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The U.S. Constitution prohibits acceptance of gifts from foreign governments except where Congress has consented (Art. I, § 9, cl. 8).

Under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342), Congress has consented to accepting certain gifts of "minimal value".

The Senate defines "minimal value" as $100 or less:
- If $100 or less, may accept and keep.
- If over $100, may accept, but must deposit the gift with the Secretary of the Senate and must report it to the Committee within 60 days of receipt.

Free attendance at certain types of events is permissible:
- Receptions
- Food and beverages of nominal value, not a meal
- Widely Attended Events
  - Officially-related, 25 people from outside Congress, and open to a wide group
  - Excluded Entertainment or substantially recreational events
- Charity events
- Campaign events
- Constituent events
  - In home state, 5 or more constituents, no lobbyists

May not accept other items of value (e.g., gift bags) offered at event unless they fall into a Gifts Rule exception.

Gifts of multiple items are generally aggregated for purposes of determining value. However, if a gift is naturally divisible, a Member or staffer may be able to accept part of the gift and return or pay for the remainder.

Example: If a staffer is offered two tickets valued at $40 each from an entity that does not employ lobbyists, he/she may accept one and return the other.

Similarly, a package delivered to a Senate office is considered a single gift to the Senator, valued at the combined fair market value of its contents, unless items are specifically marked for individual staffers.
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TRAVEL

PRIVATELY-SPONSORED TRAVEL

• Must obtain written pre-approval from the Committee for each and every traveler
• Must submit requests for approval at least 30 days before the start date of the trip
• Must file post-travel disclosure within 30 days of the last day of the trip
• There are significant restrictions on accepting travel expenses from private entities that retain or employ lobbyists or foreign agents
• Forms, checklists, and guidance are available on our website—www.ethics.senate.gov

PRE-APPROVAL EXCEPTIONS

• Committee pre-approval is not required for travel paid for by:
  • Senate
  • Federal, state, or local government entities
  • Campaign committees
  • Foreign governments pursuant to MECEA and FGDA
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In matters in which the U.S. is a party or has an interest, you **may not**:
- Act as an agent or attorney (18 U.S.C. § 205)
- Demand, seek, receive, accept, or agree to receive or accept any compensation for any representational services rendered by you or by another (18 U.S.C. § 203)
- For outside positions with the federal government or a state or local government, both elected and non-elected, contact the Committee for guidance.

**Senate Rule 37.11** – Generally, must avoid any lobbying contact with a Member’s spouse or family member who is a registered lobbyist or is employed or retained by an entity that employs or retains registered lobbyists.
- For other questions regarding spouse or immediate family member activities, contact the Committee for guidance.

**Insider trading laws** make illegal the purchase or sale of a security on the basis of material nonpublic information in breach of a duty of trust or confidence.
- The STOCK Act affirmed that Members and employees of Congress owe “a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to material, nonpublic information derived from such person’s position.”
INSIDER TRADING – TIPPING

• Insider trading laws also prohibit “tipping”
• “Tipping” is giving material, nonpublic information in violation of a duty of trust or confidence to another person who trades on the information
• Both the “tipper” and the “tippee” can be liable for violations

INSIDER TRADING – IPOs

• Members, officers, and employees paid at a rate above $135,468 for CY 2022 are prohibited from participating in an Initial Public Offering (“IPO”) that is not generally available to the public
• Most IPOs are not generally available to the public

FUTURE EMPLOYMENT

• Members, officers, and employees are generally permitted to seek future employment while still employed by the Senate, provided:
  • No use of Senate resources, including time and office space
  • No tie between official action and promise of future employment
  • Members, officers, and employees paid at a rate of $135,468 (CY 2022) or more must make appropriate disclosures on their Financial Disclosure Reports
**FUTURE EMPLOYMENT – DEFINITIONS**

- A “negotiation” is the discussion of terms and conditions of employment after an offer has been made and the Member, officer, or employee is considering accepting.
- An “employment arrangement” begins when an offer has been made and accepted.

**FUTURE EMPLOYMENT – MEMBERS**

- Members must file a signed public statement with the Secretary of the Senate within 3 business days after the commencement of negotiations or arrangements for private employment or compensation (Senate Rule 37.14(a)).
- Members required to file this public statement must also:
  - Recuse themselves whenever there is a conflict of interest or the appearance of a conflict with respect to the prospective employer.
  - Notify the Committee in writing of such recusal.
- For future employment involving lobbying, Members must wait until after their successor is elected to enter negotiations or employment arrangements (Senate Rule 37.14(b)).

