted for lodging and for any individual expense (e.g., for transportation, a meal, parking) of \$50 or more incurred by a traveler.
  - (1) Authorizing officials may, at their discretion, require travelers to submit receipts for individual travel expenses that are less than \$50.
  - (2) Documentary evidence will generally be considered adequate to support an expenditure if it shows the dollar amount, date, name of vendor, place, and business purpose of an expenditure.
  - (3) Hotel receipts must include the name, location, date, and the separate charges for lodging, meals, telephone calls, etc.
  - (4) Restaurant receipts must indicate the name and location of the restaurant, the items purchased, the date, and amount of the expense.
- (b) If a receipt or other similar documentary evidence is not available (and a duplicate cannot be obtained), the traveler should complete Form AO 1012B (Missing Travel Receipt Report).
  - (1) If a receipt or other documentary evidence is missing necessary information, the traveler should provide an explanation of the missing information and a brief written explanation for the absence of more detailed documentation.
  - (2) The completed Missing Travel Receipt Report should be appended to the individual traveler's travel voucher.

**§ 460.10.20 Review of Travel Reimbursement Expense Vouchers**

The approving official should carefully review travel reimbursement expense vouchers that require their signature. The approving official is expected to question claims for reimbursement of expenses that appear on their face to be lavish, extravagant, or are unsupported by required documentation.

**§ 460.10.30 Reduced Payment of a Traveler's Claim**

- (a) The approving official should disallow items on travel vouchers that are not authorized by these regulations, that exceed limitations imposed, or that are not properly documented (unless the traveler demonstrates to the approving official's satisfaction that receipts or other required documents



are unavailable due to theft, loss, or other valid reason and have completed the Form AO 1012B (Missing Travel Receipt Report), as appropriate).

- (b) Exceptions to this policy must be documented by the approving official.
- (c) Expense items that are approved after the voucher has been paid may be claimed on an amended or supplemental voucher.

#### **§ 460.10.40 Audit of Claims**

All travel vouchers are subject to audit by the AO in accordance with procedures established by the Director of the AO, including the review of claims for travel reimbursement and evaluation of whether those claims are within the scope of the applicable statutes and these regulations.

#### **§ 460.20 Claiming Miscellaneous Subsistence-Related Expenses**

Other reasonable and necessary business expenses of a miscellaneous nature, excluding those expenses allowed under M&IE, that do not specifically fall within the category of subsistence may be reimbursable and should be entered on the Form AO 1012 (Travel Voucher) under the column headed "Transportation and Other Expenses." Receipts are required for any such individual item costing \$50 or more, including:

- (a) Taxi or car service fares and tips to drivers.
- (b) Road, bridge, and tunnel tolls.
- (c) Parking fees.
- (d) Official telephone calls and other communications (mark each "official" on voucher).
- (e) Personal telecommunications expenses.
  - (1) Employees are expected to use their personal telecommunications devices to contact home when they are on official government travel, except in the following circumstances:
    - (A) An employee who does not own a personal telecommunication device, or who performs temporary duty travel in a location where telecommunication reception is unavailable may be reimbursed for the expense of personal telecommunications up to a cost of \$5 per day.

- (B) An employee who performs temporary duty travel to an OCONUS location may be reimbursed for the expense of personal telecommunications up to a cost of \$10 per day.
  - (C) An employee from an OCONUS duty station who performs temporary duty travel may be reimbursed for the expense of personal telecommunications up to a cost of \$10 per day.
- (2) Each communication expense should be itemized separately under the “other” column and identified as a personal communication expense. Personal communications should be made as economically as possible.
  - (3) At their discretion, authorizing officials may require documentation of all telecommunication expenses.
- (f) Tips to porters and baggage handlers for official baggage only (e.g., heavy or bulky materials or equipment for official business).
  - (g) Charges for checked baggage, excess baggage (when needed for purposes of official business), and transfer and/or storage of baggage. This includes charges for curbside check-in.
  - (h) Fees incurred when using the Government Travel Charge Card to obtain cash advances.
  - (i) Supplies such as paper, batteries, and other incidental expenses related to official business.
  - (j) Charges for business services, including use of computers, internet connection, printers, photocopiers, fax machines, and scanners, as well as expenses for photocopying, printing, and faxing for official business.
  - (k) Laundry, cleaning, and pressing during travel that involves at least four consecutive nights, as authorized by the approving official.
  - (l) Applicable lodging taxes. (Employees traveling on official business should seek an exemption from state or local lodging taxes where such an exemption is permitted by the jurisdiction.) **See:** § 450.30.30(d)(1) (Lodging or Daytime Room Rental).
  - (m) Hotel reservation cancellation fees, when all of the following conditions are met:

