

## ETHICS IN GOVERNMENT ACT OF 1978

Pub. L. 95-521, titles I-V, Oct. 26, 1978, 92 Stat. 1824-1867, as amended Pub. L. 96-19, §§2-9, June 13, 1979, 93 Stat. 37-44; Pub. L. 96-417, title VI, §601(9), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 96-579, §12(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 97-51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 97-164, title I, §163(a)(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98-150, §§2, 3(a)-(c), 4-12, Nov. 11, 1983, 97 Stat. 959-963; Pub. L. 99-190, §148(b), Dec. 19, 1985, 99 Stat. 1325; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-573, §6, Oct. 28, 1986, 100 Stat. 3231; Pub. L. 100-191, §3(b), Dec. 15, 1987, 101 Stat. 1306; Pub. L. 100-598, §§2-9, Nov. 3, 1988, 102 Stat. 3031-3035; Pub. L. 101-194, title II, §§201, 202, title VI, §601(a), Nov. 30, 1989, 103 Stat. 1724-1744, 1760, 1761; Pub. L. 101-280, §§3(1)-(10)(A), (C), 7(a)-(c), May 4, 1990, 104 Stat. 152-157, 161; Pub. L. 101-334, July 16, 1990, 104 Stat. 318; Pub. L. 101-650, title III, §319, title IV, §405, Dec. 1, 1990, 104 Stat. 5117, 5124; Pub. L. 102-25, title VI, §605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102-90, title I, §6(b), title III, §§313, 314(a), (b), Aug. 14, 1991, 105 Stat. 450, 469; Pub. L. 102-198, §6, Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102-378, §4(a), (b), Oct. 2, 1992, 106 Stat. 1356, 1357; Pub. L. 102-506, §2, Oct. 24, 1992, 106 Stat. 3280; Pub. L. 102-572, title IX, §902(b)(2), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103-160, div. A, title XI, §1182(d)(3), Nov. 30, 1993, 107 Stat. 1773; Pub. L. 103-337, div. A, title IX, §924(d)(3), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 103-359, title V, §501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104-65, §§20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705; Pub. L. 104-179, §§2, 3, 4(b)(2), Aug. 6, 1996, 110 Stat. 1566, 1567; Pub. L. 104-186, title II, §216, Aug. 20, 1996, 110 Stat. 1747; Pub. L. 104-201, div. A, title XI, §1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105-318, §7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 105-368, title V, §512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342; Pub. L. 107-119, §2, Jan. 15, 2002, 115 Stat. 2382; Pub. L. 107-126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 108-458, title I, §1079(c), Dec. 17, 2004, 118 Stat. 3696; Pub. L. 109-55, title I, §1003(a), Aug. 2, 2005, 119 Stat. 572; Pub. L. 109-289, div. B, title II, §21069, as added Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 57; Pub. L. 109-435, title VI, §604(c), Dec. 20, 2006, 120 Stat. 3241; Pub. L. 110-24, §§2, 3, May 3, 2007, 121 Stat. 100; Pub. L. 110-81, title VII, §702, Sept. 14, 2007, 121 Stat. 775; Pub. L. 110-177, title I, §104, Jan. 7, 2008, 121 Stat. 2535; Pub. L. 110-323, §7, Sept. 22, 2008, 122 Stat. 3547; Pub. L. 110-417, [div. A], title IX, §931(b)(1), Oct. 14, 2008, 122 Stat. 4575

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### TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

#### CODIFICATION

Title I of Pub. L. 95-521 was classified to chapter 18 (§701 et seq.) of Title 2, The Congress, prior to general amendment of title I by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724.

#### **§ 101. Persons required to file**

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O-6 or below) to a position, appointment

to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) The officers and employees referred to in subsections (a), (d), and (e) are—

- (1) the President;
- (2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, who occupies a position

classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(7) the Director of the Office of Government Ethics and each designated agency ethics official;

(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government<sup>1</sup> employee) who holds a commission of appointment from the President;

(9) a Member of Congress as defined under section 109(12);

(10) an officer or employee of the Congress as defined under section 109(13);

(11) a judicial officer as defined under section 109(10); and

(12) a judicial employee as defined under section 109(8).

(g)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

(i) the last day of the individual's service in such area during such designated period; or

<sup>1</sup> So in original. Probably should be capitalized.

(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances.

(Pub. L. 95-521, title I, § 101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96-19, §§ 2(a)(1), (b), (c)(1), 4(b)(1), (d)-(f), 5, June 13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101-280, § 3(1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102-25, title VI, § 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102-378, § 4(a)(1), Oct. 2, 1992, 106 Stat. 1356; Pub. L. 109-435, title VI, § 604(c), Dec. 20, 2006, 120 Stat. 3241.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Section 301 of the Federal Campaign Act of 1971, referred to in subsec. (c), probably means section 301 of the Federal Election Campaign Act of 1971, Pub. L. 92-225, which is classified to section 431 of Title 2, The Congress.

The General Schedule, referred to in subsec. (f)(3), (6), is set out under section 5332 of this title.

Section 112 of the Internal Revenue Code of 1986, referred to in subsec. (g)(2), is classified to section 112 of Title 26, Internal Revenue Code.

#### CODIFICATION

Section was formerly classified to section 701 of Title 2, The Congress.

#### AMENDMENTS

2006—Subsec. (f)(6). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

1992—Subsec. (f)(3). Pub. L. 102-378, § 4(a)(1)(A), substituted “who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for “whose position is classified at GS-16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16”.

Subsec. (f)(6). Pub. L. 102-378, § 4(a)(1)(B), substituted “who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for “whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16”.

1991—Subsec. (g). Pub. L. 102-25 designated existing provisions as par. (1) and added par. (2).

1990—Subsec. (e). Pub. L. 101-280, § 3(2), struck out “the later of May 15 or” after “shall, on or before”.

Subsec. (h). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

1989—Pub. L. 101-194 substituted “Persons required to file” for “Legislative personnel financial disclosure” as section catchline and amended text generally, substituting subsections (a) to (i) relating to filing of financial disclosure reports by Federal personnel for former subsections (a) to (h) relating to filing of financial disclosure reports by legislative personnel.

1979—Subsec. (b). Pub. L. 96-19, §§ 2(b), 4(d), (e), designated existing provisions as par. (1), substituted “described in subsection (e)” for “designated in subsection (e)” and “information described in section 102(a) if such individual is or will be such an officer or employee on such May 15” for “information as described in section 102(a)”, and added par. (2).

Subsec. (c). Pub. L. 96-19, §§ 2(a)(1), 4(d), (f), inserted provisions relating to an individual who is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year and substituted “described” for “designated” and “, other than an individual who was employed in the legislative branch immediately before he assumed such position,” for “other than an individual employed in the legislative branch upon assuming such position”.

Subsec. (d). Pub. L. 96-19, § 5, inserted provision that in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to that candidacy were held in prior calendar years, that individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

Subsec. (e). Pub. L. 96-19, § 4(b)(1), inserted reference to the National Commission on Air Quality.

Subsec. (h). Pub. L. 96-19, § 2(c)(1), added subsec. (h).

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 605(b) of Pub. L. 102-25 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to reports required to be filed after January 17, 1991.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Section 11 of Pub. L. 101-280 provided that: “Except as otherwise provided in this joint resolution, this Act and the amendments made by this joint resolution [amending sections 101 to 106, 109 to 111, former section 202, and sections 501 to 503 of Pub. L. 95-521, set out in this Appendix, sections 3393, 7351, 7353, and 7701 of this title, sections 31-1, 31-2, and 441 of Title 2, The Congress, sections 1601 and 2397a of Title 10, Armed Forces, sections 202, 203, 205, 207, 208, and 216 of Title 18, Crimes

and Criminal Procedure, section 3945 of Title 22, Foreign Relations and Intercourse, section 1043 of Title 26, Internal Revenue Code, and sections 1353 and 3730 of Title 31, Money and Finance, renumbering section 1352 of Title 31 as section 1353, repealing section 112 of Pub. L. 95-521, set out in this Appendix, enacting provisions set out as notes under sections 101 and 105 of Pub. L. 95-521, set out in this Appendix, section 2397a of Title 10, and section 1043 of Title 26, and amending provisions set out as notes under section 207 and 208 of Title 18 and section 1344 of Title 31] take effect on the date of the enactment of this joint resolution [May 4, 1990].”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Section 204 of title II of Pub. L. 101-194, as added by Pub. L. 101-280, §3(10)(B), May 4, 1990, 104 Stat. 157, provided that: “The amendments made by this title [enacting sections 110 to 112 of Pub. L. 95-521, set out in this Appendix amending sections 101 to 109 of Pub. L. 95-521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, The Congress] and the repeal made by section 201 [repealing sections 201 to 212 of Pub. L. 95-521, formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix, and sections 301 to 309 of Pub. L. 95-521, formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978 [section 102(f)(4)(B) of Pub. L. 95-521, set out in this Appendix], as amended by this title, shall be effective as of January 1, 1990.”

