

# **NASA Interim Directive**

## **NID 9312.2**

**Effective Date: January 12, 2009**

**Expiration Date: December 31, 2009**

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### **Requirements Relating to Conference Attendance, Obligations and Expenditures**

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**Responsible Office: Office of the Chief Financial Officer**

## **NID 9312**

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# **PREFACE**

## **P.1 PURPOSE**

This NASA Interim Directive (NID) provides the requirements applicable to conference-related obligations and costs, attendance at foreign conferences, and reporting on costs related to reportable conferences.

## **P.2 APPLICABILITY**

This NID is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers. This language applies to JPL, other contractors, grant recipients, or parties to agreements only to the extent specified or referenced in the appropriate contracts, grants, or agreements.

## **P.3 AUTHORITY**

- a. Omnibus Appropriations Act, 2009, Public Law 111-8
- b. NASA Authorization Act of 2008, Public Law 110-422
- c. The FY 2008 Consolidated Appropriations Act, Public Law 110-161
- d. 5 U.S.C. § 4109-4110, Government Employees Training Act
- e. Federal Travel Regulation § 301-74.19, Conference Planning

## **P.4 APPLICABLE DOCUMENTS**

- a. NASA Policy Directive 1440.6H, "NASA Records Management"
- b. NASA Procedural Requirement 1441.1, "NASA Records Retention Schedules"
- c. NASA Procedural Requirement 9700.1, "Travel"

## **P.5 MEASUREMENT/VERIFICATION**

Quality assurance reviews and analysis of financial and budgetary reports will be used to measure compliance with this NID.

## **P.6 CANCELLATION**

None.

## **CHAPTER 1. Requirements Relating to Conference Attendance, Obligations and Expenditures**

### **1.1 Purpose and Requirements**

1.1.1 This chapter sets forth policies relating to conference reporting and compliance.

1.1.1.1 The NASA Authorization Act of 2008, Public Law 110-422 (the Authorization Act), requires that the National Aeronautics and Space Administration (NASA): (1) limit funding for “conferences” (authorizing FY 2009 appropriations of “not more than \$5,000,000 for any expenses related to conferences, including conference programs, travel costs, and related expenses”), and (2) provide reports with specified information regarding events meeting the criteria of a “conference” under the Act on a quarterly basis to NASA’s Inspector General for NASA sponsored conferences over \$20,000. While this spending cap applies to “any expenses related to conferences,” and is broad in application, it does not apply to limit spending in connection with certain conferences (i.e., scientific or technical, or educational at which STEM (science, technology, engineering and mathematics) content is disseminated, as more fully described in section 1.1.4.2 below).

1.1.1.2 The Omnibus Appropriations Act of 2009, Public Law 111-8 (the Appropriations Act), requires that NASA limit travel to any conference outside of the United States (foreign conference) to no more than 50 NASA employees. The Act’s restrictions on international travel are stricter than those in the Federal Travel Regulations (FTR), limiting the number of NASA employees who may attend a foreign conference. Congress also directed NASA to provide an annual report related to all conferences attended or sponsored, following the direction of the FY 2008 Consolidated Appropriations Act, Public Law 110-161 (together with the Authorization Act and Appropriation Act referred to as “the Acts”), for FY 2009.

1.1.1.3 These Acts apply to conference-related obligations and costs incurred for FY 2009 and are in addition to those imposed by the FTR for conference planning and reporting.

1.1.2 Because of the complexity of the language of the Acts and challenges the Acts pose in applying it to different events attended by NASA personnel, care must be taken to consider the detailed information found in NASA’s “Guidance for Determining Reportable Conferences” (“Conference Guidance”), attached as Appendix A hereto. The Acts require NASA to control obligations and expenditures in connection with the use of FY 2009 funds for certain conferences, and prepare reports on all conference expenses from all years’ funds. In order to comply with these requirements, all NASA travelers and personnel incurring procurement obligations and expenses must familiarize themselves with the new requirements and comply with the new procedures relating to conferences. The policies in this chapter apply to NASA offices, travelers, and those involved in the procurement or training processes that support conference sponsorship or attendance. The NASA Conference website has a copy of the mandatory detailed operating procedures for identifying conferences and funding codes for conference attendance in travel and procurement requests, approving travel, limiting foreign conference attendance, and preparing reports on conference attendance and sponsorship. While the \$5 million limit on appropriations only applies to FY 2009 funds, the controls set forth herein

will remain in effect until superseded by revised procedures or written notice from the Office of the Chief Financial Officer regarding requirements for FY 2010.

1.1.3 Definition of a “Conference.” For purposes of both the reporting requirements and funding and foreign attendance limitations of the Acts, NASA has defined “conference” to mean a meeting:

- a. Held for consultation, education,<sup>1</sup> awareness or discussion; and
- b. Involving travel and lodging for at least some attendees; and
- c. Which is not an NASA internal meeting; and
- d. In which any part of the event is held at a non-NASA facility; and,
- e. Which: (1) has speakers or discussion panels and (2) focuses on topical, rather than operational or programmatic, matters which are of interest to and involve the participation of, a range of attendees from multiple agencies and/or nongovernmental entities.

This definition includes conference expenses regardless of whether or not NASA is the sponsor. It includes most, if not all, externally-sponsored scientific, technical, and professional conferences.

1.1.3.1. A NASA internal meeting is defined as any meeting where all attendees are NASA civil servants, detailees, Special Government Employees, and individuals attending on NASA-issued invitational travel orders. It may include employees of other Federal agencies, NASA’s contractors or subcontractors and parties to inter-governmental or interagency agreements with NASA or the U.S. Government when meeting on matters related to NASA’s programs or operations. It may include NASA grantees, including their principal investigators, when meeting on matters directly related to a grant. It also may include NASA Space Act Agreement partners, when meeting on matters directly related to the activities under the Agreement. The Conference Guidance provides detailed explanations of how to apply this definition, and can be found at the NASA Conference website, <http://conference.nasa.gov>.

#### 1.1.4 Appropriations Spending Cap

1.1.4.1 The new appropriations limitation on conference expenditures in the Authorization Act requires that NASA be able to consistently apply rules for obligating and expending FY 2009 funds and reporting expenses attributable to conferences. This means that all necessary data must be timely and accurately recorded in NASA’s accounting system, which will be used to control the use of appropriated funds for conference expenditures and prepare reports to OIG and Congress. This new requirement includes NASA-funded conference expenses regardless of whether or not NASA was the conference sponsor.

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<sup>1</sup> This does not include formal training. See the Conference Guidance for detailed discussion.

1.1.4.2 Exceptions to the \$5 Million Spending Cap—Scientific/Technical Conferences. Scientific or technical conferences, or education conferences at which NASA STEM content is being disseminated, are excluded from the \$5 million cap, although they must still be tracked for reporting purposes.

Scientific and technical conferences are conferences at which scientific or technical information is being discussed or presented that relates to the missions and programs of NASA in furtherance of its strategic goals (see NPD 1001.0, NASA Strategic Plan). Some examples include presentation of scientific research relating to spaceflight or the discussion of engineering solutions to discrete technical problems in aerospace. However, this exception does not include conferences where topics only relate to institutional or mission support areas such as business, management, or cost topics, even if the context is the support of scientific or technical Agency activities. Nor does this exception apply to technical conferences for which the topics only relate to mission support areas such as desktop or agencywide information technology systems or facilities engineering.

Education conferences are also excluded from the conference spending limitation, but only if (a) a significant portion of the topics relate to education and (b) NASA attendees participate in some manner by disseminating NASA STEM content.

For ease of reference, all conferences that are subject to the spending cap will be referred to as “Administrative & Other Conferences,” while those subject to the reporting requirements but not the spending cap will be referred to as “Scientific/Technical Conferences.”

1.1.4.3 Costs of an Event Where Food & Refreshments are Provided under the GAO “formal conference” test. In the case of those events which might not otherwise meet the definition of “conference,” but for which food and refreshments are provided at Government expense based on an event satisfying GAO’s standards for “formal conferences” (and not other authority such as for training or awards), all such events will be treated as “conferences” for purposes of the Acts. This result applies whether or not such events are held at a NASA facility or only involve Agency employees. See NASA Procedural Requirement (NPR) 9700.1, “Travel,” Appendix A.

1.1.4.4 Definition Includes “Any Expenses Related to Conferences” But Not Allocable Salary. If the definition applies, the spending limit applies very broadly. Because the Act places a limitation on “any expenses related to conferences,” NASA must count “any expenses” towards the \$5 million limit. The statute expressly includes travel (including per diem and other travel expenses) and “conference programs,” which NASA interprets as registration, attendance or other fees. Other costs that “relate to” the Administrative & Other Conference must also be included, such as the cost of developing conference materials and other costs associated with supporting a conference, e.g. handouts, exhibits, facility rental, and costs of sponsorship. In addition, the costs for employees to attend Administrative & Other Conferences as a judge, speaker, presenter, host of an exhibit booth, or panelist must be included; as well as costs for detailees and persons traveling on invitational travel orders or otherwise sent to a conference by the Agency. However, costs of exhibits for public outreach and education are not subject to the cap if the exhibits are placed in areas open to the general public free of charge and are not being utilized by a NASA attendee as part of a speech or presentation. Further, salaries are not “related to conferences,” even for the period during which a person is attending an Administrative &

Other Conference. Although these rules are particularly important to apply in connection with Administrative & Other Conferences, they are also to be applied (except for the use of a conference WBS code) in connection with the reporting of costs for Scientific/Technical Conferences.

