COVER SHEET FOR AMENDMENT OF POST-TRAVEL SUBMISSION

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Instructions: Use this form as a cover sheet for any paperwork you may need to submit to the **Office of Public Records** in order to make your Privately Sponsored Post-Travel Submission complete in accordance with Rule 35. **Only complete this form if you need to submit an amendment to a post-travel filing you have already submitted.**

SUBMIT DIRECTLY TO THE **OFFICE OF PUBLIC RECORDS IN 232 HART BUILDING**

Name of Traveler: Manuel Contreras

Employing Office/Committee: Senate HELP Committee

Travel Expenses Paid by (List all sources): The Aspen Institute, Inc. (Education and Society Program)

Travel Date(s): August 6-8, 2019

Description/Title of Attached Forms: PSTCR form from my sponsor

Purpose of Amendment (describe the reason for amending original submission): I am resubmitting my PSTCF because their was a typo from my sponsor on Question #21. The updated form fixes this error.

1/3/2020
(Date)

(Signature of Traveler)

(Revised 4/19/2010)

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 Ethics 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 (OPR), 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): The Aspen Institute, Inc. (Education and Society Program)

2. Description of the trip: Aspen Institute Education and Society program sponsored convening for senior education staffers on the Implementation of the Every Student Succeeds Act (ESSA) and next steps.

3. Dates of travel: August 6-8, 2019

4. Place of travel: Warrenton, VA

5. Name and title of Senate invitees: Please see attached roster

6. I *certify* that the trip fits one of the following categories:

   ☒ (A) 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 or agents of a foreign principal will accompany the Member, officer, or employee *at any point* throughout the trip.

   OR

   ☐ (B) 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 or agents of a foreign principal.

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.

   AND

   ☒ The traveler will not be accompanied on the trip by a registered lobbyist or agent of a foreign principal 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:

☐ (A) The trip is for attendance or participation in a one-day event (exclusive of travel time and **one** overnight stay) and no registered lobbyists or agents of a foreign principal will accompany the Member, officer, or employee *on any segment* of the trip.

OR

☐ (B) The trip is for attendance or participation in a one-day event (exclusive of travel time and **two** overnight stays) and no registered lobbyists or agents of a foreign principal will accompany the Member, officer, or employee *on any segment* of the trip (*see questions 6 and 10*).

OR

☐ (C) The trip is being sponsored only by an organization or organizations designated under § 501(c)(3) of the Internal Revenue Code of 1986 and no registered lobbyists or agents of a foreign principal will accompany the Member, officer, or employee *at any point* throughout the trip.

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

The Aspen Institute is the sole sponsor of this retreat and is solely responsible for the development and execution of the convening. (see continued response)

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

The Aspen Institute is an educational and policy studies non-profit organization whose mission is to foster leadership based on enduring values and provide a non-partisan forum for the exchange of ideas. (see continued response)

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

The Aspen Institute has a nearly forty year history of conducting non-partisan educational forums, which often include Members of Congress and staff. The Aspen Institute Education and Society program has been conducting convenings for Congressional education staff for over twelve years.

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

The Aspen Institute holds numerous educational activities, including educational briefings, roundtables, forums, and conferences for a diverse range of attendees including federal and state policymakers, business and organizational leaders, members of the press and the general (see continued response)

16. Total Expenses for Each Participant:

	Transportation Expenses	Lodging Expenses	Meal Expenses	Other Expenses
☒ Good Faith estimate ☐ Actual Amounts	None	$188.00 for two nights total	$110.50	$402.50 meeting room fees (includes meeting facilities, set up/take down, cleaning, meeting materials)

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

b) The trip is organized specifically with regard to Congressional staff participation in order to support their learning on implementation of the Every Student Succeeds Act.

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

The location is close to Washington, DC for easy staffer travel and allows faculty members (external experts brought in to support the retreat) to fly into DCA, Dulles or BWI and travel easily to the facility.

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

Airlie House, 6809 Airlie Road, Warrenton, VA 20187

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

The meeting location has sufficient meeting space and lodging to support off-the-record, non-partisan exchanges of ideas and professional learning.

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:

Rooms are $94.00 per day, which reflects the per diem limit

Meals are 8/6/19 $41.25 per day, 8/7/19 $55.00 per day, 8/8/19 $41.25 per day, which reflects the per diem limit

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:

Transportation is not provided; mileage will be reimbursed for participants' travel by personal car

23. ☒ I represent that the travel expenses that will be paid for or reimbursed to Senate invitees do not include expenditures for recreational activities, alcohol, 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:

None

25. I hereby *certify* that the information contained herein is true, complete and correct. (For trips involving more than one sponsor, you *must* include a completed signature page for each additional sponsor):

Signature of Travel Sponsor: Elliot Gerson

Name and Title: Elliot Gerson, Executive Vice President, Policy & Public Programs

