

*United States Senate Select Committee on Ethics*  
*Senate Code of Official Conduct*



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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Gifts Rule

- Senate Members and staff may not accept any gift unless its acceptance is permitted by the Gifts Rule (**Senate Rule 35**)
- Applies 24 hours a day/7 days a week
- Applies to any and all gifts you receive, even gifts unrelated to your Senate employment
- May* apply to a gift to a family member, *if* the gift is given because of the Senate individual's position, with their knowledge and acquiescence
- Contains 20+ exceptions, which permit acceptance of certain gifts



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### SELECT COMMITTEE ON ETHICS

#### What is a gift?

The term "gift" is broadly defined and includes:  
A gratuity, favor, discount, entertainment, hospitality, loan, forbearance, service, transportation, lodging, meal, or any other item with a monetary value.



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### SELECT COMMITTEE ON ETHICS

#### No Gifts From Lobbyists

Members, officers, and employees of the Senate may not accept any gift from a registered lobbyist or foreign agent, or an entity that employs or retains a lobbyist or foreign agent, unless a specific exception to the Gifts Rule applies.

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Permissible Gifts – Under \$50

If not from a lobbyist or foreign agent, or entity that employs or retains a lobbyist or foreign agent, Members, officers, or employees may accept a gift if:

- Less than \$50
- Subject to less-than-\$100 annual limit from each source
- No cash, gift cards, checks, etc.
- No “Buy-downs”
- No limit on gifts less than \$10, but be mindful of spirit of the Rule



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### SELECT COMMITTEE ON ETHICS

#### Permissible Gifts – Certain Persons

- Gifts from relatives
  - Includes fiancées and in-laws
- Gifts from Members, officers, and employees
  - But no gifts to supervisor or employing Senator except on certain occasions and only if voluntary
- Gifts from personal friends
  - Must meet certain criteria
  - If over \$250, must get written approval from the Ethics Committee



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### SELECT COMMITTEE ON ETHICS

#### Permissible Gifts – Certain Entities

- Items paid for by a federal, state, or local government
  - Includes state (public) universities and federally recognized Native American Tribes
- Benefits Resulting from Outside Activities
  - Former employment (e.g., alumni dinner)
  - Prospective employment (e.g., flight and hotel for job interview)
  - Outside position (e.g., dinner for volunteers)
  - Benefits resulting from spouse activities

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Permissible Gifts – Foreign Government

- U.S. Constitution (Art. I, § 9, cl. 8) prohibits acceptance of gifts from foreign governments except where Congress consents
- Foreign Gifts and Decorations Act (5 U.S.C. § 7342)
  - < \$100, may accept and keep
  - > \$100, may accept but must deposit with Secretary of Senate within 60 days

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### SELECT COMMITTEE ON ETHICS

#### Permissible Gifts – Certain Types

- Items of little intrinsic value
  - Baseball hat, t-shirt, or < \$10 in value
- “Home State” products
  - Includes loan of artwork
- “Informational Materials”
  - From publisher, author, producer delivered to Senate office

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### SELECT COMMITTEE ON ETHICS

#### Aggregation

- Divisible Gifts: You can accept one and refuse or pay for the others
- Gifts delivered to a Senate office: Are generally aggregated and deemed one gift to the Senator
- Food delivered to an office (Pizza Rule): Is always considered one gift to the Senator

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Gifts - Attendance at Events

- Free attendance at certain types of events is permissible:
  - Receptions ([Senate Rule 35.1\(c\)\(22\)](#))
    - Food and beverages, nominal value, not a meal
  - "Widely Attended" ([Senate Rule 35.1\(d\)](#))
    - 25 people outside Congress, open to wide group, officially-related, typically not entertainment or sporting event
  - Charity ([Senate Rule 35.1\(d\)\(3\)](#))
  - Campaign or political ([Senate Rule 35.1\(c\)\(2\)](#))
  - Constituent ([Senate Rule 35.1\(g\)\(1\)](#))
    - 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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### SELECT COMMITTEE ON ETHICS

#### Handling of Impermissible Gifts

- Impermissible gifts generally must be refused or returned
  - May use the Frank to return
  - Perishable gifts (flowers or food), if impractical to return, may be discarded or donated to charity
- Or pay fair market value
  - For tickets to sports or entertainment events, use face value or, if no face value, highest ticket price for the event

