

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



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

 SELECT COMMITTEE ON ETHICS

**GIFTS RULE**

- **Senate Rule 35** – Members, officers, and employees *may not* accept any gift unless an exception to the Gifts Rule applies
- Applies 24 hours a day, 7 days a week
- Applies to gifts your family members receive *if* the gift is given because of your Senate position, and with your knowledge and acquiescence
- Contains more than 20 exceptions that allow you to accept certain gifts

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 SELECT COMMITTEE ON ETHICS

**WHAT IS A GIFT?**

- The term "gift" is *broadly* defined and includes *anything of value*
  - Cash or cash equivalents
  - Tangible items
  - Transportation, lodging, and meals
  - Attendance at events
  - Discounts
  - Loans
  - Forbearance
  - Any other items of monetary value

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 SELECT COMMITTEE ON ETHICS

**PERMISSIBLE GIFTS – UNDER \$50**

- Members, officers, and employees *may accept* a gift valued at *less than \$50* if the gift is *not from a lobbyist or foreign agent*, or an entity that employs or retains a lobbyist or foreign agent
  - No cash or cash equivalents
  - No "buy-downs"
- Gifts accepted under this exception are subject to a less-than-\$100 annual limit from each source
  - Gifts valued under \$10 do not count toward the annual limit, but be mindful of the spirit of the Gifts Rule

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

 **SELECT COMMITTEE ON ETHICS**  
**PERMISSIBLE GIFTS – CERTAIN SOURCES**

- Gifts from relatives
  - Includes fiancés and in-laws
- Gifts from other Members, officers, and employees
  - But no gifts to supervisor or employing Senator  
**(5 U.S.C. § 7351)**
    - *Exception:* Voluntary gifts given on traditional gift-giving occasions (e.g., marriage, retirement, holiday)
- Gifts from personal friends
  - Must weigh several factors to ensure the gift is given because of personal friendship, not Senate position
  - Must get written approval from the Committee for gifts over \$250

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 **SELECT COMMITTEE ON ETHICS**  
**PERMISSIBLE GIFTS – CERTAIN SOURCES**

- Gifts paid for by a federal, state, or local government
  - Includes federally recognized Native American Tribes and public universities
- Benefits resulting from outside activities
  - Prospective employment
    - *E.g.*, flight or lodging for job interview
  - Outside position
    - *E.g.*, free tickets offered to all volunteers for a non-profit
  - Spouse's activity
    - *E.g.*, +1 to spouse's company's holiday party

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 **SELECT COMMITTEE ON ETHICS**  
**PERMISSIBLE GIFTS – FOREIGN GOVERNMENTS**

- 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

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# U.S. SENATE SELECT COMMITTEE ON ETHICS

## CODE OF OFFICIAL CONDUCT TRAINING

 SELECT COMMITTEE ON ETHICS

**PERMISSIBLE GIFTS – CERTAIN TYPES**

- Items of little intrinsic value
  - *E.g.*, baseball cap, t-shirt, or non-food items valued at less than \$10
- Home state products for display or distribution to visitors to the Senate office
  - Must be provided by home state producer, manufacturer, or distributor
  - Must be provided in a quantity intended for distribution
  - May include a loan of home state artwork or furniture
- Informational materials
  - Must be from the publisher, author, or producer
  - Must be delivered to the Senate office

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 SELECT COMMITTEE ON ETHICS

**AGGREGATION**

- Generally, 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
- 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

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 SELECT COMMITTEE ON ETHICS

**GIFTS – ATTENDANCE AT EVENTS**

- 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

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

 SELECT COMMITTEE ON ETHICS  
**HANDLING IMPERMISSIBLE GIFTS**

- Refuse or return impermissible gifts
  - May use the frank to return
  - Perishable gifts (e.g., flowers, food) may be discarded or donated to charity if impracticable to return
- Or pay fair market value
  - Use face value for tickets to sporting or entertainment events
  - If no face value, you must generally use the highest ticket price for the event

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 SELECT COMMITTEE ON ETHICS  
**BRIBES AND ILLEGAL GRATUITIES**

- Refuse any gift that is offered in connection with an official action taken or being sought
- Such a gift may constitute a bribe or illegal gratuity under federal criminal law (**18 U.S.C. § 201**)

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 SELECT COMMITTEE ON ETHICS  
**SOLICITATION**

