



Report to the Chairman, Committee on  
the Judiciary, U.S. Senate

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December 2015

# FEDERAL JUDICIARY

## Improvements Needed for Collecting Judges' Non-Case- Related Travel Information

Accessible Version

# GAO Highlights

Highlights of [GAO-16-70](#), a report to the Chairman, Committee on the Judiciary, U.S. Senate

## Why GAO Did This Study

The federal judiciary consists of a system of courts that has the critical responsibility of ensuring the fair and swift administration of justice in the United States. Employees and judges within the judiciary travel for a variety of purposes, including attending conferences for training and conducting judicial administration. For judges, travel not directly related to adjudicating cases has been termed NCR travel.

GAO was asked to review the judiciary's costs of judges' NCR travel and conferences. This report examines the following: (1) What has been the cost of judges' NCR travel from fiscal years 2003 through 2014 and to what extent does the judiciary collect information on its costs for judges' NCR travel? (2) How much did the judiciary spend on all conferences over \$100,000 for its employees in fiscal years 2013 and 2014, and to what extent did selected conferences conform to judiciary policy on conferences? GAO analyzed judges' NCR travel data from fiscal years 2003 through 2014, reviewed procedures for collection of NCR travel information, and interviewed judiciary officials. GAO reviewed judiciary policy for conference planning and administration, information from a non-generalizable sample of eight conferences, and interviewed judicial officials responsible for planning the conferences.

## What GAO Recommends

GAO recommends AOUSC improve its data collection system to collect and identify judges' NCR travel costs paid by the judiciary. AOUSC agreed with our recommendation.

View [GAO-16-70](#). For more information, contact David Maurer at (202) 512-8777 or [maurerd@gao.gov](mailto:maurerd@gao.gov).

December 2015

## FEDERAL JUDICIARY

### Improvements Needed for Collecting Judges' Non-Case-Related Travel Information

## What GAO Found

From fiscal years 2003 through 2014, judges have used a separate system to report their non-case-related (NCR) travel costs paid for by government and private sources. These NCR travel costs averaged \$8.8 million per year. However, while the Administrative Office of the U.S. Courts (AOUSC) tracks the costs of all official travel in its accounting systems of record, the NCR system does not collect specific information on the direct costs to the federal judiciary for judges' NCR travel. GAO found that AOUSC's data collection system for judges' NCR travel information lacked controls to standardize responses to accurately record whether NCR travel was paid for by a court or judicial agency versus other federal agencies or private entities. As a result of these limitations in the NCR travel data, GAO was not able to determine the extent to which those reported costs were paid using judiciary funds rather than other federal or private sources. According to AOUSC officials, as of November 2015, AOUSC has not decided to change the way the Judges' Non-Case-Related Travel Reporting System collects judges' NCR travel information, but is considering making improvements to the system to better collect judges' NCR travel information, including collecting the judiciary's costs of judges' NCR travel. According to the 2015 Strategic Plan for the Federal Judiciary, the judiciary must provide Congress timely and accurate information about issues affecting the administration of justice. By improving the system, AOUSC officials would be able to better collect required NCR travel information from judges and identify and report the judiciary's costs for judges' NCR travel in response to future congressional member requests.

The judiciary spent \$11.5 million on 61 conferences costing over \$100,000 in fiscal years 2013 and 2014. AOUSC began collecting information on judiciary conference spending across all courts and judicial agencies in fiscal year 2013 for conferences costing over \$100,000. This information was used to develop publicly available reports and indicated the judiciary spent \$4.6 million in fiscal year 2013 and \$6.9 million in fiscal year 2014 for conferences costing over \$100,000.

The judiciary followed its policies for conference planning and administration. GAO sampled 8 conferences from the 61 conferences held in fiscal years 2013 and 2014 costing over \$100,000 and determined the extent to which those conferences conformed to judiciary policy on conference planning and administration. GAO's results cannot be generalized to all conferences costing over \$100,000 conducted by the judiciary, but do provide insight into the judiciary's compliance with its conference policies. Conference planners for the 8 conferences GAO sampled followed judiciary policy for conference planning and administration including (1) cost considerations— suggested strategies to reduce administrative, conferee travel, lodging, meeting room, and technology costs— (2) management considerations and internal controls: judiciary requirements for internal controls and management oversight of conference planning and implementation— and (3) conference site selection— a requirement to perform cost comparisons of at least two potential conference sites and document alternative sites considered and the rationale used for selecting the conference site.

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#### **Abbreviations:**

AOUSC	Administrative Office of the U.S. Courts
APE	authorization for project expenditures
BCA	Budget Control Act of 2011
BOC	budget object classification
FJC	Federal Judicial Center
NCR	non-case-related
TDY	temporary duty
USSC	U.S. Sentencing Commission

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December 16, 2015

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate

Dear Mr. Chairman:

The federal judiciary consists of a system of courts that has the critical responsibility of ensuring the fair and swift administration of justice in the United States and handles all federal civil, criminal, and bankruptcy cases and review of administrative agency cases throughout the country. The judiciary also includes several agencies and judicial bodies that provide for its administration, self-governance, research, education, and training. Judiciary employees and judges travel to fulfill their case-related duties, and they also travel to attend conferences for a variety of purposes such as employee orientation, training, and meetings to conduct judicial administration.<sup>1</sup> For judges, travel for conferences, training, and meetings is considered travel not directly related to adjudicating cases, or non-case-related (NCR) travel.<sup>2</sup>

As we reported in June 2013, the judiciary has been affected by decreasing resources, and has been identifying and implementing options for saving money and increasing efficiency.<sup>3</sup> Further, as we reported in November 2015, the judiciary has been affected by mandatory sequestration cuts

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<sup>1</sup>For the purposes of this report, a “conference” is defined as a meeting, retreat, seminar, symposium, event, or training that involves attendee travel.

<sup>2</sup>According to Administrative Office of U.S. Courts (AOUSC) officials, all judiciary-funded travel, whether for judicial administration, attendance at judiciary-sponsored educational or other conference, or relating to a specific case, is considered by the judiciary as essential, business-related travel. Further, although the judiciary considers these travel purposes essential to the conduct of its business, it has been asked by some in Congress to separately track and report these categories of travel as a matter of interest to Congress. For this limited purpose the judiciary has defined “non-case-related” in the *Guide to Judiciary Policy’s Travel Regulations for Justices and Judges*.