Name of Organization: The Aspen Institute

Address: 2300 N Street NW, Suite 700, Washington, DC 20037

Telephone Number: 202-736-5859 (Lisa Jones, Deputy General Counsel)

Fax Number: 202-467-0790

E-mail Address: lisa.jones@aspeninst.org

PRIVATE SPONSOR TRAVEL CERTIFICATION FORM

SIGNATURE PAGE FOR ADDITIONAL SPONSOR

(to be completed by each additional sponsor)

I hereby *certify* that the information contained on pages 1-4 of the certification form and any accompanying addenda, all submitted in connection with the _____ trip
Dates of Travel (Month Day, Year)
to _____ is true, complete, and correct.
Place of Travel

Signature of Travel Sponsor: _____

Name and Title: _____

Name of Organization: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-mail Address:
_____

Instructions

(Do not file the Instructions 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 Form* 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.

- To allow sufficient time for the Ethics Committee to review requests for privately sponsored travel, the participating Senate Members, officers, and employees must submit the completed form to the Ethics Committee 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 accept privately sponsored travel only from sponsor(s) of a trip that fits one of the categories listed. Consult the instructions for question 9 to determine if the trip meets the lobbyist accompaniment standard.

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 or agents of a foreign principal. 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/agent of a foreign principal involvement:* Senate invitees may not participate in trips planned, organized, arranged, or requested by a lobbyist or foreign agent in more than a *de minimis* way, which means negligible or inconsequential. It would be considered inconsequential for one or more lobbyists or foreign agents to serve on the board of an organization that is sponsoring travel, as long as the lobbyists or foreign agents are not involved in the trip. It is also permissible for a lobbyist to respond to a trip sponsor's request to identify Senate invitees with interest in a particular issue relevant to a planned trip. However, a lobbyist is not allowed to solicit or initiate communication with a trip sponsor, have control over which Senate employees are invited on a trip, extend or forward an invitation to a participant, determine the trip itinerary, or be mentioned in the invitation.

   Example: A trip sponsor that is a § 501(c)(3) non-profit organization asks a lobbyist to recommend staffers who might be most interested in joining a trip to the U.S.-Mexican border. If a lobbyist knows a staffer who has a particular interest in the DEA's activities at the border, then providing that information (in light of the trip sponsor's request), in and of itself, would not exceed a *de minimis* level of participation, and would be permitted. However, it would not be permissible for the lobbyist to initiate contact with the trip sponsor to suggest that a particular Senate staffer be invited or forward an invitation to that staffer. Consult the instructions for question 9 to determine if the trip meets the lobbyist accompaniment standards.

9. *Lobbyist/agent of a foreign principal accompaniment standards:* 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 applies. *At any segment of the trip* means lobbyists may not accompany the Senate invitee for parts of the travel to and from the event (not at the event itself or the location being visited). *At any point throughout the trip* means lobbyists may not accompany Senate invitees at any point to and from the event, at the event itself, or at the location being visited, other than in a *de minimis* way. This is a broader prohibition than the *at any segment of a trip* standard.

   "De minimis" exception: Both lobbyist/agent of a foreign principal "accompaniment" prohibitions include a *de minimis* exemption. *De minimis* means negligible or inconsequential. The mere coincidental presence of a lobbyist or foreign agent at an event would likely be considered *de minimis*. But in making the final determination, the Ethics Committee will consider the totality of the circumstances, including the amount of time lobbyists or foreign agents are present at the event; the amount of direct contact they have with Senate invitees; and the amount of control a trip sponsor has over their presence or contact with Senate guests. For example, if the trip includes attendance at an event considered widely-attended under Rule 35(1)(c)(18), the trip sponsor is unlikely to know all attendees present. Thus, it is likely to be permissible for such widely-attended events to include both a Senate guest and a lobbyist. Similarly, an organization cannot possibly know all the other passengers taking the same flight or other common carrier to a given destination. Accordingly, the sponsor does not need to certify that it knows for certain that no lobbyist or foreign agent will be on such a common carrier.

10. *If travel includes two overnight stays:* The Ethics 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 Ethics 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 Ethics 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; the description may be by kind or category of educational activity involved.

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. Attach 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 Ethics 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 Ethics Committee regulations.

18. *Reason for selecting the location of the event or trip:* The location of the trip *must be related to its purpose.* A brief but detailed description of the reason for the selection of the location must be provided.

19. *Name and location of hotel or other lodging facility:* Include the exact name and address of the hotel or other lodging facility.

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, alcohol, or entertainment:* The only recreational or entertainment activities that will be approved by the Ethics Committee are those that are provided to all attendees and are an integral part of an event. Alcoholic beverages are not considered to be a reasonable expense.

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 Ethics Committee.

25. *Certification:* The trip sponsor *must* sign the form and certify that the information is true, complete, and correct. For trips with more than one sponsor, each additional sponsor *must* complete its own signature page and certify that the information contained in the form is true, complete, and correct.