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### SELECT COMMITTEE ON ETHICS

#### Bribes and Illegal Gratuities

- You may not accept a gift that is offered in connection with an official action taken or being sought
- Such a gift may be deemed a bribe or improper gratuity under federal criminal law ([18 U.S.C. § 201](#))



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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Solicitation

- General prohibition **against** solicitation (5 U.S.C. § 7353)
- Permissible charitable solicitations
  - Must be in your personal capacity
  - On your own time
  - Not using official resources
  - No solicitations of lobbyists or foreign agents
  - No implied official endorsement



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### SELECT COMMITTEE ON ETHICS

#### TRAVEL



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### SELECT COMMITTEE ON ETHICS

#### Privately-Sponsored Travel

- Each and every traveler must obtain prior written approval from the Committee
- Request must be submitted at least 30 days before the start date of the trip
- There are significant restrictions on accepting travel expenses from private entities that retain or employ lobbyists or foreign agents
- Post-Travel Disclosure must be filed within 30 days of the last day of the trip
- Travel forms available on our website



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# United States Senate Select Committee on Ethics Senate Code of Official Conduct



## SELECT COMMITTEE ON ETHICS

### Pre-Approval Exceptions

- Committee pre-approval is not required for travel paid for by:
  - Senate
  - Federal, state, or local government entity
  - Federal campaign committees
  - Foreign governments if approved by the U.S. State Department under the Mutual Educational and Cultural Exchange Act (MECEA)



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## SELECT COMMITTEE ON ETHICS

### Foreign Government Travel

- Special rules and disclosure requirements for travel funded by foreign governments
  - **Mutual Educational and Cultural Exchange Act (MECEA)**
    - Must report on Financial Disclosure Report
  - **Foreign Gifts and Decorations Act (FGDA)**
    - FGDA travel must be reported to Committee on special form within 30 days
- Committee pre-approval not required for either

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## SELECT COMMITTEE ON ETHICS



# CONFLICTS OF INTEREST

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# United States Senate Select Committee on Ethics Senate Code of Official Conduct



## SELECT COMMITTEE ON ETHICS

### BASIC PRINCIPLES

- No “Cashing In” on Senate Position
  - Senate Rule 37.1
- May not undertake any outside activity that creates a conflict of interest
  - Senate Rule 37.2

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## SELECT COMMITTEE ON ETHICS

### Outside Employment or Volunteer Work

- Avoid outside activities that could **conflict** with your official duties
- Get **approval** of your supervising Senator to engage in outside activities
- Report outside activity to Senator at start of activity and each year thereafter on May 15<sup>th</sup>
- Contact the Committee for specific guidance when considering:
  - running for elective office
  - outside employment that may relate to a matter in which U.S. is a party or has an interest



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## SELECT COMMITTEE ON ETHICS

### Legislative Action

- Under Senate Rule 37.4, you may not use your Senate position to aid legislation where the primary purpose is to further the pecuniary interest of:
  - You
  - Your immediate family
  - A limited class of persons or entities of which you or your immediate family are a part



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## United States Senate Select Committee on Ethics Senate Code of Official Conduct

**SELECT COMMITTEE ON ETHICS**  
**Committee Staff Holdings**

- Committee staff earning **more than \$25,000 a year** and employed **more than 90 days** ...must divest himself or herself of any substantial holdings which may be directly affected by the actions of the employing committee



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**SELECT COMMITTEE ON ETHICS**  
**Outside Earned Income Limit**

- Anyone earning a Senate rate of pay of at least \$124,406 (CY2017) or more may not earn more than \$27,765 (CY2017) from all combined outside sources, including campaign work.

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**SELECT COMMITTEE ON ETHICS**  
**Rate of Pay**

- For a part-time staffer, gross salary must be annualized to 100% in order to determine rate of pay for purposes of the outside earned income limit
  - **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), the amount he or she would have earned if he or she had worked full-time (100%) for that year.

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Board Service

If employed for more than 90-days and earn over \$25,000 from the Senate:

- ✗ **YOU MAY NOT**
  - Serve as an officer or member of the board of any publicly-held or publicly-regulated company.
- ✓ **YOU MAY**
  - Serve as an uncompensated officer or board member of
    - a tax-exempt organization (IRC Section 501(c)(3)), and
    - an organization that is principally available to Members, officers, and employees of the Senate and their families.

