

transportation agreement to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act.

The United States Government has entered into several air transportation agreements which allow federally-funded passengers to use foreign air carriers under certain circumstances. For example, on April 30, 2007, the United States-European Union "Open Skies" Air Transport Agreement (US-EU Open Skies Agreement) was signed, providing EU member airlines the right to transport passengers and cargo on scheduled and charter flights funded by the United States Government under certain conditions. On March 4, 2008, GSA published a proposed rule in the **Federal Register** (73 FR 11576) with a request for comments concerning a proposal that would incorporate the US-EU Open Skies Agreement language pertaining to United States Government funded travelers into the FTR. Only one comment was received from the Association of Private Voluntary Organization Financial Managers (APVOFM). APVOFM strongly supported the proposed rule.

However, since the issuance of the proposed rule, the United States has also signed air transport agreements with Australia and Switzerland that include text relating to United States Government procured transportation. The provisions in both the Australia and Switzerland agreements became effective on October 1, 2008.

Accordingly, rather than amend the FTR to include language from these agreements, and thereafter amending the FTR each time future agreements are signed, GSA is issuing this final rule to provide for an Internet based source (<http://www.gsa.gov/openskies>) of information relating to air transportation agreements that impact United States Government funded transportation. This approach will allow GSA to quickly provide and update relevant information to Federal agencies as new agreements are signed or current agreements are amended without invoking the regulatory process. In the future, if GSA determines that further guidance is necessary, GSA will issue FTR Bulletins as appropriate.

#### B. Executive Order 12866

This final rule is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September

30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

#### C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment therefore, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

#### E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates to agency management and personnel.

#### List of Subjects in 41 CFR Part 301-10

Government employees, Travel and transportation expenses.

Dated: December 12, 2008.

**James A. Williams,**

*Acting Administrator of General Services.*

■ For the reasons set forth in the preamble, GSA amends 41 CFR part 301-10 as follows:

#### PART 301-10—TRANSPORTATION ALLOWABLE

■ 1. The authority citation for 41 CFR part 301-10 continues to read as follows:

**Authority:** 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; Office of Management and Budget Circular No. A-126, "Improving the Management and Use of Government Aircraft" Revised April 28, 2006.

■ 2. Amend § 301-10.135 by revising paragraph (b) to read as follows:

#### § 301-10.135 When must I travel using U.S. Flag air carrier service?

\* \* \* \* \*

(b) The transportation is provided under a bilateral or multilateral air transportation agreement to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act.

(1) Information on bilateral or multilateral air transportation agreements impacting United States Government procured transportation

can be accessed at <http://www.gsa.gov/openskies>; and

(2) If determined appropriate, GSA may periodically issue FTR Bulletins providing further guidance on bilateral or multilateral air transportation agreements impacting United States Government procured transportation. These bulletins may be accessed at <http://www.gsa.gov/bulletins>.

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#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 301-10

[FTR Amendment 2009-01; FTR Case 2009-301; Docket 2009-0001]

RIN 3090-A184

#### Federal Travel Regulation; Privately Owned Vehicle Mileage Reimbursement

**AGENCY:** Office of Governmentwide Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** GSA is amending the Federal Travel Regulation (FTR) to decrease the mileage reimbursement rates for privately owned automobiles (POA), motorcycles, and airplanes when used for official travel. The new rates reflect the current vehicle operating costs as determined by investigations conducted by GSA. The governing regulation sets the mileage reimbursement allowance for a POA at \$0.55, motorcycles at \$0.52, and airplanes at \$1.24, when used for official purposes.

**DATES:** *Effective Date:* This final rule is effective January 15, 2009.

*Applicability Date:* This final rule is applicable for official travel performed on and after January 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (VPR), Room 4041, GSA Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Marcerto Barr, Program Analyst, Office of Governmentwide Policy, Travel Management Policy, at (202) 208-7654. Please cite FTR Amendment 2009-01; FTR case 2009-301.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Pursuant to 5 U.S.C. 5707(b), the Administrator of General Services has

the responsibility to establish POV mileage reimbursement rates that Federal employees are entitled to when they use a POA, motorcycle or airplane for official business. To set the rates, GSA is required to periodically investigate the cost to Government employees of operating a POV while on official travel, and consult with the Secretaries of Defense and Transportation, and representatives of Government employee organizations. GSA conducted investigative reports on the mileage rates for motorcycles and airplanes. The Internal Revenue Service (IRS) conducted an investigative report on the mileage rates for a POA to compute the deductible cost of operating passenger vehicles for business purposes. GSA analyzed the data in the IRS report and adopted the findings. After consultation with the above-referenced Federal agencies and Government employee organizations, the Administrator of General Services has determined that the per mile operating costs for the official use of a POA (including trucks) is \$0.55, \$0.52 for motorcycles, and \$1.24 for airplanes. As provided in 5 U.S.C. 5704(a)(1), the POA mileage reimbursement rate cannot exceed the single standard mileage rate established by the IRS. The IRS announced a new single standard mileage rate for automobiles of \$0.55 per mile effective January 1, 2009. The results of the investigative reports have been reported to Congress.

