

PRIVATE SPONSOR TRAVEL CERTIFICATION FORM

This form must be completed by any private entity offering to provide travel or reimbursement for travel to Senate Members, Officers, or employees (Senate Rule 35, clause 2). Each sponsor of a fact-finding trip must sign the completed form. The trip sponsor(s) must provide a copy of the completed form to each invited Senate traveler, who will then forward it to the Ethics Committee with any other required materials. The trip sponsor(s) should NOT submit the form directly to the Committee. Please consult the accompanying instructions for more detailed definitions and other key information.

The Senate Member, Officer or employee MUST also provide a copy of this form, along with the appropriate travel authorization and reimbursement form, to the Office of Public Records, Room 232 of the Hart Building, within thirty (30) days after the travel is completed.

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1. Sponsor(s) of the trip (please list all sponsors): _____
 2. Description of the trip: _____
 3. Dates of travel: _____
 4. Place of travel: _____
 5. Name and title of Senate invitees: _____
 6. I *certify* that the trip fits one of the following categories:
 - The sponsor(s) are not registered lobbyists or agents of a foreign principal **and** do not retain or employ registered lobbyists or agents of a foreign principal **and** no lobbyist will accompany the Member, officer, or employee *at any point* throughout the trip (*see Committee regulations*):

OR
 - The sponsor or sponsors are not registered lobbyists or agents of a foreign principal, but retain or employ one or more registered lobbyists or agents of a foreign principal and the trip meets the requirements of Senate Rule 35.2(a)(2)(A)(i) or (ii) (*See Question 9*)
 7. I *certify* that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal:

AND

 I *certify* that the sponsor or sponsors will not accept funds or in-kind contributions earmarked directly or indirectly for the purpose of financing this specific trip from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs one or more registered lobbyists:
 8. I *certify* that:
 - The trip will not in any part be planned, organized, requested or arranged by a registered lobbyist or agent of a foreign principal except for *de minimis* lobbyist involvement (see Committee regulations):

AND
 - The traveler will not be accompanied on the trip by a registered lobbyist except as provided for by Committee regulations relating to lobbyist accompaniment: (*See question 9*)

9. **USE ONLY IF YOU CHECKED QUESTION 6(B).**

I *certify* that if the sponsor or sponsors retain or employ one or more registered lobbyists or agents of a foreign principal, one of the following scenarios applies:

The trip is for attendance or participation in a one-day event (exclusive of travel time and **one** overnight stay) and no registered lobbyist will accompany the Member, officer, or employee *on any segment* of the trip (*see Committee regulations*):

OR

The trip is for attendance or participation in a one-day event (exclusive of travel time and **two** overnight stays) and no registered lobbyist will accompany the Member, officer, or employee *on any segment* of the trip (*See Question 6*) :

OR

The trip is being sponsored only by an organization or organizations designated under Section 501(c)(3) of the Internal Revenue Code of 1986 and no registered lobbyist will accompany the Member, officer, or employee *at any point* throughout the trip (*see Committee regulations*)

10. If the trip includes two overnight stays, please explain why the second night is practically required for Senate invitees to participate in the travel: _____

11. An itinerary for the trip is attached to this form. I *certify* that the attached itinerary is a detailed (hour-by-hour), complete, and final itinerary for the trip.

12. Briefly describe the role of each sponsor in organizing and conducting the trip: _____

13. Briefly describe the stated mission of each sponsor and how the purpose of the trip relates to that mission: _____

14. Briefly describe each sponsor's prior history of sponsoring congressional trips: _____

15. Briefly describe the educational activities performed by each sponsor (other than sponsoring congressional trips): _____

16. Total Expenses for Each Participant:

	Transportation Expenses	Lodging Expenses	Meal Expenses	Other Expenses
<input type="checkbox"/> Good Faith estimate <input type="checkbox"/> Actual Amount				

17. State whether a) the trip involves an event that is arranged or organized *without regard* to congressional participation **or** b) the trip involves events that are arranged or organized *specifically with regard* to congressional participation: _____

18. Reason for selecting the location of the event or trip: _____

19. Name and location of hotel or other lodging facility: _____

20. Reason(s) for selecting hotel or other lodging facility: _____

21. Describe how the daily expenses for lodging, meals, and other expenses provided to trip participants compares to the maximum *per diem* rates for official Federal Government travel:

22. Describe the type and class of transportation being provided. Indicate whether coach, business-class or first class transportation will be provided. If first-class fare is being provided, please explain why first-class travel is necessary: _____

23. I represent that the travel expenses that will be paid for or reimbursed to Senate invitees do not include expenditures for recreational activities or entertainment (other than entertainment provided to all attendees as an integral part of the event, as permissible under Senate Rule 35)
24. List any entertainment that will be provided to, paid for, or reimbursed to Senate invitees and explain why the entertainment is an integral part of the event: _____

25. I hereby *certify* that the information contained herein is true, complete and correct. (You must include the completed signature block below for each travel sponsor):
- Signature of Travel Sponsor: _____
 Name and Title: _____
 Name of Organization: _____
 Address: _____
 Telephone Number: _____
 Fax Number: _____
 E-mail Address: _____