<sup>3</sup>GAO, *Federal Judiciary: Efforts to Consolidate and Share Services between District and Bankruptcy Clerks’ Offices*, [GAO-13-531](#) (Washington, D.C.: June 13, 2013).

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to its budget in fiscal year 2013 by \$346 million, or by about 5 percent.<sup>4</sup> Current law requires government-wide limits in discretionary appropriations through fiscal year 2021 and sequestration of direct spending through fiscal year 2025.<sup>5</sup> With the judiciary's decrease in resources, Members of Congress have questioned the appropriateness of the judiciary's costs of travel and conferences, such as judiciary conferences that have been held at resorts in Maui, Hawaii, in 2012 and Colorado Springs, Colorado, in 2013.

This report addresses the following questions: (1) What has been the cost of judges' NCR travel from fiscal years 2003 through 2014, and to what extent does the judiciary collect information on its costs for judges' NCR travel? (2) How much did the judiciary spend on all conferences over \$100,000 for its employees in fiscal years 2013 and 2014, and to what extent did selected conferences conform to judiciary policy on conferences?

To determine the costs of judges' NCR travel, we analyzed data on judges' NCR travel from fiscal years 2003 through 2014, a time period for which data were available on the costs of judges' NCR travel. To determine the reliability of judges' NCR travel data, we conducted data testing, interviewed judiciary officials responsible for collecting and maintaining the data, and reviewed related documentation such as user guides. We determined that some of these data were sufficiently reliable to provide an average and range of reported NCR travel costs over fiscal years 2003 through 2014, but have limitations discussed later in the report. We assessed our findings related to the judiciary's collection and management practices of judges' NCR travel data against standards in *Standards for Internal Control in the Federal Government*.<sup>6</sup> Although the judiciary is not required by law to abide by the *Standards for Internal Control*, the management controls described in the *Standards for Internal*

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<sup>4</sup>GAO, *Federal Judiciary: Improved Cost Estimates Could Help Better Assess Cost Containment Efforts*, [GAO-16-97](#) (Washington, D.C.: Nov. 10, 2015)

<sup>5</sup>The Budget Control Act of 2011 (BCA) establishes discretionary spending limits through fiscal year 2021. 2 U.S.C. § 901. If Congress and the President enact appropriations that exceed these discretionary spending limits, there will be an after session sequestration to eliminate the breach. The BCA, as amended, also imposes a sequestration process of discretionary appropriations through fiscal year 2021 and of direct spending through fiscal year 2025. 2 U.S.C. § 901a.

<sup>6</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, DC: November 1999).

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*Control* are consistent with the management practices of leading organizations.

To determine the judiciary's costs associated with conferences costing over \$100,000, we obtained, reviewed, and analyzed available information on the judiciary's conference costs; specifically, reports on conferences costing over \$100,000 for fiscal years 2013 and 2014.<sup>7</sup> To determine the reliability of data included in these reports, we interviewed judiciary officials responsible for developing the reports and reviewed documentation such as instructions for tracking conference costs and user manuals for financial systems. We found these data were sufficiently reliable for our reporting purposes. To determine the extent to which conferences conformed to judiciary policy, we reviewed judiciary policies and relevant laws and statutes, and interviewed judiciary officials.<sup>8</sup> We also selected a sample of eight conferences costing over \$100,000 conducted in fiscal years 2013 and 2014, including a random sample of four circuit judicial conferences, and four other kinds of conferences based on a non-generalizable sample considering factors such as cost per person. For each sample conference, we interviewed judiciary officials and reviewed supporting information, which included cost comparisons, budget information, documentation of the rationale for the conference site selection, lists of cost-saving actions, and documentation for internal controls required in judiciary guidance for conference oversight and approval by senior judiciary officials. To determine the extent to which conference organizers considered various judiciary cost and management practices, we analyzed written responses from organizers of each conference about how they considered 40 different cost and management factors suggested in the guidance, and whether they had the documentation required by judiciary policy. Our observations among the eight conferences sampled are not generalizable to all conferences conducted by the judiciary, but do provide insights into how conference planners followed policy.

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<sup>7</sup>AOUSC, *Guide to Judiciary Policy, Vol. 19, Ch. 9, Meeting and Planning Administration* (Washington, D.C.: March 17, 2015) or judiciary policy for conference planning and administration specifies reporting requirements for all judiciary conferences costing over \$100,000, which began in fiscal year 2013.

<sup>8</sup>*Guide to Judiciary Policy, Vol. 19, Ch. 9 Meeting and Planning Administration.*

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We conducted this performance audit from February 2015 to December 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

The judiciary's system of courts consists of the Supreme Court, 12 regional circuit courts of appeals, 94 district courts, and 91 bankruptcy courts, as well as courts of special jurisdiction and including the Court of Appeals for the Federal Circuit, the Court of International Trade, and the Court of Federal Claims. The judiciary also includes the following agencies:

- Administrative Office of the U.S. Courts (AOUSC): provides a variety of support services to U.S. courts, including administrative, technological and legal services.
- Federal Judicial Center (FJC): an independent agency within the judiciary that provides research and evaluation of judicial operation and provides education and training.
- U.S. Sentencing Commission (USSC): an independent agency within the judiciary that provides education and training on sentencing, and promulgates sentencing policies, practices, and guidelines for the federal criminal justice system.

