

covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

(4) **LIMITATION.**—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

(5) **AUTHORITY OF THE PRESIDENT.**—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

(6) **EFFECT ON OTHER REVIEWS.**—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

(d) **DEFINITIONS.**—In this section—

(1) the term “agency” has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

(2) the term “consumer reporting agency” has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

(3) the term “covered individual” means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position; and

(4) the term “enhanced personnel security program” means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a).

(Added Pub. L. 114–113, div. M, title III, § 306(a)(1), Dec. 18, 2015, 129 Stat. 2914; amended Pub. L. 116–92, div. E, title LXVII, § 6711, Dec. 20, 2019, 133 Stat. 2225; Pub. L. 118–31, div. G, title III, § 7327(b), Dec. 22, 2023, 137 Stat. 1044.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016, referred to in subsec. (a)(2)(A), is the date of enactment of div. M of Pub. L. 114–113, which was approved Dec. 18, 2015.

AMENDMENTS

2023—Subsec. (d). Pub. L. 118–31, § 7327(b)(1), redesignated subsec. (e) as (d) and struck out former subsec. (d) which provided for review by the Inspector General of each agency of the enhanced personnel security program.

Subsec. (d)(3), (4). Pub. L. 118–31, § 7327(b)(2), inserted “and” after the semicolon at end of par. (3) and substituted a period for “; and” at end of par. (4).

Subsec. (e). Pub. L. 118–31, § 7327(b)(1)(B), redesignated subsec. (e) as (d).

2019—Subsec. (d). Pub. L. 116–92 substituted “Review” for “Audit” in heading and “review” for “audit” in text of pars. (1) and (2).

Statutory Notes and Related Subsidiaries

RESOLUTION OF BACKLOG OF OVERDUE PERIODIC REINVESTIGATIONS

Pub. L. 114–113, div. M, title III, § 306(b), Dec. 18, 2015, 129 Stat. 2916, provided that:

“(1) **IN GENERAL.**—The Director of National Intelligence shall develop and implement a plan to eliminate the backlog of overdue periodic reinvestigations of covered individuals.

“(2) **REQUIREMENTS.**—The plan developed under paragraph (1) shall—

“(A) use a risk-based approach to—

“(i) identify high-risk populations; and

“(ii) prioritize reinvestigations that are due or overdue to be conducted; and

“(B) use random automated record checks of covered individuals that shall include all covered individuals in the pool of individuals subject to a one-time check.

“(3) **DEFINITIONS.**—In this subsection:

“(A) The term ‘covered individual’ means an individual who has been determined eligible for access to classified information or eligible to hold a sensitive position.

“(B) The term ‘periodic reinvestigations’ has the meaning given such term in section 3001(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(7)).”

PART IV—ETHICS REQUIREMENTS

Chap.

Sec.

131. Ethics in Government 13101

CHAPTER 131—ETHICS IN GOVERNMENT

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Statutory Notes and Related Subsidiaries

EFFECT OF REFERENCES TO TITLE 5 ON APPLICATION OF ETHICS PROVISIONS

Pub. L. 117–286, § 6, Dec. 27, 2022, 136 Stat. 4360, provided that: “A Federal statute providing that title 5 of

the United States Code as a whole is inapplicable, or providing that an appointment may be made without regard to the provisions of title 5 governing appointment in the competitive service, shall not affect the application of any provision of chapter 131 of title 5, United States Code.”

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 below], 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.”

[For definitions of terms used in section 10 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT

Pub. L. 112-105, § 3, Apr. 4, 2012, 126 Stat. 292, provided that: “The Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person’s position as a Member of Congress or employee of Congress or gained from the performance of such person’s official responsibilities as a means for making a private profit.”

[For definitions of terms used in section 3 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

Pub. L. 112-105, § 9(a), Apr. 4, 2012, 126 Stat. 297, provided that:

“(1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of nonpublic information, as necessary to clarify that no executive branch employee may use nonpublic information derived from such person’s position as an executive branch employee or gained from the performance of such person’s official responsibilities as a means for making a private profit.

“(2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use nonpublic information derived from such person’s position as a judicial officer or gained from the performance of such person’s official responsibilities as a means for making a private profit.

“(3) JUDICIAL EMPLOYEES.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to judicial employees as necessary to clarify that no judicial employee may use nonpublic information derived from such person’s position as a judicial employee or gained from the performance of such person’s official responsibilities as a means for making a private profit.”

[For definitions of terms used in section 9(a) of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

SUBCHAPTER I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

§ 13101. Definitions

In this subchapter:

(1) CONGRESSIONAL ETHICS COMMITTEES.—The term “congressional ethics committees” means the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives.

(2) DEPENDENT CHILD.—The term “dependent child” means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152).

(3) DESIGNATED AGENCY ETHICS OFFICIAL.—The term “designated agency ethics official” means an officer or employee who is designated to administer the provisions of this subchapter within an agency.

(4) EXECUTIVE BRANCH.—The term “executive branch” includes each Executive agency (as defined in section 105 of this title), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch.

(5) GIFT.—The term “gift” means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual.

(6) HONORARIA.—The term “honoraria” means the plural of “honorarium” as defined in section 13141 of this title.

(7) INCOME.—The term “income” means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees,

commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust.

(8) JUDICIAL CONFERENCE.—The term “Judicial Conference” means the Judicial Conference of the United States.

(9) JUDICIAL EMPLOYEE.—The term “judicial employee” means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who occupies a position 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.

(10) JUDICIAL OFFICER.—The term “judicial officer” means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.

(11) LEGISLATIVE BRANCH.—The term “legislative branch” includes—

- (A) the Architect of the Capitol;
- (B) the Botanic Gardens;
- (C) the Congressional Budget Office;
- (D) the Government Accountability Office;
- (E) the Government Publishing Office;
- (F) the Library of Congress;
- (G) the United States Capitol Police;
- (H) the Office of Technology Assessment;

and

- (I) any other agency, entity, office, or commission established in the legislative branch.

(12) MEMBER OF CONGRESS.—The term “Member of Congress” means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

(13) OFFICER OR EMPLOYEE OF CONGRESS.—The term “officer or employee of Congress” means an individual described in subparagraph (A), (B), or (C), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives. The individuals described in subparagraphs (A), (B), and (C) are—

- (A) each officer or employee of the legislative branch (except any officer or employee

of the Government Accountability Office) who, for at least 60 days, occupies a position 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;

(B) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of this title (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

(C) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position 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.

(14) PERSONAL HOSPITALITY OF ANY INDIVIDUAL.—The term “personal hospitality of any individual” means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual’s family or on property or facilities owned by that individual or the individual’s family.

(15) REIMBURSEMENT.—The term “reimbursement” means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

- (A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of this title; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104).

(16) RELATIVE.—The term “relative” means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual.

(17) SECRETARY CONCERNED.—The term “Secretary concerned” has the meaning set forth in section 101(a) of title 10, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service.

(18) SUPERVISING ETHICS OFFICE.—The term “supervising ethics office” means—

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 13105(h) of this title;

(B) the Committee on Ethics of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 13105(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees.

(19) VALUE.—The term “value” means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4266.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13101	5 U.S.C. App. (EGA §109)	Pub. L. 95–521, title I, §109, Oct. 26, 1978, 92 Stat. 1836; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1741; Pub. L. 101–280, §3(1), (8), May 4, 1990, 104 Stat. 152, 155; Pub. L. 102–378, §4(a)(2), Oct. 2, 1992, 106 Stat. 1357; Pub. L. 102–572, title IX, §902(b)(2), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103–160, div. A, title XI, §1182(d)(3), Nov. 30, 1993, 107 Stat. 1773; Pub. L. 103–337, div. A, title IX, §924(d)(3), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 104–186, title II, §216(2), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 105–368, title V, §512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110–323, §7, Sept. 22, 2008, 122 Stat. 3547; Pub. L. 113–235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.

In paragraphs (1) and (18)(B), 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, Jan. 5, 2011.

In paragraph (6), the words “The term ‘honoraria’ means the plural of ‘honorarium’ as defined in section 13141 of this title” are substituted for “the term ‘honoraria’ has the meaning given such term in section 505 of this Act” for clarity. In the source law, the plural form “honoraria” is defined in section 109 of the Ethics

in Government Act of 1978, but the singular form “honorarium” is defined in section 505 of the Act.

Editorial Notes

REFERENCES IN TEXT

The General Schedule, referred to in pars. (9) and (13), is set out under section 5332 of this title.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117–125, §1, May 13, 2022, 136 Stat. 1205, provided that: “This Act [see Tables for classification] may be cited as the ‘Courthouse Ethics and Transparency Act’.”

SHORT TITLE OF 2012 ACT

Pub. L. 112–105, §1, Apr. 4, 2012, 126 Stat. 291, as amended by Pub. L. 115–277, §1(a), Nov. 3, 2018, 132 Stat. 4167, provided that: “This Act [see Tables for classification] may be cited as the ‘Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act’ or the ‘STOCK Act’.”

