




U.S. Department of Justice
Justice Management Division
Management and Planning Staff

Washington, D.C. 20530

May 8, 2008

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: 
H. B. Myers
Assistant Director
Procurement Policy and Review Group

SUBJECT: DOJ Procurement Guidance Document (PGD) 08-07
Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities

This procurement Guidance Document contains revised policies and procedures pertaining to Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities. the use of non-federal conference and training facilities. Procurement Guidance Document 06-05 is hereby cancelled.

Background. In the summer of 2005, a subcommittee of the U.S. Senate Committee on Homeland Security and Governmental Affairs launched a government-wide inquiry into conference spending. The inquiry found that since fiscal year (FY) 2000, federal agencies spent at least \$1.4 billion on conferences and did not consistently or transparently track funds spent on conferences and related travel. In September 2007, the Department of Justice's (Department) Inspector General (IG) releases a report highlighting the high costs and inconsistent or nonexistent reporting procedures of 10 conferences conducted by the Department in FY 2006. The IG report recommended that the Department develop and implement consistent conference planning and reporting procedures. The procedures contained in this policy are consistent with the recommendations contained in the IG Report. Additionally, Section 218 of the Department of Justice Appropriations Act, 2008 (Title II, Division B, Public Law 110-161), requires the Attorney General to submit quarterly reports to the IG regarding the costs and contracting procedures for each conference held by the Department for which the cost to the government was more than \$20,000. Therefore, each component is required to submit to the Justice Management Division a quarterly report regarding the conference it funds.

Section 1173 of Public Law 109-162, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (The Act), states that unless authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private

entity for the use of the facility. The Act also requires the Attorney General to prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that required specific authorization. The report must include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of what would have been the cost of conducting the training or conference meeting at a facility that did not require such authorization. The Attorney General has delegated his responsibilities under this provision to the Assistant Attorney General for Administration.

Procedures. Financial Management Policies and Procedures Bulletin 08-08, Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities, dated April 29, 2008, provides the implementation regulations to comply with statutory and other requirements. Financial Management Memorandum 08-07, dated April 29, 2008, is an implementation guide for Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities. A copy both documents are attached for your information and guidance. Following are highlights of the program and a note on meals and refreshments:

- Consolidated Policy – The Conference Planning and Reporting has been combined with the Approvals to Use Non-federal Facilities Policy. Policy & Procedures Bulletin 06-12 has been rescinded.
- Conference Definition (Section 5a) – The conference definition is broad and includes the training activities. Exclusions are defined.
- Selecting a Location (Section 6f) – A location is comprised of both the city and the facility in which the conference will be held.
- Calculating Conference Costs (Section 6f) – Components are required to be able to report actual cost for 13 cost categories.
- Provided Meals and Refreshments (Section 7a) – Meals and refreshments may not be provided at government expense unless certain criteria is met.
- Minimizing costs of Meals and Refreshments (Section 7b) – Meals and refreshments must fall within established thresholds.
- Large Conferences (Section 8c) – The Component Procurement Chief must review and approve all conferences that exceed \$500,000 or 500 attendees.
- Conferences held by Cooperative Agreement (Section 9) – Different planning and reporting (Section 10b) requirements are explained.
- Quarterly Reporting of Conference Costs (Section 10a) – Pursuant to Section 218 of the Consolidated Appropriations Act, Component Heads are required to report on all conferences exceeding \$20,000.

- Reporting Deadline (Sections 10a, b, and c) – Reports are due 45 calendar days after the end of each fiscal quarter.
- Reporting on Events Held in Non-federal Facilities (Section 10c) – Component Heads are required to prepare a consolidated quarterly report of all events held in a non-federal facility rather than report after each event.
- New Email Inbox – All non-federal facility requests and reports and conference reports must be sent to the new address entitled Conferences.and.Non-federal.Center@usdoj.gov. The previous email address, Non-fed.Facility.Request.Center@usdoj.gov, has been deactivated.
- It is understood that some components want to provide meals and refreshments to non-federal attendees and object to the requirement that they may be provided only under certain conditions. The Office of Legal Counsel recently reviewed their opinion in light of these concerns yet concluded there is no basis for overturning their original conclusion.
- Please direct questions to Lori Arnold, Assistant Director, Financial Management Policies and Requirements Group, Finance Staff, on (202)616-5216 or Melinda Jones, of her staff, on (202)353-2527.

These requirements are effective April 29, 2008. Please make this information immediately available to the appropriate people in your organization and add this document to your collection of DOJ Procurement Guidance Documents.

