

NIH POLICY MANUAL

1160-1 Entertainment

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Release Date: 08/31/00

Partial Revisions: 9/24/02,* 10/15/03,** 2/9/04,*** & 3/16/04****

1. **Explanation of Material Transmitted:** This NIH Manual contains revised policies and procedures as they pertain to the use of gift funds and appropriated funds for entertainment related activities. These activities may include, official entertainment, events involving the entertainment of domestic and foreign visitors, entertainment of delegations traveling under bilateral agreements, and the purchasing of mementos or souvenirs. It is intended to assist delegated officials by outlining the various circumstances and corresponding limitations when the use of such funds may be authorized to cover entertainment expenses.

**Note: Section F, “Responsibilities” was revised 9/24/02. Specifically, the oversight and monitoring of all funds for entertainment activities now rests with the IC Directors/Deputy Directors. Previously, the Deputy Director for Management, NIH, had this responsibility.*

***Note: Appendices 3 and 4 were added 10/15/03. The matrices are intended to assist delegated officials by outlining the various activities and events under which they can authorize the use of either appropriated funds or gift funds, for the provision of light refreshments and meals to both, Federal employees and nonfederal persons.*

****Note: Sections E through H have been revised to: 1) reflect recent changes in HHS policy guidance regarding the use of appropriated funds to provide light refreshments during morning and afternoon breaks at conferences; and 2) reflect corresponding new internal NIH policy guidance and procedures, and delegations of authority, governing the use of both gift funds and appropriated funds for entertainment expenses. New Appendices 5 and 6 have been added.*

*****Note: Bolded Section of E (1), E (2), and E (3) have been revised to clarify language and references to the chapter appendix information.*

2. Filing Instructions:

Remove: NIH Manual Chapter 1160-1 “Official Entertaining” dated 02/03/97

Insert: NIH Manual Chapter 1160 “Entertainment” dated 08/31/00

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- Content of this chapter, contact the Office of Financial Management on 301-496-4379 or 301-402-8831
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- On-line information, enter this URL:
<http://www1.od.nih.gov/oma/manualchapters/management/1160-1/>

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- A. Purpose.** This chapter provides information on policies and procedures governing the use of appropriated and gift funds for: 1) official entertainment; 2) events involving the entertainment of domestic and foreign visitors; 3) entertainment of delegations traveling under bilateral agreements; and 4) the purchase of mementos or souvenirs.
- B. Background.** NIH, under special statutory authorities, may accept and use gifts in addition to appropriations. The NIH is authorized to accept conditional and unconditional gifts under Sections 231 and 405 (b) (1) (H) of the Public Health Service Act, as amended (42 U.S.C. 238, 284 (b) (1) (H)). Institutes/Centers (IC) may use appropriated and gift funds to support official entertainment, whether directly or under a support contract, only in accordance with the policies set forth in this chapter **(NOTE: The use of support contracts may not be used to circumvent limitations on the expenditure of appropriated funds for entertainment.**
- C. References.**
1. 42 U.S.C. 238 and 42 U.S.C. 284
 2. 41 CFR 101-49 (Utilization, Donation, and Disposal of Foreign Gifts and Decorations)
 3. U.S. General Accounting Office, Office of the General Counsel, Principles of Federal Appropriations Law, pages 4-84-103, 4-128-131, (1991 Edition).
 4. Memorandum from Assistant Secretary for Health to Public Health Service Agency Heads for "Delegation of Authority To Accept Gifts Under Title XXI of the Public Health Service Act (PHS), Miscellaneous," (July 10, 1995).
 5. NIH Manual Chapter 1130 - Program: General #5 "Accept Gifts Under Section 231 of the PHS Act"

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6. NIH Manual Chapter 1130 - Program: General #10
"National Library of Medicine"
7. NIH Manual Chapter 1130 - General Administration #31
"Alcohol for Official Entertaining"
8. NIH Manual Chapter 1135 - "Gifts Administration"
9. NIH Manual Chapter 1500-08 - "Acceptance of Payment
From a Nonfederal Source to Cover Travel Expenses
(Sponsored Travel)"
10. NIH Manual Chapter 6013-2 "Internal Procedures For The
Purchase Card (I.M.P.A.C.) Program"

D. Definitions.

1. Entertainment - Providing: 1) food and/or drink, either as meals, picnics, or as snacks or light refreshments; 2) personal items including small mementos; 3) music, live or recorded, live artistic performances; 4) recreational facilities; and 5) similar activities. The term includes all costs associated with these activities and events.

2. Light Refreshments - for morning, afternoon, or evening breaks are defined to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins (41 CFR 301-74.11).

3. Gift - something bestowed voluntarily and without consideration or compensation.

4. Conditional gift - a gift on or upon which the donor imposes some condition or restriction on the use of the gift or as a condition to be met to obtain the gift. NIH is not authorized to expend conditional gift funds to support functions not encompassed within the terms of the conditions of the gift. IC Directors are responsible for accepting gifts within their statutory or delegated authority (See NIH Manual Chapter 1130, Program: General #5). NOTE: For

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purposes of the Department of Health and Human Services statutes authorizing acceptance of gifts, a grant to NIH may qualify as a conditional gift. In ordinary usage, "grant" means "a gift" usually for a particular purpose.

