

signed to an agency under chapter 37, from continuing to receive pay and benefits from such organization in accordance with such chapter.

(c) A Member of Congress or an officer or employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

(d) For purposes of this section—

(1) the term “supervising ethics office” means—

(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers, and employees of the Senate;

(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

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

(E) in the case of legislative branch officers and employees other than those specified in subparagraphs (A) and (B), the committee referred to in either such subparagraph to which reports filed by such officers and employees under title I of the Ethics in Government Act of 1978 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; and

(2) the term “officer or employee” means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government, other than a Member of Congress.

(Added Pub. L. 101–194, title III, § 303(a), Nov. 30, 1989, 103 Stat. 1746; amended Pub. L. 101–280, § 4(d), May 4, 1990, 104 Stat. 158; Pub. L. 107–347, title II, § 209(g)(1)(C), Dec. 17, 2002, 116 Stat. 2932.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (d)(1)(E), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended. Title I of the Act, which was classified principally to chapter 18 (§ 701 et seq.) of Title 2, The Congress, was amended generally by Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1724, and as so amended, is set out in the Appendix to this title. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95–521 in the Appendix to this title and Tables.

AMENDMENTS

2002—Subsec. (b)(4). Pub. L. 107–347 added par. (4).

1990—Subsec. (a). Pub. L. 101–280, § 4(d)(1)(A), substituted “branch” for “branches” in introductory provisions.

Subsec. (a)(1). Pub. L. 101–280, § 4(d)(1)(B), substituted “by, the” for “by the” and “entity” for “agency”.

Subsec. (c). Pub. L. 101–280, § 4(d)(2), substituted “A Member of Congress or an officer or employee” for “An employee”.

Subsec. (d)(1)(B). Pub. L. 101–280, § 4(d)(3)(A)(i), substituted “officers,” for “officers”.

Subsec. (d)(1)(E). Pub. L. 101–280, § 4(d)(3)(A)(ii), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “the ethics committee with which the officer or employee is required to file finan-

cial disclosure forms, for all legislative branch officers and employees other than those specified in subparagraphs (A) and (B), except that such authority may be delegated; and”.

Subsec. (d)(2). Pub. L. 101–280, § 4(d)(3)(B), substituted “Government,” for “Government”.

CHANGE OF NAME

Committee on Standards of Official Conduct of House of Representatives changed to Committee on Ethics of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS

Pub. L. 110–402, § 2, Oct. 13, 2008, 122 Stat. 4255, provided that:

“(a) DEFINITIONS.—In this section:

“(1) GIFT.—The term ‘gift’ has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

“(2) JUDICIAL OFFICER.—The term ‘judicial officer’ has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

“(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than \$50 in any calendar year.”

SUBCHAPTER VI—DRUG ABUSE, ALCOHOL ABUSE, AND ALCOHOLISM

§ 7361. Drug abuse

(a) The Office of Personnel Management shall be responsible for developing, in cooperation with the President, with the Secretary of Health and Human Services (acting through the National Institute on Drug Abuse), and with other agencies, and in accordance with applicable provisions of this subchapter, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among employees. Such agencies are encouraged to extend, to the extent feasible, such programs and services to the families of employees and to employees who have family members who are drug abusers. Such programs and services shall make optimal use of existing governmental facilities, services, and skills.

(b) Section 527¹ of the Public Health Service Act (42 U.S.C. 290ee–3), relating to confidentiality of records, and any regulations prescribed thereunder, shall apply with respect to records maintained for the purpose of carrying out this section.

(c) Each agency shall, with respect to any programs or services provided by such agency, submit such written reports as the Office may require in connection with any report required under section 7363 of this title.

(d) For the purpose of this section, the term “agency” means an Executive agency.

(Added Pub. L. 99–570, title VI, § 6002(a)(1), Oct. 27, 1986, 100 Stat. 3207–157.)

REFERENCES IN TEXT

Section 527 of the Public Health Service Act, referred to in subsec. (b) and formerly classified to section

¹ See References in Text note below.

290ee-3 of Title 42, The Public Health and Welfare, was renumbered section 548 of that Act by Pub. L. 100-77, title VI, §611(2), July 22, 1987, 101 Stat. 516 and then omitted in the general revision of Part D of Subchapter III-A of Chapter 6A of Title 42 by Pub. L. 102-321, title I, §131, July 10, 1992, 106 Stat. 366. Provisions relating to the confidentiality of patient records are now classified to section 290dd-2 of Title 42.

