

Law

ACCEPTANCE OF TRAVEL BENEFITS UNDER 31 U.S.C. 1353

BY ORDER OF THE DEPUTY COMMANDER

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: TCJA (Mr. Kevin Spradling)

Approved by: TCJA (Brig Gen Jarrisse J. Sanborn, USAF)

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This instruction establishes policy and procedures to follow in accepting and reporting travel benefits under Title 31 United States Code (U.S.C.), Section 1353, *Acceptance of Travel and Related Expenses from Non-Federal Sources*, and applies to all military and civilian personnel assigned or attached to USTRANSCOM at Scott AFB IL. Send comments and suggested improvements to this publication on Air Force (AF) Form 847, *Recommendation for Change of Publication*, to the Office of Chief Counsel (TCJA).

SUMMARY OF REVISIONS

Updates the text and attachments. **NOTE:** Since this instruction has been revised in its entirety, asterisks will not be used to identify revised material.

1. References and Supporting Information. References, related publications, abbreviations, acronyms, and terms used in this instruction are listed in Attachment 1.

2. Policy. The law allows non-federal entities, such as organizations, associations, or businesses, to pay temporary duty (TDY) expenses of Government personnel in certain circumstances. Such benefits are usually offered when an employee is asked to participate as a speaker or panelist at a conference or symposium sponsored by a non-federal organization. Travel benefits may not be solicited. Gifts or other benefits that fall under this law may not be accepted under any other law or regulation. Except as provided in paragraph 4 of this instruction, acceptance of such travel benefits must be approved in advance, in writing, by the *travel approving authority*.

2.1. The travel approving authority for the purpose of accepting travel benefits under 31 U.S.C. § 1353 is each USTRANSCOM director and Command Support Group (CSG) chief, or their delegate, for personnel within their directorate/CSG. If a delegate is appointed, TCJA must be notified in writing. No more than one delegate may be appointed within each directorate/CSG.

2.2. The travel approving authority for the purpose of accepting travel benefits offered to directors and CSG chiefs is the USTRANSCOM Chief of Staff (TCCS). The Commander

(TCCC), Deputy Commander (TCDC), and TCCS are their own travel approving authorities under this Instruction.

3. Approval to Accept Travel Benefits. The following procedures will be followed when benefits subject to 31 U.S.C. § 1353 are offered.

3.1. Individuals offered travel benefits under 31 U.S.C. § 1353 must obtain the approval of their travel approving authority prior to accepting such benefits. Requests for approval will be submitted to the travel approving authority sufficiently in advance of the date the proposed benefit is to be provided to allow time for processing. A minimum of two weeks in advance of travel is suggested. Requests will include, at a minimum, the name and telephone number of the recipient, the name of the entity offering the benefit, the nature of the benefit (travel, hotel, free admission, etc.), the approximate value of the benefit, a description of the event to be attended by the recipient (including the date and location), and the nature of the recipient's involvement with or in the event. Attachment 2 provides the format for requesting approval to accept the travel benefits.

3.2. The travel approving authority may deny the request without further processing. In the event approval is recommended, the travel approving authority will forward the request to TCJA for review.

3.3. TCJA will review the request to determine whether:

3.3.1. The travel benefit is related to attendance at a meeting, conference, seminar, speaking engagement, symposium, training course, receipt of an award or honorary degree related to official duties, or similar functions. Travel that does not qualify under this law includes (a) travel to serve on selection boards or review panels or to grade exams; (b) travel to attend events required to carry out an agency's statutory and regulatory functions, such as, inspections, audits, site visits, or negotiations; and (c) travel to attend promotional vendor training or meetings for the purpose of marketing the non-federal source's products or service.

3.3.2. The travel benefit is related to the employee's official duties. (The employee must be in TDY status.) TCJA may recommend that acceptance of travel benefits be limited to those benefits relating to that portion of the function that is deemed to be in the Government's interest.

3.3.3. The travel benefit is from a non-federal source that is not disqualified on conflict of interest grounds. A non-federal organization that has interests which may be substantially affected by the performance or nonperformance of the employee's duties is considered a "conflicting source." Payments from a "conflicting source" may be accepted if it is determined that USTRANSCOM's interest in the employee's attendance or participation in the event outweighs concerns relating to the creation of a possible conflict of interest or the appearance of such a conflict.

3.3.4. The travel is primarily for the benefit of the Government, not the paying organization.

3.4. Applying the guidelines detailed in paragraph 3.3, TCJA will determine whether or not the benefits may be accepted, and return the application to the travel approving authority. The travel approving authority will notify the individual offered the travel benefits.

4. After-the-Fact Approval. Under certain conditions, personnel may accept travel benefits while on official travel without having obtained advance approval to do so. This may occur in one of the situations listed in paragraphs 4.1 or 4.2 below.

4.1. If the travel approving authority has already authorized acceptance of payment for some of the travel expenses, then the traveler may accept an additional offered benefit from the non-federal source as long as:

4.1.1. The expenses paid or provided in kind are comparable in value to those offered to or purchased by other similarly situated attendees; and

4.1.2. The travel approving authority did not decline to accept the payment for those particular expenses in advance of the travel.

4.2. If the travel approving authority did not authorize acceptance of any payment from the non-federal source prior to the travel, the traveler may accept payment on behalf of the Government, as long as:

4.2.1. The only benefits accepted are those which are allowed by the travel authorization (i.e., meals, lodging, transportation, but not recreation or other personal expenses); and

4.2.2. The only travel expenses accepted are those that are within the maximum allowances stated on the TDY order. (If the maximum allowed under the TDY order for lodging is \$100, the traveler may not accept payment from the non-federal source for greater than that amount.)

