

CHAPTER 23
GOVERNMENT TRAVEL LAW

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§ 23101. Definitions.

As used in this Chapter:

(a) Employee means an officer or employee of the Government, including the Governor, Lieutenant Governor, members and attaches of the Legislature and Judges.

(b) Per Diem Allowance means a daily flat rate of payment in lieu of actual lodging and meal expenses.

(c) Travel expenses means necessary expenses incidental to official government travel, excluding expenses for lodging and meals.

SOURCE: GC § 6610.1 repealed/reenacted by P.L. 15-58:1.

§ 23102. Short Title.

This Chapter may be cited as the *Government Travel Law*.

SOURCE: GC § 6610.2

§ 23103. Persons Authorized to Travel at Government Expense.

The following are authorized to travel at government expense while on official business:

- (a) Employees;

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(b) Dependents of employees while traveling incident to recruitment, termination, or home leave;

(c) The spouse of the Governor, of the Speaker of the Legislature, and the Chief Justice of the Supreme Court, and spouses of such other employees as may be provided by regulation; and

(d) Persons rendering service to the government.

SOURCE: GC § 6610.3.

2015 NOTE: Subsection (c) previously contained a reference to “Chief Judge of the Island Court,” which was changed to “Presiding Judge of the Superior Court of Guam” in accordance with P.L. 12-085 (Jan. 16, 1974). This reference was changed to “Chief Justice of the Supreme Court of Guam” pursuant to an amendment to § 22A(b)(2) of the Organic Act of Guam by Pub. L. 108-378:1(b) (Oct. 30, 2004). See 48 U.S.C. § 1424-1(b)(2).

§ 23104. Per Diem Allowance.

(a) Prior to departure, the employee shall receive an advance per diem allowance equal to the number of days of authorized office travel multiplied by the current per diem allowance rate provided by the Federal government, contained in the Joint Travel Regulations, to its employees for the respective travel destinations when engaged in official business.

(1) If the employee is the Governor, Lieutenant Governor, a member of the Legislature, a Judge, or a Mayor or Vice-Mayor, the rates are One Hundred Thirty Percent (130%) of the basic per diem rates;

(2) If the employee is an Executive Assistant or Special assistant to the Governor, director or deputy director of any department, or member of the board of directors or commission of any autonomous agency, authority, line agency (including the Council of the Arts and Humanities), authority, or public corporation, the rates are One Hundred and Twenty-five Percent (125%) of the basic per diem rates.

(b) Annually in March, the Governor for the Executive Branch and all autonomous agencies and public corporations, the Chief Justice of the Supreme Court for the Judicial Branch and the Committee on Rules for the Legislative Branch shall establish a policy with regard to advance

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payment for travel expenses. An employee may receive an advance allowance for travel expenses.

(c) Within ten days following the return from official travel, an employee may submit an itemized statement of account supported by receipts, an affidavit, or both, of actual expenses incurred for lodging, meals and travel expenses actually incurred on official business during the period of official travel. If the advances of the per diem allowance and travel expenses allowance are less than the employee's actual authorized expenses then he shall be reimbursed for the amount his actual expenses exceeded the advance allowances.

(d) If the employee does not submit a statement of account, then he shall submit an itinerary of his official travel within ten days of his return. If the employee does not submit a statement of account, then he shall not be paid any money in excess of the advance per diem allowances and travel expense allowance. If the employee received an excessive advance allowance, he shall reimburse the Government the excessive amount at the time he submits an itinerary.

(e) The Governor, the Lieutenant Governor, Senators and Judges may be reimbursed for expenses incurred in hosting appropriate persons while conducting official business for the government of Guam. When seeking reimbursement under this subsection, the official shall submit an itemized statement of account of the actual expenses incurred and a brief statement of the purpose for the meeting.

(f) The Director of Administration shall annually in March, in accordance with the Administrative Adjudication Law, establish a schedule of allowances for expenses of employees sent off-island for training for more than 30 days. The provisions of subsections (a) through (e) of this Section shall not apply to an employee who is off-island receiving training for more than 30 days. Such an employee shall receive prior to departure the allowance for his expenses according to the schedule established by the Director of Administration. No report of actual expenses shall be required of a person who spends more than 30 days off-island receiving training. Such an employee shall not be entitled to reimbursement for actual expenses incurred even if they are greater than his allowance.