Section 3(10)(C), (D) of Pub. L. 101-280 provided that: “(C) The provisions of titles I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix], and III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95-521], as in effect on the day before the date of the enactment of the Ethics Reform Act of 1989 [Nov. 30, 1989], shall be effective for the period beginning on November 30, 1989, and ending on January 1, 1991, as if the Ethics Reform Act of 1989 [Pub. L. 101-194] had not been enacted, except that the provisions of section 202(f)(4)(B) of the Ethics in Government Act of 1978 [section 202(f)(4)(B) of Pub. L. 95-521] shall be repealed as of January 1, 1990.

“(D) Nothing in title II of the Ethics Reform Act of 1989 or the amendments made by such title [title II of Pub. L. 101-194, amending title I of Pub. L. 95-521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, and repealing title II of Pub. L. 95-521, formerly set out in this Appendix, and title III of Pub. L. 95-521, formerly set out in the Appendix to Title 28] shall be construed to prevent the prosecution of civil actions against individuals for violations of the Ethics in Government Act of 1978 [Pub. L. 95-521] before January 1, 1991.”

#### SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-24, §1, May 3, 2007, 121 Stat. 100, provided that: “This Act [amending section 105 of Pub. L. 95-521 set out in this Appendix] may be cited as the ‘Judicial Disclosure Responsibility Act.’”

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-119, §1, Jan. 15, 2002, 115 Stat. 2382, provided that: “This Act [amending section 405 of Pub. L. 95-521, set out in this Appendix] may be cited as the ‘Office of Government Ethics Authorization Act of 2001.’”

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-179, §1, Aug. 6, 1996, 110 Stat. 1566, provided that: “This Act [amending sections 401, 403, 405, and 408 of Pub. L. 95-521, set out in this Appendix, sec-

tion 1822 of Title 12, Banks and Banking, and section 207 of Title 18, Crimes and Criminal Procedure, and repealing provisions set out as a note under section 7301 of this title] may be cited as the ‘Office of Government Ethics Authorization Act of 1996.’”

#### SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-506, §1, Oct. 24, 1992, 106 Stat. 3280, provided that: “This Act [amending section 405 of Pub. L. 95-521 set out in this Appendix] may be cited as the ‘Office of Government Ethics Amendment of 1992.’”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-334, §1, July 16, 1990, 104 Stat. 318, provided that: “This Act [amending section 405 of Pub. L. 95-521 set out in this Appendix] may be cited as the ‘Ethics in Government Act Amendment of 1990.’”

#### SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101-194 provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics Reform Act of 1989.’”

#### SHORT TITLE

Section 1 of Pub. L. 95-521 provided: “That this Act [enacting provisions set out in this Appendix, sections 118a, 288 to 288m of Title 2, The Congress, sections 49, 528, 529, 591 to 598, 1364 of Title 28, Judiciary and Judicial Procedure, amending section 5316 of Title 5, Government Organization and Employees, section 207 of Title 18, Crimes and Criminal Procedure, and sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under section 288 of Title 2, section 207 of Title 18, and section 591 of Title 28] may be cited as the ‘Ethics in Government Act of 1978.’”

#### DECLARATION OF PURPOSE OF 1990 AMENDMENTS

Section 1 of Pub. L. 101-280 provided that: “It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989 [Pub. L. 101-194, see Tables for classification].”

#### RULEMAKING POWER OF CONGRESS

Pub. L. 102-90, title III, §314(f), Aug. 14, 1991, 105 Stat. 470, provided that: “The provisions of this section [amending sections 102 and 505 of Pub. L. 95-521, set out in this Appendix, section 31-2 of Title 2, The Congress, and section 7701 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 31-2 of Title 2] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

Section 1001 of Pub. L. 101-194 provided that: “The provisions of this Act [see Short Title of 1989 Amendment note above] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as

relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

### § 102. Contents of reports

(a) Each report filed pursuant to section 101(d) and (e) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating \$200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

- (i) not more than \$1,000,
- (ii) greater than \$1,000 but not more than \$2,500,
- (iii) greater than \$2,500 but not more than \$5,000,
- (iv) greater than \$5,000 but not more than \$15,000,
- (v) greater than \$15,000 but not more than \$50,000,
- (vi) greater than \$50,000 but not more than \$100,000,
- (vii) greater than \$100,000 but not more than \$1,000,000,
- (viii) greater than \$1,000,000 but not more than \$5,000,000, or
- (ix) greater than \$5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse,<sup>1</sup> or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed \$10,000 at any time during the preceding calendar year, excluding—

- (A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and
- (B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds \$10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000—

- (A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or
- (B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

<sup>1</sup> So in original.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

- (i) the identity of each source of such compensation; and
- (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include

that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are as follows:

- (A) not more than \$15,000;
- (B) greater than \$15,000 but not more than \$50,000;
- (C) greater than \$50,000 but not more than \$100,000;
- (D) greater than \$100,000 but not more than \$250,000;
- (E) greater than \$250,000 but not more than \$500,000;
- (F) greater than \$500,000 but not more than \$1,000,000;
- (G) greater than \$1,000,000 but not more than \$5,000,000;
- (H) greater than \$5,000,000 but not more than \$25,000,000;
- (I) greater than \$25,000,000 but not more than \$50,000,000; and
- (J) greater than \$50,000,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

- (A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in

business or a profession, only the nature of such business or profession need be reported.

(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is

held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally in-

involved in his role as such an adviser in the management or control of trusts.

(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of



value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$10,000.

(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such indi-

vidual a civil penalty in any amount not to exceed \$5,000.

(7) Any trust may be considered to be a qualified blind trust if—

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) A reporting individual shall not be required under this title to report—

(1) financial interests in or income derived from—

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act [42 U.S.C. 301 et seq.].

(Pub. L. 95-521, title I, § 102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96-19, §§3(a)(1), (b), 6(a), 7(a)-(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39-43; Pub. L. 97-51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98-150, §10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101-280, §3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102-90, title III, §314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104-65, §§20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705.)

#### REFERENCES IN TEXT

The effective date of title II of the Ethics Reform Act of 1989, referred to in subsec. (f)(3)(F), is Jan. 1, 1991. See section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

The effective date of this Act, referred to in subsec. (f)(4)(B)(i)(V), probably means the effective date of title II of the Ethics Reform Act of 1989, which amended this title generally and is effective Jan. 1, 1991. See section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

The Social Security Act, referred to in subsec. (i)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### CODIFICATION

Section was formerly classified to section 702 of Title 2, The Congress.

#### AMENDMENTS

1995—Subsec. (a)(1)(B)(viii), (ix). Pub. L. 104-65, §20(a), added cls. (viii) and (ix) and struck out former cl. (viii) which read as follows: “greater than \$1,000,000.”

Subsec. (a)(8). Pub. L. 104-65, §22(a), added par. (8).

Subsec. (d)(1). Pub. L. 104-65, §22(b), substituted “(5), and (8)” for “and (5)” in introductory provisions.

Subsec. (d)(1)(G) to (J). Pub. L. 104-65, §20(b), added subpars. (G) to (J) and struck out former subpar. (G) which read as follows: “greater than \$1,000,000.”

Subsec. (e)(1)(F). Pub. L. 104-65, §20(c), added subpar. (F).

1991—Subsec. (a)(2)(A). Pub. L. 102-90, §314(a)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating \$100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph.”

Pub. L. 102-90, §314(a)(1), (2), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating \$250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph.”

Subsec. (a)(2)(B). Pub. L. 102-90, §314(a)(2), (4), redesignated subpar. (C) as (B) and substituted “more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater” for “\$250 or more in value”. Former subpar. (B) redesignated (A).

Subsec. (a)(2)(C), (D). Pub. L. 102-90, §314(a)(2), (5), redesignated subpar. (D) as (C) and struck out “or (B)” after “(A)”. Former subpar. (C) redesignated (B).

1990—Subsec. (a)(1)(A). Pub. L. 101-280, §3(3)(A)(i), substituted “the reporting individual” for “such individuals”.

Subsec. (a)(3). Pub. L. 101-280, §3(3)(A)(ii), substituted “, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual’s spouse,” for “parent, brother, sister, or child”.

Subsec. (a)(4). Pub. L. 101-280, §3(3)(A)(iii), substituted “spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual’s spouse” for “relative”.

Subsec. (e)(1)(E). Pub. L. 101-280, §3(3)(B), inserted “of subsection (a)” after “(3) through (5)”.

Subsec. (f)(3)(A)(i)(II). Pub. L. 101-280, §3(3)(C)(i)(I), struck out comma after “involved in”.

Subsec. (f)(3)(A)(ii)(II). Pub. L. 101-280, §3(3)(C)(i)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: “is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and”.

Subsec. (f)(3)(F). Pub. L. 101-280, §3(3)(C)(i)(III), substituted “title II of the Ethics Reform Act of 1989” for “this section”.

Subsec. (f)(6)(A), (B). Pub. L. 101-280, §3(3)(C)(ii), substituted “and willfully, or negligently,” for “or negligently”.

