



The Deputy Secretary of Energy

Washington, DC 20585

August 17, 2015

MEMORANDUM FOR FRANKLIN M. ORR
UNDER SECRETARY FOR SCIENCE AND ENERGY

FRANK KLOTZ
UNDER SECRETARY FOR NUCLEAR SECURITY

DAVID M. KLAUS
DEPUTY UNDER SECRETARY FOR MANAGEMENT
AND PERFORMANCE

HEADS OF ALL DEPARTMENTAL ELEMENTS

FIELD SITE MANAGERS

LABORATORY DIRECTORS

FROM: ELIZABETH SHERWOOD-RANDALL 

SUBJECT: Updated Guidance on Conference-Related Activities and
Spending

In 2012, the Department of Energy (DOE) launched a comprehensive initiative to improve management of conference-related activities and spending. As a result of this effort, the Department has institutionalized best practices for managing conferences and has established a in which where cost-effectiveness is carefully considered in making conference-related decisions. In addition, the Department has developed a better understanding of the investment in conferences that is essential to achieve our vital science and technology mission.

As a result of progress in improving conference management and in recognition of the important role that conferences play in accomplishing our critical mission, the Secretary and I are further refining the Department's conference management policies and procedures using a risk-based approach. These changes will better enable participation in vital professional conferences, streamline approval processes, and reduce transactional oversight of our contractors, while meeting all legal requirements and maintaining appropriate management controls to ensure cost-effectiveness.

All Departmental elements will implement the revised policies and procedures outlined in Attachment A. Highlights of these enhancements include:

- Dividing conferences into two categories: 1) conferences sponsored by DOE and its contractors and 2) conferences sponsored by external entities that DOE and its



contractors attend, but have no role in funding (with certain specific exceptions) or promoting. Under our new approach, management attention will be especially focused on conferences sponsored by DOE and its contractors.

- Modifying contracts to hold contractors accountable for responsibly managing and tracking costs for participation in external conferences without additional transactional oversight. Contractor employees will continue to utilize the current conference management system until such time as contract modifications are in effect.
- Promoting greater accountability by having each Under Secretary whose organization or contractor is sponsoring a conference with costs to the Department greater than \$100,000 approve the conference. (The current policy is to have all Under Secretaries with staff/contractors attending sign the approval package.)
- Streamlining the data collected for conferences over \$100,000.

These changes will significantly expedite the approval process allowing attendees to take advantage of reduced early registration fees and lower-cost travel. They will also eliminate unnecessarily burdensome reporting. In addition, these changes further demonstrate the Department's continuing commitment to holding contractors accountable through performance-based rather than transaction-based oversight.

These policy and process modifications cancel previous memoranda on conference management, including former Deputy Secretary Poneman's memorandum on this topic dated December 6, 2012. The Office of the General Counsel's Guidance on Conferences will be updated to align with these policy changes. The Office of Management (MA), which oversees the conference function, will lead the transition to the new policies and procedures. MA will monitor the effectiveness of this new process and may make adjustments as needed, working closely with DOE program offices.

Questions concerning this policy should be directed to Ingrid Kolb, Director, Office of Management at (202) 586-2550.

Attachment

U.S. DEPARTMENT OF ENERGY
CONFERENCE MANAGEMENT POLICIES AND PROCEDURES
JULY 2015

All prior memoranda on the topic of conference management, other than the GC Guidance on Conferences, are hereby cancelled, including guidance issued by the former Deputy Secretary on December 6, 2012. The policies and procedures applicable to contractors and contractor employees will be effective at such time as an H clause (Attachment 1) is incorporated into contracts, as appropriate. Contracting officers will incorporate the model H clause into contracts, as appropriate, within 10 business days of the issuance of this policy.

Conference Definition

- *Conference Definition.* The definition of a conference is outlined in Attachment 2 and has not changed except with regard to formal classroom training.
- *New Exception to Definition.* Formal classroom training is no longer subject to the conference management approval and reporting process, regardless of its location or whether it is part of a certification program. Such training often involves instruction in a small setting with a limited number of instructors (one or two) and may include examinations to test learning. Examples of formal classroom training include: instruction on IT software programs and training on a new acquisition policy.