5. Unconditional gift - a gift on or upon which the donor does not impose some condition or restriction on the use of the gift or as a condition to be met to obtain the gift. NIH is authorized to expend unconditional gift funds to support any of its authorized functions, within the scope of the intended use designated by the donor, including research on a specific disease. When a donor requests that a gift be used for research on a specific disease or activity without further specification as to its purpose or manner of use, the gift is considered unconditional and may be used to carry out the mission of the recipient IC relating to research into that specific disease or activity. IC Directors are responsible for accepting unconditional gifts within their statutory or delegated authority. (See NIH Manual Chapter 1130, Program: General #5).

6. Domestic visitor - person(s) residing in one of the states or territories of the United States, visiting officially on a short stay or sojourn as a guest and not employed by, or under contract with, the Federal government.

7. I.M.P.A.C. - International Merchant Purchase Authorization Card

8. IC - an NIH organizational term referencing the research institutes, centers, and the National Library of Medicine.

9. Memento - a keepsake or souvenir to commemorate or remember an event or occasion.

10. Request for waiver - a request for an exception to or waiver of provisions of the policies contained in this Manual Chapter. (See E(5) below).

11. Bilateral travel - travel that occurs as part of a bilateral agreement between the United States and a foreign government. Examples of these agreements are the U.S./Japan

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Cooperative Medical Sciences Program, the Indonesia/U.S. Subcommission on Science and Technology, the U.S./Mexico Mixed Commission on Science and Technology, and various Health Scientist Exchange Programs.

E. Policy. It is the intent of the NIH to maximize the use of resources for research. Therefore, expenditure of funds for entertainment will be limited to those activities clearly in support of the goals and objectives of NIH and as authorized by this policy. Documentation of the correct usage of funds for entertainment is necessary. Entertainment activities must comply with all legal and policy requirements, and be designed to encourage each employee of NIH to observe high standards of ethical conduct. ICs shall appoint someone with overall responsibility for monitoring the expenditure of funds for entertainment. The appointed individual shall develop policies and procedures to ensure that gift and appropriated funds are expended for entertainment only as permitted by this Manual Chapter. All expenditures shall be documented and approved based upon the policies and procedures as stated in this Manual Chapter. **Entertainment expenditures must be authorized in advance as provided in paragraph (G) of this chapter.** Approving officials are IC Directors or their designated representatives. ICs should obtain legal advice from the NIH Legal Advisor's Office, as necessary.

1. Use of Appropriated Funds. Unless specifically appropriated for entertainment, appropriated funds may not be used for entertainment except as authorized by statute or other controlling authority and by this Manual Chapter. The basis for the rule is that entertainment is essentially a personal expense even where it occurs in a business-related context. Appropriated funds may be used for entertainment only as permitted by: 1) the Government Employees Incentive Awards Act (5 U.S.C. 4502(d)); and 2) 60 Comp. Gen. 303(1981) which concluded that appropriated funds could be used for entertainment associated with the Government Employee's Training Act, 5 U.S.C. 4109 (see

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E(1)(b) below) and an agency's Equal Employment Opportunity Program (see E(1)(c) below).

Appropriated funds may be used for the following activities addressed by the above statutory authorities and may also be used for additional activities as contained in Appendix 3 of this manual chapter. (NOTE: Gift funds and appropriated funds may be used interchangeably for a variety of activities as displayed in Appendix 3 and Appendix 4 of this manual chapter.)

- a. The provision of light refreshments, plaques, lump-sum cash, certificates, honorary awards, merchandise of nominal value, e.g., spectator event tickets or jacket bearing agency insignia at employee recognition and awards ceremonies as part of the Employee Recognition and Incentive Awards Program(65 Comp. Gen. 738 (1986)).
NOTE: This may include "small mementos" of nominal value to outgoing Federal Advisory Council members in recognition of their public service.
- b. Under the Government Employees Training Act (GETA), to reimburse employees for necessary expenses incident to an authorized training program (5 U.S.C. 4109). "Necessary expenses" include meals if necessary to achieve the objective of the training program. "Training means the process of providing for or making available to an employee and placing or enrolling the employee in a planned, prepared and coordinated program, course, curriculum... which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals." (5 U.S.C. 4101(4)).
- c. With regard to entertainment expenses associated with an agency's equal employment opportunity program, you may use appropriated funds to sponsor:
1) live entertainment; 2) lunches for guest speakers away from their homes or places of

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business; and 3) and "small samples" of ethnic foods served at a formal ethnic awareness programs (meaning small servings that do not constitute a meal). (60 Comp. Gen. 303 (1981)).

For additional information, please reference Appendix 5 of this chapter.

2. Use of Gift Funds

Gift funds for entertainment may be used only if the entertainment will further a valid function of NIH, if the function could not be accomplished as effectively from the Government's standpoint without the expenditure, and if the expenditure does not violate any restrictions imposed by the donor on the use of the funds. Gift funds may not be used for entertainment which does not bear a legitimate relationship to official agency purposes. NOTE: For the purpose of this chapter, the term "gift funds" may be used interchangeably with "donated funds." **Expenditures of gift funds for the purposes listed below are permissible subject to any limitations specified herein and any other corresponding restrictions outlined in this manual chapter and its appendices:**

- a. Light refreshments during scientific workshops, symposia, and lectures;
- b. Light refreshments during meetings of individuals and groups serving as advisors to the NIH;
- c. Meals for postdoctoral trainees and senior executive staff and scientists being recruited through a formal search process for NIH positions, e.g., intramural tenure and tenure-track scientists, and senior extramural staff. This mechanism may also fund the meals of NIH employees who accompany that person. It is understood that

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these meals are "working meals" with discussion centering on NIH-related employment and science;

- d. Small mementos to official foreign guests of the Federal government, distinguished Visiting Scientists, or other dignitaries visiting NIH;
- e. Receptions honoring foreign dignitaries or prominent U.S. citizens who are involved in activities related to the NIH mission;
- f. Events (including "working meals") involving the entertainment of official foreign delegations traveling under bilateral agreements;
- g. Light refreshments at special events that further the objectives of NIH and include individuals who are not Government employees (e.g., the NIH Open House, new building dedications, or Research Day), or authorized events for solicitation of Federal employees for contributions to charities i.e., (CFC or U.S. Savings Bond Drives).

