

Promoting Efficient Conference Spending Policy

December 16, 2013

MEMORANDUM

To: OPDIV and STAFFDIV Heads

From: Ellen G. Murray /Signed/
Assistant Secretary for Financial Resources

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

The purposes of this memorandum are to remind the Department of Health and Human Services' (HHS) Operating and Staff Divisions of the following Policies on Promoting Efficient Spending (previous versions: June 24, 2013 and June, 7 2012), and update the policy on Conferences and Meeting Space:

1. Use of Appropriated Funds for Conferences and Meeting Space – Issued January 3, 2012, updated June 7, 2012, May 15, 2013, June 24, 2013, and December 16, 2013
2. Use of Appropriated Funds for Food – Issued January 3, 2012
3. Use of Appropriated Funds for Promotional Items – Issued January 3, 2012
4. Use of Appropriated Funds for Printing and Publications – Issued January 3, 2012

These policies promote the Department's commitment to comply with appropriations law and to make sure that our dollars are being spent efficiently and wisely, and support the:

- Executive Order on Promoting Efficient Spending ([EO 13589](#));
- Executive Order on Delivering an Efficient, Effective, and Accountable Government ([EO 13576](#));
- Office of Management and Budget (OMB) Memorandum on Eliminating Excess Conference Spending and Promoting Efficiency in Government ([M-11-35](#)); and OMB Memorandum on Promoting Efficient Spending to Support Agency Operations ([M-12-12](#)).

These policy revisions are effective immediately and apply to all sources of funds (whether from an annual appropriation, multi-year appropriation, no year appropriation, appropriated user fee, mandatory appropriation, gift funds, or reimbursements from such appropriations, etc.), as well as non-appropriated funds, i.e., those set by law, etc.

Please share this transmittal memorandum and the attached policies with all appropriate officials within your OPDIV or STAFFDIV. Questions regarding this policy may be addressed to [Clarence Randall](#), of the Office of Grants and Acquisition Policy and Accountability (OGAPA).

Related Documents

HHS Policy on Promoting Efficient Spending (December 16, 2013): Use of Appropriated Funds for Conferences and Meetings, Food, Promotional Items, and Printing and Publications

- Attachment 1: HHS Policy on Use of Appropriated Funds for Conferences and Meeting Space
 - Exhibit 1: Conference Spending Provisions of the HHS Appropriations Act
 - Exhibit 2: List of Meetings and Events that are Not Conferences
 - Exhibit 3: Report on Conferences Held by HHS OPDIVs and STAFFDIVs in Excess of \$20,000
- Attachment A: HHS Conference Request and Approval Form
- Attachment B: HHS Conference Request for Waiver Form
- Attachment C: HHS Conference Attendance Request and Approval

Attachment 1: HHS Policy on Use of Appropriated Funds for Conferences and Meeting Space

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1.1 General

It is the Department of Health and Human Services' (HHS) policy that the conferences and meetings it funds are consistent with legal requirements and HHS' missions, objectives, and policies; represent an efficient and effective use of taxpayer funds; and be able to withstand public scrutiny. HHS' Operating Divisions (OPDIVs) and Staff Divisions (STAFFDIVs) must conduct business, including conferences and meetings, consistent with these tenets.

In addition to supporting [Executive Order 13589](#); [Executive Order 13576](#); [OMB Memorandum M-11-35](#); and [OMB Memorandum M-12-12](#), this policy addresses the requirements of the FY2013 and FY2014 Appropriations Acts, see Exhibit 1. These provisions restrict the use of funds appropriated to HHS for travel and conference activities unless they are consistent with OMB Memorandum M-12-12, and thus, make it an Antideficiency Act (ADA) violation to use any HHS funds for travel and conferences that are inconsistent with this memorandum.

This policy is also in addition to the requirements and procedures set forth in the following policies, or any updates thereto:

- [HHS Travel Manual](#), January 2012
- Memorandum from the General Counsel "Agency Gift Acceptance Authorities and the Co-Sponsorship of Events with Outside Non-Federal Entities," August 8, 2002

Additionally, there are numerous Federal acquisition, fiscal, and ethics laws and regulations that apply to the issues raised by conferences in which the Federal government participates. The Office of Government Ethics (OGE) has issued an updated list of a selection of ethic laws and regulations and their interpretation. A link to the guide, "[Conferences: A Guide for Ethics Counselors](#)" can be found on the OGE website.

1.2 Definitions

The following definitions apply:

A. Conference

OMB Memorandum M-12-12 employs, and HHS has adopted, the following definition for a conference from the [Federal Travel Regulation](#) (FTR):

"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](#)."

