

(5) 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) 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) Each supervising ethics office may render advisory opinions interpreting this title 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 title 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 title.

(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.)

CODIFICATION

Section was formerly classified to section 706 of Title 2, The Congress.

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(1). Pub. L. 101-280, § 3(7)(B), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official, or”.

Pub. L. 101-280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(2). Pub. L. 101-280, § 3(7)(C), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official or”.

Pub. L. 101-280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(3). Pub. L. 101-280, § 3(7)(D), substituted “the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the” for “Secretary concerned, designated agency ethics official, a congressional ethics committee, or the”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(4). Pub. L. 101-280, § 3(7)(E), inserted “in the executive branch” after “position” and substituted “Foreign Service” for “foreign service”.

Subsec. (b)(5). Pub. L. 101-280, § 3(7)(F), substituted “Foreign Service” for “foreign service”.

Subsec. (b)(6). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Pub. L. 101-280, § 3(7)(G), substituted “employee,” for “employee”.

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to review of reports for provisions relating to failure to file or filing false reports. See section 104(a) of this Appendix.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

§ 107. Confidential reports and other additional requirements

(a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) 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 title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 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 title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title 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 title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act 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. 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.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the

Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

CODIFICATION

Section was formerly classified to section 707 of Title 2, The Congress.

AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to confidential reports and other additional requirements for provisions setting forth definitions for purposes of title I of Pub. L. 95-521. See section 109 of this Appendix.

1979—Par. (1). Pub. L. 96-19, §9(d), substituted “gross income derived from business (and net income if the individual elects to include it)” for “net and gross income derived from business”.

Par. (16). Pub. L. 96-19, §9(g), inserted quotation marks after “designated committee of the House of Representatives” and before “designated committee of the Senate”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

§ 108. Authority of Comptroller General

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

(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.)

CODIFICATION

Section was formerly classified to section 708 of Title 2, The Congress.

AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to authority of Comptroller General for provision relating to preemption of State laws.

1979—Pub. L. 96-19 inserted “holding the office of Member or” after “financial disclosure by reason of”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

§ 109. Definitions

For the purposes of this title, the term—

(1) “congressional ethics committees” means the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) “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” means an officer or employee who is designated to administer the provisions of this title within an agency;

(4) “executive branch” includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch;

(5) “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” has the meaning given such term in section 505 of this Act;

(7) “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 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;

(9) “Judicial Conference” means the Judicial Conference of the United States; or