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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** ROBERTS, JOHN: FILES

**Withdrawer**

IGP 8/6/2005

**File Folder** JGR/TRAVEL (2 OF 6)

**FOIA**

F05-139/01

**Box Number** 55

COOK

69IGP

| DOC NO | Doc Type | Document Description                                  | No of Pages | Doc Date  | Restrictions |     |
|--------|----------|---|-------------|-----------|--------------|-----|
| 1      | CASEFILE | USE OF AIRLINE BONUS POINTS<br>182034                 | 1           | 11/8/1983 | B6           | 923 |
| 2      | LETTER   | FIELDING TO CARBONE RE USE OF<br>AIRLINE BONUS POINTS | 1           | 11/8/1983 | B6           | 926 |
| 3      | MEMO     | ROBERTS TO FIELDING RE USE OF<br>AIRLINE BONUS POINTS | 1           | 11/8/1983 | B6           | 927 |
| 4      | MEMO     | ROBERTS TO FIELDING RE USE OF<br>AIRLINE BONUS POINTS | 13          | 11/8/1983 | B6           | 928 |

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

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B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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1 CASEFILE

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USE OF AIRLINE BONUS POINTS

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2 LETTER

1 11/8/1983 B6

926

FIELDING TO CARBONE RE USE OF AIRLINE  
BONUS POINTS

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3 MEMO

1 11/8/1983 B6

927

ROBERTS TO FIELDING RE USE OF AIRLINE  
BONUS POINTS

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THE WHITE HOUSE

WASHINGTON

November 2, 1983

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING Orig. signed by FFF  
COUNSEL TO THE PRESIDENT

SUBJECT: Bonuses or Discounts from Official Travel

You are reminded that any reduced fare coupons, bonuses, discounts, or similar items of value received by you incident to or on account of official travel must be accounted for and should never be used in connection with private travel. Such items, when obtained on the basis of travel paid for by the Government, are the property of the Government and should be turned in to the Travel Office.

Any questions on this subject should be referred to the Counsel's Office.

FFF:JGR:aea 11/2/83

cc: FFFielding/JGRoberts/Subj/Chron

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4 MEMO

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AUG 20 1982

TO: GSA TRAVEL MANAGEMENT CENTER CONTRACTORS  
TO: MANAGERS, SCHEDULED AIRLINES TRAFFIC OFFICES - CIVILIAN AGENCIES  
TO: MEMBERS, INTERAGENCY COMMITTEE ON TRAVEL MANAGEMENT

H 94L  
STANDARD-  
and 16's  
have  
been  
handled

In view of the continuing proliferation of promotional fares and "bonus" plans generated by the airline industry, we again invite your attention to certain restrictions involving the use of such fares or plans in relation to Federal official travel.

Agency administrative officials as well as official travelers are reminded that all rights to bonus flights, reduced-fare coupons or other similar gratuities obtained as the result of performing official travel accrue to the Government and not to the individual performing the travel.

The Department of Treasury Bulletin 79-09, August 2, 1979, states in part: "Any and all material (coupons, cash, merchandise, etc...) received by personnel while on official travel becomes the property of the United States Government."

The Comptroller General has stated, "It is a fundamental rule of law that a Federal employee is obligated to account for any gift, gratuity, or benefit received from private sources incident to the performance of official duty, and therefore an employee may not retain any "half-fare coupon," "bonus point," or similar item of value received from a commercial air carrier on the basis of the purchase of an airline ticket to be used for official travel." (B-199656, July 15, 1981)

Generally, most of the bonus travel type offers are of limited value to the Government because of the usually, very restricted transferability of the earned gratuity.

Airline plans, such as the Northwest Orient Airlines' recently introduced "Free Flight Plan II" also require a number of trips on the sponsoring carrier to qualify for the offered gratuity. They do not qualify travel on discounted fares such as GSA's city-pair contract fare (YCA) as applicable toward the bonus trip.



When airline passenger service is required between a city-pair for which a GSA contract air fare exists, the availability of noncontract airline promotional fares or bonus plans is not justification for avoiding the use of the GSA contract airline discount fares.

Sincerely yours,

\ (Signed) Ivan Michael Schaeffer

IVAN MICHAEL SCHAEFFER  
Chairman  
Interagency Committee  
on Travel Management

cc: Official/Read Files - TTPR  
T TT TA

✓ TTPR:JEMillington:jma:8/17/82 275-0651  
Disk:TTP #5:Dkt. FARES, FARES1 (p. 2 - Chairman)

Concurrence:

TTP

*W. J. W. 8/18*

115821  
DECISION



18820  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-199656

DATE: July 15, 1981

MATTER OF: Gifts or Prizes Acquired in the Course  
of Official Travel Assignments

DIGEST: 1. \* { It is a fundamental rule of law that a Federal employee is obligated to account for any gift, gratuity, or benefit received from private sources incident to the performance of official duty, and therefore an employee may not retain any "half-fare coupon," "bonus point," or similar item of value received from a commercial air carrier on the basis of the purchase of an airline ticket to be used for official travel. 2

2. A Federal employee is entitled to keep prizes and gifts acquired from private sources through means that are unrelated to his official duties; hence, if an employee while traveling on official business happens to enter a contest sponsored by an air carrier which is open to the entire general public rather than to just ticket-holding passengers, then the transaction may properly be regarded as the employee's own personal affair, and in that particular situation he would not have a duty to account for any prizes won.

This action is in response to correspondence received from the Deputy Director for Finance, Office of Operations and Finance, United States Department of Agriculture, requesting a decision:

"\* \* \* regarding the rights to items won from coupons or other material distributed by carriers to government employees in travel status when the receipt of the coupons or other material is not contingent upon the travel which is being performed."

