

September 22, 2001

Dear Colleague:

The Senate Select Committee on Ethics was recently asked to respond to the question of whether it would be consistent with Senate Rule 38, Interpretative Ruling 442, and other standards of conduct to use officially connected funds (excess principal campaign committee funds) to purchase token, souvenir-like items from an outside vendor to distribute to constituents visiting Senate offices or for distribution by a Senator when engaged in official or officially connected activities. Examples of the types of items offered for distribution included plastic key tags, state-shaped metal key rings, baseball cards, memo pad holders, and pewter or marble paper weights with a state insignia, all available for personalization with a Senator's name and the words "United States Senate," along with the state seal of the Senator.

The Committee notes that such items in most cases have little educational value or patriotic symbolism and may appear unduly self-promotional when distributed by a Senator in an official or officially connected capacity. Moreover, distribution of some such items in Senate facilities could add a less than sober element to a visit to the United States Senate or meeting with a Senator which could reflect upon the Senate. The distribution of such items in the course of Senate duties, as contrasted with the well-recognized campaign practice of widely distributing the candidate's name on such items, could also lend a campaign-like aspect to the distribution which could lead to a blurring of the distinction between campaign and official activities. In prior rulings relating to Senate activities, and in order to prevent confusion between campaign and official activities, the Committee has prohibited the use of insignias, logos, or other iconic-like items or symbols which may have been identified or associated with a Senator's campaign.

With this in mind, the Committee has concluded that officially connected funds should not be used to purchase such token, souvenir-like items for distribution in relation to official or officially connected activities. We note that this conclusion complements and is consistent with the recent Rules Committee decision prohibiting the use of the Senate Service Department for the production of biographical baseball card and bookmark style items, in part, because such items risked appearing campaign-related.

Nothing in this ruling prevents a Senator's principal campaign committee from purchasing such items for distribution in connection with campaign related activities, not in Federal space and not related to official or officially connected Senate activities. Nor does this ruling affect other uses of officially connected funds authorized by Senate Rule 38 or Interpretative Ruling 442, and any questions in this regard should be directed to Ethics Committee staff for assistance.

Sincerely,

Harry Reid
Chairman

Pat Roberts
Vice Chairman