


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Acceptance of Travel Funding from Outside Sources**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	OGC
Number	2274.01
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Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">2272.07 Travel, Acceptance of Funding from Outside Sources (7/15/1999)
<i>Changes:</i> <ul style="list-style-type: none">Changes the title of this program statement from “Travel, Acceptance of Funding from Outside Sources” to “Acceptance of Travel Funding from Outside Sources.”Updates definitions to provide clarity on payment information.

1. PURPOSE AND SCOPE

To provide policy and procedures for a Bureau of Prisons (Bureau) staff member to accept funding for official travel from sources other than the federal government, such as the private sector, state and local governments, and foreign nations. Use of these funds reduces federal government expenditures and makes such travel cost effective.

This program statement does not apply to non-official travel except as addressed in Section 3 of this program statement.

a. Program Objectives.

- Staff will be able to use outside source funding for such purposes as training, meetings, and conferences.
- Travel will be done at reduced or no cost to the federal government.
- Funding will be approved and accepted in accordance with established, consistent procedures that ensure compliance with high ethical standards.

b. Institution Supplement. None.

2. STATUTORY AUTHORITY

Pursuant to 31 U.S.C. § 1353 and 41 C.F.R. § 304-1.2, an agency may accept payment from a non-federal source, or authorize a staff member to receive such payment on its behalf, for official travel to a meeting or similar function under these rules.

Pursuant to 5 U.S.C. § 4111, staff may accept payment of travel expenses incident to a meeting or training at a non-federal facility from tax-exempt organizations, subject to executive regulation.

Pursuant to 5 U.S.C. § 7342(c)(1)(B)(ii), a staff member may accept gifts of expenses for travel which takes place entirely outside of the United States from foreign governments, subject to permission and regulation by the employing agency. Pursuant to 5 U.S.C. § 7342(j), the employing agency may use more stringent limitations than the statute requests.

1. DEFINITIONS

Formal training. The event is a training session where the staff member is wholly or partially on duty or training for which the Bureau would usually cover expenses.

Official capacity. A staff member is:

- Acting as an official Bureau representative;
- Attending training during a period when the staff member is partially or wholly on duty;
- Attending a training or meeting for which the Bureau would normally pay for all or part of the expenses; or
- Attending an event related to their official duties, while on travel status.

Official travel. Authorized travel granted to Bureau staff serving in an official capacity or attendance at formal training.

§ 304-2. *Payment* means a monetary payment from a non-Federal source to a Federal agency for travel, subsistence, related expenses by check or other monetary instrument payable to the Federal agency (*i.e.*, electronic fund transfer (ETF), money order, charge card, etc.) or payment in kind.

Payment in kind means transportation, food, lodging, or other travel-related services provided by a non-Federal source instead of monetary payments to the Federal agency for these services. Payment in kind also includes waiver or discount of any fees that a non-Federal source collects from meeting attendees (*e.g.*, registration fees), but does not include waivers or discounts of an employee's fees on the day(s) they are participating in the meeting or similar function as a speaker, panelist, or presenter.

Private acceptance. The staff member is accepting funds in an individual capacity, separate from any Bureau involvement.

Tax-exempt organization. An organization which is tax exempt under 26 U.S.C. § 501(c)(3).

2. NON-OFFICIAL TRAVEL

This program statement only covers the use of outside funding for official travel. If a staff member is accepting travel funds in their private capacity, the Ethics in Government Act, the regulations in 5 C.F.R. part 2635, and the criminal conflict of interest statutes in 18 U.S.C., Chapter 11, apply.

In these situations, prior authorization to accept funds is not formally required. It is strongly suggested, however, that the staff member obtain an opinion from the Ethics Officer prior to accepting travel funds in their private capacity, using the procedures in this program statement, to avoid the risk of criminal sanction.

Staff accepting travel funds from outside sources in their personal capacity should also be aware of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635, including subparts pertaining to gifts from outside sources in 5 C.F.R. § 2635, subpart B, and accepting compensation for teaching, speaking, and writing, in 5 C.F.R. § 2635.807.

3. GENERAL REQUIREMENTS FOR ACCEPTING OUTSIDE FUNDING

An authorizing official may approve only a reasonable means of travel and accommodations. Under 41 C.F.R. § 304-5.4, approval may be given for travel funding that exceeds Bureau travel limitations, provided the travel furnished is comparable in value to other similarly situated individuals attending the event.

