

NIH Policy on Promoting Efficient Spending: Use of Appropriated Funds for Conferences and Meeting Space, Food, Promotional Items, and Printing and Publications

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NIH Policy on Use of Appropriated Funds for Conferences and Associated Expenses

1.1 General

It is the policy of the National Institutes of Health (NIH) that conferences and meetings are conducted in observance of applicable legal requirements, efficient and effective use of taxpayer funds, and are able to withstand public scrutiny. The policy that follows implements “[HHS Policy on Promoting Efficient Spending; Use of Appropriated Funds for Conferences and Meeting Space, Food, Promotional Items, and Printing and Publications](#)”, updated and reissued January 23, 2015. For reference, that document also lists the HHS specific policies pertaining to Food, Promotional Items, Printing and Publications issued January 3, 2012. HHS policy, and therefore NIH policy, is based on the Executive Orders, laws, and regulations cited in the HHS policy and will not be repeated here.

This policy covers two different types of conferences:

- **NIH Hosted, Sponsored or Co-Sponsored Conferences.** Normally, these events are planned, organized and paid for with NIH funds. Approval for these events is coordinated through the Office of Acquisition and Logistics Management (OALM), Office of Management, NIH. Where these events are supported through grant funds, approvals are coordinated through the Office of Policy for Extramural Research Administration (OPERA), Office of Extramural Research, NIH.
- **Non-NIH Hosted Conference Attendance.** These are events where the NIH is not involved in the planning, organizing, or funding of the events, rather NIH funds are used to travel to, attend, or participate in these events. Approval for these events is coordinated through the Office of Financial Management (OFM), Office of Management, NIH. Similar to above, where the attendance is supported through grants funds, OPERA is the coordinating point.

NIH Institutes and Centers (ICs) must implement internal policies and practices to:

- Ensure consistency across their organizations regarding documentation and submission of requests to host, Sponsor or attend a conference.
- Coordinate with other ICs to submit joint requests for approval of NIH Hosted, Sponsored or Co-Sponsored conferences and/or work with OFM to coordinate approvals for attendance at Non-NIH Hosted conferences.
- Establish procedures to ensure approval requirements are met prior to the obligation of funds.
- Ensure conference reporting accuracy for NIH Hosted, Sponsored or Co-Sponsored events; determining total expenses and providing and verifying data for post-event reports to the Office of the Inspector General (OIG) and annual conference reports to the OIG for posting on the NIH [OALM Hot Links](#) webpage.
- Establish and maintain auditable records of all conference, travel, and meeting related transactions. Documentation in the records shall be sufficient to constitute a complete history of the transactions for the purpose of: (1) providing a complete background as a basis for informed decisions at each step in the conference review, approval and reporting process; (2) supporting actions taken; (3)

providing information for reviews and investigations and (4) furnishing essential facts in the event of congressional inquiries.

1.2 Definitions

The following definitions apply:

A. Conference and Related Terms

[OMB Memorandum M-12-12](#) has adopted the following definition for a conference from the Federal Travel Regulations (FTR). A conference is defined as: “A meeting, retreat, seminar, symposium or event that involves attendee travel. The term “conference” also applies to training activities that are considered to be conferences under [5 CFR 410.404](#).”

HHS policy provides further clarification of these terms based on the common dictionary meanings as follows:

Conference: “A formal meeting in which many people gather in order to talk about ideas or problems related to a particular topic (such as medicine or business) usually for several days, or a formal meeting in which a small number of people talk about something.”

Symposium: “A formal meeting at which experts discuss a particular topic.”

Seminar: “A meeting in which you receive information on and training in a particular subject, or a class offered to a small group of students at a college or university.”

Exemption: HHS and NIH Policies have identified a list of events that are not considered conferences and are, therefore, exempt from the request, approval and reporting requirements of this policy. The exemption process is explained at Section 1.5 of this policy. A list of the “Typical Meetings and Events that are not Conferences” is attached at NIH Exhibit 1 to this policy.

Attendee travel includes:

1. Federal employees participating in a meeting, retreat, seminar, symposium or event and on official travel.
2. Non-Federal attendees participating in a meeting, retreat, seminar, symposium or event and whose travel is funded by NIH (except by grant or cooperative agreements).

Host: An NIH IC that incurs costs for planning and conducting a conference, such as meeting planner costs, venue costs, audio/visual services costs, registration website costs, etc.

Sponsor: An NIH IC that provides funding for expenses incurred by another IC (Host) for planning and conducting a conference.

Co-Sponsorship: Co-sponsorship is a relationship between an NIH IC and a non-federal entity. It refers to the joint development of a conference, seminar, symposium, educational program, public information campaign, or similar event related to the mission of the NIH and one or more non-Federal entities that share a mutual interest in the subject matter.

Where an event is co-sponsored, the co-sponsorship agreement must: 1) be prepared in accordance with the guidance below [model co-sponsorship agreement template](#); 2) delineate the contributions and estimated costs borne by all parties. For the review and approval process, only NIH funds are to be considered and provided on the NIH Conference or Conference Grant Request and Approval form (Attachment A).

Co-Sponsorship references are:

[Conferences: A Guide for Ethics Officials \(May 10, 2010\)](#)

[Co-Sponsorship Guidance \(August 8, 2002\)](#)

[Model Co-Sponsorship Agreement \(August 8, 2002\)](#)

[Agency Gift Acceptance Authorities and the Co-Sponsorship of Events with Outside Non-Federal Entities \(August 8, 2002\)](#)

B. Conference Expenses

OMB defines conference expenses as all direct and indirect conference costs paid by the Government, whether paid directly or through reimbursement by agencies to travelers or others associated with the conference. It does not include funds paid under Federal grants.

Expenses that are covered include:

- Authorized travel and per diem expenses for federal and non-federal attendees (excluding costs funded by grants or cooperative agreements).
- Rooms for official business
- Audiovisual use
- Registration fees
- Ground transportation
- Speaker fees – Fees should exclude the submission of abstract costs (conference approval is not needed before submission of abstracts/payment of fees)
- Contractor, planner, etc. support costs
- Registration website and/or support costs

- Printing, promotional material and training material costs
- Exhibit fees
- Local travel expenses for federal employees
- All expenses for conference preparation and planning
- Other expenses for which NIH funds will be obligated

Conference expenses should be net of any fees or revenue received by the agency through the conference. Federal employee time for conference preparation and costs to ensure the safety of attending governmental officials should not be included.