Attachments:

- Financial Management Policies and Procedures Bulletin 08-08: Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities
- Financial Management Memorandum 08-07: Implementation Guidance for Financial Management Policies and Procedures Bulletin 08-08 Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities



U.S. Department of Justice

Justice Management Division

Finance Staff

Washington, D.C. 20530

APR 29 2008

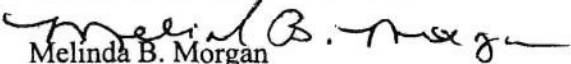
FINANCIAL MANAGEMENT MEMORANDUM 08-07

TO: Executive/Administrative Officers
Offices, Boards, and Divisions

JMD Senior Management Staff

Bureau Chief Financial Officers

FROM:


Melinda B. Morgan
Director

SUBJECT: Implementation Guide for Financial Management Policies and Procedures
Bulletin 08-08, Conference Planning, Conference Cost Reporting, and Approvals
to Use Non-federal Facilities

This is to provide implementation guidance for Financial Management Policies and Procedures Bulletin (P&P) 08-08 on Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities.

Quarterly Reporting on Conference Costs

As described in §10(a) and (b), components must report quarterly costs on all covered conferences. The requirement is effective October 1, 2007; therefore, reports on conferences held during the first two quarters of Fiscal Year (FY) 2008 are to be submitted by the Component Head by June 13, 2008, in the reporting format set forth by P&P 08-08. Effective thereafter, reporting is due no later than 45 calendar days after the close of each fiscal quarter.

Reporting on Use of Non-Federal Facilities for Predominately Internal Events

Components are no longer required to submit individual reports for each event held at a non-federal facility. As described in §10(c), each Component Head is required to submit a single quarterly report in the reporting format set forth by P&P 08-08. The first quarterly report for the period ending June 30, 2008, is due no later than August 15, 2008. In this report, you must report any events not previously reported.

In addition to the new reporting requirements, the following must be considered when planning a conference or event:

- Avoid locations and accommodations that give the appearance of being lavish or are resort destinations. Component Heads are required to submit written justification if the facility gives the appearance of being lavish or is a resort location. This cannot be re-delegated.

- Ensure the selected lodging location is within per diem.
- Ensure the costs of meals and refreshments are within the prescribed limits.
- Ensure meals provided by the government are deducted from Meals and Incidentals Expenses (M&IE) claimed by all Department attendees (by meal).
- Ensure that multiple facilities in multiple cities are compared when considering conference locations.
- Ensure proper requests are submitted for approval to Justice Management Division (JMD) at least 45 days before your approval is required.
- Ensure that reporting of costs for all Non-federal Facility events and Conferences are submitted by Component Heads no later than 45 days following the close of each fiscal quarter.

If you have any questions, please contact Lori Arnold on (202) 616-5216, or Melinda Jones, of my staff, on (202) 353-2527.



**FINANCIAL MANAGEMENT
POLICIES AND PROCEDURES BULLETIN**

No. 08-08

April 2008


TO: Executive/Administrative Officers
Offices, Boards, and Divisions

APR 29 2008

JMD Senior Staff

Bureau Chief Financial Officers

FROM:


Melinda B. Morgan
Director
Finance Staff
Justice Management Division

SUBJECT: Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities

1. **PURPOSE.** This policy provides guidance to components when planning and reporting on conferences. This policy also lays out the requirement for components to seek approval prior to using a non-federal facility for a predominantly internal training or conference meeting.

2. **BACKGROUND.** In the summer of 2005, a subcommittee of the U.S. Senate Committee on Homeland Security and Governmental Affairs launched a government-wide inquiry into conference spending. The inquiry found that since fiscal year (FY) 2000, federal agencies spent at least \$1.4 billion on conferences and did not consistently or transparently track funds spent on conferences and related travel. In September 2007, the Department of Justice's (Department) Inspector General (IG) released a report highlighting the high costs and inconsistent or nonexistent reporting procedures of 10 conferences conducted by the Department in FY 2006. The IG Report recommended that the Department develop and implement consistent conference

planning and reporting procedures. The procedures contained in this policy are consistent with the recommendations contained in the IG Report. Additionally, Section 218 of the Department of Justice Appropriations Act, 2008 (Title II, Division B, Public Law 110-161), requires the Attorney General to submit quarterly reports to the IG regarding the costs and contracting procedures for each conference held by the Department for which the cost to the government was more than \$20,000. Therefore, each component is required to submit to the Justice Management Division a quarterly report regarding the conferences it funds.

Finally, section 1173 of Public Law 109-162, the Violence Against Women and Department of Justice Reauthorization Act of 2005, states that unless authorized in writing by the Attorney General, the Department (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for the use of the facility. The Act also requires the Attorney General to prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that required specific authorization. The report must include an explanation of why the facility was chosen and a breakdown of any expenses incurred in excess of what would have been the cost of conducting the training or conference meeting at a facility that did not require such authorization. The Attorney General has delegated his responsibilities under this provision to the Assistant Attorney General for Administration (AAG/A).

