Judiciary Staff Travel Regulations

Note: Travel Regulations for United States Justices and Judges are published in Guide to Judiciary Policies and Procedures, Volume III, Judges' Manual, Chapter V

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SECTION A--AUTHORITY, APPLICABILITY, AND GENERAL PROVISIONS

1. **Authority.** These regulations are published by the Director of the Administrative Office of the United States Courts pursuant to 28 U.S.C. 604(a)(7) and 5 U.S.C. 5707(a)(1).

2. **Applicability.** These regulations apply to:

   a. Employees of the judicial branch, excluding judges, and including uncompensated volunteers or interns who take the oath of office as employees, and, to the extent authorized by guidelines issued by the AO, personal attendants accompanying employees with disabilities.

   b. Consultants or experts employed intermittently and paid on a daily when-actually-employed (WAE) basis and individuals serving without pay or at $1 a year in accordance with 5 U.S.C. 5703, including employees of Community Defender Organizations who travel at the request of the AO or FJC.

   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. However, contractors are not entitled to government contract airfares under any conditions. 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 for the position of bankruptcy judge, magistrate judge, circuit executive, clerk of court, district court executive, senior staff attorney, chief pre-argument/conference attorney, 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. 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. The number of applicants authorized shall be limited to the final two candidates.

      When authorized by the chief judge, two final candidates for chief deputy (or equivalent second-in-command), deputy-in-charge (or equivalent in-charge) of a divi-

sional office, or satellite librarian positions and positions in a work shortage category may be reimbursed from decentralized 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 Human Resources Division.

e. Nominees for Article III 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 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.

3. Definitions and Abbreviations.

a. "AO" - Administrative Office of the United States Courts, Washington, DC 20544.

b. "Approving Official" - Individual having the authority to approve travel advance requests and travel vouchers in accordance with the Guide to the Judiciary Policies and Procedures, Volume I, Chapter VII, and Section B.2 of these regulations, including the authority to approve specific types of travel expenses defined in these regulations.

c. "Authorizing Official" - Individual having the authority to authorize travel of subordinates, consultants and contractors (NOTE: In some instances, an official authorizing funds, such as an officer of FJC, may not be the officer that authorizes the travel).

d. Common Carrier - A private-sector supplier of air, rail or bus transportation.

e. Contract Travel Agent - A private-sector travel service or a travel management center which is under contract with the federal government to furnish federal employees

and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing.

f. 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.

g. "Conterminous U. S. (CONUS)" - The 48 contiguous states and the District of Columbia.

h. "Court Unit Executives" - Circuit executive; federal public defender; district court executive; clerk, bankruptcy appellate panel; clerk of court; chief probation officer; chief pretrial services officer; senior staff attorney; bankruptcy administrator; chief preargument/conference attorney; and circuit librarian.

i. "FJC" - Federal Judicial Center.

j. "GSA" - General Services Administration.

k. "Government-Furnished Automobile" - An automobile (or "light truck") which is (a) owned by a government agency (b) assigned or dispatched to the judiciary from the GSA Interagency Fleet Management System, or (c) leased by the government for a period of 60 days or longer from a commercial source.

l. "Home Circuit" - The geographic boundaries of the judicial circuit in which the employee is employed.

m. "Home District" - The geographic boundaries of the judicial district in which the employee is employed.

n. M&IE Rate - The rate allowed for meals and incidental expenses, such as tips to bell hops, housekeeping staff and porters, or other allowable expenses of subsistence when no lodging expenses are incurred or on the last day of travel. The current M&IE rate may be obtained from the J-Net. Go to http://jnet/adminservices/travel/subsistence.html.

o. "Official Station"

(1) Employees. Unless otherwise provided by law, the official station of an employee shall be established by the appointing authority and shall be designated as

the place at which the appointing authority expects the employee to perform most duties. Headquarters, designated post of duty, permanent duty station, and official station have the same meaning within these regulations. The actual performance of such duties over a period of time subsequent to appointment at a different location may require a change of official station.

The boundaries of the official station are the corporate limits of the official station. If an employee is not stationed in an incorporated city or town, the official 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 post of duty is located.

(2) Experts, Consultants, Contractors, and Volunteers. For the purposes of determining the allowances payable under these regulations, the official station of contractors and experts or consultants employed on an intermittent basis, who travel at the request of the judiciary shall be their regular place of business, or, if they have no place of business, their residence. The duty station of a volunteer employee shall be the employing court.

p. "Per Diem Rate" - The daily fixed locality allowance published periodically in the Federal Register by GSA. The per diem rate may be claimed by a traveler in lieu of actual expenses for lodging, meals, and related incidental expenses such as tips given to hotel maids, and other expenses of subsistence not classified as other miscellaneous expenses.

NOTE: The current locality per diem rates may be obtained from the J-Net. Go to http://jnet/adminservices/travel/subsistence.html or go to the J-Net, click on Travel Center Home Page, select and click on travel related links and then click on GSA Per Diem Story. From the map, click on the state in which travel will be performed. Select the city. The per diem rate for the judiciary when lodging is incurred is shown in the Maximum or Total Per Diem Column.

q. "Place of Abode"- The residence from which the employee commutes regularly to the employee's official station.

r. "U.S.C." - United States Code.

t. "U.S.S.C." - United States Sentencing Commission

u. "Voucher Reviewer" - An individual who has been assigned the responsibility to review and/or examine the travel vouchers as a result of procedures established by the certifying official. The reviewer determines whether or not the amount claimed is properly supported and documented and whether the claim is consistent with all of the statutes, rules, and regulations.

4. General Provisions.

a. ***"Prudent Traveler"*** *rule*--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. Excess costs, circuitous routes, services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees will be responsible for excess costs and any additional expenses incurred for personal preference or convenience. Mileage and other expenses shall be claimed only for the direct mileage route, unless there is an official necessity for travel by another route.

b. *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.*

c. *Approving Officials' Responsibilities*--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. (Note: Approving authority does not bring the approving official within the narrow ambit of officials who have personal liability with regard to government funds. Those who approve travel vouchers will be providing reasonable assurance to the disbursing officer that the travel was for government business and the expenses appear appropriate.)

d. *Agency Review and Administrative Control*--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. 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. Additional responsibilities of the authorizing and/or approving officials are set forth in Volume I, Chapter VII, of the Guide to the Judiciary Policies and Procedures.

d. *Reimbursable Expenses*--Travel expenses which will be reimbursed are confined to those expenses essential to the transaction of official business within the scope of these regulations. Reimbursement may not be provided for a traveler's payments to another government employee for transportation, lodging, meals, or other goods or services except staff of part-time magistrates and in exigent circumstances when approved in advance by the Director of the AO.

e. *Promotional Materials and Frequent Flyer Benefits*

As a result of the enactment of Public Law No. 107-107, Section 1116, on December 28, 2001, government employees, (as well as any family member or dependent) may use frequent flyer mileage and similar travel bonuses arising from official travel for personal use. The new provision applies to benefits received before December 28, 2001, as well as, on and after this date.