Use of a grant or contract may not be used for the purpose of defraying the costs of an NIH conference unless the conference is directly and programmatically related to the purpose for which the grant or contract was awarded.

C. Funds

The term “funds” refers to those from an annual, multi-year, no year, or mandatory appropriation; appropriated user fees; gift funds (inclusive of sponsored travel); or reimbursement from such appropriations, as well as non-appropriated funds; i.e., funds set by law, etc.

If funds are used from multiple sources, i.e., appropriated and gift funds, the expenditures of all NIH funds must be aggregated for the purposes of determining the total cost to NIH of a conference.

1.3 Request and Approval Requirements

A. Conferences Hosted, Sponsored, or Co-Sponsored by NIH

Approval is required before any obligation of funds. This requirement covers the obligation of funds by any means including: contract (including modification such as option exercise), purchase order, purchase card, inter- or intra-agency agreement, Tribal contract or compact, co-sponsorship agreement, etc., to support a conference (whether for internal or external purposes, or a combination). The following table provides expense and approval thresholds:

Table A
NIH Hosted, Sponsored, or Co-Sponsored Conferences Expense Amounts and Approval Levels

Estimated Conference Contract Costs	Approval Levels (internal to NIH and final approval)	Request Forms	Submission Deadlines
Under \$75,000	IC Executive Officer (not re-delegable below the Executive Officer)	NIH Conference or Conference Grant Request and Approval form (Attachment A)	Internal to IC or OD
\$75,000 to \$475,000	IC Executive Officer (Request) NIH Deputy Director (Approve) Submit to: EfficientSpendingPolicy@nih.gov	(Same as above)	The earlier of 40 calendar days prior to obligation or 100 calendar days prior to the conference start date.
Over \$475,000	IC Executive Officer (Request) NIH Deputy Director (Review) NIH Director (Approve) Submit to: EfficientSpendingPolicy@nih.gov	<ul style="list-style-type: none"> • All requirements above, <u>and</u> • NIH Conference Request for Waiver form (Attachment B) 	(Same as above)

1. Points of Contact (POC) for Conference Submission

Each IC must designate a Primary and Alternate Efficient Spending Policy (ESP) Point of Contact (POC) as the individual(s) responsible for coordinating and submitting NIH Hosted, Sponsored or Co-Sponsored events at the IC level for approval by the IC Executive Officer (EO) or the NIH Director’s Office, as appropriate.

2. Determination of Host or Lead NIH IC

For a conference that is funded by two or more NIH appropriations, the respective EO of the NIH ICs funding the conference will designate a Host (lead) sponsoring office (based on the office with the highest total expected cost) to ensure that a single request submitted to NIH OALM/OAMP Office includes all expenses to be incurred by all NIH ICs reasonably expected to participate in or attend the conference. The Sponsor (non-lead) NIH ICs will submit all cost and attendance estimates to the Host NIH IC for proper processing and timely approval.

3. Satellite Events

Where NIH staff or non-NIH attendees are attending a non-NIH hosted conference but will convene (Host) a companion or “satellite” event at the same or nearby location, which requires the acquisition of additional meeting space or other reportable conference expenses (see Section 1.2 B. above), the following approval process should be used:

- The non-NIH hosted conference attendance expenses should be approved in accordance with the procedures at Section 1.3 C. (below).
- All additional reportable conference expenses associated with hosting the satellite event (e.g., meeting room, audio /visual, etc.) should be captured on the NIH Conference or Conference Grant Request and Approval form (Attachment A) and approved in accordance with Table A (above). Previously approved travel expenses for attending the non-NIH hosted event should be excluded (to avoid duplication) but any additional travel expenses for attendees traveling solely to the NIH hosted satellite event should be included.
- Where the total expenses for the satellite event exceeds \$20,000, the host IC is also responsible for reporting this event per the reporting requirements at Section 1.4 (below).

4. Submission of Revised Request for Approval

When a previously unforeseen and justifiable event causes an increase in the estimated cost of a previously approved conference to the next approval threshold (i.e. \$75,000, or \$475,000), a revised request for approval must be prepared and submitted to the proper authority to obtain approval at the new estimated threshold.

5. Approval for a Series of Conferences > \$75K (i.e. Class Approvals)

In cases where an IC is planning a series of conferences, the IC may submit a single request for a group of individual events exceeding \$75,000. The single request must provide adequate description of the type and number of events, anticipated costs and attendance levels, location, projected dates and occurrences, etc. for which funds will be obligated. Such requests are approved at the threshold of the individual events in the class in accordance with Table A above. The IC may opt to follow the approval process for each individual event rather than a class of events.

B. Conferences Funded through Grants and Cooperative Agreements

Advanced approval is required prior to the obligation of funds (i.e., issuance of a Notice of Award) for a grant or cooperative agreement the primary purpose of which is to support a conference. This requirement applies regardless of whether there are Federal attendees and whether those attendees are on official travel.

Table B
Conferences Funded through Grants and Cooperative Agreements Approval Levels

Estimated Conference Grant Costs	Routing and Final Approval Levels	Request Documents	Submission Deadlines
Under \$75,000	IC Specific Process	None	Internal to IC
\$75,000 to \$475,000	<ul style="list-style-type: none"> • Initiated by IC Conference Grant Coordinator after the Advisory Council/Board meeting and IC Director approval. Submit to the conference grant mailbox: R131@mail.nih.gov • NIH Deputy Director for Extramural Research (Review) • NIH Deputy Director(Approve) 	<ul style="list-style-type: none"> • Email from the IC Conference Grant Coordinator including: <ul style="list-style-type: none"> ○ Grant number ○ Short summary of the importance of the conference ○ Statement that the IC Director approves the request, and ○ Statement addressing any negative impact on the program if not awarded • NIH Conference or Conference Grant Request and Approval form (Attachment A to this policy) 	Must be submitted to the Office of Extramural Research at least 60 calendar days prior to the obligation of funds (i.e., issuance of a Notice of Award)
Over \$475,000	<ul style="list-style-type: none"> • All Requirements above, and • NIH Deputy Director (Request) • NIH Director (Approve) 	<ul style="list-style-type: none"> • All requirements above, <u>and</u> • NIH Conference Request for Waiver (Attachment B) 	(Same as above)

The total amount of the grant related to the event and participation costs to be funded by NIH (such as, registration fees, contract support, exhibit costs, etc.) will be used in determining the total cost of the conference and submitting a request. Conference grant approvals are based on the value/estimated cost of the entire grant and this value should match the award amount on the Notice of Award.

