

or perform any part of the duties or work attached to the position to which he was appointed.

(Mar. 2, 1895, ch. 177, § 1, 28 Stat. 771.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 101 of this title prior to editorial reclassification and renumbering as this section.

§ 4702. Notification of post-employment restrictions for Members of Congress and employees

(a) Notification of post-employment restrictions

After a Member of Congress or an elected officer of either House of Congress leaves office, or after the termination of employment with the House of Representatives or the Senate of an employee who is covered under paragraph (2), (3), (4), or (5) of section 207(e) of title 18, the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, or the Secretary of the Senate, as the case may be, shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under section 207(e) of that title.

(b) Posting on Internet

The Clerk of the House of Representatives, with respect to notifications under subsection (a) relating to Members, officers, and employees of the House, and the Secretary of the Senate, with respect to such notifications relating to Members, officers, and employees of the Senate, shall post the information contained in such notifications on the public Internet site of the Office of the Clerk or the Secretary of the Senate, as the case may be, in a format that, to the extent technically practicable, is searchable, sortable, and downloadable.

(Pub. L. 110–81, title I, § 103, Sept. 14, 2007, 121 Stat. 739.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 104d of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

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

Pub. L. 110–81, title I, § 105(c), Sept. 14, 2007, 121 Stat. 741, provided that:

“(1) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—Subsection (a) of section 103 [2 U.S.C. 4702(a)] shall take effect on the 60th day after the date of the enactment of this Act [Sept. 14, 2007].

“(2) POSTING OF INFORMATION.—Subsection (b) of section 103 [2 U.S.C. 4702(b)] shall take effect January 1, 2008, except that the Secretary of the Senate and the

Clerk of the House of Representatives shall post the information contained in notifications required by that subsection that are made on or after the effective date provided under paragraph (1) of this subsection.”

SUBCHAPTER II—HOUSE OF REPRESENTATIVES

§ 4711. Committee on Standards of Official Conduct of House of Representatives

(a) Omitted

(b) Committee composition

The respective party caucus or conference of the House of Representatives shall each nominate to the House of Representatives at the beginning of each Congress 7 members to serve on the Committee on Standards of Official Conduct.

(c) Investigative subcommittees

The Committee on Standards of Official Conduct shall adopt rules providing—

(1) for the establishment of a 4 or 6-member investigative subcommittee (with equal representation from the majority and minority parties) whenever the committee votes to undertake any investigation;

(2) that the senior majority and minority members on an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee; and

(3) that the chairman and ranking minority member of the full committee may only serve as non-voting, ex officio members on an investigative subcommittee.

Clause 5(d) of rule XI¹ of the Rules of the House of Representatives shall not apply to any investigative subcommittee.

(d) Adjudicatory subcommittees

The Committee on Standards of Official Conduct shall adopt rules providing—

(1) that upon the completion of an investigation, an investigative subcommittee shall report its findings and recommendations to the committee;

(2) that, if an investigative subcommittee by majority vote of its membership adopts a statement of alleged violation, the remaining members of the committee shall comprise an adjudicatory subcommittee to hold a disciplinary hearing on the violation alleged in the statement;

(3) that any statement of alleged violation and any written response thereto shall be made public at the first meeting or hearing on the matter which is open to the public after the respondent has been given full opportunity to respond to the statement in accordance with committee rules, but, if no public hearing or meeting is held on the matter, the statement of alleged violation and any written response thereto shall be included in the committee's final report to the House of Representatives as required by clause 4(e)(1)(B) of rule X¹ of the Rules of the House of Representatives;

(4) that a quorum for an adjudicatory subcommittee for the purpose of taking testi-

¹ See References in Text note below.

mony and conducting any business shall consist of a majority of the membership of the subcommittee plus one; and

(5) that an adjudicatory subcommittee shall determine, after receiving evidence, whether the counts in the statement have been proved and shall report its findings to the committee.

Clause 5(d) of rule XI¹ of the Rules of the House of Representatives shall not apply to any adjudicatory subcommittee.

(e) to (h) Omitted

(i) Advice and education

(1) The Committee on Standards of Official Conduct shall establish within the committee an Office on Advice and Education (hereinafter in this subsection referred to as the “Office”) under the supervision of the chairman.

(2) The Office shall be headed by a director who shall be appointed by the chairman, in consultation with the ranking minority member, and shall be comprised of such staff as the chairman determines is necessary to carry out the responsibilities of the Office.

(3) The primary responsibilities of the Office shall include:

(A) Providing information and guidance to Members, officers and employees of the House regarding any laws, rules, regulations, and other standards of conduct applicable to such individuals in their official capacities, and any interpretations and advisory opinions of the committee.

(B) Submitting to the chairman and ranking minority member of the committee any written request from any such Member, officer or employee for an interpretation of applicable laws, rules, regulations, or other standards of conduct, together with any recommendations thereon.

(C) Recommending to the committee for its consideration formal advisory opinions of general applicability.

(D) Developing and carrying out, subject to the approval of the chairman, periodic educational briefings for Members, officers and employees of the House on those laws, rules, regulations, or other standards of conduct applicable to them.