1.1.5 NASA's Conference Guidance. NASA's Conference Guidance, Appendix A hereto, is the authoritative guidance for determining whether or not an event is a "conference." Supplemental guidance may be provided from time to time, and when provided will be posted on the NASA Conference website (<http://conference.nasa.gov>). No additional interpretative guidance is authorized without the approval of the Agency Office of the General Counsel and Office of the Chief Financial Officer. Questions about whether individual meetings are conferences should be directed to the Center or Headquarter Conference Point of Contact (POC) for determination by their Center/Headquarters Conference Team (composed of members from the local Center/Headquarters offices of Center Counsel and CFO); the NASA Conference Tracking System and its moderators will also be available to assist in the application of the Conference Guidance for proposed meetings. A current list of Center/Headquarters POCs can be found at the NASA Conference website, <http://conference.nasa.gov>.

#### 1.1.5.1 Funding Sources.

1.1.5.1.1 NASA has established accounting work break down structure (WBS) codes at the project level within each appropriation account, and for which any obligation and/or expenditure in connection with an Administrative & Other Conference must be charged. Because of the limitation placed on NASA's appropriations with respect to Administrative & Other Conferences, and the potential for legal and/or disciplinary repercussions if this limit is exceeded by a failure to follow these new policies, care must be taken by everyone at NASA to timely and accurately identify Administrative & Other Conferences and all associated costs.

1.1.5.1.2 Travel Request Preparation. All persons preparing a travel request must insure that travel to a conference is identified by selecting "Conference" in the e-Travel trip purpose field, and copying the unique Conference Identifier (name/code) of the conference from NASA's Conference Tracking System (NCTS), into the trip purpose description field. In order to adhere to NASA's spending cap, it is important that all travel requests for attending an Administrative & Other Conference be submitted, approved and obligated prior to attending the conference. For this reason, no expenses related to a conference may be reimbursed using NASA SF 1164—Claim for Reimbursement For Expenditures on Official Business. Further procedural explanations, along with a discussion on how to identify costs attributable to a conference in multi-purpose travel, can be found at NASA's Conference website.

1.1.5.1.3 NCTS and Identifying Conferences. The NASA Conference Tracking System is a moderated website, providing a process for both determining which events meet the definition of "conference," and which of those are Scientific/Technical Conferences, and for posting on a searchable website a unique Conference Identifier for use in connection with each such event. If an event is not yet listed in NCTS but is potentially considered a conference, a request should be submitted to the Center/Headquarters POC or NCTS for determination on whether or not the event meets the definition of a conference. The requester will be notified of the determination, and if the event is a conference, a unique Conference Identifier (name/code) will be promptly

added to the listing of conferences at NCTS. (See section 1.1.8 below for further discussion about NCTS).

1.1.5.1.4 Use of Conference WBS codes with Travel Approval, and P-Card and Procurement Requests for Administrative & Other Conferences. Before any travel request or voucher indicating a purpose of “Conference” is submitted for approval, where the conference is not identified as a Scientific/Technical Conference in NCTS, it must include an appropriate conference WBS fund code for all obligations or expenditures relating to the conference. Any P-Card or Procurement request must similarly select an appropriate conference WBS fund code for all obligations or expenditures relating to the Administrative & Other Conference. Additionally, where a NASA contractor is directed by NASA to incur expenses for any conference (both Administrative & Other and Scientific/Technical Conferences) in performance of its contract, or a grant calls for a grantee’s support of conference-related activities, any obligations and expenditures related to such are also required to be timely and accurately submitted using an appropriate conference WBS fund code (see section 1.1.9 below and the Conference Guidance for further discussion).

1.1.5.1.5 Conference Registration Fees. Conference registration fees should preferably be included as part of a travel request and voucher, but may also be processed as part of a P-Card or centrally billed account transaction. However, registration fees for a conference are no longer to be processed through a SATERN training request.

#### 1.1.6 Foreign Conferences.

1.1.6.1 In addition to a spending cap on conferences, no more than 50 employees may attend a conference held outside the United States. “United States,” as defined in the FTR, means the 48 contiguous States, the District of Columbia and the States and areas defined under the term “Non-Foreign Area.” Non-Foreign Area includes Alaska and Hawaii, the Commonwealths of Puerto Rico, Guam and the Northern Mariana Islands and the territories and possessions of the United States (excludes the Trust Territories of the Pacific Islands). ( See FTR § 300-3.1) For purposes of this limitation on the number of NASA employees (but not the spending cap), an event that would otherwise be excluded from the definition of “conference” because it is held entirely at a NASA facility, will still be considered a “foreign conference” when the facility is outside the United States.

1.1.6.2 A foreign conference is considered “non-program” foreign travel (see NPR 9700.1 Travel, Appendix A §301-2.13). In instances where a particular trip mixes travel to a conference with other purposes, the procedures for “non-program” travel are to be followed. The requirements of this section do not replace, but are in addition to, other Agency or Center requirements for foreign travel approval.

1.1.6.3 NASA’s automated systems for identifying conferences and tracking foreign conferences shall be used to ensure compliance with these requirements. NASA’s Conference Tracking System (NCTS) currently enables approvers of prospective foreign conference attendance to register and receive automated verification that the attendee limit has not been reached prior to approving travel arrangements. Requests will automatically be accepted up to an Agency moderator-established first threshold (permitting automatic registration for small conferences).

After the first threshold has been reached, the moderator will manually accept the remaining space allotments as approved by a NASA point of contact (currently the Office of External Relations, working with other offices and Centers) for Agency-wide allotments, never exceeding 50 total. Once approved in the NCTS, the travel request should be processed for approval in accordance with other established Center or Headquarters procedures for foreign travel.

1.1.6.4 Due to diverse operational practices but the need to coordinate foreign travel across the Agency, Centers and Headquarters Offices are required to designate a person to be the single point of contact or coordinator for monitoring travel to foreign conferences in accordance with NASA Federal Travel Regulation Supplement (NPR 9700.1 App. A, § 301-2.7). However, it remains the responsibility of all approvers to ensure that any requested travel to a foreign conference is approved only if it falls within the threshold of no greater than fifty attendees (NASA-wide) to any one foreign conference.

#### 1.1.7 NASA Sponsored Conference Reporting.

1.1.7.1 Required Reporting. NASA conference sponsors are required to provide NASA's Conference Reporting Team, via its agency email account ([conference-sponsor@mail.nasa.gov](mailto:conference-sponsor@mail.nasa.gov)), with two forms, NASA Sponsored Conference Approval Form and NASA Sponsored Conference Reporting Form, in a timely manner. Detailed instructions regarding use of the forms are available on the Conference Reporting web site (<http://conference.nasa.gov>). The NASA Sponsored Conference Approval Form provides necessary cost estimates and conference identification information to all NASA travelers, approvers, and procurement personnel so they can properly complete other records related to the sponsored conference. The NASA Sponsored Conference Reporting Form provides necessary actual cost, contracting, and other information needed to prepare NASA's required quarterly and annual reports.

1.1.7.2 When to Use These Forms. Both forms are required for events that are sponsored by NASA and that either (a) meet the definition of "conference" under the Conference Guidance, regardless of the number of attendees, or (b) meet the requirements of FTR 301-74.19 (i.e., an off-site meeting, retreat, seminar, symposium or event that involves attendee travel, having at least 30 attendees, for which NASA must maintain a record of the costs for alternative (i.e., non-NASA) sites considered for the event).

1.1.7.3 Forms Disposition. A copy of each completed, approved form should be forwarded to the Conference Reporting Team, with the original kept in local records and available for review as needed.

#### 1.1.8 The NASA Conference Tracking System (NCTS).

1.1.8.1 To support the reporting requirements imposed by Congress, and to standardize and simplify conference data recordkeeping in related information systems, NASA has developed an agencywide database. It can be accessed by conference attendees, procurement personnel, conference planners, financial managers, and others supporting conference participation in NASA. The database is accessible to all NASA employees and NASA Conference Support Contractors at the NASA website (<http://ncts.nasa.gov>) and is maintained by the NASA Conference Reporting Team. All travel and procurement records related to conferences should

be encoded with registered conference identifiers (code/name) from the NCTS. NCTS database records will be generated by attendees and conference sponsors and be moderated and maintained by the NASA Conference Reporting Team.