3. Limitations.

a. Gift Funds and Appropriated Funds.

1) Generally, neither appropriated nor gift funds may be used to provide meals to Government employees.

2) Lavish receptions or other entertainment shall be avoided. Every effort should be made to obtain the best price available for the planned entertainment. Entertainment activities should be held at one of the sites listed in E(4) below.

3) Expenditures for entertainment shall exclude any activity that may be questionable, poses a potential embarrassment to the agency or department, or primarily benefits employees e.g.,

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individual memberships in any society or club, cards or gifts.

4) Reasonable gratuities incurred in connection with entertainment are reimbursable.

5) When gift funds or appropriated funds are authorized for the provision of light refreshments at an NIH sponsored conference/meeting (Event Type "C") on campus or in the local area, as outlined in Appendix 3 and Appendix 4 of this chapter, no separate registration fee may be authorized. Any costs for conference space, equipment, supplies, conference materials, etc. must be included in the conference space fee itself. Light refreshments only may be included in the conference space fee if the applicable conditions in the aforementioned appendices, are met.

b. Gift Funds.

1) Gift funds may not be expended for any event that could be viewed as purely social in nature, e.g., annual employee picnics or holiday parties. Any use of gift funds must have an obvious and legitimate connection with the objectives of the NIH research mission.

2) Gift funds from private corporations may not be used for entertainment purposes, if it would create a real or apparent conflict of interest.

3) Care should be taken to assure that attendees provided "working meals" are not receiving duplicate payments for subsistence via per diem allowances or professional services contracts.

4) The number of NIH staff whose meals are funded at recruitment activities or receptions for foreign or domestic visitors should be minimal, and the amount spent per person must be moderate.

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IC Directors or their designees have final approval authority.

Note: Use of appropriated funds and gift funds for entertainment purposes may be subject to further restrictions as outlined in Appendix 3, Appendix 4, and Appendix 5 of this manual chapter.

4. Facilities Locations.

The approved sites for holding entertainment functions are as follows:

- NIH facilities;
- Places of business in the vicinity of NIH; and
- Facilities within foreign countries if consistent with the purpose of the visit.

5. Exceptions / Waivers

a. All requests for waiver of or exceptions to this policy must be submitted to the Deputy Director for Management (DDM) for approval. No exception or waiver of this policy may be obtained for proposed expenditures of **appropriated funds**, unless a statute or other controlling legal authority would permit the proposed entertainment expenditures, as determined by the NIH Legal Advisor's Office.

b. Requests for exceptions or waivers of this policy as it applies to **gift funds** must include a justification, addressing specific conditions and any evidence supporting the need for exception or waiver to policy and the consequences if the exception is not granted. Exceptions and waivers may be granted upon the determination that the expenditure is: 1) necessary to carry out the mission of NIH in the most effective manner; 2) consistent with any conditions imposed upon the gift; 3) reasonable; and 4) cost effective. When

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you submit an exception or waiver request, you should also include the applicable Form NIH 2408-1 "Request for Use of Appropriated Funds/Gift Funds for Light Refreshments/Meals and Other Entertainment Expenses." (For information on the Form NIH 2408-1, refer to Section (G) "Procedures" of this chapter. To access a copy of the form, see Appendix 6 of this chapter.)

The Fogarty International Center and the Howard Hughes Medical Institute have separate authority to serve alcohol in conjunction with official entertaining. (NIH Manual Chapter 1130, General Administration #31). All other ICs must receive specific permission to use alcohol on the NIH enclave from the Director for Research Services.

F. Responsibilities. The Director, NIH has assigned responsibilities of the program as follows:

1. The IC Directors/Deputy Directors have the oversight responsibility for reviewing and monitoring the use of all funds for entertainment.
2. IC Directors have responsibility for the use of funds (gift funds and appropriated funds) for entertainment within their respective institutes and centers and for ensuring a process is in place by which they can satisfactorily determine that all expenditures for entertainment are in compliance with this Manual Chapter.

Authorization and approval for the use of appropriated funds and gift funds for entertainment expenses as outlined in Appendix 3 and Appendix 4 of this chapter, will be retained at the IC Executive Officer level, without further redelegation. ICs may opt to retain this authority at a higher level.

3. The Office of Financial Management, OD obligates all funds for official entertainment expenditures.

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G. Procedures. The hosting IC is responsible for submitting the Form NIH 2408-1, "Request for Use of Appropriated Funds/Gift Funds for Light Refreshments/Meals and Other Entertainment Expenses," (see Appendix 6) to the authorizing official. This form must be properly completed and signed for each transaction, accordingly. This form will serve as the supporting documentation to the payment mechanism used for all such entertainment expenditures.