Classroom training does not include gatherings that exhibit the indicia of a formal conference, which often includes a registration fee, a published substantive agenda, multiple speakers and/or discussion panels.

DOE/Contractor-Sponsored Conferences

- *Sponsorship.* This policy includes different requirements for Department of Energy (DOE)/Contractor-sponsored conferences versus external conferences where DOE and its contractors have no role other than attending the conference. A conference is considered to be DOE/Contractor-sponsored if the event meets a) the definition of a conference as outlined in Attachment 2, and b) either or both of the following criteria:
 - *DOE/Contractor contributes appropriated funding for a conference.* This includes providing funding to help plan, promote, or implement a conference. Examples include providing funding to rent a conference venue or hire a conference planner. Also included is sponsoring a session at a conference.

Exceptions include instances where DOE/Contractors: (1) cover participation costs in a conference for specified individuals (e.g. students, retirees, speakers, etc.) in a total amount not to exceed \$10,000 (by an individual contractor for a specific conference); (2) purchase goods or services from the conference planners (e.g., attendee registration fees; renting booth space); or (3) DOE provides

funding to the conference planners through Federal grants. Attending a conference, giving a speech, or serving as an honorary chairperson does not connote sponsorship.

- *DOE/Contractor authorizes use of the official DOE seal, or other seals/logos/trademarks to promote a conference.* If the Department or its contractors authorize the use of the official DOE seal, or other DOE/NNSA seals/logos/trademarks, or M&O contractor logos/trademarks to promote a conference, that conference is considered a Department/Contractor sponsored conference.

Exceptions include non-M&O contractors who use their seal to promote a conference that is unrelated to their DOE contract(s) (e.g., if a DOE IT contractor were to host a general conference on cyber security).

- *Conference Management Tool.* DOE and its contractors use the Conference Management Tool (“Tool”) to establish sponsorship of a conference. DOE and its contractors enter information regarding such conferences into the Tool as follows:
 - *Departmental Elements* sponsoring a conference *regardless of the net cost to DOE* create an entry for the conference in DOE’s Tool and establish a conference lock-date (i.e., the deadline for an organization to indicate their participation in a conference). Interested organizations enter cost/attendee information prior to the lock-date.

In some instances, due to space and budgetary constraints, a sponsoring organization may not be able to accommodate all interested attendees. In these situations, the sponsoring organization will communicate these limitations and will work with other organizations to accommodate attendees, if possible.

- *Contractors* sponsoring a conference use the same process, but only for Contractor-sponsored conferences where the total estimated expenditures of DOE appropriated funds is greater than \$100,000. If a contractor is attending a conference sponsored by a Departmental Element, the contractor enters information on their participation in the Tool.

Departmental Elements and contractors create an entry in the Tool for a conference they are sponsoring at least six months prior to the conference date. In the event a requirement for a conference emerges with less lead time, the organization should alert the Office of Management (MA) as soon as possible.

- *Package Development.* Once the lock-date has passed, the sponsoring organization develops a package for any conference estimated to cost over \$100,000 for the approval of their Under Secretary (this includes any subordinate contractors that may sponsor conferences). Information required for approval packages for DOE-sponsored conferences exceeding \$100,000 is included in Attachment 3.

- *Under Secretary Approval.* The sponsoring organization submits packages for conferences with net costs expected to exceed \$100,000 to the Under Secretary to which the sponsoring organization or contractor reports. (In instances where the organization reports to the Secretary [e.g., CFO, GC], the head of the Departmental Element approves the conference.) Only that Under Secretary reviews and signs the package. No funds shall be expended until the Under Secretary approves a conference estimated to cost between \$100,000 and \$500,000 with the exception of minimal funding for developing estimates. **Approval packages are expected to be approved at least four months prior to the beginning of the conference.**
- *Waivers.* Packages for conferences sponsored by a Departmental Element or contractor with net costs expected to exceed \$500,000 must also be approved by the Deputy Secretary. These packages must include a waiver explaining the exceptional circumstances that exist whereby spending in excess of \$500,000 is the most cost-effective option to achieve a compelling purpose. No funds shall be expended until the waiver is approved. **Approval packages are expected to be submitted by the sponsoring Under Secretary to the Executive Secretariat for Deputy Secretary review at least four months prior to the beginning of the conference.**
- *Funds Expenditure.* Once the sponsoring Under Secretary (or the Deputy Secretary) approves the package, funds may be expended for the conference. The sponsoring organization notifies other organizations that employees may begin registering for the conference and obligating funds (e.g., travel), as necessary.

