

## INFORMATION PAPER

ARNO-JA  
10 July 2014

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

1. There are several key concepts regarding acceptance of travel benefits under 31 U.S.C. § 1353, as implemented by 41 C.F.R. 304.

a. Source of Payment. Gift must be from a non-Federal source, such as a corporation; person; institution; state, local or foreign government. There can be no solicitation by any Army person or office.

b. Type of Event. The travel may only be used for meetings or similar events. This statute may not be used to accept travel to perform functions essential to agency mission (e.g. inspections, oversight visits, or staff meetings) or to attend sales presentations, vendor promotional training, or musical performances.

c. Event Location. The statute applies only to attendance at conferences, seminars, speaking engagements, or similar events that take place away from the employee's duty station. The Army must issue the employee (and/or the employee's spouse, when applicable) a travel authorization before the travel begins. Therefore travel within the employee's local commuting area will not usually qualify for 31 U.S.C. § 1353 travel.

d. Travel Status. As noted above, the employee must be in an official (funded) travel status. 31 USC § 1353 travel is considered to be a gift to the Army. Because it is not a gift to the individual, employees are not required to report the gift on financial disclosure reports. The traveler may not accept personal benefits or gratuities under this statute.

2. How to process 31 U.S.C. § 1353 benefits:

a. The official who normally approves TDY travel is the correct approval official. Authorization to accept 31 U.S.C. § 1353 benefits must be in writing (see template below) and should be rendered before travel commences. After-the-fact approval may be obtained if the traveler reports the 31 USC § 1353 travel benefits within 7 working days of ending travel. The Army must not have previously disapproved the claimed benefits and they must be of the type and character that could have been authorized in the pre-travel process.

b. Before approval, the travel approval authority must determine that acceptance would not undermine the integrity of Army programs or operations. A format is attached for the travel approval authority's use. Further, the approving authority must have **written concurrence from the ethics counselor**. The travel approval authority shall be guided by all relevant considerations, including the following:

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- i. Identity of the non-Federal source;
- ii. Purpose of the meeting or similar event;
- iii. Identity of other expected participants;
- iv. Nature and sensitivity of any non-Federal source matter pending before the agency;
- v. Significance of the employee's role in the matter; and
- vi. Monetary value and character of the travel benefits offered by the non-Federal source.

3. Travelers are encouraged to accept "in-kind" travel expenses (such as prepaid tickets, hotels, and meals), rather than reimbursement of official travel costs. However, reimbursement may be made by check payable to the Army and credited to the appropriation from which the official travel is paid. **Under no circumstances may the traveler personally accept cash reimbursement for any expense.** Further, travelers may not claim "in-kind" benefits accepted by the Army, (e.g., meals, lodging, and transportation) on their TDY voucher.

4. Reporting Requirement. If the travel expenses provided exceed \$250, the traveler must submit a report within 30 days through the travel approving authority to the servicing legal office for filing with the U.S. Office of Government Ethics. The report format is the SF 326.

MEMORANDUM FOR RECORD

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1. Travel benefits have been offered by \_\_\_\_\_ to \_\_\_\_\_ to permit (him/her) to attend or present at the following meeting or similar event: \_\_\_\_\_. This event will occur on \_\_\_\_\_. The Army employee will present the following information: \_\_\_\_\_.

2. The following in-kind or reimbursable travel benefits have been offered to the Department of the Army (include type and value):

Round-trip air fare	
Rental car	
Lodging	
Meals	
Registration fee	
Other	

3. I have reviewed the offer of travel benefits from \_\_\_\_\_ and performed a conflict of interest analysis, taking into account such factors as the source of the gift, the amount of the gift, to whom it is offered, whether there are any matters pending before the Army concerning the non-Federal entity offering the travel benefits and whether the proposed recipient of the travel benefits makes any decisions pertaining to the non-Federal entity.

4. I hereby determine that the acceptance of these travel benefits would/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/disapprove Army personnel identified in this approval to accept the above-described travel benefits.

5. This approval has been coordinated with the Ethics Counselor and written approval has been obtained as evidenced by the concurrence block below or the attached written opinion or email.

6. A copy of this memorandum and attachments shall be retained by the recipient of the travel benefits and a copy will be forwarded to \_\_\_\_\_ (ethics counselor) \_\_\_\_\_, along with a completed form SF 326 as appropriate.

[Signature Block]  
[Title of Travel Approval Authority]

Ethics Counselor Coordination  
Concur \_\_\_\_\_

Nonconcur \_\_\_\_\_