From fiscal years 2003 through 2014, judiciary obligations for travel ranged from \$45.3 million to \$82.8 million, or 0.72 to 1.16 percent of total judiciary obligations.<sup>9</sup> Table 1 shows total and travel obligations for the

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<sup>9</sup>The judiciary uses an obligational accounting system to control, monitor, and report on the status of its budgetary resources and budget object classifications (BOC) as a framework for categorizing obligations. An obligation is a definite commitment that creates a legal liability of an agency for the payment of goods or services received. An agency incurs an obligation, for example, when it places an order, signs a contract, awards a grant, purchases services, or takes other actions that require the government to make payments to the public or from one government account to another. See GAO, *A Glossary of Terms Used in the Federal Budget Process*, [GAO-05-734SP](#) (Washington, D.C.: September 2005). BOCs are a system of obligations that presents obligations by items or services purchased by the federal government, including travel. The BOC category for travel includes travel and transportation costs of government employees and other persons who, while in an authorized travel status, are to be paid by the government either directly or by reimbursing the traveler, see Office of Management and Budget Circular No. A-11, section 83.6 (2015). These travel obligation amounts do not include travel costs for jurors.



judiciary from fiscal years 2003 through 2014. During the fiscal year 2013 sequestration, judiciary obligations for travel decreased from \$66.3 million, which had been the obligation in fiscal year 2012, to \$50.2 million (a decrease of approximately 24 percent). This decrease in the travel obligations is consistent with an overall decrease in the total judiciary obligations during the fiscal year 2013 sequestration (from \$7.3 billion in fiscal year 2012 to \$6.9 billion in fiscal year 2013).

**Table 1: Judiciary Total and Travel Obligations, Fiscal Years 2003 to 2014**  
(Dollars in thousands)

Fiscal year	Total obligation	Travel obligation	Percentage of travel from total obligations
2003	\$5,159,222	\$50,410	0.98%
2004	\$5,479,107	\$45,395	0.83%
2005	\$5,651,595	\$50,624	0.90%
2006	\$5,955,453	\$62,663	1.05%
2007	\$6,223,172	\$60,997	0.98%
2008	\$6,487,519	\$74,268	1.14%
2009	\$6,788,760	\$77,609	1.14%
2010	\$7,174,198	\$82,880	1.16%
2011	\$7,326,902	\$75,743	1.03%
2012	\$7,251,129	\$66,332	0.91%
2013	\$6,931,386	\$50,220	0.72%
2014	\$7,143,120	\$58,038	0.81%

Source: GAO analysis of judiciary data. | GAO-16-70

Note: The term obligation refers to a definite commitment that creates a legal liability of an agency for the payment of goods or services received. Travel obligations shown above exclude travel costs for jurors.

## Judges' NCR Travel Policies

Judiciary travel regulations require judges to report their NCR travel.<sup>10</sup> Each judge must prepare and file a report disclosing the NCR travel undertaken by the judge during the previous calendar year utilizing the

<sup>10</sup>According to the *Guide to Judiciary Policy's Travel Regulations for Justices and Judges*, NCR travel means travel undertaken by a judge (1) that is not directly related to any case or cases assigned to the judge; (2) that involves judicial administration, training, education, and extra-judicial activities as permitted by law and encouraged by the *Code of Conduct for United States Judges*; and (3) for which the necessary transportation, lodging, and miscellaneous expenses incurred by the judge are paid for directly or by reimbursement to the judge, by another person, an organization, or an agency of the federal government.

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Judges' Non-Case-Related Travel Reporting System. This system, which is administered by AOUSC, requires judges to report the details about their NCR travel, specifically dates of travel, total expense or cost of travel, name of sponsor of travel or funder, sources of funds expended for travel, and purpose of NCR travel. Judges' NCR travel, in some instances, may be paid for by entities other than the judiciary; for example, agencies within the executive branch or private organizations to support extrajudicial activities.<sup>11</sup>

According to AOUSC officials, the judiciary implemented reporting requirements for judges' NCR travel in response to periodic congressional requests AOUSC received related to judges' NCR travel. As directed by the Judicial Conference of the United States, AOUSC amended its travel regulations for judges in 1999 to include a requirement for judges to annually report instances of NCR travel. According to AOUSC officials, since the inception of the Judges' Non-Case-Related Travel Reporting System in 1999, NCR travel data have been used on four occasions as the source of information to respond to specific inquiries from Members of Congress about certain conferences or specific courts.

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## Judiciary Conferences and Associated Policies

Courts and judicial agencies conduct conferences provided for by statute. The Judicial Conference of the United States is statutorily required to meet annually, but may meet as many times as the Chief Justice of the United States may designate.<sup>12</sup> Circuit judicial conferences are authorized to meet annually or biennially as determined by the chief judge of each circuit.<sup>13</sup> The purpose of a circuit judicial conference is to consider the business of courts and administration of justice within that circuit. FJC conducts conferences for continuing education and training for personnel of the

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<sup>11</sup>According to Canon 4 of the *Code of Conduct for United States Judges*, a judge may engage in extrajudicial activities, including law-related pursuits and civic, charitable, educational, religious, social, financial, fiduciary, and governmental activities, and may speak, write, lecture, and teach on both law-related and nonlegal subjects. A judge may accept compensation and reimbursement of expenses for the law-related and extrajudicial activities and is required to make financial disclosures, including disclosures of gifts and other things of value, including travel expenses.

<sup>12</sup>28 U.S.C. § 331; The Judicial Conference of the United States, a body of 27 judges over which the Chief Justice of the United States presides, is the judiciary's principal policymaking body and operates through a network of committees created to address and advise on a wide variety of subjects such as judicial salaries and benefits, budget, and court administration.

<sup>13</sup>28 U.S.C. § 333.

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judicial branch as authorized by statute.<sup>14</sup> USSC conducts conferences, including seminars and workshops related to federal sentencing guidelines and training programs related to sentencing education for judicial and probation personnel.<sup>15</sup>

Unlike executive branch agencies, courts and judicial agencies are generally not subject to executive branch regulations, memorandums, or circulars that may apply to conference spending. However, AOUSC promulgates conference planning and administration policies for the judiciary, through the direction of the Judicial Conference of the United States, based in part on executive branch policies.<sup>16</sup>

The Judicial Conference of the United States issued changes to its conference policies in 2012 similar to policies recently enacted by the executive branch to implement cost savings.<sup>17</sup> The new policy is generally patterned after policies and practices adopted by executive branch agencies, including a memorandum issued by the Office of Management and Budget directing executive branch agencies to report on conference spending and reduce travel expenditures.<sup>18</sup> Judiciary conference planning and administration policy also states that each judicial entity must issue annually a publically available report on each conference costing over \$100,000, including information such as the number of attendees paid for by the judiciary and cost of the

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<sup>14</sup>28 U.S.C. § 620(b)(3).

<sup>15</sup>28 U.S.C. § 995(a)(17), (18).