EDUCATIONAL PROGRAM FOR FEDERAL EMPLOYEES
RELATING TO DRUG AND ALCOHOL ABUSE

Section 6003 of Pub. L. 99-570 provided that:

“(a) ESTABLISHMENT.—The Director of the Office of Personnel Management shall, in consultation with the Secretary of Health and Human Services, establish a Government-wide education program, using seminars and such other methods as the Director considers appropriate, to carry out the purposes prescribed in subsection (b).

“(b) PURPOSES.—The program established under this section shall be designed to provide information to Federal Government employees with respect to—

“(1) the short-term and long-term health hazards associated with alcohol abuse and drug abuse;

“(2) the symptoms of alcohol abuse and drug abuse;

“(3) the availability of any prevention, treatment, or rehabilitation programs or services relating to alcohol abuse or drug abuse, whether provided by the Federal Government or otherwise;

“(4) confidentiality protections afforded in connection with any prevention, treatment, or rehabilitation programs or services;

“(5) any penalties provided under law or regulation, and any administrative action (permissive or mandatory), relating to the use of alcohol or drugs by a Federal Government employee or the failure to seek or receive appropriate treatment or rehabilitation services; and

“(6) any other matter which the Director considers appropriate.”

§ 7362. Alcohol abuse and alcoholism

(a) The Office of Personnel Management shall be responsible for developing, in cooperation with the Secretary of Health and Human Services and with other agencies, and in accordance with applicable provisions of this subpart, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among employees. Such agencies are encouraged to extend, to the extent feasible, such programs and services to the families of alcoholic employees and to employees who have family members who are alcoholics. Such programs and services shall make optimal use of existing governmental facilities, services, and skills.

(b) Section 523¹ of the Public Health Service Act (42 U.S.C. 290dd-3), relating to confidentiality of records, and any regulations prescribed thereunder, shall apply with respect to records maintained for the purpose of carrying out this section.

(c) Each agency shall, with respect to any programs or services provided by such agency, submit such written reports as the Office may require in connection with any report required under section 7363 of this title.

(d) For the purpose of this section, the term “agency” means an Executive agency.

(Added Pub. L. 99-570, title VI, §6002(a)(1), Oct. 27, 1986, 100 Stat. 3207-157.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 523 of the Public Health Service Act, referred to in subsec. (b) and formerly classified to section 290dd-3 of Title 42, The Public Health and Welfare, was renumbered section 544 of that Act by Pub. L. 100-77, title VI, §611(2), July 22, 1987, 101 Stat. 516 and then omitted in the general revision of Part D of Subchapter III-A of Chapter 6A of Title 42 by Pub. L. 102-321, title I, §131, July 10, 1992, 106 Stat. 366. Provisions relating to the confidentiality of patient records are now classified to section 290dd-2 of Title 42.

§ 7363. Reports to Congress

(a) The Office of Personnel Management shall, within 6 months after the date of the enactment of the Federal Employee Substance Abuse Education and Treatment Act of 1986 and annually thereafter, submit to each House of Congress a report containing the matters described in subsection (b).

(b) Each report under this section shall include—

(1) a description of any programs or services provided under section 7361 or 7362 of this title, including the costs associated with each such program or service and the source and adequacy of any funding¹ such program or service;

(2) a description of the levels of participation in each program and service provided under section 7361 or 7362 of this title, and the effectiveness of such programs and services;

(3) a description of the training and qualifications required of the personnel providing any program or service under section 7361 or 7362 of this title;

(4) a description of the training given to supervisory personnel in connection with recognizing the symptoms of drug or alcohol abuse and the procedures (including those relating to confidentiality) under which individuals are referred for treatment, rehabilitation, or other assistance;

(5) any recommendations for legislation considered appropriate by the Office and any proposed administrative actions; and

(6) information describing any other related activities under section 7904 of this title, and any other matter which the Office considers appropriate.

(Added Pub. L. 99-570, title VI, §6002(a)(1), Oct. 27, 1986, 100 Stat. 3207-158.)

REFERENCES IN TEXT

The date of the enactment of the Federal Employee Substance Abuse Education and Treatment Act of 1986, referred to in subsec. (a), is the date of enactment of title VI of Pub. L. 99-570 which was approved Oct. 27, 1986.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 187 of House Document No. 103-7.

¹ So in original. Probably should be followed by “of”.