1.1.8.2 While NCTS will be constantly updated by its moderators based on input from Center travel offices and others, because of the wide variety of conferences attended by NASA employees, all NASA personnel connected with conference-related travel or charges must familiarize themselves with NCTS. Whether a conference sponsor, attendee, approver, procurement official or purchase card user, or travel coordinator, any user requesting or approving an obligation or charges connected with a conference is responsible for familiarizing themselves on (a) how to search NCTS for events listed as a conference in the NCTS database, and (b) how to request a determination from NCTS on whether an event should be added to the NCTS database as a conference.

1.1.8.3 The Conference Identifier is a unique name/number associated with a particular conference, generated by NCTS. If a particular event is not already in the NCTS database, an electronic entry form is available an end user to fill out and submit the conference details to NCTS and the NASA Conference Reporting Team. After review of the information, a unique Conference Identifier will be created for the new conference record, with a confirmation e-mailed to the requestor.

1.1.9 Travelers, Training and Travel Coordinators, and Purchase Requests and Purchase Card Holders.

1.1.9.1 Travelers, training coordinators, and travel coordinators are required to limit the use of the travel systems Trip Purpose field for “Conference” to include only those conferences qualifying as a reportable conference as defined in this NID. When “Conference” is selected, the user must also copy the Conference Identifier (code/name) of the conference from NCTS, into the trip purpose description field. Furthermore, sponsoring offices must notify the NASA Conference Reporting Team as early as possible when it is known that a conference is to be sponsored and it is anticipated it will meet the criteria for reporting (e.g., promptly after site approval). Centers and Headquarters Offices must work to make this information available to travelers and travel coordinators. Conference sponsors must make clear to participants that the naming convention established by the sponsor is the name to be included in the travel systems where the event names are likely to be recorded. The same naming convention rule applies to all conference-related transactions recorded for purchase card purchases, travel vouchers, purchase orders, and registration fees.

1.1.9.2 The Acts, and accompanying Congressional direction, establish a requirement for NASA to collect and report specific conference cost data on a quarterly and annual basis. These costs include, but are not limited to registration fees, reservation of conference rooms, audio/visual support, etc. In order to capture this information and enable retrieval of the data to report costs associated with a particular conference, use of the Conference Identifier is required when entering conference-related information in NASA’s financial system, including when creating a travel authorization or voucher, or when creating a purchase card order log within P-Card Web Solution. In addition, all obligations and expenses for Administrative & Other Conference costs must be charged using one of the NASA conference accounting WBS codes.

Scientific/Technical Conferences are all given a unique designator in NCTS, an “ST” following the conference number (e.g., 34000-09-**ST** Annual Conference), while no such designator is used for Administrative & Other Conferences (i.e., the designator “ST” will only be used for Scientific/Technical Conferences). As new records are added, they will also be annotated as either domestic or foreign as defined by the definition in Section 1.1.6 of this NID.

1.1.9.3 Because the \$5 million dollar cap is a limit on NASA’s FY 2009 appropriation funds, all obligations and disbursements in connection with Administrative & Other Conferences need to be promptly entered in NASA’s financial systems, charged against one of the unique (WBS) work break down structure codes newly set up for Administrative & Other Conferences in FY 2009. The conference’s unique NCTS Conference Identifier must also be entered (further instructions are available on the Conference Reporting web site (<http://conference.nasa.gov>)).

1.1.9.4 For Scientific/Technical Conferences, the unique conference WBS codes should not be used after March 31, 2009, except in the case of obligations and disbursements for contractor charges that are the result of NASA direction (*see* Conference Guidance §1.8, and FAQs 1-10 through 1-14). Because conference costs for contractors are not currently accessible via reports from NASA’s financial systems, all NASA-directed contractor charges in connection with a conference, whether Scientific/Technical or Administrative & Other, need to continue to be promptly entered in NASA’s financial systems, charging the obligations and costs against one of the unique conference WBSs.

#### 1.1.10 Records Management.

1.1.10.1 Congress requires NASA to collect and report specific data related to business conference sponsorship and participation. This information is to be collected on a quarterly basis to support the generation of quarterly and annual cost reports. While most of the required data will be based on SAP reports, some additional information is required and NASA’s Conference Reporting Team has developed guidelines for identifying and maintaining source records used to support the ongoing conference cost data reporting requirement. The guidelines are accessible to all NASA employees and NASA Conference Support Contractors at the NASA website (<http://conference.nasa.gov>) and are maintained by the NASA Conference Reporting Team.

## **1.2 Roles and Responsibilities**

1.2.1 The NASA Conference Reporting Team shall develop guidelines, together with NASA’s Office of the Chief Financial Officer and Office of the General Counsel, and manage the collection of data as needed from Centers and Headquarters offices and preparation of required quarterly and annual reports.

1.2.2 Centers, NSSC and Headquarters offices shall train their personnel in NASA’s policies and procedures relating to conference expenditures and attendance, to insure against NASA exceeding its overall spending cap and limit on attendance at foreign conferences, as well as to satisfy NASA’s conference reporting requirements.

1.2.3 The NASA Conference Reporting Team shall maintain the NCTS, and is responsible for compiling, validating, and preparing the required Agency-wide reports on conferences. The

NASA Conference Reporting Team is responsible for maintaining procedures relating to conference-related reports and data collection.

1.2.4 Each Center/Headquarters Conference Team, along with the NCTS moderators, shall be responsible for determining whether individual meetings are “conferences” or not, and for ensuring that events determined to be conferences are promptly listed as such in NCTS. An Agency Team composed of a majority of members from the Agency Office of the General Counsel and Office of the Chief Financial Officer shall be the final authority for determinations, such as cases of conflicting determinations from different Center Conference Teams.

## **APPENDIX A: NASA Guidance for Determining Reportable “Conferences”**

The Omnibus Appropriations Act of 2009, Public Law 111-8 (the Appropriations Act), and the NASA Authorization Act of 2008, P.L. 110-422 (the Authorization Act), (together, the Acts) place four requirements on the National Aeronautics and Space Administration (NASA) with respect to events meeting the criteria of a “conference.” First, the Authorization Act limits the total amount of FY 2009 funds to \$5,000,000, for any expenses related to certain conferences (see discussion below on Administrative & Other Conferences, section 1.5), including conference programs, travel costs, and related expenses. Because this spending cap applies to “any expenses related to conferences,” it is very broad in application; however, there is an important exclusion for Scientific/Technical Conferences. Second, the Authorization Act requires NASA to provide detailed quarterly reports to NASA’s Inspector General for NASA-sponsored conferences costing more than \$20,000. Third, the Appropriations Act requires that none of the funds made available by the act may be used to send or otherwise pay for the attendance of more than 50 employees from NASA at any single conference occurring outside the United States. There are also special limitations on Space Flight Awareness events. Fourth, Congress also directed NASA to provide an annual report related to all conferences attended or sponsored, following the direction of the FY 2008 Consolidated Appropriations Act, Public Law 110-161 (together with the Authorization Act and Appropriation Act referred to as “the Acts”), for FY 2009.

As a result of these changes, no NASA employee may incur any costs related to an Administrative & Other Conference, as discussed more fully below, without obtaining advance approval. Special procedures must also be used with respect to Scientific/Technical Conferences so NASA can fulfill its reporting requirements and stay within the foreign conference attendance limit.

### **1. Meaning of “Conference”**

1.1 Definition of Conference. For purposes of both the reporting requirements and funding limitations of the Acts, NASA has defined “conference” to mean a meeting:

- (1) held for consultation, education, awareness or discussion; and
- (2) involving travel and lodging for at least some attendees; and
- (3) which is not an NASA internal meeting; and
- (4) in which any part of the event is held at a non-NASA facility; and,
- (5) which (a) has speakers or discussion panels and (b) focuses on topical, rather than operational or programmatic, matters which are of interest to and involve the participation of, a range of attendees from multiple agencies and/or nongovernmental entities.

This definition includes conference expenses regardless of whether or not NASA is the sponsor. It includes most, if not all, externally-sponsored scientific, technical, and professional conferences.

1.2 Definition of NASA Internal Meeting. The definition of conference excludes NASA internal meetings. A NASA internal meeting is defined as any meeting where all attendees are NASA civil servants, detailees, Special Government Employees, and individuals who are attending on NASA-issued invitational travel orders. It may include employees of other Federal agencies, NASA's contractors or subcontractors and parties to inter-governmental or interagency agreements with NASA or the U.S. Government when meeting on matters related to NASA's programs or operations. It may include NASA grantees, including their principal investigators, when meeting on matters directly related to a grant. It also may include NASA Space Act Agreement partners, when meeting on matters directly related to the activities under the Agreement.

