

# United States Senate

SELECT COMMITTEE ON ETHICS

May 1, 2024

## Guidance on the Use of Video Footage and Photographs of Official Proceedings and Events for a Campaign Purpose

Dear Colleague:

The Select Committee on Ethics (the Committee) is sending this letter to provide guidance regarding the use of video footage and photographs of official proceedings and events for campaign purposes. This guidance consolidates existing Committee guidance. It does not promulgate new or updated standards of conduct. A quick reference graphic summarizing this guidance is attached to this letter and available on the Committee's website.

### Applicable Authorities

Pursuant to 31 U.S.C. § 1301(a), the Appropriations Statute, official resources may only be used for official purposes. The statute applies broadly to all congressional appropriations and includes all Senate resources (i.e., all areas of the Capitol campus, Senate state offices, Senate equipment, Senate staff time, and Senate staff work product) in its definition. Accordingly, with only the most limited exception for unavoidable *de minimis* overlap between an official office and a campaign, the Committee has determined that official resources may not be used for campaign activity.

Further, Senate Resolution 431, 100<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (1988) expressly prohibits use of video footage or photographs of Senate floor proceedings, providing:

[A]ny tape duplication of radio or television coverage of the proceedings of the Senate furnished to any person or organization shall be made on the condition . . . that the tape duplication shall not be used for political campaign purposes.

The *U.S. Senate Internet Services and Technology Resources Usage Rules* and *Frequently Asked Questions Regarding Use of Senate Technology (Internet Usage Rules)* further affirms the standards of conduct, stating the “[u]se of radio or television coverage of the proceedings of the Senate – including floor and committee proceedings – for political campaign purposes is prohibited.”

## **Senate Standards of Conduct**

When applying this standard to the use of video footage and photographs of official proceedings and other events, the Committee considers two specific criteria to determine if a campaign is permitted to use video footage or photographs: (1) the specific location and event included in the video footage or photograph (i.e., Senate floor proceedings, committee hearings, on campus official event, or off campus official event); and (2) the resources used to create the video footage or photograph (i.e., Senate resources, third party, downloaded directly from a media report, or embedded in a linked media report).

### ***Senate floor proceedings video footage and photographs***

Any and all use of video footage or photographs of Senate floor proceedings is **prohibited**. This prohibition is applied strictly, regardless of the originator of the video footage or photographs.

### ***Committee hearing video footage and photographs***

Any and all use of video footage of committee proceedings is **prohibited**. This prohibition is applied strictly, regardless of the originator of the video footage.

Any and all use of photographs of committee proceedings is **prohibited** if the photographs were taken using Senate resources.

Use of photographs of committee proceedings obtained from a third party; downloaded directly from a media report; or embedded in a linked media report is permissible so long as appropriate permissions are obtained from the third party or media outlet.

### ***On campus official event video footage and photographs***

Any and all use of video footage and photographs of on campus official activities is **prohibited** if the video or photographs were taken using Senate resources.

Use of video footage and photographs of an on campus event obtained from a third party; downloaded directly from a media report; or embedded in a linked media report is permissible so long as appropriate permissions are obtained from the third party or media outlet.

### ***Off campus official event video footage and photographs***

Any and all use of video footage and photographs of off campus official activities is **prohibited** if the video or photographs were taken using Senate resources.

Use of video footage and photographs of an off campus event obtained from a third party; downloaded directly from a media report; or embedded in a linked media report is permissible so long as appropriate permissions are obtained from the third party or media outlet.

**Finally, the Committee advises that even when the use of video footage or photographs of official proceedings or events is permissible, Members are required to avoid the appearance of impropriety. Specifically, Members must avoid an appearance that campaign activity was supported by official resources.**

This guidance highlights general issues that may arise in connection with campaign activities but is not intended to address all issues that Members and Senate employees may encounter. Please do not hesitate to contact the Committee if you have additional questions or would like to request staff training specific to campaign activity.