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### SELECT COMMITTEE ON ETHICS

#### But Watch For...

- Federal-Funding Conflict
- Subject-Matter Overlap Conflict



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### SELECT COMMITTEE ON ETHICS

#### Affiliation

- Anyone earning at least \$25,000 a year and employed for more than 90 days in a calendar year (*Senate Rule 37.5(a)*):
  - ✗ **MAY NOT:**
    - Affiliate with outside business for purpose of providing professional services for compensation;
    - Permit their name to be used by outside business providing professional services for compensation;
    - Practice a profession for compensation to any extent during regular office hours in the employing Senate office.
  - ✓ **MAY:**
    - May practice a profession during off hours, if not affiliated with a firm.

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## United States Senate Select Committee on Ethics Senate Code of Official Conduct

**SELECT COMMITTEE ON ETHICS**  
Affiliation Above Salary Threshold

- Anyone making at or above 120% of GS-15 = \$124,406 (CY2017) **Senate Rule 37.5(b):**

**✗ MAY NOT:**

- Receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;
- Provide professional services involving a fiduciary relationship for compensation;
- Be employed by a firm that provides professional services, in any capacity;
- Exceed the outside earned income limit of \$27,765.

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**SELECT COMMITTEE ON ETHICS**  
Honoraria Ban

- An honoraria is a payment for a speech, article (other than a book), or appearance.
- Prohibition is based in federal law
- Committee may not grant a waiver to allow acceptance of honoraria

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**SELECT COMMITTEE ON ETHICS**  
Charitable Donation in Lieu of Honoraria

- May allow charitable donation directly to § 501(c)(3) charity - \$2,000 maximum
  - Payment may not go to a charity from which you or an immediate family draws any financial benefit
  - Must be reported on Financial Disclosure Report
  - No tax deduction
  - If donation is from lobbyist or foreign agent, must report it to Secretary of the Senate within 30 days.

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# United States Senate Select Committee on Ethics


## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Teaching

- Members and staff paid at or above 120% of GS-15 may not teach for compensation unless they receive written pre-approval from the Committee
- No Committee approval required for employees paid below threshold, but they must get Senator's permission and must ensure no violation of honoraria ban
- May not use Senate resources
- Teaching income is subject to outside earned income limit



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### SELECT COMMITTEE ON ETHICS

#### Duty of Trust and Confidence

The STOCK Act amended the securities law to make it clear that each Member or employee owes “a duty arising from the 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 as a Member of Congress or employee of Congress or gained from the performance of such person’s official responsibilities.”

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### SELECT COMMITTEE ON ETHICS

#### Insider Trading

Members of Congress and **all** congressional staff are prohibited from using material, nonpublic information derived from their official positions “as a means for making a private profit.”



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## United States Senate Select Committee on Ethics Senate Code of Official Conduct

**SELECT COMMITTEE ON ETHICS**  
**Insider Trading Definitions**

- “**Material**” information is what a reasonable investor would want to know in making an investment decision
- “**Nonpublic**” means confidential or not widely disseminated to the public

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**SELECT COMMITTEE ON ETHICS**  
**Tipping**

- Insider trading violations include “tipping”
- “Tipping” is passing along material, nonpublic information in violation of a duty of confidentiality
- Senate personnel can be the “tipper” or “tippee”
- “Tipper” knows or should know of duty of confidentiality
- “Tipper” must intend to benefit personally
- Personal benefit includes financial, reputational, or other benefit



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**SELECT COMMITTEE ON ETHICS**  
**Initial Public Offering**

Members, officers, and employees making at least \$124,406 may not purchase securities that are part of an initial public offering (IPO) in any manner other than generally available to the public.



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
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## United States Senate Select Committee on Ethics Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Spouse and Immediate Family Member Lobbying Restriction

- A Member must prohibit any lobbying contact between their staff and their spouse or immediate family member if the spouse or immediate family member is:
  - a registered lobbyist,
  - employed or retained by a registered lobbyist, or
  - employed by an entity that hires or retains a registered lobbyist
- Only exception is for spouse who was a lobbyist at least one year prior to Member's most recent election or at least one year prior to marriage to Member

See Senate Rule 37.11

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### SELECT COMMITTEE ON ETHICS