4.3. When benefits are accepted without having obtained advance approval, the traveler must request approval from their travel approving authority within 7 working days after the trip ends.

5. Acceptance Guidelines and Processing.

5.1. The travel benefit must be provided in-kind or in the form of a check payable to the United States Treasury. **Cash or checks made payable to the employee are not permitted** and will be rejected by the employee if offered.

5.2. Subsequent to travel, the employee files a travel voucher that reflects the benefits received. “In kind” benefits, such as free hotel rooms, free airline tickets, or free meals, are addressed by not claiming lodging, travel, or meal expenses and noting on the voucher the particular benefits that were provided. If the employee receives a check payable to the Government, it must be turned in with the voucher.

6. Reporting.

6.1. If the aggregate value of the travel benefits accepted exceeds \$250, the traveler must complete and forward a report (Attachment 3) to TCJA for inclusion in the semi-annual report to the Office of Government Ethics. This should be done as soon after completion of travel as practicable.

6.2. The *Semiannual Report of Payments Accepted From a Non-Federal Source* (0416-GSA-SA) (Standard Form (SF) 326) is submitted twice each year to the Office of Government Ethics. TCJA will collect information from each directorate/CSG for the semiannual reporting periods covering 1 October through 31 March and 1 April through 30 September of each year. Travelers who have not previously reported benefits exceeding \$250 in value must do so at this point.

7. Penalty. An employee who accepts payment in violation of 31 U.S.C. § 1353 and related regulations may be required to repay an amount equal to the amount of the payment so accepted and shall not be entitled to any payment or reimbursement from the Government for such expenses when repayment is required. Failure to repay may result in disciplinary or adverse administrative actions.

\\SIGNED\\
JARISSE J. SANBORN
Brigadier General, USAF
Chief Counsel

Attachments:

1. Glossary of References and Supporting Information
2. Sample Request for Approval
3. SF 326, *Semiannual Report of Payments Accepted from a Non-Federal Source*

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Title 31 U.S.C. § 1353, *Acceptance of Travel and Related Expenses from Non-Federal Sources*

Title 41 C.F.R. Part 304-1, *Payment from a Non-Federal Source for Travel Expenses*

DOD 5500.7-R, Chapter 4, Section 1, *Acceptance of Official Travel Benefits In Kind or Payment for Official Travel Expenses*

Abbreviations, Acronyms, and Terms

Not used.

SAMPLE

MEMORANDUM FOR TCJA

SUBJECT: Request for Approval to Accept Travel Benefits Under 31 U.S.C. 1353

1. I have been offered travel benefits by (NAME OF NON-FEDERAL SOURCE) to accommodate my participation in (NAME OF MEETING OR SIMILAR EVENT) on (DATE OF MEETING). In accordance with USTRANSCOM Instruction 51-1, *Acceptance of Travel Benefits Under 31 U.S.C. 1353*, the attached detailed information is submitted.
2. My Travel Approving Authority, (NAME OF TRAVEL APPROVING AUTHORITY), has approved my acceptance of this benefit subject to coordination by TCJA.
3. I can be reached at (TELEPHONE NUMBER).

REQUESTOR'S SIGNATURE

Approved

TRAVEL APPROVING AUTHORITY

SAMPLE
(Attachment to Request for Approval)

**REQUEST FOR ACCEPTANCE OF TRAVEL BENEFITS FROM A NON-FEDERAL SOURCE
PURSUANT TO 31.U.S.C. 1353**

Name:

Grade or Rank:

Position:

Office Address:

Telephone:

Event:

Sponsor of Event:

Location of Event:

Date of Event:

Travel Dates:

Nature of Participation:

Non-Federal Source of Payment:

Nature of Payment (check or in-kind payment):

Total Value of Benefits Offered:

Lodging:

Transportation:

Meals:

Miscellaneous:

SEMIANNUAL REPORT OF PAYMENTS ACCEPTED FROM A NON-FEDERAL SOURCE

Form Approval No.: 0416-GSA-SA

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This report implements 31 U.S.C. 1353. It does not supersede other reports that may have to be filed when travel or travel expenses are accepted under other authority. For definitions and policies, see 41 CFR part 304-1.

REPORTING DEPARTMENT OR AGENCY		REPORTING PERIOD		
SAMPLE (ATTCHMENT 3)		OCTOBER 1 - MARCH 31 (Year)	APRIL 1 - SEPTEMBER 30 (Year)	NEGATIVE REPORT

TRAVELER (Name/Title)	EVENT DESCRIPTION/SPONSOR/DATES	LOCATION AND TRAVEL DATES	BENEFITS ACCEPTED					
			SOURCE	DESCRIPTION	CHECK	IN-KIND	AMOUNT	
EXAMPLES John Smith Secretary	Conference on Asia-Pacific Relations sponsored by Asia-Pacific Forum. 8/10-13/93	San Francisco, CA 8/11 - 13/93	Asia-Pacific Forum Pacific Rim Assoc.	Hotel			X	\$280
				Air Transportation				825
				Meals			X	120
Joyce Smith Spouse of Secretary	Conference on Asia-Pacific Relations sponsored by Asia-Pacific Forum. 8/10-13/93	San Francisco, CA 8/11 - 13/93	Asia-Pacific Forum Pacific Rim Assoc.	Air Transportation			X	\$825
				Meals				120

NAME	DESCRIPTION	LOCATION						
SAMPLE TITLE	SPONSOR	DATES						
	DATES:							

NAME	DESCRIPTION	LOCATION						
TITLE	SPONSOR	DATES						
	DATES:							

NAME	DESCRIPTION	LOCATION						
TITLE	SPONSOR	DATES						
	DATES:							

NAME	DESCRIPTION	LOCATION						
TITLE	SPONSOR	DATES						
	DATES:							