To ensure compliance with the Anti-Deficiency Act, a conference cannot become a DOE/Contractor-sponsored conference once any DOE funds have been expended. For example, after a Departmental Element or contractor purchases airline tickets to send employees to a conference, neither a DOE office nor an M&O Contractor may authorize the use of their logo for the conference, or provide the conference planners with more than \$10,000 to fund participation by specified individuals. (See section on Sponsorship.)

- *Attendance Approval.* DOE Federal and contractor employees' participation in a conference must be approved by supervisors in accordance with established procedures (e.g., DOE travel policies and procedures). Heads of Departmental Elements should monitor participation and associated costs.
- *Reporting Actual Costs/Attendance.*
 - *Departmental Elements.* Within 10 days following the end of a conference sponsored by a Departmental Element costing in excess of \$20,000, the sponsoring organization must update the Tool to include actual attendance. By December 15 each year, for the prior fiscal year, Departmental Elements must update the Tool to include the actual costs and attendance for conferences they

have sponsored costing in excess of \$100,000. This information will be used to prepare statutorily-mandated reports.

- *Contractors.* To support Departmental Elements, by December 15 each year, for the prior fiscal year, contractors must update the Tool to include their actual costs and attendance for participating in conferences that were sponsored by a Departmental Element that cost more than \$100,000.

Non-DOE/Contractor Sponsored Conferences

DOE Employees. The following requirements pertain to DOE employee participation in conferences that are not sponsored by the Department.

- *Conference Management Tool.* When a DOE employee plans to attend a conference, the Departmental Element creates an entry for the conference (if one does not already exist) and completes the required data fields, including the estimated cost and attendance for their organization. (If the conference already exists in the Tool, the Departmental Element completes the required data fields.) MA will monitor the Tool and will establish lock-dates for participation. Other organizations interested in attending will enter cost/attendee information prior to the lock-date.
- *Package Development.* MA prepares the approval packages for external conferences where DOE's net costs for its employees are likely to exceed \$100,000. **MA generates the packages collecting only the information noted in Attachment 4 at least two months before the critical date for the conference (e.g., early registration date).**
- *Under Secretary Approval.* MA submits packages for conferences costing over \$100,000 for the approval of the Under Secretaries (and equivalents) who have DOE employees within their subordinate organizations attending the conference. **MA obtains the needed signatures at least one month prior to the critical date for the conference (providing at least a month for conference registration/travel planning).**
- *Waivers.* Approval packages for external conferences with net costs for DOE employee participation expected to exceed \$500,000 must also be approved by the Deputy Secretary. MA will prepare a waiver explaining the exceptional circumstances that exist whereby spending in excess of \$500,000 is the most cost-effective option to achieve a compelling purpose. No funds shall be expended until the waiver is approved. **MA will submit approval packages to the Executive Secretariat for Deputy Secretary review at least two months prior to the critical conference date.**
- *Funds Expenditure.* Once all relevant Under Secretaries (or the Deputy Secretary) approve the package, MA notifies impacted organizations that funds may be expended. Until such time, no funds shall be spent on the conference. **Once funds**

have been expended on a non-sponsored conference, Departmental Elements may not authorize the use of DOE/NNSA seals/logos/trademarks for the conference, provide the conference planners with more than \$10,000 in funds for specified individuals to participate in the conference, or provide any other sponsorship funding for the conference. (See section on Sponsorship for additional details.) Taking these actions would result in the conference becoming DOE-sponsored, which could result in possible violations of the Anti-Deficiency Act.

- *Attendance Approval.* DOE employees' participation in a conference must be approved by supervisors in accordance with established procedures (e.g., DOE travel policies and procedures).

Contractor Employees: Relevant DOE contracts will be modified through an H clause to make contractors responsible for managing and tracking conference costs. They will be held accountable through established contract administration processes.

