# GC Guidance on Conducting and Participating in Conferences

The Department of Energy's (DOE) participation in conferences presents a unique opportunity to engage the general public and other entities, public and private, in the accomplishment of our mission. But it can also raise legal issues regarding the appropriate use of government funds, the receipt of gifts in the form of meals and the like, the endorsement of private activities by government officials, and the implication that some organizations have a special relationship with the Department.

We are issuing this GC Guidance to address these issues. In an effort to make this Guidance simple, we have presented the rules for both participating in and conducting a conference in question and answer format. As with any GC Guidance, it cannot answer every question that may arise. Anyone with more detailed questions should feel free to contact the Office of the Assistant General Counsel for General Law at (202) 586-1522.

This guidance applies **only to federal employees** in connection with conferences in which DOE participates, as specified in Q.3 below.

**Q1. What rules govern how DOE may participate in conferences?**

A1. This document lists the basic requirements applicable to DOE hosted, co-hosted, and funded conferences, as well as DOE employee participation in non-DOE hosted conferences. DOE contractor participation in hosted or co-hosted conferences is governed by the terms of a particular contract, including any relevant Contractor Requirements Document (CRD) and the applicable cost principles. .

**Q2. What is a conference?**

A2. A conference is a seminar, symposium, educational program, or similar event organized for the purpose of facilitating a discussion or exchange of views on matters related to the mission of DOE. It does not include training that has specific objectives identified to improve knowledge, skills or abilities of the attendees.

**Q3. What types of conferences are we addressing in this guidance?**

A3. DOE Hosted: a conference in which DOE has control of most aspects of the conference. In some circumstances, DOE will employ a contractor as an "event planner" to manage the logistics of the event but the contractor is not considered a "co-host." These include conferences that are statutorily or legally mandated for DOE to conduct.

DOE Co-hosted: a joint effort between DOE and another entity, public or private, to conduct a conference which is of benefit to each participant. It is evidenced by execution of a Memorandum of Understanding (MOU) setting forth the purpose, responsibilities, and basis of the joint effort. DOE may co-host a conference with one of its contractors but the DOE contractor co-host will be governed by the terms of a particular contract, including any relevant CRD and the applicable cost principles.

DOE Funded: a conference in which DOE is not involved in the planning or operation of the conference, but DOE officials determine that the benefits of the conference are closely related to the mission of DOE. DOE's sole participation is to provide financial support.

Employee Participation in Non-DOE Conferences: a conference hosted by an entity other than DOE to which DOE employees are invited to participate. DOE has no formal role in the establishment or management of the conference.

**Q4. How do we arrange a conference that is either hosted or co-hosted by DOE?**

A4. Approval. A program must justify in writing the hosting or co-hosting of a conference by relating the subject of the conference to the program's mission. Hosting or co-hosting must be submitted for approval to the program Secretarial Officer, head of a DOE headquarters office, or head of a DOE field office or their delegates.

Approval for hosting or co-hosting a conference may be granted if: (1) the conference supports the program's mission/objective; (2) hosting does not needlessly duplicate a conference hosted by others; and (3) the number of DOE employees is reasonable, considering both the organization's mission/objectives and the costs. Other than the Secretary of Energy, employees cannot approve their own attendance or that of a superior. Once approved, DOE funds may be used for the conference.

## Event Planners

**Q5. Is DOE permitted to use a contractor as an event planner to manage the logistics of a conference, and then allow that contractor to charge a registration fee to cover such items as food, lodging, production of conference materials and related items?**

A5. Yes, the contractor may collect a registration fee solely for the purpose of offsetting the logistical requirements of the conference. The fee collected by the contractor is not subject to deposit in the U.S. Treasury pursuant to the Miscellaneous Receipts Act.

**Q.6. Can DOE or its event planner solicit 'supporters' solely to provide financial assistance for a conference?**

A.6. No.

## Co-Hosts

**Q7. How do we select a co-host?**

A7. DOE may choose to seek a co-host for a conference. A co-host generally should be another governmental entity (including state and local governments and Native American tribes) or a non-profit organization with interest in DOE's performance of its mission (e.g. trade associations, non-profit public policy organizations, and universities). In rare circumstances, other entities, including for profit organizations, may be permitted to co-host with DOE – but only if such an arrangement does not create the appearance of a loss of impartiality towards, or

an endorsement by DOE of, that entity. *Ethics counsel in GC-77 should be consulted in advance.*

**Q8. How do we determine the responsibilities of the DOE and a Co-Host(s)?**

A8. You should talk with any co-host regarding all the activities that must be accomplished and determine who will be responsible for each activity, such as (1) defining the goals of the conference; (2) determining the date, required length, and location of the conference; (3) facilities logistics; (4) the audience to whom the conference is targeted even though generally the conference will be open to the public; (5) publicity for the event, including approval process for all written or electronic materials; (6) mission content including the agenda, provision of documents to be distributed, soliciting speakers, etc; and (7) appropriate use of the DOE resources in promoting the conference, including the DOE seal, websites, and other electronics communications systems.