Therefore, the cap on conference spending does not apply to the execution of routine NASA business, such as program or project reviews and meetings, meetings of international governmental officials for the purpose of coordination on technical, operational, or programmatic matters, site visits and launch functions,<sup>2</sup> advisory committee meetings, and public affairs activities supporting events to which the general public is invited with no fee. If the sole purpose of the meeting is to discuss NASA business, such as scientific, technical, business or programmatic actions, plans, or priorities for a specific NASA program, project, or mission support matter, then the meeting is not a conference for purposes of this limitation.<sup>3</sup>

Where a meeting is otherwise an internal NASA meeting, the presence of outside speakers or facilitators will not, without more, turn such a meeting into a "conference."

1.3 Special Rule for Meetings Where Food & Refreshments Are Provided. GAO has stated that appropriated funds are not available to provide food to government employees at their duty station absent statutory authority. There are a few exceptions to this general rule, including employee training and awards events and those that have been determined to meet the GAO test for a "formal conference." Notwithstanding the definition of "conference" set out above, all events at which appropriated funds are used to provide food because the event satisfies GAO's standards for formal conferences will be treated as "conferences" for purposes of the Act, whether or not such events are held at a NASA facility or only involve Agency employees. This does not apply to events for which other statutory appropriation authorities have been the basis for Government funding of food, such as employee training and awards ceremonies, and use of the Official Representational Fund. This also does not apply to events where host organizations provide food or refreshments at no cost to NASA (e.g., a programmatic meeting where a host organization provides refreshments, but no fees are charged, but ethics restrictions on acceptance of gifts from outside sources will apply).

Note that the Agency may pay an entity, such as a hotel, directly for meals at a conference if a) ONLY for NASA employees or detailees on travel or invitational travelers, b) if the amount

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<sup>2</sup> Note, however, that the Authorization Act does prohibit use of funds to support a Space Flight Awareness Launch Honoree Event conference.

<sup>3</sup> Again, no Government funded food or refreshments are permitted at such meetings, unless approved by legal Counsel under other authorities, such as those for training and awards ceremonies.

charged for the meal is within the per diem for the given meal, and c) the travelers' per diem is reduced correspondingly. In these cases, those payments are subject to the \$5 million cap.

1.4 Formal Training Excluded. The definition of conference for the \$5 million agency-wide cap does not include meetings limited to formal training of NASA employees.<sup>4</sup> An established course of instruction in a substantive field in a classroom setting is not considered a conference, and similar coursework held at a rented facility is not thereby transformed into a conference. On the other hand, where a conference has a training aspect, e.g., by helping employees maintain certification requirements or earn continuing education credits, but more closely meets the definition of “conference” than that of “training,” it should be treated as a conference. Many conferences include the presentation of substantive materials that are educational in nature, but which do not meet the definition of formal training.

1.5 Exceptions to the \$5 million cap—Scientific/Technical Conferences. Scientific or technical conferences, or education conferences at which NASA science, technology, engineering and mathematics (STEM) content is being disseminated, are excluded from the \$5 million cap, although they must still be tracked for reporting purposes.

Scientific and technical conferences are conferences at which scientific or technical information is being discussed or presented, where the information relates to the missions and programs of NASA in furtherance of its strategic goals (see NPD 1001.0, NASA Strategic Plan). Some examples include presentation of scientific research relating to spaceflight or the discussion of engineering solutions to discrete technical problems in aerospace. However, this exception does not include conferences with topics that only relate to institutional or mission support areas such as business, management, or cost topics, even if the context is the support of scientific or technical Agency activities. Nor does this exception apply to technical conferences for which the topics only relate to mission support areas such as desktop or agencywide information technology systems or facilities engineering.

Education conferences are also excepted from the conference spending limitation, but only if (a) a significant portion of the topics relate to education and (b) NASA attendees participate in some manner by disseminating NASA STEM content.

For ease of reference, all conferences that are subject to the spending cap will be referred to as “Administrative & Other Conferences,” while those subject to the reporting requirements but not the spending cap will be referred to as “Scientific/Technical Conferences.” A Scientific/Technical Conference will be designated in the NCTS system by the suffix “ST” following the conference number (e.g. 34000-09-**ST** Annual Conference)

1.6 Definition Includes “Any Expenses Related to Conferences” But Not Allocable Salary. If the definition applies, the spending limit applies very broadly. Because the Act places a

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<sup>4</sup> Training is defined as a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals. Payment for meals that are “necessary expenses of the training” are authorized for employees under 5 U.S.C. 4109.

limitation on “any expenses related to conferences,” NASA must count “any expenses” towards the \$5 million limit. The statute expressly includes travel (including per diem and other travel expenses) and “conference programs,” which NASA interprets as registration, attendance or other fees. Other costs that “relate to” the Administrative & Other Conference must also be included, such as the cost of developing conference materials and other costs associated with supporting a conference, e.g. handouts, exhibits, facility rental, and costs of sponsorship. In addition, the costs for employees to attend Administrative & Other Conferences as a judge, speaker, presenter, host of an exhibit booth, or panelist must be included; as well as costs for detailees and persons traveling on invitational travel orders or otherwise sent to a conference by the Agency. However, costs of exhibits for public outreach and education are not subject to the cap if the exhibits are placed in areas open to the general public free of charge and are not being utilized by a NASA attendee as part of a speech or presentation. Further, salaries are not “related to conferences,” even for the period during which a person is attending an Administrative & Other Conference.<sup>5</sup> Thus, fully reimbursable travel arrangements for Administrative & Other Conference attendance will not count towards the cap; partially reimbursable arrangements will count to the extent of the unreimbursed expenses. As always, reimbursable travel arrangements must be approved in advance and may not be solicited. Although these rules have particular bearing to Administrative & Other Conferences, they are also to be applied in connection with the reporting of costs for Scientific/Technical Conferences.

#### 1.7 Expenses Related to Conferences May be Allocated Separate from Those for Other Events.

It is a common and acceptable practice to schedule programmatic meetings in conjunction with a conference as a way to save money and facilitate attendance. If an employee travels to a meeting or other event and also attends a conference on the same trip, the Agency must account for the costs attributable to the conference. In those cases, the Agency will determine the percentage of time spent participating in the conference in proportion to the entire trip. The same percentage of the travel expenses will be counted as conference spending, unless there are no additional costs incurred as a result of the conference attendance.

1.8 Expenses Related to Conferences for Contractors Are Reportable and may Count towards the Cap. Where a contractor or subcontractor incurs expenses related to conferences as a result of NASA direction, NASA FY 2009 funds in the hands of contractors at any tier are subject to the statutory requirements. This will normally be evidenced by a statement of work (SOW), work/task order, or other form of NASA direction. An example of this is travel to conferences arranged under logistical and event planning support contracts and task orders, and those costs must be included.

Expenses for conferences that are not included in or necessary for the performance of a contract or task order, and are not incurred at NASA direction, are not subject to the statutory limitation.

1.9 Grant Recipients Not Subject to Cap, with Exceptions. Recipients of NASA research, education or training grants, including grant funds for post-doctorate and other fellowships or

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<sup>5</sup> This is distinct from other conference restrictions, such as the 50-person limit on attendance at international conferences. Consolidated Appropriations Act, 2008, Pub. L. 110-161, Division B, Title V, Section 543.

guest investigators, are not subject to the limitation, because, unlike contractors, grant recipients are neither legally bound to perform a NASA work statement, nor subject to Agency direction under the grant. It is standard practice for research grant proposals to include a presentation at a conference after the completion of the research. These are not solicited by NASA, but are included in the grant as awarded. This is not to be included in the \$5M cap. Research service agreements (RSA) are treated like grants and conference costs paid for by an RSA do not count as NASA conference spending. In addition, cooperative agreements involving NASA funding are subject to the same rules as grants. Therefore, conference costs paid for under a cooperative agreement will not normally count as NASA conference costs.

There is a qualification to the general exclusion of grants and cooperative agreements from the statutory restriction. Grants or cooperative agreements that expressly call for support of conference-related activities or for participation in a conference at NASA's request are subject to the statutory restriction.

Space Act Agreements should be examined on a case-by-case basis. Like grants and cooperative agreements, funded Space Act Agreements may expressly call for support of conference-related activities or for participation in a conference at NASA's request and would be subject to the statutory restriction in such instances. In other cases, the partner's activities under the Space Act Agreement would not be included in the \$5 million cap because no NASA funding is transferred to the Space Act Agreement partner; however, the activities of the NASA individuals under the Space Act Agreement would be included in the \$5 million cap if those activities would otherwise be included under the applicable definition.

In addition, the Agency does not have authority to collect registration fees. In cases where a Space Act Agreement is structured such that the partner collects registration fees, there may be other fiscal law concerns, such as an augmentation of Agency appropriations.

