

## Subchapter C—Acceptance of Payments for Training

### PART 304-7—AUTHORITY/APPLICABILITY

Sec.

304-7.1 What is the purpose of this subchapter?

304-7.2 To whom does this subchapter apply?

304-7.3 Who is exempt from this subchapter?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-7.1 What is the purpose of this subchapter?

The purpose of this subchapter is to provide for reductions in per diem and other travel reimbursement when employees receive contributions, awards and other payments from non-Federal sources for training in non-Government facilities and attendance at meetings under 5 U.S.C. 4111.

#### § 304-7.2 To whom does this subchapter apply?

This subchapter applies to—

(a) Civilian officers and employees of—

(1) Executive departments as defined in 5 U.S.C. 101;

(2) Independent establishments as defined in 5 U.S.C. 104;

(3) Government corporations subject to chapter 91 of title 31 U.S.C.;

(4) The Library of Congress;

(5) The Government Printing Office (GPO);

(6) The government of the District of Columbia; and

(b) Commissioned officers of the National Oceanic and Atmospheric Administration.

#### § 304-7.3 Who is exempt from this subchapter?

The following, under 5 U.S.C. 4102 and the implementing regulation at 5 CFR 410.101(b), are exempt from this subchapter:

(a) A corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors.

(b) The Tennessee Valley Authority.

(c) An individual (except a commissioned officer of the National Oceanic and Atmospheric Administration) who is a member of a uniformed service during a period in which he is entitled to pay under 37 U.S.C. 204.

(d) The U.S. Postal Service, Postal Rate Commission and their employees.

### PART 304-8—DEFINITIONS

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-8.1 For the purpose of this subchapter, who is a donor?

A donor, for the purpose of this subchapter, is a non-profit charitable organization described by 26 U.S.C. 501(c)(3), that is exempt from taxation under 26 U.S.C. 501(a).

### PART 304-9—CONTRIBUTIONS AND AWARDS

Sec.

304-9.1 To whom do the pronouns “I”, “you”, and their variants refer throughout this part?

304-9.2 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

304-9.3 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

304-9.4 May we reimburse an employee for training expenses that are not fully paid by a donor?

304-9.5 What if the employee is compensated by a donor and by us for the same expenses?

304-9.6 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

304-9.7 Must we obtain data from employees or donors for all expenses received?

**Authority:** 5 U.S.C. 4111(b); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

#### § 304-9.1 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 agency.

#### § 304-9.2 May we allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings under this subchapter?

Yes, you may allow an employee to accept contributions and awards pertaining to training and payments incident to attendance at meetings when you specifically authorize them to do so in accordance with OPM guidelines issued under section 401(b) of Executive Order 11348 (see 5 CFR part 410) and section 303(j) of Executive Order 11348 (3 CFR, 1966-1970 Comp., p. 639). The OPM guidelines may be found at 5 CFR 410.501 through 410.503.

#### § 304-9.3 May we pay an employee for expenses that are fully reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting?

No, you may not reimburse an employee for expenses that are fully

reimbursed by a donor for training in a non-Government facility, or travel expenses incident to attendance at a meeting.

#### § 304-9.4 May we reimburse an employee for training expenses that are not fully paid by a donor?

Yes, you may reimburse an employee for training expenses that are not fully paid by a donor an amount considered sufficient to cover the balance of expenses to the extent authorized by law and regulation, including 5 U.S.C. 4109 and 5 U.S.C. 4110.

#### § 304-9.5 What if the employee is compensated by a donor and by us for the same expenses?

If you reimburse an employee for expenses that are also paid by a donor, you must establish and carry out policy in accordance with 5 U.S.C. 5514 and the Federal Claims Collection Standards (31 CFR parts 900-904) to recover any excess amount paid to the employee.

#### § 304-9.6 Must we reduce an employee's reimbursement when a donor pays for items for which we are not authorized to reimburse the employee?

No, when a donor pays for travel expenses that the Government is not authorized to pay (such as travel expenses for an employee's family) no reduction in reimbursement to the employee is required.

#### § 304-9.7 Must we obtain data from employees or donors for all expenses received?

Yes, you must set agency policy to ensure collection of expense data in such detail as you deem necessary to carry out this part.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-608, MB Docket No. 01-116, RM-10069]

### Digital Television Broadcast Service and Television Broadcast Service; Hibbing, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Duluth-Superior Area Educational Television Corporation, substitutes DTV channel \*31 for channel \*18 at Hibbing, Minnesota. See 66 FR 32296, June 14, 2001. DTV