<sup>16</sup>Judges and employees within the judicial branch are also not subject to the General Services Administration's Federal Travel Regulation or memorandums and circulars issued by Office of Management and Budget for travel spending. 41 C.F.R. § 301-1.1 provides that for purposes of temporary duty (TDY) allowances an "agency" does not include an office, agency, or other establishment in the judicial branch. However, AOUSC promulgates travel regulations for judiciary employees and judges based in part on travel regulations for the executive branch as authorized by statute. The Director of AOUSC, with the approval of the Judicial Conference of the United States, promulgates travel regulations under 5 U.S.C. § 5707(a), 28 U.S.C. §§ 456 and 604(a)(7).

<sup>17</sup>*Guide to Judiciary Policy*, Vol.19, Ch. 9. *Meeting and Planning Administration* (March 17, 2015). The policies related to planning and administration of meetings or conferences were established by the Judicial Conference, pursuant to the authority conferred by 5 U.S.C. § 5707(a) and 28 U.S.C. § 604 and were adopted in May 2012 and amended in September 2012 (JCUS-SEP 12, p. 5).

<sup>18</sup>Office of Management and Budget, Memorandum M-12-12, *Promoting Efficient Spending to Support Agency Operations* (Washington, D.C.: May 11, 2012).

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conference to the government or judiciary. Judiciary conference planning and administration policy also states that conference planners must consider minimizing meeting-related costs and adopt procedures to ensure the standards set forth in this policy are met. The policy includes the following specific guidance considerations and requirements:

- Cost considerations: suggested consideration of various cost-saving practices such as securing the lowest conferee travel, lodging, meeting room, administrative, and technology costs.
- Management considerations and internal controls: required documentation of basic internal controls of management oversight and approval of conference planning, and suggested additional management considerations.
- Conference site comparisons: required conference planners to perform cost comparisons of at least two potential conference sites and maintain written documentation of their rationale for site selection.

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## Judges' Reported NCR Travel Costs Averaged \$8.8 Million per Year, but AOUSC Does Not Collect Specific Information on the Direct Costs to the Judiciary

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**Judges' Reported Annual  
NCR Travel Costs Ranged  
from \$7.2 Million to \$10.2  
Million for Fiscal Years  
2003 through 2014**

Annual NCR travel costs averaged \$8.8 million per year, with a range of \$7.2 million to \$10.2 million for fiscal years 2003 through 2014.<sup>19</sup> We also found the annual NCR travel costs reported specifically for judiciary-associated conferences averaged \$5.9 million, or 67 percent of average total annual NCR travel costs, with a range of \$4.9 million to \$6.8 million for fiscal years 2003 through 2014.<sup>20</sup> On the basis of our review of the NCR travel data and statements made by AOUSC officials, we found NCR travel data were sufficiently reliable to report on the average and range of judges' reported NCR travel costs across fiscal years 2003 through 2014. However, because of limitations we identified in the data in the NCR travel-reporting system, we were not able to determine the extent to which those reported costs were paid using judiciary funds rather than other federal or private sources as discussed below.

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**Collection of NCR Travel  
Data Does Not Allow  
AOUSC to Readily Identify  
Judiciary's NCR Travel  
Costs**

While AOUSC tracks the costs of all official travel paid for by the judiciary in its accounting system of record, AOUSC's NCR travel-reporting system does not collect judges' information in a way that enables it to determine the costs to the judiciary rather than to private entities and other federal agencies. Judiciary Travel Regulations for United States Justices and Judges specify annual NCR reporting requirements for judges and justices, which include reporting the name of funder and type of funds to support each instance of NCR travel. We found that data fields for entering information in the Judges' Non-Case-Related Travel Reporting System about the name of funder of NCR travel lacked controls to standardize responses. Specifically, when users entered data on the name of the funder of NCR travel, they did not consistently record whether NCR travel was paid for by a court or judicial agency versus other federal agencies or private entities. In addition, when reporting/entering information about the type of funds used for NCR travel, users could not record whether NCR travel was paid for using judiciary funds versus other funding sources because the system requires

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<sup>19</sup>All values for NCR travel costs are presented in unadjusted dollar amounts.

<sup>20</sup>According to AOUSC officials, judiciary-associated conferences are defined by the following categories in Judges' Non-Case-Related Travel Reporting System: Circuit judicial conferences; Court governance or administrative/managerial meetings; Federal Judicial Center educational seminar or program; Meeting of circuit judicial council or committees; Meeting of U.S. Judicial Conference or committees; and Meeting sponsored by the Administrative Office of U.S. Courts, Federal Judicial Center, U.S. Sentencing Commission, or Judicial Panel on Multidistrict Litigation.

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the user to choose from the following three options to identify the type of funds used to pay for judges' NCR travel: federal, mixed, and private. Since the federal category could encompass judiciary, legislative, and executive branch entities, this data field does not allow AOUSC to readily identify or report the NCR travel costs paid using judiciary funds.

*Standards for Internal Control in the Federal Government* states that internal controls are integral for effective information technology management to ensure useful, reliable, and continuous recording and communication of information.<sup>21</sup> Such controls may include systems controls that standardize data entry so the data are useful for reporting purposes. For NCR travel data, AOUSC could improve the Judges' Non-Case-Related Travel Reporting System to allow collection of cost information directly attributable to the judiciary. By implementing controls, for example, to standardize responses regarding the name of the funder, AOUSC could more readily determine which entity, including judiciary entities, paid for an instance of NCR travel. In addition, by revising the categories for type of funds to account for judiciary funds, AOUSC could more easily identify instances of NCR travel that are being paid for with judiciary funds.

According to AOUSC officials, as of November 2015, AOUSC has not decided to change the way the Judges' Non-Case-Related Travel Reporting System collects judges' NCR travel information, but is considering making improvements to the system to better collect judges' NCR travel information, including collecting the judiciary's costs of judges' NCR travel. AOUSC officials also stated that any specific options it may develop for changing the Judges' Non-Case-Related Travel Reporting System will be submitted to the Judicial Conference of the United States for consideration. According to the *2015 Strategic Plan for the Federal Judiciary*, Issue 6, the Judiciary's Relationships with the Other Branches of Government, the judiciary must provide Congress timely and accurate information about issues affecting the administration of justice and demonstrate that the judiciary has a comprehensive system of oversight and review.<sup>22</sup> By improving its travel-reporting system, AOUSC officials would be able to better collect required NCR travel information from judges and

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<sup>21</sup>[GAO/AIMD-00-21.3.1](#)

<sup>22</sup>Judicial Conference of the United States, *Strategic Plan for the Federal Judiciary* (Washington, D.C.: September 2015).