(4) No information provided to the Committee on Standards of Official Conduct by a Member, officer or employee of the House of Representatives when seeking advice regarding prospective conduct of such Member, officer or employee may be used as the basis for initiating an investigation under clause 4(e)(1)(B) of rule X¹ of the Rules of the House of Representatives, if such Member, officer or employee acts in accordance with the written advice of the committee.

(j) Effective date

This section shall take effect immediately before noon January 3, 1991, except that subsections (g), (h), and (i) shall take effect on January 1, 1990.

(Pub. L. 101-194, title VIII, § 803, Nov. 30, 1989, 103 Stat. 1774.)

Editorial Notes

REFERENCES IN TEXT

The Rules of the House of Representatives for the One Hundred Sixth Congress were adopted and amended generally by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Provisions formerly appearing in clause 5(d) of rule XI, referred to in subsecs. (c) and (d), are now contained in clause 6(d) of rule X. Provisions formerly appearing in clause 4(e)(1)(B) of rule X, referred to in subsecs. (d)(3) and (i)(4), are now contained in clause 3(a)(2) of rule XI.

CODIFICATION

Section was formerly classified to section 29d of this title prior to editorial reclassification and renumbering as this section.

Section is comprised of section 803 of Pub. L. 101-194. Subsecs. (a) and (e) to (h) of section 803 amended the Rules of the House of Representatives which are not classified to the Code.

Statutory Notes and Related Subsidiaries

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.

ACCEPTANCE OF GIFTS; AMENDMENTS TO ADVISORY OPINIONS

Pub. L. 101-194, title VIII, § 801(e), Nov. 30, 1989, 103 Stat. 1772, provided that: “The Committee on Standards of Official Conduct [now Committee on Ethics] of the House of Representatives shall amend its advisory opinions relating to the acceptance of gifts (1) to prohibit lodging received as personal hospitality in excess of 30 days in any calendar year from any individual unless a written waiver is granted by the committee and (2) to exempt gifts of food and beverages consumed not in connection with gifts of lodging from coverage under clause 4 of rule XLIII [now clause 4 of rule XXIII] of the Rules of the House of Representatives.”

NONCAMPAIGN USE OF CAMPAIGN VEHICLES

Pub. L. 101-194, title VIII, § 802(e), Nov. 30, 1989, 103 Stat. 1773, provided that: “The Committee on Standards of Official Conduct [now Committee on Ethics] of the House of Representatives shall issue an advisory opinion to provide for appropriate conditions for the incidental noncampaign use of vehicles owned or leased by a campaign committee of a Member of the House of Representatives.”

RESTRICTIONS ON REIMBURSABLE TRAVEL EXPENSES

Pub. L. 101-194, title VIII, § 805, Nov. 30, 1989, 103 Stat. 1778, provided that:

“(a) RESTRICTIONS.—The Committee on Standards of Official Conduct [now Committee on Ethics] of the House of Representatives shall amend its advisory opinions relating to the acceptance of necessary travel expenses incurred on or after January 1, 1990, in connection with speaking engagements and similar events to—

“(1) prohibit the acceptance of such expenses for more than 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of foreign travel; and

“(2) permit the acceptance of travel expenses for the spouse or other family member in connection with any substantial participation event or fact-finding activity.

“(b) EXEMPTION AUTHORITY.—The Committee on Standards of Official Conduct [now Committee on Ethics] of the House of Representatives is authorized to grant prior written exemptions from the limitations contained in subsection (a)(1) in exceptional circumstances.”

§ 4712. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives

(a) Requiring posting on Internet

The Clerk of the House of Representatives shall post on the public Internet site of the Office of the Clerk, in a format that is searchable, sortable, and downloadable, to the extent technically practicable, each of the following:

(1) The advance authorizations, certifications, and disclosures filed with respect to transportation, lodging, and related expenses for travel under clause 5(b) of rule XXV of the Rules of the House of Representatives by Members (including Delegates and Resident Commissioners to the Congress), officers, and employees of the House.

(2) The reports filed under section 13105(h)(1) of title 5 by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(b) Applicability and timing

(1) Applicability

Subject to paragraph (2), subsection (a) shall apply with respect to information received by the Clerk of the House of Representatives on or after September 14, 2007.

(2) Timing

The Clerk of the House of Representatives shall—

(A) not later than August 1, 2008, post the information required by subsection (a) that the Clerk receives by June 1, 2008; and

(B) not later than the end of each 45-day period occurring after information is required to be posted under subparagraph (A), post the information required by subsection (a) that the Clerk has received since the last posting under this subsection.

(3) Omission of personally identifiable information

Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) shall be permitted to omit personally identifiable information not required to be disclosed on the reports posted on the public Internet site under this section (such as home address, Social Security numbers, personal bank account numbers, home telephone, and names of children) prior to the posting of such reports on such public Internet site.

(4) Assistance in protecting personal information

The Clerk of the House of Representatives, in consultation with the Committee on Standards of Official Conduct, shall include in any informational materials concerning any disclosure that will be posted on the public Internet site under this section an explanation of the procedures for protecting personally identifiable information as described in this section.

