

Gifts of Travel and Other Benefits: A Quick Reference Guide

Government employees sometimes receive invitations from non-Federal sources to attend meetings or other functions in connection with their Government employment. Often these non-Federal persons or organizations offer to pay all or a portion of the Government employee's expenses, including the attendance fee, meals, travel and other incidentals. In order for the agency or the employee to accept the offer of payment from the non-Federal source, they must use an appropriate authority.

The following table references three of the most commonly used authorities under which an agency or employee might accept a gift of free attendance, travel or other benefits from a non-Federal source in connection with attendance at a meeting or other function:

- 31 U.S.C. § 1353
- 5 U.S.C. § 4111
- 5 CFR § 2635.204(g)(2).

The table provides a simple synopsis of each of the authorities, highlighting and comparing six critical elements of each authority. It is designed for use as a quick reference guide. As such, the table should not be used as a substitute for the actual text of the statutes and regulations, and neither should it be considered all-inclusive, as it does not address all agency gift statutes or other similar authorities.

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TRAVEL AND OTHER BENEFITS IN CONNECTION WITH MEETINGS

Authority	Type of Event	Location	Source/Type Payment	Nature of Benefits	Conflict Analysis	Agency Approval
<p>31 U.S.C. § 1353 as implemented by GSA regulation at 41 CFR §§ 301-1 and 304-1</p> <p>“Acceptance of Payment from a Non-Federal Source for Travel Expenses”</p> <p><i>Gift is to the agency</i></p>	<p>Meeting or similar function that relates to the employee's official duties. *</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.</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 U.S.C. § 4111 as implemented by OPM regulation at 5 CFR §§ 410.501-410.503</p> <p>“Government Employees Training Act”</p> <p><i>Gift is to 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.</p>	<p>Source: An organization exempt from taxation under 26 U.S.C. § 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 CFR § 2635.204(g)(2)</p> <p>“The Widely Attended Gatherings Exception”</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 (normally used for local events). However, if event is away from duty station, may not be used for event for which employee is placed in travel status to attend.</p>	<p>Source: the sponsor of the event, or a non-sponsor if more than 100 persons will be attending and the cost of attendance is \$335 or less.</p> <p>Payment in-kind only.</p>	<p>Waiver of attendance fee, food, refreshments, entertainment and instructional materials integral to the event. No travel expenses.</p>	<p>Agency must determine that the employee's attendance is in the interest of the agency, in that it will further agency programs or operations.</p>	<p>If the person who extends the invitation has interests that could be substantially affected by the performance of the employee's duties, the agency must make a written determination of agency interest in advance of the event.</p>

* Does not include activities required to carry out an agency's statutory or regulatory functions.