

***Southeast Alaska  
Subsistence Regional  
Advisory Council***

**Don Hernandez, Chairman  
1011 E. Tudor Road, MS121  
Anchorage, Alaska 99503**

**In Reply Refer To:  
OSM.24056**

**MAY 21 2024**

Anthony Christianson, Chair  
Federal Subsistence Board  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Chair Christianson:

I am writing to you on behalf of the Southeast Alaska Subsistence Regional Advisory Council (SE Council) to add our voice to recent requests made for the monetary compensation for Regional Advisory Council members' time. The SE Council requests that you forward this letter to the Secretaries of the Interior and Agriculture (Secretaries) for consideration.

During the All-Council Meeting held March 5–8, 2024, the SE Council was reminded that in May 2023, the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council submitted a letter regarding compensation for Council members' time to the Federal Subsistence Board (Board) to be elevated to Secretary of the Interior. Nine Regional Advisory Councils then voted to send a follow-up joint Council letter on this subject. The SE Council decided that, in addition to supporting the request for Council member's time compensation, it would also provide additional details for the Board and Secretaries to contemplate.

Pursuant to 41 C.F.R. § 102-3.130(f), compensation considerations should include the significance, scope, and technical complexity of the matters being addressed and the qualifications required for the work involved. This section also states that "the agency should take into account the rates of pay applicable to Federal employees who have duties that are similar in terms of difficulty and responsibility."

The SE Council members often work on an equal basis with various Federal staff on the tasks essential implementation of the Federal Subsistence Management Program (Program) mission in Alaska. For example, the SE Council members meet with Federal biologists or anthropologists

to share information, develop proposals, and explore policies and regulations in considering management strategies.

Discussions throughout all 10 of the Regional Advisory Council meetings highlight how the exchange of western science information and traditional ecological knowledge is integral to the Program's work. Sound management decisions for subsistence resources cannot be made solely based on western science and data. When it comes to the fish and wildlife that Alaska rural residents depend upon, there is no substitute for the depth of understanding, historical knowledge, first-hand experiences, traditional practices, and cultural wisdom that the members who serve on the Regional Advisory Councils bring. Thus, the contributions of Council members are comparable to those of Federal employees and, therefore, the Secretaries should establish rates of pay for Council members' time based on the pay these members would receive if they were employed by the Federal government for this type of work.

As part of their consideration, the Secretaries should also recognize the obligations that Council members have in their daily lives and the sacrifices they make to serve on the Regional Advisory Councils. Council members unselfishly serve because they believe they can provide the perspective and direct experience necessary to help the Program manage subsistence fish and wildlife resources; however, it is becoming more difficult for these dedicated members to make the commitments necessary to perform their duties due to the economic and personal strain it puts on their families.

Council members surrender financial income and irreplaceable time away from their families to work on Council business, and this is a credit to their devotion and commitment to service. To help understand these considerable impacts made on a Council member's life, the SE Council would like to provide specific information based on our own regional experiences. However, we are confident that all 10 Regional Advisory Councils, made up of such committed subsistence users, are making similar sacrifices:

- **Time to attend 2- or 3-day Council meetings twice a year:** Meetings are often held in remote rural communities requiring bookend days of travel for each meeting, making meeting attendance a 4 –5-day commitment. Rural Alaska poses real travel challenges and trips by small planes and ferries are often required. At times, a 2-day meeting would take a week because there are only 1-2 flights a week available from many communities. Weather delays often strand travelers. Inadequate road systems and the need for some travelers to make part of their journey by boat or snowmachine adds even more time to meeting attendance commitments. The time needed for travel and the complex travel logistics for a meeting can be a significant challenge to a Council member's attendance.
- **Time to Prepare for Council meetings:** The volume of materials that Council members are expected to review prior to meetings can result in the commitment of several hours/days of time. The information is detailed and extensive with meeting books ranging from 100 – 300 pages. It takes a significant amount of time to read and digest that amount of material to be prepared to discuss the issues at the meeting. In many

cases, Council members also take time to reach out to their community members after reading analyses, to gain additional perspective to bring with them to the meeting.

- **Time away from family and household obligations:** As noted above, Council members are away from their families/homes on average 4 – 5 days, twice a year, to attend the Council meetings, as well as the time spent in preparation. This often results in an extra burden on the partner/family when the Council member is engaged in Council business. Most Council members are rural residents, and many live the subsistence way of life. Time away from home can literally affect the amount of food on the table and of supplies prepared to heat the home. In addition, Council members may have to decline invitations to noteworthy events (birthdays/children’s school programs, house/barn raising events, dedicated hunting for elders, and preparing/preserving activities) within the family, neighbor, and village units.
- **Time away from community:** Many of our Council members are the most active citizens in their communities. For the Southeast Alaska, we have had two individuals serve as mayors of their respective communities, another has served on the school board, and several currently serve in various capacities within their Tribal organizations. Numerous Council members also serve on their local Alaska Department of Fish and Game Advisory Committees. These are additional personal obligations for community and overall resource management benefit that Council members must prioritize in order to serve on a Regional Advisory Council.
- **Time spent participating as Council representatives for subsistence-related meetings:** Council members engage in related tasks as representatives of the Council. Below are a few SE Council examples that have occurred over just the past year or so:
  - **Board meetings:** The Council Chair or Vice-Chair attends the regulatory Federal Subsistence Board meeting each year. Time away from family, loss of income, and substantial preparatory time is required for him/her to be prepared to engage in the meeting, provide a regional report to the Board, present the Council’s recommendations on pending proposals, and answer questions as necessary. Earlier this month, the Board meeting materials devoted solely to Southeast proposals was over 500 pages!
  - **Species Workshop:** A Council member attended last year’s four-day Caribou Workshop/Arctic Ungulate Conference. The Council representative spent a total of six days traveling to/from and attending this conference. From his engagement, he was able to provide input at the session and then bring back educational information to the Council.
  - **North Pacific Fishery Management Council (NPFMC):** A Council member was voted to represent the Council’s position on unguided fishermen at two NPFMC meetings. He worked closely with the Council Coordinator, reviewed several documents regarding past Council actions, and then provided virtual

testimony during the NPFMC Advisory Panel work. This Council member continues with his representation and will contribute to future NPFMC meetings.

- **Aquaculture Workshop:** Another Council member was voted to represent the Council's interest regarding local subsistence areas in the identification of Aquaculture Opportunity Areas in Southeast Alaska. This member spent four days traveling to and attending the workshop to provide input, which may be vital to secure the protection of key subsistence resource areas in the region.
- **Alaska Boards of Fisheries and Game:** In the last two years, SE Council members presented the Council's extensive comments on the proposed changes to the State's management of resources. One Council member spent four days in 2022 traveling and testifying to the Alaska Board of Fisheries on 19 fish proposals. In 2023, another Council member spent five days traveling and testifying to the Alaska Board of Game on 24 wildlife proposals. It is widely known that one must appear in person at the state meetings to adequately have your voice heard. The Council's in-person engagement is critical at these meetings in a state where there is dual management (federal/state) of so many subsistence assets.

