

Part 2045 - GENERAL

Subpart Y - Approval and Report of Travel Funds Received from
Non-Federal SourcesTable of Contents

<u>Sec.</u>		<u>Page</u>
2045.1201	Overview.	1
2045.1202	Definitions.	1
	(a) Ethics Official.	1
	(b) Approving Agency Official.	1
2045.1203	Process to accept travel funds from a non-Federal source.	1
	(a) Requirement to complete and submit approval request for travel funds received from a non-Federal source.	1
	(b) Accessing the Approval and Report of Travel Funds received from Non-Federal Sources Form AD-1101.	1
2045.1204	Responsibility.	2
	(a) Employee responsibility.	2
	(b) Supervisor responsibility.	3
	(c) Ethics Official responsibility.	4
	(d) Approving Agency Official responsibility.	4
2045.1205	Disclosing Reimbursements of Travel Funds on the Confidential Financial Disclosure Report (OGE Form-450).	5
2045.1206	Penalties Affecting Non-Federal Travel Funds.	5
2045.1207	- -2024.1250 [Reserved]	

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PART 2045.000 GENERAL

Subpart Y - Accepting Travel Expenses from Non-Federal Sources

§ 2045.1201 Overview.

This Instruction provides procedures for accepting the gift of travel expenses from non-Federal sources.

31 U.S.C. 1353, Acceptance of Non-Federal Travel Funds, as implemented at 41 CFR 304-1, governs the acceptance of payment for travel, subsistence, and related expenses from a non-Federal source in connection with the attendance of an employee and/or accompanying spouse at certain meetings or similar functions.

§ 2045.1202 Definitions.

(a) Ethics Official. The National Ethics Program Manager, for the completion of Form AD-1101, "Approval and Report of Travel Funds Received from Non-Federal Sources," employed by the USDA Office of Ethics, who is responsible for the management of Rural Development's (RD) National Ethics Program.

(b) Approving Agency Official. The Deputy Administrator, Operations and Management, National Office.

§ 2045.1203 Process to accept travel funds from a non-Federal source.

(a) Requirement to complete and submit approval and report of travel funds received from a non-Federal source. All RD employees who are offered payment for travel expenses from a non-Federal source for travel, subsistence, and related expenses accepted under 31 U.S.C. 1353 are required to complete Form AD-1101.

(b) Accessing the Approval and Report of Travel Funds Received from non-Federal Sources Form AD-1101. The fillable version of Form AD-1101, may be obtained at the following website: <http://ethics.usda.gov/>

(1) Scroll down and select Forms.

(2) Scroll to Travel option for Office of Ethics Farm, Conservation and Rural Programs Branch Form AD-1101 and click on PDF.

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General
Personnel

(3) For State employees, complete Form AD-1101 in its totality, including the four questions on page 3, under Part V: Conflict of Interest Analysis. Sign and electronically submit Form AD-1101, along with requisite documentation to your immediate supervisor. The immediate supervisor forwards Form AD-1101, along with all corresponding documentation, to the Ethics Official for recommendation of approval or disapproval. The Ethics Official sends Form AD-1101 and corresponding documentation to the Approving Agency Official for a determination of approval or disapproval.

(4) For National Office employees, complete Form AD-1101 in its totality, including the four questions on page 3, under Part V: Conflict of Interest Analysis. Sign and electronically submit Form AD-1101, along with requisite documentation, to your immediate supervisor. The immediate supervisor forwards Form AD-1101, along with all corresponding documentation to the Ethics Official for recommendation of approval or disapproval. The Ethics Official sends Form AD-1101 and corresponding documentation to the Approving Agency Official for a determination of approval or disapproval.

(5) Note: Filers of OGE Form 278, "Public Financial Disclosure Report," must contact the USDA Office of Ethics Headquarters Office for instructions and with questions about accepting non-Federal funds for travel policy and processes, by doing either of the following:

(i) E-mail: daeo.ethics@oe.usda.gov

(ii) Telephone: 202-720-2251

§ 2045.1204 Responsibility.