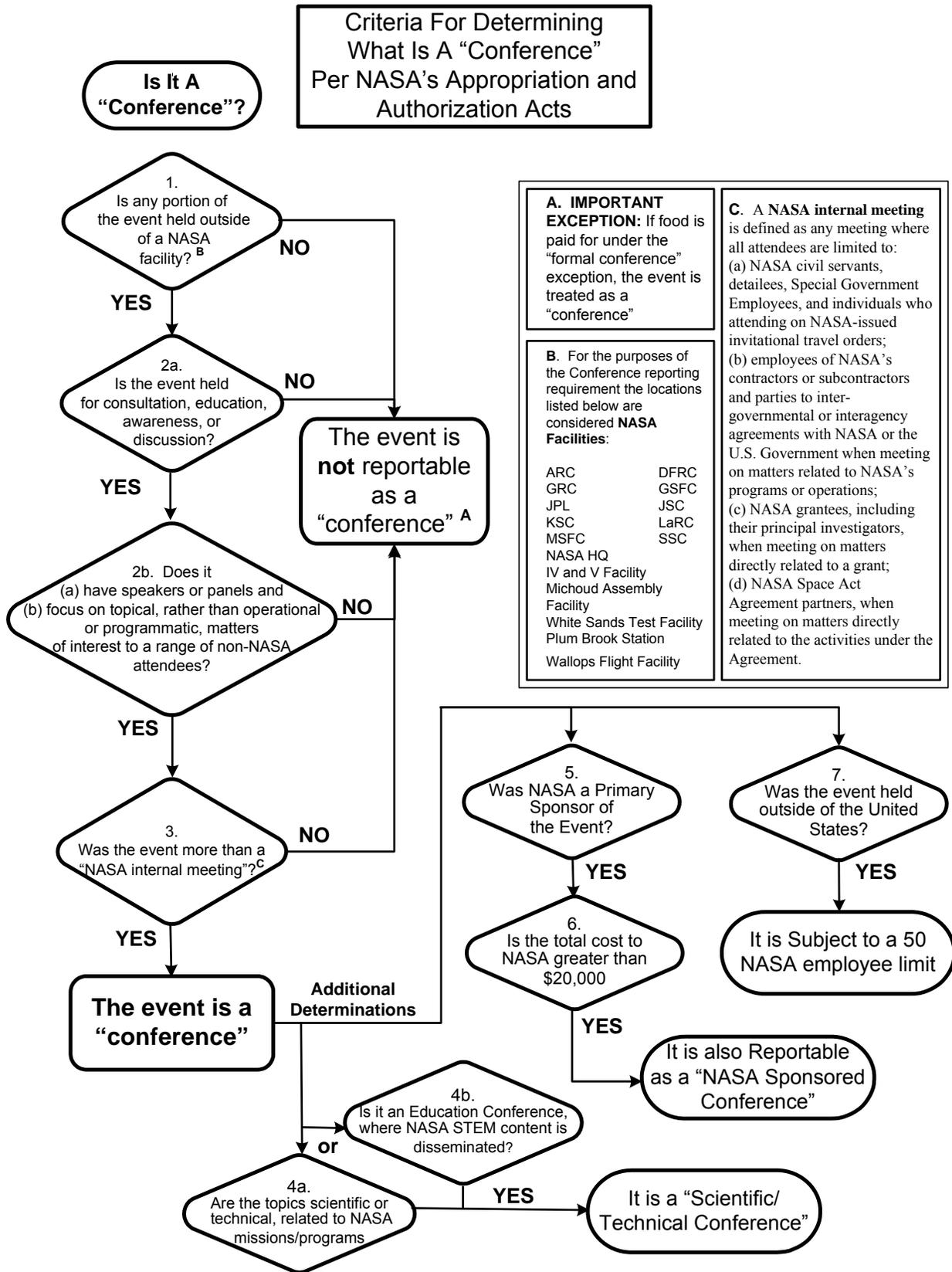
1.10 Foreign Conference Attendance. The Acts also prohibit more than 50 Federal employees from attending a single conference occurring outside the U.S. Unlike the \$5 million limit on conference spending, even fully reimbursable travel to international conferences is counted towards the 50-person limit. In order to ensure compliance with this requirement, Officials-in-Charge must ensure prompt and timely submission of foreign travel requests (*i.e.*, four weeks before the planned departure date), regular weekly submission of foreign travel reports to the Office of External Relations, and consistent use of the NASA Conference Tracking System. The Office of External Relations will establish a committee of appropriate representatives to determine appropriate allocations for international conferences that appear likely to approach the 50 Federal employee limit. These allocations will reflect conference focus and Agency strategic communication interests.

1.11 Limitation on Other Guidance. No further interpretative guidance is authorized without the approval of the Office of General Counsel and Office of the Chief Financial Officer. Questions about whether individual meetings are conferences should be directed to the NASA Conference Tracking System and its moderators for determination; Center Counsel and CFOs will also be available to assist in the application of this Guidance for proposed meetings.

## **II. Conference Decision Chart and Frequently Asked Questions (FAQs).**

In order to assist with determining what qualifies as a “conference,” the following decision aides are being provided. In addition to these, every office or center has a designated Point of Contact (POC) for Conference reporting, and these POCs should be consulted when you are still unable to determine whether or not a particular event is a “conference.” A list of current POCs is available at the website <http://conference.nasa.gov>. In addition to these POCs, an Agency Conference Reporting Team has been established to provide determinations and consistent guidance for NASA in applying this definition, and the local Counsel is available to provide legal advice related to “conferences.”

## A. "Conference" Decision Chart



**A. IMPORTANT EXCEPTION:** If food is paid for under the "formal conference" exception, the event is treated as a "conference"

- B.** For the purposes of the Conference reporting requirement the locations listed below are considered **NASA Facilities:**
- ARC           DFRC
  - GRC           GSFC
  - JPL            JSC
  - KSC           LaRC
  - MSFC          SSC
  - NASA HQ
  - IV and V Facility
  - Michoud Assembly Facility
  - White Sands Test Facility
  - Plum Brook Station
  - Wallops Flight Facility

**C.** A **NASA internal meeting** is defined as any meeting where all attendees are limited to:

- (a) NASA civil servants, detailees, Special Government Employees, and individuals who attending on NASA-issued invitational travel orders;
- (b) employees of NASA's contractors or subcontractors and parties to inter-governmental or interagency agreements with NASA or the U.S. Government when meeting on matters related to NASA's programs or operations;
- (c) NASA grantees, including their principal investigators, when meeting on matters directly related to a grant;
- (d) NASA Space Act Agreement partners, when meeting on matters directly related to the activities under the Agreement.

## **B. Frequently Asked Questions (FAQ) About “Conferences”**

The criteria below have been developed in order to provide more detailed guidance on how to apply the “Conference” Decision Chart above, as well as to enhance consistency in tracking “conference” expenditures as required by the Acts. Each of the numbered criteria in the Decision Chart is briefly discussed below, along with a quote from the relevant portion of the Acts. Because of the complexity of the language of the Acts and challenges, posed in applying it to the variety of events attended by NASA personnel, frequently asked questions and answers have also been provided for each criterion.

When applying the Decision Chart and FAQs below, there is an important exception to the rules for determining when an event is **not** a conference. If food and beverages are paid for by NASA funds and the basis for authorizing payment for such is GAO’s “formal conference” test, then the event will be treated as a conference. This is not the case when food is provided under different authority such as for training and for employee awards ceremonies.

### **1. Is any part of the event held outside of a NASA facility?**

An event is not considered a conference based on this criterion if all sessions, meetings, presentations, and other activities that are part of the event are held on a NASA Facility.

**FAQ 1-1 (*agency*).** Does “agency” only mean NASA, or does it include other Federal Agencies?

**Answer:** When in the singular the term “Agency” means NASA, and does not include other Government agencies.

**FAQ 1-2 (*NASA facility*).** What is considered a NASA “facility”?

**Answer:** The following sites and/or buildings are considered NASA facilities:

All Centers (ARC, DFRC, GRC, GSFC, JSC, KSC, LaRC, MSFC, SSC, JPL and NASA HQ); and

IV & V Facility, Michoud Assembly Facility, White Sands Test Facility, Plum Brook Station, and Wallops Flight Facility.

A more complete listing will be published at the website, <http://conference.nasa.gov>.

**FAQ 1-3 (*leased facilities*).** Are leased facilities (office buildings, sites, etc.), leased by NASA on a continuing basis, considered to be NASA facilities if they are not located within the boundaries of a NASA Center or other NASA facility identified in the Answer to FAQ 1-2?

**Answer:** Yes. Section 203(c)(3) of the Space Act authorizes the NASA Administrator to acquire facilities by purchase, lease, condemnation or otherwise.

**FAQ 1-4 (*local travel*).** If NASA did not pay for any lodging and the only travel expense was for local travel, is an event considered a “conference”?

**Answer:** Yes, treat it as a conference unless you have supporting documentation showing **no** attendee paid for lodging in connection with the event. While a meeting is

considered a “conference” only if it involves travel **and** lodging for at least some participants, this is not limited to events where NASA paid for lodging. As a result, unless NASA has evidence that all participants involved were only on local travel, an event otherwise meeting the elements of the definition of “conference” will be treated as a conference.

