

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.

AMENDMENTS

1996—Pub. L. 104-179 designated existing provisions as subsec. (a) and added subsec. (b).

1988—Pub. L. 100-598 substituted “pursuant to the Office of Government Ethics responsibilities under this Act. 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 Act” for “pursuant to subsections (b)(3) and (b)(4) of section 402.” in closing provisions.

1983—Pub. L. 98-150 inserted provision that the authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting the investigations pursuant to subsections (b)(3) and (b)(4) of section 402.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

§ 404. 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 title 5, United States Code. Any person may seek judicial review of any such rule or regulation.

(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.)

AMENDMENTS

1983—Pub. L. 98-150 substituted “Director” for “Office of Personnel Management”.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

§ 405. Authorization of appropriations

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007¹

(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.)

AMENDMENTS

2007—Pub. L. 109-289, § 21069, as added by Pub. L. 110-5, amended text of section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2002 through 2006.”

2002—Pub. L. 107-119 substituted “2002 through 2006” for “1997 through 1999”.

1996—Pub. L. 104-179 amended text of section generally. Prior to amendment, text read as follows: “There

are authorized to be appropriated to carry out the provisions of this title and for no other purpose—

“(1) not to exceed \$2,500,000 for the fiscal year ending September 30, 1989;

“(2) not to exceed \$5,000,000 for the fiscal year ending September 30, 1990; and

“(3) such sums as may be necessary for each of the 4 fiscal years thereafter.”

1992—Pub. L. 102-506 struck out “and” at end of par. (1), substituted “the fiscal year ending September 30, 1990; and” for “each of the 5 fiscal years thereafter.” in par. (2), and added par. (3).

1990—Par. (2). Pub. L. 101-334 substituted “\$5,000,000” for “\$3,500,000”.

1988—Pub. L. 100-598 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to carry out the provisions of this title, and for no other purpose—

“(1) not to exceed \$2,000,000 for the fiscal year ending September 30, 1979; and

“(2) not to exceed \$2,000,000 for each of the nine fiscal years thereafter.”

1983—Par. (2). Pub. L. 98-150 substituted “nine” for “four”.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

§ 406. Omitted

CODIFICATION

Section, Pub. L. 95-521, title IV, § 406, Oct. 26, 1978, 92 Stat. 1864, amended section 5316 of Title 5, Government Organization and Employees.

§ 407. Annual pay of Director

[Section amended sections 5314 and 5316 of Title 5, Government Organization and Employees.]

(Pub. L. 95-521, title IV, § 407, as added Pub. L. 98-150, § 4, Nov. 11, 1983, 97 Stat. 960; amended Pub. L. 100-598, § 8, Nov. 3, 1988, 102 Stat. 3035.)

AMENDMENTS

1988—Pub. L. 100-598 substituted “Annual pay of Director” for “Submission of budget” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

“(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.”

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as an Effective Date of 1983 Amendment note under section 102 of this Appendix.

§ 408. 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 De-

¹ So in original. Probably should end with a period.

ember 31 of the preceding year in order to carry out the Director's functions and responsibilities under this title; and

(2) such other information as the Director may consider appropriate.

(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.)

AMENDMENTS

1996—Pub. L. 104-179 substituted “April 30” for “March 31” in introductory provisions.

TITLE V—GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

§ 501. Outside earned income limitation

(a) OUTSIDE EARNED INCOME LIMITATION.—

(1) 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 title 5, United States Code, as of January 1 of such calendar year.

(2) 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 title 5, United States Code, 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 de-

pendent relative of such individual derives any financial benefit.

(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.)

REFERENCES IN TEXT

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

PRIOR PROVISIONS

A prior section 501 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1864, amended section 207 of Title 18, Crimes and Criminal Procedure, and the analysis of chapter 11 of Title 18.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-378, § 4(b)(1), substituted “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,” for “whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.”

Subsec. (a)(2). Pub. L. 102-378, § 4(b)(2), substituted “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,” for “who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year.”

1990—Subsec. (a)(1). Pub. L. 101-280, § 7(a)(1), substituted “a noncareer officer or employee” for “not a career civil servant”.

Subsec. (a)(2). Pub. L. 101-280, § 7(a)(1), substituted “a noncareer officer or employee” for “not a career civil servant”.

Pub. L. 101-280, § 7(a)(2), substituted “Member or such an officer or employee which” for “Member, officer or employee which” and “Member or such officer or employee during” for “Member, officer or employee during”.

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

§ 502. 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, as-