Subsec. (i). Pub. L. 101-280, §3(3)(D), added subsec. (i).

1989—Pub. L. 101-194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (g) which related, respectively, to Members of Congress, legislative officers and employees, non-legislative personnel and Congressional candidates, categories of value; interests in real property and other items needing appraisals, information respecting spouses and dependent children, trusts or other financial arrangements including qualified blind trusts, political campaign funds, and gifts and reimbursements.

1983—Subsec. (e)(5)(A). Pub. L. 98-150, §10(b), inserted provision that this subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

Subsec. (e)(7). Pub. L. 98-150, §10(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Any trust which is in existence prior to the date of the enactment of this Act shall be considered a qualified blind trust if—

“(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

“(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

“(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection.”

1981—Subsec. (a)(1)(A). Pub. L. 97-51 inserted “including speeches, appearances, articles, or other publications” after “honoraria from any source”.

1979—Subsec. (a)(2)(B). Pub. L. 96-19, §3(b)(2), struck out provision that a gift need not be aggregated if, in an unusual case, a publicly available request for a waiver is granted.

Subsec. (a)(2)(D). Pub. L. 96-19, §3(b)(1), added subpar. (D).

Subsec. (a)(6). Pub. L. 96-19, §9(b), substituted “The identity of all positions held” for “The identity of all positions”.

Subsec. (a)(7). Pub. L. 96-19, §9(j), struck out a colon following “arrangement with respect to”.

Subsec. (b). Pub. L. 96-19, §9(c)(1), substituted provisions that the information required by pars. (3) and (4) of subsec. (a) be as of the date specified in the report but which is less than thirty-one days before the filing date and that the information required by par. (6) and, in the case of reports filed under section 101(c), par. (7) of subsec. (a) be as of the filing date but for periods described in such paragraphs for provisions that required that the information covered by pars. (3), (4), (6), and, in the case of reports filed pursuant to section 101(c), par. (7) of subsec. (a) be as of a date specified in such report, which could not be more than thirty-one days prior to the date of filing.

Subsec. (d)(1)(B). Pub. L. 96-19, §6(a)(1), (2), substituted “any gifts received by a spouse which are” for “any gift which is” and “and a brief description” for “or a brief description”.

Subsec. (d)(1)(C). Pub. L. 96-19, §6(a)(3), (4), substituted “reimbursements received by a spouse which are” for “reimbursement which is” and “description of each such reimbursement” for “description of the reimbursement”.

Subsec. (d)(1)(D). Pub. L. 96-19, §6(a)(5), substituted “represent the spouse’s or dependent child’s sole financial interest” for “represent the spouse or dependent child’s sole financial interest”.

Subsec. (e)(3). Pub. L. 96-19, §7(a)-(d)(1), substituted “a broker, or an investment adviser” for “or a broker” in subpar. (A) preceding cl. (i), substituted “is not or has not been” for “is or has not been” in cl. (ii) of subpar. (A), and, in provisions following subpar. (D), substituted “section 78c(a)(4) of title 15” for “section 78 of title 15”, substituted “the reports” for “their reports”, and inserted definition of “investment adviser”.

Subsec. (e)(5)(D). Pub. L. 96-19, §7(f), substituted “shall apply with respect to such documents and lists” for “shall apply”.

Subsec. (g). Pub. L. 96-19, §3(a)(1), added subsec. (g).

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 20 of Pub. L. 104-65 effective Jan. 1, 1996, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

Section 22(c) of Pub. L. 104-65 provided that: “The amendment made by this section [amending this section] shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95-521, set out in this Appendix] for calendar year 1996 and thereafter.”

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-90 effective Jan. 1, 1993, see section 314(g)(2) of Pub. L. 102-90, as amended, set out as a note under section 31-2 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, except that subsec. (f)(4)(B) of this section, as amended by Pub. L. 101-194, is effective Jan. 1, 1990, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 13 of Pub. L. 98-150 provided that: “The amendments made by this Act [enacting sections 211 and 407 of Pub. L. 95-521, set out in this Appendix, amending sections 102, 201-203, 210, 302, and 401-405 of Pub. L. 95-521, set out in this Appendix, and enacting provisions set out as a note under section 402 of this Appendix] shall take effect on October 1, 1983.”

### § 103. Filing of reports

(a) Except as otherwise provided in this section, the reports required under this title shall

be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title by the Director of the Office of Government Ethics shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with—

(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, United States Capitol Police, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the Government Accountability Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a)<sup>1</sup> of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make avail-

able to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(Pub. L. 95-521, title I, § 103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96-19, §§ 4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1736; Pub. L. 101-280, § 3(1), (4), May 4, 1990, 104 Stat. 152, 153; Pub. L. 102-90, title III, § 313(1), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104-186, title II, § 216(1), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-55, title I, § 1003(a), Aug. 2, 2005, 119 Stat. 572.)

#### REFERENCES IN TEXT

The date of the enactment of the Ethics Reform Act of 1989, referred to in subsec. (h)(1)(A)(ii), is the date of enactment of Pub. L. 101-194, which was approved Nov. 30, 1989.

Section 316(a) of the Federal Election Campaign Act of 1971, referred to in subsec. (i), was probably intended to be a reference to section 312(a) of Federal Election Campaign Act of 1971, Pub. L. 92-225, which is classified to section 439(a) of Title 2, The Congress, and which directs the chief executive officer of each State to designate a State officer to receive reports and statements filed by persons under the Federal Election Campaign Act of 1971.

#### CODIFICATION

Section was formerly classified to section 703 of Title 2, The Congress.

#### AMENDMENTS

2005—Subsec. (h)(1)(A)(i)(I). Pub. L. 109-55 inserted “United States Capitol Police,” after “Architect of the Capitol.”

2004—Subsec. (h)(1)(A)(i)(II). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1996—Subsec. (h)(1)(A)(i)(I). Pub. L. 104-186 substituted “by the Chief Administrative Officer” for “by the Clerk”.

1991—Subsec. (i). Pub. L. 102-90 substituted “30-day” for “7-day”.

1990—Subsec. (c). Pub. L. 101-280, § 3(4)(A), inserted “individuals nominated to be judicial officers and” after “Houses of Congress other than”.

Subsec. (d). Pub. L. 101-280, § 3(4)(B), inserted “of the Office of Government Ethics” after “Director”.

Subsec. (e). Pub. L. 101-280, § 3(4)(C), inserted “who is a candidate for nomination or election to the Office of President or Vice President” after “section 101(c)” and substituted “Election” for “Elections”.

Subsec. (g). Pub. L. 101-280, § 3(4)(D), substituted “Each supervising ethics office” for “The Office of Government Ethics”.

Subsec. (h)(1)(A)(i). Pub. L. 101-280, § 3(4)(E), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and”.

Subsec. (h)(1)(A)(ii)(I). Pub. L. 101-280, § 3(4)(F)(i), substituted “Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as” for “congressional ethics committee”.

Subsec. (h)(1)(A)(ii)(II). Pub. L. 101-280, § 3(4)(F)(ii), substituted “Secretary of the Senate” for “Senate Se-

<sup>1</sup> See References in Text note below.

lect Committee on Ethics” and “Clerk” for “Committee on Standards of Official Conduct”.

Subsec. (h)(1)(B), Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Subsecs. (i) to (k), Pub. L. 101-280, §3(4)(G), added subsecs. (i) to (k).

1989—Pub. L. 101-194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (f) which related, respectively, to persons filing with the clerk, persons filing with the Secretary, State copies, Committee copies, Federal Election Commission assistance, and reporting forms, rules and regulations.

1979—Subsec. (b), Pub. L. 96-19, §4(b)(2), inserted reference to the National Commission on Air Quality.

Subsec. (f), Pub. L. 96-19, §9(a), substituted “the designated committee of the House of Representatives” for “the Clerk shall, after consultation with the designated committee of the House of Representatives”.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-55, title I, §1003(b), Aug. 2, 2005, 119 Stat. 572, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports filed under the Ethics in Government Act of 1978 [Pub. L. 95-521] for calendar year 2005 and each succeeding calendar year.”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

### § 104. Failure to file or filing false reports

(a)(1) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$50,000.

(2)(A) It shall be unlawful for any person to knowingly and willfully—

(i) falsify any information that such person is required to report under section 102; and

(ii) fail to file or report any information that such person is required to report under section 102.

(B) Any person who—

(i) violates subparagraph (A)(i) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both; and

(ii) violates subparagraph (A)(ii) shall be fined under title 18, United States Code.

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the

Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch.<sup>1</sup>

(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

(Pub. L. 95-521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96-19, §8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101-280, §3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101-650, title IV, §405, Dec. 1, 1990, 104 Stat. 5124; Pub. L. 110-81, title VII, §702, Sept. 14, 2007, 121 Stat. 775.)

#### CODIFICATION

Section was formerly classified to section 704 of Title 2, The Congress.

#### AMENDMENTS

2007—Subsec. (a), Pub. L. 110-81 designated existing provisions as par. (1), substituted “\$50,000” for “\$10,000”, and added par. (2).