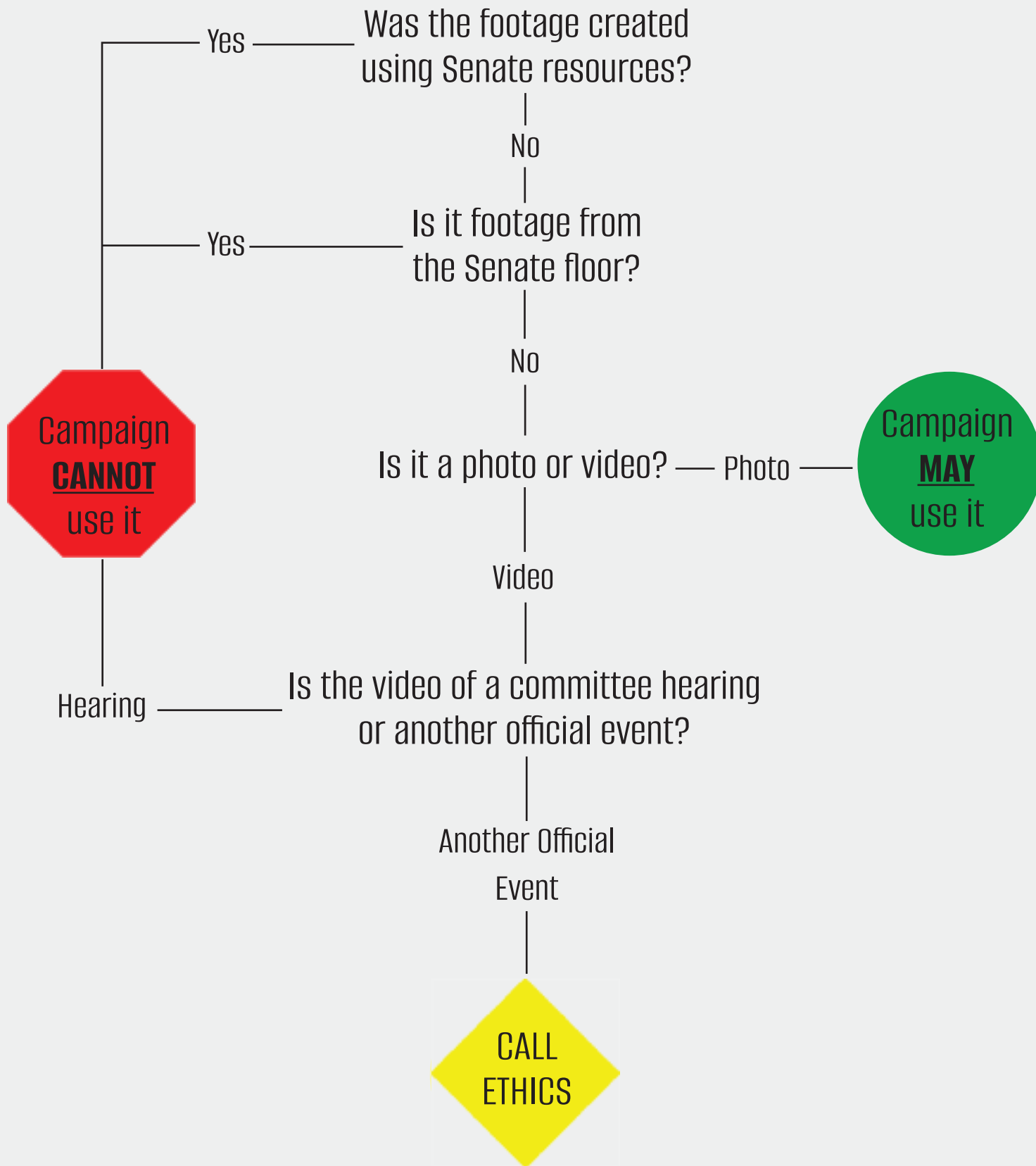
Sincerely,

Christopher A. Coons  
Chairman



James Lankford  
Vice Chairman

Enclosure: Quick Reference Guide



*This graphic is intended as a user guide to help determine whether footage may be used for campaign materials. Please contact the Committee (202-224-2981) for fact specific guidance.*



	Taken using Senate Resources	Taken by a Third Party	Photo/Video Pulled Directly from Media Report	Photo/Video Embedded in a Media Report Link
Floor (Photo)				
Floor (Video)				
Committee Hearing (Photo)				
Committee Hearing (Video)				
On Campus Official Event (Photo)				
On Campus Official Event (Video)				
Off Campus Official Event (Photo)				
Off Campus Official Event (Video)				

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