The new law requires that any travel entitlements received from a commercial travel provider 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. This means that judiciary travelers may not selectively travel in order to obtain benefits. 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.

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.

f. *Contract Travel Agencies*--Government employees are encouraged to use government contract travel agencies. Under the master contract of GSA, the judiciary utilizes a travel agency that serves the courts nationwide. The GSA also contracts with other travel agencies to provide services to government travelers, including judges and judicial employees. These contract travel agencies provide special contract airfares to government travelers when the traveler purchases a ticket with the government-sponsored credit card or through a centrally billed government-sponsored account. These centrally billed accounts may be used only at contract travel agencies.

g. *Death while in travel status*

(1) *General*--The provisions of Title 41, Code of Federal Regulations (CFR), Chapter 303 are applicable. If death should occur while in a travel status, the Office of Human Resources & Statistics, Court Services Branch of the AO should be contacted for assistance.

(2) *Voucher*--Personnel familiar with the travel (usually the approving officer) undertaken by the deceased employee shall prepare a voucher with supporting documentation. To avoid erroneous payment, Standard Form 1055, Claim Against the United States for Amounts Due in the Case of Deceased Creditor, should accompany the voucher. Refer to the Guide to Judiciary Policies and Procedures, Chapter VII.

(3) *Signature*--The approving officer shall approve the claim upon completion of review. The traveler's name shall be inserted in the payee block along with the name of the person entitled to payment in accordance with a designated beneficiary on file or the order of precedence for payments under state law. The individual entitled to payment does NOT have to sign the form.

(4) *Cost of Transportation of Deceased Back to Official Station*--Title 41 CFR 303 contains regulations governing reimbursable expenditures, which may be made

directly to the person making the payment. Supporting receipts are required.

h. *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. Refer to Appendix 1, Claims Arising from Accidents During Official Travel.

i. *Payments*--Payments from decentralized budgets of court units and federal public defender offices must be made by the district court which disburses for the holder of the budget from which the travel was funded.

SECTION B--AUTHORIZING AND APPROVING TRAVEL

1. **General Rule.** All judiciary employees who travel on official business must have written authorization of the court, court unit executive, AO, FJC or USSC official as provided in the following paragraphs, except judges and their immediate staffs traveling to hold court or attend authorized judicial meetings as set forth in Volume III-A, Chapter V, Section B.1 of the Guide to Judiciary Policies and Procedures. These regulations allow the court significant flexibility. The following are acceptable methods of written authorization:

   a. Specific authorization for each trip.

   b. Approval of periodic travel plan reports as recommended in the Management Oversight and Stewardship Handbook (page 22).

   c. Use of blanket authorization for routine travel within the home district or circuit or for travel for which funding authorizations are issued by AO and FJC. For pretrial services and probation officers, the blanket authorization may also cover travel to adjacent districts for supervision of defendants and offenders.

   d. Use of e-mail as a means of communicating travel requests and approvals.

2. **Authorizing and Approving Officials.**

   a. Authorizing. The following officials may authorize official travel. Responsibilities of approving officials and disbursing officers are set forth in Volume I, Chapter VII of the Guide to Judiciary Policies and Procedures.

      (1) Chief Judge - for self and court unit executives (except federal public defenders) and land commissioners. Chief judge may designate others to authorize or approve travel for land commissioners and court unit executives. At the district court level, these regulations do not contemplate that chief judges would designate one court unit executive to authorize another court unit executive's travel. The designation should be in writing.

      (2) Judge - for self and chambers staff.

(3) Circuit Executive - for employees, including other employees serving under direct supervision. Also, for chief preargument/conference attorneys if administratively assigned to the circuit executive.

(4) Magistrate Judge - for self and chambers staff.

(5) Bankruptcy Judge - for self and chambers staff.

(6) District Court Executive - for employees in district court executive's office.

(7) Clerk of Court - for employees in the clerk's office, court reporters, court interpreters, and jury commissioners. Also, for chief preargument/ conference attorneys 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 Defender - for self and employees of the federal public defender organization. Written authorization from the Chief, Defender Services Division, is required for all travel outside the district(s) served by the federal public defender organization other than that related directly to casework, and for any travel outside the conterminous U.S.

(11) Senior Staff Attorney - for employees under his/her supervision. Also, for chief preargument/conference attorneys 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/her supervision.

(14) Director of the Administrative Office - for self and employees of the AO. The approval authority for AO employee travel has been delegated from the Director to the Assistant Directors.

(15) Director of the Federal Judicial Center - for self and employees of the FJC.

(16) Chairman of the United States Sentencing Commission for self and employees of USSC.

(17) Such other officials as may be specifically designated by the Director of the AO.

(18) Alternate authorizing officials shall not authorize their own travel.

b. Voucher Approval. Chief judges of appellate, district, and bankruptcy courts 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. The system of controls should include review of all travel vouchers by an individual within the court such as a financial administrator or budget analyst for compliance with the travel regulations and mathematical accuracy. The reviewer would be expected to maintain expertise in the travel regulations and policies. These regulations allow the court significant flexibility. The following are acceptable methods of travel voucher approval:

(1) Chief judges of appellate, district, and bankruptcy courts may approve court unit executives' vouchers personally.

(2) The chief judge may also designate one or more other judges to approve the vouchers, or designate other officials to approve them.

(3) In lieu of approving a court unit executive'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 similar to that recommended by the Management and Stewardship Handbook (page 22). 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. The disbursing officer will rely on the claimant's certification on the travel voucher that the travel was for official business purposes and expenses claimed were proper.

(4) Chief judges of appellate courts must approve or designate an official to approve the travel vouchers of the federal public defenders.

(5) The approving official may be another court unit executive or a court unit executive's deputy.

c. An authorizing official may delegate authorizing authority in writing, but shall keep such designations to as high a supervisory level as practicable.

d. An approving official may delegate approving authority, in writing, but shall keep such designations to as high a supervisory level as practicable.

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

f. *Travel outside geographic boundaries of the home circuit or district*--

(1) *Chambers staff (law clerks and secretaries)*-- Specific authorization is required from the employing judge for travel outside the employee's home circuit (for a court of appeals employee) or district except for travel to a court session by one or two chambers staff members. When more than two chambers staff members travel outside the home circuit or district for any official purpose, authorization must be obtained from the employing judge, the appropriate chief judge, and the appropriate division of the Office of Judges Programs in the Administrative Office--i.e., the Article III Judges Division (for staff of Article III and Court of Federal Claims judges), the Magistrate Judges Division, or the Bankruptcy Judges Division, as the case may be.