SHORT TITLE OF 2007 ACT

Pub. L. 110–24, §1, May 3, 2007, 121 Stat. 100, provided that: “This Act [see Tables for classification] may be cited as the ‘Judicial Disclosure Responsibility Act’.”

SHORT TITLE OF 2002 ACT

Pub. L. 107–119, §1, Jan. 15, 2002, 115 Stat. 2382, provided that: “This Act [see Tables for classification] may be cited as the ‘Office of Government Ethics Authorization Act of 2001’.”

SHORT TITLE OF 1996 ACT

Pub. L. 104–179, §1, Aug. 6, 1996, 110 Stat. 1566, provided that: “This Act [see Tables for classification] may be cited as the ‘Office of Government Ethics Authorization Act of 1996’.”

SHORT TITLE OF 1992 ACT

Pub. L. 102–506, §1, Oct. 24, 1992, 106 Stat. 3280, provided that: “This Act [see Tables for classification] may be cited as the ‘Office of Government Ethics Amendment of 1992’.”

SHORT TITLE OF 1990 ACT

Pub. L. 101–334, §1, July 16, 1990, 104 Stat. 318, provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics in Government Act Amendment of 1990’.”

SHORT TITLE OF 1989 ACT

Pub. L. 101–194, §1, Nov. 30, 1989, 103 Stat. 1716, provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics Reform Act of 1989’.”

SHORT TITLE OF 1978 ACT

Pub. L. 95–521, §1, Oct. 26, 1978, 92 Stat. 1824, provided: “That this Act [see Tables for classification] may be cited as the ‘Ethics in Government Act of 1978’.”

RULEMAKING POWER OF CONGRESS

Pub. L. 102–90, title III, §314(f), Aug. 14, 1991, 105 Stat. 470, provided that: “The provisions of this section [see Tables for classification] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

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

Pub. L. 101–194, title X, § 1001, Nov. 30, 1989, 103 Stat. 1781, provided that: “The provisions of this Act [see Tables for classification] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

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

DEFINITIONS

Pub. L. 112–105, § 2, Apr. 4, 2012, 126 Stat. 291, as amended by Pub. L. 117–286, § 4(c)(11), Dec. 27, 2022, 136 Stat. 4354, provided that: “In this Act [see Tables for classification]:

“(1) **MEMBER OF CONGRESS.**—The term ‘Member of Congress’ means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

“(2) **EMPLOYEE OF CONGRESS.**—The term ‘employee of Congress’ means—

“(A) any individual (other than a Member of Congress), whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

“(B) any other officer or employee of the legislative branch (as defined in section 13101(11) of title 5, United States Code).

“(3) **EXECUTIVE BRANCH EMPLOYEE.**—The term ‘executive branch employee’—

“(A) has the meaning given the term ‘employee’ under section 2105 of title 5, United States Code; and

“(B) includes—

“(i) the President;

“(ii) the Vice President; and

“(iii) an employee of the United States Postal Service or the Postal Regulatory Commission.

“(4) **JUDICIAL OFFICER.**—The term ‘judicial officer’ has the meaning given that term under section 13101(10) of title 5, United States Code.

“(5) **JUDICIAL EMPLOYEE.**—The term ‘judicial employee’ has the meaning given that term in section 13101(9) of title 5, United States Code.

“(6) **SUPERVISING ETHICS OFFICE.**—The term ‘supervising ethics office’ has the meaning given that term in section 13101(18) of title 5, United States Code.”

[Pub. L. 117–286, § 4(c)(11), which directed amendment of section 2 of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112–105, 126 Stat. 291, 5 U.S.C. App. 101 note)”, was executed to section 2 of Pub. L. 112–105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.]

§ 13102. Administration of provisions

(a) **IN GENERAL.**—The provisions of this subchapter shall be administered by—

(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 13103(f) of this title;

(2) the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 13103(f) of this title; and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 13103(f) of this title.

(b) **DELEGATION BY JUDICIAL CONFERENCE.**—The Judicial Conference may delegate any authority it has under this subchapter to an ethics committee established by the Judicial Conference.

(Pub. L. 117–286, § 3(c), Dec. 27, 2022, 136 Stat. 4270.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13102	5 U.S.C. App. (EGA § 111)	Pub. L. 95–521, title I, § 111, as added Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101–280, § 3(1), (9), May 4, 1990, 104 Stat. 152, 157.

In subsection (a)(2), 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.

Statutory Notes and Related Subsidiaries

TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS

Pub. L. 101–194, title IX, § 902, Nov. 30, 1989, 103 Stat. 1780, as amended by Pub. L. 117–286, § 4(c)(17), Dec. 27, 2022, 136 Stat. 4356, provided that:

“(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under subchapter I of chapter 131 of title 5, United States Code, (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

“(b) For purposes of this section, the head of the employing office shall be—

“(A) in the case of an employee of a Member, the Member by whom that person is employed;

“(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

“(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

“(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.”

§ 13103. Persons required to file

(a) **REPORTS FILED UPON ENTERING A FILING POSITION.**—Within 30 days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 13104(b) of this title unless the individual has left another position described in subsection (f) within 30 days prior to assuming such new position or has already filed a report under this subchapter with respect to nomination for the new position or as a candidate for the position.

(b) **REPORTS FOR NOMINEES TO POSITIONS REQUIRING SENATE CONFIRMATION.**—

(1) **IN GENERAL.**—Within 5 days of the transmittal by the President to the Senate of the nomination of an individual (other than an in-

dividual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37 is O-6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 13104(b) of this title. Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 13104(a)(1)(A) of this title with respect to income and honoraria received as of the date which occurs 5 days before the date of such hearing. Nothing in this chapter shall prevent any congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) PUBLIC ANNOUNCEMENT OF INTENDED NOMINATION.—An individual whom the President or the President-elect has publicly announced he or she intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the 1st sentence of paragraph (1).

(c) REPORTS FOR CANDIDATES FOR ELECTED FEDERAL OFFICE.—Within 30 days of becoming a candidate as defined in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101), in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 13104(b) of this title. Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless the individual becomes a candidate for another vacancy in that office or another office during that year.

(d) ANNUAL REPORTS.—Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of the position or office for a period in excess of 60 days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 13104(a) of this title.

(e) TERMINATION REPORTS.—Any individual who occupies a position described in subsection (f) shall, on or before the 30th day after termination of employment in such position, file a report containing the information described in section 13104(a) of this title covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual

left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) INDIVIDUALS REQUIRED TO FILE.—The officers and employees referred to in subsections (a), (d), and (e) are—

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee, as defined in section 202 of title 18, 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; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of this title;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission who occupies a position 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;

(7) the Director of the Office of Government Ethics and each designated agency ethics official;

(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special Government employee) who holds a commission of appointment from the President;

(9) a Member of Congress as defined in section 13101 of this title;

(10) an officer or employee of the Congress as defined in section 13101 of this title;

(11) a judicial officer as defined in section 13101 of this title; and

(12) a judicial employee as defined in section 13101 of this title.

(g) EXTENSIONS OF TIME FOR FILING.—

(1) IN GENERAL.—Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed 90 days.

(2) ARMED FORCES.—

(A) **COMBAT ZONE.**—In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986 (26 U.S.C. 112), the date for the filing of any report shall be extended so that the date is 180 days after the later of—

(i) the last day of the individual's service in such area during such designated period; or

(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

(B) **PROCEDURES.**—The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) **EXCEPTIONS.**—The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of the individual's office or position for more than 60 days in a calendar year, except that if such individual performs the duties of the office or position for more than 60 days in a calendar year—

(1) the report required by subsections (a) and (b) shall be filed within 15 days of the 60th day; and

(2) the report required by subsection (e) shall be filed as provided in that subsection.

(i) **REQUEST FOR WAIVER.**—The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of the individual's office or position less than 130 days in a calendar year, but only if the supervising ethics office determines that—

(1) such individual is not a full-time employee of the Government;

(2) such individual is able to provide services specially needed by the Government;

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest; and

(4) public financial disclosure by such individual is not necessary in the circumstances.

(Pub. L. 117–286, § 3(c), Dec. 27, 2022, 136 Stat. 4270.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13103	5 U.S.C. App. (EGA § 101)	Pub. L. 95–521, title I, § 101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96–19, §§ 2(a)(1), (b), (c)(1), 4(b)(1), (d)–(f), 5, June 13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101–280, § 3(1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102–25, title VI, § 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102–378, § 4(a)(1), Oct. 2, 1992, 106 Stat. 1356; Pub. L. 109–435, title VI, § 604(c), Dec. 20, 2006, 120 Stat. 3241.

In subsection (c), the words “section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101)” are substituted for “section 301 of the Federal Campaign Act of 1971” for clarity and to correct an error in the law.

In subsection (f)(8), the words “special Government employee” are substituted for “special government employee” to correct an error in the law.