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identify and report the costs to the judiciary of judges' NCR travel in response to congressional member requests.

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## The Judiciary Spent \$11.5 Million on Conferences Costing over \$100,000 and Followed Policies for Conference Planning and Administration

### The Judiciary Spent \$11.5 Million on Conferences Costing over \$100,000 in Fiscal Years 2013 and 2014, and Is Taking Steps to Improve Its Cost Reporting

In accordance with judiciary policy on conference planning and administration, AOUSC issued publically available reports on conferences spending across all courts and judicial agencies for fiscal years 2013 and 2014 for conferences costing over \$100,000.<sup>23</sup> These reports indicated that the judiciary spent \$11.5 million on 61 conferences costing over \$100,000 in fiscal years 2013 and 2014. Specifically, the judiciary spent \$4.6 million in fiscal year 2013 and \$6.9 million in fiscal year 2014 for these conferences. For more information about the conferences listed in the fiscal year 2013 and 2014 conference reports, see appendix I.

According to AOUSC officials, they are taking steps to improve their procedures for developing the publically available annual report on judiciary conferences costing over \$100,000. AOUSC initially published the fiscal years 2013 and 2014 conference reports in October 2014 and April 2015, respectively. AOUSC subsequently revised both reports in September 2015 in response to errors it discovered in the original reports. The initial conference reports published by AOUSC contained errors in their required reporting information for number of attendees paid for by the judiciary, cost of the conference to the government or judiciary, and number of reportable conferences. For example, the initial reports published by AOUSC for fiscal years 2013 and 2014 conferences did not include approximately \$300,000 in conference costs paid for by the

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<sup>23</sup>*Guide to Judiciary Policy, Vol. 19 Ch. 9, Meeting Planning and Administration*

judiciary. AOUSC officials told us these costs were omitted because of errors in how AOUSC utilized financial databases for purposes of reporting its annual conference costs, and how judiciary employees tracked conference expenses, including the number of attendees for inclusion in its publically available conference reports. According to AOUSC officials, it has developed and implemented new procedures for how to correctly utilize financial databases for the development of the fiscal year 2015 publically available conference report. Additionally, officials said for fiscal year 2016, they will issue revised guidance to conference planners within the judiciary for how to correctly enter pertinent data to better track the number of attendees and conference costs for the annual reports.

## The Judiciary Followed Its Policies for Conference Planning and Administration

We sampled 8 conferences held in fiscal years 2013 and 2014 costing over \$100,000. The total cost from judiciary appropriated funds for these conferences ranged from \$182,733 to \$305,607. For more information about the 8 conferences we sampled, see table 2. Our results cannot be generalized to all conferences costing over \$100,000 conducted by the judiciary. However, our analysis provides insights into the judiciary's compliance with its conference policies.

**Table 2: Characteristics of GAO Sample of 8 Judiciary Conferences**

Conference name	Duration (days)	Total number of attendees <sup>a</sup>	Total cost from judiciary appropriated Funds	Total cost from conference registration fees	Percentage cost from conference registration fees	Total cost
2013 11th Circuit Judicial Conference	5	779	\$243,872 <sup>b</sup>	\$128,957	35%	\$372,829
2013 4th Circuit Judicial Conference	4	1,500	\$191,193 <sup>b</sup>	\$198,975	51%	\$390,168
2014 2nd Circuit Judicial Conference	3	750	\$182,733 <sup>b,c</sup>	\$217,139	54%	\$399,872
2014 8th Circuit Judicial Conference	3	745	\$194,427 <sup>b,c</sup>	\$86,680	31%	\$281,107
2014 Sex Offender Supervision Management Conference <sup>d</sup>	3	299	\$305,607 <sup>b,c</sup>	N/A	N/A	\$305,607
2013 Federal Judicial Center National Educational Conference for Bankruptcy Court Employees <sup>e</sup>	4	174	\$239,825 <sup>b,c</sup>	N/A	N/A	\$239,825
2013 Federal Judicial Center National Workshop for Bankruptcy Judges I	3	179	\$243,321 <sup>b,c</sup>	N/A	N/A	\$243,321
2014 U.S. Sentencing Commission National Seminar on the Federal Sentencing Guidelines	3	1,008	\$272,796 <sup>b,c,f</sup>	N/A	N/A	\$272,796



Notes: Attendees of all four circuit judicial conferences sampled by GAO included people who were not judiciary employees and judges, such as private and state government attorneys and guests. According to judiciary officials, each circuit court sampled by GAO collected registration fees of \$200 to \$550 from non-judiciary attendees to pay for conference-related expenses of the circuit judicial conferences. According to Administrative Office of the U.S. Courts (AOUSC) officials, under long-standing practice circuit courts have collected fees for conference registration under 28 U.S.C. § 333, which provides for the court of appeals for each circuit to provide for "representation and active participation at such conference by members of the bar of such circuit." AOUSC officials also stated that the percentage of total cost funded by conference registration fees is affected by cost of travel, registration fee rate and who is charged a fee, and decisions made by each circuit chief judge about the degree to which nonappropriated funds will be used to fund any of the conference expenses, other than travel by judiciary employees.

<sup>a</sup>Total number of attendees includes attendees whose travel costs were paid out of judiciary travel funds and others whose travel costs were paid for through other sources. For that reason, the total number of attendees listed in the table may differ from the number of attendees listed in the judiciary's fiscal years 2013 and 2014 Judiciary Conferences That Cost More than \$100,000 reports, which list only the number of attendees whose travel costs were paid for out of judiciary travel funds.

<sup>b</sup>Judiciary appropriated funds were used to pay for travel and subsistence expenses of judiciary employees and judges.

<sup>c</sup>Judiciary appropriated funds were used to pay for conference-related expenses such as meeting room costs and audiovisual equipment.