Where a conference grant is funded by two or more NIH ICs, the EO of the NIH IC that is responsible for the administration of the grant will be designated as the lead IC and will coordinate the request and approval process with all parties to ensure only a single request is submitted for approval. The non-lead NIH IC will submit all necessary information to the lead IC for proper processing and timely approval.

Where unforeseen circumstances cause an increase in the awarded conference grant funds (e.g., a supplement) a new or revised request for approval will be prepared and submitted prior to obligation of funds (Notice of Award issued) for approval at the new estimated threshold.

Failure to comply with deadlines will jeopardize the IC’s ability to award a conference grant. ICs that issue awards without the appropriate approvals will run the risk of having to de-obligate the award until NIH Leadership approves the action.

The OER Conference Grant Approval Coordinator will notify the IC when the conference grant approval request has received NIH clearance and approval and will provide appropriate documentation.

C. Attendance at Conferences Hosted by Other Organizations or Federal Agencies (Non-NIH Conferences)

1. Approval

Approval by NIH must be obtained prior to the obligation of funds. This includes registration at a conference or approval of travel authorizations.

2. IC Level Approval \$5,000 or less

- a. An Executive Officer may approve, prior to obligation of funds, IC-specific conference attendance where the conference or event is highly likely to involve only that IC's employees and where the total cost of that IC's conference travel and registration fees is \$5,000 or less.
- b. Attendance/travel data to these events must be entered into the [Non-NIH Hosted Conferences SharePoint Submission System](#) site no later than 30 days after the start of travel. Attendance/travel data to events included in the Exemptions List (Exhibit 1) should not be entered into the SharePoint site.
- c. All approvals are subject to audit.

3. Request and Approval Process Greater than \$5,000 (NIH Aggregate)

For events where the attendance aggregate cost exceeds \$5,000 and where IC level approval criteria at 1.3 C.2 are not met, the following process applies:

- a. Each IC will appoint a primary Point of Contact and up to 3 alternates who will have access to the [Non-NIH Hosted Conferences SharePoint Submission System](#). These individuals will be responsible for collecting, consolidating, and ensuring the accuracy of the data of their IC attendance before it is entered into the site.
- b. **The SharePoint system will continue to be open** for submissions for all attendance at any future non-NIH conference occurring **up to one year in advance. Please keep in mind that early entry does not guarantee approval.** Rather, it provides flexibility for planning and entering data in advance.
- c. **Requests between \$5,000 and \$75,000 (NIH Aggregate):** The Senior/Deputy Travel Official (STO) may approve, reduce, or reject the request based on cost, attendance, and optics.

- d. **Requests \$75,000 and above (NIH Aggregate):** There will be two approval windows to facilitate registration:
- 1. The deadline for Registration Submissions will be six months prior to the month the conference begins.** (Table C below). This submission time period was determined to provide the attendees with a sufficient amount of time to plan in advance including acceptance of speaking engagements, taking advantage of early bird registration, and obtaining optimal hotel accommodations.
 - 2. The deadline for Final Exception Submissions will be three months prior to the month the Conference begins.** (Table C below). While this is an opportunity for ICs to request conference attendance for the time period previously approved, these requests do not take priority over the previously approved IC conference allocations, and additional slots may or may not be available. **The conference closes after Deputy Director/Director review - all decisions are final.**
 - 3. OFM will aggregate all cumulative conference costs and attendance counts and forward on a monthly basis for higher level review and approval.** ICs will receive approvals/reductions within one month of submission to Building 1.

Table C
Non-NIH Hosted Conference Submission Deadlines

Conference Start Month	Jan	Feb	Mar	Apr	May	Jun
Registration Submission Deadline (1st of the Month)	Jul	Aug	Sep	Oct	Nov	Dec
Final Exception Submission Deadline (1st of the Month)	Oct	Nov	Dec	Jan	Feb	Mar
Conference Start Month	Jul	Aug	Sep	Oct	Nov	Dec
Registration Submission Deadline (1st of the Month)	Jan	Feb	Mar	Apr	May	Jun
Final Exception Submission Deadline (1st of the Month)	Apr	May	Jun	Jul	Aug	Sep

Table D
Non-NIH Hosted Conference Expense Amounts and Approval Levels

Estimated Conference Costs	Review	Approval
Under \$5,000 Attended by Single IC	Executive Officer (EO)	EO
\$5,000 to \$75,000 (NIH Aggregate)	EO	NIH Senior/Deputy Travel Official (STO)
Over \$75,000 to \$475,000 (NIH Aggregate)	EO NIH STO	NIH Deputy Director
Over \$475,000 (NIH Aggregate)	EO NIH STO NIH Deputy Director	NIH Director

e. Confirmations and Reductions

1. **OFM will send confirmation emails** with the number of approved attendees to the IC Travel Points of Contact and will post approvals on the [Non-NIH Hosted Conferences SharePoint Submission System](#) when approved by the NIH STO, Deputy Director, or Director.

2. Reductions

- a. If the NIH STO/Deputy Director/Director directs **conference reductions** in either attendance or cost, OFM will notify ICs via email to the Travel Points of Contacts. In addition to email notification, OFM will publish the directed reduction to the [Non-NIH Hosted Conferences SharePoint Submission System](#) for the ICs to review.
- b. After the ICs forward their reduction adjustments, OFM will submit this information to the STO/Deputy Director/Director for approval. ICs wishing to appeal the directive must submit a justification to the [Non-NIH Hosted Conferences SharePoint Submission System](#) for higher level attendance.
- c. **Once the NIH STO, Deputy Director, or Director approves/rejects the reductions or appeals, the conference attendance will be locked-down as final.**

1.4 Reporting Requirements for NIH Hosted, Sponsored and Co-Sponsored Conferences

A. Reporting of Conferences in Excess of \$20,000

1. How to Report

In order to meet the requirements of Section 739(c) of the FY 2015 Appropriations Act the following guidance is furnished for NIH reporting and to assist in the completion of the attached spreadsheet entitled "Report on NIH Hosted Conferences in Excess of \$20,000" (Attachment E).