Editorial Notes

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (f)(3), (6), is set out under section 5332 of this title.

Statutory Notes and Related Subsidiaries

POST-EMPLOYMENT NEGOTIATION RESTRICTIONS

Pub. L. 112–105, § 17, Apr. 4, 2012, 126 Stat. 303, as amended by Pub. L. 117–286, § 4(c)(12), Dec. 27, 2022, 136 Stat. 4354, provided that:

“(a) **RESTRICTION EXTENDED TO EXECUTIVE AND JUDICIAL BRANCHES.**—Notwithstanding any other provision of law, an individual required to file a financial disclosure report under section 13103 of title 5, United States Code, may not directly negotiate or have any agreement of future employment or compensation unless such individual, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, files with the individual's supervising ethics office a statement, signed by such individual, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced.

“(b) **RECUSAL.**—An individual filing a statement under subsection (a) shall recuse himself or herself whenever there is a conflict of interest, or appearance of a conflict of interest, for such individual with respect to the subject matter of the statement, and shall notify the individual's supervising ethics office of such recusal. An individual making such recusal shall, upon such recusal, submit to the supervising ethics office the statement under subsection (a) with respect to which the recusal was made.”

[Pub. L. 117–286, § 4(c)(12), which directed amendment of section 17(a) of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112–105, 126 Stat. 303, 5 U.S.C. App. 101 note)”, was executed to section 17(a) of Pub. L. 112–105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.]

[For definition of “supervising ethics office” as used in section 17 of Pub. L. 112–105, set out above, see section 2 of Pub. L. 112–105, set out as a note under section 13101 of this title.]

§ 13104. Contents of reports

(a) **ANNUAL AND TERMINATION REPORTS.**—Each report filed pursuant to section 13103(d) and (e)

of this title shall include a full and complete statement with respect to the following:

(1) INCOME.—

(A) IN GENERAL.—The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating \$200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) DIVIDENDS, RENTS, INTEREST, AND CAPITAL GAINS.—The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within—

- (i) not more than \$1,000;
- (ii) greater than \$1,000 but not more than \$2,500;
- (iii) greater than \$2,500 but not more than \$5,000;
- (iv) greater than \$5,000 but not more than \$15,000;
- (v) greater than \$15,000 but not more than \$50,000;
- (vi) greater than \$50,000 but not more than \$100,000;
- (vii) greater than \$100,000 but not more than \$1,000,000;
- (viii) greater than \$1,000,000 but not more than \$5,000,000; or
- (ix) greater than \$5,000,000.

(2) GIFTS AND REIMBURSEMENTS.—

(A) GIFTS.—The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of this title, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) REIMBURSEMENTS.—The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of this title, or \$250, whichever is greater, and received during the preceding calendar year.

(C) WAIVER.—In an unusual case, a gift need not be aggregated under subparagraph

(A) if a publicly available request for a waiver is granted.

(3) INTERESTS IN PROPERTY.—The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) LIABILITIES.—The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed \$10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or the individual's spouse, except that this exception shall not apply to a reporting individual—

(i) described in paragraph (1), (2), or (9) of 13103(f) of this title;

(ii) described in section 13103(b) of this title who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of that section, other than—

(I) an individual appointed to a position—

(aa) as a Foreign Service Officer below the rank of ambassador; or

(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37 is O-6 or below; or

(II) a special Government employee, as defined under section 202 of title 18; or

(iii) described in section 13103(f) of this title who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other than—

(I) an individual appointed to a position—

(aa) as a Foreign Service Officer below the rank of ambassador; or

(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37 is O-6 or below; or

(II) a special Government employee, as defined under section 202 of title 18; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which ex-

ceeds \$10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) **TRANSACTIONS.**—Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or the individual's spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, the individual's spouse, or dependent children.

(6) **POSITIONS WITH OUTSIDE ENTITIES AND MAJOR SOURCES OF COMPENSATION.**—

(A) **POSITIONS WITH OUTSIDE ENTITIES.**—The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the 2-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) **MAJOR SOURCES OF COMPENSATION.**—If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the 2 calendar years prior to the calendar year during which the individual files the individual's first report under this chapter, the individual shall include in the report—

(i) the identity of each source of such compensation; and

(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person, nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) **AGREEMENTS OR ARRANGEMENTS RELATING TO OTHER EMPLOYMENT.**—A description of the date, parties to, and terms of any agreement or arrangement with respect to—

(A) future employment;

(B) a leave of absence during the period of the reporting individual's Government service;

(C) continuation of payments by a former employer other than the United States Government; and

(D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) **QUALIFIED BLIND TRUSTS.**—The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995, and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b) **REPORTS FOR NEW EMPLOYEES, NOMINEES, AND CANDIDATES.**—

(1) **IN GENERAL.**—Each report filed pursuant to subsections (a), (b), and (c) of section 13103 of this title shall include a full and complete statement with respect to the information required by—

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year;

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than 31 days before the filing date; and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2) **ALTERNATIVES FOR REPORTING.**—

(A) **FORMATS.**—In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

(B) **AMOUNTS.**—In lieu of indicating the category of amount or value of any item contained in any report filed under this subchapter, a reporting individual may indicate the exact dollar amount of such item.

(c) **REPORT AFTER TERMINATION OF EMPLOYMENT.**—In the case of any individual described in section 13103(e) of this title, any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d) **CATEGORIES FOR REPORTING AMOUNTS OR VALUES.**—

(1) **PARAGRAPHS (3), (4), (5), AND (8) OF SUBSECTION (A).**—The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are—

(A) not more than \$15,000;

(B) greater than \$15,000 but not more than \$50,000;

(C) greater than \$50,000 but not more than \$100,000;

(D) greater than \$100,000 but not more than \$250,000;

(E) greater than \$250,000 but not more than \$500,000;

(F) greater than \$500,000 but not more than \$1,000,000;

(G) greater than \$1,000,000 but not more than \$5,000,000;

(H) greater than \$5,000,000 but not more than \$25,000,000;

(I) greater than \$25,000,000 but not more than \$50,000,000; and

(J) greater than \$50,000,000.

(2) VALUATION OF INTERESTS IN REAL PROPERTY.—For the purposes of paragraph (3) of subsection (a), if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his or her report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his or her report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e) REPORTING INFORMATION RELATING TO SPOUSE OR DEPENDENT CHILD.—

(1) IN GENERAL.—Except as provided in the last sentence of this paragraph, each report required by section 13103 of this title shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) SOURCE OF EARNED INCOME AND HONORARIA.—The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) DIVIDENDS, RENTS, INTEREST, AND CAPITAL GAINS.—All information required to be reported in subsection (a)(1)(B) with respect

to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) GIFTS.—In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) REIMBURSEMENTS.—In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) INTERESTS IN PROPERTY, LIABILITIES, AND TRANSACTIONS.—In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) AMOUNTS OR VALUES GREATER THAN \$1,000,000.—For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in subsection (a)(1)(B) and subsection (d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 13103 of this title shall, with respect to the spouse and dependent child of the reporting individual, contain only information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) SEPARATED SPOUSE.—No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of the individual's marriage or the permanent separation from the individual's spouse.

(f) TRUSTS AND OTHER FINANCIAL ARRANGEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this

section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, the individual's spouse, or any dependent child.

(2) EXCEPTIONS.—A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust—

(i) which was not created directly by such individual, the individual's spouse, or any dependent child; and

(ii) the holdings or sources of income of which such individual, the individual's spouse, and any dependent child have no knowledge; or

(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by the individual, the individual's spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B).

(3) DEFINITION OF QUALIFIED BLIND TRUST.—For purposes of this subsection, the term “qualified blind trust” includes any trust in which a reporting individual, the individual's spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A) TRUSTEE.—

(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) TRANSFERRED ASSET.—Any asset transferred to the trust by an interested party is free of any restriction with respect to its

transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) TRUST INSTRUMENT.—The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of the trustee's authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and the reporting individual's supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) the trust tax return shall be prepared by the trustee or the trustee's designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return) shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect

to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) APPROVAL BY SUPERVISING ETHICS OFFICE.—The proposed trust instrument and the proposed trustee are approved by the reporting individual's supervising ethics office.

(E) DEFINITIONS.—For purposes of this subsection, “interested party” means a reporting individual, the individual's spouse, and any minor or dependent child; “broker” has the meaning set forth in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and “investment adviser” includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in the role as such an adviser in the management or control of trusts.

(F) TRUST QUALIFIED BEFORE EFFECTIVE DATE OF TITLE II OF ETHICS REFORM ACT OF 1989.—Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4) TRUST ASSET CONSIDERED FINANCIAL INTEREST.—

(A) IN GENERAL.—An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B) EXCEPTION.—

(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs¹ (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

(ii) In any instance covered by this subparagraph in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering the individual's nomination before or during the period of such individual's confirmation hearing of the individual's intention to comply with this paragraph.

