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“Official Travel” Rules for Congress

When members of Congress travel to perform their official and representational responsibilities, and the trips are paid for by government sources, they are participating in “official travel.” (“Officially-connected travel” is when members travel on officially-related business paid for by private sources.) Official travel includes brief trips to hearings, meetings, conferences, inspections, and investigations in the United States,¹ as well as prolonged trips on congressional delegations to foreign countries. Travel to and from an unscheduled vote, natural disaster, or civil disorder is also defined as official travel.²

Reimbursement for Official Travel

To prevent private subsidies from penetrating into congressional offices, **private sources may not pay for official travel.**^{3 4} Members may be reimbursed for official travel from the committee budget with the prior approval of the committee chairman. To receive advance authorization for official travel, House committee members must submit a written request to the committee chairman. House subcommittee members require the additional approval of the subcommittee chairman, who must submit a written request to the committee chairman on their behalf. The request should comprise the purpose of the trip, date of the trip, date of the event, location of the event, and names of the members and congressional staff who would like to be authorized to take the trip. Within 15 days of the completion of the trip, members of the House must also submit a written report of the information they collected to the committee chairman.⁵ This includes brief descriptions of meetings and events attended.⁶ Members are not required to fill out Rule 25 (House) or Rule 35 (Senate) travel disclosure forms for official travel financed with congressional or other government funds.^{7 8}

Reimbursement for Official Foreign Travel

In the Senate, official foreign travel must be approved by the committee chairman,⁹ while in the House, official foreign travel may be approved by the committee chairman or Speaker of the House.^{10 11} In some Senate committees, Senators should obtain the authorization of both the committee chairman and vice chairman and file foreign travel authorization requests with the purpose and extent of the travel before the trip and full reports of the travel after the trip.¹² The House specifies that if the international official travel was authorized by the committee chairman, then members must submit an expense report to the committee chairman within 60 days of the conclusion of the trip. The report should comprise the dates of travel, per diem allowances, transportation allowances, additional official expenditures, and total official expenditures in appropriated funds and foreign currencies.¹³ Once a quarter, the committee chairman must create a consolidated

report of appropriated funds expenditures, foreign currency expenditures, and total expenditures for every member of the committee.¹⁴ If the official foreign travel was approved by the Speaker of the House, then members must submit a report of appropriated funds expenditures, foreign currency expenditures, and total expenditures to the Clerk of the House within 30 days of the completion of the trip.¹⁵ For both chairman- and Speaker-authorized travel, the reasons for the expenditures are also required.

Reimbursement for CODEL Travel

Additionally, Congress may approve official foreign travel for a group rather than an individual. Group official foreign travel is called a “congressional delegation” (CODEL). In the case of a CODEL, the committee chairman, ranking member, or senior employee must write the report for the entire group and submit the report to the Chair of the Committee on Foreign Relations in the Senate or Chair of the Committee on International Relations, which is also called the Committee on Foreign Affairs, in the House before the end of the session. The report should contain the per diem expenditures, transportation expenditures, and miscellaneous expenditures, as well as the reasons for the expenditures. Within 60 days of the beginning of the next regular session of Congress, the Chairs of the Committees on Foreign Relations and International Relations must file consolidated reports of all committees’ official foreign travel expenses with the Secretary of the Senate and the Clerk of the House, respectively. For each group or delegation, the reports should cover the names of the members, expenditure amounts, expenditure purposes, and total expenditures.¹⁶

Disclosure of Official Travel

Every quarter, Congress publishes financial disclosures for the past quarter. The local official travel reimbursements for the House are disclosed in the *Statement of Disbursements of the House as Compiled by the Chief Administrative Officer*, which is also called the *Clerk’s Report*. The disclosures comprise the name of the member, dates of service, description of travel, and dollar amount of reimbursement. In the Senate, the local official travel reimbursements are disclosed in the semiannual *Report of the Secretary of the Senate*. The disclosures contain the total dollar amount of reimbursement.