We conclude that a Federal employee has a duty to account for any bonus or gift coupon received from an air carrier incident to the purchase of an airline ticket to be used for official travel. However, an employee may enter a

contest sponsored by an air carrier which is open to the entire general public, rather than to just ticket-holding passengers, and retain any prize he may win in that particular situation.

In requesting a decision in this matter, the Deputy Director notes that Department of Treasury Bulletin 79-09, issued August 2, 1979, states in part: "Any and all material (coupons, cash, merchandise etc...) received by personnel while on official travel becomes the property of the United States Government." He states that at the time the Bulletin was issued, it was mainly directed toward the recovery of "half-fare coupons" and similar promotional materials which were being received by employees from commercial air carriers incident to the purchase and use of airline tickets for official travel. However, he indicates that since then air carriers have also sponsored a variety of other promotional campaigns open to the general public in which individuals may win prizes without having to purchase or use any passenger tickets. In those situations, contest entry blanks or coupons may routinely be distributed to airline passengers, but members of the general public may also obtain the same entry blanks or coupons at no expense by writing to the air carrier or by other means not contingent upon the performance of travel. The Deputy Director feels that a distinction should be made between the promotional materials distributed in those circumstances, and the "half-fare coupons" or similar items of value distributed only to ticket-holding passengers. He suggests that Treasury Bulletin 79-09 was intended just to cover the latter situation, and that employees should be allowed to keep promotional materials which are made freely available to the entire general public.

Reimbursement of the necessary travel expenses of a Federal employee on official business is a matter for payment from appropriated funds in accordance with the provisions of statutory law contained in chapter 57 of title 5, United States Code, and implementing regulations issued by the General Services Administration. Our Office has long held that a Federal employee may not also be reimbursed from private sources for expenses incident to the performance of official travel, and any such payments tendered to the employee are

viewed as having been received on behalf of the Government. See, generally, 59 Comp. Gen. 95, 96-97 (1979); 46 id. 689 (1967); 41 id. 806 (1962); 36 id. 268 (1956). The purpose for this is to avoid any conflict of interest, since it is fundamental that an employee must account for any gratuity received from private sources incident to the performance of official duty, and also to prevent double reimbursement to the employee for the same travel. Compare United States v. Carter, 217 U.S. 286 (1910); 59 Comp. Gen. 203, 206 (1980).

Treasury Bulletin 79-09 was issued on August 2, 1979, and it is founded upon the basic rule described above requiring a Federal employee to account for any gift, gratuity, or benefit received from private sources incident to the performance of his official duties. The purpose of that bulletin was to establish specific procedures for the recovery of bonuses or gifts issued by air carriers in conjunction with the purchase of airline tickets used for official business.

However, a Federal employee is entitled to keep prizes and gifts acquired from private sources through means that are wholly unrelated to his official duties. Thus, for example, an employee may properly retain a bonus or gift coupon received from an air carrier in conjunction with his purchase of an airline ticket at personal expense for personal rather than official travel. As another example, an employee in the course of an official business trip may, as a purely personal matter, have the occasion to enter a contest or lottery open to the general public which is sponsored by a private concern or local government agency. In that case he may properly retain any prize he may win, provided that his receipt of the prize is not in any way related to his taking any official action for the benefit of the sponsoring activity.

It is, therefore, our view that the particular factual situation presented by the Deputy Director is one in which a Federal employee would generally be entitled to keep any prize he might win. That is, if an employee while traveling on official business enters a contest sponsored by an air carrier which is in fact open to the entire general public rather than just ticket-holding passengers, then the transaction may properly be regarded as the employee's own personal affair,

and he would not have a duty to account for any prizes won. The concerned officials of the General Services Administration and the Treasury Department have informally advised us that they concur with this conclusion.

Of course, this conclusion does not alter the fundamental rule requiring a Federal employee to account for any benefit received from private sources as an incident to the performance of official duty. Hence, an employee remains obligated to account for any "half-fare coupon," "bonus point," or similar item of value he may receive from an air carrier which is only awarded incident to and on the basis of the purchase of an airline ticket used for official travel.

*Melton J. Fowler*  
Acting Comptroller General  
of the United States



DEPARTMENT OF THE TREASURY  
FISCAL SERVICE  
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS  
WASHINGTON, D.C. 20226

VOLUME I

TREASURY FISCAL REQUIREMENTS MANUAL FOR  
GUIDANCE OF DEPARTMENTS AND AGENCIES

BULLETIN NO. 79-09

RETENTION: July 1, 1980

TO HEADS OF GOVERNMENT DEPARTMENTS, AGENCIES AND OTHERS CONCERNED:

1. PURPOSE

The purpose of this bulletin is to advise agencies of the appropriate treatment with respect to "Half-Fare Coupons" and similar promotional material received from any public carrier by personnel while on official travel.

2. AUTHORITY

\* { Contractual arrangements between the United States Government and public carriers are not made for the benefit of participating employees and thus, any and all items given beyond the terms of said contracts become the property of the government.

3. BACKGROUND

During recent months, a variety of promotional campaigns were initiated by certain air-carriers to attract passenger volume. Any and all material (coupons, cash, merchandise etc...) received by personnel while on official travel becomes the property of the United States Government. Agencies must inform all personnel that any items received must be relinquished to the responsible office or designee.

This applies to the most recent campaigns and also to whatever may be initiated by Public carriers in the future including:

- a. Half-fare coupons which entitle a 50% discount on full fare round trip tickets purchased within a specific time period.
- b. Coupons which offer a cash surrender value.
- c. "Half-ounce gold nuggets".
- d. Direct cash compensation made due to delayed boarding and/or cancellation of a reservation.