3. DIRECTIVES AND SOURCES REFERENCED.

- 5 U.S.C. §4101(6), Definitions, Non-Government Facility
- 31 U.S.C. §3302, Custodians of Money ("Miscellaneous Receipts Act")
- 31 U.S.C. §6305, Using Cooperative Agreements
- Department of Justice Appropriations Act, 2008 (Title II, Division B, Public Law 110-161)
- The Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162)
- Federal Travel Regulation (FTR), 41 C.F.R. §300-3.1 and §301-74
- Department of Justice, Office of the Inspector General, "Department of Justice Conference Expenditures," Audit Report 07-42, September 2007 ("IG Report")
- Uniform Administrative Requirements for Grants and Cooperative Agreements with Non-Profit Organizations (28 C.F.R. part 70)
- Federal Acquisition Regulation (FAR), Volume 1, Part 10
- Office of Management and Budget (OMB) Cost Principles Circular A-122, 2 C.F.R. 230
- Office of Justice Programs Financial Guide
- Financial Management Memorandum 08-07, Implementation Guide for Financial Management Policies and Procedures Bulletin 08-08, Conference Planning, Conference Cost Reporting, and Approvals to Use Non-federal Facilities

4. DIRECTIVES RESCINDED.

- Financial Management Policies and Procedures Bulletin 06-12, Use of Non-federal Conference and Training Facilities
- Financial Management Policies and Procedures Bulletin 00-19, Refreshments at Conferences

5. DEFINITIONS.

- a. Conference. The FTR defines "conference," in part, as a meeting, retreat, seminar, symposium, event or training activity. 41 C.F.R. §300-3.1. A conference is typically a prearranged event with designated participants and/or registration, a published substantive agenda, and scheduled speakers or discussion panels on a particular topic.

This Bulletin applies to any conference planned and held by components themselves, and conferences funded by a component but conducted by an outside entity through the use of a contract or a cooperative agreement. **For a conference conducted through the use of a cooperative agreement, only §§9 and 10(b) of this guidance are applicable.** With respect to conferences funded by more than one agency, this Bulletin applies if the Department provides more funding than any other agency. When reporting on such conferences, a component should only account for the funding provided by the Department.

The following types of activities are excluded from the definition of "conference" for the purposes of the §10(a) reporting requirement *only*. (Examples for each of the following types of activities that are excluded can be found in Attachment A.)

- 1) Law enforcement planning, staging, surveillance, undercover, or other meetings related to a law enforcement operation, and meetings to coordinate the Department's investigative, intelligence and/or prosecutorial efforts in connection with a pending case, specific criminal activity or a threat against the United States, including those that occur at law enforcement or security operational centers;
 - 2) Training courses taught at federal training centers, such as the National Advocacy Center, the Federal Law Enforcement Training Center, the Federal Bureau of Investigation National Academy, and the Drug Enforcement Administration Training Academy;
 - 3) Undercover activities and training conducted in accordance with the Attorney General's guidelines; or
 - 4) Testing where the primary purpose of the event is to evaluate an applicant's qualifications to perform certain duties necessary to perform his or her job. In order for an event involving testing to be excluded from the reporting requirement, the majority of the event must be devoted to the administration and taking of the test. An event is *not* excluded from the reporting requirement if a test is incidental to the training course and is given upon its completion to determine satisfactory participation.
- b. Predominantly internal training or conference meeting. A predominantly internal training or conference meeting is one that is held by the Department and where the majority (more than 50%) of the attendees are Department employees. As above, "training or conference meeting" is defined broadly to include a meeting, retreat, seminar, symposium, event or training activity. 41 C.F.R. §300-3.1. The above list of activities (§5(a)(1)-(4)) that are excluded from the conference reporting requirements of §10(a) are *not* excluded from this

definition. For the purposes of this bulletin, "predominantly internal training or conference meetings" will be referred to as "predominantly internal events."

- c. Federal facility. Federal facility means property owned, leased, or substantially controlled by the federal Government or the Government of the District of Columbia.
- d. Non-federal facility. Non-federal facility is any facility that is not a federal facility. For further clarification see the definition of "non-Government facility" in 5 U.S.C. §4101(6).
- e. Conference or Event planner. A conference or event planner is a contractor hired by a component to perform the logistical planning necessary to hold a conference. "Logistical planning" may include: interacting with caterers, recommending venues, developing programs, advertising, setting the stage and audio/visual (a/v) equipment, securing hotel rooms, and other non-programmatic functions.