This term is clarified, based on the common dictionary meanings of a conference, seminar and symposium, 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.”

Therefore, (1) meetings and events falling within the plain meaning of conference, symposium, and seminar where attendees travel, and (2) training activities that are considered to be conferences under 5 CFR 410.404¹, are also considered conferences for the purposes of this policy.

A list of typical HHS meetings and events that are not considered conferences is provided at Exhibit 2. These, and similar OPDIV/STAFFDIV-specific events, are exempt from the request and approval (Section 1.3) and reporting (Section 1.4) requirements of this policy. In applying this list, OPDIVs/STAFFDIVs must use caution in determining which meetings and events are not conferences to ensure compliance with M-12-12. Notwithstanding this distinction, such meetings and events must still represent an efficient and effective use of taxpayer funds and be able to withstand public scrutiny.

B. Conference Expense

OMB Memorandum M-12-12 defines conference expenses as:

“all direct and indirect conference costs paid by the Government, whether paid directly by agencies or reimbursed by agencies to travelers or others associated with the conference, but do not include funds paid under Federal grants to grantees. Conference expenses include any associated authorized travel and per diem expenses, hire of rooms for official business, audiovisual use, registration fees, ground transportation, and other expenses as defined by the FTR. All outlays for conference preparation and planning should be included, but the Federal employee time for conference preparation should not be included. Conference expenses should be net of any fees or revenue received by the agency through the conference and should not include costs to ensure the safety of attending governmental officials.”

In addition to the expenses outlined by OMB, the following expenses shall also be included in the estimated and reported conference costs:

- A. speaker fees;

- B. contractor, planner, etc. support costs;
- C. registration website and/or support costs;
- D. printing, promotional material and training material costs;
- E. exhibit fees;
- F. local travel expenses for federal employees (in addition to the cost of official travel);
- G. travel and per diem expenses of for non-federal attendees (excluding costs funded by grants or cooperative agreements);
- H. other expenses as defined by the FTR; and
- I. other expenses for which HHS funds will be obligated.

OPDIVs and STAFFDIVs are reminded that agencies may not use a grant or contract for the purpose of defraying the costs of an HHS conference unless such conference is directly and programmatically related to the purpose for which the grant or contract was awarded.

C. Funds

The term “funds”, as used herein, refers to those from an annual appropriation, multi-year appropriation, no year appropriation, appropriated user fee, mandatory appropriation, gift funds, or reimbursements from such appropriations, as well as non-appropriated funds, i.e. funding set by law, etc.

1.3 Request and Approval Requirements

Information about the forms, Conference Tracking Application system, and/or data calls to be used in developing, submitting, and approving requests will be provided to the OPDIV and STAFFDIV designated representatives via separate memorandum.

Meetings and events that are not considered conferences (see Exhibit 2 for examples) are exempt from the request and approval requirements below.

A. Conferences Held by HHS (Including by Contract, etc.)

Prior to the obligation of funds by any means including: contract (including modification such as option exercise) or purchase order, purchase card, inter- or intra-agency agreement, Tribal contract or compact, etc., to support a conference (whether for internal or external purposes,

or a combination thereof), the requesting office must obtain approval from the officials designated below:

- Total expenses to HHS estimated less than \$20,000: Approval shall be in accordance with the OPDIV's or STAFFDIV's standard operating procedures.
- Total expenses to HHS estimated from \$20,000 to \$75,000: Approval is required by the OPDIV or STAFFDIV Head, or a direct report.
- Total expenses to HHS estimated in excess of \$75,000: Approval is required by the OPDIV or STAFFDIV Head (non-delegable), and then submitted to the Office of Grants and Acquisition Policy and Accountability (OGAPA) for approval by the Deputy Secretary.
- Total expenses to HHS estimated in excess of \$475,000: Approval is required by the OPDIV or STAFFDIV Head (non-delegable), and then submitted to the OGAPA for approval by the Deputy Secretary and the Secretary. OMB M-12-12 prohibits expenses in excess of \$500,000 on a single conference unless waived by the Secretary for exceptional circumstances.

For a conference that is funded by two or more HHS appropriations, the respective Executive Officers of the OPDIVs or STAFFDIVs funding the conference shall designate a lead sponsoring office (based on the office with the highest total expected cost) to ensure that the single request submitted to OGAPA includes all expenses to be incurred by all OPDIVs and STAFFDIVs reasonably expected to participate in or attend the conference.

