

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Acceptance of Travel Funds from Non-Federal Sources

Number: 341.2

Date: November 22, 1999

Originating Office: Financial Management Division, Travel and Relocation Services Branch, ARS/AFM

This Replaces: 341.2 dated 7/15/94

Distribution: REE Offices in Headquarters, Areas, and Field Locations

This P&P states policy and procedures for authorizing the acceptance of funds for payment of travel expenses from non-Federal sources.

Table of Contents

| | | |
|-----|--|----|
| 1. | Authorities | 3 |
| 2. | References | 3 |
| 3. | Policy | 3 |
| 4. | Conflict-of-Interest Analysis | 4 |
| 5. | Methods of Acceptance | 5 |
| 6. | Procedures for Acceptance of Travel Funds from Non-Federal Sources | 5 |
| 7. | Acceptance of Funds for Accompanying Spouse | 7 |
| 8. | Semi-Annual Reporting Requirements | 7 |
| 9. | Summary of Responsibilities | 8 |
| 10. | Glossary | 9 |
| | Exhibit 1 | 12 |
| | Exhibit 2 | 13 |

1. Authorities

- Secretary's Memorandum dated June 30, 1992
- Agriculture Travel Regulation, Chapter 304-1
- Federal Travel Regulation (FTR), Chapter 304-1
- Public Laws 95-105 and 101-194
- 31 United States Code (U.S.C.) 1353

2. References

Delegation of Authority for Travel, P&P 340.0

Standards of Ethical Conduct, 5 Code of Federal Regulations (CFR) 2635

3. Policy

Federal Travel Regulation (FTR), Chapter 304, Part 1, incorporates authority under Title 31 U.S.C. 1353, under which agencies may accept payments from a non-Federal source, or authorize an employee to accept such payments on behalf of the agency in connection with the attendance of its employee (and/or the accompanying spouse of such employee when applicable) at a meeting or similar function. Refer to the Glossary in this P&P for the definition of meeting or similar function.

NOTE: Acceptance of funds under a formal cooperative agreement is covered under other authorities. A cooperative agreement should be executed in accordance with REE policy to substantiate repetitive travel or travel of more than 3 weeks.

REE employees may **not** accept, **under a gift statute or other similar authority**, payment for travel, subsistence, and related expenses incurred by an employee and/or accompanying spouse to attend a meeting or similar function.

Foreign sources may include international organizations; e.g., United Nations, World Bank, Food and Agricultural Organization, Office of Economic Cooperation and Development, and both national government and nongovernment organizations, but cannot include funds originating from U.S. Federal sources.

Funds may be accepted for travel expenses from **cooperating organizations**; i.e., foreign governments and organizations, domestic private for-profit and not-for-profit organizations, and cooperators reimbursing activities authorized by the 1986 Federal Technology Transfer Act and E.O.12591, when it has been determined to be of mutual benefit in carrying out REE programs and meets the following criteria:

- **The extent and purpose of the travel must be supported by proper documentation, and approved in advance by an approving official.**
- The travel must be consistent with the interests of REE.
- The funds received would finance normal and reasonable official travel expenses that an employee would be entitled to under the FTR (refer to P&P 343.1, Approval of Premium-Class Air Travel.)

NOTE: An employee who accepts any payment in violation of this policy may be required, in addition to any penalty provided by law and applicable regulations, to repay to the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and the employee will not be entitled to any reimbursement from the Government for such expenses.

All approvals will be substantiated through proper documentation. Documentation for each trip will include: (1) a written offer; (2) a written request and justification statement for acceptance of travel funds from the non-Federal source; (3) a written affirmation that a conflict of interest analysis has been conducted; and (4) a letter of acceptance (see sample acceptance letter in Exhibit 1) which documents the cooperative nature of the arrangement, including:

- a clear understanding of the mutual benefit and interest between the agency and the cooperator (merely stating that a mutual benefit exists is not sufficient); and
- establishing the resource contribution by both parties; e.g., the agency will finance the individual's salary while the cooperator will finance all or a portion of the related travel.

NOTE: REE employees may receive in-kind payments but may not receive direct (cash) payments from non-Federal sources. Any exceptions to this must be approved on a case-by-case basis.

For CSREES only

Provisions of this policy will be limited to acceptance of travel funds from **foreign sources only**.

4. Conflict-of-Interest Analysis

- A conflict of interest analysis must be conducted prior to the agency's accepting funds from a non-Federal source.

