

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) REFERRAL OF MEMBER OF FOREIGN SERVICE OR UNIFORMED SERVICES.—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) REFERRAL OF OTHER OFFICERS OR EMPLOYEES.—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) ADVISORY OPINIONS.—Each supervising ethics office may render advisory opinions interpreting this subchapter 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 subchapter 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 subchapter.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4292.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13108	5 U.S.C. App. (EGA §106)	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.

§ 13109. Confidential reports and other additional requirements

(a) IN GENERAL.—

(1) AUTHORITY TO REQUIRE CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS.—Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18) 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 subchapter, or more extensive when determined by the super-

vising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, regulations promulgated under those sections, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 13103 of this title 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 subchapter. Subsections (a), (b), and (d) of section 13107 of this title shall not apply with respect to any such report.

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

(3) NO EXEMPTION FROM OTHER REPORTING REQUIREMENTS.—Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this subchapter from such requirement.

(b) PREEMPTION.—The provisions of this subchapter 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 subchapter shall not supersede the requirements of section 7342 of this title.

(c) NO AUTHORIZATION FOR ACTIVITY OTHERWISE PROHIBITED.—Nothing in this chapter 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. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4294.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 107 of the Ethics in Government Act of 1978, Pub. L. 95–521, which was set out in the former Appendix to this title, and as it existed as of Oct. 19, 2021. Section 107 of Pub. L. 95–521 was amended by Pub. L. 117–125, §2(c)(3), May 13, 2022, 136 Stat. 1207, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4294, 4361. For applicability of those amendments to this section, see section 5(b) of Pub. L. 117–286, set out in a Transitional and Savings Provisions note preceding section 101 of this title. Subsection (a)(1) of section 107 of Pub. L. 95–521 was amended in the last sentence by striking “and (d)” and inserting “and (e)”. Such amendment was to conform with an amendment to section 105 of Pub. L. 95–521 redesignating subsection (d) as (e), see Amendments Not Shown in Text note set out under section 13107 of this title.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13109	5 U.S.C. App. (EGA § 107)	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.

§ 13110. Authority of Comptroller General

(a) ACCESS TO FINANCIAL DISCLOSURE REPORTS.—The Comptroller General shall have access to financial disclosure reports filed under this subchapter for the purposes of carrying out the Comptroller General's statutory responsibilities.

(b) STUDIES.—Not later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this subchapter are being carried out effectively.

(Pub. L. 117-286, § 3(c), Dec. 27, 2022, 136 Stat. 4295.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13110	5 U.S.C. App. (EGA § 108)	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.

§ 13111. Notice of actions taken to comply with ethics agreements

(a) IN GENERAL.—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 chapter 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 3 months after the date of the agreement, if no date for action is so specified.

(b) RECUSAL.—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. 117-286, § 3(c), Dec. 27, 2022, 136 Stat. 4295.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13111	5 U.S.C. App. (EGA § 110)	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.

SUBCHAPTER II—OFFICE OF GOVERNMENT ETHICS

§ 13121. Establishment; appointment of Director

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

(b) DIRECTOR.—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 5 years.

(c) AUTHORITY OF DIRECTOR.—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of this title; 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. 117-286, § 3(c), Dec. 27, 2022, 136 Stat. 4296.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13121	5 U.S.C. App. (EGA § 401)	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.