2. Points of Contact (POC) for Conference Reporting

Each IC must designate a Primary POC and an Alternate POC for the reporting. These individuals will receive copies of the reporting spreadsheet and will be the POC for any OALM communications concerning this conference reporting. Any changes to the designated POCs must be promptly reported to the OALM Deputy Director's Office at NIHConferenceReporting@mail.nih.gov

3. Completing Report (Spreadsheet) on NIH Hosted Conferences in Excess of \$20,000

ICs are to submit the reporting spreadsheet identifying all conferences, not exempted from approval and reporting in accordance with Section 1.5 and NIH Exhibit 1, valued greater than \$20,000 that were held and ended during the reporting period including conferences that were originally estimated to cost \$20,000 or less, where the final conference costs exceeded \$20,000.

Reporting of conferences hosted by NIH in excess of \$20,000 will occur three (3) times each month. The below table provides the reporting periods and the dates when OALM will send the Reporting Spreadsheet to the ICs and when these must be submitted back to OALM at NIHConferenceReporting@mail.nih.gov.

**Table E
Time Periods for Reporting**

Reporting Period	Date ICs will Receive Reporting Spreadsheet	IC Due Dates to OALM	Dates Due to OIG
For conference that end on the 1 st through 10 th of each month	First business day following the 1 st day of each month	Completed spreadsheet or negative responses due by 12:00 noon on the first business day following the 10 th day of each month Submit electronically to OALM at NIHConferenceReporting@mail.nih.gov	By the 15 th of each month
For conferences that end on the 11 th through 20 th of each month	First business day following the 11 th day of each month	Completed spreadsheet or negative response due by 12:00 noon on the first business day following the 20 th day of each month Submit electronically to OALM at NIHConferenceReporting@mail.nih.gov	By the 25 th of each month
For conferences that end on the 21 st through the end of the month	First business day following the 21 st day of each month	Completed spreadsheet or negative response is due by 12:00 noon on the first business day following the last day of each month. Submit electronically to OALM at NIHConferenceReporting@mail.nih.gov	By the 4 th of the each month

OALM will submit a combined NIH report to OIG by the 4th, 15th, and 25th of each month with a copy to the Director of OALM/NIH.

B. Annual Reporting for NIH Hosted Conferences in Excess of \$100,000

Agencies are required to publicly report, by January 31st of each year, all conferences hosted by the agency from the previous fiscal year where the net conference expenses were in excess of \$100,000. These reporting requirements apply to all conferences Hosted, Sponsored or Co-Sponsored by NIH, through a contract, grant, or cooperative agreement (where the primary purpose of the grant is to support a conference). See report entitled Annual Report on NIH Hosted Conferences in Excess of \$100,000 spreadsheet (Attachment F).

Beginning with the fiscal year 2015 report, the annual reporting process will be as follows:

1. OMB Memorandum M-12-12 Annual Report:
By January 31, NIH will publish a Section 508 compliant report on its website on each NIH Hosted conference in excess of \$100,000 based upon the below information. The report must reflect the most accurate information possible for conference expenses and attendance levels. Additionally, the

report must include a narrative report that includes information about the net conference expenses for the fiscal year incurred by the agency as well as a general report about conference activities throughout the year. A link to the report will be available on the NIH [OALM Hot Links](#) webpage.

2. **OIG Annual Report:**

By January 31st of each year, NIH will submit its report directly to the OIG on each conference hosted in excess of \$100,000.

3. NIH will use the data from conference requests and approvals submitted in accordance with the above requirements to develop the draft reports by November 30 of each year. Each IC EO will verify the content of and total conference expenses in each report, and add any missing information by December 31st of each year. The EO will then sign certifying that the information is complete and accurate. The signed annual reports will then be routed to OALM before going to the NIH Director for final review and approval by January 10th. Submission to the OIG and posting to the NIH OALM hot links webpage will occur prior to January 31st.

4. **Data to Report**

To develop the annual reports, the following information for each conference will be obtained:

- IC and Name of Office
- The name or title of the conference
- The location of the conference to include:
 - Venue
 - City
 - State, or Country if international
- The date(s) of the conference
- The purpose of the conference to include a brief explanation of how the conference advanced the mission of the agency
- The total conference expenses incurred by the NIH for the conference (Total Estimated Cost)
- A breakout of the costs for:
 - Contractor support and Venue Costs
 - Any audiovisual services
 - Any food or beverages (which should be \$0, see January 3, 2012 policy on the Use of Appropriated Funds for Food)
 - Federal attendee travel, per diem, registration
 - Non-federal attendee travel, per diem, registration
- The total number of attendees
 - Total Number of Federal Attendees on Travel
 - Total Number of Non-Federal Attendees on Travel
- If applicable, a description of the exceptional circumstances, as approved by the NIH Director, that necessitated exceeding \$500,000.
- Regarding the contracting and cost comparison procedures, the following are the standard descriptions to be used in the reports:
 - Contracting Procedures:

- Competed under Federal Supply Schedule Ordering Procedures of FAR 8.405
- Competed under Simplified Acquisition Procedures of FAR Part 13
- Full and Open Competition under FAR Part 15
- Fair Opportunity under Multiple Award Contract, including previously competed strategic sources, under FAR 16.505(b)(1)
- Full and Open Competition after exclusion of sources (Small Business Set Aside) under FAR 19.5
- Other than Full and Open Competition based on Circumstances under FAR 6.302
- Solicited from a single source using Federal Supply Schedule Ordering Procedures under FAR 8.405-6
- Solicited from a single source using simplified acquisition under FAR 13.106-1(b) or 13.501
- Exception to Fair Opportunity under FAR 16.505(b)(2)
- 8(a) Directed Source under FAR 19.8
- Exercise of Option under FAR 17.207
- N/A – Conference was supported by a Grant, Cooperative Agreement, Interagency Agreement, or Co-sponsorship Agreement
- N/A – Contractor support was not used
- Cost Comparison Method:
 - Single Offer – Cost/price analysis performed in accordance with FAR 13 or FAR 15 as applicable
 - Best Value Comparison – multiple offers compared on combination of cost/price and technical factors, award based on best value continuum
 - Low Price Technically Acceptable (LPTA) Comparison – Multiple offers compared on combination of either cost or price and technical factors, award made to the technically acceptable offer at the lowest price
 - Determination that Option Exercise is the most advantageous method of fulfilling the Government’s needs
 - N/A – Conference was supported by a grant, cooperative agreement, interagency agreement, or co-sponsorship agreement
 - N/A – Conference was not supported by a contractor

