

## § 304-2.1

instrument payable to the Federal agency (*i.e.*, electronic fund transfer (EFT), money order, charge card, etc.) or payment in kind.

*Payment in kind* means transportation, food, lodging, or other travel-related services provided by a non-Federal source instead of monetary payments to the Federal agency for these services. Payment in kind also includes waiver of any fees that a non-Federal source normally collects from meeting attendees (e.g., registration fees).

*Travel, subsistence, and related expenses (travel expenses)* means the same types of expenses payable under chapter 301 of this title, the Foreign Affairs Manual (FAM), and the Joint Travel Regulations (JTR) for transportation, food, lodging or other travel-related services for official travel (e.g., baggage expenses, services of guides, drivers, interpreters, communication services, hire of conference rooms, lodging taxes, laundry/dry cleaning, taxi fares, etc). These expenses also include conference or training fees (in whole or in part), as well as benefits that cannot be paid under the applicable travel regulations, but which are incident to the meeting, provided in kind, and made available by the meeting sponsor(s) to all attendees. For example, this definition as applied to this chapter would allow an employee or spouse to attend a sporting event hosted by the sponsor(s) in connection with the meeting that is available to all participants. However, it would not allow the employee to accept tickets to a professional sporting event, concert or similar event, for use at a later date even if such tickets were given to all other participants. The Foreign Affairs Manual is obtainable from: Bureau of Administration, A/IM/CST/MMS/DIR, Room 264, U.S. Department of State, Washington, DC 20520; (202) 647-3602. The Joint Travel Regulations are obtainable from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20342-0001, or available for downloading from the internet at <http://www.dtic.mil/perdiem>.

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## 41 CFR Ch. 304 (7-1-04 Edition)

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AUTHORITY: 5 U.S.C. 5707; 31 U.S.C. 1353.

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### Subpart A—General

**§ 304-3.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?**

Use of pronouns “I”, “you”, and their variants throughout this part refers to the employee.

**§ 304-3.2 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. It describes how such payments must be accepted by the agency for travel of agency employee(s) and/or his/her spouse for official Government travel. Except as provided in § 304-3.13 of this part, advance agency approval is required to receive such payments.

**§ 304-3.3 May my agency or I accept payment for travel expenses to a meeting from a non-Federal source?**

Yes, you or your agency may accept such a payment from a non-Federal source, but you may only accept when your agency specifically authorizes such acceptance under the requirements of this part. Except as provided in § 304-3.13 of this part, your agency must approve acceptance of such payment in advance of your travel.

**§ 304-3.4 What payments may my agency or I accept from a non-Federal source?**

You or your agency may accept payments other than cash from a non-Federal source for all of your official travel expenses to attend a meeting of mutual interest, or any portion of those travel expenses mutually agreed upon between your agency and the non-Federal source. You may not accept payments for travel that is not to attend a meeting under this part. However, you may be able to accept payments under other authorities (see § 304-3.19).

**§ 304-3.5 May I solicit payment of my travel expenses from a non-Federal source to attend a meeting?**

No, you may not solicit payment for travel expenses from a non-Federal source to attend a meeting.

**§ 304-3.6 May I inform a non-Federal source of my agency’s authority to accept payment for travel expenses to attend a meeting?**

Yes, you or your agency may inform the non-Federal source of your agency’s authority to accept payment for travel expenses to attend a meeting.

**§ 304-3.7 What must I do if I am contacted directly by a non-Federal source offering to pay my travel expenses to attend a meeting?**

If you are contacted directly by a non-Federal source offering to pay any part of your travel expenses to attend a meeting, you must inform your agency, so that the authorized agency official can determine whether to accept the payment.

**§ 304-3.8 Must I adhere to the provisions of the Fly America Act when I receive air transportation to a meeting furnished or paid by a non-Federal source?**

No, if the payment or ticket was paid in full directly by the non-Federal source or reimbursed to your agency by the non-Federal source, the provisions of the Fly America Act do not apply. (See §§ 301-10.131 through 301-10.143 of this title for the regulations implementing the Fly America Act.)