

Acceptance of Payment from a Non-Federal Source For Travel Benefits While in Official Capacity

DoD may accept travel benefits (transportation, lodging, meals, and related expenses), in-kind or by reimbursement, from non-Federal sources (such as organizations, associations, or businesses) for DoD personnel in their official capacities to attend meetings, conferences, seminars, symposia, and other similar functions. 31 U.S.C. 1353. Government personnel must be on funded travel orders. This authority to accept payment is not appropriate for permissive TDY. The General Services Administration has implemented the statutory authority, and DoD follows that regulation. (Federal Travel Regulation, 41 C.F.R. Part 304-1).

For travel benefits to be accepted from a non-Federal source, the travel approving authority (official who signs travel orders) must generally approve the acceptance **prior** to the travel. The sole exception allows the travel approving authority to approve, within 7 working days after the trip ends, acceptance of transportation, lodging and meals (not any related expenses) within the maximum allowed on the travel authorization. If the employee accepts travel benefits after the Department rejected the offer, the employee is responsible for reimbursing the non-Federal source.

In order to accept the travel payments, either before or after the travel, the travel approving authority must make the following determinations:

- Payment is for attendance at a meeting, conference, seminar, speaking engagement, symposium, training course, or receipt of an award or honorary degree related to official duties. The event does not need to be a “widely attended gathering.”

This authority does not permit acceptance of payments for promotional vendor training or other events in which the primary purpose is marketing the non-Federal source's products or services.

This authority does not permit acceptance of payments for events that are essential or required to carry out an agency's statutory and regulatory functions, such as inspections, audits, site visits, or negotiations.

- Payment is for travel related to the employee's official duties, and the employee must be in a travel status. Payments or benefits offered by a non-Federal source may be limited by qualifying acceptance to attend only a portion of the function that is deemed to be in the Government's interest.
- Travel is in the interest of the Government.
- Payment may be accepted only from a non-Federal source that is not disqualified because of a conflict of interest. The approving authority must review the circumstances to determine that acceptance would not cause a reasonable person with knowledge of all the relevant facts to question the integrity of the Government's programs or operations. This

consideration should include:

the identity of the non-Federal source
the purpose of the meeting
the identity of other expected participants
the monetary value and character of the travel benefits
whether there is any matter pending at their DoD component that may affect the interest of the non-Federal source, and if so its nature and sensitivity and the significance (if any) of the proposed traveler's role in the matter
any impact the performance or nonperformance of the traveler's official duties might have on the non-Federal source.

Procedures:

These determinations should normally be in writing. A model memorandum is included as Attachment 1. The acceptance of travel benefits should be approved by the employee's travel approving authority in advance, with prior concurrence of a DoD ethics counselor. To the extent possible, the report referred to below should be completed and attached to the memorandum prior to the signatures.

Benefits in kind (*e.g.*, plane tickets, prepaid hotel reservations) are preferred. **Cash may not be accepted by DoD employees.** If benefits are provided by reimbursement of expenses, checks must be made payable to the U. S. Treasury or the DoD Component, not to the employee.

Since these travel benefits are provided to the Government, they should not be listed as gifts on the financial disclosure reports (SF 278 or OGE Form 450) of the affected Government employee.

Reports:

After the travel has been completed, if the total value of the payments exceeds \$250, a report (Attachment 2) must be forwarded to the ethics counselor for inclusion in the semi-annual report to the Office of Government Ethics. SF 326, "Semiannual Report of Payments Accepted from a Non-Federal Source," and SF 326A, "Semiannual Report of Payments Accepted from a Non-Federal Source-Continuation," may be found at the following web sites: www.gsa.gov/forms/pdf_files/sf326.pdf, and www.gsa.gov/forms/pdf_files/sf326a.pdf.

For OSD personnel only, please call the Standards of Conduct Office at (703) 695-3422, if you have any questions.

Attachments

SEQ 1_0 * Arabic \r 11. Acceptance of Travel Benefits
SEQ 1_0 * Arabic \n2. Report of Payments

Date:

MEMORANDUM FOR RECORD

SUBJECT: Acceptance of Travel Benefits In Accordance With 31 U.S.C. 1353

Travel benefits have been offered by non-Federal source to accommodate the participation of employee in name of meeting or similar event on date of meeting in place of meeting. This meeting is not essential to DoD Component's mission and is not promotional vendor training or other marketing. The travel is related to the employee's official duties and the employee will be participating in an official capacity. This travel is in the interest of the Government and travel authorization has been issued. Travel benefits will be provided in kind or by check or similar instrument made payable to the "U.S. Treasury."

I have considered the identity of non-Federal source, the purpose of the meeting, the identity of other expected participants, and the monetary value and character of the travel benefits. I have also considered whether there is any matter pending at DoD Component that may affect the interest of non-Federal source, and if so its nature and sensitivity and the significance (if any) of employee's role in the matter. I have considered any impact the performance or nonperformance of DoD employee's official duties might have on the non-Federal source. Based on these considerations, I find that non-Federal source is not disqualified due to a conflict of interest and make the following determination:

Acceptance of these travel benefits would not cause a reasonable person with knowledge of all the relevant facts to question the integrity of the DoD Component's programs or operations.

Acceptance of these travel benefits is approved. This memorandum has been coordinated with the Standards of Conduct Office/ethics counselor.

Travel Approving Authority

Traveler's Point of Contact: _____

Phone: _____

Ethics Counselor Coordination: Concur _____

Non-concur _____

Date:

MEMORANDUM FOR: Ethics Counselor, Standards of Conduct Office

SUBJECT: Report of Payments for Travel Benefits from a Non-Federal Source

Pursuant to 31 U.S.C. 1353

Name of Traveler:

Grade or Rank:

Position:

Office Address:

Point of Contact (if any)/Telephone:

Event:

Sponsor(s) of Event (include any significant co-sponsors, e.g., "University of Texas, in conjunction with, Longhorn Defense Corporation"):

Location of Event:

Date of Event:

Travel Dates:

Nature of Participation ("speaker", "attendee", etc.):

Non-Federal Source of Payment (who actually pays):

Nature of Payment: Check In-kind payment Both

Total Value of Benefits Received (estimated before travel; actual amounts upon return):

Lodging:

Transportation:

Meals:

Miscellaneous:

Attachment: Travel Approving Authority Determination

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Updated: 1/24/08