#### Negotiating for Future Employment

- Senators and staff are generally permitted to seek new employment while still employed by the Senate, subject to certain limitations:
  - Promise of future employment may not affect performance of Senate duties
  - No use of Senate resources and must perform search on one's own time
  - Financial Disclosure obligations for Members and staff paid at annual rate of \$124,406 or more for CY 2017



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### SELECT COMMITTEE ON ETHICS

#### Rules for Disclosure of Employment Negotiations for Senators

- Senators must wait until after their successor has been elected to negotiate or enter into an employment arrangement for a job involving lobbying
- For any other future private employment, Senators must file a signed public statement with the Secretary of the Senate within 3 business days of beginning the negotiations or arrangements for private employment or compensation
- Senators who file the disclosure form must recuse themselves whenever there is a conflict of interest or an appearance of a conflict with respect to the private entity identified on the form and must notify the Committee in writing of such recusals

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Rules for Disclosure of Employment Negotiations for Staff

- Senate employees paid \$124,406 or more must notify the Committee in writing within 3 days after beginning negotiations or arrangements for future employment or compensation with a private entity and recuse themselves from all official matters involving any prospective private employers whenever there is a conflict of interest or the appearance of one
- Senior staff - employees making \$130,500 or more for CY2017 - must also recuse themselves from all legislative matters that create a conflict of interest or the appearance of one

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### SELECT COMMITTEE ON ETHICS

#### 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
- A "employment arrangement" begins when an offer has been made and accepted



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### SELECT COMMITTEE ON ETHICS

#### Post Employment Restrictions—Members

- Members may not:
  - Lobby the Senate for two years. *Senate Rule 37.*
  - Communicate with or appear before the House or Senate on behalf of third party seeking official action for two years. 18 U.S.C. § 207.

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



**SELECT COMMITTEE ON ETHICS**  
 Post Employment Restrictions—Senior Staff

- Senior staff may not:
  - Lobby the Senate for one year. Senate Rule 37.
  - Communicate with or appear before the Senate on behalf of third party seeking official action for one year. 18 U.S.C. § 207.
- Senior staff are employees paid at least 75% of a Member's salary - \$130,500 for CY2016 and CY2017
- Salary look back is one year from when you leave the Senate, not the calendar year
- A bonus may subject you to this restriction

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**SELECT COMMITTEE ON ETHICS**  
 Post Employment Restrictions—All Other Staff

- Staff paid less than 75% of a Member's salary (\$130,500 for CY2016 and CY2017) may not lobby their employing office for one year
- 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
- A staffer in a personal office who has substantive committee responsibilities may not lobby the committee Members and staff for one year from the date the staffer last performed services for the committee. This prohibition is in addition to the prohibition on lobbying their employing office

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**SELECT COMMITTEE ON ETHICS**  
 Current Members and Staff

- May not aid former Members and staff in violating the post-employment restrictions
- No "informational request" exception
- No exception for action the office would have taken anyway
- Handling prohibited contacts:
  - Check the Secretary of the Senate's list to see if individual is under the statutory ban
  - Contact the Committee for guidance
  - Advise the former Member or staffer to contact the Ethics Committee for guidance

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Criminal Conflicts of Interest

- **18 U.S.C. § 203** – Members, officers, and employees may not solicit or receive compensation for representation in a matter in which U.S. is a party or has an interest
- **18 U.S.C. § 205** – Even absent compensation, Senate officers and employees generally may not represent others before the U.S. or prosecute a claim in a covered matter
- For additional guidance on these laws, contact the Committee

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### SELECT COMMITTEE ON ETHICS

## FINANCIAL DISCLOSURE

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### SELECT COMMITTEE ON ETHICS

#### Financial Disclosure

- Financial Disclosure Reports and Periodic Transaction Reports are a mechanism for monitoring and deterring conflicts
- Financial disclosure is required by federal law and Senate Rule 34
- Committee's website has detailed information about who must file, when they must file, and what they must file



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This slideshow presents only a summary of the Code of Official Conduct (Senate Rules 34-43) prepared by Committee staff. For more information or advice about specific fact situations, please consult the Senate Ethics Manual, or contact a Committee counsel at (202) 224-2981.

# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Who Must File?