In addition to the commitment and service these Council members give during their regular Council work, the Secretaries should consider compensating Council members for **all** events where they represent the Council and spend time sharing their exceptional expertise and vast knowledge regarding subsistence-related matters.

Finally, the Council also echoes the concerns of other Regional Advisory Councils that the current travel regulations prohibit any compensation to a local member for travel if the meeting is within a 50-mile radius of a member's residence. Local council members expend costs for fuel and food-on-the-go when attending these meetings but receive no reimbursement. The costs for both are extremely high in Alaska, especially in remote communities. On average, gas prices across Alaska can be \$.80 to \$3.00+ over the national average, depending on the remoteness of the community. Food costs overall in a village where milk is over \$10 a gallon can have a significant impact on a council member's finances.

Local Council members should receive the same consideration extended to USDA federal employees under the Local Travel Policy memorandum dated March 8, 2024, which states "As indicated in DR 2300-005, the Agricultural Travel Regulation, local travel expenses that are normally incurred are reimbursed. Per diem expenses are not normally paid in the local travel area; however, there may be extenuating circumstances whereby these expenses may be allowable." Similarly, in a U.S. Government Accountability Office Decision, U.S. Department of Interior-Reimbursement of Transportation Expenses, B-329479 (December 22, 2020), it was found that an Interior federal employee could be reimbursed for certain local travel costs because the employee's travel primarily benefitted the Interior. Likewise, a Council members' engagement at meetings is clearly to the benefit of our Federal program and to the subsistence users they represent. Why wouldn't the same courtesy that is extended to federal employees be

extended to our Council members? It seems unfair to diminish their dedication and commitment to serve Alaska's federally qualified subsistence users in this way.

The Council appreciates your time in reviewing its concerns about how our Council members are de-valued through the current 'volunteer' system and hopes that the Board will also lend its support in these Councils' requests for a reasonable compensation system. One that will help keep the quality people we currently have serving on the Regional Advisory Councils and one that will fix the error of not paying exceptionally competent individuals to serve on these essential Federal Advisory Committee Act committees. Further, the Council asks that you forward this letter and attachments to the Secretaries for their serious attention, and we request that you encourage them to take action. The Council looks forward to hearing from you and the Secretaries regarding compensation options available for all Regional Advisory Council members.

If you have any questions regarding this letter, please contact me via DeAnna Perry, Subsistence Council Coordinator, USDA – Forest Service, at [deanna.perry@usda.gov](mailto:deanna.perry@usda.gov), or 1-800-478-1456 or 907-209-7817.

Sincerely,



Don Hernandez,  
Chair

Enclosures: Joint Council letter re: compensation with 4 enclosures (*April 3, 2024*)  
USDA Local Travel Policy Memorandum (*March 8, 2024*)  
U.S. GAO Decision, B-329479 (*December 22, 2020*)

cc: Federal Subsistence Board  
All Subsistence Regional Advisory Councils  
Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record

**Southcentral Alaska, Kodiak/Aleutians, Bristol Bay, Yukon-Kuskokwim Delta, Western Interior Alaska, Seward Peninsula, Northwest Arctic, Eastern Interior Alaska, and North Slope Subsistence Regional Advisory Councils**

c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199  
Phone: (907) 786-3888, Fax: (907) 786-3898  
Toll-Free: 1-800-478-1456

In Reply Refer To:  
OSM.24047

APRIL 3 2024

Anthony Christianson, Chair  
Federal Subsistence Board  
1011 East Tudor Road, M/S 121  
Anchorage, Alaska 99503-6199

Dear Chair Christianson,

We write to you on behalf of Southcentral Alaska, Kodiak/Aleutians, Bristol Bay, Yukon-Kuskokwim Delta, Western Interior Alaska, Seward Peninsula, Northwest Arctic, Eastern Interior Alaska, and North Slope Subsistence Regional Advisory Councils (Councils) to ask that the Federal Subsistence Board (Board) elevate to the Secretaries of Agriculture and the Interior a request from the Councils for fair Council member compensation.

The ten Subsistence Regional Advisory Councils met during the All-Council Meeting March 5-8, 2024, in Anchorage Alaska. Among the items discussed was the issue of Council member compensation. Currently, Council members receive no compensation for the time they spend participating in Council meetings or the knowledge and expertise they provide to the Federal Subsistence Management Program (FSMP) during such meetings. The Councils request that a compensation policy and rates of compensation for Subsistence Regional Advisory Council members be established.

The Federal Advisory Committee Act (FACA) states that agency heads may establish rates of compensation for Council members and that pay may be on an hourly or daily rate basis (see Enclosed). FACA also notes, "In determining an appropriate rate of basic pay for advisory committee members and staff, an agency must give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required for the work involved".

At least twice a year Subsistence Regional Advisory Council members take time away from their families, jobs, and lives to participate in Council meetings in which they provide their knowledge and expertise to the FSMP. Additionally, Council Chairs or their representatives attend Board meetings at least once a year and may periodically attend other Federal and State regulatory meetings or participate in other planning or advisory groups on behalf of their Councils. The

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This content is from the eCFR and is authoritative but unofficial.

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**Title 41 - Public Contracts and Property Management**  
**Subtitle C - Federal Property Management Regulations System**  
**Chapter 102 - Federal Management Regulation**  
**Subchapter A - General**  
**Part 102-3 - Federal Advisory Committee Management**  
**Subpart C - How Are Advisory Committees Managed?**

**Authority:** Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 7, 5 U.S.C., App.; and E.O. 12024, 3 CFR, 1977 Comp., p. 158.

**Source:** At 66 FR 37733, July 19, 2001, unless otherwise noted.

**§ 102-3.130 What policies apply to the appointment, and compensation or reimbursement of advisory committee members, staff, and experts and consultants?**

In developing guidelines to implement the Act and this Federal Advisory Committee Management part at the agency level, agency heads must address the following issues concerning advisory committee member and staff appointments, and considerations with respect to uniform fair rates of compensation for comparable services, or expense reimbursement of members, staff, and experts and consultants:

- (a) **Appointment and terms of advisory committee members.** Unless otherwise provided by statute, Presidential directive, or other establishment authority, advisory committee members serve at the pleasure of the appointing or inviting authority. Membership terms are at the sole discretion of the appointing or inviting authority.
- (b) **Compensation guidelines.** Each agency head must establish uniform compensation guidelines for members and staff of, and experts and consultants to an advisory committee.
- (c) **Compensation of advisory committee members not required.** Nothing in this subpart requires an agency head to provide compensation to any member of an advisory committee, unless otherwise required by a specific statute.
- (d) **Compensation of advisory committee members.** When an agency has authority to set pay administratively for advisory committee members, it may establish appropriate rates of pay (including any applicable locality pay authorized by the President's Pay Agent under 5 U.S.C. 5304(h)), not to exceed the rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate expressly is allowed by another statute. However, the agency head personally must authorize a rate of basic pay in excess of the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332, or alternative similar agency compensation system. This maximum rate includes any applicable locality payment under 5 U.S.C. 5304. The agency may pay advisory committee members on either an hourly or a daily rate basis. The agency may not provide additional compensation in any form, such as bonuses or premium pay.
- (e) **Compensation of staff.** When an agency has authority to set pay administratively for advisory committee staff, it may establish appropriate rates of pay (including any applicable locality pay authorized by the President's Pay Agent under 5 U.S.C. 5304(h)), not to exceed the rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate expressly is allowed by another statute. However, the agency head personally must authorize a rate of basic pay in excess of the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332, or alternative similar agency compensation system. This maximum rate includes any applicable locality payment under 5 U.S.C. 5304. The agency

must pay advisory committee staff on an hourly rate basis. The agency may provide additional compensation, such as bonuses or premium pay, so long as aggregate compensation paid in a calendar year does not exceed the rate for level IV of the Executive Schedule, with appropriate proration for a partial calendar year.