(5) NOTIFICATION.—

(A) COPIES.—The reporting individual shall, within 30 days after a qualified blind trust is approved by the individual's supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets); and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) TRANSFER OF ASSET.—The reporting individual shall, within 30 days of transferring an asset (other than cash) to a previously established qualified blind trust, notify the individual's supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) DISSOLUTION.—Within 30 days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify the individual's supervising ethics office of such dissolution; and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) DOCUMENTS AVAILABLE TO PUBLIC.—Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 13107 of this title, and the provisions of that section shall apply with respect to such documents and lists.

¹ So in original. Probably should be “paragraph”.

(E) COPY OF WRITTEN COMMUNICATION.—A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within 5 days of the date of the communication.

(6) PROHIBITIONS.—

(A) TRUSTEES.—A trustee of a qualified blind trust shall not knowingly and willfully, or negligently—

(i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection;

(ii) acquire any holding the ownership of which is prohibited by the trust instrument;

(iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or

(iv) fail to file any document required by this subsection.

(B) REPORTING INDIVIDUALS.—A reporting individual shall not knowingly and willfully, or negligently—

(i) solicit or receive any information with respect to a qualified blind trust of which the reporting individual is an interested party that may not be disclosed under paragraph (3)(C) of this subsection; or

(ii) fail to file any document required by this subsection.

(C) CIVIL ACTIONS FOR VIOLATIONS.—

(i) KNOWING AND WILLFUL VIOLATIONS.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$10,000.

(ii) NEGLIGENT VIOLATIONS.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000.

(7) TRUST CONSIDERED TO BE QUALIFIED BLIND TRUST.—Any trust may be considered to be a qualified blind trust if—

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested

party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

(8) EXCEPTED INVESTMENT FUNDS.—A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund)—

(A) if—

(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) if the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) POLITICAL CAMPAIGN FUNDS.—Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this subchapter.

(h) GIFTS AND REIMBURSEMENTS RECEIVED WHILE INDIVIDUAL NOT OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—A report filed pursuant to subsection (a), (d), or (e) of section 13103 of this title need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) NON-REPORTABLE RETIREMENT BENEFITS.—A reporting individual shall not be required under this subchapter to report—

(1) financial interests in or income derived from—

(A) any retirement system under this title (including the Thrift Savings Plan under subchapter III of chapter 84 of this title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act (42 U.S.C. 301 et seq.).

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4273.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13104	5 U.S.C. App. (EGA § 102)	Pub. L. 95-521, title I, § 102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96-19, §§ 3(a)(1), (b), 6(a), 7(a)-(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39-43; Pub. L. 97-51, § 130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98-150, § 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101-280, § 3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102-90, title III, § 314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104-65, §§ 20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705; Pub. L. 112-105, § 13(a), Apr. 4, 2012, 126 Stat. 300.

In subsection (a)(4)(A), in clause (ii)(II) and clause (iii)(II), the words “special Government employee” are substituted for “special government employee” to correct errors in the law.

In subsection (f)(2)(B)(ii), at the end of the clause, after the word “knowledge”, the word “of” is omitted to correct an error in the law. The preceding phrase “of which” eliminates the need for “of” after “knowledge”.

In subsection (f)(3)(E), the words “Securities Exchange Act of 1934” are substituted for “Securities and Exchange Act of 1934” to correct an error in the law. See the short title enacted by section 1 of the Act (15 U.S.C. 78a).

In subsection (f)(3)(F), the reference to “the effective date of title II of the Ethics Reform Act of 1989” is not translated to a date certain because the date varies. For most provisions, the effective date is January 1, 1991. For section 102(f)(4)(B) of the Ethics in Government Act of 1978, which is restated as section 13104(f)(4)(B) of title 5, United States Code, the effective date is January 1, 1990. See section 204 of the Ethics Reform Act of 1989, as added by section 3(10)(B) of Public Law 101-280 (104 Stat. 157).

In subsection (f)(4)(B)(i)(V), the reference to “the effective date of this Act” is not translated to a date certain because the date is ambiguous. The words “the effective date of this Act” probably mean the effective date of title II of the Ethics Reform Act of 1989 (rather than the effective date of the Ethics in Government Act of 1978). Title II of the Ethics Reform Act of 1989 enacted a general amendment of title I of the Ethics in Government Act of 1978 (see section 202 at 103 Stat. 1724). For title II of the Ethics Reform Act of 1989, the effective date varies. For most provisions, the effective date is January 1, 1991. For section 102(f)(4)(B) of the Ethics in Government Act of 1978, which is restated as section 13104(f)(4)(B) of title 5, United States Code, the effective date is January 1, 1990. See section 204 of the Ethics Reform Act of 1989, as added by section 3(10)(B) of Public Law 101-280 (104 Stat. 157).

Editorial Notes

REFERENCES IN TEXT

For the effective date of title II of the Ethics Reform Act of 1989, referred to in subsec. (f)(3)(F), see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note below.

The effective date of this Act, referred to in subsec. (f)(4)(B)(i)(V), probably means the effective date of title II of the Ethics Reform Act of 1989, which generally amended title I of Pub. L. 95-521, prior to repeal and restatement as this subchapter. See note above.

The Social Security Act, referred to in subsec. (i)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104-65, § 22(c), Dec. 19, 1995, 109 Stat. 705, as amended by Pub. L. 117-286, § 4(c)(13), Dec. 27, 2022, 136 Stat. 4354, provided that: “The amendment made by this section [amending section 102 of Pub. L. 95-521, restated as this section] shall apply with respect to reports filed under subchapter I of chapter 131 of title 5, United States Code, for calendar year 1996 and thereafter.”

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-194, title II, § 204, as added by Pub. L. 101-280, § 3(10)(B), May 4, 1990, 104 Stat. 157, provided that: “The amendments made by this title [see Tables for classification] and the repeal made by section 201 [repealing sections 201 to 212 of Pub. L. 95-521, formerly set out under the heading Executive Personnel Financial Disclosure Requirements in the Appendix to this title, and sections 301 to 309 of Pub. L. 95-521, formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978 [section 102(f)(4)(B) of Pub. L. 95-521, restated as subsec. (f)(4)(B) of this section], as amended by this title, shall be effective as of January 1, 1990.”

§ 13105. Filing of reports

(a) **REPORTS FILED WITH DESIGNATED AGENCY ETHICS OFFICIAL.**—Except as otherwise provided in this section, the reports required under this subchapter shall be filed by the reporting individual with the designated agency ethics official at the agency by which the reporting individual is employed (or in the case of an individual described in section 13103(e) of this title, was employed) or in which the individual will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by the designated agency ethics official.

(b) **REPORTS FILED WITH DIRECTOR OF OFFICE OF GOVERNMENT ETHICS.**—The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, shall file reports required under this subchapter with the Director of the Office of Government Ethics.

(c) **COPIES OF REPORTS TRANSMITTED TO THE OFFICE OF GOVERNMENT ETHICS.**—Copies of the reports required to be filed under this subchapter by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i) of title 3, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) **AVAILABILITY TO PUBLIC.**—Reports required to be filed under this subchapter by the Director

of the Office of Government Ethics shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this subchapter.

(e) **REPORTS FILED WITH FEDERAL ELECTION COMMISSION.**—Each individual identified in section 13103(c) of this title who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this subchapter with the Federal Election Commission.

(f) **REPORTS FILED WITH SECRETARY CONCERNED.**—Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) **FORMS FOR REPORTING.**—Each supervising ethics office shall develop and make available forms for reporting the information required by this subchapter.

(h) **REPORTS FILED BY CERTAIN GOVERNMENT OFFICIALS.**—

(1) **OFFICIALS WITH WHOM REPORTS ARE FILED.**—

(A) **REPORTS BY MEMBERS AND STAFF OF CONGRESS.**—

(i) **IN GENERAL.**—

(I) **REPORTS FILED WITH CLERK OF THE HOUSE OF REPRESENTATIVES.**—The reports required under this subchapter shall be filed by a reporting individual with the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Capitol Police, the United States Botanic Garden, the Congressional Budget Office, the Government Publishing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 13103(e) of this title, in any office or position referred to in this subclause), or an individual described in section 13103(c) of this title who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

(II) **REPORTS FILED WITH SECRETARY OF THE SENATE.**—The reports required under this subchapter shall be filed by a reporting individual with the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the Government Accountability Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 13103(e) of this title, in any office or position referred to in this subclause), or an individual described in section 13103(c) of this title who is a candidate for nomination or election as a Senator.

(ii) **OTHER REPORTS.**—In the case of an officer or employee of the Congress as described under section 13103(f)(10) of this title who is employed by an agency or commission established in the legislative branch after November 30, 1989, the reports required under this subchapter shall be filed by a reporting individual with—

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years.

(B) **REPORTS FILED WITH JUDICIAL CONFERENCE.**—The reports required under this subchapter shall be filed by a reporting individual with the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 13103(f) of this title (including individuals terminating service in such office or position under section 13103(e) of this title or immediately preceding service in such office or position).

