

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-268 }

CONFERENCE ACCOUNTABILITY ACT
OF 2014

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

together with

ADDITIONAL VIEWS

TO ACCOMPANY

S. 1347

TO PROVIDE TRANSPARENCY, ACCOUNTABILITY, AND
LIMITATIONS OF GOVERNMENT SPONSORED CONFERENCES



OCTOBER 1, 2014.—Ordered to be printed
Filed, under authority of the order of the Senate of September 18, 2014

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CONFERENCE ACCOUNTABILITY ACT OF 2014

OCTOBER 1, 2014.—Ordered to be printed

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Mr. CARPER, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany S. 1347]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1347), to provide transparency, accountability, and limitations of Government sponsored conferences, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The Conference Accountability Act of 2014 seeks to ensure that federal agencies spend responsibly and act transparently when hosting and sending employees to conferences. It increases the transparency of conference spending by requiring agencies to pub-

lish quarterly reports on conferences that exceed a certain amount. The bill establishes limits on the total amount agencies can spend on conferences, caps spending on a single conference at \$500,000, and prohibits agencies from sending more than 50 employees to a single international conference.

II. BACKGROUND AND NEED FOR LEGISLATION

The past decade has witnessed several well documented cases of excessive and wasteful spending at government conferences across the federal government, including the Department of Justice,¹ the Department of Veterans Affairs² and the Internal Revenue Service.³ The most egregious example of wasteful conference spending was the Western Regions Conference held by the General Services Administration (“GSA”) in 2010. In that instance, GSA spent nearly \$900,000 on an excessive and wasteful conference in Las Vegas, including more than \$100,000 in planning costs, \$75,000 for a bicycle building exercise, and nearly \$150,000 on food. The Inspector General report on GSA’s Las Vegas conference⁴ attracted sustained media attention and resulted in significant changes at the agency.

In September 2011, shortly after a Department of Justice Inspector General report on excessive spending at a number of law enforcement conferences,⁵ the Office of Management and Budget (“OMB”) attempted to address the issue of excessive conference spending with the release of OMB Memorandum 11–35, “Eliminating Excess Conference Spending and Promoting Efficiency in Government.”⁶ OMB’s September 2011 memo instructed all agencies and departments to thoroughly review the policies and controls associated with conference-related activities and expenses. The memo further stated that until an agency could certify that the appropriate policies and controls are in place to guard against inappropriate spending on conferences, the Deputy Secretary of an agency must approve all conference-related activities and expenses.⁷

In May 2012, a month after the GSA’s excessive spending came to light, OMB issued more specific guidance⁸ aimed at reducing federal spending on conferences and agency travel and to improve accountability on such spending. Under the guidance, a Deputy Secretary of an agency is required to review any conference spending greater than \$100,000, and conferences costing more than

¹See Department of Justice Inspector General report, *Audit of Department of Justice Conference Planning and Food and Beverage Costs* (Revised Version), October, 2011 at <http://www.justice.gov/oig/reports/plus/a1143.pdf>.

²See Department of Veterans Affairs Inspector General report, *Administrative Investigation of the FY 2011 Human Resources Conferences in Orlando, Florida*, September 30, 2012 at <http://www.va.gov/oig/pubs/VAOIG-12-02525-291R.pdf>.

³See Treasury Inspector General for Tax Administration report, *Review of the August 2010 Small Business/Self-Employed Division’s Conference in Anaheim, California*, May 31, 2013 at <http://www.treasury.gov/tigta/auditreports/2013reports/201310037r.pdf>.

⁴See Government Services Administration Inspector General report, *Management Deficiency Report: General Services Administration Public Buildings Service, 2010 Western Regions Conference*, April 2, 2012 at <http://www.gsaig.gov/?LinkServID=90537F5B-FBF8-E39E-A4F0D09005742C28&showMeta=0>

⁵Department of Justice Inspector General report, *supra* note 1.

⁶See OMB Memorandum 11–35, *Eliminating Excess Conference Spending and Promoting Efficiency in Government*, September 21, 2011 at <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-35.pdf>.

⁷*Id.*

⁸See Office of Management and Budget Memorandum–12–12, *Promoting Efficient Spending to Support Agency Operations*, May 11, 2012 at <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-12.pdf>.

