

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

2002.2: ICE Event Planning Directive

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Superseded: ICE Conference Policy Planning Directive 2002.1 (formerly Directive 2-10.0)

Federal Enterprise Architecture Number: 306-112-002b

- 1. Purpose/Background.** Events such as conferences, retreats, etc., are an important and necessary means to fulfill the mission of U.S. Immigration and Customs Enforcement (ICE). Events can help facilitate outreach efforts, enable staff to obtain job-related training, and provide a way to communicate with stakeholders and other professionals in associated fields. However, despite the importance events may play in enhancing ICE operations, ICE must be vigilant in ensuring that it is a responsible steward of public funds. When planning events, ICE personnel must act in a fiscally responsible and cost efficient manner. This Directive establishes ICE policies and procedures for responsible event planning. While it does not apply to international training and capacity building programs focused primarily on the overseas training of foreign nationals, it does apply to ICE funded domestic events that include foreign nationals. This Directive does not apply to operational travel.
- 2. Policy.** Event planning requires fiscal prudence and shall be managed in the most cost efficient manner by all ICE Program Offices. To ensure cost efficient management in event planning, all ICE domestic events where the total event cost exceeds \$10,000 and ICE international events where the total event cost exceeds \$20,000 will require: 1) approval from the Executive Associate Director Management and Administration (EAD Management and Administration), and 2) review by the Office of the Principal Legal Advisor (OPLA) before the event can be processed by the Office of Acquisition Management (OAQ). Approval by the EAD Management and Administration must be received before any event may be submitted to OPLA for review or to OAQ for market research and processing.

For ICE events where the total event cost is below the \$10,000 and \$20,000 thresholds, EAD Management and Administration approval and a formal OPLA review are not required. However, ICE Program Offices must consult, in writing, with OPLA prior to committing to the event when any of the items under section 5.1.1 are included or required as part of the event.

- 3. Definitions.** The following definitions apply for purposes of this Directive only:

- 3.1. Event.** Any conference, meeting, retreat, seminar, symposium, congressional event, convention, workshop, or training (except training exempt under this Directive), sponsored or co-sponsored by an ICE Program Office, where ICE funds are obligated for: food or beverages; facility space; honorariums or speaker fees; printing and distribution costs; audio visual services; services of an event planner; attendance of contractor employees, state and local government officials, international attendees or other non-federal attendees; and/or co-sponsorship with a non-federal entity.
- 3.2. Total Event Cost.** The combination of all costs directly related to the event. This includes travel and lodging costs for employees, and any costs for interpreters for any hearing impaired participants.
- 3.3. Event Planning Package.** A formal package of documents containing information pertinent to an event (EAD Management and Administration approval confirmation, OPLA review, and procurement documents) that must be submitted to OAQ for processing when the total event cost is above \$10,000 domestically and \$20,000 internationally.
- 3.4. Facilities.**
- 1) **Federal Facility:** Property owned, leased, or substantially controlled by the Federal Government or the government of the District of Columbia.
 - 2) **Non Federal Facility:** Any facility that is not a federal facility. For further clarification, see the definition of “non-government facility” in 5 U.S.C. §4101(6).
- 3.5. Light Refreshments.** Juice, coffee, soft drinks, tea, milk, doughnuts, fruit, cookies, pretzels, muffins, chips, or similar snack items not specifically listed here.
- 3.6. Lodging.** Includes expenses, except lodging taxes in the United States, for overnight sleeping facilities, baths, personal use of the room during the daytime, telephone access fee, and service charges for fans, air conditioners, and heaters furnished in the room when such charges are not included in the room rate.
- 3.7. Meals.** Breakfast, lunch, dinner, related tips, and taxes. This does not include alcoholic beverages, entertainment provided during meals, or expenses incurred by persons not attending or participating in the event.
- 3.8. Per Diem.** Per Diem (also referred to as “subsistence allowance”) is a daily payment instead of reimbursement for actual expenses of lodging, meals, and related incidental expenses. The per diem allowance is separate from transportation expenses and other miscellaneous expenses and covers all charges and services, including any service charges where applicable.
- 3.9. ICE Program Office Heads.** Employees who occupy the highest ranking positions in an ICE Program Office. These positions include: the Executive Associate Directors (EAD)

of Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, the Chief of Staff or the Executive Associate Director for Management and Administration.

