



Conference Policy

Department of Commerce

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Office of Financial Management
Office of Financial Reporting, Internal Controls, and Travel
Travel Management Division, 202-482-1818

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REVISION NUMBER	DATE	DESCRIPTION
1	7/8/2014	REWORDING OF CONFERENCE INDICATORS (II) OF CONFERENCE DEFINITION
2	9/12/2014	REVISED SYNOPSIS TEMPLATE
3	12/28/2015	UPDATED APPROPRIATIONS LANGUAGE
4	4/12/2016	REVISED SUBMISSION REQUIREMENT FOR CONFERENCE PRE-APPROVAL PACKAGES OVER \$500,000
5	7/8/2016	UPDATED DEFINITIONS CLARIFYING THAT FUNDS PROVIDED TO A NON-FEDERAL ENTITY PURSUANT TO BOTH GRANTS AND COOPERATIVE AGREEMENTS ARE NOT INCLUDED IN THE DEFINITION OF CONFERENCE
6	8/28/2020	UPDATE OF ENTIRE POLICY TO STREAMLINE, CLARIFY, AND INCORPORATE REQUIREMENTS FROM OMB MEMORANDUM M-17-08, AMENDING M-12-12

Section 1 – General Policy and Purpose

This policy implements the requirements of Office of Management and Budget (OMB) Memorandum M-12-12, as amended by Memorandum M-17-08, as well as statutory requirements enacted in annual appropriations Acts pertaining to the obligation and expenditure of funds for conferences. In particular, this policy addresses general guidance regarding conference planning, the Department's procedures for the approval of estimated conference expenses, and reporting requirements. Departmental offices and operating units shall establish such implementing procedures within their organizations as may be necessary and appropriate to comply with the requirements of this policy.

Conferences, whether hosted by the Department or merely attended by its employees, can play a vital role in the Department's mission. Conferences can enable the dissemination of critical information and provide opportunities for enhancement of important skills by bringing together diverse and dispersed groups for interaction, collaboration, and presentation of ideas that may not be possible otherwise. However, in using conferences as an effective tool in the accomplishment of the Department's mission, Departmental offices and operating units are expected to be responsible stewards of the public trust and to exercise discretion and good judgment to ensure that conference expenses are appropriate, necessary, and managed in a prudent manner. Only those expenses that are necessary or incident to the effective achievement of the objectives for which Department funds are available by law shall be incurred.

Section 2 – Definitions

Conference

A conference is a meeting, retreat, seminar, symposium, or event that involves attendee travel.

This includes events for which the travel purpose identifier on related travel authorization or claim forms or otherwise captured in the Department's travel accounting system would be coded as either "Conference - Other Than Training" or "Training" pursuant to Federal Travel Regulation (FTR) § 301-71.2 and Chapter 301, Appendix C where the event is otherwise a conference as defined above.

This does not include events for which the travel purpose identifier on related travel authorizations or claim forms or otherwise captured in the Department's travel accounting system would be coded properly as "Mission (Operational)" pursuant to FTR § 301-71.2 and Chapter 301, Appendix C. Thus, excluded from this definition are events involving travel to a particular site to perform day-to-day operational or managerial activities and travel to attend a meeting to discuss topics of general interest. This includes, but is not be limited to, travel for advisory committee meetings, hearings, site visits, information meetings, inspections, audits, investigations, and examinations.

Conference Expenses

Conference expenses are all direct and indirect conference costs paid by the Department, whether paid directly or reimbursed to travelers or others associated with the conference, *net* of any fees or revenue received by the Department.¹

This includes, but is not necessarily limited to, outlays for conference preparation and planning (except Federal employee time), authorized travel and per diem expenses, hire of rooms for official business, audiovisual and other equipment usage, computer and telephone access fees, light refreshments, printing, registration fees, and ground transportation.

This does not include Federal employee time for travel to/from or attendance at a conference.

This does not include costs to ensure the safety of attending government officials.

This does not include funds paid under Federal grants to grantees.

Where a single event is to be attended by employees of or hosted by multiple Departmental offices and operating units, for purposes of any conference expense threshold in this policy, conference expenses shall be the aggregate as between all participating Departmental offices and operating units. The participating Departmental offices and operating units shall coordinate to provide a single, consolidated conference approval package or response to a reporting requirement when required by this policy.

For the purposes of complying with the reporting requirements in annual appropriations acts discussed in section 5 of this policy, the term “cost to the United States Government” shall be deemed synonymous with “conference expenses” as defined above.