Keep in mind that exception for those events which have been determined to satisfy GAO’s standards for “formal conferences” as a justification for Government funding for food or refreshments, all such events will be treated as “conferences” for purposes of the Act. This applies whether or not such events only involve local travel, are held at a NASA facility or only involve Agency employees (but this does not apply to events for which other statutory appropriation authorities have been the basis for Government funding of food, such as training and award ceremonies).

**FAQ 1-5 (*Pre-approval Required*).** If I forget to get pre-approval before attending an Administrative & Other Conference on local travel, am I allowed to obtain reimbursement for my local travel and other costs connected with the conference?

**Answer: No.** Pre-approval is required before attending any Administrative & Other Conference, even conferences for which there is local travel. In order to get reimbursed for local travel, a travel authorization needs to be submitted and approved prior to attending the conference. The only exception is in the narrow case of attendance at a local U.S. (non-foreign) conference, in which there will be no cost incurred in connection with travel or attendance at the conference; in this case, no travel authorization is required for attending the local conference. In the case of foreign conferences, pre-approval is always required, even if traveling under fully reimbursable orders or only locally.

**FAQ 1-6 (*minimum cost*).** Is there a minimum dollar threshold amount for travel and lodging expenses that must be entered when related to a qualifying conference?

**Answer: No.** All expenses connected with any conference must be entered in NASA’s financial systems when the event meets the definition of a conference.

**FAQ 1-7 (*multi-purpose trips*).** If I am attending a conference as well as a programmatic meeting on the same trip, which costs do I charge to the conference?

**Answer:** If an employee travels to a conference and also attends a non-conference meeting on the same trip, the Agency must account for all costs attributable to the conference. For those costs readily identifiable as incurred in connection with an Administrative & Other Conference, these should be obligated and charged under an appropriate conference WBS code for Administrative & Other Conferences. For those costs that are attributable to both an Administrative & Other Conference and non-conference event(s), the costs should be charged to an Administrative & Other Conference WBS code based on the percentage of time spent participating in the conference, and to other WBS code(s) based on the percentage of time spent on the non-conference event(s). The percentage of time should be calculated rounded to the nearest whole hour, using eight hours for a typical working day.

For example, if an overnight trip to an Administrative & Other Conference also includes attendance at a program-related meeting in the same city, with 2 hours at the meeting, 2 working hours on travel or between events, and the remainder at the conference (4 hours), then out of the six hours attributable to both events, 2/3 of the time would be attributable to the conference. In this case, 2/3 of the cost of travel, lodging and per diem would be charged to a conference fund code, and the remainder to an appropriate non-conference fund code. Any registration fee or other unique conference cost would be fully charged to the conference fund code. See also FAQ 7 below.

**FAQ 1-8 (*estimates/disbursements*).** Is the “cost” of a conference based on recorded or estimated cost, or on the actual amounts disbursed?

**Answer:** The \$5 million dollar cap is a limit on NASA’s FY 2009 appropriation funds. As such, it applies to authorizations, obligations, and disbursements. Because of this, it is critical that all obligations, costing, and disbursements are entered correctly in NASA’s financial systems, charged against one of the unique (WBS) work break down structure codes newly set up for Administrative & Other Conferences in FY 2009. For purpose of reports to Congress on all conferences, the “cost” to be reported will be based on amounts disbursed, unless only estimates are available (for example, for travel too close to the end of the reporting period for disbursements yet to be recorded, or only estimates are available from a contractor at the time). The balance remaining available for obligation of these new WBS codes can be determined from SAP.

**FAQ 1-9 (*contractor costs*).** When NASA contractors participate in conferences, are those costs to be entered and reported?

**Answer:** Yes, NASA FY 2009 funds in the hands of contractors at any tier are subject to the statutory restriction if the contractor incurs conference-related expenses as a result of NASA direction, such as a statement of work, task order, or other Agency direction. Expenses for conferences that are not included in or necessary for the performance of a contract are not subject to the statutory limitation. All costs are tracked based on the best information reasonably available from NASA’s records such as invoices, cost reports, or other information currently provided by the contractor. Travel to conferences arranged under logistical and event planning support contracts must be included as well.

Particular attention should be paid to ensuring proper procurement records in connection with NASA-sponsored conferences, as it is more likely contractor support costs for such events have been incurred and reported to NASA in sufficient detail to identify costs connected with a specific reportable event.

**FAQ 1-10 (*NASA direction*).** If a Statement of Work (SOW) gives a list of ways a contractor may disseminate research results, including attending a conference, publishing their paper, etc., does that constitute NASA direction? What if the SOW is silent on how dissemination of research results may happen and the contractor chooses to attend?

**Answer:** No, attendance is at the contractor's discretion and therefore does not constitute direction. Expenses associated with discretionary attendance of a conference by a contractor are not subject to the statutory limitation.

**FAQ 1-11 (*NASA approval of task order responses or proposals*).** If a conference is listed in a task order response or proposal and the Agency accepts the proposal, does the act of approval constitute direction? Is it only direction if the resulting task order or contract would require the attendance?

**Answer:** No, acceptance of a task order response or a proposal does not by itself constitute Agency direction. The expenses associated with discretionary attendance of a conference by a contractor are not subject to the statutory limitation.

**FAQ 1-12 (*Direction and/or necessary for performance*).** If there is no direction, could an event be otherwise reportable? What does necessary for performance mean?

**Answer:** Direction can take many forms, from a SOW involving logistical support of a conference to oral instructions from NASA to attend a conference. Contractor attendance at a conference is reportable only when NASA mandates the contractor's participation. Thus, if there is direction and/or if the conference expenses are necessary for performance of the contract, then the expenses will count toward the statutory cap. Examples of discretionary attendance of conferences are when a contractor elects to perform outreach to small businesses by attending a conference or when a contractor elects to disseminate research by attending a conference. These examples go hand-in-hand with the concept of performance based contracting where NASA indicates the outcome and the contractor determines how best to perform the contract.

**FAQ 1-13 (*Support contractor costs included in indirect rates*).** Are all costs connected with conference support services contracts or work orders included, such as award fees and burden or other indirect charges?

**Answer:** Yes. In NASA sponsored events that meet the definition of conference and where a support contractor is directed to support the event under a specific Work Order, Task Order or the like, the total expense of the Task Order is chargeable and reportable.

**FAQ 1-14 (*Contractor labor*).** When is contractor labor reportable?

**Answer:** Contractor labor is reportable in those situations where labor is part of the costs of the conference, such as logistical support for conferences. The costs of contractor salaries will not be reported or counted against the \$5 million limitation when contractor personnel attend a conference at the direction of NASA, just as the salaries of civil servants attending conferences are not reported or counted against the \$5 million limitation.

**FAQ 1-15 (*Necessary to performance and foreign travel*).** Pursuant to NFS 1852.242-71, a contracting officer may approve foreign contractor travel when "necessary to the efforts required under the contract and it is otherwise in the best interest of NASA." Does this approval mean the travel is "necessary for performance" in the context of conferences?

**Answer:** No, approval of foreign travel for a conference differs from and does not equate to direction from NASA to attend a conference. The clause at NFS 1852.242-71, "Travel Outside of the United States," requires the contracting officer provide advance approval

of contractor travel outside of the United States. The purpose of the clause is to ensure foreign travel expenses are allocable to the contract, i.e., the cost are assignable or chargeable to one or more cost objectives and that there will be a relative benefit or other equitable relationship to the expenses incurred. Note: the Office of Procurement is reviewing the NFS clause to determine whether the clause it is still necessary and, if so, whether the clause should be modified to clarify the purpose of the clause.

**FAQ 1-16 (*Grants and Cooperative Agreements*).** When NASA grantees participate in “conferences,” are those costs to be identified and reported?

**Answer:** Generally No. Recipients of NASA research, education or training grants, including grant funds for post-doctorate and other fellowships, are not subject to the limitation, because, unlike contractors, grant recipients are not bound to perform a NASA work statement, nor typically subject to agency direction under the grant. Even if the grantee offers to make a presentation at a conference after the completion of the research, these costs are not reportable. However, if the RFP or other grant solicitation requires presentation at an event that qualifies as a conference, then the portion of the grant funds attributable to the conference presentation will be treated as subject to the \$5M cap and reported. Further, grants are subject to statutory restrictions on conference support, such not being used for the purpose of defraying the costs of a conference unless it is “directly and programmatically related to the purpose for which the grant or contract was awarded.” Similarly, cooperative agreements involving NASA funding are subject to the same rules as grants—conference costs paid for under a cooperative agreement are not normally treated as reportable conference costs, but if a cooperative agreement requires participation in activities qualifying as a conference, those costs should be counted towards the limitation and reported.

**2. Is the event held for consultation, education, awareness, or discussion; and does it (i) have speakers or discussion panels and (b) focus on topical, rather than operational or programmatic, matters which are of interest to and involve the participation of, a range of participants from multiple agencies and/or nongovernmental entities?**

A meeting is considered a “conference” only if the purpose is specifically for consultation, education, awareness or discussion, and if it has speakers/panels focused on topical matters of interest to a range of non-NASA participants.

