



OCT 12 2004

TO: Heads of All OPDIVS
Heads of All STAFFDIVS

FROM: Assistant Secretary for Budget, Technology and Finance
Assistant Secretary for Administration and Management

SUBJECT: Purchase of Food for Government Employees

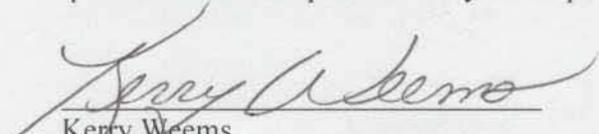
Questions have arisen recently whether appropriated funds can be used to purchase food for government sponsored conferences; for government employees attending non-government conferences; or at awards recognition ceremonies. As a general rule, food, whether in the form of meals, snacks, or refreshments, cannot be purchased with appropriated funds for government employees at their official duty stations unless specifically authorized by statute.

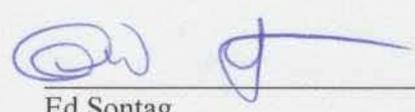
The Government Employees Training Act (GETA) permits agencies to pay for government employees' attendance at non-government sponsored conferences. The agency may pay full registration or attendance fees that include food costs. The conference must include substantial functions that take place separate from the meal; merely calling the cost of the meals an attendance fee will not avoid the prohibition. The exception under GETA that sometimes applies for government-sponsored conferences only applies to official training under GETA and only when it is determined that the provision of food is a necessary expense for achieving the objectives of the training. Non-government attendees may not be fed. Agencies are never permitted to use appropriations to supply food items for day-to-day routine business meetings.

The Government Employees' Incentive Awards Act authorizes the use of appropriated funds to provide food at awards ceremony when it has been determined that a reception with refreshments would materially enhance the awards ceremony in furtherance of the objectives of the awards. However, GAO has stated that the awards ceremonies must emphasize public recognition of the employees' performance and allow other employees to honor and congratulate colleagues. Therefore, the ceremonies cannot be limited to just the employees receiving the awards.

There are other limited exceptions to the prohibition on using appropriated funds to furnish food to employees at their official duty stations. For example, 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.

As you plan for future purchases and complete current ones, please keep in mind this basic rule: appropriated funds are not available for food, except under specific statutory authority. You should consult with the General Law Division of the Office of the General Counsel if you have any questions about the permissibility of the purchase of food for government employees.


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