**Q9. Are there any guidelines as to how the responsibilities should be split?**

A9. Each party will be responsible for certain aspects of the conference. As can be seen above, conference activities generally break down to (1) logistics, and (2) agenda content. The goal is to use DOE resources most efficiently by focusing DOE responsibilities on determining and providing conference content (this can be done as a collaborative process with co-host, including providing subject matter experts from among the ranks of federal employees).

**Q10. Once a co-host has been identified and responsibilities have been assigned, how do we memorialize the agreement?**

A10. You will create a MOU between the Department and the co-host (s). The MOU will set forth the purpose of the conference, the identification of the co-host(s), the responsibilities of each co-host, how the conference will be funded, acknowledgments by the co-host (s) of limitations on methods of soliciting and funding non-DOE responsibilities, how the content of the conference will be determined and organized, manner of event promotion, how co-hosting will be publicized including acknowledgment by the co-host(s) of limitations on methods of promotion, including use of the DOE Seal and DOE electronic resources. See Attachment A: Co-host Template.

**Q11. How can a co-host choose to pay for the "logistics" of a conference?**

A11. A co-host has several alternatives to pay for its portion of the conference. A co- host can simply fund its portion of the conference from its own resources, charge a reasonable registration fee to all participants, establish an exhibit hall, if appropriate, or charge a reasonable fee to exhibitors, and solicit "supporters," within the limitations of the MOU to pay for its costs of the conference.

**Q12. Can a co-host conduct other activities outside of the conference agenda to which conference attendees, including federal employees, may participate?**

A12. Yes, within reason, provided the activities are outside of normal business hours on conference days and are appropriate to be held in conjunction with a government-hosted

conference. Federal employees will not be reimbursed for separate voluntary fees charged to conference attendees by the co-host or other outside organization. However, when the employee pays the voluntary fee from personal funds, he/she is not required to reduce his/her per diem. *Federal employees seeking to participate in events outside the official conference program must seek advice from their ethics counselor to ensure they do not accept a gift from an outside source in violation of gift rules.* Federal employees are always permitted to pay personally to participate in these events.

**Q13. What is the appropriate way to acknowledge co-host s?**

A13. When DOE co-hosts a conference, it is anticipated that the publications and promotions will list both DOE and the co-host as co-hosts. The co-host's name and logo are permitted to appear in the materials that are produced for the conference as long as it does not appear that DOE is endorsing the co-host.

**Q14. Are there any special rules for the co-** host **in soliciting supporters?**

A14. Any solicitation of funds by the co-host should make it clear that DOE is not soliciting any funds and that the funds are being used solely to defray the co-host's event costs, not those of DOE. The co-host also cannot raise funds in a way that provides (or appears to provide) anyone with special access to DOE personnel. "Speakers Dinners" and 'VIP receptions" where non-DOE personnel are invited to meet with the speakers or DOE employees apart from all other conference attendees are not permitted. Promising that supporters will be seated next to DOE officials or have access to such officials at the conference is also prohibited.

**Q15. If the co-**host **solicits "supporters", who is eligible to participate as a "supporter" and how can those organizations be recognized?**

A15. DOE's co-host may solicit an organization to be a "supporter" of a conference provided that this designation does not create an appearance that the Department would grant special favors to or be impartial in matters affecting that organization. Some acknowledgment of the *level* of support may be made, provided that guidance is received in advance from the appropriate ethics counselor and incorporated into the MOU.

**Q16. What is the appropriate way to acknowledge "supporters?"**

A16. When a co-host solicits funding to cover the logistics of the conference, those persons or entities responding may be listed as "supporters." However, the list of all "supporters" must be compiled in a separate package that may be made available to attendees of the conference. The names of the "supporters" will not appear as co-hosts nor appear in any of the formal conference literature.

**Q17. If a "supporter" wants to do more than simply be listed by name, what can appropriately be done?**

A17. The Federal government cannot endorse or *appear to endorse* the interests of private entities without specific statutory authority to do so. Therefore, no "supporter" names can be printed in the official conference materials. However, a co-host may publish a separate document solely for the purpose of recognizing all supporters. All expenses associated with

printing the separate supporter package will be borne solely by the co-host. The supporter publication may not include any evidence of DOE support, including the DOE seal or evidence of DOE being a co-host of the conference; however, it may include: (1) listing of each of the names of the supporters and the supporter's official logo, (2) an ad written by the supporter provided that: (a) it does not imply an endorsement of products or services by DOE; (b) it is composed solely of the entity's official logo and a discussion of why the supporter chose to help fund the conference based upon the shared mission of the conference goals and the supporter's mission; and (c) it avoids any grandiose statements about the efforts or qualities of the supporter's services; and (3) where appropriate, the size of the acknowledgment may appropriately convey the level of the support given.

