



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

(1875)

Decision

AF

Matter of: Proper Appropriation to Charge for Expenses of
Travel Spanning More than One Fiscal Year

File: B-238110

Date: May 7, 1991

DIGEST

Travel and transportation expenses of temporary duty travel spanning more than one fiscal year should be charged against the appropriations current in the fiscal years in which the expenses are incurred rather than in the fiscal year in which the travel is ordered.

DECISION

In 64 Comp. Gen. 45^v(1984), we concluded that the reimbursable expenses of relocation should be charged against the appropriation current when the employee was ordered to transfer. Prior decisions to the contrary were expressly overruled. Id. We have since applied the holding of 64 Comp. Gen. 45^v to the 60-day extension of temporary quarters subsistence expenses (TQSE) and to the dislocation allowance in connection with an employee's relocation. 64 Comp. Gen. 901^v(1985); 67 Comp. Gen. 474^v(1988).

An official of the Department of Veterans Affairs (VA) now asks us to extend our holding in 64 Comp. Gen. 45^v to cover expenses of employees whose temporary duty travel spans more than one fiscal year. For the reasons discussed below, we conclude that the expenses of temporary duty travel should continue to be charged against the appropriations current in the fiscal years in which the expenses are incurred, not when the travel is authorized.

BACKGROUND

An employee of the government is entitled to an allowance or reimbursement for travel expenses when on official business away from his designated post of duty under 5 U.S.C. §§ 5701-5707^v(1988). Specifically, under 5 U.S.C. § 5702^v, the employee is entitled to a per diem allowance, reimbursement for the actual and necessary expenses of travel, or a combination of the two. An employee is also entitled to the actual expenses of transportation, or a mileage allowance when

PUBLISHED DECISION

B-238110

70 Comp. Gen. 169

advantageous to the government, under 5 U.S.C. § 5704. In addition, under 5 U.S.C. § 4109(a) the head of an agency is required to reimburse an employee for the cost of travel associated with training in the manner prescribed in 5 U.S.C. §§ 5701-5707. 67 Comp. Gen. 540 (1988). The Department of Veterans Affairs (VA) requests that we extend the holding of 64 Comp. Gen. 45 and our subsequent cases to temporary duty travel, including travel for purposes of training, spanning more than one fiscal year.^{1/}

DISCUSSION

A fiscal year appropriation may be obligated only to meet a bona fide or legitimate need arising in the fiscal year for which the appropriation was made. See 31 U.S.C. § 1502(a). What constitutes a bona fide need of a particular fiscal year depends largely on the facts and circumstances of a particular case and there is no general rule applicable to all situations. 44 Comp. Gen. 399, 401 (1965). Logic dictates that an employee's official travel is a bona fide need of the year in which the employee actually travels. If a bona fide need for the employee to travel existed in any other year, the employee would travel in such other year. As expenses must be charged against the appropriation current in the fiscal year in which a bona fide need for them exists, expenses of temporary duty travel should be charged to the fiscal year in which they are incurred.

Our decision at 64 Comp. Gen. 45 did not "negate the obligational concept of 31 U.S.C. § 1502(a) relative to permanent change of duty," as VA asserts. To the contrary, we concluded in 64 Comp. Gen. 45 that the expenses of relocation are properly charged to the fiscal year in which relocation is ordered precisely because the relocation of an employee is a bona fide need of that fiscal year. 64 Comp. Gen. at 47. The fact that the applicable statutes and regulations impose an obligation on the government to reimburse whatever allowable expenses the employee might incur at the time of the transfer supported our conclusion. We subsequently applied 64 Comp. Gen. 45 to expenses of a more discretionary nature, again relying upon the bona fide need rule. We held that an

^{1/} We do not address here the appropriation to be charged for the expenses of training unrelated to travel for which 5 U.S.C. § 4109 authorizes payment or reimbursement. We have held, however, that the cost of developing and providing a training course that spans more than one fiscal year is properly chargeable to the fiscal year appropriation when the need for the training was determined, the contract for the training was entered into, and contract performance was begun. B-233243, Aug. 3, 1989.

27-2

extension of temporary quarters subsistence expenses (TQSE) that an agency provides to a transferred employee at its discretion relates back to the original issuance of transfer orders and is, thus, a bona fide need of the year in which the orders were issued. 64 Comp. Gen. at 902. We did not, however, apply 64 Comp. Gen. 45 to the expense of contracting with a private firm to arrange for the purchase of a transferred employee's residence. 66 Comp. Gen. 554 (1987). We found that, in contrast to the extension of TQSE, the expense of employing a relocation firm is "totally discretionary" and relates back to no initial expenditure. Id. at 556.

