

Paymt. from Non-Fed. Source for Travel Exp.

§ 304-1.9

(1) When authorized under 5 U.S.C. 4111 or 5 U.S.C. 7342;

(2) When payment is for travel to be performed for a partisan rather than an official purpose in the case of an employee who is exempt from the Hatch Act under 5 U.S.C. 7324(d);

(3) When authorized pursuant to an agency gift statute or similar statutory authority and payment is for attendance at or participation in an event (other than a meeting or similar function) relating to the official duties of the employee; or

(4) When consistent with the applicable standards of ethical conduct regulation concerning personal acceptance of gifts.

(b) An employee who accepts any payment in violation of this part is subject to the following:

(1) The employee may be required, in addition to any penalty provided by law and applicable regulations, to repay for deposit to the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) When repayment is required under paragraph (b)(1) of this section, the employee shall not be entitled to any reimbursement from the Government for such expenses.

**§304-1.9 Reports.**

(a) *Agency reports.* Each agency shall submit semiannual reports of payments (see definition of payment in §304-1.2(c)) which total more than \$250 per event, and which have been accepted under this part with respect to the attendance at, or participation in, a meeting or similar function by an agency employee, and/or accompanying spouse of such employee when applicable. Negative reports are required.

(1) *Submission.* The head of each agency (or his/her designee) shall submit the semiannual report to the Director of the Office of Government Ethics (OGE), 1201 New York Avenue, N.W., Suite 500, Washington, DC 20005-3917. The report shall be based on when payment is received rather than when travel is performed, and shall be submitted as follows:

(i) Not later than May 31 of each year with respect to payments received in

the preceding period beginning on October 1 and ending on March 31; and

(ii) Not later than November 30 of each year with respect to payments received in the preceding period beginning on April 1 and ending on September 30.

(2) *Information required.* Except as provided in paragraph (a)(6) of this section, the report shall specify the following information in the order presented:

(i) The name of the agency submitting the report;

(ii) Each event (meeting or similar function) for which an agency accepts payment under this part of more than \$250 for an employee and spouse together, or for either the employee or the spouse separately, including:

- (A) The sponsor(s) of the event;
- (B) The location of the event;
- (C) The date(s) of the event; and
- (D) The nature of the event;

(iii) The name of each employee for whom such payment was accepted in connection with the event, including:

- (A) The employee's Government position; and
- (B) The employee's travel date(s) in connection with attendance at the event;

(iv) The name of the accompanying spouse, if applicable, for whom payment was accepted in connection with the event, including:

- (A) The name of the employee accompanied by the spouse;
- (B) The employee's Government position; and

(C) The spouse's travel date(s) in connection with attendance at the event;

(v) The identity of any non-Federal source from which payment was accepted in connection with the event;

(vi) An itemization of the benefits accepted by the agency in connection with attendance at the event, including for each benefit:

(A) A description of the benefit, provided that benefits accepted as a part of a conference or training fee need not be reported separately;

(B) The method of payment (payment in kind or by check or similar instrument);

(C) The individual for whom payment was accepted (employee or spouse);

(D) The non-Federal source that provided the benefit; and

(E) The amount of the payment; and

(vii) The total value of the payments accepted for the employee and/or spouse in connection with the event identified as follows:

(A) The total amount of payments provided by check or similar instrument; and

(B) The total value of payments provided in kind.

(3) *Valuation of payments in kind.* In the case of conference, training, or similar fees waived or paid by the non-Federal source, report the amount charged other participants. In the case of transportation or lodging, report the cost to the non-Federal source, or indicate the rate that would have been charged a similar non-Federal source for a similar benefit at the time the benefit was provided. In the case of meals or other benefits that are not provided incident to transportation, lodging, or a conference, training, or similar fee, report the cost to the non-Federal source or provide a reasonable approximation of the market value of the benefit.

(4) *Valuation of noncommercial benefits furnished by a non-Federal source—(i) Transportation.* In the case of transportation on a chartered, corporate or other private aircraft, report the first-class rate that would have been charged by an air common carrier at the time the transportation was provided or, if common carrier transportation was unavailable between the two locations, report the cost of chartering a similar aircraft using a commercially available service.

(ii) *Lodging.* In the case of lodging for which no commercial rate is available, report the maximum lodging rate prescribed in chapter 301 of this subtitle; section 925, a per diem supplement to the Standardized Regulations (Government Civilians, Foreign Areas); or Civilian Personnel Per Diem Bulletins issued by the Secretary of Defense, as applicable.

(5) *Public availability of reports.* Except as provided in paragraph (a)(6) of this section, the Director of OGE shall make any report filed pursuant to this section available for public inspection and copying within 30 days after the

applicable due date or within 30 days after the date OGE actually receives the report, whichever is later.

(6) *Exemption.* To the extent that information is protected from disclosure by statute, an agency is not required to furnish information otherwise required to be reported. Information that may be disclosed shall be submitted to OGE and made available to the public in accordance with paragraph (a)(5) of this section. Information that is not disclosed because it is protected from disclosure by statute shall be made available by the reporting agency for review by properly cleared OGE personnel.

(b) *Employee reports.* Payments properly accepted under this part are accepted by the agency. Receipt of a benefit by an employee and/or the accompanying spouse, when applicable, on behalf of the agency under the authority of this part is not required to be reported as a gift on any confidential or public financial disclosure report that the employee is required to file pursuant to law or OGE regulation. Acceptance of payment by an employee for himself/herself and/or the accompanying spouse, when applicable, under authorities other than this part may be subject to other reporting requirements such as those required by the Ethics in Government Act of 1978, as amended, including reporting the payment on the employee's financial disclosure report.

## PART 304-2—REDUCTIONS IN MEETING AND TRAINING ALLOWANCE PAYMENTS

Sec.

304-2.1 Authority.

304-2.2 Applicability.

304-2.3 Conditions for approval of contributions or payments.

304-2.4 Agency responsibilities.

AUTHORITY: 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

SOURCE: 56 FR 9881, Mar. 8, 1991, unless otherwise noted.

### §304-2.1 Authority.

This part is issued under the authority of 5 U.S.C. 4111(b).