(2) **DATE REPORT RECEIVED.**—The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) **COPIES OF REPORTS TO STATE OFFICERS.**—

(1) **IN GENERAL.**—A copy of each report filed under this subchapter by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 312(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30113(a)) of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(2) **EXCEPTION FOR ELECTRONICALLY FILED REPORTS.**—The requirements of paragraph (1) do not apply to any report filed under this subchapter which is filed electronically and for which there is online public access, in accordance with 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 the STOCK Act.

(j) **COPIES OF REPORTS TO ETHICS COMMITTEES.**—

(1) **HOUSE OF REPRESENTATIVES.**—A copy of each report filed under this subchapter with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Ethics of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) **SENATE.**—A copy of each report filed under this subchapter with the Secretary of

the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) ASSISTANCE OF FEDERAL ELECTION COMMISSION.—In carrying out their responsibilities under this subchapter with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(l) PERIODIC TRANSACTION REPORTS.—Not later than 30 days after receiving notification of any transaction required to be reported under section 13104(a)(5)(B)¹ of this title, but in no case later than 45 days after such transaction, the following persons, if required to file a report under any subsection of section 13103 of this title, subject to any waivers and exclusions, shall file a report of the transaction:

(1) The President.

(2) The Vice President.

(3) Each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, 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; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification.

(4) Each employee appointed pursuant to section 3105 of this title.

(5) Any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

(6) The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission who occupies a position 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.

(7) The Director of the Office of Government Ethics and each designated agency ethics official.

(8) Any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special Government employee as defined in section 202 of title 18) who holds a commission of appointment from the President.

(9) A Member of Congress, as defined under section 13101 of this title.

(10) An officer or employee of the Congress, as defined under section 13101 of this title.

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4285.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 103 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 103 of Pub. L. 95-521 was amended by Pub. L. 117-125, §2(a)(1), (c)(1), May 13, 2022, 136 Stat. 1205, 1206, prior to being repealed and reenacted as this section by Pub. L. 117-286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4285, 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 (l) of section 103 of Pub. L. 95-521 was amended as follows:

(1) in paragraph (9), by striking “, as defined under section 109(12)”;

(2) in paragraph (10), by striking “, as defined under section 109(13)”; and

(3) by adding at the end the following:

“(11) Each judicial officer.

“(12) Each bankruptcy judge appointed under section 152 of title 28, United States Code.

“(13) Each United States magistrate judge appointed under section 631 of title 28, United States Code.”

The references to sections “109(12)” and “109(13)” in the quoted text directed to be stricken in subsection (l)(9) and (10) did not appear in the text as enacted by Pub. L. 117-286 but were changed to refer to “section 13101 of this title”.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13105	5 U.S.C. App. (EGA §103)	Pub. L. 95-521, title I, §103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96-19, §§4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42; Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1736; Pub. L. 101-280, §3(1), (4), May 4, 1990, 104 Stat. 152, 153; Pub. L. 102-90, title III, §313(1), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104-186, title II, §216(1), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-55, title I, §1003(a), Aug. 2, 2005, 119 Stat. 572; Pub. L. 112-105, §§6(a), 19(a), Apr. 4, 2012, 126 Stat. 293, 304; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 115-277, §1(b), Nov. 3, 2018, 132 Stat. 4167.

¹ So in original. A closing parenthesis probably should follow “B”.

In subsection (h)(1)(A)(ii), the date “November 30, 1989” is substituted for “the date of the enactment of the Ethics Reform Act of 1989” to reflect the date of enactment of the Ethics Reform Act of 1989 (Public Law 101–194, 103 Stat. 1716).

In subsection (i)(1), the reference to “section 312(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30113(a))” is substituted for “section 316(a) of the Federal Election Campaign Act of 1971” to correct an error in the law. Section 312(a), not section 316(a), of the Federal Election Campaign Act of 1971 contains provisions relating to the filing of copies of reports with the appropriate State officer. Section 312 of the Federal Election Campaign Act of 1971 was originally enacted as section 309, but was redesignated several times. The provision was redesignated as section 317 by section 208(a) of Public Law 93–443 (88 Stat. 1279), as section 316 by section 105 of Public Law 94–283 (90 Stat. 481), and as section 312 by section 105(4) of Public Law 96–187 (93 Stat. 1354).

In subsection (j)(1), 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.

In subsection (l)(8), the words “special Government employee as defined in section 202 of title 18” are substituted for “special government employee” for clarity and consistency with other provisions of the chapter.

Editorial Notes

REFERENCES IN TEXT

Section 8(b) of the STOCK Act, referred to in subsec. (i)(2), is section 8(b) of Pub. L. 112–105, which is set out in a note under section 13107 of this title.

The General Schedule, referred to in subsec. (l)(3), (6), is set out under section 5332 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–125, §2(a)(2), May 13, 2022, 136 Stat. 1205, provided that: “The amendment made by paragraph (1) [enacting subsec. (l)(11) to (13) of section 103 of Pub. L. 95–521, see Amendments Not Shown in Text note above] shall apply to applicable transactions occurring on or after the date that is 90 days after the date of enactment of this Act [May 13, 2022].”

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, §1003(b), Aug. 2, 2005, 119 Stat. 572, as amended by Pub. L. 117–286, §4(c)(14), Dec. 27, 2022, 136 Stat. 4355, provided that: “The amendment made by subsection (a) [amending section 103 of Pub. L. 95–521, restated as this section] shall apply with respect to reports filed under chapter 131 of title 5, United States Code, for calendar year 2005 and each succeeding calendar year.”

IMPLEMENTATION OF PTR REQUIREMENTS UNDER STOCK ACT

Pub. L. 112–173, §2, Aug. 16, 2012, 126 Stat. 1310, as amended by Pub. L. 112–178, §3(a), Sept. 28, 2012, 126 Stat. 1409, provided that: “Effective January 1, 2013, for purposes of implementing subsection (l) of [former] section 103 of the Ethics in Government Act of 1978 (as added by section 6 of the STOCK Act, Public Law 112–105) [see 5 U.S.C. 13105(l)], section 102(e) of such Act ([former] 5 U.S.C. App. 102(e)) [see 5 U.S.C. 13104(e)] shall apply as if the report under such subsection (l) were a report under section 101 of such Act ([former] 5 U.S.C. App. 101) [see 5 U.S.C. 13103] but only with respect to the transaction information required under such subsection (l).”

[Pub. L. 112–178, §3(b), Sept. 28, 2012, 126 Stat. 1409, provided that:

[“(1) EFFECTIVE DATE.—The amendments made by subsection (a) [amending section 2 of Pub. L. 112–173, set out above] shall take effect on January 1, 2013.

[“(2) RULE OF CONSTRUCTION.—Before January 1, 2013, the amendments made by subsection (a) shall not affect the applicability of section 2 of the Act entitled ‘An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes’, approved August 16, 2012 [Pub. L. 112–173] (5 U.S.C. App. 103 note) [now 5 U.S.C. 13105 note], as in effect on the day before the effective date under paragraph (1).”]

[Pub. L. 112–178, §3(c), Sept. 28, 2012, 126 Stat. 1410, provided that: “Nothing in the amendments made by subsection (a) [amending section 2 of Pub. L. 112–173, set out above] shall be construed as affecting any requirement with respect to the House of Representatives or the executive branch in effect before January 1, 2013, with respect to the inclusion of transaction information for a report under section 103(l) of the Ethics in Government Act of 1978 ([former] 5 U.S.C. App. 103(l)) [see 5 U.S.C. 13105(l)].”]

[Pub. L. 112–178, §3(d), Sept. 28, 2012, 126 Stat. 1410, provided that: “Nothing in this section [enacting and amending provisions set out as notes above] or the amendments made [by] this section shall be construed as affecting the requirement that took effect with respect to the Senate on July 3, 2012, which mandates the inclusion of transaction information for spouses and dependent children for a report under section 103(l) of the Ethics in Government Act of 1978 ([former] 5 U.S.C. App. 103(l)) [see 5 U.S.C. 13105(l)].”]

TRANSACTION REPORTING REQUIREMENTS

Pub. L. 112–105, §14, Apr. 4, 2012, 126 Stat. 300, provided that: “The transaction reporting requirements established by [former] section 103(l) of the Ethics in Government Act of 1978 [see 5 U.S.C. 13105(l)], as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

“(1)(A) the fund is publicly traded; or

“(B) the assets of the fund are widely diversified; and

“(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.”

§ 13106. Failure to file or filing false reports

(a) VIOLATION.—

(1) CIVIL ACTIONS.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 13104 of this title. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$50,000.

(2) VIOLATIONS AND PENALTIES.—

(A) VIOLATIONS.—It shall be unlawful for any person to knowingly and willfully—

(i) falsify any information that such person is required to report under section 13104 of this title; and

(ii) fail to file or report any information that such person is required to report under section 13104 of this title.