1.5 Exemptions from Conference Policy

- A.** HHS policy provides a list of typical events that are not considered conferences and are, therefore, exempt from the request, approval and reporting requirements. The HHS policy requires caution “in determining which meetings and events are not conferences to ensure compliance with OMB M-12-12”. The HHS list is provided in this NIH policy document at NIH Exhibit 1 inclusive of clarifying language where interpretation is particularly challenging.
- A.** IC EOs (not re-delegable) will determine if an event meets the exemptions listed at NIH Exhibit 1. Most of the Mission (Operational) exemptions are well defined; however, there are four (4) Mission (Operational) exemptions which could be easily misinterpreted. For these four (4) exemptions, an exemption

determination must be documented which includes the meeting/event title; the date (of the determination); the exemption targeted; and a justification as to why this exemption applies. The EOs exemption determination must be maintained in an auditable file at the IC level. Periodic reviews of EOs exemption determinations and other records may be performed. A suggested template for executing an EOs exemption determination is included in this policy at Attachment G but other methods are acceptable.

The four Mission (Operational) exemptions are: (1) Federal Employee's day-to-day operational or managerial activities that may in certain instances involve limited travel; (2) Site and Technical Assistance visits of a specific site or series of sites to fulfill a specific program's oversight or assistance requirements; (3) General staff meetings that are a daily or regular occurrence and within the normal course of business [that may in certain instances involve limited travel], such as a meeting that takes place bi-weekly to discuss the previous week's events and/or where certain employees from another region attend to weigh in on the specific topic and (4) Scientific meetings with a specific investigator or investigating team regarding a specific item, area of scientific inquiry, or public health need. Explanations/examples of each are shown in NIH Exhibit 1.

1.6 Use of Conference Fees

Agencies must have the statutory authority to charge a fee for one of its programs or activities. In addition, even if an agency has authority to charge a fee, it may not retain and/or use the amounts collected without statutory authority. An appropriation establishes a maximum authorized program level, meaning that an agency, absent statutory authorization, cannot operate beyond the level that can be paid for by its appropriations. An agency may not circumvent these limitations by augmenting its appropriations from sources outside the government, unless Congress has so authorized the agency.

The collection and use of Conference Fees at the NIH is governed by [NIH Policy Manual 6031 – Conference Support/Collection and Retention of Registration Fees under Contract](#).

1.7 Non-Federal Attendee Travel Restrictions

NIH must abide by the general rule that an appropriation may not be used for non-Federal employee travel, transportation, and subsistence expenses for a meeting. Specifically, 31 U.S.C. § 1345, "Expenses of Meetings", applies to NIH appropriations and states that "except as specifically provided by law, an appropriation may not be used for [non-Federal employee] travel, transportation, and subsistence expenses for a meeting." Therefore, appropriated funds generally cannot be used to pay the travel expenses of persons who are not federal employees, unless an appropriate exception exists. There are a few exceptions to these general rules/principles, as follow. The proper citation for one of these exceptions must be annotated on the *NIH Conference or Conference Grant Request and Approval* form in the section titled **Attendance Costs at "Explanation of Other Costs for Federal/Non-Federal Attendees"**.

A. Statutory Authority

Agencies may have a unique statutory authority to use their appropriated funds for travel and other expenses of non-federal employees. This statutory authority must be specific (e.g., general training and technical assistance authority is not enough). Statutorily-required (rather than merely authorized) conferences *may* provide sufficient specificity.

B. Invitational Travel Statute

5. U.S.C. § 5703, states that “an employee serving intermittently in the Government service as an expert or consultant...or serving without pay or at \$1, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service.” This statute permits agencies to invite individuals to a meeting or conference at government expense if the individuals are legitimately performing a direct service to the government, such as making a presentation or advising in an area of their expertise. Paying for the travel and subsistence of invitational travelers must still serve a legitimate authorized purpose of the agency for which funds have been appropriated, such as to provide technical assistance as authorized by program statute. Travel regulations would apply and travel orders would need to be issued to such individuals.

C. HHS Appropriations Exception

Section 505 of the FY1993 Labor/HHS/ED Appropriations Act, (Pub. L. 102-394), 31 U.S.C. § 1345 note, provides that “appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or will contribute to improved conduct, supervision, or management of those functions or activities.” The appropriate program official must determine that the private individual’s attendance will contribute to improved conduct, supervision, or management of those functions or activities. Funds must come from Salaries and Expenses for this exception to apply.

D. Limited Procurement Exception

An agency may contract for various conference-related services, including services related to presentations. Contractors may, but are not required to, utilize subcontractors for the purpose of providing such services, and the contractor may incorporate allowable costs (including travel expenses) into its price for these services. However, contractors, through their employees or subcontractors, must provide a deliverable (e.g., a speech, presentation, or other specific role) and should generally be responsible for selecting the individuals (their employees or subcontractors) who will provide services such as presentations. The contracting officer, with input from the program office, may have final approval over a list of topics and presenters if required by the contract. Various allowance contract costs (including travel) may be properly included in the contractor’s price for the deliverable in question. This exception

may not be used to pay for non-Federal employees to simply attend an event, even if they might say something during the event.

E. Grant Funds

Reasonable and allocable travel costs may be charged to a grant by the grantee. Where authority exists, agencies may supplement terms and conditions of the grant to require grantees to use grant funds to travel to events.

