

the United States Code as a whole is inapplicable, or providing that an appointment may be made without regard to the provisions of title 5 governing appointment in the competitive service, shall not affect the application of any provision of chapter 131 of title 5, United States Code.”

RULE OF CONSTRUCTION

Pub. L. 112-105, §10, Apr. 4, 2012, 126 Stat. 298, provided that: “Nothing in this Act [see Tables for classification], the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9[(a)] of this Act [set out below], shall be construed to—

“(1) impair or limit the construction of the anti-fraud provisions of the securities laws or the Commodity Exchange Act [7 U.S.C. 1 et seq.] or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions;

“(2) be in derogation of the obligations, duties, and functions of a Member of Congress, an employee of Congress, an executive branch employee, a judicial officer, or a judicial employee, arising from such person’s official position; or

“(3) be in derogation of existing laws, regulations, or ethical obligations governing Members of Congress, employees of Congress, executive branch employees, judicial officers, or judicial employees.”

[For definitions of terms used in section 10 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT

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.”

[For definitions of terms used in section 3 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

Pub. L. 112-105, §9(a), Apr. 4, 2012, 126 Stat. 297, provided that:

“(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.

“(2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance 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.”

[For definitions of terms used in section 9(a) of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

SUBCHAPTER I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

§ 13101. Definitions

In this subchapter:

(1) CONGRESSIONAL ETHICS COMMITTEES.—The term “congressional ethics committees” means the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives.

(2) DEPENDENT CHILD.—The term “dependent child” means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152).

(3) DESIGNATED AGENCY ETHICS OFFICIAL.—The term “designated agency ethics official” means an officer or employee who is designated to administer the provisions of this subchapter within an agency.

(4) EXECUTIVE BRANCH.—The term “executive branch” includes each Executive agency (as defined in section 105 of this title), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch.

(5) GIFT.—The term “gift” means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual.

(6) HONORARIA.—The term “honoraria” means the plural of “honorarium” as defined in section 13141 of this title.

(7) INCOME.—The term “income” means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees,

commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust.

(8) JUDICIAL CONFERENCE.—The term “Judicial Conference” means the Judicial Conference of the United States.

(9) JUDICIAL EMPLOYEE.—The term “judicial employee” means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who occupies a position 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.

(10) JUDICIAL OFFICER.—The term “judicial officer” means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.

(11) LEGISLATIVE BRANCH.—The term “legislative branch” includes—

- (A) the Architect of the Capitol;
- (B) the Botanic Gardens;
- (C) the Congressional Budget Office;
- (D) the Government Accountability Office;
- (E) the Government Publishing Office;
- (F) the Library of Congress;
- (G) the United States Capitol Police;
- (H) the Office of Technology Assessment;

and

- (I) any other agency, entity, office, or commission established in the legislative branch.

(12) MEMBER OF CONGRESS.—The term “Member of Congress” means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

(13) OFFICER OR EMPLOYEE OF CONGRESS.—The term “officer or employee of Congress” means an individual described in subparagraph (A), (B), or (C), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives. The individuals described in subparagraphs (A), (B), and (C) are—

- (A) each officer or employee of the legislative branch (except any officer or employee

of the Government Accountability Office) who, for at least 60 days, occupies a position 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;

(B) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of this title (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

(C) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position 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.

(14) PERSONAL HOSPITALITY OF ANY INDIVIDUAL.—The term “personal hospitality of any individual” means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual’s family or on property or facilities owned by that individual or the individual’s family.

(15) REIMBURSEMENT.—The term “reimbursement” means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of this title; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104).

(16) RELATIVE.—The term “relative” means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual.

(17) SECRETARY CONCERNED.—The term “Secretary concerned” has the meaning set forth in section 101(a) of title 10, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service.

(18) SUPERVISING ETHICS OFFICE.—The term “supervising ethics office” means—

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 13105(h) of this title;

(B) the Committee on Ethics of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 13105(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees.

(19) VALUE.—The term “value” means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4266.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13101	5 U.S.C. App. (EGA §109)	Pub. L. 95–521, title I, §109, Oct. 26, 1978, 92 Stat. 1836; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1741; Pub. L. 101–280, §3(1), (8), May 4, 1990, 104 Stat. 152, 155; Pub. L. 102–378, §4(a)(2), Oct. 2, 1992, 106 Stat. 1357; 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. 104–186, title II, §216(2), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 105–368, title V, §512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110–323, §7, Sept. 22, 2008, 122 Stat. 3547; Pub. L. 113–235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.