(2) *Court employees other than chambers staff or federal public defender office employees* -- Specific authorization is required from the employing court unit executive for travel outside the employee's home circuit (for a court of appeals employee) or district for any official purpose. When a court employee travels to a court session outside the home circuit or district, authorization must also be obtained in the Administrative Office from the appropriate division of

the Office of Court Administration and Defender Services--i.e., the Appellate Court and Circuit Administration Division, the Bankruptcy Court Administration Division, or the District Court Administration Division, or the Office of Probation and Pretrial Services, as the case may be.

3. **Special Provisions for Certain Categories of Employees and Travel.**

a. *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 shall 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]."

b. *Courtroom deputies and official court reporters and court interpreters who are employees-*

(1) *Intra-district/circuit travel*--Courtroom deputies and official court reporters and court interpreters need no authorization to attend regular or special sessions of court conducted by a district, bankruptcy, or magistrate judge within the geographic boundaries of the district/circuit in which the courtroom deputy, court interpreter, or court reporter is employed. The travel voucher shall 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]."

(2) *Inter-district/circuit travel*--Such travel is generally restricted. Only when a host court is unable to provide required services may a court reporter or courtroom deputy travel to another district. 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 appropriate Court Administration Division at the Administrative Office. Such authorizations shall be obtained in writing in advance, except when emergency situations do not permit.

(3) *Expedited transcripts*--Court reporters may not claim reimbursement for travel expenses incurred in assist-

ing another reporter in the production of daily or expedited transcripts or the handling of backlogs.

c. *Contract court reporters and interpreters*--Contract court reporters and interpreters may be paid travel allowances only when specifically authorized by the contract. 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. Contractual restrictions shall take precedence over these regulations. Each trip shall 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.

d. *Contractors*--Contractors may be reimbursed to the extent the terms and conditions of the contract authorize payment.

e. *Employees of the Administrative Office, Federal Judicial Center, Multi-District Litigation Panel, United States Sentencing Commission and Federal Claims Courts*--Such employees must obtain authorization for official travel from the appropriate authorizing official of their organization on forms that have been specifically designated by their organization. The "Authorization for Official Travel," generated by the Court Travel Helper software is considered an official authorization once signed by the appropriate official.

f. *Attending Judicial Conference, circuit judicial conference, or Judicial Conference committee meetings* --Employees may be reimbursed for travel expenses 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 Administrative Office or invited to appear by the Chief Justice, the chief judge of a court of appeals, or the chair of the committee involved.

g. *Invitational travel of individuals who are not judiciary employees or contractors*--Individuals who are invited to attend the Judicial Conference, a Judicial Conference committee or subcommittee meeting, a circuit judicial conference, a circuit judicial council committee meeting, a court retreat, or other official meeting of a court or court unit as experts or guest speakers without a formal contract may be reimbursed travel expenses, including subsistence expenses, on an actual expense basis up to 150

percent of the applicable per diem allowance or such lesser amount as established by the inviting entity. Travel authorizations must be obtained from the head of the court or court unit inviting the traveler. 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.

h. *Permanent change of official station.*--See Part D, Relocation Allowances for Judicary Staff. Chapter 6, Part D.

i. *Jurors*--See Part B of this Chapter and 28 U.S.C. 1871.

j. *Employee subpoenaed as a witness*--When an employee is subpoenaed as a witness in connection with official duties performed as an employee of the judicial branch, travel shall be reimbursed in accordance with these regulations and payment shall be made from the decentralized budget of the employing court, not the funds of the court in which the employees testifies. If the employee's appearance as a witness concerns his or her prior employment by another federal agency outside the judicial branch, payment shall be made from the decentralized budget of the employing court; however, the approving official shall notify the Accounting and Financial Systems Division, which will request reimbursement from the involved agency in accordance with 5 U.S.C. 5751. The employee shall refund to the District Court Clerk's Office 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. 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.

k. *Volunteers*--Volunteers generally are not expected to travel; however, if a situation arises which warrants the performance of official travel by an uncompensated employee, written authorization must be obtained from the supervising court unit executive and from the Administrative Office's Office of Finance and Budget, Budget Division. Volunteers who are not employees, such as students under the Job Training Partnership Act, are not permitted to travel at judiciary expense. Refer to the Guide the Judiciary Policies and Procedures, Volume I, Chapter X, Exhibit D-2, Page 134.

l. *Retreats*--With the approval of the chief judge, a court or a unit of a court may conduct a retreat. 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 their travel and subsistence expenses in accordance with these regulations. When a retreat is held at the duty station of some or all attendees, such employees may be reimbursed the actual costs of meals taken incident to the retreat.

m. Federal Public Defender Organization Employees--This paragraph constitutes a standing authorization for travel on official business by employees of a federal public defender organization for all travel within the district(s) served when the travel is related directly to the organization's casework and is entirely within the conterminous United States. The federal public defender is responsible for ensuring that the organization's travel expenses do not exceed the funds budgeted for this purpose.

4. Travel Expenses Not Subject to Reimbursement. The following are some examples of travel that are not subject to reimbursement.

a. Use of Appropriated Funds for Travel to Meetings or Conventions of Societies and Private Associations.

(1) 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. However, an exception may be authorized in specific circumstances as described below. Generally, attendance or participation in meetings of 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.

(2) An exception is authorized when the Chief Justice, the chief judge of the appropriate court of appeals, the chairman of a committee of the Judicial Conference, the Director of the AO, or the Director of the FJC designates a judge or court employee to attend or participate in an official capacity as a representative of the judicial branch.

(3) An exception is also authorized when the appropriate chief judge or court unit executive determines that a judge's or court employee's attendance at the training portions of a meeting is essential for carrying out the purposes of the court's program. Before granting such an exception, the court must first determine that the training is a necessary expense and should consider the following factors in making this determination:

(a) the training is essential to carry out an official function, duty, or activity for which that individual is responsible, or will otherwise contribute to improved conduct, supervision or management of such function, duty, or activity;

(b) the training is in the best interest of the judiciary and is not primarily for the convenience or personal gain of the employee;

(c) the training is cost-effective, in light of budgetary and other constraints on the judiciary; and

(d) the training is not available locally through traditional workshops or electronic medium (e.g., interactive video teletraining, video conferencing, web based training, computer based training), or through cross-training by another member of the court staff.

b. Travel for the purpose of attending memorial services, funerals, portrait hangings, building dedications, groundbreakings, investitures and functions of a similar nature normally are not reimbursable as official travel expenses. Notwithstanding this general prohibition, a chief judge or the Director of the AO or FJC or the chairman of the USSC may designate 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. In such a case, the designated employee(s) may be reimbursed for their travel consistent with these regulations.

c. Travel by family members accompanying an employee on official business except when they are designated to serve as an attendant to an employee with disabilities in accordance with guidelines issued by the AO.

d. Commuting between residence and official station except as otherwise specifically provided in these regulations.

e. Travel by applicants (employees or non-employees) for positions within the Judiciary except as provided in these regulations.

f. Travel by nominees for Article III and Claims Court judgeships, except as provided in these regulations.

g. Meals or other subsistence expenses incurred at the employee's official station, except as provided in these regulations.

