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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SOURCE: GC § 6610.1 repealed/reenacted by P.L. 15-58:1.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 Presiding Judge of the Superior 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. Reference to *Chief Judge of the Island Court* changed to *Presiding Judge of the Superior Court* in accordance with P.L. 12-85, Court Reorganization Act.

§ 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 Presiding Judge of the Superior Court for the Judicial Branch and the Committee on Rules for the Legislative Branch shall establish a policy with regard to advance 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

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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 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,

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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).

§ 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 Mileage Bank Account Act.

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

(b) Medical Referral Mileage Bank Account. There is hereby created within the government of Guam an accrued travel mileage account for the banking of travel mileage earned as a result of travel paid by the government of Guam. This account *shall* be known as the *Senator Edward J. Cruz Medical Referral Mileage Bank Account* (MRMBA) to be administered by the Department of Administration for all employees of government agencies, instrumentalities, autonomous agencies, public corporations and branches of the government of Guam to deposit all

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accrued travel mileage by virtue of receiving travel authorization payments into the MRMBA.

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

Account means the Senator Edward J. Cruz Medical Referral Mileage Bank Account established under this Section.

Accrued mileage means those miles accrued by an employee and/or consultant traveling on government or federal paid travel in the government account *or* in the employee's frequent flyer travel benefit program.

Department means the Department of Administration.

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

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

(d) Requirement. *All* 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 members of boards and commissions, as well as non-government persons traveling at government of Guam or federal government expense, *shall*, as a condition of receiving local or federal monies under a travel authorization (TA) contractual allotment for travel, or any government of Guam monies, used directly or indirectly for expenses incurred for official government travel, *shall* donate all mileage accrued to the *Ayuda* Foundation, if the mileage accrued has *not* already been credited to a government of Guam mileage bank account. The employee *shall* sign a waiver form donating accrued mileage from any travel benefit on whatever airline into the MRMBA, *or* directly to the *Ayuda* Foundation as identified in § 23117.

(e) Eligibility.

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

(A) patients under the Medically Indigent Program and patients under other DPHSS income-based health programs as approved by the Director of the Department of Public Health & Social Services; and

(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;

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

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

(f) Authorized Use. The accrued mileage account *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 & 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 & Social Services, or his/her designee.

(h) Deposit of Mileage.

(1) The Department is hereby authorized to become a member of the travel benefits program as it relates to travel mileage instituted by any and all airlines serving Guam, and *shall* enter into

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an agreement with an airline to accrue travel mileage credits for employees traveling on government and/or federally funded travel.

(2) The Department *shall* enter into an agreement with a bank on Guam for a credit card to use as payment for travel for employees traveling on government and/or federally funded travel, and to accrue mileage.

(3) Employees *not* using the Department's credit card *shall* be personally liable to deposit any travel miles accrued directly to the *Ayuda* Foundation via whatever airline website, which has agreed to accept mileage credits on behalf of the *Ayuda* Foundation. The employee *shall* be required to submit the confirmation copy of the accrued mileage deposit(s) made, and *shall* be included in the required travel report submitted to the Certifying Officer or equivalent of their respective department within ten (10) days upon their return from off-island funded travel.

(i) Reporting. The employee traveling on government and/or federally funded travel who does *not* use the credit card with the Department *shall* submit a copy of the form evidencing the deposit of mileage into the *Ayuda* Foundation to the Certifying Officer or equivalent of the department or agency, who *shall* maintain a reporting of all accrued mileage by employees traveling on government and/or federally funded travel. The Certifying Officer or equivalent of the department or agency *shall* submit a monthly report to the Travel Section of the Department of Administration of all accrued mileage. The Travel Section *shall* reconcile the report with the *Ayuda* Foundation on a monthly basis to ensure that the accrued mileage deposited by the department or agency is correct, and *shall* submit a quarterly report to *I Liheslaturan Guåhan* to include, but *not* be limited to, total miles accrued and donated per agency, total miles used for medical purposes, and any balances that remain. An audit *shall* be conducted of the MRMBA on an annual basis by the Office of Public Accountability, and submitted to *I Liheslaturan Guåhan* no later than September 30.

(j) Penalties. Any violation of this Section *shall* result in the following:

(1) An employee who fails to submit the confirmation copy of transfer of mileage to *Ayuda* evidencing the transfer of mileage pursuant to Subsection (h) of this Section, *shall* pay the amount

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equal to the cost the airline mileage program charges for the purchase of miles times the mileage accrued on the completed travel. If the employee fails to submit the confirmation copy, the total amount *shall* be deducted from the employee's salary for four (4) pay periods or until the total amount is paid in full.

(2) Any penalties paid *shall* be retained by the Medically Indigent Program to be used for the administration of the MRMBA.

(k) Indemnification. The government of Guam *shall* indemnify and hold harmless the participating airline(s) thereof for any loss subject to an agreement, and *provided* that such loss is *not* a result of the negligence of the airline(s). *I Maga'lahaen Guåhan* is hereby authorized to enter into such an indemnification agreement pursuant to this Section.

(l) 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 within sixty (60) days from the date of enactment of this Section. The 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*.

(m) Travel Authorization Signatory Exemption. For the purposes of this Section, any accrued mileage used out of the MRMBA for the Wings for Life Program will *not* be subject to the signatory parties as required with standard government travel authorization requests. Authorized signatories to approve the transfer of accrued mileage to ensure expedited travel *shall* be the Director of the Department of Public Health and Social Services and the Director of the Department of Administration *only*.

(n) Effective Date. This Section *shall* become effective on October 1, 2011.

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).

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 of the Guam Public School System 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."
