

GOVERNMENT SPENDING ACCOUNTABILITY ACT OF 2013

JULY 30, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ISSA, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 313) to amend title 5, United States Code, to institute spending limits and transparency requirements for Federal conference and travel expenditures, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Government Spending Accountability Act of 2013” or the “GSA Act of 2013”.

SEC. 2. LIMITS AND TRANSPARENCY FOR CONFERENCE AND TRAVEL SPENDING.

(a) **AMENDMENT.**—Chapter 57 of title 5, United States Code, is amended by inserting after section 5711 the following:

“§ 5712. Limits and transparency for conference and travel spending

“(a) **CONFERENCE TRANSPARENCY AND SPENDING LIMITS.**—

“(1) **PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.**—Each agency shall post on the public website of that agency detailed information on any presentation made by any employee of that agency at a conference (except to the extent the head of an agency excludes such information for reasons of national security) including—

“(A) the prepared text of any verbal presentation made; and

“(B) any visual, digital, video, or audio materials presented, including photographs, slides, and audio-visual recordings.

“(2) **LIMITS ON AMOUNT EXPENDED ON A CONFERENCE.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), an agency may not expend more than \$500,000 to support a single conference.

“(B) **EXCEPTION.**—The head of an agency may waive the limitation in subparagraph (A) for a specific conference after making a determination that the expenditure is justified as the most cost-effective option to achieve a compelling purpose. The head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subparagraph, including the justification for such waiver.

“(C) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to preclude an agency from receiving financial support or other assistance from a private entity to pay or defray the costs of a conference the total cost of which exceeds \$500,000.

“(b) **INTERNATIONAL CONFERENCE RULE.**—An agency may not pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any international conference, unless the Secretary of State determines that attendance for such employees is in the national interest, or the head of the agency determines that attendance for such employees is critical to the agency’s mission. The Secretary of State and the head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subsection, including the justification for such waiver.

“(c) **REPORTING ON TRAVEL AND CONFERENCE EXPENSES REQUIRED.**—At the beginning of each quarter of each fiscal year, each agency shall post on the public website of that agency a report on each conference that costs more than \$10,000 for which the agency paid travel expenses during the preceding 3 months that includes—

“(1) the itemized expenses paid by the agency, including travel, lodging, and meal expenses, and any other agency expenditures to otherwise support the conference;

“(2) the primary sponsor of the conference;

“(3) the location of the conference;

“(4) the date of the conference;

“(5) a brief explanation of how the participation of employees from such agency at the conference advanced the mission of the agency;

“(6) the title of any employee, or any individual who is not a Federal employee, whose travel expenses or other conference expenses were paid by the agency;

“(7) the total number of individuals whose travel expenses or other conference expenses were paid by the agency; and

“(8) in the case of a conference for which that agency was the primary sponsor, a statement that—

“(A) describes the cost to the agency of selecting the specific conference venue;

“(B) describes why the location was selected, including a justification for such selection;

“(C) demonstrates the cost efficiency of the location;

“(D) provides a cost benefit analysis of holding a conference rather than conducting a teleconference; and

“(E) describes any financial support or other assistance from a private entity used to pay or defray the costs of the conference, and for each case where such support or assistance was used, the head of the agency shall include a certification that there is no conflict of interest resulting from such support or assistance.

“(d) **FORMAT AND PUBLICATION OF REPORTS.**—Each report posted on the public website under subsection (c) shall—

“(1) be in a searchable electronic format; and

“(2) remain on that website for at least 5 years after the date of posting.

“(e) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given that term under section 5701, but does not include the government of the District of Columbia.

“(2) CONFERENCE.—The term ‘conference’ means a meeting, retreat, seminar, symposium, or event that—

“(A) is held for consultation, education, discussion, or training; and

“(B) is not held entirely at a Government facility.

“(3) INTERNATIONAL CONFERENCE.—The term ‘international conference’ means a conference occurring outside the United States attended by representatives of—

“(A) the Government of the United States; and

“(B) any foreign government, international organization, or foreign non-governmental organization.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5711 the following:

“5712. Limits and transparency for conference and travel spending.”.

(c) ANNUAL TRAVEL EXPENSE LIMITS.—

(1) IN GENERAL.—In the case of each of fiscal years 2014 through 2018, an agency (as defined under section 5712(e) of title 5, United States Code, as added by subsection (a)) may not make, or obligate to make, expenditures for travel expenses, in an aggregate amount greater than 70 percent of the aggregate amount of such expenses for fiscal year 2010.