(a) Employee Responsibility. All employees needing to obtain prior travel approval shall complete Form AD-1101, and complete responses to Conflict of Interest Analysis under 41 CFR 304-1.5, Part V, questions 1 through 4.

(1) Requisite documentation includes the Invitation letter or E-mail stating what is being offered to the employee, e.g., travel, hotel, meals. Attach copy of the invitation communication to Form AD-1101;

(2) Attach event agenda showing the presentations to be presented by the traveling employee, if applicable;

(3) Attach draft letter of acceptance of the travel funds by the Federal employee's immediate supervisor accepting the offer of travel;

(4) For State employees, complete Form AD-1101 in its totality, including the four questions on page 2, under Part V: Conflict of Interest Analysis. Sign and electronically submit Form AD-1101, along with requisite documentation to your immediate supervisor.

(5) For National Office employees, complete Form AD-1101 in its totality, including the four questions on page 2, under Part V: Conflict of Interest Analysis. Sign and electronically submit Form AD-1101, along with requisite documentation to your immediate supervisor.

(b) Immediate Supervisor Responsibility. All supervisors shall do all of the following:

(1) Read entire Acceptance of Payment for Travel Expenses From a Non-Federal Source Form AD-1101 Approval Procedure and Instructions thoroughly and ensure that the travel requires this approval.

(2) Review submitted Form AD-1101 to confirm the following:

(i) Travel payments are being offered to RD for attendance by employee for a meeting or similar function that is non-mission essential; and

(ii) Employee has been authorized to attend in their official capacity.

(3) Draft an acceptance letter containing the following information:

(i) An explanation of how the event is related to the employee's official duties;

(ii) The amounts and types of expenses being paid. For example:

- (A) Per diem (at Government rate);
- (B) Lodging;
- (C) Common Carrier;
- (D) Rental Car;
- (E) Taxi/Shuttle;
- (F) Meals; and
- (G) Other expenses.

(iii) Dates and name of meeting or similar event; and

(iv) Language prohibiting the employee from accepting honorarium or direct reimbursement.

(c) Ethics Official Responsibility. The Ethics Official will provide the conflict of interest analysis using the documentation provided by the requesting employee. The Ethics Official will:

- (1) Submit Form AD-1101, and supporting documentation to the Approving Agency Official for Agency approval.
- (2) Receive from the Approving Agency Official, the Travel Approval Request Packet.
- (3) Electronically provide a letter to the requesting employee indicating that Form AD-1101 and the electronic submission of the Travel Approval Request Packet was approved or disapproved by the Approving Agency Official.

(d) Approving Agency Official Responsibility. The Approving Agency Official will:

- (1) Review Form AD-1101 and the conflict of interest analysis before approving the request;

RD Instruction 2045-Y
§ 2045.1204(d) (Con.)

- (2) Electronically sign and date Form AD-1101; and
- (3) Electronically return Form AD-1101 to the Ethics Official.

§ 2045.1205 Disclosure of reimbursements of travel funds on the Office of Government Ethics (OGE) Confidential Financial Disclosure Report (OGE) Form-450.

Employees designated to file the OGE Form-450 are not required to report payments under 31 U.S.C. 1353 on New Entrant or Annual Financial Disclosure reports.

§ 2045.1206 Penalties Affecting Non-Federal Travel Funds.

Employees are prohibited under 31 U.S.C. 1353 from directly accepting travel reimbursement (cash, check, etc.). All payments must be made directly or in-kind to the Agency. A violation of these regulations may cause the employee to:

- (a) Pay the general fund of the Treasury an amount equal to any payment accepted.
- (b) Forfeit any reimbursement from the Government for travel expenses that the payment was intended to cover.
- (c) Be subject to appropriate disciplinary action.

§ 2045.1206 - 2045.1250 [Reserved]

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