The Bureau may accept funding from outside sources for official travel purposes only if the funding:

- Is for staff attendance at a meeting or similar function that they will be attending in an official capacity;
- Comes from a tax-exempt organization, is incident to formal training, and the training is in a non-federal facility; or
- Comes from a foreign government and is for travel entirely outside of the United States, where the staff member will be acting in an official capacity.

4. AUTHORIZATION TO ACCEPT OUTSIDE FUNDS

a. **Requests.** The Bureau must authorize all official travel for Bureau staff provided from

sources outside of the federal government before the travel takes place.

To seek such authorization, the staff member must submit a BP-A0525, Request for Approval of Travel Through Outside Source Funding form. All requested information must be provided.

This form and authorization process is in addition to the authorization process needed for any official travel and the reporting requirements of other travel regulations.

Listed below are the officials who must authorize outside funding of travel. Each official who approves the travel must forward the form to the next office. If any official disapproves, they will return the form to the staff member and explain the reason(s) for disapproval.

Travel within the United States. The Director of the Bureau may approve official travel within the 50 states. The staff member must get authorization from the Director of the Bureau and their immediate supervisor, Chief Executive Officer, and Regional Director (or, for Central Office staff, their Assistant Director).

Once the staff member receives the required signatures, the BP-A0525 is forwarded to the Ethics Officer for review.

b. **Ethics Officer Review.** The Director of the Bureau may approve acceptance of outside funding only after review and written recommendation by the Bureau Ethics Officer and General Counsel to determine whether there is any conflict of interest. At any point in the authorization process, staff may contact the Ethics Office with any questions regarding the authorization.

c. **Travel to a Foreign Nation.** Only the Director of the Bureau may approve travel between the United States and a foreign nation, and such costs must be paid by the United States. However, an outside source may fund travel within a foreign nation.

The staff member must follow the same authorization process for Travel within a Foreign Nation outlined in subsections 6 a. and b. of this program statement.

7. CONFLICT OF INTEREST ANALYSIS

The purpose of the conflict-of-interest analysis is to determine whether a reasonable person with knowledge of all the relevant facts would question the Bureau's integrity for accepting the funding from an outside source.

Reviewing officials are to be guided by, but not limited to the following factors:

- The identity of the non-federal source;
- The purpose of the meeting or function;

- The identity of the other expected participants;
- Any matter the source has pending with the Bureau;
- The staff member's role in such matter;
- The monetary value of the travel benefits;
- Any issue which arises due to the Bureau's mission, including conflicts which may arise out of accepting funding from other law enforcement or correctional agencies; and
- Any issue which arises due to the status of an inmate in the Bureau's care.

Authorization must not be granted if it is found that the source of the funding, or the event to be attended, discriminates based on sex, race, religion, color, disability, or national origin, or if the source of the event advocates the violent overthrow of the United States government.

Authorization for a source of funding or an event may be denied for a finding of an actual conflict of interest or for an appearance of a conflict of interest. Based on a finding of an actual or apparent conflict, officials may deny authorization to attend an event or set limits on travel and attendance to avoid the conflict.

8. TYPES OF TRAVEL PERMISSIBLE USING OUTSIDE FUNDING

There are only two types of official travel that may be authorized to be funded by outside sources. The staff member must indicate the type of travel on form BP-A0525 and, to be authorized, the travel must meet all requirements for that type of travel.

a. **Travel in Staff Member's Official Capacity.** Travel in one's official capacity is most requested. The Bureau may accept funding from a non-federal source (i.e., any source that is not the United States government) sponsoring or co-sponsoring an event. The staff member must be authorized to attend in an official capacity on behalf of the Bureau. No conflict of interest may exist which would disqualify the source of the funding. Additional authority for accepting funding when the source is a state, county, or municipality is 18 U.S.C. § 209(a).

b. **Travel Funded by a Tax-Exempt Organization.**

Criteria for authorization. Travel funded by tax-exempt organizations may be used in limited situations when:

- The organization is tax exempt under 26 U.S.C. § 501(c)(3);
- The purpose of the travel is to attend training in a non-government facility;
- The training is considered "formal," that is, the event is a training session where the staff member will be wholly or partially on duty, or is in training for which the Bureau would normally cover expenses;
- The tax-exempt organization is not disqualified because of a conflict of interest; and
- The funding is not a reward for services to the tax-exempt organization prior to the

training.

Authority. The authority for, and further regulations applying to, this type of travel, can be found at 5 U.S.C. § 4111, 5 C.F.R. Part 410, and 41 C.F.R. Part 304-2.