4. PROCEDURES FOR COUPONS AND CASH

Coupons which carry only a cash surrender value should be redeemed immediately and the proceeds deposited to miscellaneous receipts (-1699). Any cash compensation (delayed boarding or cancellation of reservation) should be treated in the same manner as a miscellaneous receipt to the Treasury. Coupons which carry a

- discount for future travel should be integrated into agency travel plans to maximize the benefit to the Government, that is, such coupons should be applied to the extent possible for coast-to-coast or overseas travel (if permitted).

When a coupon is used, the appropriation should only be charged with the net amount required to cover the travel (full fare less the coupon value). If agency travel plans will not absorb all coupons presently held, the agency should forward the surplus with an accompanying description to the following address via certified mail:

General Services Administration  
TPUS - TTT  
Washington, D.C. 20406

5. PROCEDURE FOR "GOLD-NUGGETS"

Agencies holding the half-ounce gold nuggets should package the items in accordance with postal regulations with an accompanying description of the total avoirdupois weight (oz.) and forward via registered mail to the following address:

Superintendent - U.S. Assay Office  
Bureau of the Mint  
32 Old Slip  
New York, N.Y. 10005


Upon receipt, the Assay Office will assume custody of the gold and determine the precise value. Proceeds of each gold deposit will be made to the miscellaneous receipts of the U.S. Treasury (201699). Notification will be made to the forwarding agency by the Mint.

6. BONUS GOODS

If agencies in the future receive merchandise given as bonus goods to traveling employees, procedures contained in 41 CFR 101-25.103 should be followed. This regulation provides that such merchandise be forwarded to the nearest government medical facility for its purposes. Merchandise received that is of no value to a medical facility should be disposed of or utilized in accordance with 41 CFR 101-43, 44, 45.

7. INQUIRIES

Any questions concerning this bulletin should be directed to the Government Accounting Systems Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, D.C. 20226 (Telephone 202-566-8374).

  
D.A. Paglian  
Commissioner




THE WHITE HOUSE

WASHINGTON

February 1, 1984

MEMORANDUM FOR THE CABINET

FROM: FRED F. FIELDING   
COUNSEL TO THE PRESIDENT

SUBJECT: Guidelines for Allocation and Payment of Travel Expenses of Senior Administration Officials

This memorandum responds to numerous requests for advice with respect to the payment of expenses associated with travel by "senior Administration officials" \*/ in 1984. Such travel may often include both official events, undertaken as part of the individual's role as a spokesman for Administration policy, and purely political events, undertaken for partisan purposes to advance either the President's re-election or the interests of other Republican candidates. Set forth below are the guidelines that will be applicable to all senior Administration officials engaging in travel in support of Reagan-Bush '84. Travel that is solely related to supporting the activities of the Republican Party or other Republican candidates will continue to be governed by the guidelines set forth in my June 10, 1982 memorandum on that subject.

As you are aware, the President is legally a candidate for re-election. Federal Election Commission ("FEC") regulations require that all expenditures for travel relating to the President's campaign for nomination and election be paid by the President's authorized campaign committee (Reagan-Bush '84). 11 C.F.R. § 9034.7 and § 9004.7. With respect to Presidential travel in 1984, the FEC presumes that any partisan political appearances made by a Presidential candidate in an election year are "campaign-related". 11 C.F.R. § 110.8(e). Although that same presumption does not apply per se to all partisan political appearances by senior Administration officials, the FEC will look to the nature of the event and the speech or comments made by the Administration official to determine whether an appearance was on behalf of Reagan-Bush '84 and thus "campaign-related." If a senior Administration official appears at a non-Reagan-Bush political event (e.g., a Senatorial candidate fundraiser) and advocates the President's

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\*/ "Senior Administration officials" is defined, for purposes of this memorandum, as those Federal officials appointed by the President with the advice and consent of the Senate.

nomination or re-election, or attends an event sponsored by Reagan-Bush '84, the FEC will consider such activities to be "campaign-related".

Allocation of the costs of Reagan-Bush "campaign-related" travel by senior Administration officials is governed by the FEC "hypothetical trip rule". 11 C.F.R. § 9034.7 and § 9004.7. Under that rule the general method for allocation of official and campaign-related travel costs is as follows:

1. If any campaign activity on behalf of Reagan-Bush '84 (other than "incidental contacts") is conducted at a stop (i.e., city), that stop shall be identified as campaign-related and, in general, all costs associated with it must be paid by the President's campaign committee. NOTE: It is not the RNC that will pay such expenses but Reagan-Bush '84.

2. For a trip that includes campaign-related and non-campaign-related stops, that portion of the trip allocable to campaign activity must be paid by the campaign committee.

Such portion shall be determined by using the "hypothetical trip formula": calculate what the trip would have cost from the point of origin to the first campaign-related stop and from that stop to each subsequent campaign-related stop, back to the point of origin. \*/

3. If a Government conveyance is used for campaign-related travel, the campaign committee shall pay the appropriate Government entity the first class commercial airfare plus the cost of other services in the case of travel to a city served by regularly scheduled commercial service, and the commercial charter rate plus the cost of other services in the case of travel to a city not served by regularly scheduled commercial service. If Government cars are used for campaign-related travel, the Government shall be reimbursed the commercial rental cost of such automobiles.

To adequately document these travel allocations the FEC requires a campaign committee (a) to prepare, or otherwise have available, an itinerary for each trip; and (b) if Government conveyance is used, to prepare a list of all passengers, along with a designation as to which passengers are, or are

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\*/ Although it could be argued that strict compliance with the FEC's hypothetical trip rule will result in an augmentation of appropriations where the President or Vice President conduct both official and political activities at one "stop", i.e., city, we are of the opinion that any such augmentations should be considered de minimis.

not, campaign-related. This documentation must be available to the FEC for inspection and audit. 11 C.F.R. §§ 9034.7(b)(3) and (4). Obviously, these documentation requirements will necessitate close coordination between your offices and the campaign treasurer.