6. CONFERENCE PLANNING.

- a. Conference Justification. The decision to host any event, whether it be a conference or predominantly internal event, or to send employees to attend an event, requires fiscal prudence and is subject to the availability of funds from individual component appropriations. Components must document a written justification for each conference that includes a programmatic reason to hold the event and an approval from an appropriate sponsoring agency official.
- b. Planning Requirements. When planning a conference, components are required to follow Part 301-74 of Title 41 of the Code of Federal Regulations, entitled "Conference Planning." These regulations, in part, require that components:
 - 1) Minimize all conference costs, including administrative costs, conference attendees' travel costs, and conference attendees' time costs;
 - 2) Maximize the use of Government-owned or Government provided conference facilities as much as possible; and
 - 3) Identify opportunities to reduce costs in selecting a particular conference location and facility (e.g., through the availability of lower rates during the off-season at a site with seasonal rates). 41 C.F.R. §301-74.1.
- c. Use of External Conference Planners. Minimizing conference costs must be a critical consideration in a component's decision whether to plan a conference with internal Department staff or to enter into a contract with an external conference planner. The use of an external conference planner should be used only when necessary and conference planning costs should always be kept to a minimum.

- d. Large and/or Expensive Conferences. The appropriate Component Procurement Chief must review and approve all conferences exceeding \$500,000, or that will have over 500 attendees. Such approval must be in writing and submitted with the report required in §10(a).
- e. Charging Conference Fees. A component cannot charge fees to conference attendees to cover its costs unless the component has very specific statutory authority to do so. *See* 31 U.S.C. §3302. However, if the component uses a private contractor (such as an external event planner, hotel, or other third party) to facilitate the conference or provide goods and services to the attendees, the contractor may charge fees. It is important that the fees charged by the contractor cover *only* the goods and/or services provided to the attendees by the contractor (or subcontractor(s)) and do not cover or defray costs that are the responsibility of the component. For example, if a contractor such as a hotel is providing attendees with lodging, meals and refreshments for a conference, the hotel may charge attendees directly for the costs of those items. The contractor must deal directly with the attendees to collect the fees; the component must not be involved in any such collection.
- f. Selecting a Location. An event location is comprised of two variables: the city and the facility in which the event takes place. To ensure that the government obtains the best conference location for the best value, conference planners must compare multiple facilities in multiple cities, unless an overriding operational reason is documented to hold the conference in a specific city. Adequate cost comparisons should compare and document the availability of lodging rooms at per diem rates, the convenience of the conference location, availability of meeting space, equipment and supplies, and the commuting or travel distance of attendees.

To ensure that components maximize the use of federal facilities and minimize total costs to the Department, conference planners shall first consider all federal facilities in the locations identified via city-level cost comparison analysis. A list of some federal facilities is available on the Non-federal Facility Request Center web site:

<http://10.173.2.12/jmd/fs/nfrc/index.htm>. If a federal facility meets the component's needs at a reasonable price, there is no requirement that non-federal facilities be considered. The component may consider non-federal facilities if:

- 1) federal facilities are not available or do not meet the component's requirements (e.g., size of the meeting room, necessary technological equipment, sufficient lodging at the facility or in the proximity of the facility); or
- 2) the component believes that a non-federal facility can be procured at a lower cost taking into account all costs described in this section.

If a federal facility cannot meet the component's needs at a reasonable price, the conference planner must conduct and make available market research to determine the facility that best meets the needs of the conference as set forth in the Federal Acquisition Regulation (FAR), Volume 1, Part 10. In order for this market research to be effective, the components must communicate the same sufficiently detailed requirements to all potential facilities. During

the market research, components must not make any commitments to any of the facilities. The market research must determine the cost of the event with respect to each of the three (or more) facilities, broken down as follows. Costs related to attendees (e.g., travel, lodging, per diem) must include costs of all attendees whose expenses are being covered by the component; therefore, include Department employees as well as non-Department attendees (e.g., facilitators, guest speakers) whose expenses are being covered by the component.

- 1) conference and meeting space, including rooms for break-out sessions;
- 2) audio visual services;
- 3) other equipment costs (e.g., computer fees, telephone fees);
- 4) printing and distribution;
- 5) meals provided by the Department;
- 6) refreshments provided by the Department;
- 7) meals and incidental expenses for attendees (M&IE portion of per diem);
- 8) lodging costs;
- 9) transportation to/from conference location (e.g., common carrier, POV);
- 10) local transportation (e.g., rental car, POV) at event location;
- 11) conference planners;
- 12) conference facilitators;
- 13) any other costs associated with the conference.