In cases where an OPDIV or STAFFDIV is planning a series of conferences, the OPDIV or STAFFDIV may submit a single request (e.g. Class Approval) for a group of individual events that are in excess of \$75,000 each. To the extent that the cost of the individual events is less than \$75,000 each, the approval requirements are within the OPDIVs' and STAFFDIVs' approval thresholds.

As applicable, requests requiring the Deputy Secretary's or Secretary's approval shall be submitted no later than 30 calendar days prior to the date funds are to be obligated, or no later than 90 calendar days prior to the start of the conference – whichever date is earlier.

B. Conferences Funded through Grants and Cooperative Agreements

Prior to the obligation of funds to award a grant or cooperative agreement where the primary purpose of the award is to support a conference, whether or not there are expected to be federal attendees, the sponsoring office must obtain approval from the officials designated below:

- Total expenses to HHS estimated less than \$75,000: Approval is in accordance with the OPDIV's or STAFFDIV's standard policies, procedures, and/or practices.
- Total expenses to HHS estimated from \$75,000 to \$475,000: Approval is required by the OPDIV or STAFFDIV Head (non-delegable), and then submitted to the OGAPA for approval by the Deputy Secretary.
- Total expenses to HHS estimated in excess of \$475,000: Approval is required by the OPDIV or STAFFDIV Head (non-delegable), and then submitted to the OGAPA for approval by the Deputy Secretary and the Secretary.

In determining the total expenses to HHS for the conference and submitting a request, OPDIVs and STAFFDIVs shall include the total amount of the grant related to the event and any estimated federal attendance or participation costs to be funded by HHS (such as travel, registration fees, contract support, exhibit costs, etc.).

As applicable, requests requiring the Deputy Secretary's or Secretary's approval shall be submitted no later than 30 calendar days prior to the date funds are to be obligated, or no later than 90 calendar days prior to the start of the conference – whichever date is earlier.

C. Attendance at Conferences Held by Other Organizations or Federal Agencies (Non-HHS Conferences)

OPDIVs and STAFFDIVs must submit data to the HHS Division of Transportation Services (DTS) on projected requests to attend non-HHS conferences. This data collection is currently performed via data call, and will transition to the use of the CTA. The DTS will use this data and support the requirement to obtain the appropriate level of approval for attendance at, and support of, Non-HHS Conferences.

Prior to the obligation of funds, the appropriate approval must be obtained as follows for each individual conference and includes all conference and travel costs:

- Total expense to HHS estimated at or below \$75,000: DTS will inform the relevant OPDIVs and STAFFDIVs that Departmental approval is not necessary, and enter the conference and assigned attendance totals in the travel system.
 - OPDIVs/STAFFDIVs have the discretion to delegate approval, such as to the designated Senior Travel Official, when the total expense to an individual OPDIV or STAFFDIV is at or below \$75,000.
- Total expense by an individual OPDIV or STAFFDIV estimated in excess of \$75,000: Approval is required by the OPDIV or STAFFDIV Head (non-delegable), and then submitted to the DTS for review and submission to OGAPA. OGAPA will process

the request for the Deputy Secretary's approval, or the Secretary's if over \$475,000, and inform the DTS of the approval. DTS will enter the conference and assigned attendance totals in the travel system.

- Total expense to HHS (for two or more OPDIVs and STAFFDIVs) estimated in excess of \$75,000: DTS will prepare and send a combined request to OGAPA. OGAPA will process the request for the Deputy Secretary's approval, or the Secretary's if over \$475,000, and inform the DTS of the approval. DTS will enter the conference and assigned attendance totals in the travel system.
 - When an individual OPDIV's or STAFFDIV's cost is in excess of \$75,000, this combined request will be accompanied by the OPDIV or STAFFDIV Head's signed request.

To ensure timely aggregation of costs and approval processing, data must be made available by each OPDIV and STAFFDIV regarding their projected Non-HHS conference attendance no later than 90 days before the start of the conference.

D. Meeting Space (For Other than Conferences)

OPDIVs and STAFFDIVs must conduct meetings in space controlled by the Federal Government whenever practicable and cost effective. Therefore, OPDIVs and STAFFDIVs shall establish internal policies and procedures to approve the obligation of funds for non-federal meeting space. [Federal Meeting Facilities](#) is a website providing information about meeting space available in federal facilities.