- (1) the traveler failed to cancel the reservation within the prescribed time due to press of official business, unavoidable travel delay, or other reason not due to negligence or misconduct;
  - (2) the hotel made all reasonable attempts to resell the space and has credited all resale revenues to the amount owed by the traveler; and
  - (3) the cancellation fee does not exceed cost of one night's lodging.
- (n) Energy surcharges.
- (o) Other expenses.
- (1) Miscellaneous expenditures not enumerated herein such as a resort fee (exclusive of fees for entertainment such as tennis, pool, and golf), when necessarily incurred by the traveler in connection with the transaction of official business, will be allowed when authorized in advance by the approving official for amounts not to exceed \$250.
  - (2) Advance approval of the Director of the AO for court, FPDO, and AO funded travel, the Director of the FJC for FJC funded travel, and the Chair of the USSC for USSC funded travel, is required for such amounts over \$250 per trip.
- (p) Gasoline.
- (q) Services of a travel attendant, as described in § 420.40.30 (Accompanying Family Members) and § 450.50.20 (Due to Illness or Injury).

## **§ 470 Evacuation, Safe Haven, and Other Special Allowances**

### **§ 470.10 Authority**

This section is authorized under 28 U.S.C. § 604(a)(7); 5 U.S.C. §§ 5707 and 5725; and 5 CFR 550.401, *et seq.*

### **§ 470.20 General Provisions and Definitions**

#### **§ 470.20.10 Evacuation**

- (a) Under this section, evacuation, safe haven, and other special allowances may be paid to an employee and the employee's dependents, in the event of an evacuation caused by unusual or emergency circumstances such as

a national or natural disaster, epidemic, or similar conditions of comparable magnitude.

- (b) This policy is intended to enable judiciary organizations to establish promptly alternate work locations and resume normal operations under their continuity of operations plans (COOP) as early as possible in the wake of a disaster.

**§ 470.20.20 Eligibility**

To be eligible for evacuation, safe haven, and other special allowances, an employee must reside in or proximate to a location that is subject to an evacuation order or orders as declared by federal, state, or local government authorities.

**§ 470.20.30 Authorization of Evacuation, Safe Haven, and Other Special Allowances**

- (a) The Director of the AO may authorize evacuation, safe haven, and other special allowances when an evacuation order(s) has (have) been declared by federal, state, or local government authorities for areas in or proximate to the location where an employee resides.
- (b) These allowances are intended to enable the judiciary to promptly establish alternate work locations and the resumption of normal operations as early as possible in the wake of a disaster.

<b>§ 470.20.40 Definitions</b>	
Dependents	Consistent with 41 CFR part 300-3, a relative of an evacuated employee residing with the employee prior to the evacuation and dependent on that employee for support.
Home	An employee’s primary place of residence, which would include a single family home, townhouse, apartment, etc., which the employee owns or rents.
Safe Haven	A designated area to which an employee and the employee’s dependents, if any, are evacuated.
Uninhabitable	A home is considered to be “uninhabitable” if it does not have power or potable water, or if it has other deficiencies that render occupancy a risk to health and safety (e.g., obstructions that prevent access to the home). As a result, the employee cannot and does not live in the home the employee resided in prior to the evacuation.

**§ 470.30 Reimbursable Expenses**

- (a) Under this section, the Director of the AO may authorize evacuated employees lodging and subsistence expenses under the following methodologies, depending upon the circumstances:

- (1) lodgings plus method as provided in § 410.30 (Definitions and Abbreviations); or
  - (2) actual expenses of subsistence up to 300 percent of the applicable locality per diem rate for the location (in accordance with § 450.30.60 (Exceeding Normal Subsistence Limits)).
- (b) Claims for lodging expenses must be supported by receipts.
- (c) Expense reimbursement claims must be submitted consistent with § 460 (Claims for Reimbursement).

#### **§ 470.30.10 Travel Reimbursements While En Route to a Safe Haven Under an Officially Ordered Evacuation**

Employees and their dependents who are ordered by federal, state, or local authorities to evacuate their permanent duty station to a “safe haven” may be authorized reimbursement for transportation consistent with § 440 (Transportation), and lodging and subsistence expenses incurred during the period of evacuation beginning with the date of departure from the evacuated area through the date of arrival at the safe haven. Under this section, lodging and subsistence expenses will be payable as follows:

(a) Employees

In general, employees will be authorized 100 percent of the lodgings plus applicable M&IE allowance for the location. However, actual expense reimbursement up to 300 percent of the applicable per diem rate for the location may be authorized if necessary.

(b) Dependents

Dependents age 12 or older may be paid 100 percent of the lodgings plus applicable M&IE allowance for the location. Dependents under the age of 12 may be paid 50 percent of the lodgings plus per diem allowance for the location.