**FAQ 2-1 (*management/governance meetings*).** Are programmatic and institutional management meetings, such as those required in NPD 7120.4C, and NPRs 7120.5C and 7120.5D, considered conferences?

**Answer:** No. Meetings are not considered reportable if specifically for the purpose of governance of NASA or one of its organizational units, or for carrying out a NASA program or project (i.e., a “program-specific” purpose). Examples would include the NAC, SMC, OMC, and the like.

**FAQ 2-2 (program meetings).** Based on the use of broad terms like “discussion” in the definition of conference, i.e., "event held for consultation, education, awareness, or discussion," it almost sounds like some or many gatherings of any NASA civil servant with a non-NASA person would be considered a conference. Is that correct?

**Answer:** No. Meetings are not considered reportable conferences if specifically for the purpose of carrying out a NASA program or project (i.e., a “program-specific” purpose) or governance of NASA or one of its organizational units. The definition of conference does not encompass the execution of routine NASA business, such as program or project reviews and meetings, site visits and launches, advisory committee meetings, and public affairs activities such as exhibits and events to which the general public is invited with no fee. If the sole purpose of the meeting is to discuss NASA business, such as scientific, technical, business or programmatic actions, plans, or priorities for a specific NASA program, project, or mission support matter, then the meeting is not a conference for purposes of the Acts.

**FAQ 2-3 (program-specific vs. general nature).** Are any conferences that have as their purpose “discussion” of a specific program reportable?

**Answer:** Generally no, but some are. Where a meeting is held in connection with NASA-funded research, it could be either a conference or a NASA internal meeting. Dissemination of research results in a widely attended forum is often a conference. However, meetings which are intended to coordinate research activities and plan future research are more typically internal meetings. Where the focus of the meeting is not primarily on information exchange to non-program participants, but rather on discussing the progress of project research, coordination of activities, and identification of next steps/options with respect to a specific, funded project, the meeting is considered programmatic in nature and not a conference. In this latter case, the fact that other agencies, contractors, and grantees who are involved in the program are in attendance does not alter this conclusion. In cases where the program is not associated with a specific mission, the analysis may be more difficult. Where these meetings are open to the public, and may involve information exchange and discussion of results of a number of individual research projects, each must be considered on case-by-case basis, with careful assessment of the totality of the meeting’s characteristics to make a determination.

Thus, a conference would be reportable if it has as its primary purpose promoting general awareness of a program, as opposed to specific planning, execution or analysis of a program (including projects, grants, advisory panels and the like). For example:

(a) Fundamental Aeronautics Annual Conference: is reportable, since its basic purpose is promoting general awareness of the program, as further evidenced by attendees from the general public not specifically working on the program.

(b) PM Challenge: was reportable in FY 2008, since it was of a topical nature of interest to a broader audience, and qualified as a formal conference. However, PM Challenge is planned to be an internal NASA meeting in FY 2009.

(c) Fundamental Aeronautics Annual Review: is not reportable, since it is a formal review of a program, with the non-NASA participants attending primarily as review panel members, not for general awareness.

(d) Quarterly Program Management Review: is not reportable, even if off-site and attended by contractors or partners, as it is focused on review of a program, not general awareness.

(f) The following are some additional examples of events determined **not** to be reportable “conferences”:

- Required programmatic and institutional management meetings, including those identified in NPD 7120.4C, NPR 7120.5C, and NPR 7120.5D;
- Formal education or training classes;
- PPBE process budget reviews;
- Routine program/project management meetings;
- Mishap Investigation Boards (usually at contractor facilities);
- Program Management Reviews;
- Management Council Meetings;
- Quarterly Program Management Reviews.

**FAQ 2-4 (name includes “conference”).** Are all meetings with “conference” in the title a reportable event?

**Answer:** In general, yes. However, titles can be misdescriptive and what matters is the purpose of the event, not the use of a term like “conference,” “meeting,” “awareness,” “consultation,” or “discussion” in the title. Thus, if you are aware of additional information indicating that an event entitled “Conference” is a program-specific event, it should not be considered as “*held for consultation, education, awareness, or discussion.*”

**FAQ 2-5 (working groups).** Are “working groups” considered conferences?

**Answer:** In general, no, but you cannot rely on a title alone. For example, “working group” meetings held in conjunction with association conferences, even if closed to all but subcommittee membership, are typically considered part of a conference and reportable as such. However, “working groups” of members from two or three agencies addressing a specific, common operational issue (e.g., financial or personnel system configuration), and not a broader range of topical matters, are not considered “conferences” for purposes of the Act.

**FAQ 2-6 (training).** Are training events considered conferences?

**Answer:** In general, no, but some will be. While the Act does use broad terms like “education” and “discussion” to describe reportable events, they are still in the context of events that are “conferences.” Thus, a specific, established course or set of courses in a classroom setting are not considered a “conference.” Similarly, attendance at a university, professional school, or the like is not considered a “conference.” Likewise, coursework that just happens to be held at rented facility because it overflowed classroom limits is not automatically transformed into a “conference.” However, a widely attended event with a variety of topical meetings offered, held at a hotel or other form of conference facility, should be reported as a conference. Even if the only purpose of an

individual attendee is to receive updated training on a specific area and/or maintain a certification, the more general nature of meetings offered in a setting open to a broader, general audience makes it a reportable conference.

For example, attendance at the following events meets this criterion and should be reported (provided, of course, they are not excluded under one of the other criteria): the U.S. Office of Government Ethics' annual Government Ethics Conference; the Annual Federal Dispute Resolution Conference; AIAA's Annual Conference on Small Satellites; the IEEE Workshop on Network Security; the High Tech Small Business Conference; and the Flight Test Safety Workshop (providing an open forum on flight test safety issues). But, coursework such as a semester-long University course or a professional school class fit the language of the Act. Also, remember to apply the other criteria for determining reportability, such as whether the event was off-site, or had non-NASA participants. For example, you do not report any training held on a NASA facility (see 1 above), or training in which there were only NASA participants. (see 3 below).

**FAQ 2-7 (*division off-site meetings*).** Is my department's off-site meeting considered a conference?

**Answer:** Generally, No. These typically fall within the exception for NASA internal meetings (see 3 below). However, if outside participants (and not just facilitators) are attending, the nature of the meeting may still exclude it from being considered a conference. If the meeting is a lessons learned or strategic planning event, these are almost always narrowly operational or programmatic in focus. But broader, topical meetings or ones not strictly operational in focus (e.g., team-building events) may qualify as a conference. Close questions involving the nature of an event possibly qualifying as a conference should be reviewed with your Center's conference point of contact and/or lawyers.

**FAQ 2-8 (*college degrees*).** Is travel/TDY in connection with NASA-paid education in pursuit of a college degree considered a conference?

**Answer:** No. Although this is a form of education, it is not a discrete event such as is typically connoted by the term "conference" (i.e., from several hours to a week or two), but rather an ongoing, periodic activity in furtherance of the Agency's mission and performance goals.

**FAQ 2-9 (*presenters or judges*).** Is travel for a NASA employee serving as a speaker, presenter, judge, or host at an exhibit booth at a non-NASA event a conference?

**Answer:** In general, yes. These presentations are typically done for general outreach and awareness. This includes speakers' bureau events. But, see FAQ 3-2 (presence of an outside facilitator does not turn a NASA internal meeting into a conference) and FAQ 4-1 (education conferences where NASA STEM content is disseminated are reported as conferences, but not charged under a conference WBS code).

**FAQ 2-10 (*Speakers at schools*).** Is a NASA speaker (including an astronaut appearance) presenting at a local school (elementary, middle or high) considered to fall under the Conference guidance?

**Answer:** No, unless the appearance is occurring as part of another event at the site that would otherwise meet the conference definition.

**FAQ 2-11 (*Reimbursable travel*).** If a NASA speaker is requested to present at a domestic or an international conference, and the sponsor is willing to pay travel/per diem expenses, does the conference guidance apply?

**Answer:** Yes, but only for expenses not covered by the sponsor, such as local transportation expenses. The travel/per diem funds that are from the non-appropriated source do not fall within the reporting requirements or \$5M limitation. Standard procedures for Agency acceptance of travel expenses from outside sources (i.e., reimbursable travel) must be followed. *See also* FAQ 6-1 below.

**FAQ 2-12 (*Festivals or state fairs*).** Are events such as festivals or state fairs that require a small entrance fee considered “conferences”?

**Answer:** Generally, no. Typically, events like festivals and state fairs will not meet the definition of a “conference” because, while they usually have entertainment, contests, or demonstrations, they typically do not have speakers and/or panels.

**3. Is the event an internal NASA meeting, i.e., are the only attendees (a) NASA civil servants or detailees, (b) employees of NASA’s contractors or subcontractors, or parties to inter-governmental or interagency agreements with NASA (when meeting on matters related to NASA’s programs or operations), and/or (c) NASA grantees (when meeting on matters directly related to a grant)?**

In order for an event to be considered a conference, it must be more than just an internal NASA meeting.

