

SUBCHAPTER B—AGENCY REQUIREMENTS

PART 304-4—AUTHORITY

Sec.

304-4.1 To whom do the pronouns “we”, “you”, and their variants refer throughout this part?

304-4.2 What is the purpose of this part?

304-4.3 Under what other authority may we accept payment for travel expenses from a non-Federal source?

AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 1353.

SOURCE: FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003, unless otherwise noted.

§ 304-4.1 To whom do the pronouns “we”, “you”, and their variants refer throughout this part?

Use of pronouns “we”, “you”, and their variants throughout this part refers to the agency.

§ 304-4.2 What is the purpose of this part?

The purpose of this part is to establish Governmentwide policy and guidance for acceptance by a Federal agency of payment for travel expenses from a non-Federal source for employees to attend meetings under 31 U.S.C. 1353. It prescribes how such payments may be accepted.

§ 304-4.3 Under what other authority may we accept payment for travel expenses from a non-Federal source?

You may accept payment for travel expenses to events other than meetings from a non-Federal source pursuant to an agency gift statute or similar statutory authority. However, this part 304 is the only authority you may use to accept (or authorize your employee to accept on your behalf) payment for travel expenses from a non-Federal source to attend a meeting. For example, you could not pay the travel expenses for an employee to attend a meeting and then authorize the employee to use the widely attended gathering exception in 5 CFR 2635.204(g)(2) to accept free attendance at that same meeting. You would only be able to accept payment for the employee's attendance at that meeting under this part 304.

NOTE: Employees may also be able to accept payment for travel expenses from non-Federal sources in their individual capacities under the authorities referenced in § 304-3.19.

PART 304-5—AGENCY RESPONSIBILITIES

Sec.

304-5.1 When may we accept payment from a non-Federal source for travel to a meeting or authorize an employee to accept payment on our behalf?

304-5.2 Who must approve acceptance of payment from a non-Federal source for travel expenses to a meeting?

304-5.3 What does our approving official need to consider before authorizing acceptance of payment from a non-Federal source for travel expenses for a meeting?

304-5.4 May we authorize an employee to exceed the maximum subsistence allowances (per diem or actual expense) prescribed in applicable travel regulations where we have authorized acceptance of payment from a non-Federal source for such allowances?

304-5.5 May we authorize an employee to use other than coach class accommodations on common carriers if we accept payment in full from a non-Federal source for such transportation expenses?

304-5.6 May we authorize acceptance of payment from more than one non-Federal source for a single trip?

304-5.7 How do we review offers of payments in kind from the non-Federal sponsor or organizer of a meeting or similar function for items such as meals, transportation, and lodging when they are included in a waived or discounted registration fee?

AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 1353.

SOURCE: FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003, unless otherwise noted.

§ 304-5.1 When may we accept payment from a non-Federal source for travel to a meeting or authorize an employee to accept payment on our behalf?

You may accept payment from a non-Federal source or authorize an employee and/or the employee's spouse to accept payment on your behalf only when—

(a) You have issued the employee (and/or the employee's spouse, when applicable) a travel authorization before the travel begins;

§ 304-5.2

(b) You have determined that the travel is in the interest of the Government;

(c) The travel relates to the employee's official duties; and

(d) The non-Federal source is not disqualified due to a conflict of interest under § 304-5.3.

§ 304-5.2 Who must approve acceptance of payment from a non-Federal source for travel expenses to a meeting?

An official at the highest practical administrative level who can evaluate the requirements in § 304-5.3, must approve acceptance of such payments.

§ 304-5.3 What does our approving official need to consider before authorizing acceptance of payment from a non-Federal source for travel expenses for a meeting?

(a) The approving official must not authorize acceptance of the payment if he/she determines that acceptance of the payment under the circumstances would cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of agency programs or operations. The approving official must be guided by all relevant considerations, including but not limited to the—

(1) Identity of the non-Federal source;

(2) Purpose of the meeting;

(3) Identity of other expected participants;

(4) Nature and sensitivity of any matter pending at the agency which may affect the interest of the non-Federal source;

(5) Significance of the employee's role in any such matter; and

(6) Monetary value and character of the travel benefits offered by the non-Federal source.

(b) The agency official may find that, while acceptance from the non-Federal source is permissible, it is in the interest of the agency to qualify acceptance of the offered payment by, for example, authorizing attendance at only a portion of the event or limiting the type or character of benefits that may be accepted.

41 CFR Ch. 304 (7-1-23 Edition)

§ 304-5.4 May we authorize an employee to exceed the maximum subsistence allowances (per diem or actual expense) prescribed in applicable travel regulations where we have authorized acceptance of payment from a non-Federal source for such allowances?