- Payment from a non-Federal source must not be accepted if a determination is made that acceptance would cause the public, with knowledge of all the facts, to question the integrity of USDA programs or operations.
- The following six steps must be considered in the conflict of interest analysis:

| Step | Consideration |
|------|---|
| 1 | The identity of the non-Federal source; |
| 2 | The purpose of the meeting or similar function; |
| 3 | The identity of other expected participants; |
| 4 | The nature and sensitivity of any matter pending at USDA affecting the interests of the non-Federal source; |
| 5 | The significance of the employee's role in any such matter; and |
| 6 | The monetary value and character of the travel benefits offered by the non-Federal source. |

5. Methods of Acceptance

The following methods of acceptance are applicable regardless of **for profit or not for profit** designation of the non-Federal source in the order of preference:

- in kind (See Glossary for definition);
- refund credit to the REE accounting code(s) initially charged (See Glossary for definition); or
- Trust Fund and Reimbursable Cooperative Agreements and Cooperative Research and Development Agreements (CRADA's).

6. Procedures for Acceptance of Travel Funds from Non-Federal Sources

Traveler

- **Prior to travel:** Prepare a request and justification for acceptance of travel funds from the non-Federal source. Include the letter of offer to pay travel expenses from the non-Federal source and the written affirmation that a conflict of interest analysis has been conducted. Prepare a letter of acceptance (see Exhibit 1) from the approving official to

the non-Federal source. Place all of the above in a folder and forward: (1) to the reviewing official for travel sponsored by a foreign organization; or (2) to the approving official for travel sponsored by a domestic organization (ARS, ERS, and NASS only).

**Reviewing Officials for Travel Sponsored by Foreign Organizations; and
Approving Officials for Travel Sponsored by Domestic Organizations (ARS, ERS, and
NASS only)**

- Review the request, justification, and letter of offer from the non-Federal source. Ensure that the reasons given for use of travel funds from the non-Federal source meet the requirements of the conflict of interest analysis and are in accordance with agency policy.
- If the offer to pay travel expenses is from a **foreign organization**, initial the letter of acceptance and forward the folder with all applicable documentation to the agency Administrator for final approval.

Approving Official

- If approved, sign the letter of acceptance addressed to the non-Federal source and return a signed copy of the letter of acceptance to the traveler. All applicable documentation should be retained by the approving official.
- If disapproved, return the folder with all contents to the Reviewing Official marked “Disapproved”.

Traveler

- If acceptance from the non-Federal sources was approved, the traveler should request that an AD-202 be prepared. Include in the remarks, “Acceptance of funds from a non-Federal source is in accordance with FTR Chapter 304-1.” Attach a copy of the approved letter of acceptance to the original AD-202.

For CSREES only

- When the “refund credit” method is used (See Glossary for definition), the travel expenses will be charged to the appropriate CSREES Deputy Administrator’s operating budget account. After completion of the trip and payment of the travel voucher, the Deputy Administrator will request that the foreign cooperator issue a check payable to CSREES for the amount of travel expenses incurred.

- CSREES Deputy Administrators will provide FMD, Fiscal Operations Branch (FOB) with the cooperator’s check and a copy of the paid travel voucher. FOB will effect the refund credit to the CSREES Deputy Administrator’s operating account.

7. Acceptance of Funds for Accompanying Spouse

In order for the agency to accept payment for an accompanying spouse, the following conditions must be met:

| Number | Condition |
|--------|--|
| 1 | The spouse must travel to the same event as the employee. |
| 2 | The spouse must travel pursuant to an official travel authorization. |
| 3 | <p>Prior to issuing a travel authorization, the Approving Official must make the following determinations:</p> <p>a. The presence of the spouse will support agency mission or will substantially assist the employee in carrying out his/her official duties.</p> <p>Acceptable Example: Attendance by a spouse is expected for reasons of international protocol.</p> <p>Unacceptable Examples: Invitation is extended to the spouse.</p> <p style="text-align: center;">Others in attendance will be accompanied by their spouses.</p> <p>b. The spouse is invited to attend an awards ceremony where the employee will receive an award or honorary degree.</p> <p>c. The spouse will participate in substantive programs related to USDA policies, programs, or operations.</p> |

8. Semi-Annual Reporting Requirements

FTR Chapter 304-1.9 requires submission of semi-annual reports on each event where acceptance of travel funds from a non-Federal organization is \$250 or more. **Reporting periods and due dates when reports must be received by FMD are as follows:**

- For the period October 1 through March 31 - **due April 15.**

- For the period April 1 through September 30 - **due October 15.**

NOTE: For ARS, Area Administrative Officers or other designated Area officials will coordinate reporting for their locations and forward semi-annual reports, prior to the due dates above, to the TRSB, FMD. FMD will coordinate reporting for ARS Headquarters offices. **The form in Exhibit 2 must be prepared for each event. For ERS,** a designated official of the Central Operations Staff will coordinate the consolidation of reports and forward to TRSB, FMD. **For NASS,** a designated official under the Deputy Administrator for Field Operations will coordinate the consolidation of reports and forward to TRSB, FMD. **For CSREES,** TRSB, FMD, will coordinate the consolidation of reports.