(g) The provisions of this Chapter shall apply to all government of Guam employees and board and commission members including, but not

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limited to those of the executive, legislative and judicial branches, autonomous agencies, authorities, and public corporations including, but not limited to the Guam Economic Development Authority, Guam Election Commission, Government House, Public Defender Corporation, Guam Visitors Bureau, University of Guam, Public Utility Agency of Guam, Guam Telephone Authority, Guam Housing and Urban Renewal Authority, Guam Memorial Hospital Authority, Port Authority of Guam, Guam Housing Corporation, Guam Airport Authority, Guam Power Authority, and dependents or spouses authorized to accompany the employee on official travel.

SOURCE: GC § 6610.4 amended by P.L. 10-6, 11-73, 11-194; repealed/ reenacted by P.L. 15-58:2. Subsection (a) amended by P.L. 15-125:14; amended by P.L. 20-214:2; repealed and reenacted by P.L. 20-224:12 (12/24/90); amended by P.L. 28-068:IV:114 (Sept. 30, 2005). Subsection (f) amended effective January 1, 2006 to replace “Civil Service Commission” with “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005). Subsection (a)(1) amended by P.L. 30-101:24 (Mar. 12, 2010).

2015 NOTE: Pursuant to an amendment to § 22A(b)(2) of the Organic Act of Guam by Pub. L. 108-378:1(b) (Oct. 30, 2004), references to “Presiding Judge” have been changed to “Chief Justice of the Supreme Court of Guam.” See 48 U.S.C. § 1424-1(b)(2).

§ 23105. Mileage Allowance.

Persons authorized to travel at government expense shall, in accordance with regulations and whenever such mode of transportation is authorized or approved as more advantageous to the government, be paid in lieu of transportation a maximum personal vehicle mileage allowance rate equal to the mileage reimbursement rate provided by the Federal government, contained in the Federal Travel Regulations, to its employees for the use of personal vehicles when engaged on official business.

SOURCE: GC § 6610.5. Amended by P.L. 14-119, P.L. 15-87. Repealed and reenacted by P.L. 21-14:19(b). Amended by P.L. 28-068:IV:113 (Sept. 30, 2005).

§ 23106. Indirect Travel & Dependents.

Indirect travel, and travel for dependents when accompanying employees on official business other than travel provided under § 23103(b) of this Chapter may be authorized in accordance with regulations, provided that any such travel is not at any additional expense to the government.

SOURCE: GC § 6610.6.

§ 23107. Advancements.

[Repealed.]

SOURCE: Repealed by P.L. 15-58:3.

§ 23108. Reporting and Accounting.

The Executive, Legislative and Judicial Branches of the government of Guam shall each have exclusive jurisdiction and control with regard to persons under their supervision or authority or cognizance authorized to travel at government expense and in all matters relating to travel of dependents, allowances, provisions for travel authorization, indirect travel, advancements (including recovery thereof), reporting and accounting for expenditures, and reimbursements of expenses of such persons. The members of the Legislature shall account to the Committee on Rules of the Legislature as to their expenditure of travel funds authorized by this Chapter in accordance with legislative rules and regulations.

SOURCE: GC § 6610.8.

§ 23109. Rules and Regulations.

This Chapter may be implemented by rules and regulations to be issued by the Governor with regard to the Executive Branch, by rules or resolutions with regard to the Legislature, and by rules of the Judicial Council with regard to the Judicial Branch.

SOURCE: GC § 6610.9.

§ 23110. Limitation on Use of Travel Funds.

[Repealed.]

SOURCE: Repealed by P.L. 21-42 Chapter V:16.

§ 23111. The Senator Edward J. Cruz Medical Referral and Education Mileage Program.

(a) Title. This Section may be cited and referred to as the “Senator Edward J. Cruz Medical Referral and Education Mileage Program.”