(B) PENALTIES.—Any person who—

(i) violates subparagraph (A)(i) shall be fined under title 18, imprisoned for not more than 1 year, or both; and

(ii) violates subparagraph (A)(ii) shall be fined under title 18.

(b) REFERRAL TO ATTORNEY GENERAL.—The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) PERSONNEL ACTION.—The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d) LATE FEES.—

(1) IN GENERAL.—Any individual who files a report required to be filed under this subchapter more than 30 days after the later of—

(A) the date such report is required to be filed pursuant to the provisions of this subchapter and the rules and regulations promulgated under this subchapter; or

(B) if a filing extension is granted to such individual under section 13103(g) of this title, the last day of the filing extension period,

shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch.

(2) WAIVER.—The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4288.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13106	5 U.S.C. App. (EGA §104)	Pub. L. 95–521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, §8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, §3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101–650, title IV, §405, Dec. 1, 1990, 104 Stat. 5124; Pub. L. 110–81, title VII, §702, Sept. 14, 2007, 121 Stat. 775.

In subsection (d)(1) (matter after subparagraph (B)), the extra period at the end is removed to correct an error in the law. The extra period resulted from an amendment to the source law made by section 3(5)(B) of Public Law 101–280 (104 Stat. 154).

§ 13107. Custody of and public access to reports

(a) AVAILABILITY OF REPORTS TO PUBLIC.—Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this subchapter with such agency or office or with the Clerk or the Secretary of the Senate, except that—

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 13106(a) of this title, to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this subchapter.

(b) INSPECTION OF REPORTS.—

(1) IN GENERAL.—Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within 30 days after any report is received under this subchapter by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 13103(g) of this title. The agency, office, Clerk, or Secretary of the Senate, as the case may be, may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) PROCEDURE FOR REQUESTING REPORTS.—Notwithstanding paragraph (1), a report may not be made available under this section to

any person nor may any copy of the report be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation, and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(3) JUDICIAL EMPLOYEES AND OFFICERS.—

(A) IN GENERAL.—This section does not require the immediate and unconditional availability of reports filed by an individual described in paragraph (9) or (10) of section 13101 of this title if a finding is made by the Judicial Conference, in consultation with the United States Marshals Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

(B) REDACTION.—A report may be redacted pursuant to this paragraph only—

(i) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(ii) for as long as the danger to such individual exists.

(C) REDACTION REPORT.—The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Reform an annual report with respect to the operation of this paragraph including—

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph;

(iii) the types of threats against individuals whose reports are redacted, if appropriate;

(iv) the nature or type of information redacted;

(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

(vi) principles used to guide implementation of redaction authority; and

(vii) any public complaints received relating to redaction.

(D) REGULATIONS.—The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) EXPIRATION OF PARAGRAPH.—This paragraph shall expire on December 31, 2027, and apply to filings through calendar year 2027.

(c) PROHIBITED USES OF REPORTS.—

(1) IN GENERAL.—It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) CIVIL ACTIONS.—The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) RETENTION OF REPORTS.—

(1) IN GENERAL.—Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this subchapter shall be retained by such agency or office or by the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

(2) PUBLIC AVAILABILITY.—Such report shall be made available to the public—

(A) in the case of a Member of Congress, until a date that is 6 years from the date the individual ceases to be a Member of Congress; and

(B) in the case of all other reports filed pursuant to this subchapter, for a period of 6 years after receipt of the report.

(3) DESTRUCTION OF REPORTS.—After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 13103(b) of this title and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 13103(c) of this title and was not subsequently elected, such reports shall be destroyed 1 year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry.

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4289.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 105 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 105 of Pub. L. 95-521 was amended by Pub. L. 117-125, §2(b), (c)(2), May 13, 2022, 136 Stat. 1205, 1206, prior to being repealed and reenacted as this section by Pub. L. 117-286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4289, 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. Section 105 of Pub. L. 95–521 was amended as follows:

(1) in subsection (a)(1), by striking “be revealing” and inserting “by revealing”;

(2) in subsection (b)—

(A) in paragraph (1), in the first sentence, by striking “be,,” and inserting “be,” and, in the third sentence, by striking “may be may” and inserting “may be, may”; and

(B) in paragraph (3)(A), by striking “described in section 109(8) or 109(10) of this Act” and inserting “who is a judicial officer or a judicial employee”; and

(3) by redesignating subsections (c) and (d) as (d) and (e), respectively, and by inserting after subsection (b) the following:

“(c) **ONLINE PUBLICATION OF FINANCIAL DISCLOSURE REPORTS OF FEDERAL JUDGES.**—

“(1) **ESTABLISHMENT OF DATABASE.**—Subject to paragraph (4), not later than 180 days after the date of enactment of the *Courthouse Ethics and Transparency Act*, the *Administrative Office of the United States Courts* shall establish a searchable internet database to enable public access to any report required to be filed under this title by a judicial officer, bankruptcy judge, or magistrate judge.

“(2) **AVAILABILITY.**—Not later than 90 days after the date on which a report is required to be filed under this title by a judicial officer, bankruptcy judge, or magistrate judge, the *Administrative Office of the United States Courts* shall make the report available on the database established under paragraph (1) in a full-text searchable, sortable, and downloadable format for access by the public.

“(3) **REDACTION.**—Any report made available on the database established under paragraph (1) shall not contain any information that is redacted in accordance with subsection (b)(3).

“(4) **ADDITIONAL TIME.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the requirements of this subsection may be implemented after the date described in paragraph (1) if the *Administrative Office of the United States Courts* identifies in writing to the relevant committees of Congress the additional time needed for that implementation.

“(B) **PUBLICATION REQUIREMENT.**—The *Administrative Office of the United States Courts* shall continue to make the reports described in paragraph (1) available to the public during the period in which the *Administrative Office of the United States Courts* establishes the database under this subsection.”

The substitutions directed to subsections (a)(1) and (b)(1) had already been made in the text of this section as restated by Pub. L. 117–286. The reference to “section 109(8) or 109(10) of this Act” in the quoted text directed to be stricken in subsection (b)(3)(A) did not appear in the text as enacted by Pub. L. 117–286 but was changed to refer to “paragraph (9) or (10) of section 13101 of this title”.

The date of enactment of the *Courthouse Ethics and Transparency Act*, referred to in subsection (c)(1) as set out above, is the date of enactment of Pub. L. 117–125, which was approved May 13, 2022.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13107	5 U.S.C. App. (EGA § 105)	Pub. L. 95–521, title I, § 105, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(6), May 4, 1990, 104 Stat. 154; Pub. L. 102–90, title III, § 313(2), Aug. 14, 1991, 105 Stat. 469; Pub. L. 103–359, title V, § 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104–201, div. A, title XI, § 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105–318, § 7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 107–126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108–458, title I, § 1079(c), Dec. 17, 2004, 118 Stat. 3696; Pub. L. 110–24, § 2, 3, May 3, 2007, 121 Stat. 100; Pub. L. 110–177, title I, § 104, Jan. 7, 2008, 121 Stat. 2535; Pub. L. 110–417, [div. A], title IX, § 931(b)(1), Oct. 14, 2008, 122 Stat. 4575; Pub. L. 112–84, § 1, Jan. 3, 2012, 125 Stat. 1870; Pub. L. 112–105, § 8(c), Apr. 4, 2012, 126 Stat. 296; Pub. L. 115–141, div. M, title VI, § 601, Mar. 23, 2018, 132 Stat. 1051.

In subsection (a)(1), the word “by” is substituted for “be” to correct an error in the law. The change appears in the phrase “public disclosure of such report would, by [be] revealing the identity of the individual or other sensitive information, compromise the national interest of the United States”.

In subsection (b)(3)(C) (matter before clause (i)), the words “Committee on Oversight and Reform” are substituted for “Committee on Oversight and Government Reform” on authority of Rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (116th Congress, January 9, 2019).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

PUBLIC, ONLINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS

Pub. L. 113–7, § 1(a)(1), (2), Apr. 15, 2013, 127 Stat. 438, provided that:

“(1) **IN GENERAL.**—Except with respect to financial disclosure forms filed by officers and employees referred to in paragraph (2), section 8(a) and section 11(a) of the STOCK Act [Pub. L. 112–105] (5 U.S.C. App. 105 note[s]) [now 5 U.S.C. 13107 notes, set out below] shall not be effective.

“(2) **EXEMPTED OFFICERS AND EMPLOYEES.**—The officer and employees referred to in paragraph (1) are the following:

“(A) The President.

“(B) The Vice President.

“(C) Any Member of Congress.

“(D) Any candidate for Congress.

“(E) Any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.”

PUBLIC FILING AND DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF

Pub. L. 112–105, § 8(a), (b), Apr. 4, 2012, 126 Stat. 295, as amended by Pub. L. 112–173, § 1(1), Aug. 16, 2012, 126 Stat.