1990—Subsec. (b), Pub. L. 101-650 inserted at end “Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.”

Pub. L. 101-280, §3(5)(A), substituted “Judicial Conference” for “Chairman of the Judicial Conference”.

Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (c), Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (d)(1), Pub. L. 101-280, §3(5)(B), substituted closing provisions for former closing provisions which read “shall pay a filing fee of \$200 to the miscellaneous receipts of the General Treasury”.

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to failure to file or filing false reports for provisions relating to accessibility of reports. See section 105 of this Appendix.

1979—Subsec. (c), Pub. L. 96-19 designated existing provisions as par. (2) and added par. (1).

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-650 effective 90 days after Dec. 1, 1990, see section 407 of Pub. L. 101-650, set out as

<sup>1</sup> So in original.

a note under section 332 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

**§ 105. Custody of and public access to reports**

(a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be<sup>1</sup> revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.

(b)(1) Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,<sup>2</sup> permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of the Senate, as the case may be<sup>3</sup> may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or

mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(3)(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States Marshall<sup>4</sup> Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

(B) A report may be redacted pursuant to this paragraph only—

(i) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(ii) for as long as the danger to such individual exists.

(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including—

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph;

(iii) the types of threats against individuals whose reports are redacted, if appropriate;

(iv) the nature or type of information redacted;

(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

(vi) principles used to guide implementation of redaction authority; and

(vii) any public complaints received relating to redaction.

(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) This paragraph shall expire on December 31, 2011, and apply to filings through calendar year 2011.

<sup>1</sup> So in original. Probably should be "by".

<sup>2</sup> So in original.

<sup>3</sup> So in original. Probably should be followed by a comma.

<sup>4</sup> So in original. Probably should be "Marshals".

(c)(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

(Pub. L. 95–521, title I, § 105, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(6), May 4, 1990, 104 Stat. 154; Pub. L. 102–90, title III, § 313(2), Aug. 14, 1991, 105 Stat. 469; Pub. L. 103–359, title V, § 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104–201, div. A, title XI, § 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105–318, § 7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 107–126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108–458, title I, § 1079(c), Dec. 17, 2004, 118 Stat. 3696; Pub. L. 110–24, §§ 2, 3, May 3, 2007, 121 Stat. 100; Pub. L. 110–177, title I, § 104, Jan. 7, 2008, 121 Stat. 2535; Pub. L. 110–417, [div. A], title IX, § 931(b)(1), Oct. 14, 2008, 122 Stat. 4575.)

#### CODIFICATION

Section was formerly classified to section 705 of Title 2, The Congress.

#### AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–417 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (b)(3)(E). Pub. L. 110–177 substituted “2011” for “2009” in two places.

2007—Subsec. (b)(3)(A). Pub. L. 110–24, § 2(1), inserted “or a family member of that individual” before period at end.

Subsec. (b)(3)(B)(i). Pub. L. 110–24, § 2(2), inserted “or a family member of that individual” before semicolon.

Subsec. (b)(3)(C)(iv) to (vii). Pub. L. 110–24, § 3(b), added cls. (iv) to (vii).

Subsec. (b)(3)(E). Pub. L. 110–24, § 3(a), substituted “2009” for “2005” in two places.

2004—Subsec. (a)(1). Pub. L. 108–458 inserted “the Office of the Director of National Intelligence,” before “the Central Intelligence Agency”.

2002—Subsec. (b)(3)(E). Pub. L. 107–126 substituted “2005” for “2001” in two places.

1998—Subsec. (b)(3). Pub. L. 105–318 added par. (3).

1996—Subsec. (a)(1). Pub. L. 104–201 substituted “National Imagery and Mapping Agency” for “Central Imagery Office”.

1994—Subsec. (a)(1). Pub. L. 103–359 inserted “the Central Imagery Office,” after “Defense Intelligence Agency.”

1991—Subsec. (b)(1). Pub. L. 102–90 substituted “Except as provided in the second sentence of this subsection, each agency” for “Each agency” and inserted after first sentence “With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g).”

1990—Subsec. (a). Pub. L. 101–280, § 3(6)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by—

“(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

“(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed.”

Subsec. (b)(1). Pub. L. 101–280, § 3(6)(B)(i)(I), substituted “, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate” for “and each supervising ethics office”.

Pub. L. 101–280, § 3(6)(B)(i)(II), substituted “under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,” for “by such agency or office under this title”.

Pub. L. 101–280, § 3(6)(B)(ii), substituted “, office, Clerk, or Secretary of the Senate, as the case may be” for “or office”.

Subsec. (d). Pub. L. 101–280, § 3(6)(C), inserted “or to the Clerk of the House of Representatives or the Secretary of the Senate” after “ethics office” and “or by the Clerk or the Secretary of the Senate” after “or office”.

1989—Pub. L. 101–194 amended section generally, substituting provisions relating to custody of and public access to reports for provisions relating to review and compliance procedures. See section 106 of this Appendix.

#### EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memo-

randum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of Title 50, War and National Defense.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

#### TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

#### PUBLIC AVAILABILITY OF REPORTS FILED UNDER PRE-1991 ETHICS IN GOVERNMENT ACT PROVISIONS

Section 9 of Pub. L. 101-280 provided that: "Those reports filed under title I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix], or III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95-521], as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act [this section], as amended by the Ethics Reform Act of 1989 [Pub. L. 101-194], and the provisions of such section shall apply with respect to those reports."

### § 106. Review of reports

(a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a)—

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

- (A) divestiture,
- (B) restitution,
- (C) the establishment of a blind trust,
- (D) request for an exemption under section 208(b) of title 18, United States Code, or
- (E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office



of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

(Pub. L. 95-521, title I, § 106, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1739; Pub. L. 101-280, § 3(1), (7), May 4, 1990, 104 Stat. 152, 155.)

#### CODIFICATION

Section was formerly classified to section 706 of Title 2, The Congress.

#### AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(1). Pub. L. 101-280, § 3(7)(B), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official, or”.

Pub. L. 101-280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(2). Pub. L. 101-280, § 3(7)(C), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official or”.

Pub. L. 101-280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(3). Pub. L. 101-280, § 3(7)(D), substituted “the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the” for “Secretary concerned, designated agency ethics official, a congressional ethics committee, or the”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(4). Pub. L. 101-280, § 3(7)(E), inserted “in the executive branch” after “position” and substituted “Foreign Service” for “foreign service”.

Subsec. (b)(5). Pub. L. 101-280, § 3(7)(F), substituted “Foreign Service” for “foreign service”.

Subsec. (b)(6). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Pub. L. 101-280, § 3(7)(G), substituted “employee,” for “employee”.

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to review of reports for provisions relating to failure to file or filing false reports. See section 104(a) of this Appendix.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

### § 107. Confidential reports and other additional requirements

(a)(1) Each supervising ethics office may require officers and employees under its jurisdic-

tion (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

(Pub. L. 95-521, title I, § 107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96-19, § 9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1740.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

#### CODIFICATION

Section was formerly classified to section 707 of Title 2, The Congress.

#### AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to confidential reports and other additional requirements for provisions setting forth definitions for purposes of title I of Pub. L. 95-521. See section 109 of this Appendix.

1979—Par. (1). Pub. L. 96-19, § 9(d), substituted “gross income derived from business (and net income if the individual elects to include it)” for “net and gross income derived from business”.

Par. (16). Pub. L. 96-19, §9(g), inserted quotation marks after “designated committee of the House of Representatives” and before “designated committee of the Senate”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

**§ 108. Authority of Comptroller General**

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

(Pub. L. 95-521, title I, § 108, Oct. 26, 1978, 92 Stat. 1835; Pub. L. 96-19, §9(t), June 13, 1979, 93 Stat. 44; Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1741.)

CODIFICATION

Section was formerly classified to section 708 of Title 2, The Congress.

AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to authority of Comptroller General for provision relating to preemption of State laws.