**B. Executive Order 12866**

This is not a significant regulatory action, and therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

**C. Regulatory Flexibility Act**

This final rule is not required to be published in the **Federal Register** for notice and comment, and therefore, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

**E. Small Business Regulatory Enforcement Fairness Act**

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

**List of Subjects in 41 CFR Part 301-10**

Government employees, Travel and transportation expenses.

Dated: January 2, 2009.  
James A. Williams,  
*Acting Administrator of General Services.*

■ For the reasons set forth in the preamble, under 5 U.S.C. 5701-5709, GSA amends 41 CFR part 301-10 as set forth below:

**PART 301-10—TRANSPORTATION EXPENSES**

■ 1. The authority citation for 41 CFR part 301-10 continues to read as follows:

**Authority:** 5 U.S.C. 5707, 40 U.S.C. 121 (c); 49 U.S.C. 40118, Office of Management and Budget Circular No. A-126, "Improving the Management and Use of Government Aircraft." Revised April 28, 2006.

■ 2. Amend the table in § 301-10.303 by revising the second, third, and fourth entries to read as follows:

**§ 301-10.303 What am I reimbursed when use of a POV is determined by my agency to be advantageous to the Government?**

For use of a . . .	Your reimbursement is . . .
* * * * *	* * * * *
Privately owned airplane ....	1 \$1.24
Privately owned automobile	1 \$0.55
Privately owned motorcycle	1 \$0.52

<sup>1</sup> Per mile.

**Note:** This attachment will not appear in the code of Federal Regulations.

**Attachment to Preamble**

**GENERAL SERVICES ADMINISTRATION  
REPORTING TO CONGRESS—THE COSTS OF OPERATING PRIVATELY OWNED VEHICLES**

Paragraph (b) of Section 5707 of Title 5, United States Code, requires the Administrator of General Services to periodically investigate the cost to Government employees of operating privately owned vehicles (airplanes, automobiles, and motorcycles) while on official business, to report the results of the investigations to Congress, and to publish the report in the **Federal Register**. This report on privately owned

vehicle reimbursement rates is being published in the **Federal Register**.

Dated: January 2, 2009.  
James A. Williams,  
*Acting Administrator of General Services.*

**Reporting to Congress—The Costs of Operating Privately Owned Vehicles**

5 U.S.C. 5707(b)(1)(A) requires that the Administrator of General Services, in consultation with the Secretary of Defense, the Secretary of Transportation, and representatives of Government employee organizations, conduct periodic investigations of the cost of travel and operation of privately owned vehicles (airplanes, automobiles, and motorcycles) to Government employees while on official business, and report the results to Congress at least once a year. 5 U.S.C. 5707(a)(1) requires that the Administrator of General Services issue regulations, including the prescription of mileage reimbursement rates. Pursuant to 5 U.S.C. 5707(b), the Administrator shall also determine the average, actual cost per mile for the use of each type of privately owned vehicle based on the results of cost investigations. Such figures must be reported to the Congress within 5 working days after the cost determination has been made in accordance with 5 U.S.C. 5707(b)(2)(C).

GSA conducted investigative reports on the mileage rates for motorcycles and airplanes. The Internal Revenue Service (IRS) conducted an investigative report on the mileage rates for a POA to compute the deductible cost of operating passenger vehicles for business purposes. GSA analyzed the data in the IRS report and adopted the findings. As provided in 5 U.S.C. 5704(a)(1), the POA mileage reimbursement rate cannot exceed the single standard mileage rate established by the IRS. The IRS announced the new single standard mileage rate of \$0.55 per mile for automobiles, effective January 1, 2009. Based on the investigative reports, and in consultation with the above-specified parties, I have determined that the per mile operating costs for the official use of a POV is as follows: \$0.55 for POAs (including trucks), \$0.52 for motorcycles, and \$1.24 for airplanes. This report to Congress on the cost of operating POVs will be published in the **Federal Register**.

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