

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 dependent 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.

CONSTITUTIONALITY

For information regarding constitutionality of certain provisions of section 501 of Pub. L. 95-521, as added

by section 601(a) of Pub. L. 101-194, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

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, 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 503.

(b) TEACHING COMPENSATION OF JUSTICES AND JUDGES RETIRED FROM REGULAR ACTIVE SERVICE.—For purposes of the limitation under section 501(a), 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, United States Code;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, 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, United States Code.

(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.)

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 502 of Pub. L. 95–521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–378, § 4(b)(3), 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”.

1991—Subsec. (b). Pub. L. 102–198 substituted heading for one which read “SENIOR JUDGES TEACHING COMPENSATION” and amended text generally. Prior to amendment, text read as follows: “Any compensation for teaching received by a senior judge (as designated under section 294(b) of title 28, United States Code) approved under subsection (a)(5) of this section shall not be treated as outside earned income for the purpose of the limitation under section 501(a).”

1990—Pub. L. 101–650 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 101–280, § 7(a)(1), in introductory provisions substituted “a noncareer officer or employee” for “not a career civil servant”.

Pub. L. 101–280, § 7(b)(1), in par. (1) substituted “receive compensation for affiliating with or being” for

“affiliate with or be” and “which provides professional services involving” for “to provide professional services which involves”, and struck out “for compensation” after “relationship”.

Pub. L. 101–280, § 7(b)(2), in par. (3) substituted “receive compensation for practicing” for “practice” and struck out “for compensation” after “relationship”.

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.

§ 503. Administration

This title shall be subject to the rules and regulations of—

(1) and administered by—

(A) the Committee on Standards of Official Conduct 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 title I are transmitted under such title, 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. 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.)

PRIOR PROVISIONS

A prior section 503 of Pub. L. 95–521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1991—Par. (1)(B). Pub. L. 102–90 substituted “Senators and legislative branch officers and employees” for “legislative branch officers and employees other than Senators, officers, and employees of the Senate and”.

1990—Par. (1). Pub. L. 101–280 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “and administered by the committee of the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the House of Representatives;”.

CHANGE OF NAME

Committee on Standards of Official Conduct of House of Representatives changed to Committee on Ethics of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 6(f)(1) of Pub. L. 102–90 provided that: “Except for the provisions of subsection (e)(1) [105 Stat.