- (f) **Other compensation considerations.** In establishing rates of pay for advisory committee members and staff, the agency must comply with any applicable statutes, Executive orders, regulations, or administrative guidelines. In determining an appropriate rate of basic pay for advisory committee members and staff, an agency must give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned, and the qualifications required for the work involved. The agency also should take into account the rates of pay applicable to Federal employees who have duties that are similar in terms of difficulty and responsibility. An agency may establish rates of pay for advisory committee staff based on the pay these persons would receive if they were covered by the General Schedule in 5 U.S.C. Chapter 51 and Chapter 53, subchapter III, or by an alternative similar agency compensation system.
- (g) **Compensation of experts and consultants.** Whether or not an agency has other authority to appoint and compensate advisory committee members or staff, it also may employ experts and consultants under 5 U.S.C. 3109 to perform work for an advisory committee. Compensation of experts and consultants may not exceed the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332 (that is, the GS-15, step 10 rate, excluding locality pay or any other supplement), unless a higher rate expressly is allowed by another statute. The appointment and compensation of experts and consultants by an agency must be in conformance with applicable regulations issued by the U. S. Office of Personnel Management (OPM) (See 5 CFR part 304.).
- (h) **Federal employees assigned to an advisory committee.** Any advisory committee member or staff person who is a Federal employee when assigned duties to an advisory committee remains covered during the assignment by the compensation system that currently applies to that employee, unless that person's current Federal appointment is terminated. Any staff person who is a Federal employee must serve with the knowledge of the Designated Federal Officer (DFO) for the advisory committee to which that person is assigned duties, and the approval of the employee's direct supervisor.
- (i) **Other appointment considerations.** An individual who is appointed as an advisory committee member or staff person immediately following termination of another Federal appointment with a full-time work schedule may receive compensation at the rate applicable to the former appointment, if otherwise allowed by applicable law (without regard to the limitations on pay established in paragraphs (d) and (e) of this section). Any advisory committee staff person who is not a current Federal employee serving under an assignment must be appointed in accordance with applicable agency procedures, and in consultation with the DFO and the members of the advisory committee involved.
- (j) **Gratuitous services.** In the absence of any special limitations applicable to a specific agency, nothing in this subpart prevents an agency from accepting the gratuitous services of an advisory committee member or staff person who is not a Federal employee, or expert or consultant, who agrees in advance and in writing to serve without compensation.
- (k) **Travel expenses.** Advisory committee members and staff, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, for persons employed intermittently in the Government service.



- (l) *Services for advisory committee members with disabilities.* While performing advisory committee duties, an advisory committee member with disabilities may be provided services by a personal assistant for employees with disabilities, if the member qualifies as an individual with disabilities as provided in section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, and does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being a Federal employee.

local and indigenous knowledge provided by Council members is fundamental to the FSMP and needed by the Board to make informed decisions about resource management issues across Alaska. Federal staff are paid for attending Council and Board meetings, but Council members are not compensated in the same manner despite their unique qualifications. Although most Council members do not hold scientific degrees, they do hold “PhDs of the land” that have been hard-earned through lifetimes of traveling out on the lands, observing their environments, harvesting subsistence resources, and listening to and sharing the stories and knowledge of their elders and predecessors.

Currently, Council members receive per diem for the days that they travel away from their home communities to attend meetings. Council members who live within 50 miles of where the meetings take place or who must attend via teleconference do not even receive per diem due to travel policy guidelines. Per diem is not compensation; it merely provides some reimbursement for meals, incidentals, and lodging while traveling. The cost of living in Alaska, and especially rural Alaska, is very high. The time Council members take away from their jobs and families to participate in meetings, whether in-person or virtually, are big sacrifices that often result in losses of income. Many Subsistence Regional Advisory Councils are struggling to recruit applicants to serve on Councils. This is not because rural Alaskans do not care about subsistence issues or lack the desire to share their expertise; it is because many rural Alaskans cannot afford to take a loss by donating their time to the FSMP to attend meetings.

Compensation for local and indigenous knowledge holders through stipends or honoraria is a common best practice carried out in academic, non-governmental, and Tribal organization arenas. The Councils respectfully ask that the Federal Government similarly value the expertise provided by Council members to the FSMP by paying a fair, daily rate of compensation to Council members when attending Council meetings or other meetings as Council representatives regardless of how far they have to travel to such meetings.

The Councils would like to thank you in advance for forwarding our request for Council member compensation to the Secretaries and requesting they reply to the Councils. If you have questions or would like to discuss this further, please contact Katerina Wessels, Council Coordination Division Supervisor, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3885 or katerina\_wessels@fws.gov.

Sincerely,



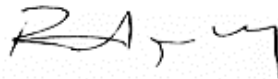
Richard Encelewski, Chair  
Southcentral Alaska  
Regional Advisory Council



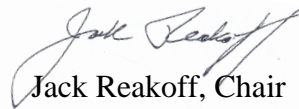
Rebecca Skinner, Chair  
Kodiak/Aleutians  
Regional Advisory Council



Nanci Morris Lyon, Chair  
Bristol Bay  
Regional Advisory Council



Raymond Oney, Chair  
Yukon-Kuskokwim Delta  
Regional Advisory Council



Jack Reakoff, Chair  
Western Interior Alaska  
Regional Advisory Council



Louis Green, Chair  
Seward Peninsula  
Regional Advisory Council



Thomas Baker, Chair  
Northwest Arctic  
Regional Advisory Council



Robert Wright Sr., Chair  
Eastern Interior Alaska  
Regional Advisory Council



Brower Frantz, Chair  
North Slope  
Regional Advisory Council

Enclosures:

1. FACA Excerpt 41 CFR 102-3.130
2. Federal Subsistence Board Letter to the Secretaries re: Council Compensation
3. Yukon-Kuskokwim Delta Council Letter to the Board re: Compensation
4. 41 CFR Subpart C

cc: Federal Subsistence Board

Southcentral Alaska Regional Advisory Council  
Kodiak/Aleutians Regional Advisory Council  
Bristol Bay Regional Advisory Council  
Yukon-Kuskokwim Delta Regional Advisory Council  
Western Interior Alaska Regional Advisory Council  
Seward Peninsula Regional Advisory Council  
Northwest Arctic Regional Advisory Council  
Eastern Interior Alaska Regional Advisory Council  
North Slope Regional Advisory Council  
Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record



## Federal Subsistence Board

1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503 - 6199



FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

In Reply Refer To:  
OSM 23145

FEB 09 2024

Honorable Deb Haaland  
Secretary of the Interior  
U.S. Department of the Interior  
Office of the Secretary  
1849 C Street, Northwest  
Washington, DC 20240

Honorable Thomas J. Vilsack  
Secretary of Agriculture  
U.S. Department of Agriculture  
Office of the Secretary  
1400 Independence Avenue, Southwest  
Washington, DC 20250

Dear Secretaries Haaland and Vilsack:

The Federal Subsistence Board (Board) is writing to inform you of a request from your appointees on the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to establish uniform fair rates of compensation for the Subsistence Regional Advisory Council members while attending Council meetings.

