

## PART 304-1—ACCEPTANCE OF PAYMENT FROM A NON-FEDERAL SOURCE FOR TRAVEL EXPENSES

Sec.

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AUTHORITY: 5 U.S.C. 5701-5709; 31 U.S.C. 1353; E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

SOURCE: 57 FR 53289, Nov. 9, 1992, unless otherwise noted.

### §304-1.1 Authority.

This part is issued under the authority of 31 U.S.C. 1353 and 5 U.S.C. 5701-5709.

### §304-1.2 General.

(a) *Applicability.* This part applies to agency acceptance of payment from a non-Federal source for travel, subsistence, and related expenses with respect to the attendance of an employee in a travel status (and/or the accompanying spouse of such employee when applicable) at any meeting or similar function relating to the official duties of the employee. This part does not authorize acceptance of such payments by an employee or the accompanying spouse of an employee in his/her personal capacity (see, however, §304-1.8(a)).

(b) *Solicitation prohibited.* An employee shall not solicit payment for travel, subsistence, and related expenses from a non-Federal source. However, after receipt of an invitation from a non-Federal source to attend a meeting or similar function or in the course of discussions of an event to be sponsored jointly by the agency and the non-Federal source, the agency or employee may inform the non-Federal source of this authority.

(c) *Definitions.* As used in this part, the following definitions apply:

(1) *Agency.* “Agency” means an executive agency as defined in 5 U.S.C. 105, and includes an independent agency as

well as an agency within the Executive Office of the President.

(2) *Employee.* “Employee” means an appointed officer or employee of an agency, including a special Government employee as defined in 18 U.S.C. 202, or an expert or consultant appointed under the authority of 5 U.S.C. 3109.

(3) *Meeting or similar function.* “Meeting or similar function” means a conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the employee’s official station, and is sponsored or cosponsored by a non-Federal source. This term does not include a meeting or other event required to carry out an agency’s statutory or regulatory functions (i.e., a function that is essential to an agency’s mission), such as investigations, inspections, audits, site visits, negotiations, or litigation. The term also does not include promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal source’s products or services. A meeting or similar function need not be widely attended for purposes of this definition, and includes but is not limited to the following:

(i) An event at which the employee will participate as a speaker or panel participant, including an event at which the employee will give an oral presentation focusing on his/her official duties or on the policies, programs, or operations of the agency;

(ii) A conference, convention, seminar, symposium or similar event the primary purpose of which is to receive training other than promotional vendor training, or to present or exchange substantive information concerning a subject of mutual interest to a number of parties;

(iii) An event at which the employee will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the employee’s official duties, and which may be accepted by the employee consistent with the applicable standards of conduct regulation.

(4) *Non-Federal source.* “Non-Federal source” means any person or entity other than the Government of the United States. The term includes any

individual, private or commercial entity, nonprofit organization or association or international or multinational organization (irrespective of whether an agency holds membership in the organization or association), or foreign, state, or local government (including the government of the District of Columbia).

(5) *Payment*. “Payment” means funds paid by a non-Federal source for travel, subsistence, and related expenses by check or similar instrument to an agency, or payment in kind.

(6) *Payment in kind*. “Payment in kind” means goods, services, or other benefits provided by a non-Federal source for travel, subsistence, and related expenses in lieu of funds paid to an agency by check or similar instrument for the same purpose.

(7) *Travel, subsistence, and related expenses*. “Travel, subsistence and related expenses” means the same types of expenses payable under chapter 301 of this subtitle or analogous provisions of chapter 100 of Volume 6 of the Foreign Affairs Manual (6 FAM 100)<sup>1</sup> or Volume 1 of the Joint Federal Travel Regulations (JFTR).<sup>2</sup> Also encompassed in this definition are such expenses as conference or training fees (in whole or in part) as well as benefits which cannot be paid under the applicable travel regulation and which are provided in kind and made available by the sponsor(s) to all attendees incident to and for use at the meeting or similar function.

### § 304-1.3 Policy.

(a) *Acceptance of payment for employee*. As provided in this part, an agency may accept payment from a non-Federal source (or authorize an employee to receive such payment on its behalf) with respect to attendance of the employee at a meeting or similar function which the employee has been authorized to attend in an official

capacity on behalf of the employing agency.

(b) *Acceptance of payment for an accompanying spouse*. An agency may accept payment under this part from a non-Federal source for an accompanying spouse when the spouse’s presence at the meeting or similar function is in the interest of the agency. A spouse’s presence at an event may be determined to be in the interest of the agency if the spouse will:

(1) Support the mission of the agency or substantially assist the employee in carrying out his/her official duties;

(2) Attend a ceremony at which the employee will receive an award or honorary degree described in § 304-1.2(c)(3); or

(3) Participate in substantive programs related to the agency’s programs or operations.

(c) *Administration and delegation of authority*. Payment acceptance must be in accordance with internal agency procedures. Agencies shall ensure that officials delegated authority to determine the propriety of accepting payments under this part are at as high an administrative level as practical to ensure adequate consideration and review of the circumstances surrounding the offer and acceptance of the payment.

(d) *Payment in excess of regulatory limitations*—(1) *Subsistence expenses*. When a non-Federal source makes full payment for subsistence expenses, acceptance of payment for, and when applicable, reimbursement by an agency to, an employee (and/or the accompanying spouse of such employee when applicable) under this part are not subject to the maximum per diem or actual subsistence expense rates prescribed in chapter 301 of this subtitle or by the Secretary of Defense in Civilian Personnel Per Diem Bulletins published periodically in the FEDERAL REGISTER.

(2) *Transportation expenses*. When a non-Federal source makes full payment for common carrier transportation expenses, acceptance of payment for, and when applicable, reimbursement by an agency to, an employee (and/or the accompanying spouse of such employee when applicable) under this part are not subject to the transportation class of service limitations applicable to premium-class other than

<sup>1</sup>Chapter 100 of Volume 6 of the Foreign Affairs Manual (6 FAM 100) is available from the Department of State, Publishing Services, Washington, DC 20520-0854.

<sup>2</sup>Volume 1 of the Joint Federal Travel Regulations (JFTR) is available from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.