Instructions

(Do not file the Instructions & Definitions with OPR)

General Instructions

- The Senate Select Committee on Ethics (“Ethics Committee”) has developed guidelines for evaluating privately-sponsored trips and for judging whether trip expenses are reasonable. Trip sponsors should consult the Senate Select Committee on Ethics’ Regulations and Guidelines for Privately-Sponsored Travel, including the Glossary of Terms, prior to filling out the Private Sponsor Travel Certification Form and contact the Ethics Committee at (202)224-2981 with any additional questions. The Ethics Committee will make the final determination as to whether the expenses incurred during a privately-sponsored trip are reasonable.
- If there are multiple sponsors, they should jointly complete one Private Sponsor Travel Certification for the trip. Each travel sponsor should complete the signature block.
- When evaluating a trip proposal and judging the reasonableness of expenses, the Ethics Committee will consider the following factors:
 - a. The stated mission of the organization sponsoring the trip;
 - b. The organization’s prior history of sponsoring congressional trips, if any;
 - c. Other educational activities performed by the organization besides sponsoring congressional trips;
 - d. Whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;
 - e. Whether the length of the trip and the itinerary is consistent with the official purpose of the trip;
 - f. Whether there is an adequate connection between a trip and official duties;
 - g. The reasonableness of the total amount spent by a sponsor of the trip;
 - h. Whether there is a direct and immediate relationship between a source of funding and an event;
 - i. The maximum per diem rates for official Federal Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense;
 - j. Whether travel to a location or event is arranged or organized without regard to congressional participation, or whether it is specifically organized for Congressional staff; and
 - k. Any other factor deemed relevant by the Select Committee on Ethics.

Consult the Senate Select Committee on Ethics’ Regulations and Guidelines for Privately-Sponsored Travel, including the Glossary of Terms, for further discussion of these factors.

- Responses to each question should be brief, consistent with the requirement to provide all relevant information. Attach additional pages, as necessary.
- All references to “Committee regulations” on the Private Sponsor Travel Certification Form are to the Senate Select Committee on Ethics’ Regulations and Guidelines for Privately-Sponsored Travel, including the Glossary of Terms.
- To allow sufficient time for the Ethics Committee to review requests for privately sponsored travel, the trip sponsor should submit the completed form to participating Members, officers and employees at least thirty (30) days before the date of the proposed trip.

Filling out the Private Sponsor Travel Certification Form (Question by Question Instructions)

1. *Sponsor(s) of the trip (please list all sponsors):* A sponsor of a trip is any person, organization, or other entity contributing funds or in-kind support for the trip. A sponsor must have a significant role in organizing and conducting a trip and must have a specific organizational interest in the purpose of the trip. If Members, officers and employees are participating in an event or fact-finding trip in connection with their duties, they may accept necessary travel expenses only from the event or trip sponsor.
2. *Description of the trip:* Provide a brief statement about the purpose of the trip.
3. *Dates of travel:* Provide the dates of departure and return.
4. *Place of travel:* Provide the destination(s) for the trip.
5. *Name and titles of Senate invitees:* Provide the name and title for each Senate Member, officer or employee who is invited on the trip.
6. *I certify that the trip fits one of the following categories:* A Senate Member, officer or employee may only accept privately sponsored travel from sponsor(s) of a trip that fits one of the categories listed. Consult Question 9 and the Definitions below for additional more information about the lobbyist accompaniment standards.
7. *Financing of the trip, earmarked funds and in-kind contributions:* Senate Members, officers and staff may not accept privately-sponsored travel funded by a registered lobbyist or foreign agent. Members, officers and staff may not participate in privately-sponsored travel when the sponsors accept funds or in-kind contributions earmarked for this particular trip from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs one or more registered lobbyists. Earmarking includes any direction, agreement, or suggestion-- formal or informal--to use donated funds, goods, services or other in-kind contributions for a particular trip or purpose.
8. *Lobbyist involvement:* Consult the "Definitions" section below to determine whether the trip meets the requirements for lobbyist involvement. See Question 9 to determine if the lobbyist accompaniment standards are met.
9. *Lobbyist accompaniment standards:* See the "Definitions" section below to determine which scenario fits the proposed trip. Senate Members, officers and staff may not accept privately-sponsored travel from an entity that retains or employs one or more federally-registered lobbyists or foreign agents unless one of the listed scenarios apply.
10. *If travel includes two overnight stays:* The Committee may approve two overnight stays for trips sponsored by an entity that employs or retains one or more lobbyists or foreign agents under certain conditions. Consult Committee regulations for additional information.
11. *An itinerary for the trip is attached to this form:* The Committee will not review the trip request without a detailed (hour-by-hour), complete and final itinerary for the trip. As a general matter, the Committee advises that each travel day contain a minimum of 6 hours of officially-related activities for Senate invitees.
12. *Briefly describe the role of each sponsor in organizing and conducting the trip:* A sponsor must have a significant role in organizing and conducting a trip and must have a specific organizational interest in the purpose of the trip.
13. *Briefly describe the stated mission of each sponsor and how the purpose of the trip relates to that mission:* Provide a brief description of the stated mission of each sponsor and how it relates to the trip.

