

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)¹ or Volume 1 of the Joint Federal Travel Regulations (JFTR).² 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

¹Chapter 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.

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

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first-class accommodations, as prescribed in chapter 301 of this subtitle or the JFTR. Acceptance of payment for first-class transportation accommodations is allowed only when the use of first-class transportation accommodations is authorized in accordance with §301-3.3 of this subtitle.

(e) *Reduced per diem rate in partial payment situation.* If the designated agency official determines in advance of the travel that a payment covers some but not all of the per diem costs to be incurred by the employee (and/or the accompanying spouse when applicable), the agency should authorize a reduced per diem rate, in accordance with §301-7.12 of this subtitle or analogous provisions of 6 FAM 100 or the JFTR, as applicable, that is commensurate with the known subsistence expense levels.

[57 FR 53289, Nov. 9, 1992, as amended by FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993]

§304-1.4 Conditions for acceptance.

(a) An agency may accept payment for employee and/or spousal travel from a non-Federal source when a general authorization to accept payment (rather than an item-by-item authorization) is issued in advance of the travel following a determination by the agency official designated in accordance with §304-1.3(c) that the payment is:

(1) For travel relating to an employee's official duties (including attendance because the employee's presence at the meeting is necessary to permit participation in the meeting by another employee or because a spouse's presence at the meeting or similar function is in the interest of the agency) under an official travel authorization issued to the employee, and to an accompanying spouse when applicable;

(2) For attendance at a meeting or similar function (as defined in §304-1.2(c)(3) relating to the official duties of the employee; and

(3) From a non-Federal source that is not disqualified under §304-1.5 on conflict-of-interest grounds.

(b) Payments may be accepted from multiple sources under paragraph (a) of this section.

(c) If a meeting or similar function does not concern a subject of mutual

interest to the employee's agency and the non-Federal source, acceptance of payment from the non-Federal source under paragraph (a) of this section is limited to payment in kind and to the types of services the non-Federal source generally provides; e.g., air passenger transportation services provided by a commercial airline.

§304-1.5 Conflict-of-interest analysis.

(a) Payment from a non-Federal source shall not be accepted if the authorized agency official determines that acceptance 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. In making this determination, an authorized agency official shall be guided by all relevant considerations, including, but not limited to:

(1) The identity of the non-Federal source;

(2) The purpose of the meeting or similar function;

(3) The identity of other expected participants;

(4) The nature and sensitivity of any matter pending at the agency affecting the interests of the non-Federal source;

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

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

(b) The authorized 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.

§304-1.6 Payment guidelines.

(a) *Payment other than in kind.* Payments from a non-Federal source for an employee and/or accompanying spouse, other than payments in kind, shall be by check or similar instrument made payable to the agency. Any such payment received by the employee on behalf of the agency for his/her travel and/or that of the accompanying spouse is accepted on behalf of the agency and is to be submitted as soon