**FUTURE EMPLOYMENT – STAFF**

- Senate employees paid at a rate of $130,500 (CY 2022) or more must: (STOCK ACT; Senate Rule 37.14(c))
  - Notify the Committee in writing within 3 business days after the commencement of negotiations or arrangements for private employment or compensation.
  - Recuse themselves from all official matters involving any prospective private employer whenever there is a conflict of interest or the appearance of a conflict.
• Members may not:
  • Communicate with or appear before any Member, officer, or employee of the House, Senate, or other legislative office, on behalf of a third party, seeking official action, for two years (18 U.S.C. § 207)
  • Lobby the Senate for two years (Senate Rule 37.8)

• Officers and employees paid at a rate of $130,500 (CY 2022) or more for 60 days or more in the preceding year may not:
  • Communicate with or appear before any Member, officer, or employee of the Senate, on behalf of a third party, seeking official action, for one year (18 U.S.C. § 207)
  • Lobby the Senate for one year (Senate Rule 37.9)
  • Salary “look back” is one year from when you leave the Senate, not the calendar year
  • A bonus may subject you to these restrictions

• Employees paid at a rate below $130,500 (CY 2022) (Senate Rule 37.9):
  • Personal office staff may not lobby their office for one year
  • Committee staff may not lobby the Members or staff of that committee, including all subcommittees thereof, for one year
    • Ban applies to all Members who were on the Committee at the time the staff member left the Senate and to Members who join the Committee during the one-year ban period
    • Personal office staff with substantive committee responsibilities:
      • May not lobby their personal office for one year
      • May not lobby the committee Members and staff for one year from the date the staffer last performed services for the committee
    • Leadership staff may not lobby any Member or staff of the leadership of the same party (including the personal staff of the leadership Member employing the staffer) for one year

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WHO MUST FILE?

- The following individuals **must** file Financial Disclosure Reports:
  - Members and officers
  - Candidates
  - Employees paid at a rate of $135,468 (CY 2022) or more
    - Fellows, detailers, and interns are required to file with the Senate if the salary they receive from an outside organization meets this threshold, **even if they already file with their home agency**
  - Political Fund Designees, regardless of salary
  - **It is your responsibility to know if you must file**

WHAT/WHEN THEY MUST FILE

- Filers must file the following reports at the following times:
  - **New Filer Report**: Due within 30 days of assuming the filing position
    - Current staff may become filers due to a pay raise
    - Political Fund Designees (PFDs) do not need to file New Filer Reports
    - Candidates and most Senators file “Candidate Reports” instead of New Filer Reports
  - **Annual Reports**: Due annually, no later than May 15th
  - **Termination Report**: Due within 30 days of leaving the filing position, including when leaving Senate employment
  - Filers may request extensions of up to 90 days via eFD
  - **Late reports are subject to a mandatory $200 penalty**

PERIODIC TRANSACTION REPORTS (PTRs)

- Additionally, **at the time transactions occur**, most financial disclosure filers must file Periodic Transaction Reports (PTRs) for transactions in excess of $1,000 of certain assets
- The PTR requirement applies to the purchase, sale, and exchange of:
  - Stocks
  - Bonds
  - Commodity futures
  - Other securities
  - But does not apply to:
    - Real property
    - U.S. Treasury securities
    - Excepted Investment Funds (EIFs), such as mutual funds and exchange traded funds (ETFs)
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EXCEPTIONS TO THE PROHIBITION

• Free exchange of information
  • Members may seek and accept advice on legislative issues from outside organizations
  • Outside organizations may provide ideas, information, memoranda, research, and legislative language to the Member as long as it is unsolicited
  • Senate office may not direct or control an outside organization to do Senate work
• Privately-sponsored travel
• Co-sponsored constituent service events

CAMPAIGN ACTIVITY

• Senate resources may not be used for campaign activity (31 U.S.C. § 1301)
• Senate resources include:
  • Senate space (e.g., Dirksen cafeteria)
  • Senate equipment (e.g., Senate mobile device)
  • Senate staff time
  • Senate title (e.g., “Legislative Assistant, Senator X”)
  • Senate work product
• Officers and employees may perform paid or unpaid campaign work as follows:
  • Must be voluntary, not a condition of your Senate employment
  • Must obtain approval of your supervising Senator
  • Must be done on your own time
    • No using any official Senate resources
    • Senate may not subsidize campaign by keeping you on payroll
  • Campaign income counts toward the outside earned income limit