(2) IDENTIFICATION OF TRAVEL EXPENSES.—

(A) RESPONSIBILITIES.—Not later than September 30, 2013, and after consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts, the Director of the Office of Management and Budget shall establish guidelines for the determination of what expenses constitute travel expenses for purposes of this subsection. The guidelines shall identify specific expenses, and classes of expenses, that are to be treated as travel expenses.

(B) EXEMPTION FOR MILITARY TRAVEL.—The guidelines required under subparagraph (A) shall exclude military travel expenses in determining what expenses constitute travel expenses. Military travel expenses shall include travel expenses involving military combat, the training or deployment of uniformed military personnel, and such other travel expenses as determined by the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

In May 2012, the Committee held a hearing on a General Services Administration (GSA) conference in Las Vegas, Nevada that cost taxpayers more than \$820,000. Since that hearing, the Committee has uncovered multiple agency conferences that had questionable costs and included activities of dubious value. H.R. 313 seeks to curb wasteful Executive Branch conference and travel spending.

BACKGROUND AND NEED FOR LEGISLATION

Shortly following the highly-publicized GSA Las Vegas conference boondoggle, the Office of Management and Budget (OMB) issued a May 2012 memo outlining new policies and procedures for federal travel and conferences. The OMB guidance instructs the heads of federal departments and agencies to reduce travel spending for FY 2013 to 70 percent of the FY 2010 level.

In addition, the OMB memo offers new rules for conferences, such as requiring senior level review for all planned events, senior level approval and public reporting for those events costing in ex-

cess of \$100,000, and a general prohibition on events costing more than \$500,000 unless the agency head provides a waiver.

During fiscal year 2012 alone, there were nearly 900 federal conferences that each cost in excess of \$100,000. The total cost of these “major events” exceeded \$340 million dollars.

H.R. 313 codifies OMB’s travel and conference guidelines—with some important changes:

While exempting military travel, the bill ensures that agencies achieve a 70-percent reduction in non-military related travel by eliminating loopholes in the OMB memo.

The bill also requires agencies to post online, on a quarterly basis, detailed, itemized reports of all conference spending above \$10,000. The reports are to include a cost-benefit analysis of conducting a conference instead of a teleconference. The bill also requires that prepared materials presented at a conference by a federal employee be made publicly available online.

LEGISLATIVE HISTORY

On April 25, 2012, the Senate adopted S. 1789, the 21st Century Postal Reform Act, by a vote of 62–37. During floor consideration of S. 1789, the Senate adopted by voice vote an amendment offered by Senator Tom Coburn of Oklahoma limiting overall federal travel spending, curbing travel for international conferences, and setting additional transparency measures for domestic and international conference spending. The amendment was incorporated as Title V of the bill, as adopted by the Senate.

Later the same day, the House adopted by voice vote under suspension of the rules H.R. 2146, the Digital Accountability and Transparency Act (DATA Act), as amended. Section 308 of the floor version of DATA contained federal travel and conference spending language largely paralleling the language of the Coburn amendment to S. 1789. The DATA Act as passed by the House also instituted new transparency requirements across the Government applicable to all federal spending data, including travel and conference-related spending.

Last year, the Committee reported a bill introduced by Representative Joe Walsh (H.R. 4631, the Government Spending Accountability Act, or GSA Act) that was subsequently adopted by the full House. The text of the Walsh bill was similar to the travel/conference language in the House-passed DATA Act. The Senate never took action on the GSA Act.

Before her retirement earlier this year, Representative Jo Ann Emerson reintroduced the GSA Act as H.R. 313, on January 18, 2013. Chairman Farenthold subsequently assumed primary sponsorship of the bill.

In February 2013, the Federal Workforce Subcommittee held a hearing on federal agency spending on travel and conferences. This hearing uncovered a significant amount of waste, including a conference where an agency was spending more than \$47 per employee for lunch, and in which more than a third of the conference budget was dedicated to administrative costs and fees.

On March 20, 2013, the Oversight and Government Reform Committee unanimously approved H.R. 313 after adopting an amendment in the nature of a substitute and two additional amendments.

SECTION-BY-SECTION

Section 1. Short title. The Act may be cited as “Government Spending Accountability Act of 2013” or the “GSA Act of 2013.”

Section 2. Limits and transparency for conference and travel spending

A new section 5712 is added to Chapter 57 of title 5, United States Code, entitled, “Limits and transparency for conference and travel spending.”