9. Summary of Responsibilities

Approving Officials for Travel Sponsored by Foreign Organizations

REE Administrators

- Approve or disapprove acceptance of travel or expenses for travel from foreign organizations. Prior to the Administrator's approval/disapproval, a designated reviewing official should review the traveler's request, justification, letter of offer, and initial the letter of acceptance. Once the approval of travel funds from the foreign organization is obtained from the Administrator, a delegated authorizing official may sign the form AD-202, Travel Authorization.

Reviewing Officials for Travel Sponsored by Foreign Organizations; and Approving Officials for Travel Sponsored by Domestic Organizations (ARS, ERS, and NASS only)

- **ARS:** Deputy Administrators, Director FMD for the Administrator, Area Directors
- **ERS:** Associate Administrator, Division Directors
- **NASS:** Associate Administrator and Deputy Administrators
- **CSREES:** Deputy Administrators

The above officials will:

- Determine if proposed arrangements with non-Federal sources is in the interest of achieving agency program objectives. Ensure adequate consideration and review of each offer and acceptance and document each determination.

- Ensure that the reasons given for use of travel funds from outside sources meet the requirements of the conflict of interest analysis and are in accordance with agency policy.

10. Glossary

AD-202. Travel Authorization/Advance.

Appearance of Conflict of Interest. A situation in which it could reasonably be concluded that an employee's private interest is in conflict with the employee's Government duties and responsibilities, even though there may not actually be such a conflict.

Approving Official. The Agency Administrator approves travel sponsored by a **foreign** organization. The following officials approve travel sponsored by a **domestic** organization:

- **ARS:** Deputy Administrators, Director FMD for the Administrator, Area Directors
- **ERS:** Associate Administrator, Division Directors
- **NASS:** Associate Administrator and Deputy Administrators
- **CSREES:** Not applicable

Authorizing Official. Any employee with delegated authority to sign AD-202, Travel Authorizations for official travel as cited in P&P 340.0.

Conflict of Interest. A situation in which a Federal employee's private interest conflicts with the full, fair, and impartial performance of Government duties and responsibilities. In other words, a situation in which a Federal employee's private interest, usually of an economic nature, conflicts with his or her Government duties and responsibilities. Conflict of interest statutes are contained in Chapter 11, Sections 202-209 and 216 of Title 18 U.S.C.

Cooperative Agreement. A relationship between the agency and an eligible Federal or non-Federal entity where: (1) all parties involved have a mutual interest in the agreement's objectives; (2) all parties agree to contribute resources to accomplish the research objectives; and (3) all parties participate in the cooperative work to be accomplished.

Employee. An appointed officer or employee of USDA including special Government employees (collaborators, consultants and panel members). The term excludes independent contractors.

Foreign Government/Organizations. (1) Units of foreign governmental authority, including any foreign national, State, local, municipal Government, and foreign for-profit or not-for-profit organizations and their agents or representatives; (2) International or multinational organizations whose membership includes any unit of foreign Government described above.

FTR. Federal Travel Regulation.

In-Kind Payment Method. A sanctioned procedure which authorizes the cooperating organization to pay travel expenses by furnishing tickets directly to the traveler and paying the vendor directly for lodging, meals, local transportation costs, and miscellaneous expenses.

Meeting or Similar function. “Meeting or similar function” means a conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the employee’s official station and is sponsored or cosponsored by a non-Federal source. This term **does not** include a meeting or other event required to carry out an agency’s statutory or regulatory functions; i.e., a function that is essential to an agency’s mission, such as investigations, inspections, audits, site visits (as defined by USDA and the National Finance Center), negotiations, or litigations. The term does not include promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal source’s products or services. A meeting or similar function need not be widely attended for purposes of this definition and includes, but is not limited to the following:

- An event at which the employee will participate as a speaker or panel participant, including an event at which the employee will give an oral presentation focusing on his/her official duties or on the policies, programs, or operations of the agency.
- A conference, convention, seminar, symposium or similar event, the primary purpose of which is to receive training other than promotional vendor training, or to present or exchange substantive information concerning a subject of mutual interest to a number of parties.
- An event at which the employee will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the employee’s official duties, and which may be accepted by the employee consistent with applicable standard of conduct regulations.

