

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 this title, 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. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4303.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13143 .....	5 U.S.C. App. (EGA §501)	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.

#### Editorial Notes

##### REFERENCES IN TEXT

GS–15, referred to in subsec. (a), is contained in the General Schedule, which is set out under section 5332 of this title.

### § 13144. 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 13142 of this title.

(b) **TEACHING COMPENSATION OF JUSTICES AND JUDGES RETIRED FROM REGULAR ACTIVE SERVICE.**—For purposes of the limitation under section 13143(a) of this title, 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;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, for teaching performed during any calendar year for which such judge has met the requirements of subsection (e) of section 371 of title 28, 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.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4304.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13144 .....	5 U.S.C. App. (EGA §502)	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.

In subsection (b)(2), the words “subsection (e) of section 371 of title 28” are substituted for “subsection (f) of section 371 of title 28” for clarity and to update an obsolete reference in the law. Subsection (f) of section 371 of title 28, United States Code, was redesignated as subsection (e) by section 654(a)(1)(B) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398, §1 [div. A, title VI, §654(a)(1)(B)], 114 Stat. 1654, 1654A–165).

#### Editorial Notes

##### REFERENCES IN TEXT

GS–15, referred to in subsec. (a), is contained in the General Schedule, which is set out under section 5332 of this title.

### § 13145. 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 13143 or 13144 of this title. 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 13142 of this title may render advisory opinions interpreting this subchapter, in writing, to individuals covered by this subchapter. Any individual to whom such an advisory opinion is rendered and any other individual covered by this subchapter 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. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4304.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13145 .....	5 U.S.C. App. (EGA § 504)	Pub. L. 95–521, title V, § 504, as added Pub. L. 101–194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761.

#### § 13146. Conditional termination

This subchapter shall cease to be effective if the provisions of section 703 of the Ethics Re-

form Act of 1989 (Public Law 101–194, 5 U.S.C. 5318 note) are repealed.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4305.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13146 .....	(no source)	

This section is added in accordance with section 603 of the Ethics Reform Act of 1989 (Public Law 101–194, 26 U.S.C. 7701 note). Section 603 of the Ethics Reform Act of 1989 provides that amendments made by title VI of the Act (103 Stat. 1760) shall cease to be effective if the provisions of section 703 of the Act (5 U.S.C. 5318 note) are repealed, in which case the laws in effect before the amendments made by title VI of the Act shall be deemed to be reenacted. Among other things, the amendments made by title VI of the Ethics Reform Act of 1989 enacted a general rewrite of title V of the Ethics in Government Act of 1978, which is restated as this subchapter. If the provisions of section 703 of the Ethics Reform Act of 1989 (Public Law 101–194, 5 U.S.C. 5318 note) are repealed, then this subchapter shall cease to be effective, and the prior provisions of title V of the Ethics in Government Act of 1978 shall be deemed to be reenacted. The prior provisions of title V of the Ethics in Government Act of 1978 (Public Law 95–521, 92 Stat. 1864) relate to an amendment to section 207 of title 18, United States Code, which has previously been executed to text.