H. Payment Information.

1. Entertainment requests must contain the signature of the individuals responsible for approving payments and a requested method of billing/payment. Payments will not be made until services or goods being acquired /rendered are actually received/issued and accepted by the organization.
2. Services and/or goods, acquired by the ICs for entertainment are paid through one of the following methods of payment:
 - a) SF 1034 "Public Voucher for Purchases and Services Other than Personal";
 - b) I.M.P.A.C. card;
 - c) SF 44 "Purchase Order-Invoice-Voucher"; or
 - d) Contract mechanisms, e.g., Purchase Order, Contract, etc.

NOTE: The properly completed and signed NIH Form 2408-1 must accompany each above payment mechanism and must be maintained in the IC's official procurement files.

3. When official luncheons or dinners are held in commercial facilities and the business establishment agrees to bill NIH, the host organization will prepare a Form SF 1034, "Public Voucher for Purchases and Services Other Than Personal", an SF-44 "Purchase Order/Invoice/Voucher", Purchase Order or coordinate payment using the I.M.P.A.C. card. If the purchase

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card is used in the transaction, then the Internal Procedures Manual for the Purchase Card should be referenced prior to making a commitment. All bills or supporting documentation from purchases with the SF-1034, SF-44, or Purchase Order should be sent to OFM, Financial Services Branch, Commercial Accounts Section. All bills or supporting documentation from purchases with the I.M.P.A.C. card will follow the procedures as outlined in the NIH Policy Manual 6013-2, "Internal Procedures for the Purchase Card (I.M.P.A.C.) Program."

4. Following an approved event, where the host has paid for the entertainment expenses out-of-pocket, the host will prepare an SF-1034, "Public Voucher for Purchases and Services Other than Personal" (available on line at: <http://forms.cit.nih.gov/adobe/procurement/SF1034.PDF>) with bills or receipts attached, and forward it to the OFM, Financial Services Branch, Commercial Accounts Section, if applicable.

- I. **Records Retention and Disposal.** All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records, Appendix 1, "NIH Records Control Schedule," Items 1900-F and 1100-M-1.

NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Officer for additional information.

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests.

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Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

- J. Management Controls.** In accordance with NIH Manual Chapter 1750 "NIH Management Control Program", the OD/OLAO/Division of Acquisition Programs (DAP) performs the following reviews: 1) a review of monthly invoices associated with IMPAC Card purchases for any questionable charges inclusive of entertainment related expenses; 2) a review of quarterly charges which includes examining Gift Fund CANs or direct CANs that reflect entertainment expenses (This review entails checking for appropriate permission request forms and accompanying documentation); 3) a periodic DELPRO node review report which is transmitted to OFM. This encompasses a comprehensive sampling of three months of orders which may include orders reflective of entertainment expenses; and 4) a monthly review of SF-44s "Purchase Order/Invoice/Voucher" for appropriate gift fund expenditures including entertainment costs. All reviews are assessed for accuracy, and the need for improvements and/or corrective actions. An annual report of the results of the reviews is submitted to the DDM.

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APPENDIX 1 - GLOSSARY OF ACRONYMS

CAN	Common Account Number
C.F.R.	Code of Federal Regulation
DHHS	Department of Health and Human Services
DDM	Deputy Director for Management
IC	Institutes and Centers
I.M.P.A.C.	International Merchant Purchase Authorization Card
G.E.T.A.	Government Employees Training Act
NIH	National Institutes of Health
OFM	Office of Financial Management
OGC	Office of General Counsel
PHS	Public Health Service
U.S.C.	United States Code
Form SF 44	Purchase Order/Invoice Voucher
Form SF 1034	Public Voucher for Purchases and Services Other Than Personal
Form OF 1129	Cashier Reimbursement Voucher And/Or Accountability Report

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APPENDIX 2 - DIRECTORY

Deputy Director for Management
Bldg 1. Room 103
496-3271

Office of Financial Management
Division of Finance
Bldg. 31, Room B1B63
496-3368

Office of Financial Management
Financial Services Branch
Government Accounting Section
Bldg. 31, Room B1B11
402-9123

Office of Financial Management
Financial Services Branch
Commercial Accounts Section
Bldg. 31, Room B1B32
496-1418

Office of the General Counsel
NIH Legal Advisor
Bldg. 31, Room 2B50
496-6043

Office of Logistics and
Acquisitions Operations,
Division of Acquisition
Programs
(IMPAC Card)
6011 Executive Blvd.
Room 549E
496-6071