SECTION C--CREDIT CARDS AND OTHER MEANS OF COVERING TRAVEL COSTS.

1. **Government Sponsored Credit Cards.** Judiciary travelers who travel more than one overnight trip per year should obtain the Government Travel Credit Card and should use the ATM feature of the card to minimize issuance of government payments for travel advances. The Government Travel Credit Card may only be used for official expenditures while in an official travel status.

2. **Purchasing Common Carrier Transportation.**

   a. Government employees are encouraged to use an individual Government Travel Credit Card to purchase common carrier tickets directly from the common carrier or through a contract travel agent.

   b. For infrequent travelers, courts may establish a General Transportation Account (GTA), through which common carrier tickets are purchased from a contract travel agent and the cost of the tickets is charged to the GTA. No government travel card is issued under a GTA.

   c. A GTA may be used to purchase common carrier tickets for contractors for whom travel is authorized, but contractors are not entitled to government contract airfares. Panel attorneys and related service providers under the Criminal Justice Act are entitled to and urged to use government airfare. Courts should establish separate GTA's for these tickets.

3. **Travel Advances.**

   a. An employee who has a Government Travel Credit Card may obtain an advance of travel funds by an Automated Teller Machine (ATM) or bank using the Government Travel Credit Card. 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 government credit card. Any fee incurred while using the government card to obtain a travel advance for official travel is a reimbursable travel expense.

   b. Courts should not issue advances to employees who have Government Travel Cards.

   c. 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 shall cover only the period between projected voucher submissions.

d. Travel advances are to be used exclusively for official travel expenditures, and use of funds for personal, unofficial expenditures is prohibited under any circumstances.

e. Travelers are fully responsible and liable for repaying travel advances to the government within 30 days of completion of travel. Normally, this will be accomplished by applying the advance to the reimbursement due on the travel voucher, thus reducing the amount paid on the voucher to the difference between the allowable expenses and the advance received. However, in the event the travel is canceled or the allowable expenses are less than the advance, the traveler must repay any balance remaining even if the traveler loses the funds or has the funds stolen. Disbursing officers are responsible for collecting advances as prescribed in Volume I, Chapter VII of the Guide to Judiciary Policies and Procedures.

f. *Accounting for Advances*--The accounting for travel advances, recovery, and reimbursements shall be in accordance with procedures prescribed Volume I, Chapter VII of the Guide to Judiciary Policies and Procedures.

SECTION D--TRANSPORTATION

1. **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.

2. **Selecting Method of Transportation to Be Used.** Travel on official business shall 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 shall consider energy conservation and the total cost to the government, including cost of subsistence, overtime, and lost work-time, and actual transportation costs. The authorizing or approving official may impose dollar limits or other restrictions on the amount of transportation expenses reimbursable.

3. **Traveler's Cost Liability When Selected Method Is Not Used.** The traveler shall use the method of transportation administratively authorized as most advantageous to the government. Any additional cost resulting from use of a method of transportation other than that authorized shall be paid from the traveler's personal funds. The government may not pay for such additional costs even if the employee agrees to make reimbursement later.

4. **Authorized Methods of Transportation.** Methods of transportation authorized for travel on official business include airline, railroad, subway, ferry, bus, streetcar, transportation terminal limousine, taxi, privately owned automobile or airplane, government owned or rented automobile and airplane, and other necessary means of conveyance.

   a. *Common carrier--*

      (1) *In general*--Travel by common carrier is generally advantageous to the government and shall be used when reasonably available.

      (2) *Air travel*--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 shall be limited to coach accommodations except when flights to the destination provide only higher class accommodations; when space is not available in less than business or first class in time to carry out the purpose of the travel (travelers

are responsible to make their reservations at the earliest possible date to avoid this situation); when necessary to accommodate an employee with a disability; or when authorized in advance by the authorizing official for reasons of the traveler's health.

(3) *Government contract fares*--The use of discount fares offered by contract air carriers between city pairs is generally considered advantageous to the judiciary and is strongly encouraged when available. If no government contract fare is available, the lowest reasonably available fare should be used.

NOTE: Contract fares are not available to cost-reimbursable contractors due to restrictions in the airlines' contracts with GSA. These restrictions were not generated by the judiciary or the judiciary contract travel agency.

(4) *Use of Special Lower Fares*--Other special, excursion, and reduced rate fares may be used in lieu of government-contract fares when the traveler can determine prior to the start of a trip that such service is practical and more economical to the judiciary. Special fares which involve penalties for changes or cancellation shall be utilized only if the authorizing official determines, based on currently available information, that no changes or cancellation will likely occur. Liability for costs for changes or cancellation over which the traveler had control will be charged to the traveler if a change or cancellation was due to personal preference. Should travel plans change for official reasons or should the traveler become ill, the penalty shall be paid by the judiciary. Should a case, meeting, or other event end significantly earlier than expected and should it be in the best interest of the judiciary that the traveler return to his or her official station immediately, the penalty shall be paid by the judiciary.

(5) *Payments from airlines for overbooking or voluntary bumping*--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. In contrast, travelers may retain payments, tickets for future travel, or other awards made by airlines to persons who *voluntarily* give up their seat when a flight is over-booked. Employees should not voluntarily give up their seats if

such will interfere with the timely performance of official duties. An employee may not receive any additional travel reimbursements for additional transportation or subsistence expenses incurred as a result of the delay in voluntarily surrendering a seat.

(6) *Rail or bus service*--An employee may travel by rail or bus when such is determined to be advantageous to the judiciary based on cost (including travel time), and when compatible with the requirements of official travel. Reimbursement shall be limited to coach seats, including coach service on a Metroliner, or, when overnight travel is involved, an economy or basic bedroom, unless the authorizing official approves in advance a higher grade of service for reasons of the traveler's health or due to compelling operational necessities. 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. The use of discount fares offered to the government by rail or bus carrier should be used to the maximum extent possible.

(7) *Travel by ship*--Except for travel between two points served by ferries, travel by ship is generally not regarded as advantageous to the judiciary. 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.

b. *Privately-owned automobile*

(1) *When authorized*--Travel by privately-owned automobile within 500 miles of an employee's official station is presumed advantageous to the judiciary, and reimbursement for mileage, parking, and road, bridge, and tunnel tolls is therefore permitted. However, this section does not limit the employee from electing travel by common carrier.

(2) *Travel in excess of 500 miles one-way*--When an employee uses a privately-owned automobile for official travel for a one-way distance of more than 500 miles, claims for reimbursement are limited to the lesser of (1) mileage, tolls and subsistence or (2) the constructive cost of travel (as set forth below).