\$500,000 are prohibited unless the spending is specifically approved by the Secretary of the agency. Furthermore, starting on January 31, 2013 and every January thereafter, agencies are required to report publicly on all conference expenses in excess of \$100,000.

In addition to the 2012 OMB guidance, recent appropriations bills have included reporting requirements on agency conference spending, as well as restrictions on such spending. For example, in January 2014, the omnibus appropriations bill that was enacted for fiscal year 2014 contained language that required agencies to submit annual reports to the agency's Inspector General detailing costs and contracting information for each conference held by an agency that cost more than \$100,000.⁹ That bill also restricted agencies from paying for the attendance of more than 50 employees at an international conference.¹⁰

Following the release of OMB guidance and reporting requirements in appropriations bills, agency spending on conferences significantly decreased. In fiscal year 2013, agencies had cut travel expenditures by \$3 billion as compared to fiscal year 2010 spending.¹¹ However, despite the drop in conference spending that has taken place, further legislative action is needed in order to ensure that transparency and accountability continue. The OMB guidance is merely that—guidance, subject to changing administrations. Furthermore, annual appropriations bills are not the best or most appropriate method for codifying important transparency and reporting requirements.

The Conference Accountability Act would codify several of the requirements in the OMB guidance and annual appropriations bills and provide certainty that these transparency measures will continue to provide insight into conference spending by federal agencies. The bill would: require agencies to publish quarterly reports on conferences that exceed a certain amount; establish limits on the amount agencies can spend on conferences; prohibit agencies from spending more than \$500,000 to support a single conference; and prohibit agencies from paying for more than 50 employees to attend a single international conference. These common sense reforms would bring transparency to conference spending, helping to ensure that the excesses of the past cannot take place again in the future.

Finally, thanks to technological advancements, agencies will continue to cut conference and meeting costs through technology, conference calls, and webinars. However, the Committee recognizes the importance of face to face meetings within and among agencies and, more importantly, with those who work outside the federal government. This Committee has heard from numerous groups—including state regulatory agencies, non-profits, military associations,

⁹ Consolidated Appropriations Act, 2014, Pub. L. No. 113–76, § 742 (2014).

¹⁰ Consolidated Appropriations Act, 2014, Pub. L. No. 113–76, §§ 526, 560 and 7051 (2014).

¹¹ Testimony of Beth F. Cobert, Deputy Director for Management, Office of Management and Budget, “*Examining Conference and Travel Spending Across the Federal Government*,” hearing before the Senate Committee on Homeland Security and Governmental Affairs, 113th Cong. (January 14, 2014). A January 2014 report by Rep. John L. Mica, Chairman of the House of Representatives Subcommittee on Government Operations, also found that conference spending at the GSA, Internal Revenue Services, Veterans Affairs Administration and Department of Defense, was reduced by more than \$200 million between 2010 and 2012. See U.S. House of Representatives Staff report, *Oversight of Conference Spending Saves Taxpayers Hundreds of Millions of Dollars*, (January 3, 2014), available at <http://mica.house.gov/uploads/2014%2001%2003%20Federal%20Conference%20Spending%20Reductions%20FINAL.pdf>

and scientists—that are very concerned that conference and travel limitations could cut off their primary means of communication with federal agencies and affect their ability to interact with the government.¹² The Committee recognizes that, when properly planned and managed, conferences can help foster collaboration and partnerships among government employees, state regulators, academia and industry. This bill would help strike the necessary balance between the need for federal travel and the need to manage federal resources responsibly.

III. LEGISLATIVE HISTORY

Senator Coburn introduced S. 1347, the Conference Accountability Act of 2013, on July 23, 2013. The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senators Ayotte, Chiesa, Enzi and McCain cosponsored the bill. The bill is similar to H.R. 313, the Government Spending Accountability Act of 2013, which passed the House of Representatives on July 31, 2013 by voice vote on a motion to suspend the rules and pass the bill.

The Committee held a hearing on January 14, 2014 titled “Examining Conference and Travel Spending across the Federal Government.” Witnesses included Beth Cobert, the Deputy Director for Management at OMB, Daniel Tangherlini, the Administrator of the General Services Administration, the Inspectors General of the General Services Administration and the Department of Justice, and the Treasury Inspector General for Tax Administration.