1.8 Conference Planning and Support

A. Best Practices for Conference Planning

The Department has developed the [HHS Conference Procurement and Planning Toolkit](#) containing best practices and other guidance to inform program and contracting officials of techniques to follow in planning NIH hosted conferences and in acquiring and using any necessary contractor support. This guide should be shared with acquisition and program staff involved in planning conferences.

B. Preference for NIHCATS II Strategic Source

The [NIH Conference Administrative and Travel Services Contracts](#) are considered to be part of the Department's strategic sourcing efforts to leverage HHS-wide spend, reduce contract duplication, increase purchasing efficiencies, and reduce the total cost of conferences held by HHS. NIH ICs are required to use these, or other multiple-award contracts that have been established by the ICs specifically for the logistical and administrative aspects of conference support, unless there is a sufficient justification to acquire these services using another acquisition strategy. Such justification shall be maintained in the contract/award file with other conference approval documents.

1.9 Meeting Space

In keeping with HHS policy, the NIH will conduct its meetings and conferences in space controlled by the Federal Government wherever practicable and cost effective. This includes meetings and events which have been determined not to be conferences in accordance with Section 1.5 and NIH Exhibit 1 of this policy. Some meeting space available in select federal facilities can be found at the [Federal Meeting Facilities](#) website. ICs may contact the NIH Events Management Services for conference space managed by the NIH. Where feasible, ICs should adjust conference dates to meet the availability of space controlled by the Federal Government. When Government controlled space is unavailable, commercial conference space may be requested according to the following:

- When conference participants consist primarily, or totally, of NIH employees, commercial conference space should be sought in the local area (within a 50 mile radius). Costs to be paid by the Government are limited to commercial conference space and administrative services only.
- The primary consideration for requests for commercial conference space when the event is to be held outside the local area and involves non-NIH participants should be the most convenient geographical location relative to the travel of the majority of conference participants whether they are NIH or non-NIH participants.

Proposed arrangements for commercial conference space must be the most economical and effective in terms of total cost to the government for travel, per diem, lodging, conference space, and other associated costs of conference facilities and services. ICs must complete form NIH 827-1, Request for Acquisition of Temporary Commercial Conference Space. The request must provide cost comparisons supporting the request in addition to a justification for the need for commercial conference space. All requests for non-federal space must be requested by the IC EOs (not re-delegable) on the NIH 827-1 form and Approved by Events Management.

Further guidance is provided in [NIH Manual Chapter: 26101-17-1 Acquisition of Temporary Commercial Conference Space](#). Where NIH Manual Chapter 26101-17-1 conflicts with this NIH Guidance, this guidance will control.

A. Justifications for Use of Commercial Space

The following are acceptable justifications:

- Recurring events which benefit the NIH mission by varying the location so that participants take turns in sharing travel related expenses.
- Events that precede or follow another major event and result in time and cost savings for the Government (i.e. satellite conferences or events).
- Events comprised of additional evening or weekend sessions conducted before or after the main conference which utilizes NIH conference space. For example, the use of commercial conference space by advisory council members for an evening or weekend session as part of the main council event; where the majority of participants are staying in a local hotel during the visit.
- Events that require resources that NIH Events Management Services is not able to provide.

B. Exemption from Requirement to use Federal or NIH Controlled Space—Peer Review/Objective Review

Because of the number of NIH peer review meetings conducted each year, and the importance of peer review to the conduct of scientific research, it is neither practical nor cost-effective for NIH to conduct all of its peer review meetings in Federal Government controlled space. Peer Review/Objective Review meetings have received an exemption from the requirement to use federally controlled space and from the requirements of Manual Chapter 26101-17-1.

While the NIH peer review meetings are exempt from the requirement to utilize federal space, the peer review community is encouraged to look at the merits and flexibility of applying the latest technologies such as video conferencing or holding peer review/study section meetings in NIH or other federally controlled space, if it is practical and cost effective to each particular meeting.

2.0 Food Policy

A. General Policy

HHS prohibits using appropriated funds (whether from an annual appropriation, multi-year appropriation, appropriated user fees, mandatory appropriations, gift funds, or reimbursements from such appropriations) to purchase food (whether for conferences or meetings; for meals, light refreshments, or beverages; or for Federal or Non-Federal participants) unless one of the established exceptions below applies.

Note: This policy does not apply to the purchase of food for patients, lab animals, animal subjects and human research participants, or nutritional/toxicology counseling, studies or samples.

B. Exceptions

The four exceptions to the general policy are as follows:

- **Training Events:** NIH ICs are authorized to pay for government employees' attendance at a non-NIH Hosted conference (that constitutes an authorized employee training program) that includes food if the registration fee includes the cost of food and the cost of food cannot be separated from the registration fee. However, NIH ICs shall not purchase food and refreshments for NIH funded training events, such as conference, workshops, symposia, and meetings, authorized under the Government Employee Training Act.
- **Award Ceremonies:** The Government Employees' Incentive Awards Act authorizes the use of appropriated funds to provide light refreshments, such as snacks and beverages, at federal employees' awards ceremonies when it has been determined that such food would materially enhance the awards ceremony in furtherance of the objectives of the awards. However, award ceremonies must emphasize public recognition of the employees' performance and allow other employees to honor and congratulate their colleagues. Therefore, the ceremonies cannot be limited to the employees receiving the awards.
- **Representation Fund:** NIH Representation Funds are budget allocations that are specifically authorized by appropriation to facilitate official reception and representation activities that further the interests of the Department. Such funds may be used to purchase food for official reception and representation activities.
- **Emergencies:** There is a limited exception for extreme emergencies involving imminent danger to human life or the destruction of federal property. This exception, however, is available only in rare situations and is heavily dependent on the facts presented in a particular situation.

There is no exception for providing beverages at meetings and conferences hosted or sponsored by NIH. This prohibition does not apply to circumstances where NIH IC staffs are *attending* a conference that is not hosted or sponsored by NIH. The food prohibition, absent approval under one of the exceptions,

applies regardless of whether the event is a conference or meeting or regardless of whether the event is held in federal or non-federal facilities.

C. Food Provided at a Conference Co-Sponsored with a Non-Federal Entity

NIH policy prohibits using appropriated funds to purchase food unless one of the exceptions described above can be supported as a part of the co-sponsored conference.