(a) *In general*--The constructive cost of travel consists of the following:

- the cost of air travel at the government contract rate (if no government contract fare is available, then the lowest coach fare available);
- a subsistence allowance based on reasonable common carrier schedules;
- the usual transportation costs to and from the common carrier terminals including parking fees; and
- tips to taxi and limousine driers.
- Note: cost of parking private vehicle at place of temporary lodging and presumed cost of local transportation (taxis or rental vehicles) at temporary station are not includable in constructive cost calculation.

(b) *When the points of travel are not served by an airline*--In the event that the points of travel are not served by an airline, the constructive cost shall be based on the cost of travel by the mode of transportation available and most commonly used.

(3) *Reimbursable expenses*--Reimbursement may be claimed for travel by privately-owned automobile at the authorized prevailing GSA mileage rate published in the Federal Register (http://jnet/adminservices/trave/mileage.html), plus necessary parking fees, ferry charges, and road, bridge and tunnel tolls. Distances shown by a standard highway mileage guide may be used as the basis for such claims, or, in lieu thereof, actual mileage may be shown. The employee's travel voucher should 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."

(4) *Travel with more than one person*--Travel by privately-owned automobile may be advantageous to the judiciary when two or more employees travel together. Only the owner of the vehicle may claim reimbursement for mileage, parking fees, tolls, etc. The owner may claim mileage between the starting point of the trip and

the locations where passengers assemble. Passengers may claim taxi fares, mileage, or other costs actually incurred for travel to and from the pickup points. The names of passengers must be listed on the owner's travel voucher.

(5) *Monthly parking for probation officers and federal public defender personnel*-- The authorizing official may authorize reimbursement to probation officers, federal public defenders, assistant federal public defenders and their investigative staff of a pro rata portion of such employees' parking fees allocable to the days on which employees use their vehicles to travel on official business. To determine the amount of the reimbursement, the employee shall multiply the periodic parking fee actually paid by a fraction whose numerator equals the number of days on which the employee's vehicle is used for official travel and whose denominator equals the total number of workdays covered by the periodic parking fee paid. For example, if an employee uses her car for official travel for 12 days during a month which has twenty workdays, he will be reimbursed 12/20 of the monthly parking rate. A parking receipt, clearly indicating the amount and period covered by the charge, must accompany any claim for such reimbursement.

c. *Rental automobiles*--

(1) *In general*--Reimbursement of the costs of a rental car is permitted when the authorizing official determines that the use of a rental car is more advantageous to the judiciary than the use of a taxi, airport limousine, or other mode of transportation. When an employee rents an automobile for personal convenience, the approving officer shall limit reimbursement to the amount that the traveler otherwise would have expended for taxi or transportation by common carrier. Automobiles rented from GSA or commercial companies are to be used for official purposes only. This includes transportation between official station or residence and temporary duty station; between temporary place of lodging and places when the employee's presence is required incident to official business; between either of the above places and suitable eating places, drugstores, barber shops, places of worship, cleaning establishments, and similar places necessary for the sustenance, comfort, or health of the employee to foster the continued efficient performance of government business.

(2) *Rental of Commercial Vehicle Under Government Contract*--When a commercial automobile rental is authorized, a government contract rental should be the first resource. Most national automobile rental companies have government contracts and provide special daily flat-rates with no mileage restrictions to all government employees on official travel. Furthermore, the cost of collision damage waiver or insurance is included in the government contract rental rate and therefore should not be purchased separately.

(3) *When use of a non-government contract rental is permissible*--An employee may use a non-government contract rental only when no government contract rate is available. In such an instance, the employee must use the least expensive reasonably available commercial rental. The employee should use the government credit card for payment of such a rental, because the card includes collision damage waiver for rentals used for official purposes. Rental of an automobile from another employee or a member of the traveler's family is not allowed.

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

(5) *Damage to a non-government contract rental vehicle*--If an employee is not covered by collision damage waiver or collision damage insurance and the employee used the government credit card as advised above and the employee is involved in an accident, the employee should immediately inform the vendor of the government travel credit card that an accident has occurred. The rental agency that accepted the government credit card should bill that vendor. In addition, the employee should advise the Office of the General Counsel of the AO. If the employee did not use the government travel credit card, the employee should advise the rental agency to bill the court.

(6) *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.

d. *Privately-owned airplane*--Travel by privately-owned airplane is reimbursable at the prevailing GSA mileage rate published in the Federal Register, plus airplane parking, landing, and tie down fees, not to exceed the cost of travel by commercial airline at the government contract rate or, if no government contract fare is available, at the lowest coach fare available.

e. *Privately-owned motorcycle*--Travel by privately-owned motorcycle is reimbursable at the prevailing GSA mileage rate published in the Federal Register, with the same allowances and limitations as a privately-owned automobile.

5. **Local Transportation.** An employee may claim reimbursement for the expense of transportation by bus, streetcar, subway, taxi (subject to the restrictions below) or privately-owned automobile (at the established mileage rate) incurred in connection with the following:

a. *To, from, and between places of work*--Travel between places of business at an official station or a temporary duty station, and between place of lodging and places of business at a temporary duty station. When official business is conducted on the way to office or on the way home, an employee may claim only mileage that exceeds normal commuting mileage.

b. *To and from common carrier terminals*--Travel between an employee's residence, office or other location found reasonable by the authorizing or approving official and common carrier terminals and, when necessary, between airports and limousine terminals. An employee may be reimbursed round-trip mileage and parking when driving his or her privately owned vehicle 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 airport (if applicable) may not exceed the cost of travel by taxi or other readily available common carrier. Limousine and courtesy car services to and from a place of lodging shall 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 allowed.

c. *To places where meals are obtained*--The expenses of travel to obtain meals at a temporary duty station is 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. Such transportation costs shall be vouchered separately on a daily basis and a statement of justification included on or attached to the voucher.

d. *Between residence and office on day of departure*--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.

e. *Automobiles furnished or rented by the government*--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. If such is unavailable, long-term commercial rentals may be considered. When an employee chooses to use a privately-owned vehicle instead of an available government-owned or rented vehicle, reimbursement shall be limited to the lesser of the actual cost of a government-owned or rented vehicle or the mileage allowance. The rates may be obtained at http://jnet/adminservices/travel/mileage.html.

f. *Taking government-furnished vehicle home*--An employee must receive written authorization from the chief judge of the court to take home a government-furnished automobile. The chief judge may delegate the authority to grant such permission to other judges and/or chiefs of probation and pretrial services offices. Such a vehicle may not be used for personal reasons or for transportation of family members even when an employee is conducting official business.

(1) *Tax consequences*--The Internal Revenue Service regards the provision of home to work transportation in a government-provided vehicle as taxable income. The AO has selected the Commuting Value Method to compute the value of this fringe benefit. The Commuting Value method is currently $1.50 for each one-way commute or $3.00 for a round trip commute. This fringe benefit must be reported on the employee's W-2.