1979—Pub. L. 96-19 inserted “holding the office of Member or” after “financial disclosure by reason of”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

**§ 109. Definitions**

For the purposes of this title, the term—

(1) “congressional ethics committees” means the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) “dependent child” means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 [26 U.S.C. 152];

(3) “designated agency ethics official” means an officer or employee who is designated to administer the provisions of this title within an agency;

(4) “executive branch” includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch;

(5) “gift” means a payment, advance, forbearance, rendering, or deposit of money, or

any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;

(6) “honoraria” has the meaning given such term in section 505 of this Act;

(7) “income” means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(8) “judicial employee” means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(9) “Judicial Conference” means the Judicial Conference of the United States;

(10) “judicial officer” means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

(11) “legislative branch” includes—

(A) the Architect of the Capitol;

- (B) the Botanic Gardens;
- (C) the Congressional Budget Office;
- (D) the Government Accountability Office;
- (E) the Government Printing Office;
- (F) the Library of Congress;
- (G) the United States Capitol Police;
- (H) the Office of Technology Assessment;
- and
- (I) any other agency, entity, office, or commission established in the legislative branch;

(12) “Member of Congress” means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) “officer or employee of the Congress” means—

(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;

(B)(i) each officer or employee of the legislative branch (except any officer or employee of the Government Accountability Office) who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

(iii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(14) “personal hospitality of any individual” means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(15) “reimbursement” means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(16) “relative” means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancée of the reporting individual;

(17) “Secretary concerned” has the meaning set forth in section 101(a)(9) of title 10, United States Code, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service;

(18) “supervising ethics office” means—

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;

(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 103(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees; and

(19) “value” means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

(Pub. L. 95-521, title I, § 109, Oct. 26, 1978, 92 Stat. 1836; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1741; Pub. L. 101-280, § 3(1), (8), May 4, 1990, 104 Stat. 152, 155; Pub. L. 102-378, § 4(a)(2), Oct. 2, 1992, 106 Stat. 1357; Pub. L. 102-572, title IX, § 902(b)(2), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103-160, div. A, title XI, § 1182(d)(3), Nov. 30, 1993, 107 Stat. 1773; Pub. L. 103-337, div. A, title IX, § 924(d)(3), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 104-186, title II, § 216(2), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 105-368, title V, § 512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-323, § 7, Sept. 22, 2008, 122 Stat. 3547.)

#### REFERENCES IN TEXT

The General Schedule, referred to in pars. (8) and (13)(B), is set out under section 5332 of this title.

## CODIFICATION

Section was formerly classified to section 709 of Title 2, The Congress.

## AMENDMENTS

2008—Par. (13)(B)(i). Pub. L. 110-323, §7(1), inserted “(except any officer or employee of the Government Accountability Office)” after “legislative branch” and struck out “and” after semicolon.

Par. (13)(B)(ii), (iii). Pub. L. 110-323, §7(2), (3), added cl. (ii) and redesignated former cl. (ii) as (iii).

2004—Pars. (4), (11)(D). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1998—Pars. (8), (10). Pub. L. 105-368 substituted “Court of Appeals for Veterans Claims” for “Court of Veterans Appeals”.

1996—Par. (13)(A). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1994—Pars. (8), (10). Pub. L. 103-337 substituted “Court of Appeals for the Armed Forces” for “Court of Military Appeals”.

1993—Par. (17). Pub. L. 103-160 substituted “section 101(a)(9) of title 10” for “section 101(8) of title 10” in introductory provisions.

1992—Par. (8). Pub. L. 102-572 substituted “Court of Federal Claims” for “Claims Court”.

Pub. L. 102-378, §4(a)(2)(A), substituted “who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for “who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule”.

Par. (10). Pub. L. 102-572 substituted “Court of Federal Claims” for “Claims Court”.

Par. (13)(B)(i). Pub. L. 102-378, §4(a)(2)(B), substituted “who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for “who is compensated for at least 60 days at a rate of basic pay equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule”.

Par. (13)(B)(ii). Pub. L. 102-378, §4(a)(2)(C), substituted “who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for “compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule”.

1990—Par. (1). Pub. L. 101-280, §3(8)(A), substituted “Select Committee on Ethics of the Senate” for “Senate Select Committee on Ethics”.

Par. (4). Pub. L. 101-280, §3(8)(B), inserted “, other than the General Accounting Office,” after “Code”.

Par. (5)(C). Pub. L. 101-280, §3(8)(C)(i), inserted “, the District of Columbia, or a State or local government or political subdivision thereof” after “United States Government”.

Par. (5)(D). Pub. L. 101-280, §3(8)(C)(ii), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “food and beverages consumed at banquets, receptions, or similar events; or”.

Par. (5)(E). Pub. L. 101-280, §3(8)(C)(iii), substituted “individual,” for “individual” and inserted “or” after semicolon at end.

Par. (5)(F). Pub. L. 101-280, §3(8)(C)(iv), added subpar. (F).

Par. (8). Pub. L. 101-280, §3(8)(D), substituted “United States Sentencing Commission, of the Tax Court, of the Claims Court,” for “Tax Court,” and “who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule” for “who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;”.

Par. (10). Pub. L. 101-280, §3(8)(E), substituted “Guam, the Northern Mariana Islands,” for “the Canal Zone,

Guam,” struck out “Court of Claims,” after “Virgin Islands,” and inserted “Claims Court, Court of Veterans Appeals,” after “Tax Court.”.

Par. (13)(B)(i). Pub. L. 101-280, §3(8)(F), substituted “at least 60” for “60 consecutive” and “of basic pay equal to or greater than” for “equal to or in excess of”.

Par. (15)(A). Pub. L. 101-280, §3(8)(G), inserted “, the District of Columbia, or a State or local government or political subdivision thereof” after “Government”.

Par. (17)(C). Pub. L. 101-280, §3(8)(H), added subpar. (C).

Par. (18)(A). Pub. L. 101-280, §3(8)(I)(i), substituted “the Secretary of the Senate” for “such committee”.

Par. (18)(B). Pub. L. 101-280, §3(8)(I)(ii), substituted “the Clerk of the House of Representatives” for “such committee”.

Par. (18)(C). Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Par. (18)(D). Pub. L. 101-280, §3(8)(I)(iii), inserted “of officers and” after “branch”.

1989—Pub. L. 101-194 amended section generally, substituting provisions setting forth definitions for purposes of title I of Pub. L. 95-521 for provisions relating to a study by the Comptroller General.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-368 effective on first day of first month beginning more than 90 days after Nov. 11, 1998, see section 513 of Pub. L. 105-368, set out as a note under section 7251 of Title 38, Veterans’ Benefits.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

## EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

## TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of Title 2, The Congress.

**§ 110. Notice of actions taken to comply with ethics agreements**

(a) In any case in which an individual agrees with that individual’s designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not

later than three months after the date of the agreement, if no date for action is so specified.

(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

(Pub. L. 95-521, title I, §110, as added Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101-280, §3(1), May 4, 1990, 104 Stat. 152.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-280 struck out “of the United States” after “Judicial Conference” wherever appearing.

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

### § 111. Administration of provisions

The provisions of this title shall be administered by—

- (1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);
- (2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and
- (3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.

(Pub. L. 95-521, title I, §111, as added Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101-280, §3(1), (9), May 4, 1990, 104 Stat. 152, 157.)

#### AMENDMENTS

1990—Pub. L. 101-280, §3(9)(C), inserted sentence at end authorizing Judicial Conference to delegate its authority to an ethics committee.

Par. (2). Pub. L. 101-280, §3(9)(A), substituted “Select Committee on Ethics of the Senate” for “Senate Select Committee on Ethics”.

Par. (3). Pub. L. 101-280, §3(9)(B), struck out “and clerk of the applicable court, as appropriate,” before “in the case of”.

Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

#### TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS

Section 902 of Pub. L. 101-194 provided that:

“(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95-521, set out in this Appendix] (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

“(b) For purposes of this section, the head of the employing office shall be—

“(A) in the case of an employee of a Member, the Member by whom that person is employed;

“(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

“(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

“(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.”

### [§ 112. Repealed. Pub. L. 101-280, §3(10)(A), May 4, 1990, 104 Stat. 157]

Section, Pub. L. 95-521, title I, §112, as added Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1744, provided that the provisions made by title I of Pub. L. 95-521 take effect on Jan. 1, 1990, and be applicable to reports filed under such title after Jan. 1, 1991. See section 3(10)(C) of Pub. L. 101-280 and section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

#### EFFECTIVE DATE OF REPEAL

Repeal effective May 4, 1990, see section 11 of Pub. L. 101-280, set out as an Effective Date of 1990 Amendment note under section 101 of this Appendix.

#### [TITLE II—REPEALED]

[Sections 201 to 212 of Pub. L. 95-521, title II, Oct. 26, 1978, 92 Stat. 1836, as amended by Pub. L. 96-19, §2(a)(2), (c)(2), 3(a)(2), (b), 4(a), (d), (g), 5, 6, 7(a)-(c), (d)(2), (e), (f), 8(b), 9(c)(2), (d), (f), (h)-(o), June 13, 1979, 93 Stat. 37-43; Pub. L. 98-150, §§6-11, Nov. 11, 1983, 97 Stat. 960-962; Pub. L. 99-190, §148(b), Dec. 19, 1985, 99 Stat. 1325; Pub. L. 100-191, §3(b), Dec. 15, 1987, 101 Stat. 1306, which related to executive personnel financial disclosure requirements, were repealed by Pub. L. 101-194, title II, §201, Nov. 30, 1989, 103 Stat. 1724.]

