

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, actual expense, or conference lodging) 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 travel by other than coach-class on common carriers or other than lowest first-class on ships 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?

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;

(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

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(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.

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§ 304-5.4 May we authorize an employee to exceed the maximum subsistence allowances (per diem, actual expense, or conference lodging) 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, actual expense, or conference lodging) 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.

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

Yes, you may authorize an employee to travel by other than coach-class on common carriers or other than lowest first-class on ships 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 §§ 301-10.123, 301-10.162, and 301-10.183 of this title.

[FTR Amdt. 2009-06, 74 FR 55151, Oct. 27, 2009]