Pursuant to Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA), Subsistence Regional Advisory Councils are empowered to be a forum for the expression of opinions and recommendations about management of subsistence fish and wildlife resources in their regions. During a public meeting held in April 2023, the Council discussed the issue of Council member compensation and their need to receive a daily, uniform fair rate of compensation for the time, local and indigenous knowledge, and expertise they provide to the Federal Subsistence Management Program (Program) during their semi-annual Council meetings. The Council wrote to the Board and requested that the Board forward their letter to you because, pursuant to the Federal Advisory Committee Act (FACA), the agency head has the authority to establish uniform fair rates of compensation for comparable services of advisory

committee members. All Subsistence Regional Advisory Councils are statutory advisory committees established by the authority of ANILCA and chartered under FACA.

Council members receive no compensation for the time they spend attending Council meetings or the expertise and knowledge they provide to the Program. The cost of living in rural Alaska is very high. Council members sacrifice time away from their jobs and families to participate in Council and Board meetings and to develop recommendations on Federal fish and wildlife subsistence management on Federal public lands. These sacrifices result in loss of income and subsistence harvest opportunities. Many Councils have ongoing vacancies and are struggling to recruit applicants, not because there is a lack of interest, but because many rural Alaskans cannot afford the financial consequences of donating their time to Council meetings and the Program.

Receiving compensation while attending the Council meetings twice a year through stipends or honoraria is a common best practice. There are 10 Federal Subsistence Regional Advisory Councils, each with 10 to 13 members, totaling 109 volunteers. A daily stipend during the meeting days at a GS-12 level would cost approximately \$175,000/year. The total amount would support the essential recommendations and contributions of subsistence and commercial/sport user group representatives and traditional knowledge holders. The current Office of Subsistence Management budget could not absorb this cost; additional funding would be needed to cover Council member compensation.

Enclosed you will find a letter from the Council containing their request and justification for a review of the current Council member compensation policy. Please note a copy of the Council's letter was also enclosed in the Board's memo to Secretary Haaland as it related to Federal Subsistence Management Program Needs dated November 29, 2023.

The Board thanks you for your consideration and requests that you respond with a point of contact from your office for follow up on this important topic. If you have any questions regarding this letter, please direct them to the Office of Subsistence Management Policy Coordinator Robbin La Vine, [robbin\\_lavine@fws.gov](mailto:robbin_lavine@fws.gov), (907) 786-3353. We look forward to hearing from you and working with you on this issue

Sincerely,



Anthony Christianson  
Chair

Attachments: R5 YKDRAC Letter to Board re Compensation  
FACA excerpt 41 CFR 102-3.130

cc: Federal Subsistence Board  
Interagency Staff Committee  
Office of Subsistence Management  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council  
Administrative Record

**Yukon-Kuskokwim Delta Subsistence Regional Advisory Council**

c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199  
Phone: (907) 786-3888, Fax: (907) 786-3898  
Toll-Free: 1-800-478-1456

In Reply Refer To:  
OSM.23046

MAY 11 2023

Anthony Christianson, Chair  
Federal Subsistence Board  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Mr. Christianson,

I write to you on behalf of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to ask that the Federal Subsistence Board (Board) elevate to the Secretary of the Interior a request from the Council for fair Council member compensation.

The Council held a public meeting on April 4-6, 2023, in Bethel, Alaska. Among the items discussed was the issue of Council member compensation. Currently, Council members receive no compensation for the time they spend attending Council meetings or the expertise they provide to the Federal Subsistence Management Program (FSMP). The Council requests that the compensation policy for Subsistence Regional Advisory Council members be reviewed and revised.

The Federal Advisory Committee Act (FACA) states that agency heads may establish rates of compensation for Council members and that pay may be on an hourly or daily rate basis (see Enclosed). FACA also notes, "In determining an appropriate rate of basic pay for advisory committee members and staff, an agency must give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required for the work involved".

Twice a year Subsistence Regional Advisory Council members take time away from their families, jobs, and lives to participate in Council meetings in which they provide their expertise to the FSMP. The local and indigenous knowledge provided by Council members is fundamental to the FSMP and needed by the Board to make informed decisions about resource management issues across Alaska. Federal staff are paid for attending Council meetings, but Council members are not compensated in the same manner despite their unique qualifications. Although most Council members do not hold scientific degrees, they do hold "PhDs of the land" that have been hard-earned through lifetimes of traveling out on the lands, observing their environments, harvesting subsistence resources, and listening to the stories and knowledge of their elders and predecessors.

Currently, Council members receive per diem for the days that they travel away from their home communities to attend meetings. Council members who live within 50 miles of where the meetings take place or who must attend via teleconference do not even receive per diem due to travel policy guidelines. But per diem is not compensation; it merely provides some reimbursement for meals while traveling. The cost of living in Alaska, and especially rural Alaska, is very high. The time Council members take away from their jobs and families to participate in meetings, whether in-person or virtually, are big sacrifices that often result in losses of income. Many Subsistence Regional Advisory Councils are struggling to recruit applicants to serve on Councils. This is not because rural Alaskans do not care about subsistence issues or lack the desire to share their expertise; it is because many rural Alaskans cannot afford to take a loss by donating their time to attend meetings.

Compensation for local and indigenous knowledge holders through stipends or honoraria is a common best practice carried out in academic, non-governmental, and Tribal organization arenas. The Council respectfully asks that the Federal Government similarly value the expertise provided by Council members to the FSMP by paying a fair, daily rate of compensation to Council members when attending Council meetings or other meetings as Council representatives.

The Council would like to thank you in advance for forwarding our request for Council member compensation to the Secretary. If you have any questions or would like to follow up, please contact me through our Subsistence Council Coordinator Brooke McDavid at (907) 891-9181 or [brooke\\_mcdavid@fws.gov](mailto:brooke_mcdavid@fws.gov).

Sincerely,



Raymond Oney  
Chair

Enclosure

cc: Federal Subsistence Board  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Members  
Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record



## 41 CFR Subpart C – How Are Advisory Committees Managed? [excerpt]

### § 102–3.105 What are the responsibilities of an agency head?

The head of each agency that establishes or utilizes one or more advisory committees must:

....

