

Issue Date: 04/07/2003

PAYMENT OF OFFICIAL TRAVEL EXPENSES BY NON-FEDERAL SOURCES

I. Purpose

This directive establishes the Department of Homeland Security (DHS) policy for accepting payment of official travel expenses from non-Federal sources.

II. Scope

This directive applies to all DHS organizational elements serviced by the DHS Office of the Chief Financial Officer (CFO). All organizational elements that receive financial support from another Federal agency or that have existing procedures should continue to use those procedures until a DHS-wide system is developed and implemented, except that the reporting requirement of paragraph 6C applies to all DHS organizational elements.

This directive does not apply to travel reimbursement offered by a foreign government if the travel takes place entirely outside the United States. Travel reimbursement under such circumstances should be considered under the authority of 5 U.S.C. § 7342 and Management Directive 1010.1, Gifts and Decorations.

III. Authorities

This directive is governed by numerous Public Laws and national policy, such as:

- A. 31 U.S.C. § 1353.
- B. 41 CFR Part 304-1. [After 6/16/03, the cite will be 41 CFR Chapter 304. See 68 FR 12602 (3/17/03)].

IV. Definitions

- A. **Non-Federal Source**: includes any individual; private or commercial entity; non-profit organization or association; state, local, or foreign government; tax-exempt organization; or international or multinational organization.

B. **Conflicting Non-Federal Source**: refers to non-Federal sources whose payment or payment in kind under the circumstances would cause a reasonable person with knowledge of all the facts to question the integrity of DHS programs or operations.

C. **Excessive Expenses**: refers to those expenses in excess of the maximum subsistence allowances (per diem, actual expenses, or conference lodging) prescribed in 41 CFR Chapter 301, the Foreign Affairs Manual, or Volume 1 of the Joint Federal Travel Regulations.

D. **Approving Official**: refers to the official responsible for approving the employee's travel.

V. Responsibilities

A. The **Under Secretary for Management** shall be responsible for all aspects of this directive.

B. The **Legal Advisor for Ethics** shall review the offer to reimburse travel from non-Federal sources for legal sufficiency and advise the approving official.

C. The **employee** who is the subject of the offer shall ensure that the offer or accompanying materials identify: the non-Federal source; the traveler(s) whose expenses will be paid; purpose of the travel event; how the DHS employee(s) and any accompanying spouse will be involved; other expected participants; nature and sensitivity of any matter involving the offeror pending/completed in the past 12 months with DHS; and what is being offered and its monetary value. After ensuring that the documentation is complete, the employee shall promptly forward the offer to the Legal Advisor for Ethics for review, through the employee's supervisor and the DHS official having cognizance of the subject matter of the meeting, if other than the supervisor. If the reimbursable travel includes foreign travel, the employee is also responsible for obtaining country clearance through the Office of International Affairs.

D. The **employee's supervisor** shall:

1. Certify that the concerned travel is official in nature.
2. Ensure that the offer and accompanying materials identify the approving official and provide the necessary information.
3. Recommend as to whether the offer should be accepted.

E. The **approving official** shall accept or decline the offer as he or she determines appropriate.

VI. Policy and Procedures

A. **Policy**: All offers to pay travel expenses by a non-Federal source must be made in writing. The DHS Legal Advisor for Ethics will review offers to ensure that no conflicts of interest are raised by acceptance of the offer and to ensure compliance with 41 CFR Part 304-1. [see changes effective 6/16] When the offer includes the employee's spouse, the final determination must reflect how the spouse's presence or participation in the event is in the interest of DHS. A travel authorization will be prepared in accordance with DHS travel policy after the offer of reimbursement is accepted.

Employees shall not solicit payment of travel expenses from any non-Federal source; however, employees may inform non-Federal sources of the authority to accept payment. A DHS employee is not authorized to accept cash as payment for travel expenses. Payments from a non-Federal source for an employee or accompanying spouse's travel, other than payments in kind, shall be made by check payable to the "Department of Homeland Security". Use of the government issued travel charge card to pay travel expenses is required in accordance with Management Directive 1510, Travel for Official Government Business.

Acceptance of excessive payments is prohibited for all travel to foreign areas and for domestic travel unless payment from the non-Federal source is for the full amount of the expenses and the expenses are comparable in value to that offered to or purchased by other meeting attendees.

B. **Procedures**: The employee will provide a copy of the approved offer to pay travel expenses by a non-Federal source along with the travel order to the Office of the Chief Financial Officer. An account receivable will be established in the DHS financial system. For reimbursable items not provided in kind, the traveler shall provide the DHS travel technician a list of travel expenses incurred for reimbursement. DHS will authorize payment of travel expenses to the employee in accordance with the approved travel order. The Office of the Chief Financial Officer will prepare and send the non-Federal source an invoice to reimburse DHS for the travel expenses authorized, incurred, and reimbursed to the employee and which the non-Federal source agreed to pay.

The employee is responsible for payment of the travel charge card invoice in full by the payment due date.

C. **Reports**: All organizational elements will provide the information required by 41 CFR Part 304-6 (as of 6/16/03) to the CFO's Office not later than 30 days before the DHS report is due to the Office of Government Ethics (OGE). The first DHS report will be filed with OGE on November 30, 2003.

D. **Questions or Concerns Regarding the Process**: Any questions or concerns regarding this directive should be addressed to the Under Secretary for Management.