1310; Pub. L. 113-7, §1(b)(1), Apr. 15, 2013, 127 Stat. 438; Pub. L. 117-286, §4(c)(15), Dec. 27, 2022, 136 Stat. 4355, provided that:

“(a) PUBLIC, ONLINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.—

“(1) IN GENERAL.—Not later than September 30, 2012, or 90 days after the date of enactment of this Act [Apr. 4, 2012], whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, candidates for Congress, and employees of Congress in calendar year 2012 and in subsequent years pursuant to subchapter I of chapter 131 of title 5, United States Code, are made available to the public on the respective official websites of the Senate and the House of Representatives not later than 30 days after such forms are filed.

“(2) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.

“(3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 13105(l) of title 5, United States Code, such disclosure shall be filed not later than the date required by that section. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.

“(4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).

“(b) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS.—

“(1) IN GENERAL.—Subject to paragraph (6) and not later than January 1, 2014, the Secretary of the Senate and the Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall develop systems to enable—

“(A) electronic filing of reports received by them pursuant to section 13105(h)(1)(A) of title 5, United States Code; and

“(B) public access to—

“(i) financial disclosure reports filed by Members of Congress and candidates for Congress,

“(ii) reports filed by Members of Congress and candidates for Congress of a transaction disclosure required by section 13105(l) of title 5, United States Code, and

“(iii) notices of extensions, amendments, and blind trusts, with respect to financial disclosure reports described in clauses (i) and (ii), pursuant to subchapter I of chapter 131 of title 5, United States Code, through databases that are maintained on the official websites of the House of Representatives and the Senate.

“(2) LOGIN.—For purposes of filings under paragraph (1)(B), section 13107(b)(2) of title 5, United States Code, does not apply.

“(3) PUBLIC AVAILABILITY.—Pursuant to section 13107(b)(1) of title 5, United States Code, electronic availability on the official websites of the Senate and the House of Representatives under paragraph (1)(B) shall be deemed to have met the public availability requirement.

“(4) FILERS COVERED.—Individuals required under chapter 131 of title 5, United States Code, or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House of Representatives shall be able to file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives.

“(5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under paragraph (1)(B) along with its related disclosure.

“(6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Secretary of the Senate or the Clerk of the House of Representatives identifies in writing to relevant congressional committees the additional time needed for such implementation.”

[Pub. L. 117-286, §4(c)(15), which directed amendment of section 8 of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112-105, 126 Stat. 295, 5 U.S.C. App. 105 note)”, was executed to section 8 of Pub. L. 112-105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.]

[For definitions of terms used in section 8 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

EXECUTIVE BRANCH REPORTING

Pub. L. 112-105, §11, Apr. 4, 2012, 126 Stat. 298, as amended by Pub. L. 112-173, §1(2), Aug. 16, 2012, 126 Stat. 1310; Pub. L. 113-7, §1(b)(2), Apr. 15, 2013, 127 Stat. 439; Pub. L. 117-286, §4(c)(16), Dec. 27, 2022, 136 Stat. 4355, provided that:

“(a) EXECUTIVE BRANCH REPORTING.—

“(1) IN GENERAL.—Not later than September 30, 2012, or 90 days after the date of enactment of this Act [Apr. 4, 2012], whichever is later, the President shall ensure that financial disclosure forms filed pursuant to subchapter I of chapter 131 of title 5, United States Code, in calendar year 2012 and in subsequent years, by executive branch employees specified in section 13103 of title 5, United States Code, are made available to the public on the official websites of the respective executive branch agencies not later than 30 days after such forms are filed.

“(2) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically along with the related disclosure.

“(3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 13105(l) of title 5, United States Code, such disclosure shall be filed not later than the date required by that section. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.

“(4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).

“(b) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF CERTAIN EXECUTIVE BRANCH OFFICIALS.—

“(1) IN GENERAL.—Subject to paragraph (6), and not later than January 1, 2014, the President, acting through the Director of the Office of Government Ethics, shall develop systems to enable—

“(A) electronic filing of reports required by section 13105 of title 5, United States Code, other than subsection (h) of such section; and

“(B) public access to—

“(i) financial disclosure reports filed by the President, the Vice President, and any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position,

“(ii) reports filed by any individual described in clause (i) of a transaction disclosure required by section 13105(l) of title 5, United States Code, and

“(iii) notices of extensions, amendments, and blind trusts, with respect to financial disclosure reports described in clauses (i) and (ii), pursuant to subchapter I of chapter 131 of title 5, United States Code, through databases that are maintained on the official website of the Office of Government Ethics.

“(2) LOGIN.—For purposes of filings under paragraph (1)(B), section 13107(b)(2) of title 5, United States Code, does not apply.

“(3) PUBLIC AVAILABILITY.—Pursuant to section 13107(b)(1) of title 5, United States Code, electronic availability on the official website of the Office of Government Ethics under paragraph (1)(B) shall be deemed to have met the public availability requirement.

“(4) FILERS COVERED.—Executive branch employees required under subchapter I of chapter 131 of title 5, United States Code, to file financial disclosure reports shall be able to file the reports electronically with their supervising ethics office.

“(5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under paragraph (1)(B) along with its related disclosure.

“(6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Director of the Office of Government Ethics, after consultation with the Clerk of the House of Representatives and Secretary of the Senate, identifies in writing to relevant congressional committees the additional time needed for such implementation.”

[Pub. L. 117-286, §4(c)(16), which directed amendment of section 11 of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112-105, 126 Stat. 298, 5 U.S.C. App. 105 note)”, was executed to section 11 of Pub. L. 112-105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.] [For definitions of terms used in section 11 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a Definitions note under section 13101 of this title.]

PUBLIC AVAILABILITY OF REPORTS FILED UNDER PRE-1991 ETHICS IN GOVERNMENT ACT PROVISIONS

Pub. L. 101-280, §9, May 4, 1990, 104 Stat. 162, provided that: “Those reports filed under title I [former 2 U.S.C. 701 et seq.], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in the Appendix to this title], or III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95-521], as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with [former] section 105 of that Act [see 5 U.S.C. 13107], as amended by the Ethics Reform Act of 1989 [Pub. L. 101-194], and the provisions of such section shall apply with respect to those reports.”

§ 13108. Review of reports

(a) TIME FOR REVIEW.—

(1) EXECUTIVE BRANCH.—Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with the designated agency ethics official or Secretary under this subchapter is reviewed within 60 days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to the Director of the Office of Government Ethics under this subchapter within 60 days after the date of transmittal.

(2) CONGRESSIONAL ETHICS COMMITTEE AND JUDICIAL CONFERENCE.—Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this subchapter is reviewed within 60 days after the date of such filing.

(b) RESULTS OF REVIEW.—

(1) COMPLIANCE.—If after reviewing any report under subsection (a), the Director of the

Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he or she shall state such opinion on the report, and shall sign such report.

(2) ADDITIONAL INFORMATION REQUIRED OR POSSIBLE NONCOMPLIANCE.—If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a)—

(A) believes additional information is required to be submitted, he or she shall notify the individual submitting such report what additional information is required and the time by which it must be submitted; or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he or she shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) NONCOMPLIANCE AND NOTIFICATION OF STEPS TO ASSURE COMPLIANCE.—If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

(A) divestiture;

(B) restitution;

(C) the establishment of a blind trust;

(D) request for an exemption under section 208(b) of title 18; or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) REFERRAL OF INDIVIDUALS IN POSITIONS REQUIRING SENATE CONFIRMATION.—If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the

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.

§ 13122. Authority and functions

(a) OVERALL DIRECTION OF EXECUTIVE BRANCH POLICIES RELATING TO PREVENTION OF CONFLICTS OF INTEREST.—The Director shall provide, in consultation with the Office of Personnel Management, overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of this title.

(b) RESPONSIBILITIES OF DIRECTOR.—The responsibilities of the Director shall include—

(1) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by subchapter I;

(2) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of subchapter I by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to subchapter I;

(4) conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;

(5) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) ordering corrective action on the part of agencies and employees which the Director deems necessary;

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by subchapter I.

(c) CONSULTATION.—In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by the Director, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d) ESTABLISHED WRITTEN PROCEDURES.—

(1) IN GENERAL.—The Director shall, by the exercise of any authority otherwise available to the Director under this subchapter, ensure that each executive agency has established written procedures relating to how the agency is to collect, review, evaluate, and, if applicable, make publicly available, financial disclosure statements filed by any of its officers or employees.

(2) CONFORMANCE WITH APPLICABLE REQUIREMENTS.—In carrying out paragraph (1), the Director shall ensure that each agency's procedures are in conformance with all applicable requirements, whether established by law, rule, regulation, or Executive order.

