ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

3750.6A

1/13/98

SUBJ: **NO-CHARGE TRANSPORTATION PROVIDED BY STATE OR LOCAL GOVERNMENT AGENCIES FOR OFFICIAL TRAVEL BY FAA EMPLOYEES**

1. **PURPOSE**. This order prescribes the requirements and procedures for FAA personnel located in the contiguous United States, Alaska, Puerto Rico, the U. S. Virgin Islands, and Hawaii to request and approve no-charge transportation for FAA employees provided by certain non-Federal sources.

2. **DISTRIBUTION**. This order is distributed to division level in the Washington headquarters, regions, and centers with a limited distribution to each field office and facility.

3. **CANCELLATION**. Order 3750.6, No-Charge Transportation Provided by State or Local Government Agencies for Official Travel by FAA Employees, dated May 1, 1997, is canceled.

4. **BACKGROUND**. FAA has authority to accept gifts of travel expenses from non-Federal sources to attend meetings and similar functions. This authority was contained in the Ethics Reform Act of 1989 and is implemented by GSA Regulation, 41 CFR Part 304-1, and Order 1500.37, Acceptance of Payments from non-Federal Sources for Official Travel. This authority is the exclusive means available for accepting gifts of travel expenses to attend meetings and similar functions, and may be exercised only by the Administrator. To accept gifts of travel expenses when the travel is for any other purpose, FAA must use the Administrator's gift authority established by 49 U.S.C. 302c. Exercise of the Administrator's gift authority has previously been limited to the Administrator.

5. **EXPLANATION OF CHANGES**. This revision extends the authority of the original order to FAA personnel located in Puerto Rico and the U. S. Virgin Islands. This revision modifies the requirement for obtaining oral approval prior to accepting no-charge transportation resulting from an unforeseen event occurring less than 24 hours before the travel must begin.

6. **POLICY**. Notwithstanding the provisions in Order 2700.20A, Gifts and Bequests, it is FAA policy that unsolicited offers of no-charge transportation from state or local government agencies may be approved and accepted as specified in this order by FAA employees for official travel required to carry out the agency's statutory or regulatory functions (i.e., a function that is essential to an agency's mission), such as investigations (including aircraft accident investigations), inspections, audits, site visits, negotiations, litigation, or other similar events or functions. Attendance at a meeting is not considered a statutory or regulatory function for the purposes of this order . The donor must not have any matter pending that can be affected by the performance of official duties of the traveler(s), or any interest that can be affected by the performance of official duties of the traveler(s) during the travel involved. FAA personnel shall not solicit offers of such no-charge transportation.

7. **COST EFFECTIVENESS AND CONFLICT OF INTEREST DETERMINATIONS**. The public trust requires that public agency operations be conducted in a cost-effective manner consistent with the missions of the agencies; therefore, prior to the approval of any no-charge transportation from state or local government agencies, the procedures in paragraphs 7a and 7b must be considered.

a. Effectiveness. When authorized by the procedures in this order, an FAA employee may travel in state or local government vehicles (including, but not limited to automobiles, trucks, aircraft, boats, and snowmobiles) at no charge by the state or local government agency for investigations, inspections, audits, site visits, and other similar mission-essential events or functions, when such transportation is approved as outlined in paragraph 9 and on paragraph 2 of Appendix 1, Sample Memorandum Requesting Approval of Acceptance of No-Charge Transportation from a State or Local Government Agency.

b. Conflicts of Interest. Notwithstanding the considerable commonality of interest between FAA and various state or local government agencies, some activities of such agencies are regulated by FAA or are otherwise subject to official oversight by FAA. As a result, conflicts and apparent conflicts of interest may arise if a state or local agency were to provide free transportation to an FAA employee in connection with the performance of official duties connected with those regulatory or oversight activities. Therefore, offers of no-charge transportation of FAA employees on official business in state or local government vehicles may not be accepted if there might be cause to question the integrity of FAA programs or operations.

8. DELEGATION OF AUTHORITY FOR APPROVAL. Authority to approve the travel by an FAA employee at no charge by a state or local government agency is redelegated to the Associate Administrator and Assistant Administrator level in the Washington headquarters, in consultation with AGC-100, and to the Regional Administrator, Aeronautical Center Director, and Technical Center Director in the regions and centers, in consultation with their servicing Assistant Chief Counsels. This authority may not be redelegated. Prior approval is required, in writing, except when the offer of no-charge transportation results from an unforeseen event, such as an accident, occurring less than 24 hours before the travel must begin. In such cases, prior oral approval must be obtained unless the approving official cannot be reached by telephone and the travel must begin. In any case involving travel without prior approval in writing, approval, and attempts to obtain prior approval, must be documented in writing to meet the requirements of this order as soon as possible after completion of the travel. Disposal of approved requests by the approving official shall be in accordance with Order 1350.15B, Records Organization, Transfer, and Destruction Standards.

9. APPROVING OFFICIAL CONSIDERATIONS. Approving officials must consider the factors listed in appendix 1.

10. APPROVAL REQUESTS. In making a request, the traveling employee must provide the information called for in appendix 1 in sufficient detail to permit the approving official to consider fully all of the factors relevant to making a decision on the request.

11. REPORTING REQUIREMENTS. Approving officials shall forward a copy of all approved requests to the Office of Financial Services, Attn: ABA-300, as soon as possible, but no later than April 4 each year for approved travel from the previous October through March 31. Requests shall be forwarded no later than October 4 each year for approved travel from the previous April 1 through September 30.

Jane F. Garvey
Administrator

APPENDIX 1. SAMPLE MEMORANDUM REQUESTING APPROVAL OF ACCEPTANCE OF NO-CHARGE TRANSPORTATION FROM A STATE OR LOCAL GOVERNMENT AGENCY.

1. The requester must complete in sufficient detail to provide the information needed for the approving official to address the consideration factors adequately in paragraph 2 of this appendix.

FROM: _____ (name of employee) DATE:

TO: _____ (approval level)

THRU: _____ (division approval)

Under the provisions of Order 3750.6A, I hereby request that you accept the offer of no-charge transportation from [identify the state or local government agency] under the circumstances described below. I attest that the travel relates to my official duties and that I have read and understand the requirements of Order 3750.6A.

Identity of state or local government agency official making the offer, his or her duties, and a description of the offer and of recent or prospective matters affecting the state or local agency in which you have been or expect to be involved. _____

_____

_____

Reason for travel [describe what is to be done during the travel, how it will benefit FAA, and how it will benefit the state or local agency]: _____

_____

_____

_____

_____

Value of offer:[what would be the cost of commercial transportation]: _____

_____

_____

Signature: _____

Approved by: _____

Date: _____

(Retain copies by employee and approving official.)

2. CONSIDERATION FACTORS FOR APPROVING OFFICIALS.

a. Whether the circumstances make it appear it is the state or local government agency's intent to reward the FAA employee for past actions or to influence the employee or the agency in future actions

b. The nature and sensitivity of any matter pending at FAA affecting the state or local government agency's interest

c. The nature of the FAA employee's role in that matter

d. The role in the matter of the state or local government official making the offer

e. The monetary value and character of the transportation offer

f. Whether there are any matters concerning the state or local government currently pending before FAA.