



Comptroller General  
of the United States  
Washington, D.C. 20548

146258

## Decision

**Matter of:** Federal Aviation Administration Employees -  
Temporary Duty Travel in Foreign Countries -  
Excess Lodging Cost.

**File:** B-246554; B-247894

**Date:** June 9, 1992

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### DIGEST

Several employees, who performed official travel to different cities in foreign countries, incurred excessive lodging costs when the hotels in those cities temporarily and dramatically increased room charges to an amount well in excess of the per diem rate authorized for those cities. The employees are entitled to additional reimbursement on an actual expenses basis, but the total reimbursement may not exceed 150 percent of the maximum per diem rate stated in the Per Diem Supplement to the Standardized Regulations (Government Civilian's, Foreign Areas). See 41 C.F.R. § 301-8.3(a)(2) (1991). Any lodging costs incurred in excess of that amount must be borne by the employees.

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### DECISION

This decision is in response to two separate requests by the Director of Accounting, Federal Aviation Administration (FAA), Department of Transportation,<sup>1</sup> involving the entitlement of several employees of the FAA to be reimbursed additional lodging expenses incurred incident to temporary duty travel to foreign countries at various times in 1991. For the following reasons, we conclude that they are entitled to additional reimbursement but in amounts not to exceed 150 percent of the maximum per diem rate applicable to the particular location.

### BACKGROUND

The first request involves Mr. Glenn A. Starr, a Civilian Aviation Security Inspector for the FAA. Mr. Starr was authorized to perform official travel on an actual expense basis to several locations in the then U.S.S.R. and Belgium during the period May 21 through July 3, 1991. During the periods he was in Soviet Russia, he encountered lodging

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<sup>1</sup>Mr. Don E. Hanson, AAA-300.

costs ranging from \$320 a night on the economy to no cost in government housing. In particular, while in Moscow on May 22 and 23, Mr. Starr was unable to find lodging accommodations for less than \$320 a night. In contrast, when he returned to Moscow on May 29 his lodging costs for each of two nights on the economy were \$116.50. The per diem rate for Moscow at that time was \$170 for lodging and \$67 for meals and incidental expenses (M&IE).

The second request involves Messrs. Albert S. Greenberg, Robert G. Sanchez, and Harold Caccamise, Aviation Safety Inspectors for the FAA, who were authorized to perform official travel as a team on an actual expense basis to the Pacific Rim countries of Australia, New Zealand, Peoples Republic of China, Taiwan, Hong Kong, Singapore, and the Philippines during the period October 20 to November 7, 1991.

The three inspectors were required to stay at hotels arranged for by the government of the countries visited. In Guangzhou, China, where they stayed 3 nights, the hotel charge was \$200.15 a day and the per diem rate was \$64 for lodging and \$55 for M&IE. In Manila, where they stayed 6 nights, the hotel charge was \$164.36, and the per diem rate was \$85 for lodging and \$47 for M&IE.

The FAA computed the reimbursement for all four employees under the provisions of section 301-8.2(b) of the Federal Travel Regulation (FTR)<sup>2</sup> and limited their lodging reimbursement to 150 percent of the maximum lodging rate for each of the foreign cities visited. As a result, Messrs. Starr, Greenberg, Sanchez, and Caccamise were required to spend \$130, \$533.73, \$533.73, and \$458.73, respectively, in excess of their reimbursement for hotel costs.

#### OPINION

The FTR provision used by the FAA to determine the employees' reimbursements (section 301-8.2(b)) applies only to employees on official travel who are to be furnished lodging and meals without cost for a particular assignment, but who are occasionally required to incur expenses for meals and lodging during that assignment. In contrast, the employees in the present case were authorized reimbursement for foreign travel on an actual expense basis because it was anticipated that they would obtain lodging and meals on the economy at virtually every location on their itinerary.<sup>3</sup>

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<sup>2</sup>41 C.F.R. § 301-8.2(d) (1991).

<sup>3</sup>41 C.F.R. § 301-8.1 (1991).