Any component wishing to hold a predominantly internal event at a non-federal facility that requires payment to that facility for the event (including any payment for meals, lodging, or other expenses related to the event) must obtain approval from the AAG/A before entering into a contract with such facility. See §8(b). Special approval is also required to hold such an event in certain locations. §8(b)(3).

7. MEALS AND REFRESHMENTS.

a. When permissible to provide.

- 1) *Federal Government Employees.* Meals and/or refreshments¹ may be paid for by the Department and provided to federal Government employees at conferences or training sessions where *all three* of the following are true:
 - a) the meals and refreshments are incidental to the conference or training;
 - b) attendance at the meals and when refreshments are served is important for the host agency to ensure attendees' full participation in essential discussions, lectures, or speeches concerning the purpose of the conference or training; AND
 - c) the meals and refreshments are part of a conference or training that includes not just the meals and refreshments and discussions, speeches, lectures, or other business that

¹ Note that the rules are the same regardless of whether the component is providing a meal or merely refreshments.

may take place when the meals and refreshments are served, but also includes substantial functions occurring separately from when the food is served.

While as a general rule the Department does not pay for meals and/or refreshments for employees at their duty stations, if a conference or training meets the above criteria, meals and refreshments may be served to employees who are not on travel. With respect to Department employees who are on travel, they must deduct from their per diem the amount for each meal provided by the Department.

- 2) *Non-Federal Government Attendees.* The Department can only pay for the meals and/or refreshments² of non-federal attendees at conferences IF ONE of the following applies:
 - a) The component has specific statutory authority permitting it (*e.g.*, 42 U.S.C. §3788(f) for programs covered by the Omnibus Crime Control and Safe Streets Act; 42 U.S.C.A. §3771 and *note*);
 - b) The non-federal attendees qualify as individuals serving the Department pursuant to 5 U.S.C. §5703;³ OR
 - c) The expenses can be considered official reception and representation expenses (28 U.S.C. §530C(b)(1)(D), and are counted towards the Department's Representation Fund limitations (*see* DOJ Order 2110.31B).
- 3) *Charging Non-Federal Attendees.* As discussed in §6(e), a private contractor (such as an external event planner, hotel, or other third party) can charge fees to non-federal attendees to cover the costs of such goods and services as meals and/or refreshments. The contractor must deal directly with the attendees to collect the fees for the meals and/or refreshments; the component must not be involved in any such collection.
- b. Minimizing costs of meals and refreshments. Components (as well as contractors hired as conference or event planners) must adhere to the following cost thresholds, described further in Attachment B, for the costs of the meals and refreshments provided at the conference.
 - 1) *Refreshments.* Refreshments include light food and drink served at breaks, such as coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. The cost of these items, plus any hotel service costs, cannot exceed 23% of the locality M&IE

² Note that the rules are the same regardless of whether the component is providing a meal or merely refreshments.

³ Non-federal attendees who are provided any travel, lodging or meals and/or refreshments by the Department pursuant to 5 U.S.C. §5703 must be issued invitational travel orders. These are required even when a non-federal attendee is "local" to the conference and is only being provided meals and/or refreshments.

rate per person per day. For example, if the M&IE rate for a particular location is \$54.00 per person per day, then the total refreshments costs cannot exceed \$12.42 (\$54.00 x 23%) per person per day.

- 2) *Meals.* The cost of any meal provided, plus any hotel service costs, cannot exceed 150% of the locality M&IE rate per meal. For example, if dinner will be provided in a locality with a \$49.00/day M&IE rate, the dinner rate in the locality is \$24.00 per dinner. Therefore, the cost of the dinner provided at the conference cannot exceed \$36.00 (\$24.00 x 150%) per person. All Department employees attending the conference must ensure that the provided meal is deducted from their claimed M&IE; in this example the employee would deduct \$24.00 from claimed M&IE for the provided dinner.
- 3) **Component Heads** must request approval from the AAG/A to provide refreshments or meal costs that exceed these thresholds. See §8(d).

8. SPECIAL APPROVALS.

a. Use of Non-Federal Facilities for Predominantly Internal Events.