(2) *Reporting requirements*--Each instance of home to work transportation in excess of one per month must be recorded on Form AO 500. The form must be forwarded to the Payroll Section of the Administrative Office no later than the last full pay period in November.

g. *Between office and residence when working after hours*--An approving official may approve reimbursement of taxi fares for

travel between an employee's official duty station and home incident 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 taxi service must be reasonable due to infrequently scheduled public transportation or darkness.

h. *Taxis incident to the performance of official business*-- A receipt is required for taxi fares in excess of $25. A reasonable tip may be claimed in addition to the fare. A voucher which includes taxi fares in excess of $75 must have a certification from the employee that a limousine or a less expensive means of transportation was not available, was impractical to obtain, or that the use of a taxi resulted in the greatest advantage to the judiciary. When one judicial employee pays the taxi fare for two or more judicial employees sharing a taxi, claim may be made by that employee for the full fare. Identification of other judicial employees must be included on the claimant's voucher.

6. **Home-to-Work Transportation for a Disabled Employee.**

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

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

c. *Procedures for requesting authorization*--A disabled employee who requires home-to-work transportation should submit a written request to the respective chief judge, and the chief judge should then endorse the request and forward it to the Director. Requests from federal public defender organization employees should be endorsed and forwarded by the federal public defender instead of by the chief judge. AO employees, with the approval of the supervising official, should submit their request to the Associate Director for endorsement and the Associate Director will forward the request to the Director. FJC and USSC employees should submit their requests to the appropriate agency head for endorsement and the agency head should then forward the request to the Director. The request

should contain the following information: (a) the employee's name, address, and telephone number; (b) the reason for requesting home-to-work transportation; (c) the anticipated duration of the need for home-to-work transportation; and (d) the compelling considerations that exist to make the transportation essential to the conduct of judiciary business. The same process should be used to submit requests for extensions of authorization.

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

7. **Use of United States Flag Carriers**

a. Travel by United States Flag Ships--Section 901 of the Merchant Marine Act (46 USC 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 shall 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.

b. Use of Foreign Flag Air Carrier--Generally the use of a foreign air carrier is not authorized under the Fly America Act, 49 USC 40118. Transportation by a U.S. flag air carrier should be used when available. 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) should be used if available. Otherwise, the traveler should provide proof that a U.S. air carrier is not available for an exception to fly by foreign flag air carrier.

SECTION E. SUBSISTENCE EXPENSES

1. **Actual Expenses or Per Diem.** Subject to limitations imposed by the authorizing official or local court, AO, FJC, or USSC policy, an employee may claim per diem or actual expenses of subsistence in lieu of per diem not to exceed 150% of the per diem rate when authorized by an authorizing official. A lodging receipt must be attached to the reimbursement voucher to support a claim for either actual expenses or per diem.

   The authorizing official may restrict the subsistence allowances otherwise payable to a traveler, such as by authorizing only use of the per diem method, by limiting the dollar amount of the per diem allowance, or by limiting reimbursable actual expense claims to no more than the per diem allowance. In imposing such restrictions, the authorizing official shall consider factors such as special accommodation rates made available for a particular meeting or conference or obtained at greatly reduced rate; 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 calling for more than a one-month stay at a temporary duty station. An authorizing official may not establish subsistence rates in excess of those provided for within these regulations.

2. **Per Diem Allowance.**

   a. *In general*--An employee may claim a per diem allowance when the employee's travel involves an overnight absence from his or her official duty station. This allowance is a daily payment and is in lieu of actual subsistence expenses. The per diem rate for the locality in which the temporary duty station is located or the per diem rate in the locality in which the employee obtains lodging will be used, whichever is lower. No per diem if an overnight stay is not involved.

   b. *Travel within the continental United States*--The per diem rates for localities within the continental United States. For the day of return to the employee's official duty station or residence, only the M&IE rate shall be payable. Except, if the traveler is en route after midnight, an additional 1/4 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 station or other location where the trip officially ends.

c. *Travel outside the continental United States*--The per diem rates for localities outside the continental United States are established by the Secretary of State. These rates are set forth in a Department of State publication entitled *Maximum Travel Per Diem Allowances for Foreign Areas* or on the Internet at http://jnet/adminservices/travel/subsistence.html. For the day on which an employee returns to the official duty station or residence, the employee may claim the M&IE rate for the temporary duty point as the per diem allowance. In computing per diem in cases when the traveler crosses the International Date Line (180th meridian), the actual elapsed time shall be used rather than calendar days.

d. *Actual lodging cost plus the standard meals and incidental expenses allowance*--In lieu of claiming a per diem allowance for the locality where temporary duty is performed, with prior authorization from the authorizing official, an employee may claim the cost of lodging plus the flat standard meals and incidental expenses rate, provided that the total does not exceed 150% of the authorized per diem allowance.

3. **Actual Expenses of Subsistence.**

a. *In general*--An employee may claim actual expenses of subsistence not to exceed 150% of the per diem rate for periods of travel of at least 24 hours outside the corporate limits of the employee's official duty station when authorized by the authorizing official. The unique circumstances justifying actual expenses should be documented on the authorization or the voucher. If an employee claims actual expenses for travel to a temporary duty station, the employee must compute expenses under that system 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 on either a per diem or actual expense basis for travel to each temporary duty station. Employees may not claim per diem for travel of more than 10 hours but less than 24. When travel is 10 hours or more but less than 24 hours and no lodging expense is incurred, reimbursement of expenses may be paid on an actual expense basis not to exceed the M&IE allowance.

b. *Staff of Part-Time Magistrate Judges*--Transportation and subsistence expenses incurred by staff of part-time magis-

trate judges shall be included on the magistrate judge's travel voucher, and shall 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.

c. *Itemization of expenses*--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. The traveler must provide receipts for lodging, regardless of amount, plus any other item of subsistence in excess of $25, except for meals. 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 that 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 sales tax, whenever legally entitled. The governing state, county, and/or city tax statute controls this entitlement.

(2) Tips and gratuities

(3) Transportation to obtain meals--The expenses of travel to obtain meals at a temporary duty station is 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. Such transportation costs shall be vouchered separately on a daily basis and a statement of justification included on or attached to the voucher.

Note: An employee may not be reimbursed for the purchase of alcoholic beverages or for the cost of entertainment, sporting events, sightseeing tours, cocktail parties or other social events.

d. *Payment at Judges' Rates* --

(1) When an employee is required to attend a meeting of the Judicial Conference, its committees or subcommittees, a circuit judicial conference, circuit judicial council committee meeting, or to accompany a judge, including a bankruptcy or magistrate judge, while traveling on official business, the authorizing official may authorize the employee to be reimbursed for actual expenses in an amount not to exceed the maximum amount that the judge(s) may claim at any location, or 150% of the authorized per diem rate for the locality, whichever is greater.