<sup>d</sup>This conference was jointly sponsored by AOUSC and the Eastern District of Missouri Probation Office.

<sup>e</sup>Full title of the conference is 2013 Federal Judicial Center National Educational Conference for Bankruptcy Court Clerks, Bankruptcy Administrators, Bankruptcy Appellate Panel Clerks, and Bankruptcy Court Chief Deputy Clerks.

<sup>f</sup>The cost shown reflects the cost to the U.S. Sentencing Commission only. Additional costs for travel and substance expenses for attendees from courts and judicial entities totaled \$595,544.

The 8 conferences we sampled followed judiciary policy guidance for conference planning and administration including cost considerations, management considerations and internal controls, and site selection. Judiciary policy guidance states, among other things, that each organization must adopt internal controls and procedures to ensure the standards set forth in this policy are met. These judiciary internal control standards require documentation of management oversight, but other management factors are suggested to be considered by planners, as appropriate for their conference.

## Cost Considerations

The 8 conferences we sampled complied with judiciary policy for minimizing the cost of meetings. Judiciary policy for conference planning and administration states that in planning meetings, consideration must be given to minimizing the meeting costs incurred by the government, and

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provides 10 examples of such cost considerations.<sup>24</sup> Officials who planned the 8 conferences we sampled provided examples of how they considered these various cost considerations and employed various strategies to reduce administrative, conferee travel, lodging, meeting room, and technology costs. For example:

- Attendees' common carrier expenses: The sponsors of the 2014 USSC Seminar on Sentencing Guidelines kept common carrier costs down by identifying the venue that had the greatest number of potential attendees within driving distance.<sup>25</sup>
- Cost of hotel rooms and meeting room costs: Officials who planned the Fourth, Eighth, and Eleventh Circuit Judicial Conferences and 2013 FJC National Workshop for Bankruptcy Judges negotiated hotel and conference price concessions to achieve hotel and meeting room discounts. Planners of the Second Circuit Judicial Conference negotiated with the prospective hotel to not be charged for meeting rooms because their room block filled the hotel.
- Printing costs: Officials who planned the Second, Eighth, and Eleventh Circuit Judicial Conferences reduced printing costs through a variety of initiatives, such as printing materials themselves, utilizing the Government Publishing Office, and using web-based material or flash drives for registration and conference materials. USSC and FJC inaugurated a smart phone application that allowed attendees to find conference information on their phones rather than relying on hard copy handouts and used on-line applications, syllabi, course materials, and agendas. Planners for the 2014 Sex Offender Supervision Management Conference communicated all notifications and event information through the Internet — there were no mailing costs.

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<sup>24</sup>These examples of potential cost considerations included (1) attendees common carrier expenses; (2) attendees' ground transportation expenses; (3) cost of hotel rooms; (4) applicable locality subsistence allowance; (5) catering costs; (6) service charges, commissions, sales taxes, and gratuities; (7) meeting room costs and set-up charges; (8) printing and mailing costs; (9) other meeting related charges such as equipment rental; and (10) computer and telephone access fees.

<sup>25</sup>According to the General Services Administration, common carrier transportation includes, for example, aircraft, train, bus, ship, or other transit system.

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## Management Considerations and Internal Controls

Conference planners for all 8 conferences we sampled complied with judiciary requirements for internal controls and management oversight, including consideration of, as appropriate, 15 specific strategies suggested by judiciary policy.<sup>26</sup> Some of these strategies overlap with the requirements for cost and site selection considerations, described previously and in the rest of this section. Judiciary guidance for conferences requires management oversight of conference planning but suggested other management factors be considered as appropriate. In addition, meetings costing over \$100,000 also are required to be approved by agency leadership in advance.<sup>27</sup>

Officials who planned the 8 conferences provided us the required documentation of management oversight and approval by the appropriate senior managers. For example:

- Planners for the Second, Fourth, Eighth, and Eleventh Circuit Judicial Conferences, as well as the Sex Offender Supervision Management Conference, provided documentation, largely in the form of e-mails generated by the Meeting and Event Planning and Reporting Tool, showing review and approval by the AOUSC Director and Deputy Director.
- For both of the FJC conferences, the National Workshop for Bankruptcy Judges, and the National Educational Conference for Bankruptcy Court Employees, officials provided documentation of

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<sup>26</sup>Judiciary guidance stated that, generally, subject to the rule of reason, planners should do the following: (1) comply with procurement regulations, (2) perform cost comparisons with at least two potential meeting sites, (3) manage the number of participants, (4) chose a location that minimizes travel costs, (5) keep lodging costs reasonable and avoid the appearance of extravagance, (6) minimize the need for rental cars, (7) consider holding the meeting near relatively inexpensive restaurants, (8) consider the aggregate cost of meals, (9) consider arranging the meeting schedule to enable off-site dining, (10) consider if the meeting could be held in a government space, (11) make effective use of tax exemptions, (12) consider alternatives to in-person meetings, (13) maintain written documentation of alternatives considered and the selection rationale used, (14) follow judiciary gift regulations, and (15) avoid all appearance of conflict of interest.

<sup>27</sup>Any single meeting or event with aggregate costs in excess of \$100,000 must be approved in advance by: the Director of AOUSC or Director's designee, the Director of FJC or Director's designee; or the Chair of USSC or the Chair's designee.

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review and signed approval by senior managers and the FJC Director.<sup>28</sup>

- Officials for 2014 USSC National Seminar on the Federal Sentencing Guidelines reported that they consulted with the Chair of the commission at all stages of the seminar planning and provided supporting documentation.

