

ETHICS IN GOVERNMENT ACT OF 1978

Pub. L. 95-521, titles I-V, Oct. 26, 1978, 92 Stat. 1824-1867, as amended Pub. L. 96-19, §§2-9, June 13, 1979, 93 Stat. 37-44; Pub. L. 96-417, title VI, §601(9), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 96-579, §12(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 97-51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 97-164, title I, §163(a)(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98-150, §§2, 3(a)-(c), 4-12, Nov. 11, 1983, 97 Stat. 959-963; Pub. L. 99-190, §148(b), Dec. 19, 1985, 99 Stat. 1325; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-573, §6, Oct. 28, 1986, 100 Stat. 3231; Pub. L. 100-191, §3(b), Dec. 15, 1987, 101 Stat. 1306; Pub. L. 100-598, §§2-9, Nov. 3, 1988, 102 Stat. 3031-3035; Pub. L. 101-194, title II, §§201, 202, title VI, §601(a), Nov. 30, 1989, 103 Stat. 1724-1744, 1760, 1761; Pub. L. 101-280, §§3(1)-(10)(A), (C), 7(a)-(c), May 4, 1990, 104 Stat. 152-157, 161; Pub. L. 101-334, July 16, 1990, 104 Stat. 318; Pub. L. 101-650, title III, §319, title IV, §405, Dec. 1, 1990, 104 Stat. 5117, 5124; Pub. L. 102-25, title VI, §605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102-90, title I, §6(b), title III, §§313, 314(a), (b), Aug. 14, 1991, 105 Stat. 450, 469; Pub. L. 102-198, §6, Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102-378, §4(a), (b), Oct. 2, 1992, 106 Stat. 1356, 1357; Pub. L. 102-506, §2, Oct. 24, 1992, 106 Stat. 3280; 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. 103-359, title V, §501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104-65, §§20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705; Pub. L. 104-179, §§2, 3, 4(b)(2), Aug. 6, 1996, 110 Stat. 1566, 1567; Pub. L. 104-186, title II, §216, Aug. 20, 1996, 110 Stat. 1747; 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. 105-368, title V, §512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342; Pub. L. 107-119, §2, Jan. 15, 2002, 115 Stat. 2382; Pub. L. 107-126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 108-458, title I, §1079(c), Dec. 17, 2004, 118 Stat. 3696; Pub. L. 109-55, title I, §1003(a), Aug. 2, 2005, 119 Stat. 572; Pub. L. 109-289, div. B, title II, §21069, as added Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 57; Pub. L. 109-435, title VI, §604(c), Dec. 20, 2006, 120 Stat. 3241; Pub. L. 110-24, §§2, 3, May 3, 2007, 121 Stat. 100; Pub. L. 110-81, title VII, §702, Sept. 14, 2007, 121 Stat. 775; Pub. L. 110-177, title I, §104, Jan. 7, 2008, 121 Stat. 2535; Pub. L. 110-323, §7, Sept. 22, 2008, 122 Stat. 3547; 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, §§6(a), 8(c), 13(a), 19(a), Apr. 4, 2012, 126 Stat. 293, 296, 300, 304

<p style="text-align: center;">TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL</p> <p>Sec. 101. Persons required to file. 102. Contents of reports. 103. Filing of reports. 104. Failure to file or filing false reports. 105. Custody of and public access to reports. 106. Review of reports. 107. Confidential reports and other additional requirements. 108. Authority of Comptroller General. 109. Definitions. 110. Notice of actions taken to comply with ethics agreements. 111. Administration of provisions. [TITLE II—REPEALED] [TITLE III—REPEALED]</p> <p style="text-align: center;">TITLE IV—OFFICE OF GOVERNMENT ETHICS</p> <p>401. Establishment; appointment of Director. 402. Authority and functions. 403. Administrative provisions. 404. Rules and regulations. 405. Authorization of appropriations. 406. Omitted. 407. Annual pay of Director. 408. Reports to Congress.</p> <p style="text-align: center;">TITLE V—GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT</p> <p>501. Outside earned income limitation. 502. Limitations on outside employment.</p>	<p>Sec. 503. Administration. 504. Civil Penalties. 505. Definitions.</p> <p style="text-align: center;">PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT</p> <p>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.”</p> <p>Pub. L. 112-105, §9(a), Apr. 4, 2012, 126 Stat. 297, provided that:</p> <p>“(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.</p> <p>“(2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guid-</p>
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ance 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.”

TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

CODIFICATION

Title I of Pub. L. 95-521 was classified to chapter 18 (§701 et seq.) of Title 2, The Congress, prior to general amendment of title I by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724.

§ 101. Persons required to file

(a) Within thirty 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 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual 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, United States Code, 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 102(b). 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 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act 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) An individual whom the President or the President-elect has publicly announced he 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 first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, 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 102(b). 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 he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) 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) 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, United States Code, 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, United States Code; 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 title 5, United States Code;

(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