

(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 L. 117-125, §2(c)(3), May 13, 2022, 136 Stat. 1207, prior to being repealed and reenacted as this section by Pub.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 reim-

bursement, 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.