Departmental Office

Departmental office is defined as it is in Department Organization Order (DOO) 1-1, which is an office within the Office of the Secretary having Department-wide functions or performing special program functions directly on behalf of the Secretary.

¹ Departmental offices and operating units may assess and retain fees only to the extent authorized by law. 31 U.S.C. § 3302(b). Only certain operating units have such authority, and the extent and manner in which fees may be assessed are governed by the applicable authorizing statute. Legal advice, as needed, on the availability and extent of such authorities should be sought from the Office of the General Counsel’s General Law Division.

“Revenue” includes donations accepted and utilized pursuant to the Department’s authority in 15 U.S.C. § 1522 or more specific donation acceptance authorities available to operating units. The acceptance and use of donations are governed by the relevant authorizing statute and Department Administrative Orders 203-9 and 203-10.

Hosted

The Department is the host of a conference if the conference is convened or arranged by a Departmental office or operating unit (on its own or with another party) or at its direction (i.e., through a contractor).

This does not include conferences convened or arranged by grantees using funds paid under Federal grants.

For the purposes of the Department's implementation of OMB Memorandum M-12-12, as amended, the term "sponsored" shall be deemed synonymous with "hosted" as defined above. For the purposes of complying with the reporting requirements in annual appropriations acts discussed in section 5 of this policy, the term "held" shall also be deemed synonymous with "hosted."

Operating Unit

Operating Unit is defined as it is in DOO 1-1, which are organizational entities of the Department outside the Office of the Secretary charged with carrying out specified substantive functions (i.e., programs) of the Department. Primary operating units are operating units whose heads are delegated the authority necessary to carry out the functions of their unit directly by the Secretary (i.e., the bureaus).

Section 3 – Conference Planning

Departmental offices and operating units may incur obligations and expend funds in relation to conferences only to the extent necessary and appropriate to the purpose of the conference and the mission of the Department or applicable operating unit. Obligations and expenditures shall comply with all statutory, regulatory, and Departmental policy requirements, including but not limited to:

- applicable program authorization statutes;
- appropriations Act provisions applicable to the Departmental office or operating unit;
- the Federal Acquisition Regulation;
- the Department of Commerce Acquisition Manual;
- the FTR;
- the Department of Commerce Travel Policy Handbook;
- the Department of Commerce Atypical Expense Policy; and
- Department Administrative Orders 203-9 and 203-10.

In particular, please note that by law no annual appropriations may be used to send or otherwise pay for the *attendance of more than 50 employees* stationed in the United States *at any single conference occurring outside the United States*. There are two exceptions: (1) it is a law enforcement training or operational conference and the majority of Federal employees in attendance are stationed outside the United States; and (2) it is a scientific conference, it has been determined that attendance is in the national interest, and written notice of the determination and its basis is provided within 15 days of making the determination to the Committees on

Appropriations of each house of Congress.² *Prior* to incurring any obligations or making any expenditures related to *scientific conferences outside the United States* for which there may be a national interest in sending or otherwise paying for the attendance of more than 50 employees stationed in the United States, Departmental offices and operating units must seek approval as provided in section 4 of this policy.

When planning to *host* a conference, Departmental offices and operating must follow the planning guidance in FTR Part 301-74.³ Departmental offices and operating units are also encouraged to review the General Services Administration's planning tools available at <https://www.gsa.gov/travel/plan-and-book> and the frequently asked questions of the Office of the General Counsel's General Law Division available at <https://ogc.commerce.gov/collection/general-law-division>. To the extent legal counsel is needed in relation to conference planning, Departmental offices and operating units should contact the General Law Division.

Prior to incurring *any* obligations or making any expenditures to *host* conferences with estimated conference expenses in excess of \$500,000, Departmental offices and operating units must seek approval as provided in section 4 of this policy.

Finally, certain conferences are subject to reporting requirements as provided in section 5 of this policy. This includes conferences that are:

- hosted by any Executive branch department, agency, board, commission, or office and attended by Department employees where the conference expenses incurred by the Department exceeded \$20,000 (this includes conferences hosted by a Departmental office or operating unit) and
- hosted by a Departmental office or operating unit where conference expenses incurred by the Department exceeded \$100,000.

Subsection 3.1 – Optics

If Departmental offices and operating units recognize that there is an optics issue, they should deal with it appropriately, which includes consulting with the Office of General Counsel.