- *Managing Costs.* The Contractor and its employees shall make every reasonable effort to limit costs associated with conference expenditures and attendance. Conference costs must support the mission of DOE/NNSA.
- *Tracking and Approving Costs.* The Contractor shall develop and implement a process to ensure costs related to conferences are allowable, allocable, reasonable, and further the mission of DOE/NNSA. This process must at a minimum:
 - Track all conference expenses; and
 - Require that the Laboratory Director (or equivalent) or Chief Operating Officer approves conference costs where they exceed \$100,000 for a single conference.

Contractors are not required to enter information on non-DOE/Contractor-sponsored conferences in DOE's Tool.

- *Once funds have been expended on a non-sponsored conference, Contractors may not authorize the use of their trademarks/logos for the conference, provide the conference planners with more than \$10,000 for specified individuals to participate in the conference, or provide any other sponsorship funding for the conference. (See section on Sponsorship for additional details.) If a contractor does so, its expenditures for the conference may be deemed unallowable.*

Model H Clause - Conference Management

(Contracting officers should use the below model language, but may tailor it to suit specific program needs, as necessary.)

The Contractor agrees that:

- a) The contractor shall ensure that contractor-sponsored conferences reflect the DOE/NNSA's commitment to fiscal responsibility, appropriate stewardship of taxpayer funds and support the mission of DOE/NNSA as well as other sponsors of work. In addition, the contractor will ensure conferences do not include any activities that create the appearance of taxpayer funds being used in a questionable manner.
- b) The definition of a conference is attached.
- c) Contractor-sponsored conferences include those events that meet the conference definition and either or both of the following:
 - 1) The contractor provides funding to plan, promote, or implement an event, except in instances where a contractor:
 - i) covers participation costs in a conference for specified individuals (e.g. students, retirees, speakers, etc.) in a total amount not to exceed \$10,000 (by individual contractor for a specific conference) or
 - ii) purchases goods or services from the conference planners (e.g., attendee registration fees, renting booth space).
 - 2) The contractor authorizes use of its official seal, or other seals/logos/ trademarks to promote a conference. Exceptions include non-M&O contractors who use their seal to promote a conference that is unrelated to their DOE contract(s) (e.g., if a DOE IT contractor were to host a general conference on cyber security).
- d) Attending a conference, giving a speech or serving as an honorary chairperson does not connote sponsorship.
- e) The contractor will provide information on conferences they plan to sponsor with expected costs exceeding \$100,000 in the Department's Conference Management Tool, including:
 - 1) Conference title, description, and date
 - 2) Location and venue
 - 3) Description of any unusual expenses (e.g., promotional items)
 - 4) Description of contracting procedures used (e.g., competition for space/support)
 - 5) Costs for space, food/beverages, audio visual, travel/per diem, registration costs, recovered costs (e.g., through exhibit fees)
 - 6) Number of attendees
- f) The contractor will not expend funds on the proposed contractor-sponsored conferences with expenditures estimated to exceed \$100,000 until notified of approval by the contracting officer.

- g) For DOE-sponsored conferences, the contractor will not expend funds on the proposed conference until notified by the contracting officer.
- 1) DOE-sponsored conferences include events that meet the definition of a conference and where the Department provides funding to plan, promote, or implement the conference and/or authorizes use of the official DOE seal, or other seals/logos/ trademarks to promote a conference. Exceptions include instances where DOE:
 - i) covers participation costs in a conference for specified individuals (e.g. students, retirees, speakers, etc.) in a total amount not to exceed \$10,000 (by individual contractor for a specific conference) or
 - ii) purchases goods or services from the conference planners (e.g., attendee registration fees; renting booth space); or provide funding to the conference planners through Federal grants.
 - 2) Attending a conference, giving a speech, or serving as an honorary chairperson does not connote sponsorship.
 - 3) The contractor will provide cost and attendance information on their participation in all DOE-sponsored conference in the DOE Conference Management Tool.
- h) For *non-contractor sponsored conferences*, the contractor shall develop and implement a process to ensure costs related to conferences are allowable, allocable, reasonable, and further the mission of DOE/NNSA. This process must at a minimum:
- 1) Track all conference expenses.
 - 2) Require the Laboratory Director (or equivalent) or Chief Operating Officer approve a single conference with net costs to the contractor of \$100,000 or greater.
- i) Contractors are not required to enter information on non-sponsored conferences in DOE'S Conference Management Tool.
 - j) Once funds have been expended on a non-sponsored conference, contractors may not authorize the use of their trademarks/logos for the conference, provide the conference planners with more than \$10,000 for specified individuals to participate in the conference, or provide any other sponsorship funding for the conference. If a contractor does so, its expenditures for the conference may be deemed unallowable.