House official foreign travel reimbursements are disclosed on separate published in the *Congressional Record* within 10 days after the forms have been completed, and are searchable on the Office of the Clerk’s Website.¹⁷ Senate official foreign travel reimbursements are disclosed each quarter in the *Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate as Received by the Secretary of the Senate*, which can be found in the Congressional Record on Congress.gov as well as the Senate Gift Rule Database. Both House and Senate disclosures include the name of the committee, member, country, and currency, as well as the U.S. dollar equivalent in foreign currency expenditures of the per diem, transportation, miscellaneous, and total expenses.

Rules for Official Travel

In the Senate, official travel is subject to Senate Rule 35, I.R. No. 157, and I.R. No. 444.¹⁸ In the House, local official travel is supervised by the Committee on House Administration,¹⁹ and official foreign travel is subject to House Rule 10, Clause 8, 22 U.S.C. § 1754 and other legal provisions. Official travel includes travel paid for out of the Members' Representational Allowance or with committee funds, as well as the travel of Members or staff abroad as part of a CODEL.²⁰ Although the Committee on House Administration explains the general guidelines for official travel, it encourages each committee to establish its own specific limitations on official travel reimbursements. The General Services Administration provides local per diem rates to use as a guide at <http://www.gsa.gov/search.htm>.²¹

- In general, official travel must be **relevant** to the responsibilities of the officeholders and their committees, and official travel expenses must be **ordinary** and **necessary**. Ordinary and necessary expenses include the cost of transportation, housing, food, and incidentals, such as parking, toll, and ticket change fees.^{22 23} In the House, ordinary and necessary expenses do not include the cost of living, commuting, consuming alcohol, and uncanceled reservations except in circumstances beyond members' control.²⁴
- In the House, only members, employees, consultants, vendors, and witnesses may receive reimbursement for official travel without the written approval of the Speaker of the House.²⁵ In the Senate, only members and witnesses in certain circumstances may receive reimbursement for official travel. However, members may invite non-members, such as spouses, to official events and pay their travel expenses with campaign funds (if the travel is officially-related) or personal funds (if the travel is either officially-related or personal).²⁶
- The Senate does not limit the length of official travel,²⁷ while the House confines the length of official travel to 60 consecutive days.²⁸
- The House specifies that official travel expenses may be shared by members or committees, but the expense apportionment must reflect their actual expenses.²⁹

Combined Official Travel (Mixed-Purpose Travel)

In the Senate, members may either pro-rate mixed-purpose travel expenses between official travel financed by the Senate and campaign travel financed by campaign funds or pay for the entire trip with campaign or personal funds.³⁰ However, in the House, official travel cannot begin or end at a campaign event, and official and campaign travel cannot be combined.³¹

Additionally, in the House, the primary purpose of mixed-purpose travel must be official. Personal, political, campaign-, or committee-related travel may not be paid for with the Members' Representational Allowance, government rate, or Government Travel Card.

The reimbursement request must equal the government rate for either the direct route to the official destination or the actual route, whichever is lower, and must be attached to a memo explaining that the member combined official and personal travel for the sake of convenience.³²

Corporate, Business, or Private Aircraft

When members travel to perform their official and representational responsibilities, such as general oversight within their committees' jurisdictions, their committees or congressional offices should cover the cost of the trip.^{33 34} The House specifies that members who charter aircraft for official travel must be reimbursed for the full cost from committee funds. The passengers should be restricted to members, employees, and immediate family members, such as spouses, children, or parents. The names of the non-member passengers must be written on the travel voucher. For each additional passenger, members must submit a check for a comparable commercial first-class ticket payable to the U.S. Treasury and a letter of explanation to the Office of Finance.³⁵