Office of Research Services
Bldg.1, Room 160
496-2215

APPENDIX 3	LIGHT REFRESHMENTS/MEALS MATRIX			
Use of Appropriated Funds for Light Refreshments/Meals	TYPE OF PARTICIPANT			
LR - Light Refreshments M - Meals				
	Federal Employee	Non-Federal Person		
Type of Event				
A. NIH Sponsored Event (Training) 1/				
(1) On campus, NIH facility, or other Government facility (Local 6/) LR/M	YES	YES 2/		
(2) Non-government facility (Local 6/) LR/M	YES	YES 2/		
(3) Outside the Local area LR/M	YES	YES 2/		
B. NIH Sponsored Event (Conference Training) 3/				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	YES	YES 2/		
(2) Non-government facility (Local) LR/M	YES	YES 2/		
(3) Outside the Local area LR/M	YES	YES 2/		
C. NIH Sponsored Event (Conference/Meeting - Non-Training Related) 4/				
(1) On campus, NIH facility, or other Government facility (Local) LR Only	YES 4/	YES 2A/		
(2) Non-government facility (Local) LR Only	YES 4/	YES 2A/		
(3) Outside the Local area LR/M	YES 4/	YES 2A/		
D. Non-Government Sponsored (Training; Conference Training; Conference/Meeting Non-Training Related)				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	N/A	N/A		
(2) Non-government facility (Local) LR/M	N/A	N/A		
(3) Outside the Local area LR/M	N/A	N/A		
NOTE: W/ a Non-government Sponsored event, there should not be any requirement for the use of NIH appropriated funds. 5/				
E. Co-Sponsored Event (Training; Conference Training; Conference/Meeting Non-Training Related) 7/ (See NOTES 1 and 2 below)				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	YES	YES		
(2) Non-government facility (Local) LR/M	YES	YES		
(3) Outside the Local area LR/M	YES	YES		
F. Other Government Sponsored (Training; Conference Training; Conference/Meeting Non-Training Related)				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	N/A	N/A		
(2) Non-government facility (Local) LR/M	N/A	N/A		
(3) Outside the Local area LR/M	N/A	N/A		
NOTE: W/ an Other Government Sponsored Event, there should not be any requirement for the use of NIH appropriated funds. 5/				

G. NIH Employee Recognition and Awards Ceremonies				
(1) On campus, NIH facility, or other Government facility (Local) LR Only	YES	YES		
(2) Non-government facility (Local) LR Only	YES	YES		
(3) Outside the Local area LR Only	YES	YES		
NOTE: Under 65 Comp. Gen. 738 (1986))				
H. NIH EEO/Cultural Awareness Program				
(1) On campus, NIH facility, or other Government facility (Local)	YES 8/	YES 9/		
(2) Non-government facility (Local)	YES 8/	YES 9/		
(3) Outside the Local area	YES 8/	YES 9/		
NOTE: Under 60 Comp. Gen. 303 (1981)				
I. NIH CFC, Savings Bond, Kick-off Meetings and Similar Events				
(1) On campus, NIH facility, or other Government facility (Local) LR Only	YES	YES		
(2) Non-government facility (Local) LR Only	YES	YES		
(3) Outside the Local area LR Only	YES	YES		
KEY:				
1/ "Training", 5 U.S.C. 4101 (Government Employees Training Act) - The process of providing for and making available to an employee, and placing or enrolling the employee in , a planned, prepared, and coordinated program, course, curriculum, subject , system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals. The following conditions must be met in order to provide meals to Federal employees at a "Training" event:				
a) The providing of meals is necessary to achieve the objectives of the Training program; and				
b) The meals are incident to the Training in that a portion of the training is conducted during the meal sessions.				
2/ An individual legitimately performing a direct service, e.g., making a presentation, conducting the training, advising in an area of expertise. (5 U.S.C. 5703 and 5 U.S.C. 4109)				
2A/ An individual performing a direct service, e.g., making a presentation, advising in an area of expertise, participating, collaborating, etc. (31 U.S.C. 1345 NOTE (Section 505)				
3/ "Conference Training" - A conference can be considered as "Training" under 5 CFR 410.404 only when the following conditions are met:				
a) The announced purpose of the conference is educational or instructional;				
b) More than half of the time is scheduled for a planned, organized exchange of information between presenters and audience, which meets the definition of training as contained in 5 U.S.C. 4101 (see above);				
c) The content of the conference is germane to improving individual and/or organizational performance; and				
d) Development benefits will be derived through the employee's attendance.				
Similar to Footnote No. 1 above, the following conditions must be met in order to provide meals to Federal employees at a "Conference Training" event:				
a) The providing of meals is necessary to achieve the objectives of the Conference Training program; and				
b) The meals are incident to the Conference Training event in that a portion of the training is conducted during the meal sessions.				

4/ "Conference/Meeting - Non-Training Related" - This is a non-internal day-to-day business event that does not meet the definition of "Training" or "Conference Training" and the following conditions must be met:

- a) The event has a duration of a minimum of 4 hours; (NOTE: For Event "C3" above, meals may only be authorized when the 12 hour per diem rule is met.)
- b) The LR are incidental to the event;
- c) The partaking of the LR are necessary for employees to participate fully in the event; and
- d) Employees are not able to take the LR elsewhere without missing formal discussions, lectures, speeches, etc. concerning the purpose of the event.

5/ For a Non-Government Sponsored or Other Government Sponsored event, should a registration fee cover LR/M, and you pay out of pocket, you may be authorized reimbursement for the costs of the registration fee. Should the registration fee not cover LR/M, and a separate charge is made for the LR/M, you may be authorized reimbursement if there is a showing that, 1) the LR/M are incidental to the event; 2) attendance at the LR/M is necessary to full participation in the business of the conference; and 3) you are not free to take the meals elsewhere without being absent from essential formal discussions, lectures, etc. concerning the purpose of the event. NOTE: In this scenario, the 12 hour per diem rule must be met.

6/ "Local" (Throughout the Matrix) - Travel area defined (HHS Travel Chapter 4-20-10) as w/in a 50 mile radius from BOTH the employee's residence and official duty station to a temporary duty site.

7/ Co-Sponsorship - The joint development of a conference, seminar, symposium, educational program, public information campaign, or similar event related to the mission of the NIH, by NIH and one or more non-Federal entities that share a mutual interest in the subject matter.