4. Responsibilities.

4.1. ICE Program Office Heads are responsible for:

- 1) Ensuring that any sponsored/co-sponsored event submitted for approval is consistent with the Department of Homeland Security (DHS) Efficiency Review initiatives on Facilities, Travel, Printing and Branding by ensuring:
 - a) Events are mission critical and contribute to the accomplishment of the ICE mission;
 - b) Events are an appropriate use of budget and taxpayer dollars for the expected and reportable benefits;
 - c) Use of government-owned or government-provided facilities to the fullest extent possible;
 - d) Avoid use of private facilities provided by lobbying firms or other entities that would create an actual or an appearance of a conflict of interest;
 - e) Other opportunities to reduce costs when selecting a particular event location and facility (e.g., through the availability of lower rates during the off season at a site with seasonal rates) and;
 - f) Appropriated funds are not used to purchase mementos or similar giveaways unless authorized by OPLA (this includes mementos to guest speakers).
- 2) Adherence to all guidance outlined in the ICE Event Planning ICEMAP # 405:143:005, when planning an event;
- 3) Consult with OPLA and OAQ for all legal and acquisition issues;
- 4) Compliance with all data calls forecasting planned events for EAD Management and Administration approval;
- 5) Coordinate with OAQ to conduct market research. ICE Program Offices should coordinate with OAQ as early as possible to determine the type and extent of market research required to satisfy the prospective requirement. Government facilities should be considered first and used to the maximum extent possible.

- 6) Completed and approved Event Planning Packages is submitted to OAQ in a timely manner. To determine when an Event Planning Package must be submitted to OAQ, consult OAQ's Standard Procurement Administrative Lead Times (PALT) memorandum which establishes lead times for OAQ to process requisitions after the receipt of a complete package. ICE Program Offices may also consult directly with an OAQ service provider;
 - 7) All event attendees are aware of the requirements of the Federal Travel Regulation (FTR) and internal ICE policies regarding per diem, including related lodging, meals, and incidental expenses; and
 - 8) Post event reports are completed and maintained internally. The reports must include the number of actual attendees and full documentation of event expenses. These reports and supporting documentation should be readily accessible for future examination. All reports should be retained for a minimum of six years.
- 4.2. The Office of the Principal Legal Advisor, Commercial and Administrative Law Division** is responsible for conducting a legal review of event packages and for addressing questions or concerns about contractual issues and the use of appropriated funds for events.
- 4.3. The Office of Acquisition Management** is responsible for:
- 1) Validating that all events received for processing are approved by the EAD for Management and Administration and reviewed by OPLA;
 - 2) Validating or otherwise ensuring that the required market research is performed in accordance with the requirements of the Federal Acquisition Regulation (FAR);
 - 3) Promoting and providing competition to the maximum extent practicable when soliciting offers and awarding contracts;
 - 4) Ensuring that sufficient funding is available for obligation prior to executing a contract or approving a purchase card transaction for any facility, food, or other expense related to events for which they are normally responsible;
 - 5) Ensuring that funds are obligated only for authorized expenditures of the agency, and that justifications for such expenditures are documented in accordance with the requirements of the FAR, FTR, U.S. Government Accountability Office (GAO) guidance, and ICE and DHS Directives;
 - 6) Obtaining formal quotations from prospective vendors. For prospective acquisitions valued at \$2,500 or less, purchase card holders in ICE Program Offices may obtain quotations from prospective vendors directly. However, any facility agreement that requires signing must be signed by an OAQ Contracting Officer. For prospective

acquisitions valued greater than \$2,500, only OAQ Contracting Officers may obtain formal quotes from prospective vendors; and

- 7) Negotiating and signing a contract, purchase order, or facility agreement that binds the government after approval and review required under this ICE Directive have been obtained.

