



Decision

Matter of: U.S. Department of the Interior—Reimbursement of Transportation Expenses

File: B-329479

Date: December 22, 2020

DIGEST

Absent specific statutory authority, appropriated funds generally are not available for the personal expenses of an employee. However, an agency may use appropriated funds for an expenditure that is ordinarily understood to be personal in nature where such expenditure primarily benefits the government. A Bureau of Ocean Energy Management (BOEM), U.S. Department of the Interior (Interior), employee's travel to a BOEM office in Sterling, Virginia, to perform official duties of his position does not constitute a personal commuting expense because such travel primarily benefits Interior. As such, Interior may reimburse the employee's local travel expenses so long as it does so consistent with its local travel policy.

DECISION

This responds to a request for our decision regarding the availability of the U.S. Department of the Interior's (Interior) appropriations for certain transportation expenses. Letter from Finance Officer, Bureau of Safety and Environmental Enforcement (BSEE), Interior, to General Counsel, GAO (Sept. 20, 2017) (Request Letter). Specifically, the requester asks whether Interior may use appropriated funds to reimburse a Bureau of Ocean Energy Management (BOEM), Interior, employee for expenses the employee incurs when driving between his residence and a BOEM office in Sterling, Virginia, where he reports 1 day per week to provide oversight and management to his direct reports. Additionally, the requester asks whether Interior must reduce the reimbursement by the employee's regular commuting expenses between his residence and the Interior headquarters building if we conclude that the reimbursement is allowable.

As explained below, we conclude that Interior may reimburse the BOEM employee for the increased costs of his local travel between his residence and the BOEM office, consistent with Interior's local travel policy, because the employee's travel to the second work site primarily benefits Interior. Because Interior's local travel policy

requires that Interior reduce the reimbursement by the employee's usual commuting costs to the Interior headquarters building, it must do so if it reimburses the employee here.

In accordance with our regular practice, we contacted Interior to seek factual information and its legal views on this matter. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/products/GAO-06-1064SP; Letter from Assistant General Counsel, GAO, to then-Acting Solicitor, Interior (Nov. 7, 2018). Interior responded with its explanation of the pertinent facts and its legal analysis. Letter from Attorney-Advisor, Interior, to Staff Attorney, GAO (Dec. 6, 2018) (Response Letter).

BACKGROUND

The BOEM employee's official duty station is the Interior headquarters building in Washington, D.C. Response Letter, at 1. However, the employee manages direct reports at both the Interior headquarters building and a BOEM office in Sterling, Virginia. *Id.*; Request Letter, at 1. One day per week, the employee drives directly from his residence to the BOEM office to conduct day-to-day operations and to provide oversight and management to his direct reports. Response Letter, at 1, 2.

DISCUSSION

At issue here is whether Interior may reimburse the BOEM employee for the expenses he incurs when he travels between his residence and the BOEM office.

Under the purpose statute, appropriated funds are available only for the purposes authorized by Congress. 31 U.S.C. § 1301(a). Because each authorized expense need not be stated explicitly in an appropriation, application of the purpose statute requires a necessary expense analysis. The necessary expense analysis involves a determination as to whether an expenditure bears a reasonable, logical relationship to the purpose of the appropriation. See, e.g., B-303170, Apr. 22, 2005, at 3.

In that regard, the general rule is that appropriated funds are not available for the personal expenses of an employee, such as commuting expenses, absent specific statutory authority. E.g., B-330935.1-O.M., Oct. 18, 2019, at 4; B-305864, Jan. 5, 2006, at 2; see *Navy v. Federal Labor Relations Authority*, 665 F.3d 1339, 1349 (D.C. Cir. 2012). However, an agency may use appropriated funds for an expenditure that is ordinarily understood to be personal in nature where such expenditure primarily benefits the government. B-302993, June 25, 2004. For example, an agency may use appropriated funds for local travel expenses an employee incurs while traveling for official agency business. See B-318229, Dec. 22, 2009, at 5 (noting that an agency may reimburse an employee for local travel expenses). However, any reimbursement for such expenses is subject to the employing agency's local travel policy. See B-270403, Sept. 11, 1996; *Federal Travel Regulation (FTR); Transportation in Conjunction With Official Travel and*

Relocation, 75 Fed. Reg. 24434, 24434 (May 5, 2010) (removing references to “local travel” in the FTR and noting that federal employees should adhere to their agency’s policies for reimbursement of such expenses).