**Q18. What are the rules for promoting an event?**

A18. The co-host and DOE must conform to 10 C.F.R. Section 1002 with regard to the use of the DOE seal. Only the co-hosts names can appear in any official promotional communications.

The co-host is not permitted to use or otherwise display the DOE seal, any logo of a DOE organization, or any indicia of DOE hosting without the prior express written approval of an appropriate DOE official. The DOE seal and logos will only be used in connection with the factual publicity of the conference. Factual publicity includes dates, times, locations, purposes, agendas, fees, and speakers involved with the event.

Conference web pages must conform to the DOE linking policy. If a website is used, each conference website must be established separate from all official DOE websites and separate from the homepage of the co-host(s). However, the official DOE website may link to the separate conference site. No links from either the DOE official site or the conference site may link directly to any outside entity's homepage other than those allowed by DOE's web linking policy. There can be no direct links to the web pages of non-Government co-hosts or any supporters.

**Q19. What if an outside organization asks to hold an event (e.g. reception) at a locality near the conference and seeks to invite all conference attendees, is that permissible?**

A19. An outside organization may choose to have an event during the off hours of the conference. The creation of such an event cannot be solicited by DOE or its co-host(s). However, an organization is not prohibited from independently organizing events around official conferences. The event may not be part of the official conference agenda nor may it be advertised in any official conference publications or handouts or announced during the official conference. Whether Federal employees at the conference may attend the event will be determined on a case by case basis by the employee's ethics counselor.

## Food & Refreshments

**Q20. May DOE provide food or refreshments at a conference?**

A20. Generally no. DOE is not permitted to use appropriated funds for provision of food and refreshments at a conference except in the following limited circumstances: (1) for federal employees, if they are on official travel; (2) for federal employees at an awards ceremony held during a conference; or (3) for all attendees where the cost of food or light refreshments is

included in the cost of renting the conference space. See Registration Fees for further information regarding meals and refreshment.

**Q21. If DOE is not generally permitted to provide food or refreshments, are there other ways they may be provided?**

A21. Yes. An event planner or a co-host may choose to charge a reasonable registration fee and may use the proceeds from that fee to provide food and refreshments (see Q5 and Q11).

## Registration Fees

**Q22. May DOE directly charge a registration fee to attend a conference?**

A22. No. Any registration fee collected by DOE would be subject to the Miscellaneous Receipts Act (31 U.S.C. §3302) and must be deposited with the Treasury as soon as practicable without deduction for any charge or claim.

**Q23. Are there other situations in which a registration fee might be charged at a DOE conference?**

A23. Yes. Where DOE assigns logistical responsibilities to an events planner or to a co-host, the event planner or co-host may choose to charge a registration fee to cover its costs of the conference, including meals and refreshments provided that: (1) DOE does not specify the purpose to which the fees are applied; (2) DOE does not control or supervise the fees or the amount of the fee (other than that it is reasonable); and (3) no fees collected by the co-host or event planner are used to cover DOE's costs, including payments due under the event planner contract. Refreshments are defined as non-alcoholic beverages, pastries, and snacks.

**Q24. Can the costs for entertainment, which includes alcoholic beverages, be included in the registration fee?**

A24. No.

## Non-DOE Conferences and Related Events

**Q25. What, if any, restrictions do employees have in accepting invitations to non-DOE conferences and events related to such conferences?**

A25. Federal employees are prohibited from acting in a manner which appears to constitute an endorsement of a specific entity, product, or service. Federal employee acceptance of invitations to participate in non-DOE conferences and events can create the appearance of such an endorsement if the organizer promotes or conducts the conference in a manner that implies DOE endorsement or special access to DOE officials. Federal employees may not accept invitations to any VIP or Speaker events in which all participants of the conference are not invited. Federal employees also may not accept gifts of entertainment or sporting events (e.g. golf outings) associated with the conference, unless the employee pays full market value for the event and does not participate in the immediate company of DOE contractors (e.g. playing in a foursome with a DOE contractor). In addition, the employee must be in a leave status and personally pay for any additional travel or related expenses that result from the employee's decision to attend such a conference related event.

**Q 26. How should a Federal employee decide to participate in a non-DOE conference?**

A26. An employee's supervisor must determine that participation in a non-federally funded conference is in the best interest of DOE considering the following factors: (1) relevance to DOE; (2) potential benefit to DOE; (3) potential for networking opportunities to share DOE information with the public and private sectors; (4) the number of DOE Federal employees who are to either participate or attend; (5) total costs for DOE Federal attendees and participants; (6) location of the event; (7) potential for any adverse perception resulting from DOE participation; and (8) whether the organization's interests would be better served by the Department's direct hosting of a conference.

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