4.4. The ICE Ethics Officer is responsible for:

- 1) Providing standards of conduct guidance regarding sponsorship, attendance, and participation in events sponsored by non-Federal entities; and
- 2) Reviewing and, granting approval on all offers from non-Federal entities made to ICE employees pertaining to free event attendance, and speaking engagements.

4.5. The Office of Public Affairs is responsible for coordinating and facilitating the DHS Speakers Bureau review and approval for all ICE speakers and official ICE presentations at non-Federal events.

5. Procedures. ICE Program Offices shall use the ICE-wide procedures, outlined in the attached ICEMAP #405:143:005, for achieving the targeted outcome of this Directive.

5.1. General Guidance.

- 1) For ICE events where the total event cost is below the thresholds identified under section 2 of this directive, EAD Management and Administration approval and formal OPLA review are not required. However, ICE Program Offices must consult with OPLA, in writing, prior to committing to the event when any of the following are included or required:
 - a) Food or beverages;
 - b) Contractor employees, state or local government officials, international attendees, or other non-federal attendees;
 - c) Honorariums or speaker fees;
 - d) A signed contract to secure facility space;¹
 - e) Working with a non-federal co-sponsor; or

¹ In hotel contracts/agreements the following clauses are problematic and require OPLA review: (1) an indemnification clause; (2) a requirement for insurance; (3) a binding arbitration clause; (4) a clause subjecting ICE to state law; and (5) a clause agreeing that ICE will pay attorney fees and costs. After OPLA's review for legal sufficiency, only a warranted contracting officer is authorized to sign a hotel contract and bind ICE to use appropriated funds. Program Offices must note that only OAQ can select event sites.

- f) Use of an Event Planner.
- 2) First quarter events should be limited but may be scheduled if approved timely and properly funded.
 - 3) Attendance at events should be closely scrutinized to ensure that attendance by employees is important and necessary.
 - 4) For ICE events that are conferences as defined by the FTR (meetings, retreats, seminars, symposiums or other events involving attendee travel), ICE Program Offices are required to follow FTR Part 301-74 "Conference Planning." Part 301-74 and Appendix E to Chapter 301 (Suggested Guidance for Conference Planning) of the FTR, providing guidance on a number of topics, including per diem, conference lodging allowances, cost comparisons, selection of facilities, reimbursements, and other cost considerations associated with planning a conference.
 - 5) ICE does not have statutory authority to collect registration fees for events; therefore, ICE events should be fully funded by the sponsoring ICE Program Office.
 - 6) DHS has no legal authority to merge government funds with funds of a non-Federal entity to co-sponsor an event. Co-sponsorship with a private entity must be reviewed and approved by OPLA prior to making any commitments.
 - 7) When planning conferences, an ethics component must be included as part of the agenda. Conference planners must contact the Ethics Office to discuss the best outreach alternative for the conference.
 - 8) An honorarium or speaker's fee requires prior coordination with OPLA as part of the normal Event Approval Request process. Prior written approval by an OPLA ethics attorney is required before an honorarium, speaker's fee, or any other form of payment, however characterized, may be paid to a federal employee. In addition, the use of any speaker with an anticipated fee or honorarium in excess of \$2,500 must be treated as a procurement action and requires the approval of a warranted contracting officer.
 - 9) Subject to any branding restrictions concerning the use of the DHS or ICE seal, mementos of nominal value, such as a certificate, plaque, pin, or coffee mug, may be presented to any guest speaker in recognition of that individual's contribution to the event. Normally, such items should not exceed \$20-\$50 in value, depending upon the level of contribution and quality of the speaker.
 - 10) Only a warranted contracting officer is authorized to sign a hotel contract.
 - 11) Any travel associated with events must comply with the Department's Travel Management Directive, ICE's policy on first class and premium travel, as well as any

individual ICE Program Office's travel procedures. These documents can be accessed from the ICE intranet. All justifications for travel expenses must be properly documented, and records must be retained to support decisions and transactions.