(2) The Directors, Associate Directors, and Deputy Directors of the AO, the FJC, and the Chairman of the USSC shall be reimbursed expenses of subsistence in accordance with the provisions of the Travel Regulations for Justices and Judges. Staff of the AO, FJC and USSC may also be reimbursed in accordance with the Judges' Travel Regulations when authorized in advance by the appropriate agency Director.

e. *Maximum daily rates for travel outside the continental United States*--An authorizing official may authorize travel outside the continental United States, and, in unusual circumstances, authorize reimbursement for actual expenses incurred using the greater of the following allowances:

(1) 150% of the authorized per diem allowance for the area; or

(2) $50 plus the applicable authorized per diem allowance.

f. *Exceeding normal subsistence limits*--

(1) *Assignments of more than 30 consecutive days*--Where an employee is engaged in official travel for more than 30 consecutive days, the employee may ask that the Director, with the concurrence of the appropriate approving official and chief judge, authorize subsistence on an actual expense basis not to exceed 300% of the locality per diem rate or $336, whichever is higher. A request for a higher rate under this paragraph should be made in writing and describe the circumstances that justify an increased rate.

(2) *Special or unusual circumstances*--The Director may authorize subsistence on an actual expense basis not to exceed 300% of the locality per diem rate or $336,

whichever is higher, 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 where special or unusual circumstances in the travel area (such as a natural disaster declared by the President) result in an extreme increase in subsistence costs for a temporary period or otherwise cause the ordinary maximum allowance to become inadequate to cover reasonable expenses. An increased rate due to special or unusual circumstances will ordinarily be authorized only for groups of official travelers, as such is not justified by nominal excess subsistence costs incurred by individual travelers. A request for a higher rate under this paragraph should be made in writing and describe the circumstances that justify an increased rate.

g. *Reimbursement for subsistence expenses when an employee owns or rents an abode--*

(1) When an employee performs temporary duty at a place at which he or she rents or maintains an abode, claims for lodging expense may be paid, 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.

(2) The amount which may be claimed for lodging for each day of travel under paragraph (1) is the monthly rental or mortgage interest expense plus the cost of utilities (including basic monthly telephone charges) divided by the days of the month. Computation of allowable expenses, including copies of bills, must accompany claims. The allowable daily lodging amount may not exceed the lesser of actual prorated expenses or the daily lodging rate at a reasonable commercial establishment at the location. The maximum daily allowance for lodging and meals may not exceed 150% of the lower per diem rate applicable to the location of the abode or the temporary duty station. The actual expense rate otherwise allowable when attending a judicial meeting or traveling with a judge, is not applicable when claiming subsistence under this paragraph.

h. *Meals at duty station--*

(1) An employee who is invited to attend a Judicial Conference committee or subcommittee meeting, a circuit judicial conference, or a circuit judicial council committee meeting held at his or her official station may be reimbursed the actual cost of meals taken incident to such a meeting, if attendance of the employee at the meals is necessary to full participation in the business of the conference or committee meeting and if the employee is not free to partake meals elsewhere without being absent and missing essential formal discussions, lectures or speeches concerning the business of the conference or meeting. Reference to this paragraph on a travel voucher will be considered sufficient documentation that the employee has met the criteria for payment of this item of subsistence.

(2) When, with the authorization of the chief judge, a court or court unit is conducting a retreat at a location that is the official station of some or all of the attendees, those employees may be reimbursed the actual cost of meals taken incident to the retreat, if their attendance at the meals is required by the court unit executive supervising the retreat as essential to the conduct of business of the retreat. During the period of a retreat, but outside of working sessions, an employee is not entitled to reimbursements for meals at his or her duty station merely by virtue of taking a meal with colleagues from an outside location who are on travel status during the retreat. Reference to this paragraph on a travel voucher will be considered sufficient documentation that the employee has met the criteria for payment of this item of subsistence.

4. **Payment of Subsistence Expenses If no Lodging Expenses are Incurred.**

a. *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 subsistence allowance at the M&IE rate or itemize meals and other subsistence expenses up to a daily maximum of 150 percent of the M&IE rate.

b. *Lodging or meals provided by the government*--

(1) *Lodging only*--When lodging is provided to the traveler by the government, the employee may claim a per diem subsistence allowance at the M&IE rate or itemize meals and other subsistence expenses up to a daily maximum of 150 percent of the M&IE rate. When the purpose of travel is to attend a circuit judicial conference, a meeting of the Judicial Conference or its committees or subcommittees, or to accompany a judicial officer on travel, actual subsistence expenses not to exceed $85 may be claimed. The subsistence allowance under this paragraph must be reduced to reflect cost of any meals provided by direct payment by the judiciary.

(2) *Lodging and meals*--When all lodging and meals are provided by the government, an employee may claim only a minimal daily subsistence allowance not in excess of $8, with all expenses itemized. When one or two meals on any given day are provided by the government, the employee must itemize his or her expenses for that day and the aggregate expenses may not exceed the daily M&IE rate.

5. **Interruption of Subsistence Entitlement.**

a. *Other than due to illness or injury or personal emergency--*

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

(2) *Non-workdays--*

(a) A traveler may return home from his or her temporary duty station on weekends or periods of extended non-workdays if the cost of the return trip does not exceed the cost of remaining at the temporary duty location. The authorizing official may authorize a return trip in which the cost exceeds the cost of remaining at the TDY location if such is determined to be advantageous to the judiciary in order to improve the employee's morale and increase productivity.

(b) 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.

(c) For periods of temporary duty exceeding 30 calendar days, the authorizing official may authorize a return to the employee's official 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.

b. *Due to illness or injury*--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 or agency head may authorize continuation of subsistence payments for such longer period as is reasonable under the circumstances. The authorizing official may also authorize transportation from the temporary duty station to an alternative location for the provision of medical treatment, or authorize the employee to return to his or her official duty station. In emergency situations, an employee may be reimbursed for the cost of return transportation to his or her official station or residence by a mode of travel that he or she would not have ordinarily utilized, such as an ambulance. If, when the employee recovers, the authorizing official determines that resumption of the travel is in the judiciary's interest, such shall be considered a new travel assignment. An employee seeking reimbursement under this paragraph shall state in 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.

c. *Due to personal emergency*--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 act of God at the employee's residence, the authorizing official may authorize appropriate expense of transportation and subsistence for return travel to the traveler's official station. If the employee must travel to an alternate location to deal with an emergency, the authorizing official may authorize transportation and subsistence to the alter-

nate location, followed by return travel either to the temporary duty station or official duty station as is most appropriate under the circumstances. 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. The reasons for the authorization to return to the official station or to travel to an alternate location must be documented on the travel voucher.

d. *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 Veterans Administration 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 shall not be paid, or, if paid prior to reimbursement, shall be collected from the traveler.