NOTE: This definition is not intended to encompass long-term temporary duty or training travel. It is intended that agencies will determine, on an individual case basis, the appropriate period for which travel payments may be accepted. As guidance in making such a determination, it would not be appropriate for an agency to accept payment for travel that exceeds 3 weeks’ duration.

Non-Federal Source. Any person or entity other than the Government of the United States. The term includes any individual, private or commercial entity, nonprofit organization or association, or international or multinational organization (irrespective of whether an agency holds membership in the organization or association), or Foreign, State, or local Government (including the Government of the District of Columbia)

Payments In-Kind Valuations (as reported in Section 15 of Exhibit 2). A method used to calculate the dollar value of in-kind payments. For example:

- For conference, training, or similar fees: Report the amount waived or paid by the non-Federal source.
- For transportation and lodging expenses: Report the cost to the non-Federal source, or indicate the rate that would have been charged a similar non-Federal source, or cost of commercial transportation and maximum per diem rate allowable for that locality.

Refund Credit. An alternative procedure for financing travel. Under the “refund credit” concept expenses will initially be charged to the appropriate agency’s operating budget account. After completion of the trip and payment of the travel voucher, the agency will request that the foreign cooperator issue a check payable to the agency for the amount of travel expenses incurred.

Reviewing Official. For travel sponsored by foreign organizations:

- **ARS:** Deputy Administrators, Director FMD for the Administrator, Area Directors
- **ERS:** Associate Administrator, Division Directors
- **NASS:** Associate Administrator and Deputy Administrators
- **CSREES:** Deputy Administrators

U.S.C. United States Code

-/Sd/-

W. G. HORNER
Deputy Administrator
Administrative and Financial Management

**Sample Letter of Acceptance Response
for Travel Funds from Non-Federal Sources**

Dr. I. M. Smith
Chairman, Organizing Committee
CNMPS/ENA
Williamsport, Pennsylvania 17707

Dear Dr. Smith:

I am pleased to learn the work of Dr. Jones has been found to be of a level of significance and quality to warrant your invitation to the 5th National Symposium on Plant Soil Interactions at Low pH to be held in South Williamsport, Pennsylvania, August 21 - 23, 1996.

I understand that your organization has had significant findings in the pH balance levels required for a variety of plant growth which would compliment our recent Agency studies in soil and plant sciences. I'm confident that you will find Dr. Jones' research in pH balance quite beneficial to your ongoing work. In view of the mutual benefits to be gained from this meeting, (Agency name) accepts your invitation on behalf of Dr. Jones.

Thank you for your offer to finance the registration fee, hotel costs, round trip travel, and per diem for Dr. Jones' participation. (Agency name) will finance Dr. Jones' salary while participating in the symposium. Please understand that as a Federal employee Dr. Jones must adhere to certain administrative procedures related to the travel arrangements and attendance at the symposium. I would like to communicate several of those procedures as follows:

- Since Dr. Jones will participate in the activity as a Federal employee, no honoraria may be accepted.
- Dr. Jones may not accept any form of direct payment (cash or check) to defray the cost of travel and trip expenses.
- You may provide "in kind" assistance, whereby you furnish airline tickets or pay vendors directly for lodging, meals, local transportation, etc.
- If "in kind" assistance can not be provided, you may wish to estimate the trip cost and send direct remittance by check payable to (Agency name) to the address provided below. Unused travel funds will be returned to your organization.

Please feel free to contact (Name, title, and address), on (telephone number) for questions pertaining to financing arrangements.

Sincerely,

Approving Official's Name,
Address, and Telephone Number

PRIVACY ACT STATEMENT

The information requested and provided complies with the Privacy Act of 1974 (P.L.93-579). It is requested and required under the provisions of 31 U.S.C. 1353, 5 U.S.C.5701-5709 and Executive Order 11609. It is used to record the receipt of travel expenses incurred by the employee and/or accompanying spouse from non-Federal sources, and to claim other entitlement and allowances prescribed in the Federal Travel Regulations (41 CFR 301-304). This information will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal, or regulatory investigations, prosecutions or pursuant to a requirement by GSA or the Office of Government Ethics, GSA, or similar agency; and in connection with hiring, firing, security clearance, or a similar investigation of the performance of official duty in Government service. Failure to provide the information required will result in disciplinary action.