(a) Generally, yes. Subsistence allowances are usually limited to the maximum subsistence allowances (per diem or actual expense) prescribed in chapter 301 of this title for travel in CONUS, by the Secretary of Defense for travel in non-foreign areas, and by the Secretary of State for travel in foreign areas. However, the maximum subsistence allowances established by this title and by the Secretary of Defense may be exceeded as long as—

(1) The non-Federal source pays the full amount of the subsistence expenses, at issue; and

(2) The subsistence expense paid by the non-Federal source is comparable in value to that offered to or purchased by meeting attendees.

(b) The maximum subsistence allowances prescribed by the Secretary of State for travel to foreign areas may not be exceeded.

[FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003, as amended by FTR Amdt. 2013-01, 78 FR 65212, Oct. 31, 2013]

§ 304-5.5 May we authorize an employee to use other than coach class accommodations on common carriers if we accept payment in full from a non-Federal source for such transportation expenses?

Yes, you may authorize an employee to use other than coach class accommodations on common carriers as long as the:

(a) Non-Federal source makes full payment for such transportation services in advance of travel; and

(b) Transportation accommodations furnished are comparable in value to those offered to, or purchased by other similarly situated meeting attendees; and

(c) Travel meets at least one of the conditions in § 301-10.103 of this title.

[FTR Amdt. 2009-06, 74 FR 55151, Oct. 27, 2009, as amended by 2020-300-1, 87 FR 55707, Sept. 12, 2022]

§ 304-5.6 May we authorize acceptance of payment from more than one non-Federal source for a single trip?

Yes, you may accept payment from more than one non-Federal source for a single trip, as long as the total of such payments do not exceed the total cost of the trip.

[FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003. Redesignated by FTR Amdt. 2009-06, 74 FR 55151, Oct. 27, 2009]

§ 304-5.7 How do we review offers of payments in kind from the non-Federal sponsor or organizer of a meeting or similar function for items such as meals, transportation, and lodging when they are included in a waived or discounted registration fee?

(a) If the non-Federal sponsor or organizer of a meeting or similar function offers to waive or discount the registration fee of an employee who is only attending the event, you are not required to separately authorize acceptance of any items included in the registration fee. If applicable, acceptance of the registration fee must be reported to U.S. Office of Government Ethics (OGE) in accordance with part 304-6 of this chapter.

(b) When a waived or discounted registration fee is not a payment in kind pursuant to §304-3.10 of this chapter, the employee may only accept items that you authorize separately. If applicable, the value of any payments in kind so accepted should be reported to OGE in accordance with part 304-6 of this chapter. In particular, if a registration fee is waived or discounted on the day(s) an employee is participating as a speaker, panelist, or presenter, and the registration fee includes meal(s), the employee may accept meal(s) as a payment in kind only if you review the offer and authorize acceptance. Review the reporting guidelines at §304-6.4 of this chapter to see if the aggregated meal amounts (if more than one meal, or meals of both an employee and spouse) will need to be reported to OGE.

[84 FR 55248, Oct. 16, 2019]

PART 304-6—PAYMENT GUIDELINES

Subpart A—General

Sec.

304-6.1 May we accept a monetary payment in the form of cash from a non-Federal source?

304-6.2 What should we do if a non-Federal source does not pay the full cost for expenses that an employee will incur during travel?

304-6.3 What happens if an employee accepts payment from a non-Federal source that is in violation of this part?

Subpart B—Reports

304-6.4 What form must we use to report payments received by the agency from non-Federal sources?

304-6.5 What guidelines must we follow when using the Standard Form (SF) 326?

Subpart C—Valuation

304-6.6 How do we determine the value of payments in kind that are to be reported on Standard Form (SF) 326?

304-6.7 Must we report on the Standard Form (SF) 326 any information that is protected from disclosure by statute?

304-6.8 Will the reports be made available for public inspection?

304-6.9 Does acceptance by OGE of the Standard Form (SF) 326 constitute a determination by OGE that the data submitted is adequate or a concurrence by OGE in the agency's conflict of interest analysis?

AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 1353.

SOURCE: FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003, unless otherwise noted.

Subpart A—General

§ 304-6.1 May we accept a monetary payment in the form of cash from a non-Federal source?

No, you may not accept a monetary payment in the form of cash from a non-Federal source. Monetary payment(s) received from a non-Federal source must be in the form of a check or similar instrument made payable to the agency.

§ 304-6.2 What should we do if a non-Federal source does not pay the full cost for expenses that an employee will incur during travel?

If you determine in advance of the employee's travel that payment from a