(f) Determine that rates of compensation for members (if they are paid for their services) and staff of, and experts and consultants to advisory committees are justified and that levels of agency support are adequate;

### § 102–3.130 What policies apply to the appointment, and compensation or reimbursement of advisory committee members, staff, and experts and consultants?

In developing guidelines to implement the Act and this Federal Advisory Committee Management part at the agency level, agency heads must address the following issues concerning advisory committee member and staff appointments, and considerations with respect to uniform fair rates of compensation for comparable services, or expense reimbursement of members, staff, and experts and consultants:

(a) *Appointment and terms of advisory committee members.* Unless otherwise provided by statute, Presidential directive, or other establishment authority, advisory committee members serve at the pleasure of the appointing or inviting authority. Membership terms are at the sole discretion of the appointing or inviting authority.

(b) *Compensation guidelines.* Each agency head must establish uniform compensation guidelines for members and staff of, and experts and consultants to an advisory committee.

(c) *Compensation of advisory committee members not required.* Nothing in this subpart requires an agency head to provide compensation to any member of an advisory committee, unless otherwise required by a specific statute.

(d) *Compensation of advisory committee members.* When an agency has authority to set pay administratively for advisory committee members, it may establish appropriate rates of pay (including any applicable locality pay authorized by the President's Pay Agent under 5 U.S.C. 5304(h)), not to exceed the rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate expressly is allowed by another statute. However, the agency head personally must authorize a rate of basic pay in excess of the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332, or alternative similar agency compensation system. This maximum rate includes any applicable locality payment under 5 U.S.C. 5304. The agency may pay advisory committee members on either an hourly or a daily rate basis. The agency may not provide additional compensation in any form, such as bonuses or premium pay.

(e) *Compensation of staff.* When an agency has authority to set pay administratively for advisory committee staff, it may establish appropriate rates of pay (including any applicable locality pay authorized by the President's Pay Agent under 5 U.S.C. 5304(h)), not to exceed the rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate expressly is allowed by another statute. However, the agency head personally must authorize a rate of basic pay in excess of the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332, or alternative similar agency compensation system. This maximum rate includes any applicable locality payment under 5 U.S.C. 5304. The agency must pay advisory committee staff on an hourly rate basis. The agency may provide additional compensation, such as bonuses or premium pay, so long as aggregate compensation paid in a calendar year does not exceed the rate for level IV of the Executive Schedule, with appropriate proration for a partial calendar year.

(f) *Other compensation considerations.* In establishing rates of pay for advisory committee members and staff, the agency must comply with any applicable statutes, Executive orders, regulations, or administrative guidelines. In determining an appropriate rate of basic pay for advisory committee members and staff, an agency must give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned, and the qualifications required for the work involved. The agency also should take into account the rates of pay applicable to Federal employees who have duties that are similar in terms of difficulty and responsibility. An agency may establish rates of pay for advisory committee staff based on the pay these persons would receive if they were covered by the General Schedule in 5 U.S.C. Chapter 51 and Chapter 53, subchapter III, or by an alternative similar agency compensation system.

(g) *Compensation of experts and consultants.* Whether or not an agency has other authority to appoint and compensate advisory committee members or staff, it also may employ experts and consultants under 5 U.S.C. 3109 to perform work for an advisory committee. Compensation of experts and consultants may not exceed the maximum rate of basic pay established for the General Schedule under 5 U.S.C. 5332 (that is, the GS–15, step 10 rate, excluding locality pay or any other supplement), unless a higher rate expressly is allowed by another statute. The appointment and compensation of experts and consultants by an agency must be in conformance with applicable regulations issued by the U. S. Office of Personnel Management (OPM) (See 5 CFR part 304.).

(h) *Federal employees assigned to an advisory committee.* Any advisory committee member or staff person who is a Federal employee when assigned duties to an advisory committee remains covered during the assignment by the compensation system that currently applies to that employee, unless that person’s current Federal appointment is terminated. Any staff person who is a Federal employee must serve with the knowledge of the Designated Federal Officer (DFO) for the advisory committee to which that person is assigned duties, and the approval of the employee’s direct supervisor.

(i) *Other appointment considerations.* An individual who is appointed as an advisory committee member or staff person immediately following termination of another Federal appointment with a full-time work schedule may receive compensation at the rate applicable to the former appointment, if otherwise allowed by applicable law (without regard to the limitations on pay established in paragraphs (d) and (e) of this section). Any advisory committee staff person who is not a current Federal employee serving under an assignment must be appointed in accordance with applicable agency procedures, and in consultation with the DFO and the members of the advisory committee involved.

(j) *Gratuitous services.* In the absence of any special limitations applicable to a specific agency, nothing in this subpart prevents an agency from accepting the gratuitous services of an advisory committee member or staff person who is not a Federal employee, or expert or consultant, who agrees in advance and in writing to serve without compensation.

(k) *Travel expenses.* Advisory committee members and staff, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, for persons employed intermittently in the Government service.

(l) *Services for advisory committee members with disabilities.* While performing advisory committee duties, an advisory committee member with disabilities may be provided services by a personal assistant for employees with disabilities, if the member qualifies as an individual with disabilities as provided in section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791, and does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being a Federal employee.

## Appendix A to Subpart C [excerpt]

Key points and principles	Section	Question(s)	Guidance
III. An agency may compensate advisory committee members and staff, and also employ experts and consultants.	102–3.130(d), 102–3.130(e), 102–3.130(g).	1. May members and staff be compensated for their service or duties on an advisory committee?  2. Are the guidelines the same for compensating both members and staff?  3. May experts and consultants be employed to perform other advisory committee work?	A. The answer to question 1 is yes. (i) However, FACA limits compensation for advisory committee members and staff to the rate for level IV of the Executive Schedule, unless higher rates expressly are allowed by other statutes. (ii) Although FACA provides for compensation guidelines, the Act does not require an agency to compensate its advisory committee members.  B. The answer to question 2 is no. The guidelines for compensating members and staff are similar, but not identical. For example, the

			<p>differences are that: (i) An agency “may” pay members on either an hourly or a daily rate basis, and “may not” provide additional compensation in any form, such as bonuses or premium pay; while (ii) An agency “must” pay staff on an hourly rate basis only, and “may” provide additional compensation, so long as aggregate compensation paid in a calendar year does not exceed the rate for level IV of the Executive Schedule, with appropriate proration for a partial calendar year.</p> <p>C. The answer to question 3 is yes. Other work not part of the duties of advisory committee members or staff may be performed by experts and consultants. For additional guidance on the employment of experts and consultants, agencies should consult the applicable regulations issued by the U. S. Office of Personnel Management (OPM). (See 5 CFR part 304.)</p>
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March 8, 2024

United States  
Department of  
Agriculture

Office of the Chief  
Financial Officer

1400 Independence  
Avenue, SW  
Washington, DC  
20250

**TO:** Agency Chief Financial Officers  
Senior Accountable Travel Officials

**FROM:** Eric D. Still  
Associate Chief Financial Officer  
Financial Policy and Planning

**SUBJECT:** Local Travel Policy

As the Federal workplace landscape continues to change, agencies must continue to correctly apply local travel policies for their employees, including those who are teleworkers and remote workers. This updated policy defines the Department's definition of local travel and local travel areas, and grants authority to approve lodging expense reimbursement while performing official business in the local travel area (for extenuating circumstances) to delegated officials. It also clarifies what constitutes hours of work for local travel.