NOTE 1: This definition excludes prospective co-sponsors that would provide only funding for an event; or that do not have a demonstrable substantive interest in the subject matter of the event.

NOTE 2: For "Training" and "Conference Training", the conditions displayed above in Footnotes No. 1-3 must be met; For "Conference/Meeting Non-Training Related", the expenses are for attendance at non-internal day-to-day business meetings and must be associated with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

8/ Federal employees make partake of small samples of ethnic foods served as part of the formal program.

9/ Non-Federal guest speakers may be authorized a meal if the event is away from their home or place of business.

General Policy - For any of the above applicable events, when the sponsor furnishes a "meal" to an individual who is receiving a per diem allowance, the "meals" portion of that allowance must be reduced accordingly.

APPENDIX 4	LIGHT REFRESHMENTS/MEALS MATRIX			
Use of Gift Funds for Light Refreshments/Meals	TYPE OF PARTICIPANT			
LR - Light Refreshments M - Meals				
	Federal Employee	Non-Federal Person		
Type of Event				
A. NIH Sponsored Event (Training) 1/				
(1) On campus, NIH facility, or other Government facility (Local 6/) LR/M	YES	YES 2/		
(2) Non-government facility (Local /6) LR/M	YES	YES 2/		
(3) Outside the Local area LR/M	YES	YES 2/		
B. NIH Sponsored Event (Conference Training) 3/				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	YES	YES 2/		
(2) Non-government facility (Local) LR/M	YES	YES 2/		
(3) Outside the Local area LR/M	YES	YES 2/		
C. NIH Sponsored Event (Conference/Meeting - Non-Training Related) 4/				
(1) On campus, NIH facility, or other Government facility (Local) LR Only	YES 4/	YES 2A		
(2) Non-government facility (Local) LR Only	YES 4/	YES 2A/		
(3) Outside the Local area LR Only	YES 4/	YES 2A/		
D. NIH Employee Recognition and Awards Ceremonies				
(1) On campus, NIH facility, or other Government facility (Local) LR Only	YES	YES		
(2) Non-government facility (Local) LR Only	YES	YES		
(3) Outside the Local area LR Only	YES	YES		
NOTE: Under 65 Comp. Gen. 738 (1986))				
E. NIH EEO/Cultural Awareness Programs				
(1) On campus, NIH facility, or other Government facility (Local)	YES 7/	YES 8/		
(2) Non-government facility (Local)	YES 7/	YES 8/		
(3) Outside the Local area	YES 7/	YES 8/		
NOTE: Under 60 Comp. Gen. 303 (1981)				
F. NIH Recruitment of Post-Docs, SES Staff, and Scientists 5/				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	YES	YES		
(2) Non-government facility (Local) LR/M	YES	YES		
(3) Outside the Local area LR/M	YES	YES		
G. NIH Receptions Honoring Foreign Dignitaries, Prominent U.S. Citizens				
(1) On campus, NIH facility, or other Government facility (Local) LR/M	YES	YES		
(2) Non-government facility (Local) LR/M	YES	YES		
(3) Outside the Local area LR/M	YES	YES		

H. NIH Receptions for Foreign Delegations Traveling under Bilateral Agreements			
(1) On campus, NIH facility, or other Government facility (Local) LR/M	YES	YES	
(2) Non-government facility (Local) LR/M	YES	YES	
(3) Outside the Local area LR/M	YES	YES	
I. NIH Special Events 9/			
(1) On campus, NIH facility, or other Government facility (Local) LR Only	YES	YES	
(2) Non-government facility (Local) LR Only	YES	YES	
(3) Outside the Local area LR Only	YES	YES	
KEY:			
1/ "Training", 5 U.S.C. 4101 (Government Employees Training Act) - The process of providing for and making available to an employee, and placing or enrolling the employee in , a planned, prepared, and coordinated program, course, curriculum, subject , system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals. The following conditions must be met in order to provide meals to Federal employees at a "Training" event:			
a) The providing of meals is necessary to achieve the objectives of the Training program; and			
b) The meals are incident to the Training in that a portion of the training is conducted during the meal sessions.			
2/ An individual legitimately performing a direct service, e.g., making a presentation, conducting the training, advising in an area of expertise (5 U.S.C. 5703 and 5 U.S.C. 4109)			
2A/ An individual performing a direct service, e.g., making a presentation, advising in an area of expertise, participating, collaborating, etc. (31 U.S.C. 1345 NOTE (Section 505))			
3/ "Conference Training" - A conference can be considered as "Training" under 5 CFR 410.404 only when the following conditions are met:			
a) The announced purpose of the conference is educational or instructional;			
b) More than half of the time is scheduled for a planned, organized exchange of information between presenters and audience, which meets the definition of training as contained in 5 U.S.C. 4101 (see above);			
c) The content of the conference is germane to improving individual and/or organizational performance; and			
d) Development benefits will be derived through the employee's attendance.			
Similar to Footnote No. 1 above, the following conditions must be met in order to provide meals to Federal employees at a "Training" event:			
a) The providing of meals is necessary to achieve the objectives of the Conference Training program; and			
b) The meals are incident to the Conference Training event in that a portion of the training is conducted during the meal sessions.			
4/ "Conference/Meeting - Non-Training Related" - This is a non-internal day-to-day business event that does not meet the definition of "Training" or "Conference Training". The event can be an administrative or scientific-based conference, workshop, seminar, symposium, etc. and the following conditions must be met:			
a) The event has a duration of a minimum of 4 hours;			
b) The LR are incidental to the event;			
c) The partaking of the LR are necessary for employees to participate fully in the event; and			
d) Employees are not able to take the LR elsewhere without missing formal discussions, lectures, speeches, etc. concerning the purpose			
NOTE: Federal Advisory Committee (FAC) Members are considered advisors to the NIH and as such, LR may be authorized for all attendees at periodic FAC meetings. (May 16, 2003 OGC opinion and OFM decision)			