DETERMINATION OF A CONFERENCE REVISED – JUNE 2015

1. General Definition. “Conference” is defined in the Federal Travel Regulation as, “[a] meeting, retreat, seminar, symposium, or event that involves attendee travel. The term ‘conference’ also applies to training activities that are considered to be conferences under 5 C.F.R 410.404.” However, this definition is only a starting point. What constitutes a conference for the purpose of this guidance is a fact-based determination based on an evaluation of the criteria established in this attachment.
2. Additional Indicia of Conferences. Conferences subject to this guidance are also often referred to by names other than “conference.” Other common terms used include conventions, expositions, symposiums, seminars, workshops, or exhibitions. They typically involve topical matters of interest to, and the participation of, multiple agencies and/or nongovernmental participations. Indicia of a formal conference often include but are not limited to registration, registration fees, a published substantive agenda, and scheduled speakers, or discussion panels. Individual events may qualify as conferences without meeting all of the indicia listed above, but will generally meet some of them. Please note that some training events may qualify as conferences for the purposes of this guidance, particularly if they take place in a hotel or conference center.
3. Local Conferences. Events within the local duty location that do not require advance travel authorization may also qualify as a conference for the purposes of this guidance if the event exhibits other key indicia of a conference, especially the payment of a registration, exhibitor, sponsor, or conference fee.
4. Exemptions. For the purposes of this guidance, the exemptions below apply and these types of activities should not be considered to be conferences even if the event meets the general definition of conference in section 1 above. Even where an event is considered exempt from this guidance, organizations are expected to continue to apply strict scrutiny to DOE’s participation to ensure the best use of government funds and adherence with not only all applicable laws and policy, but the underlying spirit or principles, including ensuring that only personnel attend events that have a mission-essential need to do so, that expenses be kept to a minimum, and that participation in any associated social events be limited and restrained to the greatest degree practicable to avoid the appearance of impropriety. Exemptions from this guidance should be granted sparingly and only when events fully meet the definition and intent of the criteria below:
 - a. Meetings necessary to carry out statutory oversight functions. This exemption would include activities such as investigations, inspections, audits, or non-conference planning site visits.

- b. Meetings to consider internal agency business matters held in Federal facilities. This exemption would include activities such as meetings that take place as part of an organization's regular course of business, do not exhibit indicia of a formal conference as outlined above, and take place in a Federal facility.
- c. Bi-lateral and multi-lateral international cooperation engagements that do not exhibit indicia of a formal conference as outlined above that are focused on diplomatic relations.
- d. Formal classroom training which does not exhibit indicia of a formal conference as outlined above.
- e. Meetings such as Advisory Committee and Federal Advisory Committee meetings, Solicitation/Funding Opportunity Announcement Review Board meetings, peer review/objective review panel meetings, evaluation panel/board meetings, and program kick-off and review meetings (including those for grants and contracts).