In keeping with the intent of [Departmental Regulation \(DR\) 4080-811-002](#), *Telework and Remote Work Programs*, and the Office of Personnel and Management (OPM) [2023 Guidance on Hours of Work for Telework and Remote Work Employees](#), local travel is considered official business travel performed by the most direct route within and adjacent to an employee's official worksite/duty location or approved alternate worksite. The proximity of travel to the employee's official worksite/duty station determines whether expenses are reimbursed as local travel expenses (as described in this policy), or as temporary duty (TDY) travel expenses (as described in 41 Code of Federal Regulations (CFR), [Subtitle F, Federal Travel Regulation.](#)) (FTR). Local travel does not include official travel approved on a TDY travel authorization, including round-trip travel to a common carrier terminal in the employee's local travel area in conjunction with the TDY assignment.

This policy addresses when local travel reimbursements may be authorized, based on the information stated in DR [2300-005](#), *Agricultural Travel Regulation (ATR)*. As indicated in the ATR, local travel expenses that are normally incurred are reimbursed. Per diem expenses are not normally paid in the local travel area; however, there may be extenuating circumstances whereby these expenses may be allowable. Any references to a USDA agency, pertains to USDA Mission Areas, agencies, and staff offices.

As a result of the enhanced use of telework, mobile, and remote work flexibilities being integrated into workforce plans, updated local travel guidance provides practical information (as a resource) for mission area, agency, and staff office employees regarding reimbursement for local travel.

Mission Areas, agencies, and staff offices may supplement, but not change, this Departmental policy. Mission Areas, agencies, and staff offices are encouraged to

consult with Human Resources personnel to further clarify and define Departmental telework and remote policies as they relate to this policy.

This policy remains in effect and must be followed unless or until superseded by subsequent changes in applicable laws, OPM guidance, or other applicable Departmental policy.

### **Policy**

USDA employees are generally entitled to be reimbursed local travel expenses incurred while performing official business in or around their official duty station/worksite or alternate (approved) worksite. However, reimbursement is limited to local travel expenses exceeding those the employee incurs for normal commuting. Further, a mission area, agency, or staff office may have separate written agreements or supplemental policy for local travel reimbursement with remote employees or those who conduct mobile work which modifies, and may limit, this entitlement.

Allowable local travel expenses may include such things as the cost of subway, bus, train, taxi, transportation network companies [TNC] (e.g., Uber, Lyft), innovative mobility technology companies [IMTC] (e.g., Zipcar, HyreCar, Getaround, Capital Bikeshare), mileage, tolls, and parking. The use of a rental car in or around the local travel area is strictly prohibited. Local travel expenses could be incurred in a variety of work-related situations, including, but not limited to, required attendance at meetings, conferences, other official functions, training events, or periodic work assignments at alternative duty locations in or around the official duty station/worksite. When a government-owned vehicle (GOV) is authorized, advantageous, and available, USDA agencies should consider using a GOV for local travel before choosing another option.

Employees should exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and using personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business are not acceptable under this standard and will not be reimbursed. Employees are responsible for excess costs and any additional expenses incurred for personal preference or convenience (e.g., taxi or a TNC in lieu of available free shuttle, mass transportation, GOV, etc.).

Generally, USDA employees traveling for official business within their designated local travel area may not be reimbursed for lodging or meal expenses. However, an exception may be made for hazard-related emergencies which pose a threat to human life (such as disease, fire, or natural disasters) or threat to Federal property. In these cases, prior written approval from the Agency Administrator (or Staff Office Director) must be obtained before incurring any expenses. This approval authority may be delegated to the applicable Senior Accountable Travel Official or the Chief Financial Officer; no further delegations are authorized. If an instance like the aforementioned arises, then an

employee may use the Government-issued travel charge card to pay for lodging expenses within their official worksite/duty location.

Local travel expense reimbursement is not available for employee commuting expenses. Normal “home-to-work” travel time and expenses are generally considered “commuting time and expenses” and not eligible for additional compensation. This includes instances where telework employees are directed to report to their official duty station on days not provided for in their official telework schedule (e.g., additional days or different days per pay period).

If a mission area, agency, or staff office informs an employee in advance of the employee starting their workday that they must commute to work on a day when the employee was already scheduled to telework, then time spent traveling to the traditional work site is considered commuting; the employee will not receive a local travel reimbursement.

If a telework-eligible employee *chooses* to come in on a previously scheduled telework day, travel to and from work is considered commuting time; no local travel reimbursement is allowed. However, if telework employees are directed to report to an alternate work location other than their normal work location for the day (i.e., departing either from their regular telework location or their official duty station), local travel reimbursement may be authorized consistent with this memorandum.

If a remote worker is required in advance to report to an agency work site that is within a 50-mile radius of the employees official duty station (typically their home), then travel to and from the agency work site is considered commuting; no local travel reimbursement is authorized.

If a supervisor requires a remote work employee to report to an agency work site after their workday begins—and they live close enough for same-day reporting to be possible—time spent traveling to and from the worksite during regular work hours is considered paid work time; local travel reimbursement is authorized.

If a remote work employee *chooses* to come into a traditional work site, time spent traveling to and from work is considered commuting time; local travel reimbursement is not authorized.

Some employees may be participating in the Transit Subsidy Program which is not compensation for commuting expenses but rather an incentive to encourage use of public transit. Telework employees are encouraged to manage their participation in this program so as to account for unanticipated days in which they will need to travel to the official duty station. Transit Subsidy benefits should not be used for purposes of official business travel which is appropriately reimbursed through local travel.

Local travel expense reimbursement shall be approved on a case-by-case basis. The employee seeking reimbursement must clearly illustrate and justify before incurring

local travel expenses that the local travel is a necessary additional out-of-pocket expense, and not part of the normal commuting expenses.

Local travel expense reimbursements must be claimed within 30 days of incurring the expense; reimbursements should be made through the USDA agency's time and attendance system, or via direct entry into the Department's financial system. When requests are submitted via direct entry, they must be processed using the Local Travel Invoice module in the financial system to allow proper oversight.

Regardless of which method is used to process the local travel reimbursement claim (time and attendance system or financial system), the employee must complete and submit an OF-1164, Claim for Reimbursement for Expenditures on Official Business (or other Department approved reimbursement form) to their supervisor (or other approving official) for review and approval. Receipts or other appropriate documentation must be included, regardless of expense amount. The employee and the supervisor (or other delegated official) must maintain a copy of OF-1164 and the associated receipts, for six years in accordance with the National Archives and Records Administration (NARA) [General Records Schedule \(GRS\) 1.1: \*Financial Management and Reporting Records, Item 010\*](#).