Under this section, each agency must make publicly available material presented by an employee of that agency at a conference, unless the head of the agency excludes such information due to national security concerns.

Section 5712 also limits the total amount of money an agency can spend on any conference to \$500,000. The head of an agency may waive that limitation for a specific conference after making a determination that the expenditure is justified as the most cost-effective option to achieve a compelling purpose. The head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subparagraph, including the justification for such waiver.

Agencies are prohibited from paying travel expenses for more than 50 U.S.-stationed employees to attend any international conference. A waiver can be granted by the Secretary of State, or an agency head.

Each agency is required to post on a quarterly basis on its website a report on each conference for which it paid travel expenses during the preceding three months. Each conference report is required to include several required elements, including itemized expenses paid by the agency, travel expenses, the event sponsor, the location, a brief explanation of how participation advanced the mission of the agency, etc.

For conferences for which the agency is the primary sponsor, the report is to include a statement that describes the cost to the agency of selecting the specific conference venue; describes why the location was selected; demonstrates the cost efficiency of the location; provides a cost benefit analysis of holding a conference rather than a teleconference; and describes any financial support from a private entity used to defray the cost of the conference.

Each report is to be in a searchable electronic format and shall remain on the agency website for at least 5 years after the date of posting.

The term “agency” has the meaning given that term under section 5701, but does not include the government of the District of Columbia.

The term “conference” means a meeting, retreat, seminar, symposium, or event that—

(A) is held for consultation, education, discussion, or training; and

(B) is not held entirely at a Government facility.

The term “international conference” means a conference occurring outside the United States attended by representatives of—

(A) the Government of the United States; and

(B) any foreign government, international organization, or foreign nongovernmental organization.

The table of sections for chapter 57 of title 5, United States Code, is amended.

Annual travel expenditures by each agency for each of fiscal years 2014 through 2018 are limited to 70 percent of the amount the agency spent on travel in fiscal year 2010.

The Office of Management and Budget, in consultation with the General Services Administration, and the Administrative Office of the United States Courts, is to establish guidelines no later than September 30, 2013, for determining what expenses constitute travel expenses. The guidelines are to establish specific expenses, and classes of expenses, to be treated as travel expenses.

The guidelines are to exclude military travel expenses from the definition of travel expenses. Military expenses are to include travel expenses involving military combat, the training or deployment of uniformed military personnel, and other travel expenses as determined in the guidelines.

EXPLANATION OF AMENDMENTS

Mr. Farenthold offered an amendment in the nature of a substitute that made technical changes to the bill and eliminated the 25-mile employee travel requirement in the definition of “conference.” The amendment was adopted.

Mr. Clay offered an amendment to allow an agency head to waive the 50 employee limitation for international conferences if it is determined that additional employees’ attendance is critical to the agency mission. The amendment was adopted.

Mr. Clay offered an amendment to establish a \$50,000 cost threshold for the reporting and posting requirements of prepared materials. Mr. Issa offered an amendment revising the Clay amendment to lower that threshold to \$10,000. The Issa amendment to the Clay amendment was adopted, and then the Clay amendment was adopted.

COMMITTEE CONSIDERATION

On March 20, 2013, the Committee met in open session and ordered reported favorably the bill, H.R. 313, as amended, by voice vote, a quorum being present.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill curbs wasteful Executive Branch conference and travel spending. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Commit-

tee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 313 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

H.R. 313 directs the Office of Management and Budget, in consultation with the General Services Administration, and the Administrative Office of the United States Courts, to establish guidelines no later than September 30, 2013, for determining what expenses constitute travel expenses. The guidelines are to establish specific expenses, and classes of expenses, to be treated as travel expenses.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 313 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 313. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 313 from the Director of Congressional Budget Office:

APRIL 11, 2013.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 313, the GSA Act of 2013.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 313—GSA Act of 2013

H.R. 313 would require federal agencies to post on their public Web sites any information presented by federal employees at a conference. In addition, agencies would be required to provide quarterly reports to the Congress listing any conference, meeting, or event employees attended that involved travel expenses of more than \$10,000 over a three-month period. Under the bill, attendance at international conferences would be limited to 50 federal employees that are stationed in the United States unless a waiver is granted by the State Department. The bill also would limit agencies' authority, over the next five years, to obligate funds for travel expenses (other than military travel) to 70 percent of the amount spent on travel in 2010. Finally, under the legislation, agencies would be prohibited from spending more than \$500,000 to support a single conference.