1.4 Reporting Requirements

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

To meet the requirements of Section 3003(c) of the FY 2013 Appropriations Act and Section 119 of the FY 2013 Appropriations Act, HHS' OPDIVs and STAFFDIVs are required to submit a report on each conference they hold where expenses to the United States Government are in excess of \$20,000. This report is due within 15 (calendar) days of the date of the conference; therefore, and to follow a consistent reporting cycle, using the template at Exhibit 1:

- For conferences held on the 1st through 10th of each month, the report shall be submitted to the OIG (at OIGConferencereports@oig.hhs.gov) by the 15th, with a copy to OGAPA (at OGAPA@hhs.gov).
- For conferences held on the 11th through 20th each month, the report shall be submitted to the OIG by the 25th, with a copy to OGAPA.

- For conferences held on the 21st through the end of the month, the report shall be submitted to the OIG by the 4th, with a copy to OGAPA.

OPDIVs and STAFFDIVs shall designate a primary and an alternate representative to manage this reporting process. This reporting requirement applies to all conferences held by HHS in excess of \$20,000.

B. Annual Reports

M-12-12 Annual Report: OMB Memorandum M-12-12 requires agencies to publicly report, by January 31 of each year (beginning on January 31, 2013 for fiscal year 2012); all agency-sponsored conferences from the previous fiscal year where the net expenses for the agency associated with the conference were in excess of \$100,000. Agencies are to report this information on a dedicated place on their official website. This report shall include for each conference:

- the total conference expenses incurred by the agency for the conference;
- the location of the conference;
- the date of the conference;
- a brief explanation how the conference advanced the mission of the agency; and
- the total number of individuals whose travel expenses or other conference expenses were paid by the agency.

OMB M-12-12 also includes a requirement that the annual report located on the Agency's website must include 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.

OIG Annual Report: The HHS Appropriations Acts for FY 2013 and FY 2014 (see Exhibit 1) require the submission of an additional annual report to the OIG regarding the costs and contracting procedures related to each conference held by HHS during each fiscal year in excess of \$100,000.

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

- The title of the conference;
- The name of the sponsoring OPDIV, STAFFDIV, or non-HHS organization;

- A brief explanation of the purpose of the conference and how the conference advanced the mission of the agency;
- The total net conference expenses funded by HHS, along with a breakout of the costs of:
 - contractor support,
 - any food or beverages (which should be \$0, see the January 3, 2012 policy on the Use of Appropriated Funds for Food),
 - any audio-visual services,
 - federal attendee travel,
 - non-federal attendee travel, and
 - other costs; and
- The location and date of the conference;
- The total number of participants attending and federal and non-federal attendees (including contractors and grantees) whose travel expenses were paid by HHS;
- A description of the contracting procedures used including discussions of:
 - the methodology used to determine which costs relate to the conference,
 - whether contracts were awarded on a competitive basis, and
 - any cost comparison conducted by the OPDIV or STAFFDIV in evaluating potential contractors for the conference; and if applicable
- The Secretary's waiver that identified the exceptional circumstances that necessitated exceeding \$500,000, if applicable.

OGAPA will use the data from requests and approvals submitted in accordance with the above requirements to develop the draft reports by November 30 of each year. Each OPDIV and STAFFDIV Head shall verify the content of and total conference expenses in each report by December 31 of each year.

1.5 Use of Conference Fees

Agencies must have 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 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. Questions on this topic should be addressed to the HHS Office of the General Counsel, General Law Division.

1.6 Non-Federal Attendee Travel Restrictions

OPDIVs and STAFFDIVs shall 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 our 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 and as a general principle, appropriated funds generally cannot be used to pay the expenses of persons who are not federal employees. There are a few exceptions to these general rules/principles, as follow below, that may be applied in determining to fund non-Federal employee travel to HHS' or other organizations' meetings and conferences.

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, stated 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 which 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: (a) Contractors, through their employees or subcontractors, must provide a deliverable (e.g., a speech, presentation, or other specific role) and (b) Contractors should generally be responsible for selecting the individuals (their employees or subcontractors) who will provide services such as presentations, though 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 allowable 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 and you need to work closely with the Office of the General Counsel, General Law Division, on specific language for such contracts on a case-by case basis.

E. Grant Funds

Reasonable and allocable travel costs may be charged to a grant by the grantee. See OMB Circulars A-87, App. B, ¶ 43; A-122, App. B, ¶ 51. Where authority exists, agencies may supplement terms and conditions of the grant to require grantees to use grant funds to travel to events. Sample term and condition: “The [Program] Administrator, or designee from the State or Territory [Program] Lead Agency, must attend and participate in HHS-sponsored national or regional in-person meetings and trainings, as directed by the [OPDIV]. This award may be used for allowable costs associated with travel, lodging, per diem, and other related expenses associated with the grantee meetings and trainings.”