The Committee considered S. 1347 at a business meeting on July 30, 2014. Senators Coburn, Heitkamp, McCain, and McCaskill offered a substitute amendment that made a number of changes to the bill as introduced. These include changes to the spending limitations on conferences; a change in the cost threshold triggering reporting on conference spending; an exemption from reporting for military travel for combat, training, and deployment; an exemption from reporting for the disclosure of unpublished research, as well as for information that would undermine national security, international diplomacy, and other national concerns; and changes in authority to waive limitations on international conferences and spending limits. The Committee adopted the substitute amendment and then ordered the bill, as amended, reported favorably, both by voice vote on July 30, 2014. Senators present for both votes were Senators Carper, Levin, McCaskill, Begich, Baldwin, Coburn, Johnson, and Ayotte. Senator Landrieu was also present for the vote on the bill as amended. Senator Levin requested to be recorded as voting “no” on the bill.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title as the “Conference Accountability Act of 2014.”

¹²See Statements for the Record in the appendix to the “Examining Conference and Travel Spending Across the Federal Government,” hearing before the Senate Committee on Homeland Security and Governmental Affairs, 113th Cong. (January 14, 2014).

Section 2. Definitions

This section defines the term “agency” as having the meaning given that term in section 5 U.S.C. § 5701(1), which is: an executive agency; a military department; an office, agency, or other establishment in the legislative branch; an office, agency, or other establishment in the judicial branch; and the government of the District of Columbia. It does not include a government controlled corporation, a Member of Congress, or an office or committee of either House of Congress or of the two Houses.¹³

This section defines the term “conference” as having the meaning given that term in section 300–3.1 of 41 Code of Federal Regulations: a meeting, retreat, seminar, symposium, or event that involves attendee travel.

Section 3. Government sponsored conferences

This section prohibits agencies from paying for travel costs for more than 50 employees to attend a single international conference unless the Deputy Secretary (or equivalent position, as appropriate) and Chief Financial Officer (CFO) from that agency submit a justification to Congress that it is in the national interest.

It also requires that each agency publish quarterly online reports on conferences exceeding \$50,000. The report must include information outlining:

- (1) itemized expenses paid by the agency;
- (2) the primary sponsor of the conference;
- (3) the location of the conference;
- (4) in the case of a conference for which that agency was the primary sponsor, a statement that—
 - (A) justifies the location selected;
 - (B) demonstrates the cost efficiency of the location; and
 - (C) provides a cost benefit analysis of holding a conference rather than conducting a teleconference, video conference, video training, or other means of remote communication;
- (5) the date of the conference;
- (6) an explanation of how the conference advanced the mission of the agency;
- (7) the pay grade of any federal employee or any individual who is not a federal employee whose travel expenses or other conference expenses were paid by the agency;
- (8) the total number of individuals whose travel expenses or other conference expenses were paid by the agency;
- (9) detailed information on any presentation made by a federal employee at the conference, including any speech, visual exhibit, photograph, slide, or video, digital, or audio recording; and
- (10) information regarding any financial support or other assistance from a foundation or other non-federal source used to pay or defray the costs of the conference, which shall include a certification by the head of the agency that there is no conflict of interest resulting from the support received from each such source.

¹³ 5 U.S.C § 5701(1).

This information is not required for military combat or training travel, and certain information may be excluded that is national security or law enforcement sensitive. Previously unpublished scientific and medical research is also exempted from disclosure.

This section also prohibits an agency from spending more than \$500,000 to support a single conference, unless the agency head and CFO submit a written certification in advance to Congress that it is in the national interest. Such certification would include an estimate of the total cost, the dates, an estimate of the number of federal employees attending, planning costs, and an explanation of how it advances the mission of the agency.

Finally, section 3 prohibits agencies from establishing policies that discourage or prohibit destinations that are perceived as resort locations when selecting locations for conferences. This provision would ensure that no location is “black listed.”

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rule. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private sector-mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 28, 2014.

Hon. TOM CARPER,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1347, the Conference Accountability Act of 2014.

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.

S. 1347—Conference Accountability Act of 2014

CBO estimates that implementing S. 1347 would have no significant net effect on the federal budget over the 2015–2019 period. The legislation would limit to \$500,000 the amount any federal agency could spend to attend or host a single conference. Under the bill, no more than 50 federal employees working for the same department and stationed in the United States would be allowed to attend the same conference held outside of the United States. In addition, the legislation would require each agency to post quarterly reports on its website containing detailed information about all conferences hosted or attended by their employees that involve expenses of \$50,000 or more.

