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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SOURCE: GC § 6610.1 repealed/reenacted by P.L. 15-58:1.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;
- (b) Dependents of employees while traveling incident to recruitment, termination, or home leave;

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(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 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

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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, 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,

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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

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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 Medical Referral Benefits Bank Act.

(a) Title. This Section may be cited and referred to as '*The Medical Referral Benefits Bank Act.*'

(b) Medical Referral Benefits Bank Account. There is hereby created within the government of Guam a fund for the banking of travel mileage earned as a result of travel paid by the government of Guam. This fund shall be known as the *Medical Referral Benefit Bank Account* (the 'MRBBA') to be administered by the Department of Administration for all government agencies, instrumentalities, autonomous agencies, public corporations and branches of the government of Guam into which shall be deposited all travel benefits which accrue to the government of Guam employee or consultant by virtue of receiving travel authorization payments.

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

(i) *Account* means the Medical Referral Benefits Bank Account established under this Act.

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(ii) *Accrued mileage* means those miles accrued by a traveler on a frequent flyer benefit program.

(iii) *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 and individual consultants.

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

(d) Requirement.

(i) All employees of the Legislative, Judicial and Executive Branches, including, but not limited to, all autonomous and semi-autonomous and those agencies, public corporations, the University of Guam, the Guam Visitors Bureau, the Department of Education, all elected officials and individual consultants of the government of Guam, as well as non-government persons traveling at 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, sign a waiver form donating accrued mileage credits from any travel benefit on whatever airline, into the 'MRBB Account.' The executed waiver form shall be required by the certifying officer of the respective entity prior to the certification of the availability of the funds for travel.

(ii) All employees of the Legislative, Judicial and Executive Branches, including, but not limited to, all autonomous, semi-autonomous and those agencies, public corporations, the University of Guam, the Guam Visitors Bureau, the Department of Education, all elected officials and individual consultants of the government of Guam traveling in an official capacity shall be required to sign a waiver form donating accrued mileage credits from any travel benefit on whatever airline into the 'MRBB Account'.

(e) Eligibility. The following persons are eligible for participation:

(i) patients and health care staff necessary for the transport of patients being medically referred to be treated off Island;

(ii) patients under the Medically Indigent Program;

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

Patient Eligibility shall be based upon:

- (i) financial need;
- (ii) lack of availability or required medical services on Guam; and
- (iii) urgency and severity of illness, as documented by an attending physician.

(f) Authorized Use. The accrued mileage account shall be used to send off-island medical referrals patients to the destination as determined by the patient's duly licensed physician with the concurrence of the Guam Memorial Hospital Medical Director. Persons authorized to withdraw from the Account shall be the Medical Referral Office Manager and the Administrator of the Guam Memorial Hospital Authority, or his/her designee.

(g) Membership. The government of Guam is hereby authorized to become a member of the travel benefits program instituted by any and all airlines serving Guam. All persons covered by this Act are required to become members of travel benefit programs sponsored by any and all airlines serving Guam, *if* required by the respective airlines, to satisfy the purpose of this Act.

(h) 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 Medical Referral Office Manager or the Hospital Administrator, or his/her designee.

(i) Negotiation. For the purposes of this Act, the Director of Administration may negotiate with any and all airlines serving Guam.

(j) Deposit of Benefits. All mileage accrued by a government of Guam employee shall be deposited directly into the Account by the air carrier no later than ninety (90) days after the date of departure.

(k) Penalties. Violation of this Act shall result in the following:

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(1) For those cited in Subsection (d) of this Act shall result in forfeiture of government funded travel or any government expense, including, but not limited to, salaries paid while off Island per diem, for a period of one (1) year from the date of last travel.

(2) The Certifying Officer of the responsible government department or agency identified in Subsection (d) of this Act shall be individually or personally liable for the payment of any amounts due on any of the official trips made under the provisions of the Government Travel Law and shall be guilty of a petty misdemeanor.

(l) 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.

(m) Rules and Regulations. The Administrator of the Guam Memorial Hospital and the Director of the Department of Administration shall jointly promulgate rules and regulations within sixty (60) days from the date of enactment providing for the implementation of this Program on January 1, 1999. These rules and regulations shall include provisions for non-compliance with this Act and shall provide for the determination of eligibility as provided in this Act. The rules and regulations shall be promulgated pursuant to Article 3, Chapter 9 of Title 5 of the Guam Code Annotated, through the *Administrative Adjudication Law, Rule Making Procedures*.

SOURCE: Added by P.L. 24-276:2.

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.