(c) Miscellaneous Personal Expenses

During the initial period of evacuation, the Director of the AO or the Director’s designee will determine whether to authorize employees’ reimbursement for miscellaneous personal expenses such as those listed below. In the event reimbursement is authorized, these items can be claimed on the employee’s travel voucher:

- (1) air mattresses, folding cots and portable beds;
- (2) sleeping bags, blankets, sheets and pillows;

- (3) towels, wash cloths, sanitizing wipes/cloths and paper towels;
- (4) reimbursement for telecommunication expenses, not to exceed \$5 per day (in those instances where the employee's personal telecommunications device is inoperable);
- (5) flashlights and batteries; and
- (6) radio.

#### **§ 470.30.20 Travel Reimbursements Upon Arrival at the Safe Haven**

- (a) Following arrival in the safe haven, an employee may be reimbursed for lodging and subsistence expenses in accordance with § 470.30.10(a) (Employees). Similarly, dependents may be paid a per diem allowance in accordance with § 470.30.10(b) (Dependents), except that after 30 days the maximum rate payable to dependents may be reduced up to 40 percent.
- (b) These allowances may be paid for a period not to exceed 180 days after the effective date of the order to evacuate.
  - (1) **Assignment to Temporary Duty Location Following an Evacuation**

When an employee is assigned to perform temporary duty following an evacuation, the employee's safe haven location serves as the basis for determining his or her travel entitlements amount.
  - (2) **Subsequent Emergency Situations**

If an employee is at a safe haven location and is evacuated a second time (to another safe haven) because of a subsequent emergency situation, the Director of the AO may extend the employee's safe haven allowances for an additional period of up to 180 days.

#### **§ 470.40 Return to the Official Duty Station from Safe Haven**

##### **§ 470.40.10 Residence Uninhabitable**

- (a) If, following an evacuation, an employee must return to the employee's official duty station to perform official business and the employee's residence prior to the evacuation is uninhabitable, the employee may be reimbursed for lodging and subsistence expenses in accordance with § 470.30 (Reimbursable Expenses), while the employee performs official business at the official duty station for a period of up to 180 days. Receipts for lodging are required.

- (b) Lodging and subsistence expenses in accordance with § 470.30.10(a) (Employees), may be paid to the employee's dependents at the official duty station (where they return to the official duty station with the employee and do not occupy the uninhabitable residence) or at the safe haven (including a safe haven within commuting distance of the official duty station) for up to 180 days.

#### **§ 470.40.20 Residence Habitable**

Where an employee returns to the official duty station from the safe haven and the employee's residence is habitable, he or she is not entitled to reimbursement for lodging and subsistence expenses. Under these circumstances, the employee's return to the official duty station would result in the termination of the employee's and, depending upon the circumstances, the dependents' safe haven allowances.

#### **§ 470.50 Reassignment to Alternative Location**

The payment of safe haven allowances may end when an employee is reassigned to an alternative location to perform the same or different duties the employee would have performed at the official duty station. Depending upon the circumstances, the dependent's safe haven allowances may terminate at that time.

#### **§ 470.60 When No Lodging Expense Is Incurred**

- (a) In General
  - (1) When an employee and/or the employee's dependents stay with family or friends, stay in a personal recreational vehicle, or otherwise do not incur lodging costs (e.g., where lodging is reimbursed or directly paid by a third party such as FEMA or the Red Cross), the employee may be reimbursed for only M&IE consistent with § 450.40.10 (Staying With Family and Friends).
  - (2) If authorized, the employee may claim an allowance not to exceed 300 percent of the applicable M&IE rate in lieu of the allowance provided under § 450.40.10. The employee's dependents may claim no more than the applicable M&IE rate for the locality.
- (b) Exceptions
  - (1) When an employee stays in lodging that is reimbursed or directly paid by a third party, as discussed above, or stays in a personal recreational vehicle, and the employee incurs expenses such as utilities or telecommunications, the employee may be reimbursed for the expenses in accordance with § 450.30.70 (Reimbursement

for Subsistence Expenses When an Employee Owns or Rents a Secondary Abode).

- (2) Where a host can demonstrate that his or her expenses (e.g., utilities, telecommunications) increased as a direct result of boarding the employee and/or the employee's dependent(s), then the employee may be reimbursed to pay for the additional expenses of the host.

#### **§ 470.70 Non-Reimbursable Expenses**

- (a) Return trips to an employee's permanent residence for the exclusive purpose of assessing damage as a result of the disaster and its aftermath.
- (b) Shipment or storage of household goods that may have been acquired at the safe haven.
- (c) Expenses of purchasing, transporting, or installing a generator.