(b) Medical Referral and Education Mileage Program. There is hereby created within the government of Guam and accrued travel mileage program for the use of travel mileage earned as a result of all

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purchases made by the government of Guam through the use of government of Guam credit card purchases. This program shall be known as the Senator Edward J. Cruz Medical Referral and Education Mileage Program (MREMP) to be administered by the Department of Administration for all travel conducted by employees of the Executive Branch of the government of Guam. The Guam Legislature, the Unified Judiciary of Guam, and other agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam that purchase airline tickets through the use of credit cards, shall administer their respective accrued travel mileage programs pursuant to the requirements of this Section.

(c) Definitions. For the purposes of this Section the following words and phrases are defined to mean:

(1) Account means the Senator Edward J. Cruz Medical Referral and Education Mileage Program established under this Section.

(2) Accrued mileage means those miles accrued by the government of Guam, specifically the Department of Administration, the Guam Legislature, the Unified Judiciary of Guam, and other agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam that use credit cards to purchase airline tickets.

(3) Employee means all persons employed within the government of Guam, whether classified, unclassified, full-time, part-time, temporary, or on a limited-term basis; all elected officials, judges, mayors, individual consultants, and members of boards and commissions.

(4) Travel benefit means a program designed by an airline that awards accrued mileage and benefit programs to its clients.

(d) Requirement. All accrued mileage earned through the use of credit cards for travel by employees of the legislative, judicial and executive branches, including, but not limited to, all government agencies, instrumentalities, autonomous and semi-autonomous agencies, public corporations, the University of Guam, the Guam Community College, the Guam Visitors Bureau, the Department of Education, all elected officials, individual consultants of the government of Guam, and

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members of boards and commissions, as well as non-government persons traveling at government of Guam or federal government expense, shall be available to support off-island medical care, and off-island student travel involving academic, sports and cultural activities.

The following agencies, instrumentalities, and autonomous agencies of the government of Guam shall use their respective accrued mileage account to support off-island medical referrals and off-island student travel based on the following distribution guideline:

(1) Department of Administration - fifty percent (50%) of the accrued mileage maintained by this entity shall be used to send eligible students to participate at off-island academic activities, including, but not limited to, Close-Up and the Junior Statesmen of America. The remaining fifty percent (50%) shall be used to support off-island medical referrals pursuant to Subsection (f).

(2) Department of Education, Guam Community College, University of Guam – one hundred percent (100%) of the accrued mileage maintained by these entities shall be used to send eligible students to participate at off-island academic activities, including, but not limited to, Close-Up and the Junior Statesmen of America.

(3) Guam Power Authority, Guam Waterworks Authority – one hundred percent (100%) of the accrued mileage account maintained by these entities shall be used to send eligible students to participate at off-island sports competitions.

(4) Antonio B. Won Pat Guam International Airport Authority, Guam Visitors Bureau, Jose D. Leon Guerrero Port Authority of Guam – one hundred percent (100%) of the accrued mileage maintained by this entity shall be used to send eligible students to participate at off-island cultural activities, including, but not limited to, arts and humanities competitions and international cultural festivals and exchanges.

(5) Guam Legislature, Unified Judiciary of Guam – one hundred percent (100%) of the accrued mileage maintained by these entities shall be used to send eligible students to participate at off-island academic activities, including, but not limited to, Mock Trial and National Forensic League competitions.

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(6) All agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam not mentioned in items (1) through (4) of this Subsection shall use their accrued mileage to send eligible students to participate at off-island academic, sports and cultural activities, as authorized by the Superintendent of Education.

(e) Eligibility.

(1) The following persons are eligible for participation to receive the mileage for off-island medical care:

(A) patients under the Medically Indigent Program; patients under other DPHSS income-based health programs as approved by the Director of the Department of Public Health and Social Services; and patients with serious medical illness and financial need as determined by the Director of DPHSS pursuant to the Administrative Adjudication Law.

(B) all health care staff (physicians, nurses, technicians) providing direct care to the patient being transported, as approved by the Medical Director of the Guam Memorial Hospital Authority, or his/her designee.

(2) Patient eligibility shall be based upon:

(A) financial need as identified under the requirements of the Medically Indigent Program, or under the requirements of other DPHSS income-based health programs, or by any other needs based requirements for patients with any medical illness as prescribed by the Director of the Department of Public Health and Social Services pursuant to the Administrative Adjudication Law process;

(B) lack of availability of required medical services on Guam; and

(C) urgency and severity of illness, as documented by an attending physician.

