

any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.

(6) Notwithstanding any other provision of law, no record developed pursuant to the authority of this section concerning an investigation of an individual for a violation of any rule, regulation, or Executive order relating to a conflict of interest shall be made available pursuant to section 552(a)(3) of title 5, United States Code, unless the request for such information identifies the individual to whom such records relate and the subject matter of any alleged violation to which such records relate, except that nothing in this subsection shall affect the application of the provisions of section 552(b) of title 5, United States Code, to any record so identified.

(Pub. L. 95-521, title IV, § 402, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 96-19, § 9(e), (s), June 13, 1979, 93 Stat. 43, 44; Pub. L. 98-150, § 3(a), (b), Nov. 11, 1983, 97 Stat. 959; Pub. L. 100-598, §§ 5-7, Nov. 3, 1988, 102 Stat. 3032, 3033.)

REFERENCES IN TEXT

Title II of this Act, referred to in subsec. (b)(1), (3), and (15), and title 2 of this Act, referred to in subsec. (f)(2)(B)(iv), is title II of Pub. L. 95-521, which was set out in this Appendix prior to repeal by Pub. L. 101-194, title II, § 201, Nov. 30, 1989, 103 Stat. 1724.

Section 206 of this Act, referred to in subsec. (f)(2)(B)(iv), is section 206 of Pub. L. 95-521, which was set out in this Appendix prior to repeal by Pub. L. 101-194, title II, § 201, Nov. 30, 1989, 103 Stat. 1724.

AMENDMENTS

1988—Subsecs. (d) to (f). Pub. L. 100-598 added subsecs. (d) to (f).

1983—Subsec. (a). Pub. L. 98-150, § 3(a), substituted “in consultation with” for “under the general supervision of”.

Subsec. (b)(1). Pub. L. 98-150, § 3(b)(1), struck out “and recommending to the Office of Personnel Management” after “(1) developing”, inserted “and the Office of Personnel Management” after “Attorney General”, and substituted “President or the Director” for “President or the Office of Personnel Management”.

Subsec. (b)(2). Pub. L. 98-150, § 3(b)(2), struck out “and recommending to the Office of Personnel Management” after “(2) developing”, inserted “and the Office of Personnel Management” after “Attorney General”, and substituted “President or the Director” for “President or the Office of Personnel Management”.

Subsec. (b)(6). Pub. L. 98-150, § 3(b)(3), substituted “Director” for “Office of Personnel Management”.

Subsec. (b)(12). Pub. L. 98-150, § 3(b)(4), inserted “and the Office of Personnel Management” after “Attorney General”, and substituted “Director” for “Office of Personnel Management”.

Subsec. (b)(15). Pub. L. 98-150, § 3(b)(5), substituted “, in consultation with the Office of Personnel Management, and promulgating” for “and recommending for promulgation by the Office of Personnel Management”.

1979—Subsec. (b)(1). Pub. L. 96-19, § 9(s), substituted “consultation” for “consulation” and struck out a comma after “rules and regulations” and “President”.

Subsec. (b)(15). Pub. L. 96-19, § 9(e)(2), added par. (15).

Subsec. (d). Pub. L. 96-19, § 9(e)(1), repealed subsec. (d) which required the promulgation of a regulation establishing a method of readily determining, without expert appraisal, the fair market value of assets required to be disclosed.

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.

RULES AND REGULATIONS IN EFFECT BEFORE OCTOBER 1, 1983

Section 3(d) of Pub. L. 98-150 provided that:

“(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 [this section] which are in effect immediately before the effective date of the amendments made by this Act [Oct. 1, 1983] shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

“(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 [this section], with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act [Oct. 1, 1983] shall not be affected by this Act or any of the amendments made by this Act [see Effective Date of 1983 Amendment note set out under section 102 of this Appendix].”

§ 403. Administrative provisions

(a) Upon the request of the Director, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the Director to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Director all information and records in its possession which the Director may determine to be necessary for the performance of his duties.

The authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting investigations 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 Act¹

(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

(2) No gift may be accepted—

(A) that attaches conditions inconsistent with applicable laws or regulations; or

(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

(Pub. L. 95-521, title IV, § 403, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98-150, § 5, Nov. 11, 1983, 97

¹ So in original. Probably should be followed by a period.

Stat. 960; Pub. L. 100-598, §9, Nov. 3, 1988, 102 Stat. 3035; Pub. L. 104-179, §2, Aug. 6, 1996, 110 Stat. 1566.)

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

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 each of fiscal years 2002 through 2006.

(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.)

AMENDMENTS

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. Annual pay

[Section 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 December 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.