

“(1) Any rules or regulations issued under [former] section 402 of the Ethics in Government Act of 1978 [see 5 U.S.C. 13122] which are in effect immediately before the effective date of the amendments made by this Act [Oct. 1, 1983, see bracketed note below] shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.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 [former] paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 [see 5 U.S.C. 13122(b)(6), (12)], 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 Tables for classification].”

[Pub. L. 98–150, §13, Nov. 11, 1983, 97 Stat. 963, provided that: “The amendments made by this Act [see Tables for classification] shall take effect on October 1, 1983.”]

§ 13123. Administrative provisions

(a) ASSISTANCE TO DIRECTOR.—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 chapter; 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 the Director’s 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 chapter. 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 chapter.

(b) GIFT ACCEPTANCE AUTHORITY.—

(1) IN GENERAL.—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) LIMITATIONS.—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) CRITERIA FOR DETERMINING APPROPRIATENESS OF GIFT ACCEPTANCE.—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. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4301.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13123	5 U.S.C. App. (EGA §403)	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.

§ 13124. 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 this title. Any person may seek judicial review of any such rule or regulation.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4302.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13124	5 U.S.C. App. (EGA §404)	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.

§ 13125. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for fiscal year 2007.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4302.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13125	5 U.S.C. App. (EGA §405)	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.

Although provisions authorizing the appropriation of “such sums as may be necessary” are generally considered unnecessary, and although this provision is obsolete because it explicitly applies only to fiscal year 2007, the provision is nevertheless intentionally restated in chapter 131 of title 5, United States Code.

§ 13126. 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 subchapter; and

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

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4302.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13126	5 U.S.C. App. (EGA § 408)	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.

SUBCHAPTER III—LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

§ 13141. Definitions

In this subchapter:

(1) CHARITABLE ORGANIZATION.—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)).

(2) HONORARIUM.—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 employee, 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.

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

(4) OFFICER OR EMPLOYEE.—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).

(5) TRAVEL EXPENSES.—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.

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4302.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13141	5 U.S.C. App. (EGA § 505)	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.

§ 13142. Administration

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

(1) and administered by—

(A) the Committee on Ethics 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 subchapter I are transmitted under that subchapter, 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. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4303.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13142	5 U.S.C. App. (EGA § 503)	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.

In paragraph (1)(A), the words “Committee on Ethics of the House of Representatives” are substituted for “Committee on Standards of Official Conduct of the House of Representatives” because of House Resolution No. 5, 112th Congress, January 5, 2011.

§ 13143. Outside earned income limitation

(a) OUTSIDE EARNED INCOME LIMITATION.—

(1) IN GENERAL.—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 this title, as of January 1 of such calendar year.

(2) PORTION OF YEAR.—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