

Rules Governing Acceptance of Frequent Flyer Miles and Promotional Items

By Unknown | Administrative and Civil Law, SJA | April 24, 2009

On 28 December 2001, President Bush signed into law the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107). Section 1116 permits Federal military or civilian employees to accept promotional items such as frequent flyer miles earned when traveling in an official capacity. This is a change from the prior rules contained in the Joint Ethics Regulation that required the traveler to turn any such item received by the traveler back to the Government.

Under the new rules, it is not unforeseeable that some personnel may attempt to schedule travel in order to increase frequent flyer miles or other promotional items. For example, scheduling travel that is not necessary, scheduling meetings in more distant locations, or scheduling travel that involves multiple legs may increase travel. Personnel who have frequent flyer accounts for one carrier may attempt to avoid use of the contract carrier when they do not have a frequent flyer account with that contract carrier. Such actions, to the extent that they increase the costs of travel to the Government, violate the Joint Ethics Regulation and, in some cases, may violate criminal conflict of interest statutes.

Personnel on official travel may now use frequent flyer miles, because they belong to the individual, to upgrade to first class. However, you may not wear your uniform while traveling in first class.

While the rules regarding the acceptance of promotional items have changed, the rules regarding "bumping" have stayed the same. They remain as follows:

1. **Voluntary.** A traveler may keep payments from a carrier for voluntarily vacating a seat. However, no additional expense (per diem or miscellaneous reimbursable) may be paid as a result of the traveler's delay. Additional travel expenses incurred as a result of voluntarily giving up a seat are the traveler's financial responsibility.
2. **Involuntarily.** If a traveler is involuntarily denied a seat while traveling, the traveler enters an "Awaiting Transportation" travel status for per diem and miscellaneous expense reimbursement. Any monetary compensation (including meal and/or lodging vouchers) for the denied seat belongs to the Government.