4. Representatives of the media traveling on Government aircraft will always be required to reimburse the Government in the appropriate amount, whether the trip is official, political or mixed.

#### HYPOTHETICAL TRIP

Set forth below is an example of the application of the above rules to a hypothetical trip by a "surrogate" Administration official.

Day 1:      8:00 a.m. -- Surrogate departs Washington, D.C. for Chicago, Illinois.  
              10:30 a.m. -- Official speech before Chicago Chamber of Commerce on Administration economic policies.  
              12:00 noon -- Fundraising Luncheon for Senator Percy.  
              2:00 p.m. -- Official work in Government offices.  
              7:00 p.m. -- Speech, Reagan-Bush '84 fundraiser.  
              Overnight in Chicago.

Day 2:      8:30 a.m. -- Depart Chicago for Denver.  
              11:00 a.m. -- Arrive Denver.  
              2:00 p.m. -- Official meetings in Government offices.  
              7:00 p.m. -- Speech, Denver Economic Club.  
              Overnight in Denver.

Day 3:      8:30 a.m. -- Depart Denver for Atlanta.  
              1:30 p.m. -- Arrive Atlanta.  
              2:00 p.m. -- Official meetings in Government offices.  
              5:00 p.m. -- Attend Reagan-Bush '84 fundraiser.  
              7:00 p.m. -- Depart Atlanta for Washington.  
              9:00 p.m. -- Arrive Washington.

#### A. Allocation of Air Travel

If the surrogate flew on Government airplanes, Reagan-Bush '84 would be billed for the cost of a first class airfare ticket plus a dollar for travel from Washington to Chicago, Chicago to Atlanta, and return to Washington. Please note that even though the surrogate engaged in campaign activity on behalf of a Senatorial candidate, the fact that he also engaged in campaign activity on behalf of Reagan-Bush '84 results in Reagan-Bush '84 being required to pay all travel costs related to that city. (The Denver stop is dropped from this hypothetical trip because it was entirely "official.")

If the surrogate used commercial transportation FEC regulations require the campaign committee to pay for the "actual costs" of such transportation. In some instances, the "actual costs" could be the "Government rate" costs of commercial airfare. This could result in the allegation that official Government authority was being misused to financially benefit the campaign. This discrepancy in actual costs will be avoided if, where possible, all "surrogate" ticketing is done through the campaign committee. Moreover, in order to avoid any appearance of impropriety, we recommend that the campaign committee be charged for the standard commercial rates for any air travel by surrogates or administration advance staff when they engage in campaign-related travel, even if the tickets for such travel were purchased at the Government rates. \*/

#### B. Allocation of Other Costs

If Government automobiles were used by the surrogate in Chicago and Atlanta, Reagan-Bush '84 would be required to reimburse the Government for the value of a comparable rental car for each day used.

The hotel costs for the overnight in Chicago would be paid by Reagan-Bush '84.

Since Government regulations require per diems to be paid on a quarter of a day basis, any "political activity" on behalf of Reagan-Bush '84 in a quarter will make that entire per diem quarter attributable to Reagan-Bush '84. Any time spent in a city where a Reagan-Bush '84 political event will occur will be allocated as "political activity" for per diem purposes. Additionally, travel time between 2 political stops will be allocated as "political activity" for purposes of per diem allocations. Hence, in the above hypothetical Reagan-Bush '84 would pay per diems from 10:30 a.m. on Day 1 through 8:30 a.m. of Day 2, and from 1:30 p.m. of Day 3 through 9:00 p.m. of that day.

#### Hatch Act Restrictions

All non-Senior Administration officials (unless employed by the White House Office) are subject to the requirements of the Hatch Act, 5 U.S.C. §§ 7321 et. seq., and, as a result, are generally prohibited from engaging in partisan political activity.

The "hatched" support staff of an exempted Administration official may perform their normal clerical and ministerial

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\*/ Any "supplementation" of Government appropriations created by this policy should be considered de minimis.

functions in connection with the political travel and appearances or activities of their principal provided that the functions they perform are related to their official responsibilities. Such employees, however, may not perform tasks that are purely political in nature and which relate solely to their principal's political activities. Hence, a "hatched" employee may make the logistical arrangements for his or her principal's political travel or appearances and even accompany the principal on such travel \*/ , but, such employee may not write a purely partisan speech for his or her principal or engage in any of the "management" activities of a political event or convention, e.g., plan or sell tickets to a political event or work on the activities of a committee, such as the Platform or Rules Committees, of a political convention.

Additionally, the Special Counsel of the Merit Systems Protection Board has taken the position that "hatched" employees, may write briefing materials on official Administration activities for use by Administration officials, even when such materials will be included in partisan political statements; however, such employees may not write or prepare any materials that will be used only for political purposes (e.g., materials for the platform of the Republican Party), nor may they prepare any materials containing statements of political advocacy.

Attached are guidelines setting forth in summary fashion the basic legal and policy considerations applicable to travel by senior Administration officials on behalf of Reagan-Bush '84. If specific questions arise, you should consult counsel at your respective Departments and Agencies or call my office.

Attachment

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\*/ The travel expenses of a "hatched" employee accompanying his or her principal on political business must be paid from appropriated funds.

February 1, 1984

## SUMMARY GUIDELINES

### General Legal Principles

1. Appropriated funds and Government resources should not be used for partisan political purposes.

2. The cost of political travel by Administration officials may not be paid from appropriated funds nor may Government credit be used for this purpose.