The following persons must annually disclose personal financial interests, including investments, income, and liabilities:

- Members, officers, and employees paid **\$124,406** or more
- Candidates
- Political Fund Designees, regardless of salary
- Fellows, Interns and Detailees paid **\$124,406** or more
  - Must file even if they aren't paid by the Senate
  - Must file even if they file with another entity, unless they fall into an exception
- **It is your responsibility to know if you must file**

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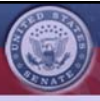
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### SELECT COMMITTEE ON ETHICS

#### When Must You File?

The following persons generally must file at the following times:

- Senators: As a candidate, annually on May 15<sup>th</sup>, and within 30 days of leaving the Senate
- Officers and employees (including fellow, interns, and detailees) hired or promoted to a rate of pay of **\$124,406** or more: Within 30 days of entering a filing position (including a mid-year pay raise), annually on May 15<sup>th</sup>, and within 30 days of leaving the Senate
- PFDs paid below the threshold: Annually on May 15<sup>th</sup> and within 30 days of leaving the PFD position
- Late reports are subject to a mandatory \$200 penalty
- **You are responsible for knowing when you must file**

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### SELECT COMMITTEE ON ETHICS

#### Periodic Transaction Reports

- Generally, Members, officers, and employees making at least \$124,406 in CY2017 must report transactions of stocks, bonds, commodities futures, and other assets in excess of \$1,000 no later than 30 days after receiving notification of the transaction, but in no case later than 45 days after such transaction
- Includes purchase, sale, or exchange for self, spouse or dependent children
- Includes transactions within self-directed accounts (e.g., 401(k), IRA, etc.)
- May include transactions within LLCs and partnerships
- PTR requirements are in addition to other FD obligations

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Periodic Transaction Reports

- For PTRs, notification occurs when a filer receives a written communication that a transaction has occurred, such as when a filer receives an email or other written confirmation from his or her broker or financial advisor that a transaction has occurred, or when a filer receives a monthly account statement reflecting any transaction that exceeds \$1,000
- Even if you don't learn of the transaction within the required time frame, you are legally required to file PTRs
- The law does not allow for extensions
- Late reports are subject to a mandatory \$200 penalty
- To avoid penalties, ensure you receive information on at least a monthly basis

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### SELECT COMMITTEE ON ETHICS

#### No PTR Required

- You are not required to file PTRs for the following items:
  - Publicly traded mutual funds and exchange traded funds (ETFs);
  - Real property;
  - Bank accounts;
  - U.S. Treasury securities; and
  - Any other investment that meets the definition of an Excepted Investment Fund (EIF):
    - Widely Held (more than 100 participants);
    - Publicly-traded or widely-diversified; and
    - No ability to control the financial interests held by the fund

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### SELECT COMMITTEE ON ETHICS

#### Mortgages

- The STOCK Act mandates that on their annual Financial Disclosure Reports, Senators must disclose any and all mortgages they have on their personal residences
- Must include creditor, type of liability, date incurred, rate and points, term, range of value of loan
- No requirement to provide property address
- Does not apply to officers and employees

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# United States Senate Select Committee on Ethics Senate Code of Official Conduct



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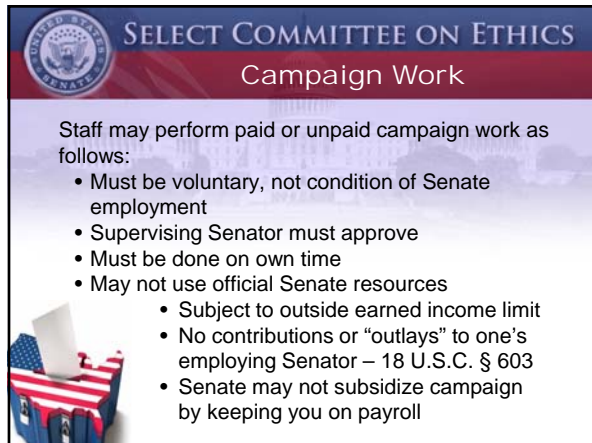
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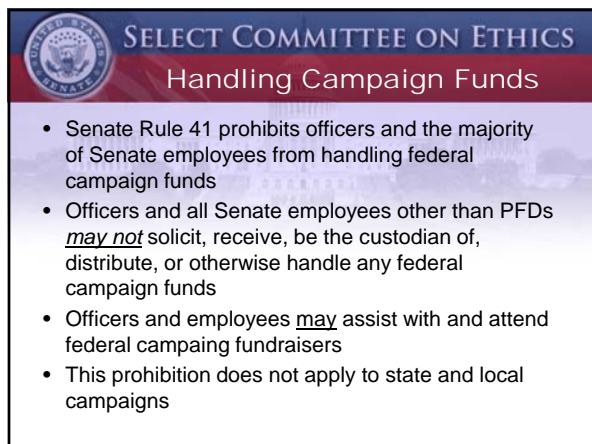
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## United States Senate Select Committee on Ethics Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Political Fund Designees (PFDs)