SECTION F--CLAIMS FOR REIMBURSEMENT

1. **Claims for Reimbursement** of travel expenses must be submitted on the approved travel voucher form. The travel authorization, including a record of any limitations or restrictions on the travel or reimbursements authorized, should be included with the voucher, and the voucher must be signed by the approving official. Claimants cannot approve their own claims for reimbursement and all claims must be submitted within 30 days after completion of the travel.

   a. *Suspension of charges*--The approving official should disallow items in travel vouchers which are not authorized by these regulations, which exceed limitations imposed, or which 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). The notification of such action shall indicate the reasons therefore. Items which are subsequently allowed may be claimed on an amended or supplemental voucher.

   b. *Audit of Claims*--All travel vouchers are subject to audit by the AO in accordance with procedures established by the Director, to determine that all allowances claimed are within the scope of the applicable statutes and these regulations.

2. **Claiming Miscellaneous Subsistence-Related Expenses.** Expenses of a miscellaneous nature that do not specifically fall within the category of subsistence may be reimbursable and should be entered under the column headed "Transportation and Other Expenses." Receipts are required for any individual item costing more than $25.00. These expenses include the following:

   a. Taxi fares and tips to taxi drivers.

   b. Road, bridge, and tunnel tolls.

   c. Parking fees.

   d. Rental of conference rooms or other facilities for official business meetings and related equipment, when authorized by the authorizing official.

   e. Special services needed for travel outside the United States, including:

(1) Passports, visas, and photographs.

(2) Certificates of birth, health, and identity.

(3) Inoculations.

f. Official telephone calls, faxes, and other communications (mark "official" on voucher).

g. Personal telephone calls home. An employee traveling at least one night may call his or her residence, but not more than an average of one call per day. The daily maximum allowable shall be $5 for travel within the conterminous United States and $10 per day for travel outside the conterminous United States. Each call should be vouchered under the "other" column separately and identified as a call home. In case of medical emergencies or disaster situations, such as fire or storms, at either the temporary duty point or home, the authorizing official may increase the maximum amount and/or the number of calls permitted.

The above guideline for personal telephone calls home does not apply to an employee who has a telephone credit card (FTS 2000 authorization card). An employee traveling on official government business in the United States with a government issued telephone card may make a brief call to his or her residence, but not more than an average of one call per day. To minimize cost, whenever feasible, the FTS 2000 system at the court facility being visited may be used.

h. Tips for official and/or personal baggage handling.

i. Excess official and/or personal baggage charges imposed by common carriers.

j. Charges for transfer, checking, and storage of personal and official baggage.

k. Fees incurred when using the government-sponsored credit card to obtain cash advances.

l. Supplies such as paper, batteries, and other incidental expenses.

m. Charges for photocopying.

n. Laundry, cleaning, and pressing during travel that involves at least four consecutive nights, in such amount as the approving official finds reasonable.

o. Applicable lodging taxes. (Employees when traveling on official business should seek an exemption from state or local lodging taxes where such an exemption is permitted by the jurisdiction.)

p. Hotel reservation cancellation fees, when the following conditions are met: the hotel orally or in writing clearly stated the cancellation policy and the cancellation policy was reasonable; 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; the hotel made all reasonable attempts to resell the space and has credited all resale revenues to the amount owed by the traveler; and the cancellation fee does not exceed cost of one night's lodging.

q. Energy Surcharges.

r. Registration fees which do not include entertainment.

s. Other Expenses. Miscellaneous expenditures not enumerated herein such as a resort fee (which includes business services such as computer/printer/fax and Internet connection fees, but not entertainment fees such as tennis, pool, and golf), when necessarily incurred by the traveler in connection with the transaction of official business, shall be allowed when authorized by the approving official for amounts not to exceed $250. Advance approval of the Director is required for such amounts in excess of $250.

APPENDIX - 1

Claims Arising from Accidents During Official Travel

Nature of Claim	Remedy	Send Claim To
Injury to federal employee	Federal Employees' Compensation Act	Your regional Office of Workers' Compensation Programs (U. S. Dept. of Labor).
Injury to person other than federal employee; damage to another driver's car or other property of non-employee	Federal Tort Claims Act. See Guide to Judiciary Policies and Procedures, volume I, chapter XI, part C.	Office of the General Counsel, Administrative Office of the U. S. Courts, Washington DC 20544.
Damage to GSA motor pool vehicle	Court pays repair costs. If another driver was at fault, you may ask GSA to attempt recovery from them; GSA will reimburse court, if successful.	GSA will either bill the court or advise the court to obtain the repairs directly, depending on local GSA fleet outlet's practice.
Damage to rental vehicle	Collision damage premiums ("CDW") are included in the official rental rates under the Govt. Motor Vehicle Rental Agreement. When renting, show travel authorization and/or government credit card, and mention this waiver. Government credit card also offers collision damage coverage. If your rental is not covered by the Govt. Motor Vehicle Rental Agreement, the court will have to pay for damage to the car.	"Remind" rental outlet that you are not charged for damage; if they bill the court or put a damage charge on your credit card, challenge it and advise your Administrative Office travel contact or the Office of the General Counsel, AOUSC, Washington DC 20544. If your rental is not covered by the Govt. Motor Vehicle Rental Agreement, the court will have to pay for damage to the car.

Damage to employee's own vehicle	Employee's or other driver's auto insurance policy. If employee was not at fault, employee may recover lesser of collision deductible co-payment or $500 from the government, under Military Personnel and Civilian Employees' Claims Act. See Guide to Judiciary Policies and Procedures, volume I, chapter XI, part B.	Office of the General Counsel, Administrative Office of the U. S. Courts, Washington DC 20544.

FEDERAL TRAVELER'S QUICK REFERENCE GUIDE

Travelers for the judiciary may now obtain current information regarding per diem rates, mileage rates, state tax exemption forms and other travel needs from the Federal Traveler's Quick Reference Guide provided by GSA. The quick references are located on the following Website: http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/download05.html You may bookmark the site for easy reference. Review the topics:

- Lodging and Meals,

  Select **Per Diem Allowances** - You may view the current rates by state. Click on the state in which the city is located on the map. A list of the cities will appear. The rates for the judiciary are shown under the "Maximum" Column. In addition, you may download the per diem rates. From the Domestic Maximum Per Diem Rates, click on "download" and save the WordPerfect or Excel document. The rates for the judiciary are shown under the "Total" Column.

  Select **State Tax Exemption Listing and Forms** - Each state is listed with the required state tax information and required form.

- Travel Agencies

  Select **GSA Contracted Travel Agencies** - Click on the appropriate region for the list of government travel agencies.

- Transportation

  Select **Government Contract Airfares** - Enter the required information for the location you wish to obtain the government contract airfare.

  Select **Government Contract City Pair Flight Schedules** to obtain information regarding city pair flight fares. You may also obtain car rental as well as hotel information from this site.

  Select **Privately-Owned Vehicle Mileage Reimbursement Rates (POV)** - The current travel rate information page will appear.

- Select **Government Contracted Car Rentals** - You may obtain the contracted rental rates for government rental.

Appendix 3

For per diem rates please see:
http://jnet.ao.dcn/Travel/Per_DiemSubsistence/Per_Diem_Allowances_Download_Rates.html