**FAQ 3-1 (*JPL and other NASA contractors*).** Are events attended by JPL or other NASA contractor employees considered internal NASA meetings?

**Answer:** Yes, if the events are limited to NASA civil servants and contractor employees, and the meeting is on NASA programs or operations, it is not considered a conference.

**FAQ 3-2 (*facilitators*).** Do non-NASA facilitators, speakers, and presenters affect the determination of whether a meeting is a NASA internal meeting?

**Answer:** No. Outside facilitators and speakers are generally contractors participating in a manner related to NASA programs or operations. In those cases where speakers or presenters are not paid contractors, their presence as a speaker is typically related to operational or programmatic matters of NASA (see 2. above; however, a widely attended meeting like an interagency roundtable focused on topical matters beyond NASA’s programs or operations, even if all non-NASA participants are speakers, will not generally satisfy criterion 2).

#### **4. Is the conference subject to the \$5 million spending cap?**

While all conferences are subject to the reporting requirements of the Acts, only the Administrative & Other Conferences are additionally subject to the \$5 million spending cap of the Authorization Act.

**FAQ 4-1 (exceptions to the \$5 million spending cap).** What is the scope of the exceptions to the \$5 million cap for scientific and technical conferences and education-related conferences at which STEM is disseminated?

**Answer:** As noted above, scientific and technical conferences are conferences at which scientific or technical information is being discussed or presented, where the information relates to the missions and programs of NASA in furtherance of its strategic goals (see NPD 1001.0, NASA Strategic Plan). Some examples include presentation of scientific research relating to spaceflight or the discussion of engineering solutions to discrete technical problems in aerospace. However, this exception does not include conferences with topics that only relate to institutional or mission support areas such as business, management, or cost topics, even if the context is the support of scientific or technical Agency activities. Nor does this exception apply to technical conferences for which the topics only relate to mission support areas such as desktop or agencywide information technology systems or facilities engineering.

Education conferences are also excepted from the conference spending limitation, but only if (a) a significant portion of the topics relate to education and (b) NASA attendees participate in some manner by disseminating NASA STEM content.

#### **5. Was NASA a primary sponsor of the event?**

Even if NASA did not pay any travel costs for a conference, other costs may still be reportable if NASA held (i.e., was primary sponsor of) the event and the total cost was greater than \$20,000.

**FAQ 5-1 (non-NASA costs).** If NASA pays for an exhibit booth or otherwise provides a minor level of funding in support of a conference, is the conference considered “held by” NASA (i.e., is NASA a “primary sponsor” of the conference)?

**Answer:** No. NASA is not considered a conference’s sponsor based solely on participation costs such as for travel, exhibitions, or presentations. Typical sponsorship costs include costs for hosting (e.g., for facility rental) or underwriting (e.g., for financial support to another sponsor of the conference, for brand awareness at the event, and the like) that are more than *de minimis* in amount. A grant award would not typically make NASA a sponsor, but is rather a program-specific award when used properly, even if part of the grant is used to pay for hosting costs of an event otherwise meeting the criteria of a “conference.” Further, NASA is not considered a primary sponsor of the conference unless it was the principal sponsor of the conference, or one of the principal co-sponsors if there were multiple sponsors putting on the conference. Finally, one should not assume that use of NASA’s logo at a conference means that NASA is a sponsor of that conference, there are other circumstances under which NASA’s logo may be legitimately used.

## **6. Is the total cost to NASA greater than \$20,000?**

Even if NASA did not pay any travel costs for a conference, other costs may still be reportable if NASA primarily sponsored the event and the total cost was greater than \$20,000.

**FAQ 6-1 (*non-NASA costs*).** Is NASA required to report on costs incurred by other Federal Agencies?

**Answer:** No. If you have a record of actual costs in connection with a NASA sponsored conference but ultimately paid by another Government agency, you should not report those. For example, if NASA incurred conference costs but charged them back to another Agency via a reimbursable agreement, those costs should not be reported. The Act does not require other Agencies to participate in this reporting, so only those net realized costs shown by NASA's records need to be reported. For example, fully reimbursable travel arrangements for conference attendance will not count towards the cap; partially reimbursable arrangements will count to the extent of the unreimbursed expenses. As always, reimbursable travel arrangements must be approved in advance and may not be solicited. Only a valid interagency agreement may be used to support a reduction in the amount obligated or reported as costs by NASA, otherwise amounts are fully reportable and, if the event is an Administrative & Other Conference, tracked against the cap.

If an employee travels to a meeting or other event and also attends a conference on the same trip, NASA must account for the net costs realized and attributable to the conference. In those cases, NASA will determine the percentage of time spent participating in the conference in proportion to the entire trip. The same percentage of the expenses will be counted as conference spending.

## **7. Is the conference a foreign conference?**

Conferences outside of the United States are subject to an additional limitation of no more than 50 NASA employees.

**FAQ 7-1 (*NASA funds available*).** If funds are still available within the \$5M cap, is there a limit to the number of attendees that can go to a foreign conference?

**Answer:** Yes. In addition to the limit on overall funding for conferences, NASA is also limited to paying for no more than 50 attendees at a foreign conference. Even if the only costs to NASA are indirect (e.g., salary, but all direct costs are paid for by conference sponsor), such attendees still count against the 50 person limit.

**FAQ 7-2 (*NASA employees*).** Are JPL employees considered NASA employees?

**Answer:** No. Only those persons considered "employees" for purposes of 5 U.S.C., such as NASA civil servants and detailees to NASA (for whom NASA is paying costs directly or by reimbursement to the detailing agency), are considered employees.

**FAQ 7-3 (foreign).** What is considered “outside the United States”?

**Answer:** “United States” has the same meaning as found in the Federal Travel Regulations, which define the United States to include the 48 contiguous States, the District of Columbia and the States and areas defined under the term “Non-Foreign Area”, which includes, the States of Alaska and Hawaii, the Commonwealths of Puerto Rico, Guam and the Northern Mariana Islands and the territories and possessions of the United States (excludes the Trust Territories of the Pacific Islands). A foreign “conference” includes conferences even if held entirely at a NASA facility outside the United States.

**8. Where can I find the procedures for approval to go to a conference?**

User aides, procedures, and other information relating conferences can be found at the website <http://conference.nasa.gov>.

**FAQ 8-1 (Approval Steps).** I want to go to a meeting that I think is a conference. What steps are now required to get approval, and to submit a voucher for reimbursement, for the travel?

**Answer:** The following steps will be typical for most travel:

1. Determine whether the event is a “conference.”
  - a. If you can readily tell it is NOT a conference, then proceed with travel authorization and vouchering as you have always in the past.
  - b. In all other cases, go to the NASA Conference Tracking System (NCTS) site (<http://ncts.nasa.gov>) and search for the event.
  - c. Most centers also have special pre-authorization procedures with respect to conferences subject to the spending cap (i.e., Administrative & Other Conferences); check with your local travel office or conference POC if you have questions about your local procedures. Travel preparers, p-card holders and procurement personnel will also need to insure one of the conference WBS codes is used for all charges (whether by authorization, request, voucher, etc.) in connection with Administrative & Other Conferences (i.e., all conferences except the Scientific/Technical Conferences).
2. If the event is listed as a conference, cut and paste the unique Conference Identifier (name/number) from NCTS into the trip description field (comments field in FedTraveler) of your travel authorization, and select a trip purpose of “conference.” If a portion of the trip is for non-conference events, add the anticipated proportion of time for the conference in the trip description field.
3. If the event is not listed, submit a New Record in NCTS; the NCTS moderator will send a reply within 1 working day indicating whether the event is a conference or not. All events determined to be a conference will also be added to the conference list. Once notified, follow the steps in 1b above.
4. After attending an approved conference, prepare your travel voucher. For multipurpose travel, annotate your voucher or notify your travel approver of costs attributable to the

conference, and the proportion of time attributable to the conference. A travel approver will select the appropriate funds code, but for multipurpose travel you must supply enough information for them to obligate or charge conference-related expenses to an appropriate conference fund code.

5. For travel to a foreign conference, submit your travel authorization to your approver with the correct trip purpose (“Conference”) and trip description (the beginning of this field should always be the Conference Identifier copied from NCTS).
  - a. The travel approvers will then register the traveler’s name via an online attendee Request Approval Form, found on NCTS. A request should be timely (at least four weeks before the planned departure date); the Office of External Relations will establish a committee of appropriate representatives to determine appropriate allocations for international conferences that appear likely to exceed the 50 Federal employee limit. If approved, the traveler should proceed with the established processes of their Center / Office for foreign travel.
  - b. After attending the conference, submit you travel voucher as per step 4 above.

NOTE: new procedures also apply to P-Card and PR charges, and these may also be found at the website, <http://conference.nasa.gov>.