Appendix 5

Using Appropriated Funds for Light Refreshments (LR) and Meals (M)

Policy:

Appropriated funds may be used for LR/M for certain events, depending on a number of factors:

- Type of event
- Location of event
- Type of participant (Federal employee or non-Federal person)
- Event meets certain requirements

A. Type of Event

- NIH-sponsored training
- NIH-sponsored conference training
- NIH-sponsored conference/meeting (non-training)
- Non-government sponsored event (training and non-training)
- Co-sponsored event (training and non-training)
- Other government-sponsored event (training and non-training)
- NIH employee recognition and awards ceremony
- NIH EEO/Cultural Awareness Program
- NIH special event

B. Location of Event

Under this policy, NIH-sponsored events are held at one of these locations:

- On campus; other local NIH facility; other local government facility
- Non-government local facility
- Facility outside local area

Under this policy, *local* means within a 50-mile radius from **both** the employee's residence and permanent duty station to a temporary duty site.

C. Type of Participant

Under this policy, the participants are either:

- Federal Employees
OR
- Non-Federal persons

D. Requirements for Each Type of Event

NIH-sponsored training

You **may** use appropriated funds for LR/M for NIH-sponsored training and NIH-sponsored conference training at the locations identified in “B” above:

- If the event qualifies as a training meeting. (See Definition of Key Terms.)
- If the non-Federal person is legitimately performing a direct service; for example, makes a presentation, conducts the training, or advises in an area of expertise (Reference 5 U.S.C. 5703 and 5 U.S.C. 4109).

Scenario – NIH-sponsored training

A contractor is brought in to instruct on “Performance Management for the Federal Employee.” LR/M may be allowed as appropriate. Meals may be provided when, 1) the meals are incidental to the training; 2) attendance of the employee at the meals is necessary to his/her full participation in the training; and 3) the employee is not free to take the meals elsewhere without being absent from essential instruction concerning the training.

NIH-sponsored conference training

The same guidelines apply for NIH-sponsored conference training.

Scenario – NIH-sponsored conference training

- A three-day Principal Investigator Retreat is being held at Montgomery College. LR/M can be provided.

A monthly Fellowship get-together at the work site does not meet the requirements for the provision of LR/M.

When providing LR and/or meals, exercise common sense and discretion and consider cost efficiency.

NIH-sponsored non-training-related meetings and conferences

You may use appropriated funds for LR at NIH-sponsored non-training conferences and meetings at all three locations for both types of participants:

- If the event is a non-internal day-to-day business event that does not meet the definition of “training” or “conference training” and meets these conditions:
 - The event lasts for a minimum of 4 hours.
 - LR are incidental to the event.
 - Partaking of the LR is necessary for employees to participate fully in the event.
 - Employees are not able to take the LR elsewhere without missing formal discussions, lectures, speeches, etc., concerning the purpose of the event.
- If the non-Federal person is legitimately performing a direct service; for example, makes a presentation, advises in an area of expertise, collaborates, participates, etc. (Reference 31 U.S.C. 1345, NOTE Section 505).

Meals may be authorized for this type of event **only** when it is held outside the local area and **only** when the 12-hour per diem rule is met.

Scenarios: NIH-sponsored non-training related meetings and conferences

- Advisory Council meetings, Board of Scientific Council meetings, and Board of Regents meetings. LR may be provided. For meetings outside the local area, if any meals are provided, the meals portion of the per diem allowance must be reduced accordingly.
- Breast cancer treatment conference, Denver, CO. LR/M may be provided. If meals are provided to NIH participants, the meals portion of the per diem allowance must be reduced accordingly.

Non-government sponsored events (training and non-training)

There should not be any requirement for the use of NIH appropriated funds for LR/M.

For a non-government sponsored or other government sponsored event, should a registration fee cover LR/M and you pay out of pocket, you may be authorized reimbursement for the registration fee. Should the registration fee not cover LR/M and a separate charge is made for the LR/M, you may be authorized reimbursement if there is a showing that:

- The LR/M are incidental to the event.
- Partaking of the LR/M is necessary to fully participate in the business of the conference.
- You are not free to take the LR/M elsewhere without being absent from essential formal discussions, lectures, etc., concerning the purpose of the event.

(NOTE: In this scenario, the 12-hour per diem rule must be met.)

Co-sponsored events (training and non-training related)

You **may** use appropriated funds for LR/M for co-sponsored events for both types of participants. Events must meet the definition of co-sponsorship as stated in the Appendix. The following criteria also apply.

- For training events, the event must qualify as a training meeting or training conference. (See Appendix: Definition of Key Terms.)
- For non-training events, the expenses must be for attendance at non-internal day-to-day business meetings and must be associated with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Other Federal government-sponsored events (training and non-training)

There should not be any requirement for the use of NIH appropriated funds.

