

Senator Jeff Merkley and Senator John Kennedy's The Fly Smart Act of 2018

The Fly Smart Act codifies current federal rules as it pertains to executive branch employee travel and limits the ability to fly on first and business classes. The White House Chief of Staff may grant a waiver to these limits for Cabinet Secretaries and Cabinet Secretaries may grant a waiver for the employees at their Agency or Department. The waiver must be published online within 90 days. The bill's purpose is to bring more transparency and accountability when federal employees use taxpayer dollars for travel.

Section 1 – Short Title “Fly Smart Act”

Section 2 – Airline Accommodations for Official Government Travel

- Bans First and Business Class Travel: This section requires all covered employees to fly coach, domestically and internationally.
- Military Aircraft Ban: This section bans covered employees from flying on military aircraft domestically. *The ban does not apply to Department of Defense employees and when covered employees from flying to or from a military installation.*
- Exceptions Require a Waiver: A waiver is required for non-coach flights established by one of the exceptions below.
 - The waiver must be signed by the head of the agency employing a covered employee, or in the case of a covered employee who is a political appointee the White House Chief of Staff must provide sign-off.

A signed waiver can authorize the covered employee's use of:

First-class accommodations if:

- 1) No coach-class is scheduled to leave/arrive within 24 hours of intended travel;
- 2) The covered employee has a disability or special need; or
- 3) Exceptional security circumstances are determined by the White House Chief of Staff.

Business-class accommodations if:

- 1) (2 or 3 above)
- 2) Coach-class accommodations on a foreign airline do not provide adequate sanitation or health standards;
- 3) No coach class is provided;
- 4) Payment for the flight comes from a non-Federal source;
- 5) An international flight is over 14 hours; and the covered employee is required to report to work no later than a day after the employee's travel begins;
- 6) It gives the Federal Government an overall cost saving;
- 7) No space is available in coach-class and the travel cannot be postponed;
- 8) When required because of the mission of the agency in which is consistent with the internal procedures of the agency.

- Waiver disclosure: Any signed White House waiver must be publicly disclosed online, within 90-days, noting which exclusion applies and the cost of the travel.
- No blanket waiver: No covered employee will have all waivers pre-approved, unless the covered employee has a disability or special need.
- Upgrades: Nothing in this section prevents a covered employee from upgrading to first-class or business-class at the personal expense of the covered employee or through the redemption of frequent flyer benefits.

Section 3 –Definitions

- Covered employee: Every employee in the executive branch is covered.
- First Class: Highest class of accommodation offered.
- Business Class: Premium accommodation that is more expensive and offers more amenities than coach, but only considered business- class where first-class is also available.