(c) Retention

The Clerk shall maintain the information posted on the public Internet site of the Office of

the Clerk under this section for a period of 6 years after receiving the information, or, in the case of reports filed under section 13105(h)(1) of title 5, until the expiration of the 6-year period which begins on the date the individual is no longer a Member of Congress.

(Pub. L. 110–81, title III, § 304, Sept. 14, 2007, 121 Stat. 752; Pub. L. 112–105, § 19(b)(1), Apr. 4, 2012, 126 Stat. 304; Pub. L. 117–286, § 4(c)(4), Dec. 27, 2022, 136 Stat. 4353.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 104e of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117–286, § 4(c)(4)(A), substituted “section 13105(h)(1) of title 5” for “section 103(h)(1) of the Ethics in Government Act of 1978”.

Subsec. (c). Pub. L. 117–286, § 4(c)(4)(B), substituted “section 13105(h)(1) of title 5,” for “section 103(h)(1) of the Ethics in Government Act of 1978.”

2012—Subsec. (c). Pub. L. 112–105 substituted “, or, in the case of reports filed under section 103(h)(1) of the Ethics in Government Act of 1978, until the expiration of the 6-year period which begins on the date the individual is no longer a Member of Congress.” for period at end.

Statutory Notes and Related Subsidiaries

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 2012 AMENDMENT

Pub. L. 112–105, § 19(b)(2), Apr. 4, 2012, 126 Stat. 305, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to any report which is filed on or after the date on which the systems developed by the Secretary and Sergeant at Arms of the Senate and the Clerk of the House of Representatives under section 8(b) [of Pub. L. 112–105, set out as a note under section 105 of Pub. L. 95–521, in the Appendix to Title 5, Government Organization and Employees] first take effect.”

RULE OF CONSTRUCTION

Pub. L. 112–105, § 10, Apr. 4, 2012, 126 Stat. 298, provided that: “Nothing in this Act [see Tables for classification], the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9[(a)] of this Act [set out as notes preceding section 13101 of Title 5, Government Organization and Employees], shall be construed to—

“(1) impair or limit the construction of the anti-fraud provisions of the securities laws or the Commodity Exchange Act [7 U.S.C. 1 et seq.] or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions;

“(2) be in derogation of the obligations, duties, and functions of a Member of Congress, an employee of Congress, an executive branch employee, a judicial officer, or a judicial employee, arising from such person’s official position; or

“(3) be in derogation of existing laws, regulations, or ethical obligations governing Members of Congress, employees of Congress, executive branch employees, judicial officers, or judicial employees.”

EXERCISE OF RULEMAKING AUTHORITY

Pub. L. 110–81, title III, § 306, Sept. 14, 2007, 121 Stat. 754, provided that: “The provisions of this title [enact-

ing this section] are adopted by the House of Representatives—

“(1) as an exercise of the rulemaking power of the House; and

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

§ 4713. Reporting payments made to witnesses before Committee on Standards of Official Conduct

Notwithstanding any other provision of law or any other rule or regulation, any information on payments made by the Committee on Standards of Official Conduct of the House of Representatives to an individual for attendance as a witness before the Committee in executive session during a Congress shall be reported not later than the second semiannual report filed under section 5535 of this title in the following Congress.

(Pub. L. 105–275, title I, § 105, Oct. 21, 1998, 112 Stat. 2439.)

Editorial Notes

CODIFICATION

Section was formerly classified as a note under section 104b of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

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.

SUBCHAPTER III—SENATE

§ 4721. Referral of ethics violations by Senate Ethics Committee to Government Accountability Office for investigation

If the Committee on Ethics of the Senate determines that there is a reasonable basis to believe that a Member, officer, or employee of the Senate may have committed an ethics violation, the committee may request the Office of Special Investigations of the Government Accountability Office to conduct factfinding and an investigation into the matter. The Office of Special Investigations shall promptly investigate the matter as directed by the committee.

(Pub. L. 101–194, title V, § 501, Nov. 30, 1989, 103 Stat. 1753; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 72a–1g of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline and text.

§ 4722. Mandatory Senate ethics training for Members and staff

(a) Training program

The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) Requirements

The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on September 14, 2007, not later than 165 days after September 14, 2007.

(Pub. L. 110–81, title V, § 553, Sept. 14, 2007, 121 Stat. 773.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 72a–1h of this title prior to editorial reclassification and renumbering as this section.

§ 4723. Annual report by Select Committee on Ethics

The Select Committee on Ethics of the Senate shall issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction or, in which, even if the allegations in the complaint are true, no violation of Senate rules would exist; or

(B) because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion.

(3) The number of alleged violations in which the committee staff conducted a preliminary inquiry.

(4) The number of alleged violations that resulted in an adjudicatory review.

(5) The number of alleged violations that the committee dismissed for lack of substantial merit.

(6) The number of private letters of admonition or public letters of admonition issued.

(7) The number of matters resulting in a disciplinary sanction.

(8) Any other information deemed by the committee to be appropriate to describe its activities in the preceding year.

(Pub. L. 110–81, title V, § 554, Sept. 14, 2007, 121 Stat. 773.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 72a–1i of this title prior to editorial reclassification and renumbering as this section.