Also, when food is integral to the continuity and success of the meeting and the co-sponsorship agreement is approved in accordance with the provisions of this policy at Section 1.2 A, then food may be provided by the non-Federal co-sponsor. Additionally, the following criteria must be met and sustained throughout the co-sponsorship:

1. The IC as a co-sponsor has not solicited and will not solicit for payment of or the provision of food;
2. No appropriated funds will be used either for the food or as a quid pro quo for the food; this must be clear in the written agreement;
3. The food to be provided by the non-Federal co-sponsor will be held to less than an average of \$20 per attendee to satisfy the applicable ethics rules; and
4. Signage will be visibly displayed near the food to identify that the food was provided by the non-Federal co-sponsor using its funds.

D. Gift Funds

As noted above, NIH has been granted statutory authority to accept, retain, and use gift funds. NIH may use gift funds to purchase food if the approving official determines that the purchase of food: (a) carries out the NIH mission; (b) satisfies the condition of the gift; (c) is consistent with NIH's policy on gifts and (d) is a necessary expense. The approving official role/responsibility has been delegated to the IC EO and cannot be further re-delegated.

When determining whether to use gift funds for food and beverages, sponsoring ICs should carefully consider the donor's expectation on how the gift funds would be utilized. Most donors do not expect that their donations are to be used for refreshments for meetings, rather, to benefit research. Before such funds are used, planners and approving officials need to take into account that sensitivity with full knowledge that use of these funds for food, exception notwithstanding, will likely be the subject of increased external scrutiny. The determination to use gift funds should be done on a case by case basis.

E. Registration Fees

NIH has been granted statutory authority to charge a fee for certain programs and activities. However, NIH may not operate beyond the level that can be paid for by its appropriations. Nor can NIH circumvent appropriation limitations by augmenting its appropriations from sources outside the government. Therefore, any registration fees collected for conferences must be directly related to that conference.

Registration fees cannot be used to acquire food, light refreshments or beverages for NIH sponsored conferences/meetings.

F. Conference Services and Meeting Space

Given the policy set forth above, and unless one of the exceptions applies, NIH solicitations, funding opportunity announcements, contracts (such as events management and logistical support contracts), purchase orders, grants, and agreements for conferences or meeting space must specifically prohibit the inclusion of food and meals, and state that food and meals are not to be provided and are an unallowable expense. In effect, when acquiring space to conduct conferences or meetings, ICs may not accept food if offered at the same price without food.

G. Approvals

The IC EO must approve all use of either appropriated or gift funds for the purchase of light refreshments and meals under the exceptions. If the food is part of a conference or meeting where the total cost of the event is over \$75,000, then the IC EO must include the signed Entertainment Form as part of the overall conference package that must be sent to the NIH Deputy Director for Management (DDM) for approval.

2.1 Use of Appropriated Funds for Promotional Items

NIH considers promotional items to be an extraneous expense. Therefore, ICs shall not use appropriated funds to purchase promotional items.

Promotional items include, but are not limited to: Clothing and commemorative items such as pens, mugs/cups, folders/folios, lanyards, and conference bags that are sometimes provided to visitors, employees, grantees or conference attendees. Typically, items or tokens to be given to individuals are considered personal gifts for which appropriated funds may not be expended.

ICs may use those promotional items that have been purchased prior to January 3, 2012 in order to dispose of excess stock. However, when doing so, IC EOs should carefully consider whether using the promotional items will directly further the IC's mission.

Only in rare cases, that is when the IC can demonstrate that the promotional items are necessary expenses (see "Necessary Expense Rule," [GAO Redbook p. 4-19](#)) that directly further its mission, may such items be purchased. Any such necessary expense justification must be in writing, explain why the purchase is a necessary expense that is critical to the mission, and why the costs are considered reasonable. The justification must be approved, in writing, by the NIH Deputy Director for Management (DDM), without further delegation, and be included in the associated acquisition file, such as the purchase card log or contract file.

A request for approval must be made via the IC EO who shall prepare a Promotional Item Approval Form (see Attachment D) and submit the justification to the email box EfficientSpendingPolicy@NIH.gov for consideration by the DDM. Requests shall be submitted no later than 30 calendar days prior to intended award or obligation of funds. No obligation of funds and no purchase should be made prior to receipt of written approval from the DDM.

2.2 Use of Appropriated Funds for Printing and Publications

Regarding the general printing, copying, and scanning of routine documents, NIH personnel are expected to use sustainable practices to meet their needs, such as:

- Double-side printing
- Black and white printing vs. color
- Use of 'draft' quality rather than 'high' quality printing
- Use of sleep mode when printers and copiers are not in use
- Use of toner-efficient fonts
- Narrow margins on network printers
- Limit use of desktop printers and shift to network printers unless an exception is granted

The acquisition vehicles developed for Print Management under OMB's Federal Strategic Sourcing Initiative (FSSI) and the NIH government Wide Acquisition Contract, Electronic Computer Store III (ECS III) or its successor, Chief Information Officer – Commodities and Solutions (CIO-CS) should be utilized when acquiring printing and copy devices and services. If acquiring printers, copiers and multifunctional devices without using the FSSI Print Management Blanket Purchase Agreements (BPAs) or the NIH ECS III /CIO-CS, the approval document signed by the IC EO, must detail why using another acquisition approach represents a lower total cost of ownership over FSSI BPAs or the NIH ECS III/CIO-CS.

2.3 References and Contacts

This NIH Guidance takes precedence over any conflicting information stated in the NIH Manual Chapters listed below. These manual chapters will be modified to reflect changes in HHS policy.

- [1160-1 – Entertainment](#) (Food – Rescinded)
- [26101-17-1 – Acquisition of Temporary Commercial Conference Space](#) (Conference Space)
- [1135 – Gifts Administration](#) (Gift Funds)
- [6031 – Conference Support/Collection and Retention of Registration Fees under Contract](#)

Questions regarding NIH Hosted, Sponsored, or Co-Sponsored conferences (via contract), promotional items, and printing should be directed to EfficientSpendingPolicy@nih.gov

Questions regarding the reporting of conferences should be directed to NIHConferenceReporting@mail.nih.gov

Questions regarding food and beverages and attendance at non-HHS Hosted or Sponsored conferences should be directed to the Office of Financial Management at OFM Travel OFMTravel@od.nih.gov

Questions regarding conference grants and cooperative agreements should be directed to the Office of Extramural Research (OER) Conference Grant Approval Coordinator at R131@mail.nih.gov

Typical Meetings and Events that are not Conferences

In accordance with Section 1.2 A of this policy, the following meetings and events are not considered conferences and are exempt from the request, approval, and reporting requirements of this policy. They are based on the travel purpose codes as outlined in Appendix C to Chapter 301 of the FTR. Therefore, any travel authorized for such meetings/events should apply the relevant codes (travel to conferences should be coded as: Conference - Other Than Training).