9. TRAVEL FOR SPOUSES

Receipt of funding for travel for a staff member's spouse is considered a benefit to the staff member and therefore, should be noted on the BP-A0525 request form under #8, "Description and estimated cost of benefits provided." In accordance with 41 C.F.R. § 304.314 and 5 U.S.C. § 7342, approval will be granted for a staff member to accept funding for travel from an outside source for their spouse to accompany the staff member if:

- The staff member is to be acknowledged with an established award or honor;
- The spouse will substantially assist the staff member in carrying out their duties;
- The spouse will participate in substantive programs related to the Bureau's programs and operations; or
- The spouse's presence is required for foreign diplomatic reason.

Even if all the above conditions are met, the authorizing official may deny the request if they believe there is an appearance of impropriety. The fact that an invitation was extended to the spouse, even if other spouses will attend, is not enough to establish the need to authorize funding for the spouse's attendance.

10. SOLICITATION PROHIBITED

In accordance with 5 U.S.C. § 7342(b)(1) and 41 C.F.R. § 304-3.5, it is prohibited for a staff member to solicit travel funds in any situation, including solicitation for themselves, spouses, or other staff.

11. PROCEDURES FOR ACCEPTING FUNDS FROM OUTSIDE SOURCES

Once authorization for travel with outside funding has been received, the staff member will inform the funding source and put the appropriate Comptroller or Controller in contact with the funding source. If all the conditions of this program statement are met, the Bureau may accept funding on behalf of the staff member. Acceptable types of payment are:

- Payments in the form of checks, money orders, and other similar forms of payments. The traveler may never personally accept payments of cash or checks for official travel;
- Payments in kind, which includes tickets, transportation, and other similar services. The traveler may accept payments in kind if they have received prior authorization on the BP-A0525 form.

All payments should be made out to the “Department of Justice/Federal Bureau of Prisons” and should reference the staff member’s name who received the travel.

Copies of the approved BP-A0525, Request for Approval of Travel Through Outside Source Funding form should be attached to all other necessary travel documents.

If funding is received from more than one source, the staff member must seek separate authorization for each source.

Since the staff member will be acting in an official capacity on the Bureau’s behalf, the Bureau may fund any excess expenses within the limitations set by regulations and policy (for example, to meet per diem and expenditure limits). Reimbursements are to be processed in accord with 41 C.F.R. Part 304-6.

12. AGENCY REPORTING REQUIREMENTS

The Bureau Ethics Officer is responsible in the case of:

- **Travel in the Staff Member’s Official Capacity**, to supply an agency report on the acceptance of outside funds to the Director of the Office of Government Ethics, in compliance with 41 C.F.R. Part 304-6; 5 C.F.R. § 410.601.
- **Travel Funded by Tax-Exempt Organizations**, to keep records of funding under this authority as required in 5 C.F.R. § 410.503, and to help prepare the Bureau’s annual report to the Office of Personnel Management (OPM) on training by providing relevant data to be entered into the OPM Governmentwide Electronic Data Collection System as required in 5 C.F.R. § 410.601.
- **Travel within a Foreign Nation**, for assisting the Chief of the Procurement Operations Branch to create an agency report on the acceptance of foreign funding for travel in compliance with 5 U.S.C. § 7342(f) and the Program Statement **Property Management Manual**.

13. FINANCIAL DISCLOSURE

Any staff member who is required to file an annual financial disclosure report may be required to report any funding received under this policy on either the Public Financial Disclosure Report (OGE Form 278e) or the Confidential Financial Disclosure Report (OGE Form 450). Staff should consult the Ethics Office for assistance in determining whether the funding must be reported.

REFERENCES

Program Statements

Acceptance of Donations
BOP Temporary Duty (TDY) Travel Regulations
Standards of Employee Conduct
Property Management Manual

Bureau Forms Prescribed by 2274.01

BP-A0525 Request for Approval of Travel Through Outside Source Funding

Federal Statutes

5 U.S.C. § 4111
5 U.S.C. § 7342
18 U.S.C. § 209
26 U.S.C. § 501
31 U.S.C. § 1353

Federal Regulations

Title 5 C.F.R., Part 410
Title 5 C.F.R., Part 2635
Title 41 C.F.R., Chapter 304

Other Forms

Public Financial Disclosure Report (OGE Form 278e)
Confidential Financial Disclosure Report (OGE Form 450)

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-1C-22
Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-7C-02
Standards for the Administration of Correctional Agencies, 2nd Edition: 2-CO-1C-24

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.