Most of the provisions of S. 1347 would codify or expand current practices of the federal government. Through Executive Orders,

memorandums, and bulletins, federal agencies have already been directed to reduce conference and travel costs, as well as to review the need to attend conferences with expenses over various thresholds. The federal government spent almost \$15 billion on travel-related expenses in fiscal year 2012 and almost \$12 billion in fiscal year 2013. We expect that there would be some minor additional costs for agencies to prepare reports on travel expenses and to post materials on their websites.

The legislation also could affect direct spending by agencies not funded through annual appropriations. Therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting the bill would not affect revenues.

S. 1347 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.

VII. ADDITIONAL VIEWS

ADDITIONAL VIEWS OF SENATOR CARL LEVIN ON S. 1347, THE CONFERENCE ACCOUNTABILITY ACT, SEPTEMBER 19, 2014

The Conference Accountability Act (S. 1347) would impose unnecessary bureaucratic red tape and constrain our nation's scientific and military communities from needed collaboration and training. While I share the Committee's concern about wasteful and inappropriate conference spending, I believe that targeted measures to improve transparency and accountability, similar to those being implemented by the Administration, are a better approach than the one-size-fits-all, excessively bureaucratic approach taken in this bill.

As the Committee notes, reports have identified examples of wasteful spending on conferences attended by federal employees in previous years. In response, nearly three years ago, in September 2011, the Office of Management and Budget (OMB) began taking steps to prevent wasteful spending on conferences by issuing Memorandum 11-35. A year later, OMB put in place further accountability on conference spending by publishing Memorandum 12-12, which reduced federal travel spending, established a stricter regime of senior level approval for moderate and large conference expenditures, and instituted a public reporting process.

Two years after Memorandum 12-12, it appears that the OMB directives are working. The Committee's report does not cite examples of wasteful conference spending that occurred after the issuance of the second OMB memorandum. Further, federal spending on conferences dropped by more than 50% from fiscal year 2010 to 2013, with employees attending nearly 500 fewer conferences than before the memorandum. Given these facts, it would be reasonable to conclude that the OMB's memoranda are addressing concerns with spending on conferences.

In comparison to the existing OMB efforts, the Conference Accountability Act would put in place an unnecessary, one-size-fits-all policy on conference spending. The Committee suggests that "further legislative action is needed in order to ensure that transparency and accountability continue." First, the Committee's assertion that legislative action is necessary leads to the one-size-fits-all approach in the bill. Second, absent a failure of administrative efforts in this area, conference spending policies are best established at the executive branch level to ensure agencies have the flexibility to respond to unique agency needs and new developments. For example, the Conference Accountability Act would establish a rigid, overly broad statutory definition of "conference" that, according to the Department of Defense (DOD), could cover contingency plan-

ning meetings, regional security cooperation seminars, nuclear assuredness inspections, and even a soldier's attendance at Airborne School. Unlike one-size-fits-all legislation, administrative guidance provides flexibility to make common sense exceptions for examples like those above, on an as-needed basis.

Although the Committee report suggests that the Conference Accountability Act codifies the terms of existing OMB guidance and appropriations restrictions, the bill would go much further than simply making permanent current policy. For example, current policy requires reporting of conference spending of more than \$100,000. The bill would arbitrarily reduce this level to \$50,000, even though the Committee has little evidence that the existing \$100,000 level is subject to abuse. In fact, only one example of questionable conference spending¹ cited by the Committee would fall below the \$100,000 reporting level. All other cited conferences would already have been covered at the current \$100,000 level. The bill would also mandate substantial new disclosure requirements, far in excess of what is currently required. In particular, the legislation would require itemized expenses; a cost-benefit analysis of holding a teleconference, video conference, video training, or other form of remote communication; the pay grade of employees attending the conference; and detailed information on any presentation made by a federal employee at the conference. No cost-benefit analysis has been made of these very burdensome requirements; clearly there would be significant additional costs. For the Department of Defense alone, implementation costs are estimated to be approximately \$39 million, which are not offset in the bill. It is ironic that the bill would mandate a cost-benefit analysis of every conference, yet the Committee offers no estimate of the savings that would result from the bill itself.