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title II of Pub. L. 95-521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101-194 had not been enacted, except that section 202(f)(4)(B) of Pub. L. 95-521 repealed effective Jan. 1, 1990, and nothing in title II of Pub. L. 101-194 to be construed to prevent prosecution of civil actions against individuals for violations of title II of Pub. L. 95-521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101-280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

## [TITLE III—REPEALED]

[Sections 301 to 309 of Pub. L. 95-521, title III, Oct. 26, 1978, 92 Stat. 1851, as amended by Pub. L. 96-19, § 2(a)(3), (c)(3), 3(a)(3), (b), 4(c), 6, 7(a)-(c), (d)(2), (e), (f), 8(c), 9(c)(3), (d), (j), (p)-(r), June 13, 1979, 93 Stat. 37-43; Pub. L. 96-417, title VI, § 601(9), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 96-579, § 12(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 97-164, title I, § 163(a)(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98-150, § 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 99-573, § 6, Oct. 28, 1986, 100 Stat. 3231; Pub. L. 101-237, title VI, § 602(a)(1), Dec. 18, 1989, 103 Stat. 2094, which related to judicial personnel financial disclosure requirements, were repealed by Pub. L. 101-194, title II, § 201, Nov. 30, 1989, 103 Stat. 1724.]

## EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title III of Pub. L. 95-521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101-194 had not been enacted, and nothing in title II of Pub. L. 101-194 to be construed to prevent prosecution of civil actions against individuals for violations of title III of Pub. L. 95-521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101-280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

## TITLE IV—OFFICE OF GOVERNMENT ETHICS

## § 401. Establishment; appointment of Director

(a) There is established an executive agency to be known as the Office of Government Ethics.

(b) There shall be at the head of the Office of Government Ethics a Director (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate. Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years.

(c) The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code; and

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance, or by reimbursement, from funds of the Office of Government Ethics in such amounts as may be agreed upon by the Director and the head of the agency providing such services.

Contract authority under paragraph (2) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.

(Pub. L. 95-521, title IV, § 401, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 98-150, § 2, Nov. 11, 1983, 97 Stat. 959; Pub. L. 100-598, § 3, Nov. 3, 1988, 102 Stat. 3031; Pub. L. 104-179, § 4(b)(2)(A), Aug. 6, 1996, 110 Stat. 1567.)

## AMENDMENTS

1996—Pub. L. 104-179 substituted "Establishment; appointment of Director" for "Office of Government Ethics" in section catchline.

1988—Subsec. (a). Pub. L. 100-598, § 3(a), substituted "an executive agency to be known as" for "in the Office of Personnel Management an office to be known as".

Subsec. (c). Pub. L. 100-598, § 3(b), added subsec. (c).

1983—Subsec. (b). Pub. L. 98-150 inserted provision that, effective with respect to any individual appointed or reappointed by the President as Director on or after Oct. 1, 1983, the term of service of the Director shall be five years.

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 10 of Pub. L. 100-598 provided that:

"(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act [enacting section 408 of Pub. L. 95-521, set out in this Appendix, and amending sections 401 to 403, 405, and 407 of Pub. L. 95-521, set out in this Appendix, and sections 5314 and 5316 of this title] shall take effect on the date of the enactment of this Act [Nov. 3, 1988].

"(b) EXCEPTION.—The amendments made by section 3 [amending section 401 of Pub. L. 95-521, set out in this Appendix] shall take effect on October 1, 1989."

## EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

## § 402. Authority and functions

(a) The Director shall provide, in consultation with the Office of Personnel Management, overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of title 5, United States Code.

(b) The responsibilities of the Director shall include—

(1) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by title II of this Act;

(2) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

(4) conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;

(5) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review require-

ments established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) ordering corrective action on the part of agencies and employees which the Director deems necessary;

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28, United States Code;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

(c) In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by him, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d)(1) The Director shall, by the exercise of any authority otherwise available to the Director under this title, ensure that each executive agency has established written procedures relating to how the agency is to collect, review, evaluate, and, if applicable, make publicly available, financial disclosure statements filed by any of its officers or employees.

(2) In carrying out paragraph (1), the Director shall ensure that each agency's procedures are in conformance with all applicable require-

ments, whether established by law, rule, regulation, or Executive order.

(e) In carrying out subsection (b)(10), the Director shall prescribe regulations under which—

(1) each executive agency shall be required to submit to the Office an annual report containing—

(A) a description and evaluation of the agency's ethics program, including any educational, counseling, or other services provided to officers and employees, in effect during the period covered by the report; and

(B) the position title and duties of—

(i) each official who was designated by the agency head to have primary responsibility for the administration, coordination, and management of the agency's ethics program during any portion of the period covered by the report; and

(ii) each officer or employee who was designated to serve as an alternate to the official having primary responsibility during any portion of such period; and

(C) any other information that the Director may require in order to carry out the responsibilities of the Director under this title; and

(2) each executive agency shall be required to inform the Director upon referral of any alleged violation of Federal conflict of interest law to the Attorney General pursuant to section 535 of title 28, United States Code, except that nothing under this paragraph shall require any notification or disclosure which would otherwise be prohibited by law.

(f)(1) In carrying out subsection (b)(9) with respect to executive agencies, the Director—

(A) may—

(i) order specific corrective action on the part of an agency based on the failure of such agency to establish a system for the collection, filing, review, and, when applicable, public inspection of financial disclosure statements, in accordance with applicable requirements, or to modify an existing system in order to meet applicable requirements; or

(ii) order specific corrective action involving the establishment or modification of an agency ethics program (other than with respect to any matter under clause (i)) in accordance with applicable requirements; and

(B) shall, if an agency has not complied with an order under subparagraph (A) within a reasonable period of time, notify the President and the Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide).

(2)(A) In carrying out subsection (b)(9) with respect to individual officers and employees—

(i) the Director may make such recommendations and provide such advice to such officers and employees as the Director considers necessary to ensure compliance with rules, regulations, and Executive orders relating to conflicts of interest or standards of conduct;

(ii) if the Director has reason to believe that an officer or employee is violating, or has vio-

lated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director—

(I) may recommend to the head of the officer's or employee's agency that such agency head investigate the possible violation and, if the agency head finds such a violation, that such agency head take any appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) against the officer or employee, except that, if the officer or employee involved is the agency head, any such recommendation shall instead be submitted to the President; and

(II) shall notify the President in writing if the Director determines that the head of an agency has not conducted an investigation pursuant to subclause (I) within a reasonable time after the Director recommends such action;

(iii) if the Director finds that an officer or employee is violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director—

(I) may order the officer or employee to take specific action (such as divestiture, recusal, or the establishment of a blind trust) to end such violation; and

(II) shall, if the officer or employee has not complied with the order under subclause (I) within a reasonable period of time, notify, in writing, the head of the officer's or employee's agency of the officer's or employee's noncompliance, except that, if the officer or employee involved is the agency head, the notification shall instead be submitted to the President; and

(iv) if the Director finds that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director—

(I) may recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee, except that if the officer or employee involved is the agency head, any such recommendations shall instead be submitted to the President; and

(II) may notify the President in writing if the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director recommends such action.

(B)(i) In order to carry out the Director's duties and responsibilities under subparagraph (A)(iii) or (iv) with respect to individual officers and employees, the Director may conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch.

(ii)(I) Subject to clause (iv) of this subparagraph, before any finding is made under subparagraphs (A)(iii) or (iv), the officer or employee involved shall be afforded notification of the al-

leged violation, and an opportunity to comment, either orally or in writing, on the alleged violation.

(II) The Director shall, in accordance with section 553 of title 5, United States Code, establish procedures for such notification and comment.

(iii) Subject to clause (iv) of this subparagraph, before any action is ordered under subparagraph (A)(iii), the officer or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record.

(iv) The procedures described in clauses (ii) and (iii) of this subparagraph do not apply to findings or orders for action made to obtain compliance with the financial disclosure requirements in title 2<sup>1</sup> of this Act. For those findings and orders, the procedures in section 206 of this Act shall apply.

(3) The Director shall send a copy of any order under paragraph (2)(A)(iii) to—

(A) the officer or employee who is the subject of such order; and

(B) the head of officer's or employee's agency or, if such officer or employee is the agency head, to the President.

(4) For purposes of paragraphs (2)(A)(ii), (iii), (iv), and (3)(B), in the case of an officer or employee within an agency which is headed by a board, committee, or other group of individuals (rather than by a single individual), any notification, recommendation, or other matter which would otherwise be sent to an agency head shall instead be sent to the officer's or employee's appointing authority.

(5) Nothing in this title shall be considered to allow the Director (or any designee) to make any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.

(6) Notwithstanding any other provision of law, no record developed pursuant to the authority of this section concerning an investigation of an individual for a violation of any rule, regulation, or Executive order relating to a conflict of interest shall be made available pursuant to section 552(a)(3) of title 5, United States Code, unless the request for such information identifies the individual to whom such records relate and the subject matter of any alleged violation to which such records relate, except that nothing in this subsection shall affect the application of the provisions of section 552(b) of title 5, United States Code, to any record so identified.

(Pub. L. 95-521, title IV, §402, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 96-19, §9(e), (s), June 13, 1979, 93 Stat. 43, 44; Pub. L. 98-150, §3(a), (b), Nov. 11, 1983, 97 Stat. 959; Pub. L. 100-598, §§5-7, Nov. 3, 1988, 102 Stat. 3032, 3033.)