## **Definitions**

Agency Worksite. The official Federal agency location where work activities are based, generally considered a centralized location of an employee's assigned organization. The term "regular worksite" is also used to describe the agency worksite. Source: OPM [2021 Guide to Telework and Remote Work in the Federal Government](#).

Alternate Worksite. A work location, other than the official worksite, that satisfies all requisite Federal health and safety laws, rules, and regulations pertaining to the workplace, where an employee performs their official duties. Source: [Departmental Regulation 4080- 811-002, Telework and Remote Work Programs](#).

Compensatory Time Off for Travel. Employees who are officially ordered to travel away from their official worksite may be afforded compensatory time off for travel, in certain circumstances, based upon the approved travel itinerary. Compensatory time off for travel is earned by an employee for time spent in a travel status away from the employee's official worksite when such time is not otherwise compensable. Compensable refers to periods of time creditable as hours of work for the purpose of determining a specific pay entitlement. Source: OPM [Fact Sheet: \*Compensatory Time Off for Travel\*](#)

Commuting expenses. The costs incurred by taking any form of local transportation, e.g., bus, commuter buses, train, trolley, subway, taxi, TNC, or driving a car, between your residence and official worksite.

Local travel. Travel performed by the most direct route, within a 50-mile radius of an employee's official worksite, duty station or alternative worksite, to conduct official USDA business. Local travel does not include any official travel that is part of a temporary duty (TDY) travel authorization, including travel to a common carrier terminal in the employee's local travel area in conjunction with TDY.

Local travel areas. This is based on the official worksite/duty station or approved alternate worksite; the local travel area will not be more than a 50-mile radius of geographic boundaries defined within each region. Source: [5 CFR 550.112\(j\)](#), *Computation of overtime work*, and [5 CFR 551.422\(d\)](#), *Time spent traveling*.

Locality Pay Area. An Office of Management and Budget (OMB) defined metropolitan statistical area or combined statistical area that determines certain location-based pay entitlements based on the employee's official duty station as documented on the employee's SF-50, *Notification of Personnel Action*. Source: [Departmental Regulation 4080-811-002](#), *Telework and Remote Work Programs*.

Mobile Work. Work characterized by routine and regular travel to conduct work in a customer's or other worksite as opposed to a single authorized alternate worksite.

Examples include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on TDY. Mobile workers do not need to report twice each bi-weekly pay period to the agency worksite established by the agency if the employee is performing work within the same geographic area (established for the purpose of a given pay entitlement) as the employee's agency worksite. For example, if a mobile employee with a varying work location works at least twice each bi-weekly pay period on a regular and recurring basis in the same locality pay area for the agency worksite, the employee need not report at least twice each bi-weekly pay period to that agency worksite to maintain entitlement to the locality payment for that area. Source: OPM [2021 Guide to Telework and Remote Work in the Federal Government](#).

Official Duty Station. The management-approved location where employees regularly perform their official duties. If an employee physically reports to the employing Mission Area, agency, or staff office official worksite at least twice in a bi-weekly pay period, the employing Mission Area, agency, or staff office official worksite will be designated as the employee's official duty station. If the employee's work involves recurring travel or the employee's work location varies (mobile work) on a recurring basis, the official worksite is the location where the work activities of the employee's position of record is based, as determined by the employing Mission Area, agency, or staff office, subject to the requirement that the official worksite must be in a locality pay area in which the employee is required to regularly perform work. A Mission Area, agency, or staff office must document an employee's official duty station on the employee's Notification of Personnel Action (Standard Form 50 (SF-50) or equivalent). Once the official duty station has been officially recorded on the SF-50, it cannot be changed without prior approval of the employing Mission Area, agency, or staff office accompanied by



processing a formal, documented personnel action. Source: [Departmental Regulation 4080-811-002](#), *Telework and Remote Work Programs*.

Remote Work. A workforce flexibility arrangement under which an employee is scheduled to perform work within or outside the local commuting area of their Mission Area, agency, or staff office's worksite and is not required to report to the Mission Area, agency, or staff office worksite on a regular and recurring basis. Source: [Departmental Regulation 4080-811-002](#), *Telework and Remote Work Programs*, and OPM [2021 Guide to Telework and Remote Work in the Federal Government](#).

Remote Work Arrangement. A work arrangement in which:

- (1) The employee performs assigned official duties and other authorized activities at an approved alternate work location, typically the employee's residence, within or outside of the local commuting area of the Mission Area, agency, or staff office worksite;
- (2) [*The employee performs assigned official duties and other authorized activities at an approved alternate work location*] On a regular and continuing basis;
- (3) [*The employee*] Is not required to physically report to the Mission Area, agency, or staff office worksite on any frequent, regular, or recurring basis; and
- (4) The approved alternate worksite is, for pay and other purposes, the employee's official duty station, as indicated on the employee's SF-50, per 5 CFR § 531.605, *Determining an employee's official worksite*.

Source: [Departmental Regulation 4080-811-002](#), *Telework and Remote Work Programs*.

Telework Arrangement. A work flexibility arrangement in which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. A telework arrangement allows employees to have regularly scheduled days on which they telework and regularly scheduled days when they work in their agency worksite. Telework may be authorized for an entire duty day or a portion of one. Telework does not include work performed while in an official travel status, work performed while commuting to or from work, remote work, or mobile work. For a teleworker, the agency worksite remains the employee's official worksite for determining the employee's official station or official duty station for travel and other purposes. Source: [Departmental Regulation 4080-811-002](#), *Telework and Remote Work Programs*, and OPM [2023 Guidance on Hours of Work for Telework and Remote Work Employees](#).

This policy is effective as of the date signed; retroactive payments are not allowed. This memorandum supersedes any previously issued policy on this subject. If you have additional questions or comments regarding this local travel policy, contact Marie Butler, Fiscal Policy Division Director, at [Marie.Butler@usda.gov](mailto:Marie.Butler@usda.gov).

### **Local Travel Examples/Scenarios**

1. If an employee must attend an official business meeting away from their USDA office location or worksite after they have already reported to the official worksite, then the employee is entitled to full reimbursement of round-trip travel expenses incurred to depart and return to their official USDA office location or worksite.
2. Peter's official worksite is at the USDA Headquarters located in Washington, DC. He commutes each day from home to the worksite in his personally owned vehicle (POV), 20 miles one-way; he does not pay for parking. Peter is asked to attend a business meeting in Fairfax, VA. On the day of the meeting, he drives directly to the meeting in his POV (30 miles one-way) and incurs a \$10 parking fee. What is Peter's local travel expense reimbursement?  
Explanation: Peter would be entitled to the parking fee (\$10) and the mileage reimbursement for the 20 additional miles (normal round-trip mileage is 40 miles; meeting round-trip is 60 miles).

### **Teleworker Scenarios**

The scenarios below assume an employee is reporting to the official worksite/other site or event **at** the start of the workday.