² This restriction appears in the Consolidated Appropriations Act, 2020, which is in effect as of the date this policy is promulgated, and applies only to agencies funded through the Commerce, Justice, Science, and Related Agencies Appropriations Act. Pub. L. No. 116-63, Div. B, § 523. Incurring obligations inconsistent with this requirement constitutes a violation of the Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A). Annual appropriations Act provisions are typically only in effect during the year for which enacted; thus, this restriction remains in effect only to the extent reenacted in subsequent fiscal years. Should this restriction not be reenacted, the related provisions of this policy shall no longer be applicable.

³ FTR § 301-74.7 may be relied upon as a basis for providing light refreshments to agency employees at agency-hosted conferences only to the extent the employees are in a travel status away from their duty station. Conference planners are encouraged to review the Office of the General Counsel's FAQs on food and conferences discussed later in this section.

Section 4 – Approval Requirements

Departmental offices and operating units must obtain approval from the Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA)⁴ before incurring obligations or incurring expenditures to *host* a conference with estimated conference expenses in excess of \$500,000.

Further, Departmental offices and operating units must obtain approval from the CFO/ASA for any national interest determination related to incurring any obligation or making any expenditure to send or otherwise pay for the *attendance* of more than 50 employees stationed in the United States at a *scientific conference outside the United States*.

Subsection 4.1 – Procedure

Departmental offices and operating units must submit to the Department’s Office of Financial Reporting, Internal Controls, and Travel (OFRICT) a conference approval package **at least 45 days prior to the need to incur obligations for any conference expense**.

A conference approval package shall include:

- A cover memorandum signed by the head of the Departmental office or primary operating unit, or their deputy, explaining the nature and purpose of the conference, including how the conference is necessary and in furtherance of the agency’s mission.
 - The cover memorandum shall also explain how the conference is the most cost-effective option to achieve a compelling purpose.
 - Where it is a scientific conference outside the United States and involves the attendance of more than 50 employees stationed in the United States, the cover memorandum shall explain how incurring conference expenses to send or otherwise pay for the attendance of more than 50 employees is in the national interest.
 - If the package is submitted less than 45 days prior to the need to incur obligations for any conference expenses, the cover memorandum shall include an explanation for the late submission and the necessity for expedited review.

⁴ The Consolidated Appropriations Act, 2020, which is in effect as of the date this policy is promulgated, provides that none of the funds made available in it or any other Act may be used for travel and conference related activities not in compliance with OMB Memorandum M-12-12 or subsequent guidance (which includes Memorandum M-17-08). Pub. L. No. 116-63, Div. C, § 738(e). Because Memorandum M-12-12, as amended by Memorandum M-17-08, requires approval of estimated conference spending in excess of \$500,000 by a designated appropriate official, which the Department has designated to be the CFO/ASA, incurring obligations for such conferences prior to receiving that approval constitutes a violation of the annual appropriations Act proscription and, therefore, the Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A). Annual appropriations Act provisions are typically only in effect during the year for which enacted; thus, the requirements of this provision would remain in effect only to the extent reenacted in subsequent fiscal years.

- A completed conference checklist, which shall include a detailed breakout and aggregate of estimated conference expenses.

A template cover memorandum and checklist shall be available on OFRICT's website: http://www.osec.doc.gov/ofm/tmd/travel_management_conferences.html.

OFRICT shall be responsible for routing the conference approval packages to the appropriate Departmental reviewers and approvers. Departmental offices and operating units shall cooperate with and provide on a timely basis such information as may be requested by OFRICT to enable the effective review of conference approval packages.

For scientific conferences outside the United States for which a national interest determination has been made, OFRICT shall coordinate with the Office of Budget to ensure notice of the determination and its basis is provided to the Committee on Appropriations of each house of Congress within 15 days of its approval.

Departmental offices and operating units shall not materially deviate from the conference plans presented and approved under this section without notifying OFRICT.

Section 5 – Reporting Requirements

The Department shall provide periodic reports of certain conferences to the Office of the Inspector General (OIG), and it shall post to its website an annual report of hosted conferences as provided in this section.