- Each Senator may designate up to 3 PFDs on his or her personal office staff
  - At least 1 PFD must be in DC office
  - PFDs must have salary of at least \$10,000
  - PFDs must file annual Financial Disclosure Reports, regardless of salary
  - PFD must file termination Financial Disclosure Report when they leave PFD position



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### SELECT COMMITTEE ON ETHICS

#### PFDs Handling of Campaign Funds

- With the permission of their supervising Senator, PFDs may handle campaign funds from:
  - Principal campaign committee of employing Senator
  - Campaign committee established and controlled by a Senator or group of Senators
  - State or local committee of a national party
- Handling includes soliciting, receiving, being the custodian of, and distributing
- While PFDs may solicit certain federal campaign funds, they may never do so on Senate time or using Senate resources, including Senate space

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### SELECT COMMITTEE ON ETHICS

#### Campaign Activity Restrictions

- No soliciting or receiving campaign contributions in a federal building – 18 U.S.C. § 607
  - 7-day safe harbor for unsolicited contributions
  - No tie between official activity and campaign contribution
- Members, officers, and employees may not use Senate resources, including Senate space, for campaign activity – 31 U.S.C. § 1301



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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Limited Overlap – Senate and Campaign

The following types of limited overlap between the Senate office and the campaign are permissible:

- Schedulers may coordinate
  - But Senate office may not schedule campaign activities (e.g., RSVP to campaign events, book campaign travel)
- Senate communications staff may answer a few “incidental” campaign questions raised in an official briefing or interview
  - But must not act as campaign press operation
- Senate office may give public material to campaign
- Senate office may referral misdirected communications to campaign

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### SELECT COMMITTEE ON ETHICS

#### Mixed Purpose Matters

- For inquiries – letters, phone calls, and emails – related to both official and campaign matters, you may respond to the official portion of the inquiry.
- Regarding the campaign portion, you have two options:
  - Forward campaign portion to campaign office (they will reach out and handle)
  - Provide campaign phone number and address to person seeking information, and the person must reach out to the campaign
- For mixed purpose travel, meaning one trip for both official and campaign activity, expenses may be pro rated on a reasonable basis to accurately reflect the purpose of the trip
- FEC Congressional Liaison – (202) 694-1006

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### SELECT COMMITTEE ON ETHICS

#### Moratoria

- 60 days prior to a primary or general election the following activities are prohibited:
  - Sending mass mailings;
  - Certain official travel;
  - Using Senate TV or recording studios;
  - Official funds for maintenance of a mobile office;
  - Sending unsolicited mass e-mail;
  - Certain use of official social media and internet
- Contact Rules Committee for guidance
- No moratorium if election is uncontested and no legal possibility for a write-in candidate.

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# United States Senate Select Committee on Ethics Senate Code of Official Conduct



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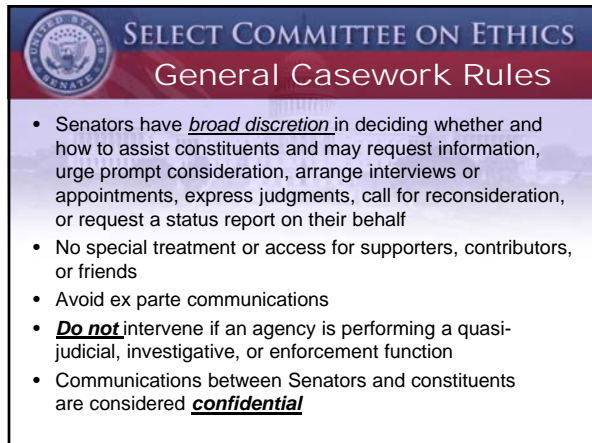
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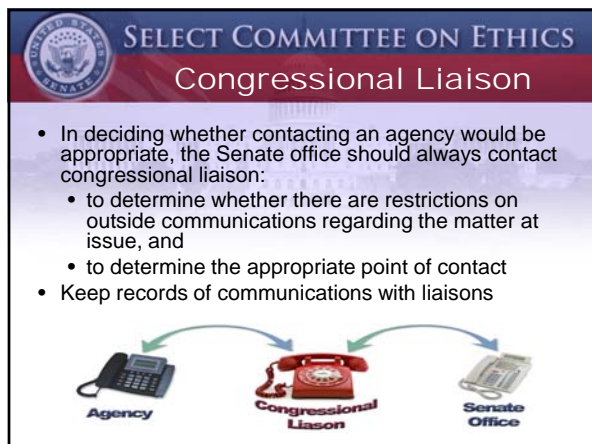
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*United States Senate Select Committee on Ethics*  
*Senate Code of Official Conduct*