Should the registration fee cover LR/M and you pay out of pocket, you may be authorized reimbursement for the registration fee. Should the registration fee not cover LR/M and a separate charge is made for the LR/M, you may be authorized reimbursement:

- If the LR/M are incidental to the event.
- If attendance at the LR/M is necessary to full participation in the business of the conference.
- If you are not free to take the LR/M elsewhere without being absent from essential formal discussions, lectures, etc., concerning the event's purpose.

Scenarios – Other Federal government-sponsored events (training and non-training)

- GSA sponsored all-day symposium to discuss new regulations on property.
- OGE ethics training.
- Excellence in Government Conference.

Reimbursement of LR/M costs for the above events is dependent on whether a registration fee or separate charge has been incurred which covers the provision of LR/M. (See previously stated requirements for this category of event.)

NIH employee recognition and award ceremonies

You **may** use appropriated funds for LR at all three locations for both Federal and non-Federal employees.

Examples of such events:

- IC Director's Award ceremony
- NIH Director's Award ceremony

NIH EEO/cultural awareness program

Federal employees may partake of small samples of ethnic foods served as part of the formal NIH EEO/Cultural Awareness Programs at any of the three locations cited on the matrices. (Reference: 60 Comp. Gen. 303, 1981). The following is also applicable:

- Non-Federal guest speakers may be authorized a meal if the event is away from their home or place of business.

Examples of such events:

- Asian/Pacific Islander American Heritage Program

- American Indian/Alaska Native Heritage Celebration

NIH special events

You **may** use appropriated funds for LR at all three locations for both Federal and non-Federal persons if the event furthers NIH objectives.

Examples of such events:

- Combined Federal Campaign kickoff meetings and keyworker meetings
- U.S. Savings Bond Drive kickoff meeting; canvasser training sessions.
- NIH Open House
- Building dedication

(NOTE: *Picnics* and *holiday parties* are not included in this category.)

Definitions of Key Terms

Conference/meeting (non-training related): a non-routine event that does not meet the definition of "Training" or "Conference Training." The event must be an administrative or scientific-based conference, workshop, seminar, symposium, etc., and it must meet these conditions:

- The event must last at least 4 hours.
- The LR must be incidental to the event.
- To participate fully in the event, employees must partake of the LR.
- Employees cannot take the LR elsewhere without missing formal discussions, lectures, speeches, etc. concerning the event's purpose.

Meals may be authorized **only** when the 12-hour per diem rule is met and the event is outside the local area.

Conference training: To be considered a training conference, a conference must meet these conditions under 5 CFR 410.404:

- The announced purpose of the conference must be educational or instructional.
- More than half of the time must be scheduled for a planned, organized exchange of information between presenters and audience, which meets the definition of training in 5 U.S.C. 4101.
- The content of the conference must be germane to improving individual and/or organizational performance.
- Development benefits must be derived through the employee's attendance.

Both of the following conditions must be met to provide meals to Federal employees at a "conference training" event:

- The provision of meals is necessary to achieve the objectives of the conference training program.
- The meals are incidental to the conference training event in that a portion of the training is conducted during the meal sessions.

Co-sponsorship: The joint development of a conference, seminar, symposium, educational program, public information campaign, or similar event sponsored by NIH and one or more non-Federal entities that share a mutual interest in the subject matter. This does not include prospective co-sponsors that would provide only funding for an event or that do not have a demonstrable substantive interest in the subject matter of the event.

Internal day-to-day meeting: A meeting, conference, seminar, etc., that's sole purpose is to discuss day-to-day operational issues and to support IC program activities or objectives, e.g., staff meetings, orientations, status reports, and topics of general interest. You cannot authorize the use of appropriated funds or gift funds for LR/M for this type of meeting.

Light refreshments (LR): for morning, afternoon, or evening breaks are defined to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, and muffins (41 CFR Part 301-74.11).

Local: within a 50-mile radius from both the employee's residence and permanent duty station to a temporary duty site.

NIH Special Events: events that further the NIH objectives, including NIH Open House, Building Dedication, CFC and Savings Bonds Drives, etc.

Non-internal day-to-day meeting: A meeting, conference, seminar, etc., that's sole purpose is to discuss HHS or NIH special directives or initiatives. The directives and initiatives can be predicated on national or international events, or statute, regulation, and policy changes. Examples would be events to discuss topics such as, SARS, "Bird Flu", Mad Cow Disease and related Creutzfeldt-Jakob Disease, A-76, Strategic Planning for Budget (Outyears), etc. For all such meetings, you are to adhere to the guidance outlined in the LR/M Matrices that correspond with Event Type "C" (See Appendix 3 of NIH Manual 1160-1).

Non-federal person:

- Training: A person who legitimately performs a direct service related to training; e.g., makes a presentation, conducts the training, advises in an area of expertise (5 U.S.C. 5703 and 5 U.S.C. 4109).
NOTE: Since the GETA applies only to individuals employed in or under an agency, nonfederal persons must be serving in the above capacity and cannot be collaborating, participating, or simply attending.
- Non-training: A person who performs a direct service not related to training; e.g., makes a presentation, advises in an area of expertise, participates, collaborates, etc. (31 USC 1345 NOTE (Section 505)).

Training: as defined in 5 U.S.C. 4101, Government Employees Training Act, the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields that will improve individual and organizational performance and assist in achieving the agency's mission and performance goals. **Both** of the following conditions must be met in order to provide meals to Federal employees at a "training" event:

- The provision of meals is necessary to achieve the objectives of the training program.
- The meals are incidental to the training event in that a portion of the training is conducted during the meal sessions.