House Rule 45 prohibits private sources from subsidizing congressional operations. In general, members who accept a corporate, business, or private flight for official travel must reimburse the providers of the aircraft for the fair market value of the flight. If the members could have taken a regularly scheduled flight to their destination, then they must reimburse the providers for the cost of a comparable commercial first-class ticket. If a first-class flight was not available, then the providers must only be reimbursed for the cost of a commercial coach ticket. If the flight had to be scheduled specifically for the members, then the members must reimburse the providers for the cost of a commercial chartered flight.^{36 37}

On January 5th, 2007, the House and Senate amended their travel rules to include additional restrictions on private aircraft. In the House, members may not use any (official, campaign, or personal) funds to reimburse the providers of private aircraft, except in extremely limited cases.³⁸ In the Senate, members must reimburse the providers of private aircraft for the cost of a comparable commercial chartered (as opposed to first-class) flight.³⁹

Frequent Flyer Miles

Members of the House may use free travel, mileage, discounts, upgrades, coupons, and other promotional travel awards accumulated on official travel at their discretion. In fact, the Committee on House Administration encourages members to use them for official travel whenever possible.⁴⁰ In contrast, members of the Senate must turn in promotional travel awards accrued on official travel to the office that sponsored the official travel. This allows the office to apply the promotional travel awards to future official travel. Frequent flyer miles collected by members, their spouses, and their children between the Washington, D.C. metropolitan area and their home state are exempt from this rule.⁴¹

Motor Vehicles in the House

The Committee on House Administration provides policy on the use of motor vehicles rented or leased with government funds for official travel. Members may rent motor vehicles for official travel that lasts less than 60 consecutive days anywhere in the country.⁴² For official travel that lasts longer than 60 consecutive days, members must lease motor vehicles within their congressional districts.⁴³

When members travel on official government business, they are eligible to receive the government discount rate on transportation.⁴⁴ At some rental car companies, the government discount rate includes unlimited free mileage and free collision damage waiver (CDW). However, if the CDW is not included in the government discount rate, then the rental reimbursement incorporates the cost of the CDW. Excess mileage charges and incidental operating expenses such as gasoline, oil, and general maintenance are also reimbursable.⁴⁵

In addition to excess mileage charges and incidental operating expenses, the lease reimbursement includes monthly payments, insurance payments, wear and tear, registration fees, and property taxes. However, security deposits, termination fees, traffic violations, and depreciation losses from early returns are not reimbursable.⁴⁶ Personal accident insurance (PAI) and personal effects coverage (PEC) are also not reimbursable.⁴⁷

Leases may not include a purchase option.⁴⁸ If members use the vehicle for personal as well as official travel, then the personal travel route must lie generally along official travel route, and the personal travel must be incidental, minimal, and not otherwise significant in nature, frequency, or time.⁴⁹ Members are personally liable for leases that do not comply with House rules and regulations.⁵⁰

Members who are not reelected may not receive reimbursements for transportation after the general election or last regular session of Congress, whichever is earlier.⁵¹ Consequently, if members' leases last longer than the current term, then they must submit the lease and a signed letter in which they accept personal responsibility for the outstanding obligations of the lease to the Office of Administrative Counsel.⁵² Alternatively, members may use their own vehicles for official travel and be reimbursed for mileage.⁵³

Motor Vehicles in the Senate

The Senate Select Committee on Ethics provides special policy on the use of motor vehicles purchased or leased with campaign funds for official travel. Vehicles provided with campaign funds may be used for campaign and/or official purposes, but the maintenance, repair, operation, and use of the vehicles must be paid for with campaign, not Senate, funds. Vehicles provided with campaign funds may also be used for personal purposes. However, at least once a year, members must reimburse the campaign for the proportion of personal use versus total use of the vehicles.⁵⁴