Additionally, the Conference Accountability Act could harm our scientific community. The bill could have a chilling effect on scientific conference attendance and presentations. By limiting attendance at many conferences, the bill could result in only senior level officials attending. However, many innovative discoveries result from collaborative efforts between less senior employees working with industry experts or international peers, and if this bill were to be enacted, these opportunities could be severely limited. 123 medical organizations and 70 scientific organizations have signed letters of opposition to this bill, and we should carefully consider the impact before passing a bill which would have such wide-ranging consequences.

The Conference Accountability Act is a bureaucratic, one-size-fits-all bill that would impose significant burdens on federal agencies without demonstrating that it would produce meaningful savings. Wasteful spending on conference attendance is unacceptable and should be stopped. However, we should stop it in a thoughtful way, which the Administration has already implemented, rather than using the blunt and unnecessarily burdensome approach of this bill.

CARL LEVIN.

¹ The Indian Country Sex Offender Pre-Conference Institute held in Palm Springs, CA on Dec. 10, 2008, which had a total cost of \$90,201, of which the Department of Justice (DOJ) Inspector General found \$5,541 was spent on overpriced food and beverage.

VIII. CHANGES IN EXISTING STATUTE MADE BY THE BILL, AS
REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the following changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

**TITLE 5. GOVERNMENT ORGANIZATION
AND EMPLOYEES**

* * * * *

**CHAPTER 57. TRAVEL, TRANSPORTATION, AND
SUBSISTENCE**

Sec.
5701. Definitions.

* * * * *

5712. *Limitations and reports on conference expenses.*

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§ 5712. *Limitations and reports on conference expenses*

(a) *In this section, the term “conference” means a meeting, retreat, seminar, symposium, or event that involves attendee travel.*

(b) *No agency may pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any conference occurring outside the United States, unless the Deputy Secretary (or the equivalent) and the Chief Financial Officer of the agency submit to Congress before the conference a written certification that attendance for such employees is in the national interest.*

(c) *Not later than 30 days after the end of each quarter of each fiscal year, each agency shall post on the public Internet website of the agency a report on each conference that was held during the preceding 3 months for which the agency expended more than \$50,000 that includes—*

(1) *the itemized expenses paid by the agency, including travel expenses, the cost of scouting for and selecting the location of the conference, and any agency expenditures to otherwise support the conference;*

(2) *the primary sponsor of the conference;*

- (3) *the location of the conference;*
 - (4) *in the case of a conference for which the agency was the primary sponsor, a statement that—*
 - (A) *justifies the location selected;*
 - (B) *demonstrates the cost efficiency of the location; and*
 - (C) *provides a cost benefit analysis of holding a conference rather than conducting a teleconference, video conference, video training, or other means of remote communication;*
 - (5) *the dates of the conference;*
 - (6) *an explanation of how the conference advanced the mission of the agency;*
 - (7) *the pay grade of any Federal employee or any individual who is not a Federal employee whose travel expenses or other conference expenses were paid by the agency;*
 - (8) *the total number of individuals whose travel expenses or other conference expenses were paid by the agency;*
 - (9) *detailed information on any presentation made by a Federal employee at the conference, including any speech, visual exhibit, photograph, slide, or video, digital, or audio recording; and*
 - (10) *information regarding any financial support or other assistance from a foundation or other non-Federal source used to pay or defray the costs of the conference, which shall include a certification that there is no conflict of interest resulting from the support received from each such source.*
- (d) *Each report posted on the public Internet website under subsection (c)—*
- (1) *shall—*
 - (A) *be in a searchable electronic format; and*
 - (B) *remain on the website for not less than 5 years after the date of posting; and*
 - (2) *shall not include—*
 - (A) *information regarding travel or conference expenses involving military combat, the training or deployment of members of the Armed Forces, or other similar expenses, as determined by the Director of the Office of Management and Budget in consultation with the Administrator of General Services; or*
 - (B) *scientific or medical research presented by a Federal employee at a conference that was previously unpublished.*
- (e) *The head of an agency may exclude certain information, expenses, and materials from a report required under subsection (c) only if the head of the agency determines that the inclusion of such information would undermine national security, international diplomacy, health and safety inspections, law enforcement, or site visits required for oversight or investigatory purposes.*