- 5.2. Guidance on Food and Beverages.** Food is considered a personal expense, and appropriated funds may be used only to purchase food or beverages in limited instances. OPLA must review and approve all anticipated purchases of food and beverages.
- 1) ICE will not reimburse food or beverage expenses for routine meetings involving the daily operations of the government or business which is internal to DHS.
 - 2) Payment of food and beverages may be permissible for federal employees who are on temporary duty while attending an event.
 - 3) Where meals are served, an appropriate deduction from an employee's Meals and Incidental Expenses (M&IE) reimbursement is required. The M&IE reimbursement shall be according to FTR 301-11.18 and FTR 301-74.21.
 - 4) Where light refreshments are served, no deduction from an employee's M&IE reimbursement is required.
 - 5) For events held at an official duty station, ICE may pay for food and beverage expenses only where at least one of the following three conditions is met:
 - a) Food and beverages are included (i) as a non-severable element of a registration fee or (ii) in a facility rental fee that is all-inclusive, non-negotiable, and competitively priced in relation to facility fees that do not include food and beverages;
 - b) Provisions of the food or beverages is necessary to achieve the objectives of an ICE Program Office training¹; or
 - c) At a formal event involving topical matters of general interest to (and the participation of) multiple government agencies and/or non-government participants, where:
 - i) The food or beverages are incidental to the formal event;
 - ii) Employees are not free to take their meals elsewhere without missing essential formal discussions, lectures, speeches; and

¹ An ICE Program Office training must meet the definition of a training ICE Program Office under 5 U.S.C. § 4101(4) and 5 C.F.R. § 410.404. The training ICE Program Office must also satisfy the three pronged test of section 5.2(5)(c) (i)-(iii)

iii) The formal event includes substantial functions that are separate from the provision of food or beverages.

- 6) In an attempt to control excessive meal and light refreshment costs, the cost of light refreshments plus any hotel service costs, cannot exceed 23 percent of the locality M&IE rate per attendee per day. Costs exceeding such a percentage must be approved by the EAD for Management and Administration.
- 7) Generally, appropriated funds may not be used to purchase alcohol. As a matter of policy, events shall not include a hotel or facility rental agreement provision accepting complimentary alcohol.
- 8) Appropriated funds may not be used to purchase light refreshments at receptions that are intended to provide an opportunity for event attendees to interact or acquaint themselves with other attendees.

5.3. Guidance on Non-Federal Employees. ICE may not use appropriated funds to pay for travel, transportation, or subsistence (including light refreshments) of non-federal attendees for any kind of event. Limited exceptions include:

- 1) Use of Reception and Representation (R&R) funds; or
- 2) Non-federal attendee is on Invitational Travel Orders. A non-federal individual may be placed on invitational travel orders to attend an event only if that individual is performing a direct service for the government, such as making a presentation or advising in an area of expertise. An invitational traveler may be considered a federal employee for purposes of federal travel expense laws, including the purchase of food or beverage. Direct service determinations should be memorialized in writing and included with ICE Program Offices' post event reports.

6. Authorities/References.

- 6.1. Principles of Federal Appropriations Law, Third Edition: Index and Table of Authorities, September 2006, GAO-06-1059SP; Volume II, February 2006, GAO-06-382SP; and Volume I, January 2004, GAO-04-261SP.
- 6.2. Federal Travel Regulation (FTR), Part 300-3 - Glossary of Terms, Chapter 301 - Temporary Duty (TDY) Travel Allowances, Part 301-74 - Conference Planning, and Appendix E to Chapter 301 - Suggested Guidance for Conference Planning. (Codified at 41 Code of Federal Regulations (C.F.R.) §§ 300 and 301.)
- 6.3. Federal Acquisition Regulation (FAR). (Codified at 48 C.F.R. Chapter 1.)
- 6.4. Government Employees Training Act, 5 United States Code (U.S.C.) §§ 4101, 4109, and 4110.

- 6.5. 5 C.F.R. § 410.404, Determining if a conference is a training activity.
7. **Attachments.**
- 7.1. ICE-Wide Management Procedure (ICEMAP), ICE Event Planning.
8. **No Private Right Statement.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; contractors or any other person.



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