#### Conference Site Comparisons

Both judiciary guidance and written responses from all 8 conference planners underscored the importance of site comparisons when planning a conference. On the basis of our review, conference planners for the 8 conferences we sampled performed cost comparisons of at least two potential conference sites and provided documentation of the alternative sites considered and the rationale used for selecting the conference site as required. For example:

- 2013 Fourth Circuit Judicial Conference: Officials compared site and hotel options for their judicial conference by calculating the costs of transportation and lodging across different cities located within their region to determine which site had the lowest overall travel and hotel costs for judiciary attendees.
- 2014 Sex Offender Management Conference: Officials chose a centralized meeting location within driving distance of a majority of the attendees, thus reducing the travel costs for federal probation officers attending the conference.
- 2014 USSC National Seminar on the Federal Sentencing Guidelines: USSC officials minimized travel costs by tabulating the number of probation officers within 2.5 hours' driving distance of several

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<sup>28</sup>Officials for the 2013 FJC National Workshop for Bankruptcy Judges and the 2013 FJC National Educational Conference for Bankruptcy Court Employees provided us with their authorization for project expenditures (APE) form which outlined the program purpose, site selection rationale and other key information. This form documented the educational objectives of the conference and the rationale for holding an in-person conference. It contained the required certification confirming that site and hotel selection were in compliance with chapter 9 of judiciary guidance. It broke out the various costs associated with the conference and estimated the total costs to be paid by other entities. Officials also provided a conference expense worksheet that further itemized estimated lodging, subsistence, travel, and other meeting-related costs. The conference plans were approved with leadership signatures of the completed APE. The FJC finance office uses the approved APE estimated costs to project expenditures. We interviewed officials about these documents, and received written clarifications.

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prospective venues. They held the conference in Philadelphia after determining it was more convenient than other cities for the greatest number of probation officers.

- FJC conferences: Planners provided a written summary of their site and hotel selection rationale and documented that the program leader had confirmed that the selection process was in compliance with judiciary policy.

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## Conclusions

Throughout the year, judges engage in NCR travel for judicial administration conferences and training that are not directly associated with adjudicating cases. Collecting information on this category of travel spending is important to the judiciary for maintaining the quality of information required under its policies and for congressional oversight. Specifically, taking steps to improve AOUSC's travel cost collection system would help the judiciary collect and readily identify the costs of judges' NCR travel that are paid by the judiciary. Strengthening the system would also better enable the judiciary respond to congressional requests for such information.

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## Recommendation for Executive Action

To better report information to Members of Congress on judiciary NCR travel costs, the Director of AOUSC should improve its data collection system to collect and identify NCR travel costs paid by the judiciary.

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## Agency Comments on Our Evaluation

We provided a draft report to AOUSC, the Federal Judicial Center, and the U.S. Sentencing Commission for review and comment. AOUSC concurred with our recommendation and provided written comments, which are printed in full in appendix II. These agencies also provided technical comments that we incorporated as appropriate. In its comment letter, AOUSC stated it agreed with our recommendation that it should enhance its reporting mechanisms to better distinguish certain travel that is funded by the judiciary from that funded by other government agencies. It stated that the judiciary has already adopted the change we recommended and is planning to add a new functionality in the judges' non-case-related travel reporting tool. AOUSC also stated that it was pleased that GAO has found that the judiciary has followed applicable policies and procedures with regard to the travel studied in this report.

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We are sending copies of this report to the Judicial Conference of the United States, the Directors of the Administrative Office of the U.S. Courts and Federal Judicial Center, Staff Director of the U.S. Sentencing Commission, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions, please contact me at (202) 512-8777 or [maurerd@gao.gov](mailto:maurerd@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made significant contributions to this report are listed in appendix II.

Sincerely yours,

A handwritten signature in black ink, reading "David C. Maurer". The signature is written in a cursive style with a large, stylized "M" at the end.

David C. Maurer Director  
Homeland Security and Justice

# Appendix I: List of Judiciary Conferences over \$100,000, Fiscal Years 2013 and 2014

<b>Fiscal year</b>	<b>Conference name</b>	<b>Total cost from judiciary appropriated funds</b>
2013	Multidistrict Litigations Transferee Judges' Conference	\$172,421
2013	Staff Training Aimed at Reducing Rearrest Wave 2 Orientation	\$124,612
2013	Eleventh Circuit Judicial Conference	\$243,872
2013	Staff Training Aimed at Reducing Rearrest Supervisor Training	\$149,456
2013	Fourth Circuit Judicial Conference	\$191,193
2013	Eighth Circuit Judicial Conference	\$127,055
2013	Staff Training Aimed at Reducing Rearrest Southwest Regional Training	\$165,725
2013	Tenth Circuit Judicial Conference	\$168,808
2013	2012 National Sentencing Policy Institute	\$267,350
2013	Phase II Orientation Seminar for Newly Appointed U.S. Magistrate Judges	\$136,975
2013	Experienced Supervisors Seminar: Targeting Leadership Excellence	\$115,253
2013	Phase II Orientation for Newly Appointed District Judges	\$124,564
2013	National Workshop for Bankruptcy Judges I	\$243,321
2013	The Leadership Role of the Chief District Judge/Conference for Chief Judges of United States District Courts	\$168,889
2013	National Workshop for Magistrate Judges I	\$251,529
2013	2013 Federal Judicial Center National Educational Conference for Bankruptcy Court Clerks, Bankruptcy Administrators, Bankruptcy Appellate Panel Clerks, and Bankruptcy Court Chief Deputy Clerks	\$239,825
2013	2013 Federal Judicial Center National Educational Conference for District Court Clerks, District Court Executives, and District Court Chief Deputy Clerks	\$235,358
2013	Experienced Supervisors Seminar: Targeting Leadership Excellence	\$129,635
2013	Leadership Development Program Concluding Workshop (Class XI)	\$128,575
2013	Experienced Supervisors Seminar: Targeting Leadership Excellence	\$113,136
2013	Workshop for the Article III Judges of the Ninth Circuit	\$141,096
2013	National Workshop for Magistrate Judges II	\$342,977
2013	National Workshop for Bankruptcy Judges II	\$209,788
2013	New Supervisors' Development Program	\$186,885
2013	National Conference for Pro Se Law Clerks	\$122,914
2013	Economic Crime Symposium	\$129,452
2014	Multidistrict Litigations Transferee Judges' Conference	\$169,725
2014	Panel Attorney District Representatives Conference	\$113,536
2014	U.S. Courts VMware User Group/Conference	\$145,336
2014	Federal Criminal Justice Act Trial Skills Academy	\$151,144
2014	2014 Computer Systems Administrator Training Conference	\$159,667
2014	Fifth Circuit Judicial Conference	\$299,325
2014	Third Circuit Judicial Conference	\$113,488
2014	Advanced Federal Defender and Capital Habeas Unit Seminars	\$417,118