1. Thomas teleworks from his residence in Madison, WI, 4 days a week (Monday, Tuesday, Thursday, and Friday); he reports to his official worksite on Wednesdays. Thomas is asked to attend training on Monday and Tuesday; the training location is 40 miles round-trip from his residence. Thomas' residence is 40 miles from his official worksite. What is Thomas' local travel expense reimbursement?  
Explanation: Thomas would not receive reimbursement for local travel, as the miles between his residence and the training location (40 miles) did not exceed the miles of his normal commute (40 miles).
2. Joe teleworks 2 days per week (Mondays and Tuesdays) in Lufkin, TX. His normal commute is 10 miles one-way (20 miles round-trip). When he drives to the USDA office on non-telework days (Wednesdays, Thursdays, and Fridays), what is Joe's reimbursable travel expense?  
Explanation: Joe would not receive reimbursement for local travel. Anytime Joe drives to the office, it is considered a commute, and not eligible for local travel reimbursement.
3. Henry's approved telework schedule indicates he teleworks on Tuesday, Wednesday, and Thursday; he reports to his official duty station 2 days a week. He is asked to report to his official duty station office on Tuesday (normally a telework day). What is Henry's local travel reimbursement?  
Explanation: Henry would not receive a local travel reimbursement. Travel to the 'official' duty station is considered a normal commute and commuting is non-compensable.

4. Henry's approved telework schedule indicates he teleworks on Tuesday, Wednesday, and Thursday; he reports to his official duty station two days a week. He is asked to report to an alternate location (neither his telework location or his official duty station) on Tuesday (normally a telework day). What is Henry's local travel reimbursement?  
Explanation: Henry would receive a local travel reimbursement for any expenses incurred above and beyond his normal commuting expenses.
5. Sandra teleworks most of the week, going into her official duty station 2 days per pay period (her official duty station is her agency's USDA worksite); she uses transit subsidy benefits to cover her round-trip commuting expenses for the days she travels to the official worksite.
  - a. If Sandra must attend a meeting at the office (i.e., her official duty station), then she is not entitled to local travel reimbursement; she can use transit subsidy benefits for any round-trip travel expenses incurred to get to the official worksite.
  - b. If Sandra must attend a meeting on a day she reports to her official worksite (not teleworking), then she is entitled to a reimbursement for expenses incurred for round-trip travel between the official worksite and the meeting location based on the method of travel that is most beneficial to the agency.

The scenarios below apply when an employee is notified or *chooses* to report to the agency worksite/other site or event **prior to** or **after** the start of the workday.

6. The supervisor notifies Paul in advance of a scheduled telework day to report to the agency worksite for the full workday, so Paul travels to the agency worksite prior to the start of his workday. In this scenario, Paul's telework is cancelled for the affected day. Local travel reimbursement is not authorized.  
Explanation: Paul has a normal workday at the agency worksite, and time spent traveling to and from the agency worksite is considered commuting time that is not hours of work.
7. Anna begins working at home as a teleworker but is then required by a supervisor to report to an agency worksite (after the start of her workday). In this scenario, telework status for the remainder of the workday is cancelled. Local travel reimbursement is not authorized.  
Explanation: Local travel between the agency worksite and home is considered commuting.
8. Smitty begins working at home as a teleworker, then chooses to report to an agency worksite after the start of his workday. In this scenario, Smitty's telework status for the remainder of the workday would be cancelled. Local travel reimbursement is not allowed.  
Explanation: Local travel between the agency worksite and home is considered commuting.

**Remote Worker Scenarios**

The scenarios below presuppose that an employee is reporting to the official worksite/other site or event at the start of the workday.

1. Monica is approved for remote work from her residence in Long Beach, CA (making this her official duty station). She is asked by her supervisor to attend an event (business meeting, conference, training, etc.) in Los Angeles, CA, which is 35 miles one-way (70 miles round-trip) from her residence. Monica is authorized to drive her POV and park (\$25) at the offsite location. What is Monica's reimbursable local travel expense?  
Explanation: Monica's home is considered her USDA office; therefore, she is entitled to be reimbursed the full round-trip mileage (70 miles) and the \$25 parking fee to depart from and return to her USDA office.
2. Steve works remotely from his residence in St. Louis, MO. He decides to drive his POV to the local USDA building, 60 miles round-trip from his residence, as a matter of preference without prior approval. Steve pays \$30 to park at the USDA building. What is Steve's reimbursable local travel expense?  
Explanation: Since Steve works remotely from his residence (his USDA office), the local USDA building is considered an off-site location. Steve's supervisor did not request or approve the travel to the off-site location; therefore, Steve is not entitled to be reimbursed for local travel expenses.
3. Joanne is a remote worker who works within a 50-mile radius of Agency worksite. She is required to go into the Agency worksite for a meeting. What local travel reimbursement is Joanne entitled to?  
Explanation: Although Joanne is a remote worker, she is still within the local commuting area of her hiring organization; Joanne would not receive reimbursement for local travel expenses.
4. Marisa is a remote worker who resides in Chicago, outside a 50-mile radius of her hiring organization's local commuting area (Washington, DC). If Marisa's supervisor requires her to come to the agency worksite for an All-Hands meeting, then she is entitled to round-trip reimbursement for travel.  
Explanation: Marisa's hiring agency's main office is in Washington, DC, and her approved remote work site is in Chicago, IL. Marisa is entitled to round-trip TDY expense reimbursement (through the electronic travel system) if she is required to travel to Washington, DC, for official business.
5. Hannah is a remote employee who lives 56 miles from the agency worksite. The agency notifies Hannah a week in advance that she will need to come into the agency worksite 1 day every 2 weeks for a meeting. Local travel reimbursement is only authorized for the number of miles above the 50-mile distance going to the worksite and the number of miles above the 50-mile distance returning from the worksite as explained in the Agency Travel Regulation, ATR.

Explanation: In this scenario, time spent traveling to the agency worksite time spent traveling back to Hannah's residence is considered commuting. The employee was given enough time to plan for the workday at the agency worksite. The ATR explains there will be a reimbursement for the number of miles over the 50-mile distance on each route of commuting because the employee is on a "remote work schedule." The employee can process a claim for reimbursement for a total of 12 miles; 6 miles each way.

/s/

Eric D. Still

Associate Chief Financial Officer  
Financial Policy and Planning



## Decision

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

**File:** B-329479

**Date:** December 22, 2020

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### 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.

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### 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](http://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.”<sup>1</sup> 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

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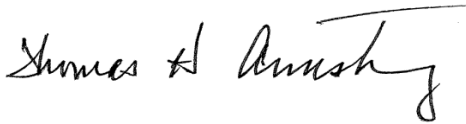
<sup>1</sup> Interior does not consider the employee’s travel from the employee’s residence to the BOEM office to be temporary duty travel. Response Letter, at 3.



after the travel has been performed.<sup>2</sup> 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.

Thomas H. Armstrong  
General Counsel

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<sup>2</sup> 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.