

# STATUTORY AUTHORITIES TO ACCEPT TRAVEL AND OTHER BENEFITS\*

Authority	Type of Event	Location	Source/Type Payment	Nature of Benefits	Conflict Analysis	Agency Approval
<p>31 USC § 1353 as implemented by GSA regulation at 41 CFR §§ 304-1 <i>et seq.</i></p> <p>“Acceptance of Payment from a Non-Federal Source for Travel Expenses”</p> <p><i>Gift is accepted by the agency</i></p>	<p>Meeting or similar function that relates to the employee’s official duties. Does not include activities required to carry out an agency’s statutory or regulatory functions.</p> <p>Examples: conferences, seminars, speaking engagements, etc.</p>	<p>Event must take place away from the employee’s official duty station. Employee must be in official travel status.</p>	<p>Source: any non-Federal source.</p> <p>Payment in-kind (to employee) or by check made payable to the agency.</p>	<p>Travel, subsistence, and related expenses, including waiver of attendance fee. May exceed Government per diem rates, if comparable to those made available to other participants. May <u>not exceed</u> the maximum subsistence allowances prescribed by the Secretary of State for travel to foreign areas.</p>	<p>Acceptance permitted only if the agency determines that a reasonable person wouldn’t question the integrity of agency programs or operations.</p>	<p>Authorization must be issued by the agency in advance of the travel.</p>
<p>5 USC § 4111 as implemented by OPM regulation at 5 CFR §§ 410.501-410.503</p> <p>“Government Employees Training Act”</p> <p><i>Gift is accepted by the employee</i></p>	<p>Training in a non-Government facility or meeting.</p>	<p>No restrictions on location. Event may be local or away from duty station. Employee attends in official duty status or agency pays for attendance expenses in whole or in part.</p>	<p>Source: an organization exempt from taxation under 26 USC § 501(c)(3).</p> <p>Payment in cash or in-kind to the employee.</p>	<p>Contributions or awards incident to training; or payments of travel, subsistence, and related expenses incident to attendance at meetings.</p>	<p>Acceptance permitted if the agency applies specific criteria regarding conflicts and appearance concerns and decides payment is proper.</p>	<p>The head of the agency or his/her designee must authorize acceptance in writing after a full evaluation of the circumstances in each case.</p>
<p>5 USC § 7342 as implemented by agency-specific regulations and GSA regulation at 41 CFR §§ 102-42 <i>et seq.</i></p> <p>“Foreign Gifts and Decorations Act”</p> <p><i>Gift is accepted by the employee</i></p>	<p>Type of event is not specified.</p>	<p>Travel must take place entirely outside of the United States.</p>	<p>Source: any foreign government, including any unit of foreign governmental authority, any international or multinational organization, and any agent or representative of such unit or organization.</p>	<p>Travel or expenses for travel including, transportation, food and lodging.</p>	<p>Acceptance permitted by the employing agency if appropriate and consistent with the interests of the United States.</p>	<p>Approval must be issued by the agency in advance of the travel, and in accordance with any regulations prescribed by the employing agency.</p>

\* Agencies may also have statutory gift acceptance authority

## REGULATORY AUTHORITIES TO ACCEPT FREE ATTENDANCE

Authority	Type of Event	Location	Source/Type Payment	Nature of Benefits	Conflict Analysis	Agency Approval
<p>5 CFR § 2635.203(b)(8)</p> <p>“Employee assigned to present information”</p> <p><i>There is no gift to the agency or to the employee</i></p>	<p>Conference or other event where the employee is assigned to speak, participate on a panel, or otherwise present information on behalf of the agency.</p>	<p>No restrictions on location. Employee must be assigned to present information on behalf of the agency.</p>	<p>Source: the sponsor of the event <u>only</u>.</p>	<p>“Free attendance” as defined in 5 CFR § 2635.203(g) provided <u>on any day that the employee is presenting</u>.</p> <p>Includes</p> <ul style="list-style-type: none"> <li>- waiver of all or part of the fee for an event</li> <li>- food, refreshments, entertainment, instruction or materials furnished to all attendees as an integral part of the event</li> <li>- “speakers’ meals” on day of presentation</li> </ul> <p>No travel expenses, lodgings, or entertainment collateral to the event.</p>	<p>Acceptance permitted if agency determines that the event is appropriate for an employee to speak or otherwise present information on behalf of the agency as an official duty assignment.</p>	<p>Authorization to participate officially in the event as a speaker or otherwise to present information on behalf of the agency, subject to the agency’s internal management controls.</p>
<p>5 CFR § 2635.204(g)(2)</p> <p>“Widely Attended Gatherings”</p> <p><i>Gift is to the employee</i></p>	<p>Widely attended gatherings of mutual interest to a number of parties.</p>	<p>No restrictions on location but normally used for local events. <u>Employee must attend on own time or excused absence</u>. May not be used for <u>official duty</u> attendance at events at or away from duty station.</p>	<p>Source: the sponsor of the event or a non-sponsor. If a non-sponsor more than 100 persons must be expected to attend and the cost of attendance must be \$375 or less.</p> <p>Payment in-kind only.</p>	<p>“Free attendance” as defined in 5 CFR § 2635.203(g). (See bulleted list above.)</p> <p>No travel expenses, lodging, or entertainment collateral to the event.</p>	<p>Acceptance permitted if employee’s attendance will further agency programs or operations, and the agency’s interest outweighs any appearance concerns.</p>	<p>Authorization to accept a gift of free attendance at all or appropriate parts of a widely attended gathering must be made <u>in writing</u> by the agency designee, per 5 CFR § 2635.204(g)(3).</p>