Subsection 5.1 – Quarterly Notification to the OIG

The Department will provide quarterly notifications to the OIG of the date, location, and number of Department employees *attending* a conference hosted by *any* Executive branch department, agency, board, commission, or office during the covered quarter where conference expenses of the Department exceeded \$20,000 (this includes conferences hosted by a Departmental office or operating unit).⁵

Departmental offices and operating units shall be responsible for submitting quarterly data to OFRICT for any such conference. Such data is to be provided to OFRICT using the template available on its website: http://www.osec.doc.gov/ofm/tmd/travel_management_conferences.html.

OFRICT shall collect, compile, and report this data to the OIG within 15 days after the end of each quarter.

⁵ This notification is required by the Consolidated Appropriations Act, 2020, which is in effect as of the date this policy is promulgated. Pub. L. No. 116-63, Div. C, § 738(c). Annual appropriations Act provisions are typically only in effect during the year for which enacted; thus, the requirements of this provision remain in effect only to the extent reenacted in subsequent fiscal years.

Subsection 5.2 – Annual Report to the OIG

The Department will provide an annual report to the OIG regarding conference expenses incurred and contracting procedures related to each conference *hosted* by a Departmental office or operating unit during the covered fiscal year where conference expenses exceeded \$100,000.⁶

The report shall describe for each covered conference:

- The conference's purpose;
- The number of participants attending the conference;
- The costs incurred, including—
 - The cost of any food or beverages,
 - The cost of any audio-visual services,
 - The cost of employee or contractor travel to and from the conference, and
 - The methodology used to determine which costs relate to the conference; and
- The contracting procedures used, including whether contracts were awarded on a competitive basis and any cost comparison conducted in evaluating potential contractors for the conference.

Within 30 days of the end of each quarter, Departmental offices and operating units shall complete the actual cost column of the conference checklist submitted under section 4, above, for any conference it hosted during that quarter and submit it to OFRICT to enable its compilation of the annual report. Bureaus shall update the actual cost column with any changes that may have occurred since the estimated conference expenses were approved, such as adjusting for the actual number of attendees. If final invoices have not been received by the time reporting would otherwise be required by this subsection, the Departmental office or operating unit shall provide the actual costs to OFRICT as soon as practicable. If the reported actual conference expenses vary by more than 10% from the estimated conferences approved under section 4, above, the Departmental office or operating shall explain the cause of the variance.

For conferences that did not require approval under section 4, above, the Departmental office or operating unit shall report the actual costs using the conference checklist template, completing only the actual cost column as appropriate for each category of expenditure.

OFRICT shall collect, compile, and report this data to the OIG annually.

Subsection 5.3 – Annual Report on the Department's Website

By January 31 of each year, the Department shall post on its official website a description of all conferences *hosted* by a Departmental office or operating unit during the previous fiscal year

⁶ This report is required by the Consolidated Appropriations Act, 2020, which is in effect as of the date this policy is promulgated. Pub. L. No. 116-63, Div. C, § 738(a). Annual appropriations Act provisions are typically only in effect during the year for which enacted; thus, the requirements of this provision remain in effect only to the extent reenacted in subsequent fiscal years.

where the conference expenses of the Department exceeded \$100,000. This description shall include:

- the total conference expenses incurred by the agency for the conference;
- the location of the conference;
- the date of the conference;
- a brief explanation of how the conference advanced the mission of the agency;
- the total number of individuals whose travel expenses or other conference expenses were paid by the agency; and
- where the conference expenses exceeded \$500,000, the explanation for how the conference was the most cost-effective option to achieve a compelling purpose.

Section 6 – Department Level Review

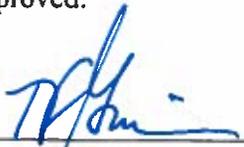
The Department will conduct annual reviews by requesting samples of conferences below the \$500,000 threshold to ensure that Departmental office or operating unit management is exercising good judgment and following the requirements in the FTR, FAR, and FTR Part 301-74. Bureaus shall provide approved conference information, reports, and supporting documentation within one week of the Department's request.

Section 7 – References

This policy is promulgated under the authority delegated to the Chief Financial Officer and Assistant Secretary for Administration by DOO 10-5, § 3.02.a. and .o.

This policy implements statutory requirements found in the Consolidated Appropriations Act, 2020, Pub. L. No. 116-63, Div. B, § 523; Div. C § 738, and OMB Memorandum M-12-12, as amended by Memorandum M-17-08 and as further clarified by General Services Administration Bulletin FTR 14-02 (Dec. 13, 2013).

Approved:



Thomas F. Gilman
Chief Financial Officer
and Assistant Secretary for Administration

9/15/20
Date