- As a general rule, you may not solicit anything of value (**5 U.S.C. § 7353**)
  - You may solicit for a charitable organization (501(c)(3)) if the solicitation is made in your personal capacity
    - Must be done on your own time
    - May not use any official resources
    - May not imply any Senate endorsement or involvement
    - May not target lobbyists or foreign agents

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



SELECT COMMITTEE ON ETHICS



**TRAVEL**

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SELECT COMMITTEE ON ETHICS

**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](http://www.ethics.senate.gov)

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SELECT COMMITTEE ON ETHICS

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

 SELECT COMMITTEE ON ETHICS

**FOREIGN GOVERNMENT TRAVEL**

- Mutual Educational and Cultural Exchange Act (MECEA) (**22 U.S.C. § 2451 et seq.**)
  - Must be approved by the State Department
  - Must be disclosed on Financial Disclosure Report
- Foreign Gifts and Decorations Act (FGDA) (**5 U.S.C. § 7342**)
  - Must be reported to the Committee on an FGDA form within 30 days of the travel

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 SELECT COMMITTEE ON ETHICS

**CONFLICTS OF INTEREST**

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 SELECT COMMITTEE ON ETHICS

**GENERAL PRINCIPLES – No “CASHING IN”**

- **Senate Rule 37.1** – No receiving compensation or any other benefit from influence improperly exerted from your Senate position
- **Senate Rule 37.4** – No using Senate position to aid legislation where a principal purpose is to further the pecuniary interest of you, your immediate family, or a limited class of persons or entities of which you or your immediate family members are a part
- **Senate Rule 37.7** – Committee staff paid at a rate of \$25,000 or more and employed for more than 90 days must divest of any substantial holdings which may be directly affected by the actions of the employing committee

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# U.S. SENATE SELECT COMMITTEE ON ETHICS

## CODE OF OFFICIAL CONDUCT TRAINING

 **SELECT COMMITTEE ON ETHICS**  
**GENERAL PRINCIPLES – OUTSIDE POSITIONS**

- **Senate Rule 37.2** – Must refrain from any outside activity that could create a conflict or even the appearance of a conflict with your official duties
  - May not engage in an outside activity that is inconsistent or in conflict with the conscientious performance of your official duties
- **Senate Rule 37.3** – Must get your supervising Senator's approval to engage in any outside activity
  - Must report the outside activity to your supervising Senator at the start of the activity and each year thereafter on May 15<sup>th</sup>

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 **SELECT COMMITTEE ON ETHICS**  
**GENERAL PRINCIPLES – OUTSIDE INCOME**

- Members, officers, and employees paid at a rate of \$126,148 (CY 2018) or more are subject to an outside earned income limit of \$28,050 (CY 2018)
  - May not earn more than this limit from all outside sources combined
- "Rate of pay" may be different than gross pay
  - *Example:* A staffer who works half-time (50%) and earns an annual gross salary of \$65,000 is earning a rate of pay of \$130,000 (\$65,000 x 2)

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 **SELECT COMMITTEE ON ETHICS**  
**SPECIFIC ACTIVITIES – PROFESSIONAL SERVICES**

- **Senate Rule 37.5** – All Members, officers, and employees paid at a rate of \$25,000 or more and employed for more than 90 days in a calendar year are subject to "professional services" restrictions
- Professional services involve a duty to an outside entity or client, and include:
  - Law
  - Medicine
  - Engineering
  - Architecture
  - Real estate
  - Insurance
  - Consulting
  - Any other position involving a fiduciary duty

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# U.S. SENATE SELECT COMMITTEE ON ETHICS

## CODE OF OFFICIAL CONDUCT TRAINING

 **SELECT COMMITTEE ON ETHICS**  
**SPECIFIC ACTIVITIES – PROFESSIONAL SERVICES**

- Members, officers, and employees paid at a rate of \$25,000 or more and employed for more than 90 days in a calendar year:
  - May not affiliate for the purpose of providing professional services for compensation
    - Employees paid at a rate below \$126,148 (CY 2018) *may* practice a profession during off hours, if not affiliated (e.g., practicing law as a solo practitioner)
- May not permit their names to be used by outside entities providing professional services for compensation

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 **SELECT COMMITTEE ON ETHICS**  
**SPECIFIC ACTIVITIES – PROFESSIONAL SERVICES**

- Members, officers, and employees paid at a rate of \$126,148 (CY 2018) or more are subject to the following additional restrictions:
  - May not provide professional services for compensation
    - But may provide professional services if uncompensated and no entity receives payment for your services (e.g., a doctor may provide uncompensated medical care at a free clinic)
  - May not receive compensation for affiliation or employment, *in any capacity*, with a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship

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 **SELECT COMMITTEE ON ETHICS**  
**SPECIFIC ACTIVITIES – BOARDS**

- **Senate Rule 37.6** – Generally, Members, officers, and employees paid at a rate of \$25,000 or more and employed for more than 90 days in a calendar year:
  - ✗ **MAY NOT**
    - Serve as an officer or member of the board of any publicly-held or publicly-regulated company
  - ✓ **MAY**
    - Serve as an uncompensated officer or board member of:
      - Organizations that are tax-exempt under § 501(c)(3)
      - Organizations that are principally available to Members, officers, and employees of the Senate and their families (e.g., Senate Credit Union)

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

 SELECT COMMITTEE ON ETHICS  
**SPECIFIC ACTIVITIES – BOARDS**

- Board member and officer positions that involve a fiduciary duty are subject to heightened scrutiny under **Senate Rules 37.2 and 37.3**
- Generally, you may not serve as a board member or officer if:
  - The work of the organization overlaps with your duties with the Senate
  - The organization receives federal funding

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 SELECT COMMITTEE ON ETHICS  
**SPECIFIC ACTIVITIES – HONORARIA**

- Members, officers, and employees *may not accept payment* for a speech, appearance, or article (other than a book) (**Senate Rule 36; 5 U.S.C. App. § 501**)
- In lieu of honoraria, a donation of up to \$2,000 may be made directly to a § 501(c)(3) charity, subject to the following limitations:
  - You may not direct the donation to a charity from which you or an immediate family member draws any financial benefit
  - You may not take a personal tax deduction
  - You must report donations made by a lobbyist or foreign agent to the Secretary of the Senate within 30 days
  - You must report the donation on your Financial Disclosure Report

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 SELECT COMMITTEE ON ETHICS  
**SPECIFIC ACTIVITIES – TEACHING**

- **Senate Rule 37.5(b)** – Members, officers, and employees paid at a rate of \$126,148 (CY 2018) or more may not teach for compensation without *prior written approval from the Committee*
- For employees paid below this threshold, Committee approval is not required, but, as with all outside activities:
  - Must get supervising Senator's permission
  - Must ensure no violation of honoraria ban
  - May not use Senate resources

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

 **SELECT COMMITTEE ON ETHICS**  
**SPECIFIC ACTIVITIES –**  
**POSITIONS INVOLVING GOVERNMENT ENTITIES**

- 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

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 **SELECT COMMITTEE ON ETHICS**  
**SPECIFIC ACTIVITIES –**  
**SPOUSE & FAMILY MEMBER LOBBYING**

- **Senate Rule 37.11(a)** – A Member *must prohibit any lobbying contact* between his/her staff and his/her spouse or immediate family member who is a registered lobbyist or is employed by an entity that retains or employs a lobbyist
- **Senate Rule 37.11(b)** – Members and staff *may not have any lobbying contact* with any spouse of a Member who is a lobbyist or is employed or retained by a lobbyist
  - This prohibition does not apply to a spouse who was a lobbyist at least one year prior to the Member's most recent election or at least one year prior to their marriage (**Senate Rule 37.11(c)**)
  - However, a spouse engaging in lobbying contact under this exception *may create the appearance* of a conflict of interest
- For other questions regarding spouse or immediate family member activities, contact the Committee for guidance

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 **SELECT COMMITTEE ON ETHICS**  
**INSIDER TRADING – DUTY OF TRUST**

- 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"

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

 **SELECT COMMITTEE ON ETHICS**  
**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

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 **SELECT COMMITTEE ON ETHICS**  
**INSIDER TRADING – IPOs**

- Members, officers, and employees paid at a rate above \$126,148 for CY 2018 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

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 **SELECT COMMITTEE ON ETHICS**  
**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 \$126,148 (CY 2018) or more must make appropriate disclosures on their Financial Disclosure Reports

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

 **SELECT COMMITTEE ON ETHICS**  
**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)**)

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 **SELECT COMMITTEE ON ETHICS**  
**FUTURE EMPLOYMENT – STAFF**

- Senate employees paid at a rate of \$126,148 (CY 2018) or more:
  - Must notify the Committee in writing within 3 business days after the commencement of negotiations or arrangements for private employment or compensation
  - Must recuse themselves from all official matters involving any prospective private employer whenever there is a conflict of interest or the appearance of a conflict (**STOCK ACT**)
- In addition, senior staff (employees paid at a rate of \$130,500 (CY 2018) or more):
  - Must recuse themselves from all legislative matters that create a conflict of interest or the appearance of a conflict (**STOCK ACT; Senate Rule 37.14(c)**)