Here, we find that the employee’s travel between his residence and the BOEM office does not constitute a personal commuting expense because the employee’s travel to a location other than Interior headquarters is primarily for the benefit of Interior, rather than the employee. Once per week, the employee travels to the BOEM office, rather than Interior headquarters, to conduct official managerial duties for the benefit of Interior, such as performing day-to-day operations and providing oversight and management to several direct reports who work at that location. In addition, we have no information to suggest that the arrangement was designed for the employee’s convenience. *Cf.* Request Letter, at 1 (noting that the employee must travel approximately 34 miles between his residence and the BOEM office). Because the employee travels to the BOEM office primarily for the benefit of the government, Interior may use its appropriations to reimburse the employee’s local travel expenses if it does so consistent with its local travel policy.

Interior’s local travel policy defines local travel as “[t]ravel that is performed for official purposes in and around the duty point that does not entitle an employee to per diem or other subsistence allowances.”¹ Interior, *FTR Implementing Instructions*, 347 DM 201-1, available at <https://www.doi.gov/pfm/travel/347-DM-200> (last visited Dec. 18, 2020) (*Implementing Instructions*). The policy further provides that an employee who has approval to use a privately owned vehicle to travel to an alternate work site near the employee’s duty station “will be reimbursed the increased cost [the employee] incur[s], not to exceed the mileage allowance for the additional miles driven plus the increased tolls and parking fees incurred.” *Id.*, at 347 DM 201-5; Response Letter, at 2–3 (explaining that an employee may be reimbursed only for travel costs to an alternate work site that are in excess of the employee’s regular commute). Because we have established that the BOEM employee performed travel for official purposes in and around Interior headquarters, the only remaining issue under Interior’s local travel policy is whether Interior approved the employee’s use of a privately owned vehicle to travel between his residence and the BOEM office.

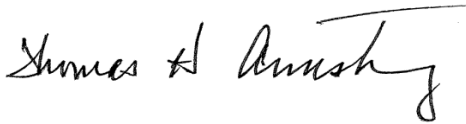
Interior did not confirm whether the employee received approval to use a privately owned vehicle. If Interior does not approve the employee’s use of a privately owned vehicle, then its local travel policy does not provide an avenue for reimbursement. However, we note that the language of Interior’s local travel policy does not appear to preclude Interior from approving the employee’s use of a privately owned vehicle

¹ Interior does not consider the employee’s travel from the employee’s residence to the BOEM office to be temporary duty travel. Response Letter, at 3.

after the travel has been performed.² See *Implementing Instructions*, 347 DM 201-5. Thus, if Interior approves the employee's use of a privately owned vehicle either before or after the travel has been performed, then it may reimburse the employee for his increased local travel expenses, consistent with Interior's local travel policy. That is, when the employee travels to the BOEM office to perform official duties, Interior may reimburse the employee for the costs he incurs that are in excess of the costs of his usual commute to Interior headquarters.

CONCLUSION

Because the employee travels to the BOEM office in Sterling, Virginia to perform official duties that primarily benefit the agency, Interior may reimburse the employee for the costs of his local travel between his residence and the BOEM office if Interior does so consistent with its local travel policy.

A handwritten signature in cursive script that reads "Thomas H. Armstrong". The signature is written in black ink and is positioned above the typed name and title.

Thomas H. Armstrong
General Counsel

² We note that requiring prior, written approval may provide notice to the employee of what expenses will be reimbursed, allow for a record of the employee's instructions and entitlements, and assist with funds control. B-192590, Dec. 14, 1978; B-181431, Feb. 27, 1975.