- 1) Any component wishing to hold a predominantly internal event at a non-federal facility that requires payment to that facility for the event (including any payment for meals, lodging, or other expenses related to the event) must obtain approval from the AAG/A before entering into a contract with such facility. Such requests must be submitted by no lower than the management official responsible for approving the conference in the component and must be sent to the Director, Finance Staff, using the Conference Reporting and Non-federal Facility Request Center web site, <http://10.173.2.12/jmd/fs/nfrc/index.htm>. Any request for approval of a non-federal facility must include the following:
 - a) Statement of the purpose of the training or conference meeting;
 - b) Number of attendees and their organizations and duty stations (components must also indicate which, if any, of the attendees who are not Departmental employees will have their expenses paid for by the component);
 - c) Frequency of the training or conference meeting and the date of the last such event, if applicable;
 - d) Dates of the training or conference meeting;
 - e) Location of the training or conference meeting (city/state) and reason(s) for choosing the location;
 - f) Reason why a location where a federal facility is located was not considered, if applicable;
 - g) List of federal and non-federal facilities considered;
 - h) Estimated costs of using each of the federal and non-federal facilities considered,

including all costs listed in §6(f) as determined by the market research, itemized and broken out by category;

- i) Reasons why the federal facilities did not meet the meeting's requirements, if applicable (refer to §6(f));
- j) Justification for the use of a non-federal facility; and
- k) Gift acceptance approval, if required.

2) Approval for Certain Locations. Any request to hold a predominantly internal event in a non-federal facility in the following locations must be submitted by the Component Head, and this responsibility cannot be redelegated.

- a) Any location outside the continental United States (including Hawaii and Alaska);
- b) Any location known for gambling (e.g., Las Vegas, Nevada; Reno, Nevada; Atlantic City, New Jersey);
- c) Any location considered a tourist attraction or common vacation location (e.g., Disney World and Orlando, Florida; Niagara Falls, New York; Lake Tahoe); or
- d) Any resort facility or resort location (e.g., Hilton Head, South Carolina; Sonoma Valley, California).

b. Large and/or Expensive conferences. The appropriate Component Procurement Chief must review and approve all conferences exceeding \$500,000, or that will have over 500 attendees. Such approval must be in writing and submitted with the report required in §10(a).

c. Meals and Refreshments Exceeding Thresholds. Component Heads must request approval from the AAG/A to provide meals and/or refreshments that exceed the cost thresholds described in §7(b). Component Heads must submit a memorandum to the AAG/A through JMD Finance Staff acknowledging that the proposed meals and refreshments exceed these thresholds and explaining why this is deemed necessary. This responsibility cannot be redelegated. When the conference at issue also requires a request to use a non-federal facility, this memorandum must be submitted with the non-federal facility request form. For all other events, the memorandum must be submitted to Conferences.and.Non-federal.Center@usdoj.gov.

9. CONFERENCES HELD BY COOPERATIVE AGREEMENT RECIPIENTS

a. When to Use Cooperative Agreement. A cooperative agreement may not be chosen in order to avoid the statutory and regulatory requirements associated with the use of a contract. The decision to use a cooperative agreement, as opposed to a contract or grant, should be made in consultation with the component's legal counsel, applying the standards set forth in 31 U.S.C. §6305, which, in general, authorizes the use of a cooperative agreement where the conference would carry out a **public** purpose of support or stimulation of outside entities, and substantial involvement by the Department is expected. Although the standards in §6305 must govern

the choice of vehicle, in determining if a conference **would** carry out such a public purpose (as opposed to merely providing a direct benefit to the Department or its employees), a significant factor is whether the primary beneficiaries of the conference are outside the federal Government.

b. Cost Principles that Apply to Non-Profit Cooperative Agreement Recipients.

- 1) Directives. Non-Profit cooperative agreement recipients must comply with the Uniform Administrative Requirements for Grants and Cooperative Agreements with Non-Profit Organizations (28 CFR Part 70), OMB Cost Principles Circular A-122, 2 C.F.R. 230, and, if applicable, the Office of Justice Programs Financial Guide, or any other component-specific guidance. According to A-122: "Costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, speakers' fees, and other items incidental to such meetings or conferences."
- 2) Reasonable Standard. The amount spent on conference costs is governed by the general principle that the costs be "reasonable," which is further defined in OMB Circular A-122, Attachment A, paragraph 3. Furthermore, cooperative agreement recipients must comply with the travel guidelines at OMB Circular A-122, Attachment B, paragraph 51, and the OJP Financial Guide (if applicable), which require that if a recipient does not have a written travel policy, the recipient must abide by the rates and amounts established by the General Services Administration (GSA) in the Federal Travel Regulations, 41 C.F.R. ch. 301.⁴

c. Required Special Condition For New Awards. All cooperative agreements that include holding a conference as a recipient responsibility must include the following special condition:

"Within 45 days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;

⁴ GSA's regulations and per diem rates may be found at www.gsa.gov

- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other direct costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, privately owned vehicle (POV)); and
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported."

