

INFORMATION PAPER

MCCS-BJA-AL
12 April 2002

SUBJECT: Acceptance of Travel and Related Benefits from A Non-Federal Source Pursuant to 31 U.S.C. §1353

1. PURPOSE. To provide information to personnel assigned to AMEDDC&S and Fort Sam Houston on the rules and procedures for accepting an offer from a non-Federal entity (NFE) to pay travel, subsistence, and related expenses with respect to attendance of the employee at any conference, seminar, meeting, symposium, or similar function relating to the official duties of the employee.

2. FACTS. Universities, professional associations, or private companies often offer to pay travel and related expenses for personnel to attend a conference, meeting, or similar function on a subject that relates to their official duties. Although such payment is a gift for the performance of official duties, Congress allows the Government to accept such gifts under strict conditions and procedures. Potential travelers must know the rules or risk paying all of the expenses themselves. Travel Approval Authorities must also know what to consider in making a determination that the Government may accept the gift.

3. RULES.

- a. You may not solicit an offer; it must be voluntary.
- b. Approval of the Travel Approving Authority and Ethics Counselor must be obtained before the offer is accepted.
- c. Approval cannot be obtained after the travel has occurred.
- d. The meeting or similar function must relate to the traveler's official duties.
- e. The meeting or similar function must take place away from the employee's official duty station.
- f. The meeting or similar function must be sponsored or co-sponsored by a private organization.
- g. It is inappropriate to accept travel, which exceeds three weeks in duration.
- h. Do not accept travel benefits to attend a meeting or similar function that is required to carry out the agency's statutory or regulatory functions (that is, a function that is essential to an agency's mission) such as investigations, inspections, audits, site visits, negotiations, or litigation.
- i. Do not accept travel benefits to attend a meeting which amounts to promotional vendor training or is held for the primary purpose of marketing the NFE's products or services.
- j. Invitations for spousal travel must be approved by the

Army Chief of Staff. The accompanying spouse's presence must support the mission of the Army or substantially assist the employee in carrying out his official duties.

4. PROCEDURES. Processing an offer requires the following:

a. The individual being invited to travel must submit the written offer of travel benefits and a memorandum to the Travel Approval Authority. The memorandum must explain how the travel relates to the individual's official duties and is in the best interests of the United States, and how attendance will not undermine the integrity of Army programs or operations. The Travel Approving Authority has the authority to accept the offer subject to the concurrence of the Ethics Counselor.

b. The Travel Approving Authority must do a "conflict of interests analysis" to determine that acceptance, under the circumstances, would not cause a reasonable person, with knowledge of all the relevant facts, to question the integrity of Army programs or operations. A sample Memorandum for Record (MFR), which may be used as a guide in recording the decision, is enclosed. The analysis must consider such matters as:

- the identity of the NFE;
- the nature and purpose of the meeting, conference, etc.;
- the identity of the other participants;
- the nature and sensitivity of any matters pending in the Army which could affect the interests of the NFE;
- the significance of the traveler's role in such matters; and
- the monetary value and character of the travel benefits.

c. The Travel Approval Authority must forward the MFR, the individual's memorandum, and any additional information that explains the event, to the Ethics Counselor for concurrence.

d. The Ethics Counselor must concur in the decision or the offer may not be accepted.

e. Once authorized, the Government may accept either payment "in-kind" (i.e. prepaid tickets, lodging, airline tickets, meals, etc.) or a check. The traveler may never accept cash, but may accept a check on behalf of the Army made payable to the Department of the Army. It is preferable that these benefits be furnished "in-kind", rather than by subsequent reimbursement.

f. If travel benefits are accepted totaling \$250 or more, the traveler must submit a report within 30 days of the travel through the Travel Approval Authority to the Ethics Counselor. A copy of this report, showing the required format, is enclosed.

MEMORANDUM FOR RECORD

SUBJECT: Approval of the Acceptance of Travel Benefits Under 31 U.S.C. §1353

1. Travel benefits have been offered by [identify the non-Federal source(s)] to accommodate the participation of [identify Army employee by name, rank and position] in [identify the title and nature of the meeting or similar event] on [date of meeting or event] in [place where meeting or similar event is held].

2. The Army employee will be traveling, attending, and participating in an official capacity and [the non-Federal source] has offered to pay for the following travel and related expenses which will be provided either in-kind or by check payable to the Department of the Army.

- _____ Round-trip air transportation
- _____ Other transportation (describe)
- _____ Overnight accommodations
- _____ Meals
- _____ Free attendance at event
- _____ Other (describe)

3. I have done a conflict of interests analysis taking into account such factors as the source of the gift, to whom it is offered, any matters that I know of before the Army concerning the source, and the nature of the employee's involvement, if any, in the matter. I hereby determine that acceptance of these travel benefits would not cause a reasonable person with knowledge of all the relevant facts to question the integrity of the Army's programs or operations and approve [employee's name] accepting the above-described gift on behalf of the Army.

4. I have reminded the employee that he/she is required to file a travel report [see enclosure 2] with the Ethics Counselor, Office of the Staff Judge Advocate, if the travel benefits received (consisting of food, lodging, transportation, or entertainment) total \$250 or more.

5. This approval has been coordinated with the Ethics Counselor, AMEDDC&S and Fort Sam Houston.

(Signature)

(Printed or typed Name)
Travel Approval Authority

Coordination: Ethics Counselor, OSJA, AMEDDC&S and FSH

Concur _____

Nonconcur _____

**REPORT OF PAYMENT OF TRAVEL & RELATED EXPENSES
ACCEPTED FROM NON-FEDERAL ENTITIES**

Employee's Name & Rank/Grade: _____

Command/Organization: _____

Employee's Position: _____

Spouse's Name (if applicable): _____

EVENT

Nature/Title of Event: _____

Sponsor: _____

Location: _____

Dates: From _____ To _____

TYPE OF DONATION

Donating Organization: _____

Total Amount: _____

Amount of Payments In-Kind: (Pre-paid conference fees, lodging, airline tickets, meals, etc.)

For Employee: _____ For Spouse: _____

Amount of Payments by Check: _____

Itemized Expenses:

Hotel: _____ Airline: _____ Meals: _____

Other: _____

I certify that the statements on this report are true, complete, and correct to the best of my knowledge.

Signature of Traveler

Date of signature

Signature of Travel Authority

Date of signature

Signature of Ethics Counselor

Date of signature

SUBMIT REPORT TO YOUR ETHICS COUNSELOR WITHIN 30 DAYS OF TRAVEL