Factual distinctions between the expenses of relocation and the expenses of temporary duty travel support our decision not to extend the rule and analysis of 64 Comp. Gen. 45 to this case. Factors beyond the agency's and the employee's control may prevent the employee from incurring certain expenses of relocation at the time the relocation is ordered. 64 Comp. Gen. at 47. Since the government's obligation to reimburse the employee for the expenses of relocation is mandatory, but for such factors, the government would have to reimburse the employee at the time the relocation is ordered. The statute and the regulations appear to impose a similar mandatory obligation on the government with respect to the expenses of temporary duty travel.^{2/} However, unlike relocation expenses, external factors are not likely to affect when the employee will incur the expenses of temporary duty travel; an employee can only incur the reimbursable expenses of temporary duty travel when he actually travels.

Moreover, we based our decision in 64 Comp. Gen. 45 in part on our desire to alleviate practical difficulties arising from the uncertainty as to when employees would incur the reimbursable expenses of relocation. We noted that, because transferred employees have several years to incur certain reimbursable expenses, agencies were forced to reserve sufficient funds for a fiscal year to reimburse its employees for the maximum expenses of relocating and to deobligate funds

^{2/} Under 5 U.S.C. § 5702(a) an employee "is entitled to" a per diem allowance, reimbursement for the actual and necessary expenses of travel, or a combination of the two when traveling on official business away from his designated post of duty. The Federal Travel Regulation provisions implementing section 5702(a) employ mandatory language, stating "[p]er diem allowances shall be paid as prescribed . . . for official travel away from the official station . . . , except when actual subsistence expense reimbursement is authorized or approved" Federal Travel Regulations, para. 1-7.1(a) (Supp. 20, July 1, 1986), 41 C.F.R. § 301-7.1 (1990).

30

tentatively recorded as obligations in excess of the amount of reimbursable expenses actually incurred.

The practical difficulties that we described in 64 Comp. Gen. 45^X are far less likely to arise in connection with the reimbursable expenses of temporary duty travel. Generally, agencies know when an employee will actually incur those expenses. The employee will incur the expenses daily during the period of scheduled travel.^{3/} Since the policy supporting our decision regarding relocation expenses does not apply equally to temporary duty travel expenses, we decline to extend our previous decision on policy grounds. In addition, our decision here prevents agencies from issuing travel orders toward the end of a fiscal year merely to obligate the funds available for temporary duty travel before they expire.

Arguably, since certain expenses of relocation, i.e., per diem and transportation expenses of an employee and his immediate family, cannot be incurred until the travel actually occurs, such expenses should be treated like the expenses of temporary duty travel. We recognize that our decisions require agencies to treat expenses for per diem or subsistence and transportation differently based upon the context in which they arise. However, we believe that, as a practical matter, the order transferring an employee carries a greater degree of certainty that the employee will actually incur the expenses of travel than the order for temporary duty travel. In addition, the expenses of travel and transportation for relocation do not stand alone, but rather are only two of the myriad of allowances the government provides for transferred employees under 5 U.S.C. §§ 5724^X and 5724a^X.

Since we do not extend the holding of 64 Comp. Gen. 45^X to the expenses of temporary duty travel, agencies should continue to apply the principles we have previously articulated regarding travel spanning more than one fiscal year. In general, the expenses of travel and transportation should be charged to whatever fiscal year's appropriation is current at the time the expenses are incurred. 42 Comp. Gen. 699^X (1963). However, tickets for round trip transportation may be charged against the appropriation current at the time the employee embarks on temporary duty travel, even though the employee will not use the second portion of the ticket until the following fiscal year. 26 Comp. Gen. 961^X (1947).

^{3/} Since expenses of official travel accrue on a daily basis during the time of travel, payment of per diem or subsistence expenses is similar to payment for services that are severable and, thus, chargeable only to the appropriation current at the time the services are rendered. See, e.g., 64 Comp. Gen. 359^X (1985).

CONCLUSION

Temporary duty travel is a bona fide need of the year in which the travel actually occurs. Therefore, agencies must charge the expenses of temporary duty travel to the appropriation current in that fiscal year. Where travel spans two fiscal years, agencies must charge the expenses to the appropriations current in the fiscal years in which the particular travel expenses are incurred.

Yulston L. Joubert

Acting Comptroller General
of the United States