This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
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

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

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

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
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.

PRIVATELY-SPONSORED TRAVEL

- 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

PRE-APPROVAL EXCEPTIONS

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
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

CONFLICTS OF INTEREST

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

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
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 15th

Members, officers, and employees paid at a rate of $131,239 (CY 2020) or more are subject to an outside earned income limit of $28,845 (CY 2020)

- 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)

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
## U.S. Senate Select Committee on Ethics
### Code of Official Conduct Training

#### Specific Activities – Professional Services

<table>
<thead>
<tr>
<th>Condition</th>
<th>Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members, officers, and employees paid at a rate of $25,000 or more and</td>
<td>May not affiliate for the purpose of providing professional services for compensation</td>
</tr>
<tr>
<td>employed for more than 90 days in a calendar year:</td>
<td>• Employees paid at a rate below $131,239 (CY 2020) may practice a profession during off hours,</td>
</tr>
<tr>
<td></td>
<td>if not affiliated (e.g., practicing law as a solo practitioner)</td>
</tr>
<tr>
<td></td>
<td>• May not permit their names to be used by outside entities providing professional services for compensation</td>
</tr>
<tr>
<td>May not provide professional services for compensation</td>
<td></td>
</tr>
<tr>
<td>• But may provide professional services if uncompensated and no entity</td>
<td></td>
</tr>
<tr>
<td>receives payment for your services (e.g., a doctor may provide</td>
<td></td>
</tr>
<tr>
<td>uncompensated medical care at a free clinic)</td>
<td></td>
</tr>
<tr>
<td>May not receive compensation for affiliation or employment, in any</td>
<td></td>
</tr>
<tr>
<td>capacity, with a firm, partnership, association, corporation, or other</td>
<td></td>
</tr>
<tr>
<td>entity which provides professional services involving a fiduciary</td>
<td></td>
</tr>
<tr>
<td>relationship</td>
<td></td>
</tr>
</tbody>
</table>

#### Specific Activities – Boards

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

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at [www.ethics.senate.gov](http://www.ethics.senate.gov) or contact the Committee at (202) 224-2981 for additional information and guidance.
• 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

- Members, officers, and employees **may not accept payment** for a speech, appearance, or article (other than a book) (Senate Rule 36; § 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

- **Senate Rule 37.5(b)** – Members, officers, and employees paid at a rate of $131,239 (CY 2020) 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
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
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 $131,239 for CY 2020 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 $131,239 (CY 2020) or more must make appropriate disclosures on their Financial Disclosure Reports

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
WHO MUST FILE?

- The following individuals must file Financial Disclosure Reports:
  - Candidates
  - Members and officers
  - Employees paid at a rate of $131,239 (CY 2020) 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)
• 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

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
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

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

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

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
CAMPAIN ACTIVITY

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

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

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at www.ethics.senate.gov or contact the Committee at (202) 224-2981 for additional information and guidance.
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

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
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

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.
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).

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.

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.
### 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 of 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

### 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**

### 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

---

This presentation provides only an overview of the Code of Official Conduct and applicable ethics standards, and does not represent or address all applicable authority. Please consult the Committee’s website at [www.ethics.senate.gov](http://www.ethics.senate.gov) or contact the Committee at (202) 224-2981 for additional information and guidance.