#### REFERENCES IN TEXT

Title II of this Act, referred to in subsec. (b)(1), (3), and (15), and title 2 of this Act, referred to in subsec. (f)(2)(B)(iv), is title II of Pub. L. 95-521, which was set out in this Appendix prior to repeal by Pub. L. 101-194, title II, §201, Nov. 30, 1989, 103 Stat. 1724.

Section 206 of this Act, referred to in subsec. (f)(2)(B)(iv), is section 206 of Pub. L. 95-521, which was

<sup>1</sup> So in original. Probably should be title "II".



set out in this Appendix prior to repeal by Pub. L. 101-194, title II, §201, Nov. 30, 1989, 103 Stat. 1724.

#### AMENDMENTS

1988—Subsecs. (d) to (f). Pub. L. 100-598 added subsecs. (d) to (f).

1983—Subsec. (a). Pub. L. 98-150, §3(a), substituted “in consultation with” for “under the general supervision of”.

Subsec. (b)(1). Pub. L. 98-150, §3(b)(1), struck out “and recommending to the Office of Personnel Management” after “(1) developing”, inserted “and the Office of Personnel Management” after “Attorney General”, and substituted “President or the Director” for “President or the Office of Personnel Management”.

Subsec. (b)(2). Pub. L. 98-150, §3(b)(2), struck out “and recommending to the Office of Personnel Management” after “(2) developing”, inserted “and the Office of Personnel Management” after “Attorney General”, and substituted “President or the Director” for “President or the Office of Personnel Management”.

Subsec. (b)(6). Pub. L. 98-150, §3(b)(3), substituted “Director” for “Office of Personnel Management”.

Subsec. (b)(12). Pub. L. 98-150, §3(b)(4), inserted “and the Office of Personnel Management” after “Attorney General”, and substituted “Director” for “Office of Personnel Management”.

Subsec. (b)(15). Pub. L. 98-150, §3(b)(5), substituted “, in consultation with the Office of Personnel Management, and promulgating” for “and recommending for promulgation by the Office of Personnel Management”.

1979—Subsec. (b)(1). Pub. L. 96-19, §9(s), substituted “consultation” for “consulation” and struck out a comma after “rules and regulations” and “President”.

Subsec. (b)(15). Pub. L. 96-19, §9(e)(2), added par. (15).

Subsec. (d). Pub. L. 96-19, §9(e)(1), repealed subsec. (d) which required the promulgation of a regulation establishing a method of readily determining, without expert appraisal, the fair market value of assets required to be disclosed.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

#### RULES AND REGULATIONS IN EFFECT BEFORE OCTOBER 1, 1983

Section 3(d) of Pub. L. 98-150 provided that:

“(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 [this section] which are in effect immediately before the effective date of the amendments made by this Act [Oct. 1, 1983] shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

“(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 [this section], with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act [Oct. 1, 1983] shall not be affected by this Act or any of the amendments made by this Act [see Effective Date of 1983 Amendment note set out under section 102 of this Appendix].”

### § 403. Administrative provisions

(a) Upon the request of the Director, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the Director to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Director all information and records in its possession which the Director may determine

to be necessary for the performance of his duties.

The authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting investigations pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the provisions of this Act<sup>1</sup>

(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

(2) No gift may be accepted—

(A) that attaches conditions inconsistent with applicable laws or regulations; or

(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

(Pub. L. 95-521, title IV, §403, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98-150, §5, Nov. 11, 1983, 97 Stat. 960; Pub. L. 100-598, §9, Nov. 3, 1988, 102 Stat. 3035; Pub. L. 104-179, §2, Aug. 6, 1996, 110 Stat. 1566.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

#### AMENDMENTS

1996—Pub. L. 104-179 designated existing provisions as subsec. (a) and added subsec. (b).

1988—Pub. L. 100-598 substituted “pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the provisions of this Act” for “pursuant to subsections (b)(3) and (b)(4) of section 402.” in closing provisions.

1983—Pub. L. 98-150 inserted provision that the authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting the investigations pursuant to subsections (b)(3) and (b)(4) of section 402.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

<sup>1</sup> So in original. Probably should be followed by a period.

**§ 404. Rules and regulations**

In promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch, the Director shall issue rules and regulations in accordance with chapter 5 of title 5, United States Code. Any person may seek judicial review of any such rule or regulation.

(Pub. L. 95-521, title IV, §404, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98-150, §3(c), Nov. 11, 1983, 97 Stat. 960.)

## AMENDMENTS

1983—Pub. L. 98-150 substituted “Director” for “Office of Personnel Management”.

## EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

**§ 405. Authorization of appropriations**

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007<sup>1</sup>

(Pub. L. 95-521, title IV, §405, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98-150, §12, Nov. 11, 1983, 97 Stat. 963; Pub. L. 100-598, §2, Nov. 3, 1988, 102 Stat. 3031; Pub. L. 101-334, §2, July 16, 1990, 104 Stat. 318; Pub. L. 102-506, §2, Oct. 24, 1992, 106 Stat. 3280; Pub. L. 104-179, §3, Aug. 6, 1996, 110 Stat. 1566; Pub. L. 107-119, §2, Jan. 15, 2002, 115 Stat. 2382; Pub. L. 109-289, div. B, title II, §21069, as added Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 57.)

## AMENDMENTS

2007—Pub. L. 109-289, §21069, as added by Pub. L. 110-5, amended text of section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2002 through 2006.”

2002—Pub. L. 107-119 substituted “2002 through 2006” for “1997 through 1999”.

1996—Pub. L. 104-179 amended text of section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out the provisions of this title and for no other purpose—

“(1) not to exceed \$2,500,000 for the fiscal year ending September 30, 1989;

“(2) not to exceed \$5,000,000 for the fiscal year ending September 30, 1990; and

“(3) such sums as may be necessary for each of the 4 fiscal years thereafter.”

1992—Pub. L. 102-506 struck out “and” at end of par. (1), substituted “the fiscal year ending September 30, 1990; and” for “each of the 5 fiscal years thereafter.” in par. (2), and added par. (3).

1990—Par. (2), Pub. L. 101-334 substituted “\$5,000,000” for “\$3,500,000”.

1988—Pub. L. 100-598 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to carry out the provisions of this title, and for no other purpose—

“(1) not to exceed \$2,000,000 for the fiscal year ending September 30, 1979; and

“(2) not to exceed \$2,000,000 for each of the nine fiscal years thereafter.”

1983—Par. (2), Pub. L. 98-150 substituted “nine” for “four”.

<sup>1</sup> So in original. Probably should end with a period.

## EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

**§ 406. Omitted**

## CODIFICATION

Section, Pub. L. 95-521, title IV, §406, Oct. 26, 1978, 92 Stat. 1864, amended section 5316 of Title 5, Government Organization and Employees.

**§ 407. Annual pay of Director**

[Section amended sections 5314 and 5316 of Title 5, Government Organization and Employees.]

(Pub. L. 95-521, title IV, §407, as added Pub. L. 98-150, §4, Nov. 11, 1983, 97 Stat. 960; amended Pub. L. 100-598, §8, Nov. 3, 1988, 102 Stat. 3035.)

## AMENDMENTS

1988—Pub. L. 100-598 substituted “Annual pay of Director” for “Submission of budget” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

“(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.”

## EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as an Effective Date of 1983 Amendment note under section 102 of this Appendix.

**§ 408. Reports to Congress**

The Director shall, no later than April 30 of each year in which the second session of a Congress begins, submit to the Congress a report containing—

(1) a summary of the actions taken by the Director during a 2-year period ending on December 31 of the preceding year in order to carry out the Director’s functions and responsibilities under this title; and

(2) such other information as the Director may consider appropriate.

(Pub. L. 95-521, title IV, §408, as added Pub. L. 100-598, §4, Nov. 3, 1988, 102 Stat. 3031; amended Pub. L. 104-179, §4(b)(2)(B), Aug. 6, 1996, 110 Stat. 1567.)

## AMENDMENTS

1996—Pub. L. 104-179 substituted “April 30” for “March 31” in introductory provisions.

## TITLE V—GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

**§ 501. Outside earned income limitation**

(a) OUTSIDE EARNED INCOME LIMITATION.—

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a

noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

(b) HONORARIA PROHIBITION.—An individual may not receive any honorarium while that individual is a Member, officer or employee.

(c) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed \$2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

(Pub. L. 95-521, title V, § 501, as added Pub. L. 101-194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1760; amended Pub. L. 101-280, § 7(a), May 4, 1990, 104 Stat. 161; Pub. L. 102-378, § 4(b)(1), (2), Oct. 2, 1992, 106 Stat. 1357.)

#### REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

#### PRIOR PROVISIONS

A prior section 501 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1864, amended section 207 of Title 18, Crimes and Criminal Procedure, and the analysis of chapter 11 of Title 18.

#### AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-378, § 4(b)(1), substituted “who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the

rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule,” for “whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.”.

Subsec. (a)(2). Pub. L. 102-378, § 4(b)(2), substituted “who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule,” for “who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year.”.