3. Transportation and related travel expenses on a wholly political trip must be paid by the appropriate political committee. If the travel is on behalf of Reagan-Bush '84, such expenses must be paid by Reagan-Bush '84. If the travel is on behalf of the Republican Party or other political candidates, and does not include any events on behalf of Reagan-Bush '84, such expenses must be paid by either the sponsoring political committee or the RNC.

4. Transportation and related travel expenses on a "mixed" trip -- i.e., one that contains both official and Reagan-Bush '84 political events -- should be allocated under the FEC "hypothetical trip" rules by calculating what the trip would have cost from the point of origin to the first campaign-related stop and from that stop to each subsequent campaign-related stop, back to the point of origin.

5. Transportation and related travel expenses on a "mixed" trip that contains non-Reagan-Bush '84 political events should be allocated on the "hard-time" formula described in the June 10, 1982 Fielding memorandum.

6. Only those Administration officials who are not "hatched" may engage in partisan political or campaign activity. Outside of the White House, only Presidential appointees subject to Senate confirmation are not "hatched".

### Political Travel

1. Unless traveling with the President or Vice President, Government aircraft shall not be used on wholly political trips. \*/ (If specific circumstances surrounding the official duties of a traveler suggest the need to use a Government

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\*/ Separate guidelines have been distributed concerning travel by the President and Vice President.

Political Travel - cont'd.

aircraft on a particular political trip, such use must be approved in advance by the Office of the Counsel to the President.)

2. All political trips (whether wholly political or "mixed") that are not on behalf of the Reagan-Bush campaign should continue to be governed by the guidelines set forth in the June 10, 1982 Fielding memorandum.

3. All transportation and related travel expenses for political trips on behalf of Reagan-Bush '84 and which do not include any official business should be paid directly by that political committee. Government Travel Requests ("GTRs"), Government travel advances and Government credit cards must not be used. Any bills from providers of transportation, housing or other expenses should be sent directly to Reagan-Bush '84, not the government Department or Agency.

If such bills are received by an Agency, the bill should be forwarded immediately to Reagan-Bush '84 and a letter sent to the vendor from the Department or Agency, noting that the bill is not a Government obligation and that it has been forwarded to Reagan-Bush '84 for payment.

4. All costs of mixed travel on behalf of Reagan-Bush '84 (transportation, lodging, meals, etc.) must be allocated under the FEC "hypothetical trip rule", with Reagan-Bush '84 paying for the travel costs to any cities where any political activities on its behalf, other than "incidental contacts", occur.

5. Because Reagan-Bush '84 is responsible for the payment of any transportation and related travel expenses for travel made on its behalf, all such travel must be cleared in advance with the appropriate officials of that committee.

6. Department or Agency schedulers who are "hatched" may handle the logistics of their principal's participation in political and campaign-related events; however, they should not do anything to assist in organizing or setting up the political event.

7. Principals are discouraged from taking "hatched" staff members with them on wholly political trips. However, if it is deemed necessary, such staff members may accompany the principal solely to provide liaison with the principal's office in Washington, D.C. and to handle such matters of an

Political Travel cont'd

official nature that may arise during the trip. In addition, the principal may be accompanied by any regular security personnel. The expenses of such individuals should be paid by the Government since the "hatched" person is only engaging in official duty.

8. Government vehicles shall not be used for local travel on wholly political trips. Ground transportation should be provided by the political sponsor or campaign committee.

9. No political travel on behalf of Federal candidates shall occur on corporate-owned aircraft.




MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

August 24, 1981

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING   
COUNSEL TO THE PRESIDENT

SUBJECT: Acceptance of Transportation  
and Travel-Related Expenses

The attached memorandum replaces the memorandum on the same subject dated August 4, 1981.

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

August 24, 1981

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Acceptance of Transportation and  
Travel-Related Expenses

The following discussion is designed to provide general guidance regarding the circumstances under which you may or may not accept travel-related expenses (transportation, lodging, food, entertainment), or reimbursement of same. Since such situations are often unique, guidelines must be general in scope. You are, however, strongly urged to seek specific advice in regard to any proposed trip prior to accepting the invitation or request.

A. Official Travel

In each instance for which you will seek Government payment of expenses, approval shall be obtained from the Special Assistant to the President for Administration prior to acceptance of the invitation or request.

Whenever you are traveling on official business of the Government, traveling to attend a function or give a speech as the representative of the White House or the Administration, all travel-related expenses must be paid from appropriated funds. These funds may be from the White House Office appropriations, or the appropriations of a particular Department or Agency, depending on the circumstances of your travel.

There is one major exception to this general rule. If you are traveling to attend a training seminar, meeting or conference sponsored by a non-profit organization granted tax-exempt status under the law (Section 501(c)(3) of the Internal Revenue Code), that organization may pay for your

normal, reasonable travel expenses under most circumstances unless the acceptance of such expenses creates an actual or apparent conflict of interest with your official duties. Such payment shall never be solicited by a staff member. In each instance where such an offer of payment or reimbursement is made, you should check with the Counsel's office before acceptance of the invitation for a determination of (a) the tax exempt status of the organization, and (b) the propriety of accepting the proffered expenses.

You may, of course, accept food or refreshments of nominal value in the ordinary course of your meeting or while in attendance at functions where you are otherwise properly in attendance. Likewise, it is acceptable to stay at the private residence of your host if this would be appropriate under the circumstances of your visit.

Ordinarily, all official travel should be on commercial transportation. In a very unique circumstance, where private or chartered aircraft or other means of transportation is the only transportation available the individual or corporation providing the transportation must be reimbursed. In this regard, please bear in mind that this restriction generally prohibits accepting free transportation while on official business if someone offers you a ride on a private plane that is otherwise going to the same destination as yours.