- d. Information Gathered From Former or Existing Cooperative Agreement Recipients. Components are required to gather the specific information listed in section (c) from any cooperative agreement recipient that held a conference between October 1, 2007 and the present, and from any cooperative agreement recipient that holds a conference under the terms of an existing cooperative agreement.
- e. Review and Reporting. Each sponsoring component must review the itemized costs and clarify any of the reported information with the cooperative agreement recipient, as necessary. The component must also itemize all of the transportation costs, M&IE, per diem, and lodging costs *paid by the component itself* to send either its component employees or employees of another DOJ component to the event. The DOJ employee travel costs paid by the component should be added to each itemized category as well as the overall cost of the event. Within 45 calendar days following the close of each fiscal quarter, the component shall submit a report on each conference costing more than \$20,000 held by its cooperative agreement recipients, as described in §10(b).

10. REPORTING.

- a. Quarterly Reporting of Conference Costs. The Attorney General is required to submit quarterly reports to the IG regarding the costs and contracting procedures relating to each conference held by the Department for which the total cost of the conference was more than \$20,000. To facilitate this process, each office holding a conference as defined by §5(a) and costing more than \$20,000, is required to submit the following information to the appropriate office within its component:
- 1) a description of the purpose of each conference, the number of participants attending the conference, and how many were federal government employees;
 - 2) a detailed list of all costs categorized in §6(f), and any issues encountered in determining the costs related to that conference; and
 - 3) a description of the contracting procedures with respect to each contract relating to that conference, including:
 - a) whether contracts were awarded on a competitive basis for that conference; and
 - b) a discussion of any cost comparison conducted by the Department in evaluating potential contractors for that conference.

No later than 45 calendar days following the close of each fiscal quarter, every component that has held a conference as defined by §5(a) during that quarter must submit a report, signed by the Component Head, which includes the above information for each such conference. The template at Attachment B should be used to compile the information and submit this report. The component must also submit any special approvals required by §8 with this report. The report must be submitted to Conferences.and.Non-federal.Center@usdoj.gov.

- b. Quarterly Reporting on Cooperative Agreement Conferences. No later than 45 calendar days following the close of each fiscal quarter, every component that has held a conference as defined by §5(a), through the use of a cooperative agreement as described in §9 and costing more than \$20,000, shall report on the event using the template at Attachment B. The report must be submitted to Conferences.and.Non-federal.Center@usdoj.gov.
- c. Quarterly Reporting on Use of Non-Federal Facilities for Predominantly Internal Events
Within 45 calendar days following the close of each fiscal quarter, every component that has held a predominantly internal event at a non-federal facility must submit a report, signed by the Component Head, to Conferences.and.Non-federal.Center@usdoj.gov. The template at Attachment B should be used to compile the information and submit this report. The report must highlight and explain any increases in costs above those submitted with the original request for approval. All market research data and cost analysis/actual cost information must remain on file with the component.

11. QUESTIONS. Questions regarding these requirements may be directed to Lori Arnold, Assistant Director, Financial Management Policies and Requirements Group, Finance Staff, on (202) 616-5216, or Melinda Jones, of her staff, on (202) 353-2527.

Attachments

Activities Not Reported as Conferences under §10 (a)**Activity Type 1:**

Law enforcement planning, staging, surveillance, undercover, or other meetings related to a law enforcement operation, and meetings to coordinate the Department's investigative, intelligence and/or prosecutorial efforts in connection with a pending case, specific criminal activity or a threat against the United States, including those that occur at law enforcement or security operational centers.

Activity
Meeting of attorneys to discuss a pending case
Meeting of DOJ agents to discuss strategy in an ongoing hostage situation

Activity Type 2:

Training courses taught at federal training centers, such as the National Advocacy Center, the Federal Law Enforcement Training Center, the Federal Bureau of Investigation National Academy, and the Drug Enforcement Administration Training Academy.

Activity Type 3:

Undercover activities and training conducted in accordance with the Attorney General's guidelines.

Activity Type 4:

Testing where the primary purpose of the event is to evaluate an applicant's qualifications to perform certain duties necessary to perform his or her job. In order for an event involving testing to be excluded from the reporting requirement, the majority of the event must be devoted to the administration and taking of the test. An event is not excluded from the reporting requirement if a test is incidental to the training course and is given upon its completion to determine satisfactory participation.