14. *Briefly describe each sponsor's prior history of sponsoring congressional trips:* Provide a brief discussion of the sponsor's history of sponsoring congressional travel. It is not necessary to list every trip.
15. *Briefly describe the educational activities performed by each sponsor (other than sponsoring congressional trips):* Provide a brief description of the educational activities performed by each sponsor. It is not necessary to list every individual activity; description may be by kind or category of educational activity.
16. *Total expenses for each participant:* Indicate whether the figures provided are actual amounts or good faith estimates by checking the appropriate box. All trip expenses should be included. Expenses other than those for transportation, lodging and meals must be individually listed and specified. Attached additional pages as necessary.
17. *Congressional participation:* For events that are arranged without regard to congressional participation (for example, annual meetings, conferences, seminars, and symposiums of trade associations, professional societies, business associations, and other membership organizations), the Committee may, but is not required to, allow Senate Members, officers and employees to accept lodging and meal expenses that are commensurate with what is customarily provided to non-congressional attendees in similar circumstances. For events specifically arranged around congressional participation, lodging, meal expenses and other expenses must be "reasonable" in accordance with Committee regulations.
18. *Reason for selecting the location of the event or trip:* The location of the trip must be related to its purpose.
19. *Name and location of hotel or other lodging facility:* Self-explanatory.
20. *Reasons for selecting hotel or other lodging facility:* Provide an explanation of the sponsor's rationale for selecting the particular lodging, include information such as proximity to the airport or site to be visited.
21. *Describe how the daily expenses for lodging, meals, and other expenses provided to trip participant compare to the maximum per diem rates for official Federal Government travel:* Where feasible and available, trip expenses for lodging and meals should generally be comparable to the government *per diem* rates. The circumstances surrounding a particular trip may legitimately require lodging and meal expenses to exceed these rates. Consult the Ethics Committee regulations for additional information.
22. *Describe the type and class of transportation being provided:* While coach or business-class fare may be accepted, first-class fare for any mode of transportation may be permitted only under limited conditions and only with specific prior written approval by the Ethics Committee. Transportation on a private or charter aircraft is not permitted for privately-sponsored travel under any circumstances.
23. *Expenses for recreational activity or entertainment:* The only recreational or entertainment activities that will be approved by the Committee are those that are provided to all attendees and are an integral part of an event.
24. *List any entertainment that will be provided to, paid for or reimbursed to Senate invitees and explain why the entertainment is an integral part of the event:* Entertainment expenses that are not provided to all attendees and deemed an integral part of the event will not be approved by the Committee.
25. *Certification:* Each sponsor of a trip should sign the form and certify that the information is complete and correct. Attach additional pages with the certification and signature block, as necessary, for each trip sponsor.

Definitions

■ ***De Minimis* Lobbyist Involvement**

As a general matter, the term “*de minimis*” means negligible or inconsequential. As such, the Committee’s travel regulations provide that it would be “negligible or inconsequential” for a lobbyist to respond to a trip sponsor’s request to identify Members or staff with an interest in a particular issue relevant to a planned trip. Additionally, the mere presence of one or more lobbyists on the board of an organization that is sponsoring travel does not exceed *de minimis* involvement.

If a lobbyist solicits or initiates an exchange of information with a trip sponsor, however, that would go beyond *de minimis* involvement. Other examples of prohibited involvement include: if the lobbyist has ultimate control over which Members or staff are actually invited on the trip; determines the trip itinerary; actually extends or forwards an invitation to a participant; or is mentioned as the source of the invitation.

Ex. :If a trip sponsor that is a 501(c)(3) asks a lobbyist to suggest Senate staffers who might be most interested in a trip to the U.S.-Mexican border and the lobbyist suggests someone who has a particular interest in the DEA’s activities at the border, then that response, in and of itself, would not exceed *de minimis* involvement.

■ **Lobbyist Accompaniment Standards**

- a. “Any segment of the trip” means any parts of the travel to and from the event, rather than at the event itself or the location being visited.
- b. “At any point throughout the trip” means accompaniment beyond *de minimis*, but is broader than the concept of “any segment of the trip.” Lobbyist accompaniment is forbidden on any parts of the travel to and from the event, as well as at the event itself or the location being visited
- c. *De Minimis* exception to lobbyist accompaniment standards.

Both lobbyist “accompaniment” standards *de minimis* exception. For example, if the trip includes attendance at an event that meets the definition of a “widely attended event” under Rule 35(1)(c)(18), the trip sponsor is unlikely to know all attendees at the event. Accordingly, if a “widely attended event” is part of the trip, a lobbyist could attend the event under the *de minimis* exception.

Similarly, a trip sponsor cannot possibly know the other passengers might be on a common carrier used during a trip if the sponsor has had no contact or coordination with these other passengers. Accordingly, the new rule does not require a sponsor to certify that it knows for certain that no lobbyist will be on such a common carrier.

Consult the Senate Select Committee on Ethics’ Regulations and Guidelines for Privately-Sponsored Travel, including the Glossary of Terms, for further definitions and discussion.