#### B. Official Travel Abroad

Normally, the U.S. Government should pay the cost of official travel abroad. However, the Foreign Gifts and Decorations Act, 5 U.S.C. §7342, permits a Government official to accept transportation and lodging while abroad from a foreign government or international governmental organization if refusal to accept would embarrass the foreign government or the United States. This does not permit acceptance of travel expenses to or from the United States.

The rules applicable to officials also apply to an accompanying spouse except that Government funds may not be used to pay for the spouse's transportation to or from the United States nor may a foreign government do so.

C. Travel on Political Campaigns

If an official travels for a political committee or on behalf of a particular candidate, Government funds may not be used to cover travel or lodging expenses. These should be paid by the appropriate committee or campaign fund.

The Federal Election Commission has detailed rules on allocating costs when a trip combines both political and official activities. Staff should consult the Counsel's Office before undertaking such trips.

D. Personal Travel

It is sometimes difficult to determine whether travel to and attendance at a particular event should be deemed to be "official" travel or personal travel. Very often you may be invited to attend a conference or meeting or to make a presentation where the circumstances do not make clear whether the invitation is being issued to you in your private or official capacity. Likewise, there are some instances where you may wish to attend a meeting, but you would not normally be officially requested or directed to attend.

As a rule of thumb, if your travel is in furtherance of your official duties or the Administration's policies, it should be considered as "official" travel for purposes of determining whether you may accept expenses. If not, your travel may be deemed personal.

When your travel is not official, but for personal business or pleasure, the law provides that you may not accept or be reimbursed for normal, ordinary travel expenses from non-Government sources if the individual or organization so providing it:

- 1) has, or is seeking to obtain, contractual or other business relations with your agency;
- 2) conducts business or activities that are controlled or regulated by your agency;
- 3) otherwise has interests that may be substantially affected by the performance or non-performance of your official duty.

In the case of all White House personnel, these prohibitions must be scrupulously observed. If there is any doubt as to the appropriateness of accepting travel expenses or reimbursement, it must be resolved in favor of not accepting. These limitations do not apply when the gift of transportation or travel expenses is a result of an obvious friend of the family or close personal relationship, and it is clear that the relationship is the motivation for the gift. Again, any doubt must be resolved in favor of not accepting. Remember that the appearance of a conflict often creates far greater problems and embarrassment than a true conflict.

Some other rules of thumb in regard to personal travel:

- o You may accept normal and reasonable expenses in connection with travel to receive a personal award or honor, if not otherwise proscribed by the business activity of the individual or organization.
- o If you hold an official position in a professional organization, or serve on a board or committee, you may accept reimbursement for travel expenses while attending meetings if reimbursement of such expenses is customary for others in similar positions, and the position is personal to you rather than by virtue of your position in the White House.
- o Except under the most unusual or special circumstances, travel on corporate aircraft shall not be accepted. This is a constant and recurring source of embarrassment to Government officials.
- o Questions of legality aside, you should not accept any gift of travel expenses which you are not willing to have discussed in the press.

E. Travel Expenses of Spouse/Family Members

Except in the most unusual circumstances, Government funds are not available to cover the travel expenses for a spouse or other family member accompanying a staff member on official business. Such expenses may not be accepted from the sponsor of the event you are attending, or from any third party, except under those few circumstances where a personal gift would be acceptable.

Other than on official Government-paid travel, in evaluating whether travel expenses of your spouse or other family members may be accepted, you must be guided by the same restrictions that are

applicable to your acceptance of such expenses or reimbursement. You must always be alert to avoid embarrassing appearances and if you accept such reimbursement, the amount must appear to be reasonable.

F. Honoraria

In connection with travel, it is the policy of the Administration that White House personnel should not accept an honorarium for any speaking, teaching, writing or appearance, on a subject which is in any way related to your official position, or to the operations or activities of the White House or the Administration. Further, you may not designate a charity to receive such honoraria.

This restriction does not preclude the acceptance of a personal award, honorary degree, etc., or from accepting a suitable memento of a function in which you were honored.

G. Public Reporting Requirements (Not applicable to all Staff Members)

Subject to certain exclusions you are required to report, on Schedule C of your annual Financial Disclosure Report (SF 278), "Gifts and Reimbursements," the source, description and approximate value of gifts of transportation, lodging, food, and entertainment aggregating \$250 or more in the preceding year from one source which were received by you, your spouse or dependent children, or the reimbursement for the same.

H. Additional Information

If you have any questions regarding the propriety of accepting transportation and/or travel-related expenses, you are urged to contact the Office of the Counsel to the President for further guidance. Except in emergency situations, such consultations and clearance should be obtained prior to accepting an invitation or request to travel.

**Cross References**

Use of appropriated funds for membership dues or fees or for expenses of attendance at meetings prohibited except as authorized by this section, see section 5046 of this title.

**Library References**

United States Code 39(2).

C.J.S. United States §§ 17, 44.

**§ 4110. Expenses of attendance at meetings**

Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 436.

**Historical and Revision Notes**

|             |  |   |
|-------------|--|---|
| Derivation: | United States Code<br>5 U.S.C. 2318(b) | Revised Statutes and Statutes at Large<br>July 7, 1958, Pub.L. 85-507, § 19(b), 72 Stat. 336. |
|-------------|--|---|

**Explanatory Notes**

Standard changes are made to conform style of this title as outlined in the pref- with the definitions applicable and the accuracy to the report.

**Cross References**

Use of appropriated funds for membership dues or fees or for expenses of attendance at meetings prohibited except as authorized by this section, see section 5046 of this title.

