

# CONFERENCE Q & A

## 1. REGISTRATION FEES, MEALS, AND REFRESHMENTS

***Q1*** *What is the definition of a conference?*

***A1*** As defined in DOE O 110.3A, *Conference Management*, dated XX-XX-05, a conference is a meeting, seminar, retreat, symposium, or similar event that involves official travel. DOE employees traveling to a site where work for DOE is being performed to discuss the status of the work are not considered to be attending a conference. Additional exclusions from coverage under this section of the travel regulations are listed in paragraph 3c of DOE O 110.3A.

***Q2*** *May DOE reimburse the conference registration fees of Federal employees?*

***A2*** Yes, but only for non-DOE sponsored conferences. For DOE sponsored conferences, DOE may arrange for a separate voluntary fee to be collected by persons other than DOE employees to cover the cost of meals, refreshments and/or entertainment. This fee will not be reimbursed by DOE.

***Q3*** *May DOE arrange for conference registration fees at a DOE sponsored conference?*

***A3*** No, because DOE does not have statutory authority to collect registration fees. DOE sponsored conferences should be fully funded by the sponsoring program offices or by a co-sponsor that DOE does not control.

***Q4*** *Since DOE cannot retain registration fees, what other options are available to the Department, when sponsoring or cosponsoring a conference?*

***A4*** There are a couple of options available to the DOE; these include co-sponsorship (with an entity other than a DOE contractor), or by co-locating the conference.

(a) Co-sponsorship with another entity (not a DOE contractor) - In this situation the Department could elect to split conference costs with a non-contractor entity (e.g., university, non-profit organization) that co-sponsors the conference. The Department must have a written arrangement that clearly delineates the roles and liabilities of each partner. The co-sponsor could be responsible for hiring of vendors, with no liability on the Department. A co-sponsor (other than a DOE contractor) may charge registration fees. DOE may not specify the purposes for which conference fees collected by a co-sponsor are to be used, nor may DOE control or supervise the fees or determine the amount of the fees. The written arrangement could be in the form of a letter or memorandum of understanding.

(b) Co-location of conference – In order to avail themselves of the capabilities of other organizations, the Department could co-locate an agency-organized and agency-hosted conference with a conference organized and hosted by another organization. For example, where an agency and other organization plans their own, separate conference on the same complimentary topics, DOE may consider co-locating its conference and coordinating the agendas and schedules, in order to take advantage of the efficiencies of economies of scale and a shared audience.

**Q5** *At DOE sponsored conferences, may the costs of providing meals and refreshments to attendees be paid with appropriated funds?*

**A5** Appropriated funds may be used, if the DOE conference in question is considered a “formal conference.” A “formal” conference typically involves topical matters of interest to and the participation of multiple agencies and/or nongovernmental participants and may include registration, a published agenda, and scheduled speakers or discussion panels.

**Q6** *If the conference qualifies as a “formal” conference, when may appropriated funds be used for the cost of providing meals and refreshments?*

**A6** These costs may be paid by appropriated funds for all conference participants (both Federal and non-Federal) when—

(1) meals and refreshments are incidental to the conference,

(2) attendance at the meals and when refreshments are provided is important for DOE to ensure full participation in essential discussions, lectures, or speeches concerning the purpose of the conference, and

(3) the meals and refreshments are part of a formal conference that includes substantial functions occurring separately from when the food is being served.

**Q7** *What food items qualify as “refreshments”?*

**A7** The regulations define refreshments as including, but not limited to, coffee, tea, milk, juice soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, and muffins. (41 CFR 301-74.11)

**Q8** *May DOE & DOE contractors charge a separate voluntary fee to conference attendees to cover such items as meals and entertainment?*

**A8** DOE does not have statutory authorization to keep such receipts under the Miscellaneous Receipts Act, so DOE will not charge a fee. However, DOE contractors may charge such a voluntary fee. Employees may pay this voluntary fee from personal funds; however, when an employee pays this voluntary fee from personal funds, he is not required to reduce his per diem. Furthermore, the attendee would not be able to claim reimbursement for any fee that exceeded the per diem.

## **2. CONTRACTOR SPONSORED CONFERENCES.**

**Q9** *In order to finance a conference, may DOE contractors collect conference registration fees?*

**A9** It depends. Contractors may collect conference fees at contractor-sponsored conferences that have been initiated by the Contractor and are not being conducted under a task order or specific contractual requirement or request from DOE, provided that DOE is not statutorily or otherwise legally mandated to conduct the conference and provided that attendance at the conference is not a requirement for receiving a benefit or service from DOE. In these limited situations, a contractor could hire a conference organizer. Conference fees collected by DOE contractors to offset conference costs are not subject to the Miscellaneous Receipts Act in these situations. Conference fees may not be charged at a conference that is co-sponsored by DOE and a DOE contractor.

***Q10 When is a contractor reimbursed for holding a conference?***

***A10*** A contractor will be reimbursed for conference costs only if the principal purpose of the conference is to disseminate trade, business, professional or technical information or to stimulate production per contract requirements.

***Q11 What contractor conference costs are not reimbursable?***

***A11*** Contractors who are co-sponsoring conferences with DOE will not be reimbursed for entertainment costs (e.g., alcoholic beverages, tickets to shows or sporting events). Also, such costs may not be included in the registration fee.

***Q12 Can a contractor provide for entertainment, if the contractor pays for it?***

***A12*** Yes; however, contractors who are sponsoring conferences should not include events, such as entertainment or meals, which would result in Federal employees violating the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635).