

PRIVATELY SPONSORED TRAVEL BEST PRACTICES GUIDE

If a Member, Officer or employee is participating in a meeting, speaking engagement, fact-finding trip or similar event in connection with the duties of the Member, Officer or employee, the Gifts Rule (Senate Rule 35) provides that the Member, Officer or employee may accept necessary travel expenses from the sponsor, as long as the sponsor is not a registered lobbyist, a lobbying firm or a foreign agent.

General Recommendations:

- Develop a written policy on how your office handles privately sponsored travel requests.
- Integrate this written policy into your office manual and distribute it to all staff.
- Develop a “Fact-finding Travel Card,” or similar record, detailing at least the dates of travel, sponsor(s) of travel, status of sponsor(s) (e.g., corporation, nonprofit; note steps taken to determine sponsor(s) not lobbyist or foreign agent) and reason for participation (i.e., how is travel relevant to performance of official duties for each participant in each trip). Maintain these cards, and all related travel documents, in your office records.
- Maintain a central “tickler” file on all office travel to assure timely public disclosure.
- Assign one person in your office to oversee compliance.

Checklist:

- ✓ When an employee receives an offer to participate in fact-finding travel, the employee should determine from the named prospective sponsor who **all** the sponsors of the trip are; any source providing funds or in-kind goods or services for a trip may be considered a sponsor. The employee should determine from the named sponsor whether it, or any other sponsor of the trip, is a lobbyist/lobbying firm or foreign government/foreign agent. **For Member or Officer travel**, the Office Manager, Administrative Director or Scheduler should address these questions with the sponsor.

Remember: The Gifts Rule **prohibits** lobbyists, lobbying firms and foreign agents from sponsoring travel; a foreign government may only sponsor such travel under certain limited circumstances about which your office should contact the Committee. For a general discussion of “Who is a ‘Lobbyist’ for Purposes of the Gifts Rule,” see *Senate Ethics Manual*, 2003 ed., page 43. Consult the Committee with questions or concerns about the status of a sponsor.

- ✓ The invited employee, or appropriate staffer for a Member or Officer, should immediately request from the sponsor(s) a written invitation, including a detailed (hour-by-hour) itinerary and written representation as to the status of the sponsor(s) (i.e., is/is not lobbyist/foreign agent). Keep the time limits for travel in mind: the Rule limits travel to 3 days in the contiguous 48 states and 7 days for foreign travel, excluding air travel time.

Remember: As required by the Gifts Rule, expenses for such trips may **not** include any expenditures for recreational activities or for entertainment other than that provided to all attendees as an integral part of the event, unless the activities/entertainment are otherwise acceptable under the Rule.

- ✓ The invited employee should fill out the “Fact-finding Travel Card” and give it, as well as the written invitation (including itinerary and sponsor status information), to the Office Manager/Administrative Director and/or Chief of Staff for a preliminary determination of whether such travel poses a conflict or other appearance problem for the office or the individual and whether the proposed travel would be appropriately related to official duties. The Member or Officer would make these determinations with regard to his or her own travel.
- ✓ Once the Office Manager/Administrative Director and/or Chief of Staff, acting under the authority of the supervising Member or Officer, makes the preliminary determination that the employee’s participation in a trip is appropriate, or the Member or Officer makes this determination for his or her travel, fax the travel request invitation and information to the Ethics Committee for review.

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- ✓ Via telephone, and as far in advance of the trip as possible, discuss the proposed travel with Ethics Committee staff. If necessary expenses for the trip may be accepted, request a written opinion from the Committee.
- ✓ The participating employee should acquire an “Employee Advance Authorization and Disclosure of Travel Reimbursement/Payment” form (Form RE-1/2) and, as required by the Gifts Rule, obtain the Member’s or Officer’s signature on the RE-1 portion of the form prior to leaving to participate in the travel. The Member’s or Officer’s signature acknowledges that the Member or Officer has made the determination that the employee’s travel is in connection with his or her duties and does not create the appearance that the official office is being used for private gain.
- ✓ Upon return, obtain from the sponsor(s) itemized information as to trip reimbursements/expenses.
- ✓ The Gifts Rule requires that within 30 days of returning from travel the participating employee must file the completed RE-1/2 form with the Office of Public Records located at 232 of the Hart Building. The RE-2 portion requires reporting of trip reimbursements/expenses and must also be signed by the supervising Member or Officer.

The Gifts Rule requires that within 30 days of returning from travel a Member or Officer must complete, sign and file with the Office of Public Records a “Disclosure of Senator’s or Officer’s Reimbursed/Paid Travel Expenses” form (Form RE-3) regarding the trip. This form discloses the sponsor(s) of the trip, the dates, places and purpose of the trip and the expenses received or reimbursed in connection with the trip. The Member’s or Officer’s signature on the form also indicates that the Member or Officer determined that the trip was in connection with official duties and did not otherwise create the appearance of use of public office for private gain. [If a Member, Officer or employee who is required to file an annual financial disclosure report, does not file the appropriate travel disclosure form within 30 days of returning from the travel destination, not only is he or she still required to file the appropriate travel form (RE-1/2 or RE-3), but he or she is also required to disclose the travel expenses on his or her annual financial disclosure statement.]

Keep copies of the RE-1/2 and RE-3 forms, and all travel documents, for your office records.

- As indicated above, travel sponsored by foreign governments (which may sponsor travel only under limited circumstances) and foreign entities raises additional concerns and requirements, and the Ethics Committee should be contacted for consultation on such trips.
- Travel sponsored by other domestic governmental entities (including Native American groups with whom the federal government has entered into formal recognition of sovereignty) need not be disclosed as outlined above. However, where the proposed travel itinerary sponsored by other domestic governmental entities includes recreation or entertainment events, be sure to consult the Committee.
- Even if otherwise acceptable under the Rules, always consider how a proposed trip would reflect on your office and on the Senate.

This *Guide* is a practical reference to help Senate offices assure that privately sponsored travel complies with the Gifts Rule. While some of the steps discussed above are required by the Gifts Rule (for example, the steps relating to completing and filing the travel authorization and disclosure forms), the *Guide* is not intended to impose requirements not found in the Rule. For an authoritative discussion of the requirements of the Gifts Rule on privately sponsored travel, see the *Senate Ethics Manual*, 2003 ed., pages 44 to 52.

If you have any questions on travel, contact the Committee at 4-2981 or fax the Committee at 4-7416.