

## § 304-5.6

(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 em-

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ployee and spouse) will need to be reported to OGE.

[84 FR 55248, Oct. 16, 2019]

## **PART 304-6—PAYMENT GUIDELINES**

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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 non-Federal source will cover some but not all of the employee's allowable travel and subsistence expenses you should state on the employee's travel authorization that the employee will be reimbursed the difference between the full allowances and the payment from the non-Federal source. See chapter 301 of this Title, 6 Foreign Affairs Manual, Chapter 100, or the Joint Travel Regulations (JTR), Chapter 4, as applicable to determine the applicable maximum allowances.

[FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003, as amended at 85 FR 39850, July 2, 2020]

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

If an employee accepts payment from a non-Federal source in violation of this part—

(a) You may require the employee, in addition to any penalty provided by law and applicable regulations, to pay the general fund of the Treasury, an amount equal to the payment so accepted; and

(b) The employee shall not be entitled to any reimbursement from the Government for such expenses.

### Subpart B—Reports

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

Your agency head or designee must submit Standard Form (SF) 326, Semi-annual Report of Payments Accepted From a Non-Federal Source (fully completed) to report payments received from non-Federal sources. This applies to all payments that are more than \$250 per event for an employee and accompanying spouse. For purposes of the \$250 threshold, payments for an employee and accompanying spouse shall be aggregated. If you wish to use a form other than SF 326 to report such payments, you may seek permission to do so by contacting the Office of Gov-

ernment Ethics at United States Office of Government Ethics, 1201 New York Avenue, NW., Suite 500, Washington, DC 20005-3917.

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

When completing the SF 326—

(a) You must fully complete each block on SF 326 without exception (including payments accepted for an accompanying spouse).

(b) You must also—

(1) Submit the SF 326 no later than May 31 for payments received from the preceding October 1 through March 31;

(2) Submit a SF 326 no later than November 30 for payments received from the preceding April 1 through September 30; and

(c) Submit the SF 326 including negative reports, to: Director of the Office of Government Ethics (OGE), 1201 New York Avenue, NW., Suite 500, Washington, DC 20005-3917.

### 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?**

The following should be used in the determination of the value of payments in kind for reporting on SF 326:

(a) For conference, training, or similar fees waived, discounted, or paid for by a non-Federal source on behalf of a meeting attendee, you must report the amount charged to other attendees. However, a waiver or discount of the registration fee by the non-Federal sponsor of the event for the day(s) the employee participated in the meeting or similar function as a speaker, panelist, or presenter is not a payment in kind and does not need to be reported.

(b) For transportation or lodging, you must report the cost that the non-Federal source paid or usually would have been charged for such event.

(c) For meals, you must use the M&IE deduction chart for CONUS and OCONUS located at <https://www.gsa.gov/mie> and report the appropriate amount for each meal based on the temporary duty locality.

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(d) For chartered, corporate or other private aircraft—

(1) When common carrier is available, you must report the first-class rate that would have been charged by a commercial air carrier at the time the event took place.

(2) When a common carrier is not available, you must report the cost of chartering a similar aircraft using a commercially available service.

(e) Lodging where no commercial rate is available: You must report the maximum lodging rate established by GSA for CONUS, Department of Defense for non-foreign areas and the Secretary of State for foreign areas. These rates are available on the Internet at the GSA Web site <https://www.gsa.gov/perdiem>, with links to the non-foreign and foreign area rates.

[FTR Amdt. 2003-02, 68 FR 12604, Mar. 17, 2003, as amended at 84 FR 55249, Oct. 16, 2019; 85 FR 39850, July 2, 2020]

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

No. Information that is protected by statute from disclosure to the public should not be reported on the SF 326. However, if you omit otherwise reportable information from the SF 326 be-

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cause the information may not be disclosed, you must notify OGE unless otherwise prohibited by law and, if requested by the Director of OGE, make the information available for inspection by an OGE employee with the requisite clearance.

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

Yes, OGE must make any report filed by an agency under this part (that is not protected from disclosure by statute) available for public inspection and copying on the later of the following two dates:

(a) Within 30 days after the applicable due date.

(b) Within 30 days after the date OGE actually receives the report.

#### **§ 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?**

No. OGE is responsible for making the information provided by the agencies available to the public. It is each agency's responsibility to file the accurate and complete reports and to make the appropriate conflict of interest analysis.