(3) A GDOE student who is authorized by a committee established by the Superintendent of Education to participate at an off-island academic, sports or cultural activity is also eligible for participation to receive the mileage benefits.

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(f) Authorized Use. Fifty percent (50%) of the accrued mileage account, administered by the Department of Administration, shall be used to send patients off-island, through a certified medical referral for patients, to a destination determined by the patient's duly licensed physician with the concurrence of the Medically Indigent Program Coordinator of the Department of Public Health and Social Services.

(g) Other Travel Benefits. All other travel benefits, including, but not limited to, volume purchase discounts and accrued number of ticket purchases for free flight benefits and promotional travel benefits shall be accrued and used for the purpose of this Program. The Director of Administration shall establish procedures for management of these benefits and for distribution as requested by the Medically Indigent Program Coordinator of the Department of Public Health and Social Services, or his/her designee.

(h) Credit Card Agreement; Accrued Mileage Program. The Guam Legislature, the Unified Judiciary of Guam, and departments, agencies, instrumentalities, autonomous agencies, and public corporations of the government of Guam shall exercise due diligence and seek to enter into an agreement with a bank(s) on Guam for a credit card(s) to use as payment for travel for employees traveling on government and/or federally funded travel, and to accrue travel mileage through a participating airline(s), which shall be used in accordance with the provisions of this Act. Each department, instrumentality, autonomous agency, and public corporation of the government of Guam shall maintain their respective accrued mileage program, which shall be used exclusively to support off-island medical referrals and off-island student travel involving academic, sports and cultural activities, pursuant to the distribution guidelines set forth in items (1) through (6) of Subsection (d). The Department of Administration shall be responsible for maintaining an accrued mileage account for all travel under its purview.

(i) Rules and Regulations. The Director of the Department of Public Health and Social Services in collaboration with the Director of the Department of Administration shall jointly promulgate rules and regulations, specifically for the use of accrued mileage for off-island medical referrals, within sixty (60) days from the date of enactment of this Section. The Superintendent of Education shall in collaboration with the heads of all agencies, departments, instrumentalities, autonomous agencies, and public corporations of the government of Guam, to include

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the Executive Director of the Guam Legislature and the Administrator of the Courts, shall promulgate rules and regulations, specifically for the use of accrued mileage for off-island student travel involving academic, sports and cultural activities. These rules and regulations shall be promulgated pursuant to Article 3, Chapter 9 of Title 5, Guam Code Annotated, the Administrative Adjudication Act, Rule Making Procedures.

(j) Transfer fee or other related fees and taxes. In the event a transfer fee or other related fees and taxes is required to secure off-island travel, as authorized herein, such fee(s) shall be borne by the traveler.

SOURCE: Added by P.L. 24-276:2. Repealed and reenacted by P.L. 31-117:2 (Sept. 30, 2011), effective, October 1, 2011, pursuant to subsection (n). Amended by P.L. 32-019:1 (Apr. 11 2013), effective no later than 90 days following enactment (July 10, 2013) pursuant to P.L. 32-019:3. Subsection (b) and (e)(3) amended by P.L. 33-025 (May 7, 2015).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

§ 23112. Non-Employee Travel Justification Reports To Be Posted.

In the event that an agency expends funds for travel for a person who is a non-employee of such agency, such as a board or commission member, or a consultant, and is not exempt, the agency head shall prepare and publish on the agency's website, a "justification statement". The justification statement shall include the reason(s) why a person, other than an agency employee, was required to travel at the agency's expense. For the purposes of this Section, non-employee means any person who is not listed on the staffing pattern of the agency at the time travel commenced. All reports required to be posted pursuant to this Section shall be posted within thirty (30) days following the return of the traveler.

SOURCE: Added by P.L. 31-114:1 (Sept. 30, 2011).

2011 NOTE: P.L. 31-114:2, provides:

"Section 2. Effective Date. The effective date of this Act *shall* be upon enactment, *except* that for travel commencing on or after October 1, 2010, and the effective date of this Act, agencies *shall* post non-employee travel justification reports *no later than* ninety (90) days of enactment hereof."

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