Since OMB Memorandum M-12-12 does not require such travel reimbursements to be included in the cost of conferences held by the agency, OPDIVs/STAFFDIVs should exclude allowable travel costs charged to grant funds when determining the cost of an HHS Conference. (Ref. Memorandum M-12-12 footnote 5: “‘Conference expenses’ are defined as all direct and

indirect conference costs paid by the Government, whether paid directly by agencies or reimbursed by agencies to travelers or others associated with the conference, but do not include funds paid under Federal grants to grantees. ...

1.7 Contractor Support for Formal Conferences

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. OPDIVs and STAFFDIVs are required to use these, or other multiple-award contracts that have been established by the OPDIV/STAFFDIV specifically for the logistical and administrative aspects of conference support, unless there is a sufficient justification to acquire these services through another acquisition strategy. For conference requests in excess of \$75,000, when applicable, such justification shall be attached to the request.

1.8 Implementation Requirements

HHS OPDIVs and STAFFDIVs shall designate representatives to lead and coordinate the approval and reporting requirements of this policy within their agencies – representative names shall be provided to [Clarence Randall](#). Additionally, OPDIVs and STAFFDIVs shall implement internal policies and practices to:

- Ensure consistency across their organizations regarding the documentation and submission of requests to support a conference or hire meeting/conference space when it requires the obligation of funds.
- Coordinate with other OPDIVs and STAFFDIVs to submit joint requests for approval for conferences.
- Establish a process to ensure the applicable approval requirements are met prior to the obligation of funds.
- Determine the total expenses and verify the data to be reported in the bi-weekly reports to the OIG and annual conference reports for the OIG and for posting on HHS' website.

OPDIVs and STAFFDIVs policies and procedures to implement this policy may be more expansive than the requirements set forth herein.

¹ 5 C.F.R 410.404 Determining if a conference is a training activity.

Agencies may sponsor an employee's attendance at a conference as a developmental assignment under section 4110 of title 5, United States Code, when—

- a. The announced purpose of the conference is educational or instructional;
- b. More than half of the time is scheduled for a planned, organized exchange of information between presenters and audience which meets the definition of training in section 4101 of title 5, United States Code;
- c. The content of the conference is germane to improving individual and/or organizational performance, and
- d. Development benefits will be derived through the employee's attendance.

Exhibit 1: Conference Spending Provisions of the HHS Appropriations Act

The following requirements were enacted in Section 3003 of the Consolidated and Further Continuing Appropriations Act, 2013, and Section 119 of the Continuing Appropriations Act, 2014; and are expected to continue and be enforced in subsequent Fiscal Years:

“(a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2013 (and 2014) for which the cost to the United States Government was more than \$100,000.

“(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period-

- (1) a description of its purpose;*
- (2) the number of participants attending;*
- (3) a detailed statement of the costs to the United States Government, including — (A) the cost of any food or beverages; (B) the cost of any audio-visual services; (C) the cost of employee or contractor travel to and from the conference; and (D) a discussion of the methodology used to determine which costs relate to the conference; and*
- (4) a description of the contracting procedures used including — (A) whether contracts were awarded on a competitive basis; and (B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.*

“(c) Within 15 days of the date of a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2013 (and 2014) for which the cost to the United States Government was more than \$20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.

“(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act to an Executive branch agency may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded,

such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

“(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012.”

The following outlines the policy implications of these provisions:

- Sub-Sections (a) and (b) require additional annual reporting requirements, which are addressed in Section 1.4 B of the policy.
- Sub-Section (c) requires on-going reporting as described in Section 1.4 A and Exhibit 3 of the Policy.
- Sub-Section (d) reminds OPDIVs and STAFFDIVs that agencies may not use a grant or contract for the purpose of defraying the costs of an HHS conference unless such conference is directly and programmatically related to the purpose for which the grant or contract was awarded.

Sub-Section (e) restricts the use of funds appropriated in the HHS Appropriations Acts, beginning with FY2013, for travel and conference activities unless they are consistent with OMB Memorandum M-12-12, and thus, makes it an Antideficiency Act (ADA) violation to use any HHS funds for travel and conferences that are inconsistent with OMB Memorandum M-12-12.

Exhibit 2: Typical Meetings and Events That Are Not Conferences

December 16, 2013

In accordance with Section 1.2 A of the policy, the following meetings and events are not considered conferences and are exempt from the request and approval and reporting requirements of the 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).

Mission (Operational):

- Federal Employee's day-to-day operational or managerial activities that may in certain instances involve limited travel.
- 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.
- 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).
- 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/and where certain employees from another region attend to weigh in on the specific topic.
- 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.
 - 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.

Special Agency Mission:

- 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.

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.