DOE-SPONSORED CONFERENCES EXCEEDING \$100K -- ATTACHMENT 3			
	CURRENTLY COLLECTED	PROPOSAL	REQUIRING AUTHORITY
B A S I C P R O F I L E	Conference title	RETAIN	M-12-12/STATUTE
	Conference description	RETAIN (limit length)	M-12-12/STATUTE
	Location (City)	RETAIN	M-12-12/STATUTE
	Venue/Facility	RETAIN	DOE
	Dates (various fields)	RETAIN	M-12-12/STATUTE
	Sponsor	RETAIN	M-12-12/STATUTE
	Co-sponsor	RETAIN	DOE
	Primary Point of Contact	RETAIN	DOE
	Hosting Organization (DOE Organization)	RETAIN	DOE
	Event has Senior-Level Approval	RETAIN	M-12-12/STATUTE
	Political sensitivities	RETAIN	DOE
	Description of unusual expenses (e.g., promotional items)	RETAIN	DOE
R A T I O N A L E	Compelling Need for Conference (Conferences > \$500,000 only)	RETAIN	M-12-12/STATUTE
	Description of contracting procedures used (competition for space/support)	ADD	STATUTE
C O S T B U I L D U P	Meeting space total cost	ADD	DOE
	Food and beverage costs	RETAIN	STATUTE
	Audio visual costs	RETAIN	STATUTE
	Other costs	RETAIN	DOE
	Travel/per diem costs by office broken down by Federal, Contractor and Other	RETAIN	STATUTE
	Registration costs (DOE Fees) by office broken down by Federal, Contractor and Other	RETAIN	DOE
	Estimate of recovered costs (through registration or exhibit fees)	RETAIN	M-12-12/STATUTE
T O T A L S	Event Net Total Cost to the Department	RETAIN	M-12-12/STATUTE
	Total Federal, Contractor, Other attendees by program	RETAIN	M-12-12/STATUTE
S U P P O R T I N G D E T A I L	Government Facilities. Explanation of why a government facility is not being used.	DELETE	
	Video conferencing. Explanation of why VTC cannot be used	DELETE	
	External Attendance. Estimated number of external attendees	DELETE	
	Curtail costs. Description of strategies to curtail costs (e.g., carpooling, hosting event at DOE facility, reducing attendees)	DELETE	
	Food. Three questions about whether food is provided.	DELETE	
	Promotional items. Description of items.	DELETE	
	Additional information	DELETE	
	Attendees broken out by presenters, active participants, and other (i.e. support) attendees	DELETE	
	Meeting space/equipment/amenity costs broken down into categories with explanation of these expenses	DELETE	
	Contractor costs (meeting & space planning, meeting logistics)	DELETE	

NON DOE-SPONSORED CONFERENCES EXCEEDING \$100K -- ATTACHMENT 4			
	CURRENTLY COLLECTED	PROPOSAL	REQUIRING AUTHORITY
B A S I C P R O F I L E	Conference title	RETAIN	M-12-12
	Conference description	RETAIN (limit length)	M-12-12/STATUTE
	Location (City)	RETAIN	M-12-12
	Venue/Facility	RETAIN	DOE
	Dates (various fields)	RETAIN	M-12-12
	Sponsor	RETAIN	M-12-12
	Co-sponsor	RETAIN	DOE
	Primary Point of Contact	RETAIN	DOE
	Hosting Organization (DOE Organization drop-down)	RETAIN	DOE
	Event has Senior-Level Approval	RETAIN	M-12-12/STATUTE
	Political sensitivities	RETAIN	DOE
	Description of unusual expenses	RETAIN	DOE
R A T I O N A L E	Compelling Need for Conference (Conferences > \$500,000 only)	RETAIN	M-12-12
T O T A L S	Event Net Total Cost to the Department	RETAIN	M-12-12/STATUTE
	Total Federal, Contractor, Other attendees by program	RETAIN	DOE
S U P P O R T I N G D E T A I L	Video conferencing. Explanation of why VTC cannot be used	DELETE	
	External Attendance. Estimated number of external attendees	DELETE	
	Curtail costs. Description of strategies to curtail costs (e.g., carpooling, hosting event at DOE facility, reducing attendees)	DELETE	
	Food. Three questions about food and who is providing it.	DELETE	
	Promotional items. Description of items.	DELETE	
	Additional information	DELETE	
	Attendees broken out by presenters, active participants, and other (i.e. support) attendees	DELETE	
	Meeting space/equipment/amenity costs broken down into categories with explanation of these expenses (only if DOE holds a Co-sponsor role and/or to determine Package Lead Organization)	DELETE	
	Food and beverage costs	DELETE	
	Contractor costs (meeting & space planning, meeting logistics)	DELETE	
	Audio visual costs	DELETE	
	Other costs	DELETE	
	Travel/per diem costs by office broken down by Federal, Contractor and Others (to determine Package Lead Organization)	DELETE	
	Registration costs by office broken down by Federal, Contractor and Other (to determine Package Lead Organization)	DELETE	
	Estimate of recovered costs (through registration or exhibit fees)	DELETE	