• Federal law prohibits making a contribution to your employing Senator (18 U.S.C. § 603)
  • The prohibition includes:
    • An “outlay,” other than for personal travel expenses
    • Contributions made by your relatives from a joint account or jointly owned asset (e.g., your spouse writing a check from a jointly owned bank account)
  • The prohibition does not include:
    • Volunteering for the campaign
    • Contributing to a multi-candidate committee or PAC (e.g., DSCC or NRSC), even though some of the proceeds may eventually go to your employing Senator
      • But you may not specifically earmark any contribution for your employing Senator

• Officers and most employees may not handle (solicit, receive, be the custodian of, or distribute) any federal campaign funds (Senate Rule 41)
  • Unique to the Senate
  • Officers and employees may, however, assist with and attend federal campaign fundraisers, provided their role does not involve handling campaign funds
    • Hosting a fundraiser is deemed to involve handling campaign funds and is therefore prohibited
  • This prohibition does not apply to state and local campaign funds

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• Each Senator may designate up to 3 Political Fund Designees (PFDs) on his or her personal office staff
  • PFDs must have a salary of at least $10,000
  • At least 1 PFD must be in the DC office
  • PFDs must file certain Financial Disclosure Reports, regardless of salary
• With the permission of their supervising Senator, PFDs may handle campaign funds from the following:
  • Campaign committee of employing Senator
  • Campaign committee established and controlled by a Senator or group of Senators (e.g., DSCC and NRSC)
  • State or local committee of a national party

• Contributions: No soliciting or receiving federal, state or local campaign contributions in a federal building
  (18 U.S.C. § 607)
  • 7-day safe harbor for unsolicited contributions
  • Never accept a contribution connected to official action (18 U.S.C. § 201)
• Correspondence: For misdirected campaign calls, letters, or emails, you may either:
  • Forward the inquiry to the campaign office for action; or
  • Provide the campaign phone number and address to the individual seeking information
    • May not provide link to campaign website (Internet Usage Policy)

• The following types of limited overlap between the Senate office and the campaign are permissible:
  • Official and campaign schedulers may coordinate
    • Official scheduler may not schedule campaign activities (e.g., RSVP to campaign events, book campaign travel)
  • Official communications staff may answer a few incidental campaign questions raised in an official briefing or interview
    • Senate office may not act as the campaign press operation
    • Senate office may provide a copy of public material to the campaign
    • Campaign may not reissue materials prepared by the Senate office

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U.S. SENATE SELECT COMMITTEE ON ETHICS
CODE OF OFFICIAL CONDUCT TRAINING

U.S. SENATE SELECT COMMITTEE ON ETHICS
GENERAL CASEWORK RULES

- Senators have broad discretion in assisting constituents
- May request information, urge prompt consideration, arrange interviews or appointments, express judgments, call for reconsideration, or request a status report
- May not provide special treatment or access for supporters, contributors, or friends
- May not violate a rule of the relevant outside entity (e.g., ex parte communications)
- May not intervene if an agency is engaged in an on-going enforcement, investigative, or other quasi-judicial proceeding
- Communications between Senators and constituents are considered confidential

U.S. SENATE SELECT COMMITTEE ON ETHICS
CONGRESSIONAL LIAISONS

- In assessing whether contacting an executive or independent agency is permissible, the Senate office should always contact the congressional liaison to:
  - Determine whether there are restrictions on outside communications regarding the matter at issue
  - Determine the appropriate point of contact
  - Keep records of communications with liaisons

U.S. SENATE SELECT COMMITTEE ON ETHICS

FRANKING
The frank is a facsimile of the Member's signature in the corner of an envelope that takes the place of a stamp and authorizes sending official material through the domestic mail without prepayment of postage. Each Member is personally responsible for ensuring that his or her office’s use of the frank complies with federal law, Senate Rules, and Committee regulations and rulings. The remedy for misuse of the frank includes restitution from the Member’s personal funds.

Generally, the frank may only be used to mail materials that concern “the official business, activities, and duties of the Congress” (39 U.S.C. § 3210(a)). The frank may not be used for personal or campaign related mail. No mail matter that is not independently frankable may be inserted into a franked envelope. Loaning the frank to an outside group is prohibited (39 U.S.C. § 3215).

Communication with any individual or government agency regarding programs, decisions, or any other related matters of public concern or public service, including Congressional actions. Federal regulations or federal publications containing general information. The Congressional Record (in whole or in part). Official newsletters and press releases. Public service materials created exclusively with appropriated funds. Questionnaires seeking public opinion. Non-partisan voter registration or election information. Mail between the D.C. office and home state offices. Mail to other Members of Congress and other legislators. Biographical material or pictures in federal publications or in response to a direct request. Congratulations on a public distinction.
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