(e) REPORTS FROM EXECUTIVE AGENCIES.—In carrying out subsection (b)(10), the Director shall prescribe regulations under which—

(1) each executive agency shall be required to submit to the Office an annual report containing—

(A) a description and evaluation of the agency's ethics program, including any educational, counseling, or other services provided to officers and employees, in effect during the period covered by the report;

(B) the position title and duties of—

(i) each official who was designated by the agency head to have primary responsibility for the administration, coordination, and management of the agency's ethics program during any portion of the period covered by the report; and

(ii) each officer or employee who was designated to serve as an alternate to the

official having primary responsibility during any portion of such period; and

(C) any other information that the Director may require in order to carry out the responsibilities of the Director under this subchapter; and

(2) each executive agency shall be required to inform the Director upon referral of any alleged violation of Federal conflict of interest law to the Attorney General pursuant to section 535 of title 28, except that nothing under this paragraph shall require any notification or disclosure which would otherwise be prohibited by law.

(f) CORRECTIVE ACTIONS.—

(1) EXECUTIVE AGENCIES.—In carrying out subsection (b)(9) with respect to executive agencies, the Director—

(A) may—

(i) order specific corrective action on the part of an agency based on the failure of such agency to establish a system for the collection, filing, review, and, when applicable, public inspection of financial disclosure statements, in accordance with applicable requirements, or to modify an existing system in order to meet applicable requirements; or

(ii) order specific corrective action involving the establishment or modification of an agency ethics program (other than with respect to any matter under clause (i)) in accordance with applicable requirements; and

(B) shall, if an agency has not complied with an order under subparagraph (A) within a reasonable period of time, notify the President and the Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide).

(2) INDIVIDUAL OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—In carrying out subsection (b)(9) with respect to individual officers and employees—

(i) the Director may make such recommendations and provide such advice to such officers and employees as the Director considers necessary to ensure compliance with rules, regulations, and Executive orders relating to conflicts of interest or standards of conduct;

(ii) if the Director has reason to believe that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director—

(I) may recommend to the head of the officer's or employee's agency that such agency head investigate the possible violation and, if the agency head finds such a violation, that such agency head take any appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) against the officer or employee, except that, if the officer or employee involved is the agency head, any such recommendation shall instead be submitted to the President; and

(II) shall notify the President in writing if the Director determines that the head of an agency has not conducted an investigation pursuant to subclause (I) within a reasonable time after the Director recommends such action;

(iii) if the Director finds that an officer or employee is violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director—

(I) may order the officer or employee to take specific action (such as divestiture, recusal, or the establishment of a blind trust) to end such violation; and

(II) shall, if the officer or employee has not complied with the order under subclause (I) within a reasonable period of time, notify, in writing, the head of the officer's or employee's agency of the officer's or employee's noncompliance, except that, if the officer or employee involved is the agency head, the notification shall instead be submitted to the President; and

(iv) if the Director finds that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director—

(I) may recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee, except that if the officer or employee involved is the agency head, any such recommendations shall instead be submitted to the President; and

(II) may notify the President in writing if the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director recommends such action.

(B) INVESTIGATIONS AND FINDINGS CONCERNING POSSIBLE VIOLATIONS.—

(i) AUTHORITY OF DIRECTOR.—In order to carry out the Director's duties and responsibilities under subparagraph (A)(iii) or (iv) with respect to individual officers and employees, the Director may conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch.

(ii) NOTIFICATION OF ALLEGED VIOLATION AND OPPORTUNITY TO COMMENT.—

(I) NOTIFICATION BEFORE A FINDING IS MADE.—Subject to clause (iv) of this subparagraph, before any finding is made under subparagraphs (A)(iii) or (iv), the officer or employee involved shall be afforded notification of the alleged violation, and an opportunity to comment, either orally or in writing, on the alleged violation.

(II) PROCEDURES.—The Director shall, in accordance with section 553 of this

title, establish procedures for such notification and comment.

(iii) **HEARING.**—Subject to clause (iv) of this subparagraph, before any action is ordered under subparagraph (A)(iii), the officer or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record.

(iv) **EXCEPTION.**—The procedures described in clauses (ii) and (iii) of this subparagraph do not apply to findings or orders for action made to obtain compliance with the financial disclosure requirements in subchapter I. For those findings and orders, the procedures in section 13108 of this title shall apply.

(3) **COPIES OF ORDERS RELATING TO FINDING OF VIOLATION.**—The Director shall send a copy of any order under paragraph (2)(A)(iii) to—

(A) the officer or employee who is the subject of such order; and

(B) the head of the officer's or employee's agency or, if such officer or employee is the agency head, to the President.

(4) **AGENCY HEADED BY BOARD, COMMITTEE, OR OTHER GROUP.**—For purposes of paragraphs (2)(A)(ii), (iii), (iv), and (3)(B), in the case of an officer or employee within an agency which is headed by a board, committee, or other group of individuals (rather than by a single individual), any notification, recommendation, or other matter which would otherwise be sent to an agency head shall instead be sent to the officer's or employee's appointing authority.

(5) **NO AUTHORITY TO MAKE FINDINGS OF CRIMINAL LAW VIOLATIONS.**—Nothing in this subchapter shall be considered to allow the Director (or any designee) to make any finding that a provision of title 18, or any criminal law of the United States outside of title 18, has been or is being violated.

(6) **LIMITATION ON AVAILABILITY OF RECORDS.**—Notwithstanding any other provision of law, no record developed pursuant to the authority of this section concerning an investigation of an individual for a violation of any rule, regulation, or Executive order relating to a conflict of interest shall be made available pursuant to section 552(a)(3) of this title, unless the request for such information identifies the individual to whom such records relate and the subject matter of any alleged violation to which such records relate, except that nothing in this subsection shall affect the application of the provisions of section 552(b) of this title to any record so identified.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4296.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
13122	5 U.S.C. App. (EGA § 402)	Pub. L. 95–521, title IV, § 402, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 96–19, §9(e), (s), June 13, 1979, 93 Stat. 43, 44; Pub. L. 98–150, §3(a), (b), Nov. 11, 1983, 97 Stat. 959; Pub. L. 100–598, §§5–7, Nov. 3, 1988, 102 Stat. 3032, 3033.

In subsection (b)(1), the reference to “subchapter I” is substituted for “title II of this Act” for clarity and to update an obsolete reference in the law. The reference to “title II of this Act” means title II of the Ethics in Government Act of 1978, which was previously repealed. Section 201 of the Ethics Reform Act of 1989 (Public Law 101–194, 103 Stat. 1724) repealed title II of the Ethics in Government Act of 1978. Section 202 of the Ethics Reform Act of 1989 (Public Law 101–194, 103 Stat. 1724) enacted a general amendment of title I of the Ethics in Government Act of 1978, and, as amended, title I of the Ethics in Government Act of 1978 included provisions relating to the filing, review, and public availability of financial statements filed by officers and employees in the executive, legislative, and judicial branches of the Federal Government. Title I of the Ethics in Government Act of 1978 is restated as “subchapter I” (i.e., subchapter I of chapter 131 of title 5, United States Code).

In subsection (b)(3), the reference to “subchapter I” is substituted for “title II of this Act” and for “such title” for clarity and to update obsolete references in the law. See the explanation in the revision note pertaining to subsection (b)(1) of this section.

In subsection (b)(15), the reference to “subchapter I” is substituted for “title II of this Act” for clarity and to update an obsolete reference in the law. See the explanation in the revision note pertaining to subsection (b)(1) of this section.

In subsection (f)(2)(B)(iv), the reference to “subchapter I” is substituted for “title 2 of this Act” for clarity and to update an erroneous and obsolete reference in the law. The reference to “title 2 of this Act” should be “title II of this Act”, meaning title II of the Ethics in Government Act of 1978, which was previously repealed. See the explanation in the revision note pertaining to subsection (b)(1) of this section.

In subsection (f)(2)(B)(iv), the reference to “section 13108 of this title” is substituted for “section 206 of this Act” for clarity and to update an obsolete reference in the law. The reference to “section 206 of this Act” means section 206 of the Ethics in Government Act of 1978, which was previously repealed. The Act language for the now repealed section 206 of the Ethics in Government Act of 1978 appears at 92 Stat. 1847 (except that section 9(m) of Public Law 96–19 (93 Stat. 43) amended the text of section 206(a) of the Ethics in Government Act of 1978 by striking “shall be” and inserting “is”). Section 206 of the Ethics in Government Act of 1978 was repealed by section 201 of the Ethics Reform Act of 1989 (Public Law 101–194, 103 Stat. 1724), and equivalent language was enacted as section 106 of the Ethics in Government Act of 1978 by section 202 of the Ethics Reform Act of 1989 (Public Law 101–194, 103 Stat. 1724, 1739). Section 106 of the Ethics in Government Act of 1978 is restated as “section 13108 of this title” (i.e., section 13108 of title 5, United States Code).

In subsection (f)(3)(B), the words “the head of the officer's” are substituted for “the head of officer's” to correct an error in the law.

Statutory Notes and Related Subsidiaries

RULES AND REGULATIONS IN EFFECT BEFORE OCTOBER 1, 1983

Pub. L. 98–150, §3(d), Nov. 11, 1983, 97 Stat. 960, provided that:

“(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

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.