Special Policies on Official Foreign Travel

- Official foreign travel is supervised by the State and Defense Departments.⁵⁵ The State Department coordinates official foreign travel and issues government travel request forms, which are processed through CATO. (The paperwork policy is available in the State Department's "Guide to Official Foreign Travel," and the per diem rates are accessible at www.state.gov/www/perdiems/index.html.)⁵⁶ The State Department also pays for travel, vehicles, security, and other official foreign travel expenses, including expenses incurred by U.S. embassies on members' behalf. The Defense Department provides military support and escort services.⁵⁷
- According to Federal Election Commission (FEC) rules, members may finance official business not funded by the government with campaign money. This allows members to invite additional officially-related travelers, such as spokespeople, at the campaign's expense. Members may also invite non-officially-related travelers, such as spouses and children, required that the member pays for them personally.⁵⁸
- The Senate may pay for two business class tickets, one for the member and one for the staff member of his or her choice.⁵⁹
- In general, members may not use official foreign travel funds for anything other than official foreign travel expenses.⁶⁰
- Members of the House may not finance official foreign travel with appropriated funds unless U.S. government-owned foreign currencies are unavailable.⁶¹
- In the Senate, members may not "double bill" the U.S. government for foreign official travel expenses,⁶² and in the House, members may not receive reimbursement for transportation that they did not pay for.⁶³
- Members of the House may not be reimbursed for more than either their maximum per diem spending or actual spending (other than transportation), whichever is lower,⁶⁴ and members of the Senate are responsible for returning the difference between their per diem allowance and actual spending to the U.S. government.⁶⁵
- A member who is completing his or her term of office after he or she has either been defeated or decided not to run for reelection is called a lame duck. "Lame ducks" may not be reimbursed for foreign travel after either the date of the general election or adjournment of the second regular session of Congress, whichever is earlier.^{66 67}

Official Foreign Travel Paid for by a Foreign Government or International Organization

The U.S. Constitution prohibits Members, Senators and employees of Congress from receiving gifts including travel from a foreign state or its representative without the

consent of Congress. Congress has consented to the acceptance of travel by the officials only in limited circumstances – under the provisions of the Foreign Gifts and Decorations Act (FGDA) and the Mutual Educational and Cultural Exchange Act (MECEA). Both acts contain very complicated and distinctive sets of regulations. The basic features include:

Foreign Gifts and Decorations Act:

- Any travel paid for by a foreign government under FGDA regulations must relate directly to the official duties of the Member, officer, or employee.
- That Act defines the term of “foreign government” to include not only foreign governments per se but also international or multinational organizations whose membership is composed of units of foreign governments, and any agent or representative closely affiliated with such a government or organization while acting as such.
- The trip must take place totally outside of the United States to be consistent with the interests of the United States and be permitted by the Standards Committee.
- Travel expenses for an accompanying spouse or dependent may be accepted.
- Travel is usually subject to the seven-day limit when it is taken in connection with a trip that is otherwise paid for with private funds.
- Such travel expenses should be disclosed within 30 days after leaving the host country in a special form filed with the ethics committee, but they should not be reported on the annual Financial Disclosure Statement.

Mutual Educational and Cultural Exchange Act:

- This Act applies to travel related to cultural exchange programs that finance visits and interchanges between the United States and other countries.
- Members and congressional staff may accept travel expenses from a foreign government in order to participate in MECEA programs approved by the Director of the United States Information Agency.
- Such travel expenses are not considered gifts and are to be paid by the sponsoring government, not by any private source, including lobbyists for a foreign government.
- Under MECEA, the traveling Member, officer or employee may not accept travel expenses for a spouse or dependent.
- Travel expenses associated with approved exchange cultural programs do not need to be disclosed on the travel disclosure forms, but they must be reported on the annual Financial Disclosure Statement.

House Official Travel References

- Committee on House Administration. *Committees' Congressional Handbook*. <https://cha.house.gov/handbooks/committee-handbook#travel>

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http://www.rules.house.gov/ruleprec/house_rules.htm
 - House Statement of Disbursements
<http://disbursements.house.gov/archive.shtml>
 - Committee on Ethics. *House Ethics Manual*
http://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf
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