



DEPARTMENT OF THE NAVY
OFFICE OF THE SUPERINTENDENT
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS, MARYLAND 21402-5000

12 September 2007

**MEMORANDUM FOR THE DIRECTOR OF ATHLETICS AND STAFF JUDGE
ADVOCATE**

From: Superintendent

Subj: POLICY FOR CHARTER AND COMMERCIAL AIR TRAVEL FOR AWAY
ATHLETIC EVENTS

Ref: (a) Superintendent's Memorandum of 21 Aug 2007: POLICY FOR OFFICIAL
PARTY AT AWAY ATHLETIC EVENTS
(b) 31 United States Code Section 1353
(c) 41 United States Code Section 304-5.4, 5.5 and 5.6

1. **Purpose.** This memorandum outlines policy for use of charter or other commercial air travel for away football games and other athletic competitions. Compliance with this memorandum should (a) avoid unintended violations of joint ethics regulations by the command and individuals and (b) ensure proper representation for the Naval Academy at away intercollegiate athletic events. Reference (a) provides Naval Academy policy for determining the composition of the Naval Academy Official Party Category A and Category B personnel, as well as policy for provision of ground transportation, per diem and lodging for government military and civilian employees traveling to away athletic contests.

2. **Background.** The United States Naval Academy (USNA) and the Naval Academy Athletic Association (NAAA), a nonprofit organization with headquarters at the U.S. Naval Academy, Annapolis, Maryland, have entered into an Operating Agreement that sets forth the conditions under which NAAA shall operate at USNA, the support that USNA, as a host activity shall provide to NAAA as a tenant activity, and the support and funding responsibilities of USNA and NAAA for the athletic program. The General Accounting Office (GAO) has determined in past reviews that the Operating Agreement serves the purpose of a contract between the two organizations. Paragraph 7b of the current agreement, dated 1 February 1999, states that "NAAA will pay all costs associated with official party travel to away athletic events. The Superintendent will determine the composition of the official party."

3. **Policy.** Charter or other commercial air travel is authorized by the Superintendent for transportation of the varsity football team and other athletic teams when it is determined by the Athletic Director that air transportation is the most effective and efficient method of transportation for any specific competition. Factors included in this determination

may include, but are not limited to, cost, distance, academic schedule, military obligations and other factors impacting the Naval Academy mission.

4. **Charter Aircraft.** The size requirement for a charter aircraft shall be determined based upon the requirements for the team, coaches, equipment and support personnel, including all Official Party Category A personnel as defined in reference (a). Once the size of the charter aircraft has been determined, individuals traveling in a Representational Role as part of the Official Party Category B may be offered seats on a “space available” basis. The priority in all team charter aircraft travel shall be the business of facilitating the successful transportation of the varsity team and its support staff.
5. **Commercial Ticket Air Travel for Official Party Category A.** The Athletic Director may choose to utilize commercial tickets for air travel for an entire team when charter travel is not required. In addition, the Athletic Director may provide commercial tickets for individual team members if such ticketing is required due to military or academic duties or when competition interrupts scheduled leave for midshipmen.
6. **Commercial Ticket Air Travel for Official Party Category B.** The Athletic Director may choose to provide commercial tickets for air travel for Official Party Category B personnel traveling in a Representational Role when the duties of the Official Party member conflict with the schedule for charter aircraft.
7. **Additional Seat Availability On Charter Aircraft.** Any seats on the charter aircraft that are not filled by members of the official travel party may be made available to others within the USNA/NAAA community, including guests and family members of the Official Party. These seats may be filled only as space is available and on a reimbursable basis. The final authority for all such additional guest travel is the Director of Athletics. When guests and other family members of the Official Party are included, the NAAA will comply with IRS regulations regarding reporting of benefits for such travel as it applies to guests and family members of employees of the NAAA. Guests and family members of government military and civilian employees traveling as members of the Official Party shall reimburse the NAAA the value of such transportation.
8. **Gift Acceptance.** Air travel for Category A individuals directly involved in the conduct of the NCAA competition shall not be treated as a gift to the United States government. Air travel for Category B individuals traveling in a representative role shall be treated as a gift to the United States government under the provisions of references (b) and (c). In the case of charter aircraft, since services provided to all passengers are the same, all seats on the aircraft shall be considered “coach class” in the context of reference (c). Gift acceptance shall be coordinated through the Staff Judge Advocate.
9. **Reimbursable Costs.** Cost for any reimbursable seat on the charter aircraft will be established on a per capita basis (total cost of charter divided by number of seats). However, if the prevailing industry rate is lower than the per capita cost, the Director of Athletics may set a rate determined to be economically advantageous to NAAA. All travel

costs for individuals traveling on a reimbursable basis must be fully paid in advance of the travel.

10. **Responsibility**. The Athletic Director is responsible for compliance with the policy in this memorandum, communication with designated individuals and movements of personnel associated with the Naval Academy Official Party at away competitions. Exceptions to this policy require specific Superintendent approval.



J.L. Fowler

Copy to:
USNA Senior Leadership Team (SLT)
Comptroller