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 **SELECT COMMITTEE ON ETHICS**  
**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

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

 SELECT COMMITTEE ON ETHICS

**POST-EMPLOYMENT – MEMBERS**

- 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**)

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 SELECT COMMITTEE ON ETHICS

**POST-EMPLOYMENT – SENIOR STAFF**

- Officers and employees paid at a rate of \$130,500 (CY 2018) 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

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 SELECT COMMITTEE ON ETHICS

**POST-EMPLOYMENT – ALL OTHER STAFF**

- Employees paid at a rate below \$130,500 (CY 2018) (**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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# U.S. SENATE SELECT COMMITTEE ON ETHICS CODE OF OFFICIAL CONDUCT TRAINING

 SELECT COMMITTEE ON ETHICS  
POST-EMPLOYMENT – AIDING FORMER STAFF

- *May not aid* former Members, officers, or employees in violating the post-employment restrictions
  - No “informational request” exception
  - No exception for action the office would have taken anyway
- Handling prohibited contacts:
  - Consult the Secretary of the Senate’s list to see if individual is subject to the federal criminal law ban
    - <https://www.senate.gov/legislative/lobbyingdisc.htm>
  - Contact the Committee for guidance
  - Refer the individual to the Committee for guidance

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 SELECT COMMITTEE ON ETHICS

**FINANCIAL  
DISCLOSURE**

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 SELECT COMMITTEE ON ETHICS  
FINANCIAL DISCLOSURE

- Financial disclosure is a mechanism for monitoring and deterring conflicts of interest
- Financial disclosure is *required by federal law and Senate Rule (Ethics in Government Act; STOCK ACT; Senate Rule 34)*
- All filers *must* obtain an eFD account
- The Committee’s website has detailed information about:
  - Who must file
  - What information must be disclosed
  - When reports must be filed
  - How to obtain an eFD account

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

 SELECT COMMITTEE ON ETHICS

**WHO MUST FILE?**

- The following individuals must file Financial Disclosure Reports:
  - Candidates
  - Members and officers
  - Employees paid at a rate of \$126,148 (CY 2018) or more
    - Fellows, detailees, 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

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 SELECT COMMITTEE ON ETHICS

**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 15<sup>th</sup>
  - 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

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 SELECT COMMITTEE ON ETHICS

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

 SELECT COMMITTEE ON ETHICS

**PTR DUE DATES**

- PTRs must be filed no later than 30 days after receiving notification of the transaction, but in no case later than 45 days after such transaction
  - Notification occurs when a filer receives a written communication that a transaction has occurred (e.g., an email from a financial advisor or a monthly account statement)
- The filing deadline applies regardless of whether you are, in fact, notified of a transaction
- To avoid penalties, ensure you receive and review financial information on at least a monthly basis
- The law does not allow extensions for PTRs
- Late reports are subject to a mandatory \$200 penalty

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 SELECT COMMITTEE ON ETHICS

**PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS**

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 SELECT COMMITTEE ON ETHICS

**PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS**

- **Senate Rule 38** – Restricts the types of funds that may be used for official expenses
- Private donations of cash, goods, or services may not be used to support official activities
  - Prohibition includes co-sponsoring events with outside groups

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# U.S. SENATE SELECT COMMITTEE ON ETHICS

## CODE OF OFFICIAL CONDUCT TRAINING

 **SELECT COMMITTEE ON ETHICS**  
**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

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 **SELECT COMMITTEE ON ETHICS**  
**PERMISSIBLE FUNDING SOURCES FOR OFFICIAL EXPENSES**

- Generally, official expenses may only be paid using:
  - Appropriated funds
  - Senator's personal funds
  - Senator's excess principal campaign funds
    - Subject to a number of restrictions

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 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON USE OF EXCESS PRINCIPAL CAMPAIGN FUNDS**

- Excess principal campaign funds *may not* be used for:
  - Committee expenses
  - Expenses specified in **2 U.S.C. § 503(d)**, including:
    - Employee salaries
    - Office space and furniture
    - Office equipment and any associated IT services
    - Franked mail
- Excess principal campaign funds may be used for dual-purpose handheld communication devices (e.g., cell phones, tablets)
  - If excess principal campaign funds are used to purchase such a device, they must be used to maintain it

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

**CAMPAIGN  
ACTIVITY**

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**RESTRICTIONS ON SENATE STAFF –  
CAMPAIGN WORK**

- 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

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**RESTRICTIONS ON SENATE STAFF –  
CAMPAIGN CONTRIBUTIONS**

- 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

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

 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON SENATE STAFF –  
HANDLING CAMPAIGN FUNDS**

- 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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 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON SENATE STAFF –  
EXCEPTION FOR PFDs**

- 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

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 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON THE SENATE OFFICE –  
GENERAL PRINCIPLES**

- 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

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

 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON THE SENATE OFFICE –  
MISDIRECTED MATERIALS**

- **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**)

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 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON THE SENATE OFFICE –  
LIMITED OVERLAP**

- 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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 **SELECT COMMITTEE ON ETHICS**  
**RESTRICTIONS ON THE SENATE OFFICE –  
MIXED PURPOSE MATTERS**

- For calls, letters, and emails related to both campaign and official matters, you may respond to the official portion of the inquiry and forward or redirect the campaign portion
- For travel involving both campaign and official events, you must pro rate all expenses to accurately reflect the purpose of the trip
  - Contact the Rules Committee for questions about reimbursable travel expenses
  - Contact the FEC for questions about expenditures of campaign funds

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

 SELECT COMMITTEE ON ETHICS  
**RESTRICTIONS ON THE SENATE OFFICE –  
MORATORIA**

- 60 days prior to a primary or general election the following activities are prohibited:
  - Using official funds for certain travel expenses
  - Using Senate television or recording studios
  - Using official funds to maintain a mobile office
  - Sending mass mailings
  - Sending unsolicited mass email
  - Certain use of official social media and internet
- No moratorium for primary election if it is uncontested and there is *no legal possibility* for a write-in candidate
- Contact Rules Committee for additional guidance

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 SELECT COMMITTEE ON ETHICS

**CONSTITUENT  
SERVICES**

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 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

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

 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

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 SELECT COMMITTEE ON ETHICS

**FRANKING**

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 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*

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

 SELECT COMMITTEE ON ETHICS

**STANDARDS OF FRANKABILITY**

- 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)

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 SELECT COMMITTEE ON ETHICS

**FRANKABLE MAIL**

- 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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 SELECT COMMITTEE ON ETHICS

**NONFRANKABLE MAIL**

- Solicitations for political support or financial assistance
- Mail containing certain partisan references
- Condolence letters sent to the public
- Holiday greetings, except for an incidental reference in otherwise frankable mail
- Messages about a Senator’s family activities, other than in connection with official duties
- Messages to a Member on a personal rather than official basis
- Personal mail
- Congratulations on a personal distinction

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

 SELECT COMMITTEE ON ETHICS

**PUBLIC/PERSONAL DISTINCTIONS**

- **Public Distinctions**
  - Recent naturalization as an American citizen
  - Receipt of a high school diploma by a senior citizen through an adult education program
  - Enlistment or re-enlistment in the Armed Forces or acceptance into a U.S military service academy
  - Promotion of an Eagle Scout, a VFW Commander, or an American Legion Commander
  - Directorship of a state museum
  - Election or appointment to public office
- **Personal Distinctions**
  - Birth, marriage, or anniversary
  - Graduation from high school or college, or selection as class valedictorian
  - Graduation in the top 10% of a class
  - Promotion in a business
  - Establishment a new business
  - Registration to vote
  - Receipt of an award from a local organization
  - Mention in an article in a trade association journal or newspaper

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 SELECT COMMITTEE ON ETHICS

**MASS MAILING**

- A mass mailing is *500 or more substantially similar pieces of mail within one session of Congress*, regardless of whether the pieces are mailed at the same time
  - *Does not include:* mail in direct response; mail to other Members of Congress; mail to federal, state, or local officials; press releases; town meeting notices; federal publications or items provided to all Senators or made available for purchase with official funds for distribution; mail in response to a signed petition; and electronic communications
- *Must* be franked
- Subject to special restrictions on the size and number of pages, the number of times a Member's name may appear, and the size and content of photos
- Subject to the 60 day moratorium period

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 SELECT COMMITTEE ON ETHICS

**CONTACT THE COMMITTEE**

**If you have any questions,  
please contact the Committee**

(202) 224-2981 (main)    (202) 224-7416 (fax)

mailbox\_office@ethics.senate.gov (email)

*Committee guidance is confidential*

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