

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

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.