



U.S. Department of Defense Standards of Conduct Office

Acceptance of Travel Benefits from a Non-Federal Source for Official Travel

Purpose: This handout describes the circumstances under which a DoD employee may accept travel benefits from a non-Federal source for official travel. The handout also describes the process that must be followed by civilian and military personnel assigned to the Office of the Secretary of Defense for documenting and reporting acceptance of such travel benefits.

Summary: The Department of Defense (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 to attend meetings, conferences, seminars, symposia, and other similar functions pursuant to 31 U.S.C. § 1353. To accept travel benefits using this authority, the travel must be in the interest of the Government and personnel must attend an event that is away from their permanent duty station (PDS). This authority may not be used for permissive TDY. For travel benefits to be accepted from a non-Federal source, the travel approving authority (official who signs travel orders) must approve the travel in advance of the trip. An employee who accepts travel benefits without prior approval will be responsible for reimbursing the non-Federal source for such benefits if the approving authority rejects the offer. DoD must submit a semiannual report to the Office of Government Ethics (OGE) of all gifts accepted pursuant to this authority. This report is published on OGE's public website.

Authority: The General Services Administration implemented this statutory authority in the Federal Travel Regulation (41 C.F.R. Part 304-1) which DoD must follow. Additional guidance may be found in the Joint Ethics Regulation, Chapter 4 (DoD 5500.07-R), and the Joint Travel Regulations, sections 0206 and 0302.

Acceptance of Travel Benefits: In order to accept travel benefits under this authority, the travel approving authority must make the following written determinations:

1. Payment is limited to the actual cost to attend a meeting, conference, seminar, speaking engagement, symposium, training course, or receipt of an award or honorary degree related to the employee's official duties.
 - a. Section 1353 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.
 - b. Section 1353 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.

2. Payment is limited to necessary travel expenses, to include conference registration fees, related to the employee's official duties at an event that is outside of the employee's PDS.

a. The PDS is defined as an employee or service member's official station or permanent workplace. A PDS area's geographic boundary is the corporate limits of the city or town where the PDS is located. If the PDS is not in an incorporated city or town, then the boundary is the subdivision, station, or other established area.

b. The PDS for the Pentagon is Arlington County, Virginia, even though the Pentagon has a Washington, D.C. mailing address.

3. Payments or benefits offered by a non-Federal source must be limited by qualifying acceptance to attend only a portion of the function that is deemed to be in the Government's interest.

4. Payment may be accepted only from a non-Federal source that is not disqualified because of a conflict of interest. The travel 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:

- a. the identity of the non-Federal source;
- b. the purpose of the meeting;
- c. the identity of other expected participants;
- d. the monetary value and character of the travel benefits;
- e. 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; and
- f. any impact the performance or nonperformance of the traveler's official duties might have on the non-Federal source.

5. Premium travel (i.e. other than economy or coach-class tickets) offered by the non-Federal entity was: (1) comparable in value to those offered to similarly situated meeting attendees; and (2) approved in accordance with DoD's procedures for the use of such benefits (see 41 CFR §§§ 301-10.123, 301-10.162, and 301-10.183). See also Chapter 2, paragraph 020206 and Table 2-5, Joint Travel Regulations.

Procedures:

1. Complete the acceptance memorandum (TAB A), to include travel approval authority signature.
2. Complete the travel expense report (TAB B). You may submit estimated amounts prior to travel. *If you submit estimated amounts, you must provide a final travel expense report within five days of your return if the amounts are different from those originally reported.*
3. Submit the completed acceptance memorandum and travel expense report to SOCO at osd.soco@mail.mil for review by an ethics official. *All requests should be submitted for review by an ethics official at least 10 working days before the travel commences.*
4. Submit a final travel expense report to SOCO within five days of completion of travel if the actual amounts are different from the estimated amounts previously submitted. If no updated report is provided, SOCO will report the amounts listed in the initial travel expense report.

Additional Guidance:

- Payments from a non-Federal source may be made as payment-in-kind (e.g., plane tickets or prepaid hotel). **Payment may never be accepted by an employee.** The non-Federal source may reimburse the Government using a check made payable to the U. S. Treasury, but never to the employee.
- Because the travel benefits are accepted by the Government, employees do not report the value as gifts on their financial disclosure reports (OGE Forms 278 or 450).
- All meals or other travel benefits provided by the non-Federal source must be deducted from the employee's final travel voucher.

OSD Personnel Only: Contact the DoD Standards of Conduct Office (SOCO) at (703) 695-3422 or by e-mail at osd.soso@mail.mil for advice applicable to your specific situation.

All Other DoD Personnel: Contact your servicing ethics office or legal office.

Attachments

A - Memorandum for Record: Acceptance of Travel Benefits

B - Travel Expense Report

TAB A

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 name] 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." Requests for reimbursement of travel benefits (such as meals) provided by [non-Federal source] will be excluded from [employee's name]'s travel voucher.

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 name]'s role in the matter. I have considered any impact the performance or nonperformance of [employee name]'s official duties might have on [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.

[IF APPLICABLE - I have verified that the premium travel benefits offered by [non-Federal source] are comparable in value to those offered to similarly situated meeting attendees and were approved in accordance with DoD's procedures for the use of such benefits.]

Therefore, acceptance of these travel benefits is approved, subject to OSD Standards of Conduct Office (SOCO) review and concurrence. This memorandum will be coordinated with [the Standards of Conduct Office/ethics counselor] prior to acceptance.

Signature Block of
Travel Approving Authority

*(*Memo must be signed prior to forwarding to SOCO*)*

Ethics Counselor Coordination: Concur _____

Non-concur _____

TAB B

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

Traveler's Name:

Travler's Title:

Travler's Grade or Rank:

Office Address:

Traveler's Point of Contact/Telephone:

Event Name or Description:

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: Final Amounts Estimated Amounts **(employee must provide final amounts within 5 days of return from trip)**

Lodging:

Transportation:

Meals:

Miscellaneous:

Premium Travel: (*include brief description of premium benefits offered, date of approval from travel office, and whether or not the premium travel offered was comparable in value to those offered to other similarly situated meeting attendees*)