

109TH CONGRESS
2D SESSION

S. RES. 492

To amend the Standing Rules of the Senate to prohibit Members from using charitable foundations for personal gain.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2006

Mr. BAUCUS submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

To amend the Standing Rules of the Senate to prohibit Members from using charitable foundations for personal gain.

1 *Resolved*,

2 **SECTION 1. PROHIBITION ON USING CHARITIES FOR PER-**

3 **SONAL OR POLITICAL GAIN.**

4 (a) IN GENERAL.—Rule XXXVII of the Standing
5 Rules of the Senate is amended by adding at the end the
6 following:

7 “13. (a) A Member of the Senate shall not use for
8 personal or political gain any organization—

1 “(1) which is described in section 501(c)(3) of
2 the Internal Revenue Code of 1986 and exempt from
3 tax under section 501(a) of such Code; and

4 “(2) the affairs over which such Member or the
5 spouse of such Member is in a position to exercise
6 substantial influence.

7 “(b) For purposes of this paragraph, a Member of
8 the Senate shall be considered to have used an organiza-
9 tion described in subparagraph (a) for personal or political
10 gain if—

11 “(1) a member of the family (within the mean-
12 ing of section 4946(d) of the Internal Revenue Code
13 of 1986) of the Member is employed by the organi-
14 zation;

15 “(2) any of the Member’s staff is employed by
16 the organization;

17 “(3) an individual or firm that receives money
18 from the Member’s campaign committee or a polit-
19 ical committee established, maintained, or controlled
20 by the Member serves in a paid capacity with or re-
21 ceives a payment from the organization;

22 “(4) the organization pays for travel or lodging
23 costs incurred by the Member for a trip on which
24 the Member also engages in political fundraising ac-
25 tivities; or

1 “(5) another organization that receives support
2 from such organization pays for travel or lodging
3 costs incurred by the Member.

4 “(c)(1) A Member of the Senate and any employee
5 on the staff of a Member to which paragraph 9(c) applies
6 shall disclose to the Secretary of the Senate the identity
7 of any person who makes an applicable contribution and
8 the amount of any such contribution.

9 “(2) For purposes of this subparagraph, an applica-
10 ble contribution is a contribution—

11 “(A) which is to an organization described in
12 subparagraph (a);

13 “(B) which is over \$200; and

14 “(C) of which such Member or employee, as the
15 case may be, knows.

16 “(3) The disclosure under this subparagraph shall be
17 made not later than 6 months after the date on which
18 such Member or employee first knows of the applicable
19 contribution.

20 “(4) The Secretary of the Senate shall make available
21 to the public all disclosures filed pursuant to this subpara-
22 graph as soon as possible after they are received.

23 “(d)(1) The Select Committee on Ethics may grant
24 a waiver to any Member with respect to the application
25 of this paragraph in the case of an organization which is

1 described in subparagraph (a)(1) and the affairs over
2 which the spouse of the Member, but not the Member, is
3 in a position to exercise substantial influence.

4 “(2) In granting a waiver under this subparagraph,
5 the Select Committee on Ethics shall consider all the facts
6 and circumstances relating to the relationship between the
7 Member and the organization, including—

8 “(A) the independence of the Member from the
9 organization;

10 “(B) the degree to which the organization re-
11 ceives contributions from multiple sources not affiliated
12 with the Member;

13 “(C) the risk of abuse; and

14 “(D) whether the organization was formed prior
15 to and separately from such spouse’s involvement
16 with the organization.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall take effect on January 1, 2007.