 SELECT COMMITTEE ON ETHICS

**PROHIBITION ON  
UNOFFICIAL  
OFFICE  
ACCOUNTS**

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 SELECT COMMITTEE ON ETHICS

**Officially Related Expenses**

Officially-related expenses, which are expenses incurred by a Member in connection with their Official duties, may be paid from:

- Appropriated funds;
- Senator's personal funds; or
- Senator's excess principal campaign funds

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 SELECT COMMITTEE ON ETHICS

**Restrictions of Use of Campaign Funds**

- May not use campaign funds to:
  - Supplement franking allowance (only appropriated funds);
  - Supplement mass mailing allowance (\$50,000);
  - Pay employee salaries (only appropriated funds or Senator's personal funds);
  - Pay for office space (only appropriated funds);
  - Buy office equipment and any associated information technology services (only appropriated funds) *except* may use campaign funds for handheld communication devices (e.g., cell phone, BlackBerry, iPad);
  - Support home state office (only appropriated funds); or
  - Pay Committee expenses (only appropriated funds)
- If campaign funds are used to purchase item, campaign funds must be used to maintain it

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# United States Senate Select Committee on Ethics

## Senate Code of Official Conduct

**SELECT COMMITTEE ON ETHICS**  
Prohibition on Unofficial Office Accounts

- Senate Rule 38 prohibits the types of funds that may be used for officially related expenses
- Generally, no private donations, cash or goods or services, are allowed in support of official Senate activities or expenses.
- Exception for co-sponsored constituent service events and privately sponsored travel

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**SELECT COMMITTEE ON ETHICS**  
Free Exchange of Information

- Senator may seek and accept advice on legislative issues from outside organizations.
- Outside organizations may provide ideas, information, memoranda, research, and legislative language to the Senator as long as it is unsolicited.
- BUT Senate office may not direct or control an outside organization to do Senate work.

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**SELECT COMMITTEE ON ETHICS**

  
**FRANKING**

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# United States Senate Select Committee on Ethics


## Senate Code of Official Conduct



### SELECT COMMITTEE ON ETHICS

#### Franking

- The frank is the facsimile signature of a Senator in corner of envelope that takes the place of stamp and authorizes sending OFFICIAL material through the domestic mail without prepayment of postage
- Each Senator is personally responsible for ensuring that the use of the frank complies with the law, Senate Rules and regulations and interpretive rulings of the Committee
- May not loan the frank
- The remedy for misuse of the frank includes restitution and repayment must be made from the Senator's personal funds



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### SELECT COMMITTEE ON ETHICS

#### Frankable Mail

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

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### SELECT COMMITTEE ON ETHICS

#### Nonfrankable Mail

- Solicitations for political support or financial assistance
- Personal mail
- Condolences sent to the public
- Holiday greetings unless they are 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
- Congratulations on a personal distinction

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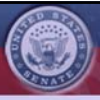
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## United States Senate Select Committee on Ethics Senate Code of Official Conduct

**SELECT COMMITTEE ON ETHICS**  
**Mass Mailing**

- Mass Mailings must be franked
- A mass mailing is a mailing of 500 or more substantially similar pieces of mail within one session of Congress, regardless of whether the pieces are mailed at same time or separately.
- Generally may not be partisan
- Subject to limits on the number of times a Member's name may appear, size of photos, size of paper
- Mass mailing does not include: mail in direct response; mail to other Members of Congress, 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; responding to a signed petition; and electronic communications
- Mass mailings subject to a moratorium period (*discussed above*)

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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](mailto:mailbox_office@ethics.senate.gov) (*email*)

**Advice is Confidential**

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