- 1. Mission (Operational)** – Travel to a particular site in order to perform operational or managerial activities. Travel to attend a meeting to discuss general agency operations, review status reports, or discuss topics of general interest. Examples include:

* Section 1.5 B of the policy describes the special documentation for the four designated asterisked exemptions below that are difficult to apply. This documentation must be maintained in an auditable file.

- Federal Employee’s day-to-day operational or managerial activities that may in certain instances involve limited travel.* This is limited to ad hoc business collaborations within the local commuting area (50 miles or involving temporary travel from or to our satellite IC Organization). Examples:
 - Meeting with outside entity within the local commuting area on developing a CRADA
 - Meeting with a member of the Department of Health and Human Services or White House member in the Washington, D.C. area to discuss a specific scientific topic such as the BRAIN initiative.
 - Meeting with FDA at the White Oak campus to discuss expediting a new vaccine such as Ebola.
 - Official participation in a Leadership Position of a 501(c) nonprofit professional organization requiring attendance at meetings when the organization is within the local commuting area.
 - Director, NIEHS meets with Director, NCATS on specific programmatic issue.
- Hearings such as before governing oversight boards, appeals boards, courts, etc.
- Site and Technical Assistance visits of a specific site or series of sites to fulfill a specific program’s oversight or assistance requirements.*
 - Technical Review
 - Program Oversight
 - Compliance Reviews
 - Other Business Related Site Visits, i.e. technical assistance and information gathering
 - Laboratory tours
 - Executive Sessions and meetings to collect information needed to evaluate grant applications and contract proposals
- Inspections of a specific site or series of sites to fulfill a specific program’s oversight requirements.
- Audits to fulfill a specific oversight or enforcement requirements.
- Investigations to fulfill a specific oversight or enforcement requirement.
- Examinations to fulfill a specific oversight or enforcement requirements.
- National / Federal Advisory Council meetings governed Federal Advisory Committee Act (FACA).

This includes National Advisory Council or Board (NAC), Program Advisory Committee (PAC), Board of Scientific Counselors (BSC), Initial/Integrated Review Group (IRG), and Special Emphasis Panel (SEP) meetings. All meetings must adhere to FACA requirements for this exemption to apply – for more information, please visit the [NIH Office of Federal Advisory Committee Policy](#)

- General staff meetings that are a daily or regular occurrence and within the normal course of business [that may in certain instances involve limited travel], such as a meeting that takes place bi-weekly to discuss the previous week’s events and/or where certain employees from another region attend to weigh in on the specific topic.* The purpose of these meetings could include (but not limited to): communicating and sharing information with staff and/or discussing issues/initiatives for that organization. These meetings are held in federally owned or leased facilities and conducted by federal staff. Example:
 - IC Directors, Scientific Directors, EPMC, AMC, Executive Officers and comparable types of meetings at the IC level.
 - Does not include special events held off-site like planning retreats, leadership forums, policy meetings, etc.
- Program Review/Kickoffs if with a specific grantee or contractor regarding a specific program, grant, or contract.
- Peer Review meetings if conducted to fulfill a statutory requirement to review grant application.
- Evaluation Panel meetings if conducted to fulfill regulatory requirement to evaluate contractor proposals.
- Solicitation / Funding Opportunity Announcement Review Board meetings between the awarding agency and only those individuals selected to serve on a particular review board.

Note: Industry Days, Pre-solicitation, and Pre-proposal conferences, to the extent they involve official federal attendee travel, **are** considered conferences.

- Tribal Compact or Contract Negotiation meetings if held with one Tribe or Confederation of Tribes regarding that Tribe’s specific compact or contract.
- Trade or Third-Party/International Negotiations regarding a specific agreement.
- Scientific meetings with a specific investigator or investigating team regarding a specific item, area of scientific inquiry, or public health need.* This is intended to apply to laboratory to laboratory interchanges/collaborations involving very limited numbers of laboratory personnel on a targeted topic of research. Such activities would not involve registration fees. Examples include:
 - Scientist A visits Scientist B for purposes of collaboration on a specific area of scientific interest (the meeting could include very limited additional personnel)
 - Scientist A has a meeting with Scientist B to discuss a potential new scientific direction or area of inquiry
 - Scientist A and Scientist B meet to exchange information on a new procedure, methodology or technique of scientific interest to both parties.
 - Single purpose event for a single individual, for example, Grand Rounds, giving a speech, acceptance of an award, etc.

Applicability of this exemption in the extramural community would be limited to ad hoc visits with a very small number of participants for the purpose of obtaining scientific input to help inform the future direction of scientific research inquiry.

2. Special Agency Mission – Travel to carry out a special agency mission and/or perform a task outside the normal course of day-to-day business activities that is unique or distinctive. These special missions are defined by the head of the agency, the HHS Secretary, and are normally not programmed in the agency annual funding authorization. NIH will not use this exemption unless reviewed by the NIH Director. Examples include:

- Security missions conducted for specific, programmatic purposes.
- Emergency response/recovery such as civil, natural disasters, evacuation, catastrophic events.
- Technical assistance or regulatory oversight or monitoring meetings to fulfill a specific program’s oversight, monitoring, or training requirements such as to send subject matter experts to state, local, and international sites to provide and share expertise in disease intervention, public health practices, research, etc.
- Evaluations such as to fulfill a specific program’s oversight or monitoring requirements.
- Assessments such as to fulfill a specific program’s oversight or monitoring requirements.

3. Training (non-conference)

- Classroom or instructor based certification and/or job training of federal staff to become proficient or qualified in one or more areas of responsibility.
- Classroom or instructor based certification and/or job training of federal staff to receive instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields.