

U.S. SENATE SELECT COMMITTEE ON ETHICS

CODE OF OFFICIAL CONDUCT TRAINING



U.S. SENATE SELECT COMMITTEE ON ETHICS

U.S. Senate Code of Official Conduct Training

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**U.S. SENATE SELECT
COMMITTEE ON ETHICS**

WHAT WE'LL COVER

Introduction to the Committee

- i. Gifts (Rule 35)
- ii. Conflicts of Interest (Rule 36, Rule 37)
- iii. Financial Disclosure (Rule 34)
- iv. Unofficial Office Accounts (Rule 38)
- v. Integrity of Official Resources; Franking (Rule 39, Rule 40)
- vi. Campaign Activity (Rule 41)
- vii. Constituent Service (Rule 43)

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INTRODUCTION TO THE COMMITTEE

- The Ethics Committee is the Senate's self-disciplinary body
- Derives from constitutional power – "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member" (Art. I, § 5)
- Committee formed in 1964, with first Code of Conduct passed in 1968

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INTRODUCTION TO THE COMMITTEE

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INTRODUCTION TO THE COMMITTEE

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| Intro | Gifts | Conflicts of Interest | Financial Disclosure | Unofficial Office | Official Representation | Campaign Activities | Constituent Services |
|--|-------|-----------------------|----------------------|-------------------|-------------------------|---------------------|----------------------|
|  <p>U.S. SENATE SELECT COMMITTEE ON ETHICS</p> <h2>The Gifts Rule</h2> <p><u>Key Principles:</u></p> <ul style="list-style-type: none">Accepting gifts is generally prohibited unless an exception applies. Call Ethics if you aren't sure whether an exception applies.The exceptions are targeted toward gifts that don't give the appearance that the gift is an attempt to influence the performance of official duties. Considerations include:<ul style="list-style-type: none"><i>Value.</i> \$4 cup of coffee vs \$400 iPad.<i>Giver.</i> Lobbyist? Other individual with official business? Friend? Relative?<i>Purpose.</i> Tour of energy facility in state vs trip to Disneyland. | | | | | | | |

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GIFTS – BASELINE RULE

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GIFTS – BASELINE RULE

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EXCEPTIONS – PERSONAL RELATIONS

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EXCEPTIONS – GOVERNMENT SOURCES

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EXCEPTIONS – FOR THE BENEFIT OF THE OFFICE

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EXCEPTIONS – FOREIGN GOVERNMENTS

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| Intro | Gifts | Conflicts of Interest | Financial Disclosure | Unofficial Offices | Official Representations | Campaign Activities | Constituent Services |
|--|-------|-----------------------|----------------------|--------------------|--------------------------|---------------------|----------------------|
|  <h1>U.S. SENATE SELECT COMMITTEE ON ETHICS</h1> <h2>EXCEPTIONS – FREE ATTENDANCE TO EVENTS</h2> | | | | | | | |
| <ul style="list-style-type: none">• “Reception exception” – Event where only item of value is food and beverage of nominal value offered other than as part of a meal• Widely Attended Events<ul style="list-style-type: none">• Related to official duties, attended by 25 people from outside Congress, open to a wide group• Can’t be entertainment or substantially recreational• Charity events• Campaign events• Constituent events<ul style="list-style-type: none">• In home state, 5 or more constituents, no lobbyists❖ May not accept other items of value (e.g., gift bags) offered at an event unless they fall into a Gifts Rule exception | | | | | | | |
| Intro | Gifts | Conflicts of Interest | Financial Disclosure | Unofficial Offices | Official Representations | Campaign Activities | Constituent Services |

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PRIVately SPONSORED TRAVEL

- Travel outside the duty station paid for by a private entity ("privately sponsored travel") is governed by regulations passed pursuant to the Honest Leadership and Open Government Act (2007)
- Must receive prior written approval to accept privately sponsored travel
- 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

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CRIMINAL BRIBERY AND ILLEGAL GRATUITY

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SOLICITATION OF GIFTS

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HANDLING IMPERMISSIBLE GIFTS

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PROHIBITION ON USING OFFICIAL POSITION FOR PERSONAL GAIN

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|  <h1>U.S. SENATE SELECT COMMITTEE ON ETHICS</h1> <h2>OUTSIDE POSITIONS</h2> | <ul style="list-style-type: none">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<ul style="list-style-type: none">May not engage in an outside activity that is inconsistent or in conflict with the conscientious performance of your official dutiesSenate Rule 37.3 – Must get your supervising Senator's approval to engage in any outside activity<ul style="list-style-type: none">Must report the outside activity to your supervising Senator at the start of the activity and each year thereafter on May 15th |
| Intro | Goals |
| Conflicts of Interest | Financial Disclosure |
| Unofficial Office Accounts | Official Resources |
| Campaign Activity | Complaint Service |

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OUTSIDE POSITIONS – PROFESSIONAL SERVICES

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OUTSIDE POSITIONS – PROFESSIONAL SERVICES

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OUTSIDE POSITIONS – OFFICER AND BOARD POSITIONS

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OUTSIDE POSITIONS – HONORARIA

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OUTSIDE POSITIONS – TEACHING

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OUTSIDE POSITIONS – GOVERNMENT-RELATED POSITIONS

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CONFLICTS FROM SPOUSE/FAMILY MEMBER EMPLOYMENT

- For Members, Senate Rule 37.11 prohibits lobbying contact by a spouse or family member who is a registered lobbyist or is employed or retained by an entity that has lobbyists
- For staff, no rules apply to spouse's or other family member's employment—you are the one who works for the Senate, not them!
- But your spouse's and family members' employment may limit what you can or should work on in the Senate (e.g., Senate Rule 37.1, no using official position for personal gain)
 - When in doubt, notify your office and/or contact the Committee for guidance

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INSIDER TRADING AND FINANCIAL CONFLICTS

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FUTURE EMPLOYMENT

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FUTURE EMPLOYMENT – JOB SEARCH

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| Intro | Gifts | Conflicts of Interest | Financial Disclosure | Unofficial Office | Official Disclosure Requirements | Campaign Activities | Constituent Services |
|--|-------|-----------------------|----------------------|-------------------|----------------------------------|---------------------|----------------------|
|  <p>U.S. SENATE SELECT COMMITTEE ON ETHICS</p> <p>FUTURE EMPLOYMENT – NEGOTIATIONS</p> <ul style="list-style-type: none">• Restrictions intensify when you enter a "negotiation" or "employment arrangement"<ul style="list-style-type: none">• 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• Once you reach either of these, must notify supervising Senator and recuse as needed from official work that involves the prospective employer<ul style="list-style-type: none">• For staff paid at rate at or above \$130,500, nonpublic form to Ethics• If Member, public disclosures and additional restrictions | | | | | | | |

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FUTURE EMPLOYMENT – POST-EMPLOYMENT

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FUTURE EMPLOYMENT – POST-EMPLOYMENT

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FINANCIAL DISCLOSURE – WHO MUST FILE

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FINANCIAL DISCLOSURE – LATE REPORTS AND PENALTIES

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UNOFFICIAL OFFICE ACCOUNTS – EXCEPTIONS

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OFFICIAL RESOURCES – GENERAL PRINCIPLES

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OFFICIAL RESOURCES – GENERAL PRINCIPLES

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OFFICIAL RESOURCES – FRANKING

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OFFICIAL RESOURCES – FRANKING

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OFFICIAL RESOURCES – MASS MAILINGS

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OUTSIDE CAMPAIGN ACTIVITY – CONTRIBUTIONS

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OUTSIDE CAMPAIGN ACTIVITY – RULE 41

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OUTSIDE CAMPAIGN ACTIVITY – RULE 41

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INTERACTIONS WITH SENATE OFFICE – MISDIRECTED MATERIALS

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INTERACTIONS WITH SENATE OFFICE – LIMITED OVERLAP

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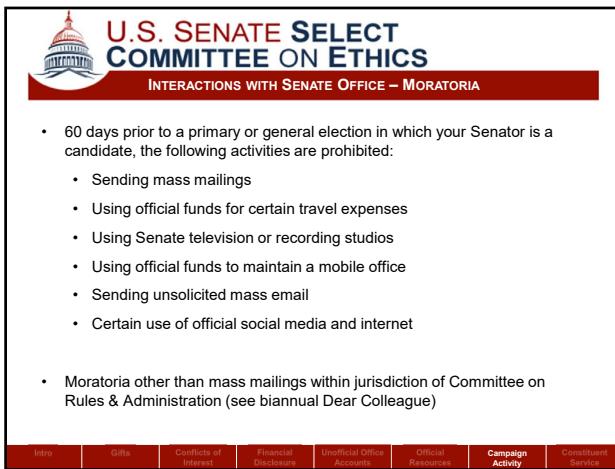
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INTERACTIONS WITH SENATE OFFICE – MIXED TRAVEL

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CONSTITUENT SERVICE – RULE 43

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CONSTITUENT SERVICE – RULE 43

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|  | <h1>U.S. SENATE SELECT COMMITTEE ON ETHICS</h1> <h2>CONSTITUENT SERVICE – OTHER CONSIDERATIONS</h2> |
| <p>• Keating Report (1991) – Be sensitive to other possible appearance of impropriety. Before intervening, consider:</p> <ul style="list-style-type: none">• Type of proceeding – is the agency performing a “quasi-judicial, adjudicative or enforcement function”? are there <i>ex parte</i> rules?<ul style="list-style-type: none">• Best practice – contact congressional liaison in advance of intervention• Manner and degree of intervention – “direct or implied suggestion of either favoritism or reprisal”? “does the action or pattern of action deviate from [the] Senator’s normal conduct”?• Constituent you are assisting – contributor? personal friend?• Merits of the constituent’s case | |
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| Intro | Gifts |
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| Unofficial Office Accounts | Official Resources |
| Campaign Activity | Constituent Service |

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WRAP UP – CONTACT THE COMMITTEE

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