**Notes of Decisions****1. Civilian employees**

The attendance at meetings provision in former section 2318(b) of this title [now this section] dispensed with the necessity for specific statutory authority for the attendance at meetings required by former section 83 [now section 5946] of this title, insofar as those employees subject to this chapter were concerned; and since former section 2318(b) of this title [now this section] did not require that attendance at meetings be limited to

certain types of meetings which were approved by specified officials as required by section 605 of the Department of Defense Appropriation Act, 1954, [former section 174a of this title (now section 412 of title 37)] these restrictions were applicable only to attendance at meetings by members of the uniformed services and were not applicable to civilian employees covered by this chapter. 1959, 38 Comp. Gen. 800.

**§ 4111. Acceptance of contributions, awards, and other payments**

(a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident

References

Membership dues or fees or for expenses of attendance as authorized by this section, see section 5046

References

C.J.S. United States §§ 17, 44.

Attendance at meetings

For an agency for travel expenses are attendance at meetings which are conferences or activities for which the appropriation is made for improved conduct, supervision, or activities.

50 Stat. 436.

and Revision Notes

Revised Statutes and Statutes at Large  
July 7, 1958, Pub.L. 85-507, § 19(b), 72 Stat. 336.

Explanatory Notes

Form style of this title as outlined in the preface to the report.

References

Membership dues or fees or for expenses of attendance as authorized by this section, see section 5046

of Decisions

Section 4112. Certain types of meetings which were authorized by title 18, section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26.

Contributions, awards, and other pay-

ment by regulation of the President, for training in non-Government facilities, and other expenses incident

to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26.

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction, under regulations of the Director of the Bureau of the Budget, shall be made from payment by the Government to the employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 437.

Historical and Revision Notes

| Derivation: | United States Code | Revised Statutes and Statutes at Large              |
|-------------|--------------------|---|
| (a)         | 5 U.S.C. 2318(a)   | July 7, 1958, Pub.L. 85-507, § 19(a), 72 Stat. 336. |
| (b)         | 5 U.S.C. 2318(c)   | July 7, 1958, Pub.L. 85-507, § 19(c), 72 Stat. 336. |

Explanatory Notes

In subsection (a), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub.L. 87-849, § 2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

**Transfer of Functions.** All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F. R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2 redesignated the Bureau of the Budget as the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget as Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of

the Office of Management and Budget, respectively. Section 103 of 1970 Reorg. Plan No. 2 transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget. See Part I of 1970 Reorganization Plan No. 2 set out in the Appendix to this title.

**Delegation of Functions.** Functions of the President under subsec. (a) of this section delegated to the Civil Service Commission, see section 401(b) of Ex. Ord. No. 11348, Apr. 20, 1907, 32 F.R. 6335, set out as a note under section 4103 of this title.

Authority of the President to prescribe regulations with respect to reductions to be made from payments by the Government to employees for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting under subsec. (b) of this section delegated to the Administrator of General Services, see section 1(1) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 4112. Absorption of costs within funds available

(a) The Director of the Bureau of the Budget, to the extent he considers practicable, shall provide by regulation for the absorption



Pub.L. 95-454 designates as subsec. (a) Pub.L. 95-454, set out as a note under section 1101 of this title.

1978 Amendment. For legislative history and purpose of Pub.L. 95-454, see 1978 U.S. Code Cong. and Adm. News, p. 2723.

## EXECUTIVE ORDER NO. 11348

2-101 of Ex. 78, 44 F.R. 1065, Office of Personnel Management, substituted the words "Civil Service Commission" for the words "Chairman, United States Civil Service Commission", "Commissioners" or "Commissioner" wherever said word or words appeared in this Executive Order.

## EXECUTIVE ORDER NO. 11451

19, 1969, 34 F.R. 1065, Office of Personnel Management, substituted the words "Civil Service Commission" for the words "Chairman, United States Civil Service Commission", "Commissioners" or "Commissioner" wherever said word or words appeared in this Executive Order.

## EXECUTIVE ORDER NO. 12136

May 15, 1979, 44 F.R. 28771

## COMMISSION ON EXECUTIVE EXCHANGE

and in me as President and statutes of America, and in responsibilities of the Commission on Executive Exchange, and in the most prominent of the other sections follows:

1-202. The Commission shall develop an education program which places the work experience of the Exchange Executive in the broader context of both the Federal Government and the private sector.

1-203. The Commission shall supervise and review the operation of the Program, and recommend to the President ways to promote and improve the exchange between the Government and the private sector.

1-204. The Commission shall ensure that the Program operates in compliance with the merit principles set forth in Section 2301 of Title 5 of the United States Code [Section 2301 of this title].

## 1-3. Responsibilities of Executive Agencies.

1-301. Each Executive agency shall, to the extent permitted by law, cooperate with the Commission and furnish it with such assistance as the Chairman may request in connection with the Program.

1-302. The head of each Executive agency shall designate a presidential appointee who is not a member of the Commission to serve as liaison to the Commission.

## 1-4. Administrative Provisions.

1-401. The Office of Personnel Management shall provide the Commission with administrative services, staff support, and travel expenses, as authorized by law.

Executive Order No. 11451 of 19, 1969, is superseded.

JIMMY CARTER

of training limited

ough non-Government facilities

limitations:

other limitations, in chapter, concerning

Office may waive, employees there-

in, all or any of the limitations covered by subsection (a) of this section, if the Office determines that the application of all or any of the limitations thereto is contrary to the public interest. The Office, in the public interest, may reimpose all or any of the limitations so waived.

As amended Pub.L. 95-454, Title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224.

1978 Amendment. Subsec. (a). Pub.L. 95-454, § 906(a)(2), substituted "Office of Personnel Management" for "Civil Service Commission".

Subsec. (b). Pub.L. 95-454, § 906(a)(3), substituted "Office" for "Commission", wherever appearing therein.

