

for the locality where the employee seeks residence quarters or for the locality where the employee obtains lodging accommodations. An agency may prescribe the standard CONUS rate as the maximum per diem rate if it determines that establishment of such lower rate is advantageous to the Government.

[FTR Amdt. 54, 61 FR 68161, Dec. 27, 1996]

§302-2.2 For members of an employee's immediate family.

(a) *Transportation.* Except as specifically provided in this chapter, allowable travel expenses for the employee's immediate family, including transportation, are governed by chapter 301 of this title. Travel of the immediate family may begin at the employee's old official station or some other point, or partially at both, and may end at the new official station or some other place selected by the employee, or partially at both. However, the cost to the Government for transportation of the immediate family shall not exceed the allowable cost by the usually traveled route between the employee's old and new official stations.

(b) *Per diem allowance when en route between employee's old and new official stations.* When an employee is transferred, an allowance shall be paid for per diem expenses incurred by the employee's immediate family while traveling between the old and new official stations regardless of where the old and new stations are located. If the actual travel involves departure and/or destination points other than the old or new official station, the per diem allowance shall not exceed the amount to which members of the immediate family would have been entitled if they had traveled by a usually traveled route between the old and new official stations. The prohibition in §301-7.5(b) of this title on paying per diem for travel of 12 hours or less applies to change of official station travel. The maximum allowable per diem rates are as follows:

(1) *For the spouse—(i) When accompanying the employee.* When the spouse accompanies the employee who is traveling under §302-2.1, the spouse is authorized three-fourths of the per diem rate to which the employee is entitled.

However, under this provision the minimum per diem rate shall be \$6 unless the employee receives a per diem rate of less than \$6 and, in that instance, the spouse will receive the same rate as the employee.

(ii) *When not accompanying the employee.* When the spouse is not accompanying the employee while he/she is traveling under §302-2.1, the spouse is authorized the per diem rate to which the employee is entitled under §302-2.1. In such instance the travel time of the employee and the amount of per diem allowance paid him/her are not factors in computing the amount of per diem allowance for travel of the spouse. (When more than one privately owned automobile is used, the spouse shall be considered to have been accompanied by the employee if travel is performed on the same days along the same general route.)

(2) *For each other member of the employee's immediate family.* Three-fourths of the per diem rate to which the employee is entitled is authorized for each other member age 12 or older, and one-half of the per diem rate to which the employee is entitled is authorized for each child under 12 years of age. However, under this provision the minimum per diem rate shall be \$6 unless the employee received a per diem rate of less than \$6 and, in that instance, the member shall receive the same rate as the employee.

(c) *Exclusions.* The provisions of paragraph (b) of this section do not authorize payment of per diem allowances for members of the immediate families of:

- (1) New appointees;
- (2) Employees assigned to posts of duty outside the continental United States in connection with overseas tour renewal agreement travel;
- (3) Employees assigned to posts of duty outside the continental United States returning to places of actual residence for separation; or
- (4) Employees assigned under the Government Employees Training Act (5 U.S.C. 4109).

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