1990—Subsec. (a)(1). Pub. L. 101-280, § 7(a)(1), substituted “a noncareer officer or employee” for “not a career civil servant”.

Subsec. (a)(2). Pub. L. 101-280, § 7(a)(1), substituted “a noncareer officer or employee” for “not a career civil servant”.

Pub. L. 101-280, § 7(a)(2), substituted “Member or such an officer or employee which” for “Member, officer or employee which” and “Member or such officer or employee during” for “Member, officer or employee during”.

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

### § 502. Limitations on outside employment

(a) LIMITATIONS.—A Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule shall not—

(1) 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;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

(b) TEACHING COMPENSATION OF JUSTICES AND JUDGES RETIRED FROM REGULAR ACTIVE SERVICE.—For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income—

(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.

(Pub. L. 95-521, title V, § 502, as added Pub. L. 101-194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101-280, § 7(a)(1), (b), May 4, 1990, 104 Stat. 161; Pub. L. 101-650, title III, § 319, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 102-198, § 6, Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102-378, § 4(b)(3), Oct. 2, 1992, 106 Stat. 1357.)

#### REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

#### PRIOR PROVISIONS

A prior section 502 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-378, § 4(b)(3), substituted “who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for “whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule”.

1991—Subsec. (b). Pub. L. 102-198 substituted heading for one which read “SENIOR JUDGES TEACHING COMPENSATION” and amended text generally. Prior to amendment, text read as follows: “Any compensation for teaching received by a senior judge (as designated under section 294(b) of title 28, United States Code) approved under subsection (a)(5) of this section shall not be treated as outside earned income for the purpose of the limitation under section 501(a).”

1990—Pub. L. 101-650 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 101-280, § 7(a)(1), in introductory provisions substituted “a noncareer officer or employee” for “not a career civil servant”.

Pub. L. 101-280, § 7(b)(1), in par. (1) substituted “receive compensation for affiliating with or being” for “affiliate with or be” and “which provides professional services involving” for “to provide professional services which involves”, and struck out “for compensation” after “relationship”.

Pub. L. 101-280, § 7(b)(2), in par. (3) substituted “receive compensation for practicing” for “practice” and struck out “for compensation” after “relationship”.

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

### § 503. Administration

This title shall be subject to the rules and regulations of—

(1) and administered by—

(A) the Committee on Standards of Official Conduct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

(B) in the case of Senators and legislative branch officers and employees other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees;

(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

(Pub. L. 95-521, title V, § 503, as added Pub. L. 101-194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101-280, § 7(c), May 4, 1990, 104 Stat. 161; Pub. L. 102-90, title I, § 6(b)(1), Aug. 14, 1991, 105 Stat. 450.)

#### PRIOR PROVISIONS

A prior section 503 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

#### AMENDMENTS

1991—Par. (1)(B). Pub. L. 102-90 substituted “Senators and legislative branch officers and employees” for “legislative branch officers and employees other than Senators, officers, and employees of the Senate and”.

1990—Par. (1). Pub. L. 101-280 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “and administered by the committee of the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the House of Representatives;”.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 6(f)(1) of Pub. L. 102-90 provided that: “Except for the provisions of subsection (e)(1) [105 Stat. 451], the provisions of this section [amending this section and section 505 of Pub. L. 95-521, set out in this Appendix, repealing sections 31-1 and 441 of Title 2, The Congress, enacting provisions set out as a note under section 5318 of this title, and repealing provisions set out as notes under sections 31 and 358 of Title 2] shall take effect on the date of the enactment of this Act [Aug. 14, 1991].”

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

### § 504. Civil Penalties

(a) CIVIL ACTION.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who

violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than \$10,000 or the amount of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

(b) **ADVISORY OPINIONS.**—Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

(Pub. L. 95-521, title V, §504, as added Pub. L. 101-194, title VI, §601(a), Nov. 30, 1989, 103 Stat. 1761.)

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

#### § 505. Definitions

For purposes of this title:

(1) The term “Member” means a Senator in, a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(2) The term “officer or employee” means any officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code).

(3) The term “honorarium” means a payment of money or any thing of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual’s official duties or the payment is made because of the individual’s status with the Government) by a Member, officer or em-

ployee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(4) The term “travel expenses” means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(5) The term “charitable organization” means an organization described in section 170(c) of the Internal Revenue Code of 1986 [26 U.S.C. 170(c)].

(Pub. L. 95-521, title V, §505, as added Pub. L. 101-194, title VI, §601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 102-90, title I, §6(b)(2), (3), title III, §314(b), Aug. 14, 1991, 105 Stat. 450, 469.)

#### AMENDMENTS

1991—Par. (1). Pub. L. 102-90, §6(b)(2), inserted “a Senator in,” before “a Representative”.

Par. (2). Pub. L. 102-90, §6(b)(3), struck out “(A) any individual (other than the Vice President) whose compensation is disbursed by the Secretary of the Senate or (B)” after “except”.

Par. (3). Pub. L. 102-90, §314(b), inserted “(including a series of appearances, speeches, or articles if the subject matter is directly related to the individual’s official duties or the payment is made because of the individual’s status with the Government)” before “by a Member”.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 314(b) of Pub. L. 102-90 effective Jan. 1, 1992, see section 314(g)(1) of Pub. L. 102-90, as amended, set out as a note under section 31-2 of Title 2, The Congress.

#### EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

## REORGANIZATION PLANS

*This portion of the Appendix contains Reorganization Plans which took effect in accordance with the provisions of section 901 et seq. of this title or corresponding prior provisions of law.*

### REORGANIZATION PLAN NO. I OF 1939

Eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423, by act June 7, 1939, ch. 193, 53 Stat. 813, as amended Sept. 13, 1982, Pub. L. 97-258, §5(b), 96 Stat. 1068, 1085

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 25, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

#### PART 1. EXECUTIVE OFFICE OF THE PRESIDENT

##### SECTION 1. BUREAU OF THE BUDGET

[Repealed. Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, 1085. Section transferred the Bureau of the Budget and its functions and personnel from the Treasury Department to the Executive Office of the President, and provided that the functions of the Bureau be administered by the Director under the direction and supervision of the President. See 31 U.S.C. 501 et seq.]

##### SEC. 2. CENTRAL STATISTICAL BOARD

[Repealed. Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, 1085. Section transferred the Central Statistical Board and its functions and personnel to the Bureau of the Budget, and provided that the Chairman of the Board perform such administrative duties as the Director of the Bureau shall prescribe.]

##### SEC. 3. CENTRAL STATISTICAL COMMITTEE ABOLISHED AND FUNCTIONS TRANSFERRED

[Repealed. Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, 1085. Section abolished the Board and transferred its functions to the Director of the Bureau of the Budget.]

##### SEC. 4. NATIONAL RESOURCES PLANNING BOARD

(a) The functions of the National Resources Committee, established by Executive Order No. 7065 of June 7, 1935, and its personnel (except the members of the Committee) and all of the functions of the Federal Employment Stabilization Office in the Department of Commerce and its personnel are hereby transferred to the Executive Office of the President. The functions transferred by this section are hereby consolidated, and they shall be administered under the direction and supervision of the President by the National Resources Planning Board (hereafter referred to as the Board), which shall be composed of five members to be appointed by the President. The President shall designate one of the members of the Board as Chairman and another as Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or in the event of a vacancy in that office. The members of the Board shall be compensated at the rate of \$50 per day for time spent in attending and traveling to and from meetings, or in otherwise exercising the functions and duties of the Board, plus the actual cost of transportation: *Provided*, That in no case shall a member be entitled to receive compensation for more than thirty days' service in two consecutive months. [Functions of Board were authorized to be carried out until June 30, 1940, and provisions concerning composition of Board were contained in Emergency Relief Appropriation Act of 1939.]

(b) The Board shall determine the rules of its own proceedings, and a majority of its members in office shall constitute a quorum for the transaction of business, but the Board may function notwithstanding vacancies.

(c) The Board may appoint necessary officers and employees and may delegate to such officers authority to perform such duties and make such expenditures as may be necessary. [Board abolished August 31, 1943, by act June 26, 1943, ch. 145, title I, §1, 57 Stat. 170, and records and files were transferred to the National Archives.]

##### SEC. 5. NATIONAL RESOURCES COMMITTEE ABOLISHED

The National Resources Committee is hereby abolished, and its outstanding affairs shall be wound up by the National Resources Planning Board.

##### SEC. 6. FEDERAL EMPLOYMENT STABILIZATION OFFICE ABOLISHED

The Federal Employment Stabilization Office is hereby abolished, and the Secretary of Commerce shall promptly wind up its affairs.

##### SEC. 7. TRANSFER OF RECORDS AND PROPERTY

All records and property (including office equipment) of the several agencies transferred, or the functions of which are transferred, by this part are hereby transferred to the Executive Office of the President for use in the administration of the agencies and functions transferred by this part.

##### SEC. 8. TRANSFER OF FUNDS

So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Executive Office of the President for use in connection with the exercise of functions transferred by this part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

##### SEC. 9. PERSONNEL

Any personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this part shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.