



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Cross-cultural Training for Spouses of FAA Overseas
Employees—Travel Expenses

File: B-259620

Date: February 29, 1996

DIGEST

The Federal Aviation Administration (FAA) may pay the travel costs of the spouses of FAA overseas employees to attend cross-cultural training sessions conducted at overseas locations. The FAA states that this training is important to the success of the FAA employees' assignments. Thus the spouses' attendance at the training provides a direct and substantial benefit to the government and the FAA may pay their travel expenses under 5 U.S.C. § 5703.

DECISION

The Federal Aviation Administration (FAA) asks whether it may pay the travel expenses of the spouses of its overseas employees to attend cross-cultural training programs at various overseas locations. The answer is yes.

BACKGROUND

The submission states that the FAA offers cross-cultural training to employees who are stationed at overseas posts and their spouses to facilitate the transition to the foreign environment. According to the agency, this training enables the employees to become more productive in a shorter period of time and greatly improves their chances for a successful overseas tour. The agency also states, "It is very important that this training be provided to spouses as well as employees, since the most frequent cause of unsuccessful assignments is the failure of the spouse to adapt to the foreign environment." Because it is economically feasible to offer these training sessions only at central locations where there are a substantial number of FAA employees, the agency would like to pay the costs of the employees' spouses to travel from the agency's smaller offices to these central locations. It asks whether it may issue invitational travel orders to the spouses of employees to travel to the training programs.

OPINION

The invitational travel authority is found at 5 U.S.C. § 5703, which provides:

An employee serving intermittently in the government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service.¹

The term "employee" as used in section 5703, specifically is defined to mean "an individual employed in or under an agency including an individual employed intermittently in Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at \$1 a year." 5 U.S.C. § 5701(2).²

The phrase "individual serving without pay" encompasses persons other than those serving the government in a purely advisory capacity. 48 Comp. Gen. 110 (1968). Thus, we held that section 5703 was broad enough to be used for the purpose of paying for the travel of individuals to appear as witnesses for the government at an administrative hearing. In 37 Comp. Gen. 349 (1957), we had earlier concluded that "persons serving without compensation" may include college faculty members who travel for the purpose of consulting with agency officials concerning agencies recruitment of college students. We noted that such travel would enable the faculty members to "become better acquainted with the type of work, the working conditions, and benefits offered persons in the government service, and, by reason thereof, [they] would be better able to advise college students concerning government employment." *Id.* at 350.

¹These provisions were derived from provisions enacted by the act of Aug. 2, 1946, ch. 744, § 5, 60 Stat. 808 and subsequently codified in the current statutes in 1975. Section 4, Pub. L. No. 94-22, May 19, 1975, 89 Stat. 85. The purpose stated for these provisions at that time was to establish "that the same provisions regarding per diem allowances will be applicable to all persons traveling on official Government business, including employees, experts consultants, volunteers and \$1-a-year people." H.R. Rep. No. 94-104, 94th Cong., 1st Sess., at 6 (1975).

²By contrast, the definition of "employee" found at 5 U.S.C. § 2105, which applies generally to title 5, unless otherwise specified, essentially is limited to persons appointed in the civil service who are engaged in the performance of a federal function and subject to the supervision of one of the categories of federal officials named in that section.

More recently, we have reviewed requests from two agencies to pay the expenses of employees' and military members' spouses traveling to attend government-sponsored seminars held for the purpose of briefing the employees, members and spouses on matters considered directly relevant to the agencies' missions, and in both cases, we concluded that 5 U.S.C. § 5703 may be used to authorize payment for such costs.

In one of these cases, we approved a proposed amendment to the Joint Federal Travel Regulations to allow reimbursement for the travel expenses of the spouses and dependents of military members incurred to attend anti-terrorism briefing sessions incident to their accompanying the member on his or her overseas permanent duty assignment. 71 Comp. Gen. 6 (1991). We noted that the dependents of military members stationed overseas often find themselves in areas where there is terrorism and political unrest and that proper training about these dangers can prevent government losses in both financial and other considerations. We therefore concluded that the cost of the travel to attend such briefing sessions could be authorized.

In the other case, we considered a request from the FAA to pay the travel costs of the spouses of FAA employees to attend security training before traveling with the employee to the employee's new overseas duty station. 71 Comp. Gen. 9 (1991). The agency stated that the training was necessary "to effectively protect the family and interests of the government under situations including surveillance, counterintelligence and terrorist activities."

We noted that in several prior decisions we had approved reimbursement of travel expenses for private individuals upon a determination that the travel served a sufficient government interest. Examples cited were cases involving an employee's spouse's travel to attend an awards ceremony honoring the employee, and applicants' for federal positions travel to attend pre-employment interviews. See Sharon S. Rutledge, 69 Comp. Gen. 38 (1989); and 60 Comp. Gen. 235 (1981).³

In deciding those cases, we also considered the provisions of 31 U.S.C. § 1345 that provides in part:

"Except as specifically provided by law, an appropriation may not be used for travel, transportation, and subsistence expenses for a meeting. This section does not prohibit—

³This decision concerning job-applicant travel predated enactment of 5 U.S.C. § 5706b that now specifically covers such travel.

"(1) an agency from paying the expenses of an officer or employee of the United States Government carrying out an official duty . . ."

While we said that it is not entirely clear that a government training course is the sort of "meeting" contemplated by section 1345, we noted that, in any event, section 1345 does not apply to individuals issued travel orders under 5 U.S.C. § 5703, provided they are performing a "direct service" to the government. We concluded that participation of spouses in the security course readily met that test, noting that, essentially, the training sessions were "integral aspects of the proper execution of the employee's own reassignment and his or her family's attendant change of station." *Id.* at 11.

Here, also, the FAA wants to pay the travel expenses of the spouses of employees to attend FAA-sponsored training programs because it receives a substantial benefit from their attendance at the programs. The FAA explains that the most frequent cause of unsuccessful overseas assignments is the failure of its overseas employee's spouse to adapt to the foreign environment. It reports that it recently began presenting in-country cross-cultural training to the spouses of employees who were recently posted overseas and found that such training greatly improves the chances for a successful overseas tour and enables an employee to become more productive in a shorter period.

As we recognized in 48 Comp. Gen. 110, *supra*, the invitational travel authority, 5 U.S.C. § 5703, is not limited to the travel of persons serving the government in a purely advisory capacity, but also encompasses others whose travel is necessary incident to service which provides a direct benefit to the government. Based on the foregoing, we conclude that the attendance at agency-sponsored cross-cultural training of employees' spouses provides a direct and substantial benefit to the government, significantly more than mere attendance at a conference or meeting. Accordingly, we have no objection to the FAA's proposal to pay the travel expenses of the spouses of FAA employees to attend cross-cultural training sessions where it is more economical to do so than to hold the sessions at the employee's duty station.

/s/Seymour Efros
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