

§ 110. Notice of actions taken to comply with ethics agreements

(a) 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 Act 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 three months after the date of the agreement, if no date for action is so specified.

(b) 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. 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.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), 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.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-280 struck out “of the United States” after “Judicial Conference” wherever appearing.

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

§ 111. Administration of provisions

The provisions of this title shall be administered by—

(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

(2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.

(Pub. L. 95-521, title I, §111, as added Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101-280, §3(1), (9), May 4, 1990, 104 Stat. 152, 157.)

AMENDMENTS

1990—Pub. L. 101-280, §3(9)(C), inserted sentence at end authorizing Judicial Conference to delegate its authority to an ethics committee.

Par. (2). Pub. L. 101-280, §3(9)(A), substituted “Select Committee on Ethics of the Senate” for “Senate Select Committee on Ethics”.

Par. (3). Pub. L. 101-280, §3(9)(B), struck out “and clerk of the applicable court, as appropriate,” before “in the case of”.

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

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS

Section 902 of Pub. L. 101-194 provided that:

“(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95-521, set out in this Appendix] (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

“(b) For purposes of this section, the head of the employing office shall be—

“(A) in the case of an employee of a Member, the Member by whom that person is employed;

“(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

“(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

“(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.”

[§ 112. Repealed. Pub. L. 101-280, §3(10)(A), May 4, 1990, 104 Stat. 157]

Section, Pub. L. 95-521, title I, §112, as added Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1744, provided that the provisions made by title I of Pub. L. 95-521 take effect on Jan. 1, 1990, and be applicable to reports filed under such title after Jan. 1, 1991. See section 3(10)(C) of Pub. L. 101-280 and section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

EFFECTIVE DATE OF REPEAL

Repeal effective May 4, 1990, see section 11 of Pub. L. 101-280, set out as an Effective Date of 1990 Amendment note under section 101 of this Appendix.

[TITLE II—REPEALED]

[Sections 201 to 212 of Pub. L. 95-521, title II, Oct. 26, 1978, 92 Stat. 1836, as amended by Pub. L. 96-19,

§§2(a)(2), (c)(2), 3(a)(2), (b), 4(a), (d), (g), 5, 6, 7(a)–(c), (d)(2), (e), (f), 8(b), 9(c)(2), (d), (f), (h)–(o), June 13, 1979, 93 Stat. 37–43; Pub. L. 98–150, §§6–11, Nov. 11, 1983, 97 Stat. 960–962; Pub. L. 99–190, §148(b), Dec. 19, 1985, 99 Stat. 1325; Pub. L. 100–191, §3(b), Dec. 15, 1987, 101 Stat. 1306, which related to executive personnel financial disclosure requirements, were repealed by Pub. L. 101–194, title II, §201, Nov. 30, 1989, 103 Stat. 1724.]

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title II of Pub. L. 95–521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101–194 had not been enacted, except that section 202(f)(4)(B) of Pub. L. 95–521 repealed effective Jan. 1, 1990, and nothing in title II of Pub. L. 101–194 to be construed to prevent prosecution of civil actions against individuals for violations of title II of Pub. L. 95–521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101–280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

[TITLE III—REPEALED]

[Sections 301 to 309 of Pub. L. 95–521, title III, Oct. 26, 1978, 92 Stat. 1851, as amended by Pub. L. 96–19, §§2(a)(3), (c)(3), 3(a)(3), (b), 4(c), 6, 7(a)–(c), (d)(2), (e), (f), 8(c), 9(c)(3), (d), (j), (p)–(r), June 13, 1979, 93 Stat. 37–43; 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. 97–164, title I, §163(a)(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98–150, §10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 99–573, §6, Oct. 28, 1986, 100 Stat. 3231; Pub. L. 101–237, title VI, §602(a)(1), Dec. 18, 1989, 103 Stat. 2094, which related to judicial personnel financial disclosure requirements, were repealed by Pub. L. 101–194, title II, §201, Nov. 30, 1989, 103 Stat. 1724.]

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title III of Pub. L. 95–521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101–194 had not been enacted, and nothing in title II of Pub. L. 101–194 to be construed to prevent prosecution of civil actions against individuals for violations of title III of Pub. L. 95–521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101–280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

TITLE IV—OFFICE OF GOVERNMENT ETHICS

§ 401. Establishment; appointment of Director

(a) There is established an executive agency to be known as the Office of Government Ethics.

(b) 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 five years.

(c) The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code; 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 reimbursement, 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. 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.)

AMENDMENTS

1996—Pub. L. 104–179 substituted “Establishment; appointment of Director” for “Office of Government Ethics” in section catchline.

1988—Subsec. (a). Pub. L. 100–598, §3(a), substituted “an executive agency to be known as” for “in the Office of Personnel Management an office to be known as”.

Subsec. (c). Pub. L. 100–598, §3(b), added subsec. (c). 1983—Subsec. (b). Pub. L. 98–150 inserted provision that, effective with respect to any individual appointed or reappointed by the President as Director on or after Oct. 1, 1983, the term of service of the Director shall be five years.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 10 of Pub. L. 100–598 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act [enacting section 408 of Pub. L. 95–521, set out in this Appendix, and amending sections 401 to 403, 405, and 407 of Pub. L. 95–521, set out in this Appendix, and sections 5314 and 5316 of this title] shall take effect on the date of the enactment of this Act [Nov. 3, 1988].

“(b) EXCEPTION.—The amendments made by section 3 [amending section 401 of Pub. L. 95–521, set out in this Appendix] shall take effect on October 1, 1989.”

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.

§ 402. Authority and functions

(a) 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 title 5, United States Code.

(b) 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 title II of this Act;

(2) developing, in consultation with the Attorney General and the Office of Personnel