Activity
Quarterly Firearms Certification

Activities Reported as Conferences under §10 (a) if over \$20,000

Activity	Description
OCDETF Financial Investigations Seminar	Mandated seminar to learn financial investigative techniques of criminal enterprise
Computer Analysis and Response Team Moot Court	Attendees meet to gain exposure to cross examination from attorneys on cases they have investigated
OIG Investigations Managers Conference	Meeting of Senior Managers from within the Investigations Division
Immigration Judge Training	Immigration judges from across the U.S. gain training and participate in policy discussions
Operational Medic Program	Attendees are trained in order to comply with National Registry of Emergency Technicians' national standards

Quarterly Report on Conference Costs

Attachment B

Component: _____ Telephone: _____

Point of Contact: _____ Email: _____

Conferences/Events						
Conference Title:	Non-Federal Facility		Conference over \$20,000		Non-Federal Facility	
Event Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conference Date (Start & End)						
Facility Name						
City and State						
Number of Federal Attendees						
Number of non-Federal Attendees						
Total Number of Attendees						

Purpose of the Conference:				
Conference Costs:				
Conference/Meeting Space (incl. Break out Room Cost)	\$0.00	\$0.00	\$0.00	\$0.00
A/V Equipment & Services	\$0.00	\$0.00	\$0.00	\$0.00
Other Equipment Costs	\$0.00	\$0.00	\$0.00	\$0.00
Printing and Distribution	\$0.00	\$0.00	\$0.00	\$0.00
Gov't Provided Meals	\$0.00	\$0.00	\$0.00	\$0.00
Refreshments	\$0.00	\$0.00	\$0.00	\$0.00
M&IE	\$0.00	\$0.00	\$0.00	\$0.00
Lodging	\$0.00	\$0.00	\$0.00	\$0.00
Transportation	\$0.00	\$0.00	\$0.00	\$0.00
Local Transportation	\$0.00	\$0.00	\$0.00	\$0.00
Conference Planner	\$0.00	\$0.00	\$0.00	\$0.00
Conference Facilitator	\$0.00	\$0.00	\$0.00	\$0.00
Other Costs	\$0.00	\$0.00	\$0.00	\$0.00
Total Conference Cost	\$0.00	\$0.00	\$0.00	\$0.00
Average Cost per Attendee	\$0.00	\$0.00	\$0.00	\$0.00

Describe any issues encountered in determining the costs related to the conference.			
Description of contracting procedures.			

For Events in Non-federal Facilities Only			
Total Original Cost Estimate	\$0.00	\$0.00	\$0.00
Variance (Actual vs. Estimated)	\$0.00	\$0.00	\$0.00
Variance Justification ¹ :			

¹ Attach additional pages to explain methodology if you are unable to capture costs as described in Policy XX or if any costs appear to be out of the ordinary.

² Attach additional pages to explain contracting procedures.

³ Use Attachment C to provide a justification narrative for all events in which the actual cost exceeds the estimate, the justification needs to be itemized.

Non-federal Facility Event Variance Justification

Conference Title: _____
 Conference Date: _____
 City and State: _____

Conference Costs:	Estimated Cost	Reported Cost	Variance	Justification¹
Conference/Meeting Space	\$0.00	\$0.00	\$0.00	
AV Equipment & Services	\$0.00	\$0.00	\$0.00	
Other Equipment Costs	\$0.00	\$0.00	\$0.00	
Printing and Distribution	\$0.00	\$0.00	\$0.00	
Gov't Provided Meals	\$0.00	\$0.00	\$0.00	
Refreshments	\$0.00	\$0.00	\$0.00	
M&IE	\$0.00	\$0.00	\$0.00	
Lodging	\$0.00	\$0.00	\$0.00	
Transportation	\$0.00	\$0.00	\$0.00	
Local Transportation	\$0.00	\$0.00	\$0.00	
Conference Planner	\$0.00	\$0.00	\$0.00	
Conference Facilitator	\$0.00	\$0.00	\$0.00	
Other Costs	\$0.00	\$0.00	\$0.00	
Total Conference Cost	\$0.00	\$0.00	\$0.00	

Conference Title: _____
 Conference Date: _____
 City and State: _____

Conference Costs:	Estimated Cost	Reported Cost	Variance	Justification¹
Conference/Meeting Space	\$0.00	\$0.00	\$0.00	
AV Equipment & Services	\$0.00	\$0.00	\$0.00	
Other Equipment Costs	\$0.00	\$0.00	\$0.00	
Printing and Distribution	\$0.00	\$0.00	\$0.00	
Gov't Provided Meals	\$0.00	\$0.00	\$0.00	
Refreshments	\$0.00	\$0.00	\$0.00	
M&IE	\$0.00	\$0.00	\$0.00	
Lodging	\$0.00	\$0.00	\$0.00	
Transportation	\$0.00	\$0.00	\$0.00	
Local Transportation	\$0.00	\$0.00	\$0.00	
Conference Planner	\$0.00	\$0.00	\$0.00	
Conference Facilitator	\$0.00	\$0.00	\$0.00	
Other Costs	\$0.00	\$0.00	\$0.00	
Total Conference Cost	\$0.00	\$0.00	\$0.00	

¹ Attach additional pages to describe justification