**Appendix I: List of Judiciary Conferences over  
\$100,000, Fiscal Years 2013 and 2014**

<b>Fiscal year</b>	<b>Conference name</b>	<b>Total cost from judiciary appropriated funds</b>
2014	Staff Training Aimed at Reducing Rearrest Coach Training	\$177,453
2014	Second Circuit Judicial Conference	\$182,733
2014	Staff Training Aimed at Reducing Rearrest Orientation-Wave Three	\$171,073
2014	Arizona District Probation Conference	\$121,543
2014	Ninth Circuit Technology User Group Conference	\$202,592
2014	Eighth Circuit Judicial Conference	\$194,427
2014	2014 Conference for Federal Defender Administrative Officers	\$112,344
2014	Automation Trainers' Community of Practice Conference	\$201,348
2014	Sex Offender Supervision Management Conference	\$305,607
2014	Data Collection for Violence Indicators Study	\$161,293
2014	Staff Training Aimed at Reducing Rearrest Lead Coaches Conference	\$205,272
2014	Phase II Orientation for Magistrate Judges	\$111,821
2014	Experienced Supervisors Seminar: Targeting Leadership Excellence	\$142,610
2014	Experienced Supervisors Seminar: Targeting Leadership Excellence	\$136,463
2014	Phase II Orientation for District Judges	\$129,471
2014	The Leadership Role of the Chief District Judge/Conference for Chief Judges of United States District Courts	\$198,827
2014	National Workshop for Magistrate Judges I	\$179,800
2014	National Workshop for District Judges I	\$297,749
2014	National Conference for Appellate Staff Attorneys	\$106,202
2014	Conference for Chief Bankruptcy Judges	\$117,421
2014	Leadership Development Program Class XII	\$108,508
2014	Federal Court Leadership Program: Phase Five Workshop and Recognition Ceremony	\$110,299
2014	National Workshop for Magistrate Judges II	\$341,244
2014	New Supervisors' Development Program-Tier 2	\$226,485
2014	National Workshop for Bankruptcy Judges	\$466,673
2014	National Workshop for District Judges II	\$340,602
2014	National Seminar on the Federal Sentencing Guidelines	\$272,796

Source: GAO analysis of judiciary information. | GAO-16-70



# Appendix II: Comments from the Administrative Office of the United States Courts



## ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

JAMES C. DUFF  
Director

WASHINGTON, D.C. 20544

December 4, 2015

Mr. David C. Maurer, Director  
Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Mr. Maurer:

The Federal Judiciary has received and reviewed the draft report related to the study on Federal Judiciary Travel Expenses (#441277), entitled: *FEDERAL JUDICIARY: Improvements Needed for Collecting Judges' Non-Case Related Travel Information* (GAO-16-70). We are pleased that the GAO has found that the Judiciary has followed applicable policies and procedures with regard to the travel studied in this report. GAO's recommendation is that one of the Judiciary's several reporting mechanisms for certain kinds of travel could be enhanced by additional tracking of the source of funds used for such travel. Specifically, GAO's recommendation was to add a new requirement to one of our reporting mechanisms to distinguish certain travel that is funded by the Judiciary from that funded by other government agencies. The Judiciary has already adopted the change recommended by GAO and will add a new functionality in the judges' "non-case related" travel reporting tool.

We are also pleased that GAO's report found no substantive concerns with the Judiciary's travel spending, nor flaws in the Judiciary's accounting system. The Judiciary employs methodical accounting, financial, and auditing procedures to track all spending accurately, including the cost of travel by judges and staff, and to ensure careful stewardship of taxpayer money. The Judiciary carefully tracks travel expenditures for governance and education in the same manner as all other travel expenditures, via its official accounting system of record. These costs are part of the information we provide to the congressional appropriations committees. The Judiciary shared information with GAO from its accounting system for this study, detailing the exact amounts spent by the Judiciary on all travel.

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A TRADITION OF SERVICE TO THE FEDERAL JUDICIARY

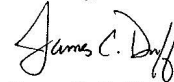
Mr. David C. Maurer, Director  
Page 2

As footnoted in the report, the Judiciary considers all judiciary-funded travel, including travel for judicial administration and educational purposes, to be official business travel, and therefore we have not segregated that travel from travel directly assignable to a particular case in our accounting system of record. The Judiciary, however, recognizes the importance of responding to congressional inquiries, and so we have separately tracked judicial administration and educational travel in response to occasional inquiries from members of the Senate Judiciary Committee through the judges' "non-case related" travel reporting tool.<sup>1</sup>

GAO's report provides cost data establishing that **all** travel spending is currently less than one percent of all judiciary spending. Judges' "non-case related travel" is an even smaller fraction (approximately one tenth of one percent), and a portion of this was funded by other government agencies. The new GAO recommendation we are implementing focuses on this small portion of travel costs and will better track the sources of funding for travel.

The Judiciary takes its stewardship role most seriously and will continue to monitor and regulate the costs of official travel. We remain fully committed to providing Congress with the most accurate information available to document our spending.

Sincerely,



James C. Duff  
Director

<sup>1</sup> The Judicial Conference adopted the term "non-case related travel" for this particular responding purpose, but the term may be misleading and may imply that such travel is not essential merely because it is not assignable to a particular case. In fact, this type of travel is typically essential and "relates" to adjudicating cases because it involves judicial administration and education.

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# Appendix III: GAO Contact and Staff Acknowledgements

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## GAO Contacts

David C. Maurer, (202) 512-8777 or [maurerd@gao.gov](mailto:maurerd@gao.gov)

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## Staff Acknowledgements

In addition to the contact named above, Glenn Davis (Assistant Director), Daniel Rodriguez, Carl Potenzieri, Jennifer Bryant, Kathleen Donovan, Susan Hsu, Tracey King, Amanda Miller, and Janet Temko-Blinder made key contributions to this report.

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# Appendix IV: Accessible Data

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## Agency Comment Letter

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Text of Appendix II:  
Comments from the  
Administrative Office of the  
United States Courts

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Page 1

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

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U.S. Government Accountability Office

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Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800, U.S. Government Accountability Office, 441 G Street NW, Room 7149, Washington, DC 20548