

United States Senate

SELECT COMMITTEE ON ETHICS

December 3, 2024

Dear Colleague:

The Select Committee on Ethics (the Committee) is issuing this guidance to assist Senate employees intending to work with the Presidential Transition Team (PTT). In addition to this guidance, Senate employees intending to work with the PTT may also request specific advice from the Committee to ensure that their PTT assistance is compliant with federal law, Senate Rules, and related standards of conduct.

Guidance for Senate Employees Assisting the Presidential Transition Team

The PTT is organized as a nonprofit organization under § 501(c)(4) of the Internal Revenue Code. The PTT is not receiving federal funding.¹ Accordingly, there are two permissible ways for Senate employees to support the PTT:

Working with the PTT as a legislative coordinator. If the supervising Senator determines PTT assistance is within the scope of official duties, Senate employees may work with the PTT by serving as legislative coordinator.

The Senate continues to pay the salary of legislative coordinators, and they remain under the direction and supervision of their supervising Senator. Legislative coordinators perform the same functions that they ordinarily perform when working with executive branch officials in developing bills and legislation and may not work on personnel matters requiring the selection or vetting of presidential nominees for confirmation. The Committee defers to the supervising Senator to determine whether assisting the PTT with non-personnel aspects of a confirmation is permissible, including assisting presidential nominees with the Senate confirmation process.

Senate employees are highly encouraged to request written Committee guidance prior to serving as a legislative coordinator.

Assisting the PTT as a personal outside activity. Subject to the approval of the supervising Senator, Senate employees may volunteer to assist the PTT as a personal outside activity. Subject to outside earned income restrictions, Senate employees may volunteer with or without compensation from the PTT.²

¹ [Presidential Transition Directory: Memoranda, Reports, and Key Documents](#), U.S. General Services Administration, (Nov. 27, 2024).

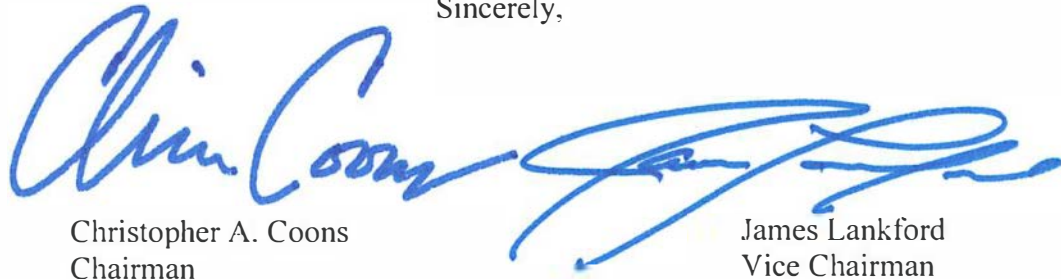
² Ethics in Government Act of 1978, 5 U.S.C. § 13143; Senate Rule 36.

As a voluntary outside activity, the Senate employee's conduct is subject to the restrictions of Senate Rule 37 and, consequently, Senate employees may only assist the PTT on their own time and without the use of any Senate resources. As a volunteer with an outside activity, Senate employees may assist the PTT with personnel matters requiring the selection and vetting of presidential nominees for confirmation in some circumstances and subject to specific restrictions. Specifically, Senate employees assisting the PTT as an outside activity may not represent, advocate, or otherwise communicate to Senate Members, offices, or committees on behalf of a presidential nominee. Depending upon the particular facts of the Senate employee's official duties and PTT assistance, this restriction on representation, advocacy, and communication to the Senate may also apply to other substantive areas. Senate employees and their supervising Senators are highly encouraged to request written Committee guidance prior to a Senate employee assisting the PTT as a personal outside activity.

As always, regardless of the terms governing a Senate employee's assistance to the PTT, Senate employees are subject to the Code of Official Conduct at all times, including post-employment restrictions.

This guidance highlights general issues that may arise in connection with assisting PTTs but does not address all issues that Members and staff may encounter. Please do not hesitate to contact the Committee at (202) 224-2981 if you have additional questions.

Sincerely,

The image shows two handwritten signatures in blue ink. The signature on the left is for Christopher A. Coons, and the signature on the right is for James Lankford. Both signatures are fluid and cursive.

Christopher A. Coons
Chairman

James Lankford
Vice Chairman