The applicable provisions for these employees are found in section 301-8.3 of the FTR.<sup>4</sup> Section 301-8.3(a)(2) provides that the maximum daily rate for subsistence expenses (lodging and M&IE), shall not exceed the greater of 150 percent of the maximum per diem rate, or \$50 plus the maximum per diem rate prescribed under section 301-7.3(b) or (c) of the FTR. Section 301-7.3(c) of the FTR applies to official travel to foreign areas, and specifies that the per diem rates contained in the Per Diem Supplement to the Standardized Regulations (Government Civilians, Foreign Areas) shall govern.<sup>5</sup>

The per diem rates specified in the Per Diem Supplement to the Standardized Regulations (Government Civilians, Foreign Areas), for the several cities in question during the time travel was performed were:

Moscow	-	\$237	(PD Supplement 324, May 1, 1991)
Guangzhou	-	\$119	(PD Supplement 329, Oct. 1, 1991)
Manila	-	\$132	(PD Supplement 329, Oct. 1, 1991)

Thus, under FTR § 301-8.3(a)(2), the maximum per diem payable for those cities may not exceed 150 percent of those rates, or \$356, \$179, and \$198, respectively.

Unlike the provisions of section 301-8.2(b) used by the FAA, there is no separate limitation in section 301-8.3(a)(2) on the amount reimbursable to an employee for lodging costs, so long as the combined reimbursement each day for lodging and M&IE does not exceed 150 percent of the per diem rate specified in the Per Diem Supplement to the Standardized Regulations (Civilian Employees, Foreign Areas).

Accordingly, the four employees in the present case are entitled to additional amounts pursuant to FTR § 301-8.3(a)(2). In this regard, it is noted that the correspondence from the agency suggests that each employee was reimbursed 100 percent of the M&IE rate for each city visited. Therefore, in Mr. Starr's case, since 150 percent of the maximum per diem rate for Moscow was \$356, and his daily M&IE reimbursement was \$67, he may be reimbursed \$289 toward his daily lodging costs of \$320. While this method of calculating reimbursement would not make him whole, it reduces his out of pocket expenses for the 2 days lodging in Moscow to \$62. In the cases of Messrs. Greenberg, Sanchez and Caccamise, a similar calculation would reduce their out

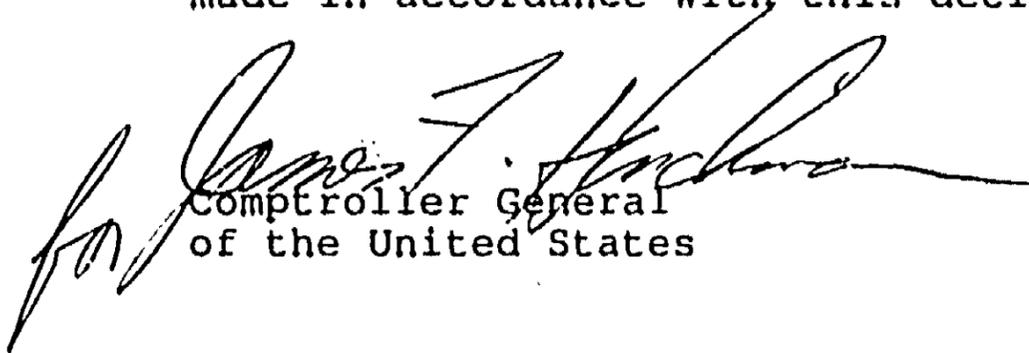
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<sup>4</sup>41 C.F.R. § 301-8.3 (1991).

<sup>5</sup>Those rates are established by the Secretary of State under authority of Executive Order No. 12,561, July 1, 1986.

of pocket expenses for lodging to \$308.61, \$308.61, and \$233.73, respectively.

The fact that the employees were required to pay excessive lodgings cost is unfortunate. However, in view of the regulatory language of the FTR establishing the maximum amount which may be reimbursed, there is no legal basis upon which the agency may authorize those employees to be reimbursed more than 150 percent of the maximum per diem rate stated in the Per Diem Supplement to the Standardized Regulations (Government Civilians, Foreign Areas). Payment of the additional amounts due within that limitation may be made in accordance with this decision.

  
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