|  |
| --- |
| Statutory Authorities to Accept Travel and Other Benefits\*  |
| **Authority** | **Type of Event** | **Location** | **Source/Type Payment** | **Nature of Benefits** | **Conflict Analysis** | **Agency** **Approval** |
| 31 USC § 1353 as implemented by GSA regulation at 41 CFR §§ 304-1 *et seq.* “Acceptance of Payment from a Non-Federal Sourcefor Travel Expenses”*Gift is accepted by the agency* | 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. Examples: conferences, seminars, speaking engagements, etc. | Event must take place away from the employee’s official duty station. Employee must be in official travel status. | Source: any non-Federal source.Payment in-kind (to employee) or by check made payable to the agency. | 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 not exceed the maximum subsistence allowances prescribed by the Secretary of State for travel to foreign areas. | Acceptance permitted only if the agency determinesthat a reasonableperson wouldn’tquestion the integrity of agency programs or operations. | Authorization must be issued by the agency in advance of the travel. |
| 5 USC § 4111as implemented byOPM regulation at5 CFR §§ 410.501-410.503“GovernmentEmployeesTraining Act”*Gift is accepted by the employee* | Training in a non-Government facility or meeting.  | 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. | Source: anorganization exemptfrom taxation under26 USC § 501(c)(3).Payment in cash or in-kind to the employee. | Contributions or awards incident to training; or payments of travel, subsistence, and related expenses incident to attendance at meetings. | Acceptance permitted if the agency applies specific criteria regarding conflicts and appearance concerns and decides payment is proper. | The head of the agency or his/her designee must authorize acceptance in writing after a full evaluation of the circumstances in each case. |
| 5 USC § 7342as implemented by agency-specific regulations and GSA regulation at 41 CFR §§ 102-42 *et seq.*“Foreign Gifts and Decorations Act”*Gift is accepted by the employee* | Type of event is not specified.  | Travel must take place entirely outside of the United States. | 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.  | Travel or expenses for travel including, transportation, food and lodging. | Acceptance permitted by the employing agency if appropriate and consistent with the interests of the United States. | Approval must be issued by the agency in advance of the travel, and in accordance with any regulations prescribed by the employing agency. |

\* 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** |
| 5 CFR § 2635.203(b)(8)“Employee assigned to present information”*There is no gift to the agency or to the employee* | Any event where the employee is assigned to present information on behalf of the agency. | Normally used for local events. For events away from duty station, may not be used in lieu of 31 USC 1353.  | Source: the sponsor of the event only. | “Free attendance” as defined in 5 CFR § 2635.203(g) provided on any day that the employee is presenting. Includes- waiver of all or part of the fee for an event- food, refreshments, entertainment, instruction or materials furnished to all attendees as an integral part of the event- “speakers’ meals” on day of presentationNo travel expenses, lodgings, or entertainment collateral to the event. | 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. | 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. |
| 5 CFR§ 2635.204(g)(2)“WidelyAttendedGatherings”*Gift is to the employee* | Widely attendedgatherings of mutual interest to a number of parties. | No restrictions on location but normally used for local events.Employee must attend on own time or excused absence.May not be used for official duty attendance at events at or away from duty station. | 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 $415 or less.Payment in-kind only. | “Free attendance” as defined in 5 CFR § 2635.203(g). (See bulleted list above.)No travel expenses, lodging, or entertainment collateral to the event. | Acceptance permitted if employee’s attendance will further agency programs or operations, and the agency’s interest outweighs any appearance concerns.  | Authorization to accept a gift of freeattendance at all or appropriate parts ofa widely attended gathering must be made in writing by the agency designee, per 5 CFR § 2635.204(g)(3). |