Effective Date of 1978 Amendment. Amendment by Pub.L. 95-454 effective 90

days after Oct. 13, 1978, see section 907 of Pub.L. 95-454, set out as a note under section 1101 of this title.

Legislative History. For legislative history and purpose of Pub.L. 95-454, see 1978 U.S. Code Cong. and Adm. News, p. 2723.

## § 4109. Expenses of training

(a) The head of an agency, under the regulations prescribed under section 4118(a)(8) of this title and from appropriations or other funds available to the agency, may—

(1) pay all or a part of the pay (except overtime, holiday, or night differential pay) of an employee of the agency selected and assigned for training under this chapter, for the period of training; and

(2) pay, or reimburse the employee for, all or a part of the necessary expenses of the training, without regard to section 529 of title 31, including among the expenses the necessary costs of—

(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title or, in the case of commissioned officers of the National Oceanic and Atmospheric Administration, sections 404 and 405 of title 37, and the Joint Travel Regulations for the Uniformed Services;

(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking under section 5724 of this title or, in the case of commissioned officers of the National Oceanic and Atmospheric Administration, sections 406 and 409 of title 37, and the Joint Travel Regulations for the Uniformed Services, when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

[See main volume for text of (C) to (F); (b)]

As amended Pub.L. 96-54, § 2(a)(19), Aug. 14, 1979, 93 Stat. 382.

1979 Amendment. Subsec. (a)(2). Pub.L. 96-54 substituted "National Oceanic and Atmospheric" for "Environmental Science Services" in cls. (A) and (B).

Effective Date of 1979 Amendment. Amendment by Pub.L. 96-54 effective July 12, 1979, see section 2(b) of Pub.L. 96-54, set out as a note under section 305 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-54, see 1979 U.S. Code Cong. and Adm. News, p. 881.

1. Overtime pay. Where Customs Patrol Officers attended special training course and claimed

overtime pay under the Fair Labor Standards Act, section 201 et seq. of Title 29, or overtime or night premium pay under this title for regularly scheduled training sessions conducted after 6 p. m. and where training qualifies under exception to prohibition against payment of premium pay for training under this section, overtime under such Act or overtime or night premium pay under this title must be paid and payment should be made to employees under whichever law gives the greater benefit. 1979, 58 Comp. Gen. 547.

## § 4111. Acceptance of contributions, awards, and other payments

[See main volume for text of (a)]

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction, under regulations of the President, shall be made from payment by the Government to the

employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

As amended Pub.L. 96-54, § 2(a)(2), Aug. 14, 1979, 93 Stat. 381.

1979 Amendment. Subsec. (b). Pub.L. 96-54 substituted "President" for "Director of the Bureau of the Budget".

Effective Date of 1979 Amendment. Amendment by Pub.L. 96-54 effective July 12, 1979, see section 2(b) of Pub.L. 96-54, set out as a note under section 305 of this title.

Delegation of Functions. Functions of the President under subsec. (b) of this

section delegated to the Director of the Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

Legislative History. For legislative history and purpose of Pub.L. 96-54, see 1979 U.S.Code Cong. and Adm.News, p. 931.

§ 4112. Absorption of costs within funds available

(a) The President, to the extent he considers practicable, shall provide by regulation for the absorption of the costs of the training programs and plans under this chapter by the respective agencies from applicable appropriations or funds available for each fiscal year.

(b) Subsection (a) of this section may not be held or considered to require—

(1) the separation of an individual from the service by reduction in force or other personnel action; or

(2) the placement of an individual in a leave-without-pay status.

As amended Pub.L. 96-54, § 2(a)(2), Aug. 14, 1979, 93 Stat. 381.

1979 Amendment. Subsec. (a). Pub.L. 96-54 substituted "President" for "Director of the Bureau of the Budget".

Effective Date of 1979 Amendment. Amendment by Pub.L. 96-54 effective July 12, 1979, see section 2(b) of Pub.L. 96-54, set out as a note under section 305 of this title.

Delegation of Functions. Functions of the President under subsec. (a) of this

section delegated to the Director of the Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

Legislative History. For legislative history and purpose of Pub.L. 96-54, see 1979 U.S.Code Cong. and Adm.News, p. 931.

§ 4113. Agency review of training needs; annual program reports

(a) The head of each agency, at least once every 3 years, shall review the needs and requirements of the agency for the training of employees under its jurisdiction. The Office of Personnel Management, on request of an agency, may assist the agency with the review. Information obtained or developed in a review shall be made available to the Office at its request.

(b) Each agency shall report annually to the Office, at such times and in such form as the Office prescribes, on its programs and plans for the training of employees under this chapter. The report shall set forth—

(1) such information concerning the expenditures of the agency in connection with training as the Office considers appropriate:

[See main volume for text of (2) to (5)]

(6) such other information as the agency or the Office considers appropriate.

As amended Pub.L. 95-454, Title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224.

1978 Amendment. Subsec. (a). Pub.L. 95-454, § 906(a)(2), (3), substituted "Office of Personnel Management" for "Civil Service Commission", and "Office" for "Commission".

Subsec. (b). Pub.L. 95-454, § 906(a)(3), substituted "Office" for "Commission" wherever appearing therein.

Effective Date of 1978 Amendment. Amendment by Pub.L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub.L. 95-454, set out as a note under section 1101 of this title.

Legislative History. For legislative history and purpose of Pub.L. 95-454, see 1978 U.S.Code Cong. and Adm.News, p. 2723.

§ 4114. Non-Government facilities; review of training programs

The Office of Personnel Management at the times and to the extent it considers necessary, shall review the operations, activities, and related transactions of each agency in connection with each agency program, and plan thereunder, for the training of its employees by, in, and through non-