

Department of the Interior Departmental Manual

Effective Date: 6/20/94

Series: Ethics and Conduct

Part 374: Employee Responsibilities and Conduct

Chapter 5: Accepting Travel Expenses from a Non-Federal Source

Originating Office: Ethics Staff

374 DM 5

5.1 **Purpose.** This chapter establishes policy and procedures governing the acceptance of travel, subsistence and related expenses from a non-Federal source for official Government travel of Departmental employees and their spouses.

5.2 **Authority.**

- A. 31 U.S.C. ' 1353
- B. 41 CFR 304-1

5.3 **Policy.** The Department may accept payment for the employee and/or the employee's spouse's travel from a non-Federal source when proper consideration is given to the conflict of interest criteria (41 CFR 304-1.4) and a written authorization to accept payment is issued in advance of the travel. The host-paid travel authority under 31 U.S.C. ' 1353 must be used, where appropriate, before any other travel acceptance authority is considered for use. Each travel acceptance event using the authority under 31 U.S.C. ' 1353 must have the prior approval of the Authorized Approving Official. The authority allowing the Department to accept travel payments for spousal travel shall be used rarely and only when there is substantial documentation to show that all of the regulatory criteria (contained in 41 CFR 304-1) for such acceptance can be met without question.

5.4 **Definition.** An Authorized Approving Official is that Department official who has been delegated authority to approve the usual travel authorizations of the employee who will benefit from the non-Federal travel payment.

5.5 **Conditions.** Travel expenses paid for by a non-Federal source may be accepted by the Department only if all of the following conditions are met.

- A. The travel relates to the employee's official duties;
- B. The travel, subsistence and related expenses are with respect to the attendance of an employee (and/or the accompanying spouse of such employee, when applicable) at a meeting or similar function. This includes a conference, seminar, speaking engagement, symposium,

training course, or similar event that takes place away from the employee's official station, and is sponsored by a non-Federal source;

C. The non-Federal source is not disqualified because of a real or apparent conflict of interest; and

D. The travel event is not required to carry out the Department's statutory or regulatory functions. Examples of statutory or regulatory functions that are essential to the Department's mission include investigations, inspections, audits, site visits, compliance reviews or program evaluations.

5.6 Conflict of Interest Analysis.

A. Acceptance of any payment from a non-Federal source shall not be approved when the Authorized Approving Official determines that, under the circumstances, acceptance of the travel expenses would cause a reasonable person with knowledge of all relevant facts to:

(1) Question the integrity of the work to be performed by the employee receiving the benefit, or

(2) Question the integrity of the Department's other program operations.

B. When making these determinations, an Authorized Approving Official shall be guided by all relevant considerations including, but not limited to:

(1) The identity of the non-Federal source and their relationship to the Department;

(2) The purpose of the meeting or similar function and its relationship to the Department's programs or operations;

(3) The identity of other expected participants and their relationship to the Department;

(4) The nature and sensitivity of any pending Department matter which, when decided, may affect the interests of the non-Federal source;

(5) The significance of the employee's role in any such pending matter;

(6) The monetary value and character of the travel benefits offered by the non-Federal source, and

(7) The potential reaction from the Department's customers, including the public, if the acceptance of travel expenses was made known to them.

5.7 Procedures.

A. The procedures stated below must be satisfied before the employee (and/or the accompanying spouse) begins his or her travel:

(1) Each employee (and/or the accompanying spouse) must have an approved Travel Authorization (Form No. DI-1020). The Purpose and Remarks Section (Section 10) of this form must contain a statement stating that:

(a) The Authority to accept payment from a non-Federal source for the specified travel event is 31 U.S.C.' 1353, and

(b) The travel situation complies with the ethics conditions for acceptance under 41 CFR 304-1.4.

(2) The supplementary form entitled, Report of Payments Accepted from Non-Federal Sources Under 31 U.S.C. ' 1353 (Form DI-2000) must also be completed and signed by the employee and the Authorized Approving Official.

B. A copy of Form DI-1020 and Form DI-2000 must be filed with the employee's Deputy Ethics Counselor who will be required to provide the Department Ethics Staff with forms showing host-paid payments of more than \$250 per travel event. This information is required in semiannual reports to the U.S. Office of Government Ethics.

5.8 Payment Guidelines.

A. An advance payment must be received from the non-Federal source for all donations that are not in-kind donations prior to final approval of the travel authorization and prior to incurring any obligation against the Government.

B. Payment from a non-Federal source to cover the travel related expenses of an employee may be made in the form of check or similar instrument made payable to the Department. Employees should not accept cash or negotiate checks or similar instruments payable to them. Any negotiable instruments received by an employee will be transmitted immediately to the appropriate accounting office.

6/20/94 #3008

New