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TRICARE
MANAGEMENT
ACTIVITY

SEP 7 2007

MEMORANDUM FOR CHIEF MEDICAL OFFICER
CHIEF DEPLOYMENT HEALTH SUPPORT
CHIEF FINANCIAL OFFICER
CHIEF INFORMATION OFFICER
CHIEF PHARMACEUTICAL OPERATIONS
CHIEF HEALTH PLAN OPERATIONS
JMIS PROGRAM EXECUTIVE OFFICER
CHIEF OF STAFF, TMA
OFFICE OF GENERAL COUNSEL, TMA
TRICARE REGIONAL OFFICES

SUBJECT: Use of Appropriated Funds to Purchase Food

The topic of the use of appropriated funds to purchase food at conferences, meetings and other events continues to be a source of confusion within the Federal Government and has been the subject of several recent GAO legal opinions. The purpose of this memorandum is to provide information on the appropriateness of providing food at Government expense during TMA conferences, meetings, and events. This guidance does not address the purchase of food while in official travel status, which is covered by the Joint Travel Regulation.

To avoid any possibility of misapplication of appropriated funds, TMA managers must ensure:

- They are familiar with the legal and regulatory restrictions regarding the purchase of food, and
- Any proposed use of appropriated funds to pay for food in conjunction with conferences, meetings, or other events clearly satisfies all legal requirements before any obligation is established.

However, this exception should apply very rarely because, in most cases, the cost of conference space *with food* will not be competitively priced with similar conference space *without food*.

The attachment provides more detailed guidance on when it is appropriate to use TMA funds to pay for food. Any request for clarification or questions regarding this issue should be directed to the TMA Associate General Counsel (Personnel and Administrative) Mr. Paul Bley at (703)681-6012.

A handwritten signature in black ink, appearing to read "Elder Granger", with a long horizontal line extending to the right.

Elder Granger
Major General, MC, USA
Deputy Director

Attachment:
As stated

ATTACHMENT

As a general rule, food is a personal expense and may not be purchased with appropriated funds. There are very few and very specific exceptions to this general rule that may apply regarding the use of appropriated funds to purchase food in the context of conferences, meetings, and events.

Award Ceremonies. (Sources: 5 U.S.C. §§ 4501, *et seq.*; 10 U.S.C. § 1124; 64 Comp. Gen 738 (1986)). Food may be purchased only if:

- The award recipients are either federal employees or military members,
- The award recipients are publicly recognized, and
- The authorized agency official has determined that the food materially advances the recognition of the recipient.

Cultural Awareness Ceremonies. (Sources: B-301184, Jan. 15, 2004). Food may be purchased only if:

- The food is part of a formal program intended to advance EEO objectives and to make the audience aware of the cultural or ethnic history being celebrated,
- The food is a sample of the food of the culture and is being offered as part of the larger program to serve an educational function, and
- The portions and selection of dishes do not constitute a meal, for which appropriated funds are not available under this exception.

Training. (Sources: 5 U.S.C. § 4101, § 4109; 10 U.S.C. § 2013; 39 Comp. Gen. 119 (1959); 66 Comp. Gen. 350 (1987)).

- Appropriated funds may be used to cover food costs that constitute a non-severable portion of the registration or attendance fee for a training program.
- For purposes of this memorandum, food costs are considered *non-severable* if they are billed as part of the overall costs of the conference, and the conference costs cannot be reduced by foregoing the food or by breaking out the food costs as a separate optional item.
- The cost of food provided at a training program conducted by the Government is presumed to be severable because the Government is responsible for arranging the program.
- If food costs are a severable part of the registration fee, appropriated funds are available for such costs only where necessary for the employee to

obtain the full benefit of the training. For example, where essential training is conducted during a luncheon session, food may be provided at Government expense. Simply labeling a session as a “training event” is not sufficient; instead, the event must be a substantive program designed to improve trainee and agency performance.

Conferences Sponsored by Non-Federal Entities – Non-Severable Fee. (Sources: 5 U.S.C. § 4110; B-233807, Aug. 27, 1990; B-288266, Jan. 27, 2003; 64 Comp. Gen. 406 (1985)). DoD may pay or provide reimbursement for food purchased as a non-severable, non-negotiable portion of a registration or attendance fee.

Conferences Sponsored by Non-Federal Entities – Severable Fee. (Sources: 5 U.S.C. § 4110; B-233807, Aug. 27, 1990; B-198471, May 1, 1980; B-288266, Jan. 27, 2003; 64 Comp. Gen. 406 (1985)). If the cost of food or meals is severable, then appropriated funds are available funds only to extent:

- The expenditure is necessary to obtain the full benefit of the meeting or conference,
- Meals and refreshments are incidental to the meeting or conference, and
- The employee cannot take the meals elsewhere without missing formal discussions, lectures, or speeches that are essential parts of the conference.

Conferences Sponsored by DoD Where Food Creates No Additional Cost. (Source: B-281063, Dec. 1, 1999)). Food may be provided at meetings sponsored by DoD to discuss day-to-day operations of the Government, or other Government-sponsored conferences, in situations where all of the following criteria are met:

- The meeting is held at an outside facility,
- The cost of the food is non-severable, non-negotiable portion of the cost of the conference space, and
- The cost of the space is demonstrably priced competitively with facilities at which food is not provided.

Conferences Sponsored by Another Government Agency. (Sources: 5 U.S.C. § 4110, B-198471, May 1, 1980; B-1288266, Jan. 27, 2003). DoD may pay for food for an employee if the criteria for “conference sponsored by non-Federal entities – severable fee,” above, are met and the meeting or conference involves matters of topical interest to multiple agencies and/or non governmental participants.

Formal DoD Conferences. (Sources: 5 U.S.C. § 4110; B300826, March 3, 2005).
Food may be purchased only if:

- The conference is a formal conference with registration, a published and substantive agenda, and scheduled speakers,
- The conference involves matters of topical interest to actual participants from multiple agencies and/or non governmental participants,
- Meals and refreshments are incidental to the overall purpose of the formal conference,
- Attendance at the meal or when refreshments are provided is important to the host agency to ensure the attendees' full participation in essential discussions and speeches concerning the purpose of the conference, and
- The meal and refreshments are part of a formal conference that includes not just the meal and refreshments and discussions or speeches that may take place when the meal and refreshments are served, but also substantial sessions apart from those at which food is served.