CBO estimates that implementing H.R. 313 would have no significant net impact on the budget over the 2014–2018 period. We expect that there would be some minor, additional administrative costs for agencies to prepare reports on travel expenses and to post materials on their Web sites. Civilian agencies spent about \$6.5 billion on travel-related expenses in fiscal year 2010 and about \$5.5 billion in fiscal year 2011. By limiting the ability of agencies to obligate funds for travel costs over the 2014–2018 period to 70 percent of the amount spent in 2010, the legislation would probably result in a shift of spending to other activities. This provision might also lead to higher acquisition and leasing costs for additional equipment, such as telecommunications technologies. Thus, CBO expects that such a limitation would not result in significantly lower total spending by federal agencies unless total budgetary resources available to agencies to pay for administrative costs are reduced. Any net change in spending that would result from

implementing H.R. 313 would depend on the amounts provided in future appropriation acts.

The bill could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net change in spending by those agencies would not be significant. Enacting H.R. 313 would not affect revenues.

H.R. 313 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

Sec.

5701. Definitions.

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5712. *Limits and transparency for conference and travel spending.*

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

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§5712. Limits and transparency for conference and travel spending

(a) CONFERENCE TRANSPARENCY AND SPENDING LIMITS.—

(1) PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.—*Each agency shall post on the public website of that agency detailed information on any presentation made by any employee of that agency at a conference (except to the extent the head of an agen-*

cy excludes such information for reasons of national security) including—

(A) the prepared text of any verbal presentation made; and

(B) any visual, digital, video, or audio materials presented, including photographs, slides, and audio-visual recordings.

(2) LIMITS ON AMOUNT EXPENDED ON A CONFERENCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an agency may not expend more than \$500,000 to support a single conference.

(B) EXCEPTION.—The head of an agency may waive the limitation in subparagraph (A) for a specific conference after making a determination that the expenditure is justified as the most cost-effective option to achieve a compelling purpose. The head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subparagraph, including the justification for such waiver.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude an agency from receiving financial support or other assistance from a private entity to pay or defray the costs of a conference the total cost of which exceeds \$500,000.

(b) INTERNATIONAL CONFERENCE RULE.—An agency may not pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any international conference, unless the Secretary of State determines that attendance for such employees is in the national interest, or the head of the agency determines that attendance for such employees is critical to the agency's mission. The Secretary of State and the head of an agency shall submit to the appropriate congressional committees a report on any waiver granted under this subsection, including the justification for such waiver.

(c) REPORTING ON TRAVEL AND CONFERENCE EXPENSES REQUIRED.—At the beginning of each quarter of each fiscal year, each agency shall post on the public website of that agency a report on each conference that costs more than \$10,000 for which the agency paid travel expenses during the preceding 3 months that includes—

(1) the itemized expenses paid by the agency, including travel, lodging, and meal expenses, and any other agency expenditures to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) the date of the conference;

(5) a brief explanation of how the participation of employees from such agency at the conference advanced the mission of the agency;

(6) the title of any employee, or any individual who is not a Federal employee, whose travel expenses or other conference expenses were paid by the agency;

(7) the total number of individuals whose travel expenses or other conference expenses were paid by the agency; and

(8) in the case of a conference for which that agency was the primary sponsor, a statement that—

(A) describes the cost to the agency of selecting the specific conference venue;

(B) describes why the location was selected, including a justification for such selection;

(C) demonstrates the cost efficiency of the location;

(D) provides a cost benefit analysis of holding a conference rather than conducting a teleconference; and

(E) describes any financial support or other assistance from a private entity used to pay or defray the costs of the conference, and for each case where such support or assistance was used, the head of the agency shall include a certification that there is no conflict of interest resulting from such support or assistance.

(d) **FORMAT AND PUBLICATION OF REPORTS.**—Each report posted on the public website under subsection (c) shall—

(1) be in a searchable electronic format; and

(2) remain on that website for at least 5 years after the date of posting.

(e) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given that term under section 5701, but does not include the government of the District of Columbia.

(2) **CONFERENCE.**—The term “conference” means a meeting, retreat, seminar, symposium, or event that—

(A) is held for consultation, education, discussion, or training; and

(B) is not held entirely at a Government facility.

(3) **INTERNATIONAL CONFERENCE.**—The term “international conference” means a conference occurring outside the United States attended by representatives of—

(A) the Government of the United States; and

(B) any foreign government, international organization, or foreign nongovernmental organization.

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