In paragraphs (1) and (18)(B), the words “Committee on Ethics of the House of Representatives” are substituted for “Committee on Standards of Official Conduct of the House of Representatives” because of House Resolution No. 5, 112th Congress, Jan. 5, 2011.

In paragraph (6), the words “The term ‘honoraria’ means the plural of ‘honorarium’ as defined in section 13141 of this title” are substituted for “the term ‘honoraria’ has the meaning given such term in section 505 of this Act” for clarity. In the source law, the plural form “honoraria” is defined in section 109 of the Ethics

in Government Act of 1978, but the singular form “honorarium” is defined in section 505 of the Act.

Editorial Notes

REFERENCES IN TEXT

The General Schedule, referred to in pars. (9) and (13), is set out under section 5332 of this title.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117–125, §1, May 13, 2022, 136 Stat. 1205, provided that: “This Act [see Tables for classification] may be cited as the ‘Courthouse Ethics and Transparency Act’.”

SHORT TITLE OF 2012 ACT

Pub. L. 112–105, §1, Apr. 4, 2012, 126 Stat. 291, as amended by Pub. L. 115–277, §1(a), Nov. 3, 2018, 132 Stat. 4167, provided that: “This Act [see Tables for classification] may be cited as the ‘Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act’ or the ‘STOCK Act’.”

SHORT TITLE OF 2007 ACT

Pub. L. 110–24, §1, May 3, 2007, 121 Stat. 100, provided that: “This Act [see Tables for classification] may be cited as the ‘Judicial Disclosure Responsibility Act’.”

SHORT TITLE OF 2002 ACT

Pub. L. 107–119, §1, Jan. 15, 2002, 115 Stat. 2382, provided that: “This Act [see Tables for classification] may be cited as the ‘Office of Government Ethics Authorization Act of 2001’.”

SHORT TITLE OF 1996 ACT

Pub. L. 104–179, §1, Aug. 6, 1996, 110 Stat. 1566, provided that: “This Act [see Tables for classification] may be cited as the ‘Office of Government Ethics Authorization Act of 1996’.”

SHORT TITLE OF 1992 ACT

Pub. L. 102–506, §1, Oct. 24, 1992, 106 Stat. 3280, provided that: “This Act [see Tables for classification] may be cited as the ‘Office of Government Ethics Amendment of 1992’.”

SHORT TITLE OF 1990 ACT

Pub. L. 101–334, §1, July 16, 1990, 104 Stat. 318, provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics in Government Act Amendment of 1990’.”

SHORT TITLE OF 1989 ACT

Pub. L. 101–194, §1, Nov. 30, 1989, 103 Stat. 1716, provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics Reform Act of 1989’.”

SHORT TITLE OF 1978 ACT

Pub. L. 95–521, §1, Oct. 26, 1978, 92 Stat. 1824, provided: “That this Act [see Tables for classification] may be cited as the ‘Ethics in Government Act of 1978’.”

RULEMAKING POWER OF CONGRESS

Pub. L. 102–90, title III, §314(f), Aug. 14, 1991, 105 Stat. 470, provided that: “The provisions of this section [see Tables for classification] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

Pub. L. 101–194, title X, §1001, Nov. 30, 1989, 103 Stat. 1781, provided that: “The provisions of this Act [see Tables for classification] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

DEFINITIONS

Pub. L. 112–105, §2, Apr. 4, 2012, 126 Stat. 291, as amended by Pub. L. 117–286, §4(c)(11), Dec. 27, 2022, 136 Stat. 4354, provided that: “In this Act [see Tables for classification]:

“(1) **MEMBER OF CONGRESS.**—The term ‘Member of Congress’ means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

“(2) **EMPLOYEE OF CONGRESS.**—The term ‘employee of Congress’ means—

“(A) any individual (other than a Member of Congress), whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

“(B) any other officer or employee of the legislative branch (as defined in section 13101(11) of title 5, United States Code).

“(3) **EXECUTIVE BRANCH EMPLOYEE.**—The term ‘executive branch employee’—

“(A) has the meaning given the term ‘employee’ under section 2105 of title 5, United States Code; and

“(B) includes—

“(i) the President;

“(ii) the Vice President; and

“(iii) an employee of the United States Postal Service or the Postal Regulatory Commission.

“(4) **JUDICIAL OFFICER.**—The term ‘judicial officer’ has the meaning given that term under section 13101(10) of title 5, United States Code.

“(5) **JUDICIAL EMPLOYEE.**—The term ‘judicial employee’ has the meaning given that term in section 13101(9) of title 5, United States Code.

“(6) **SUPERVISING ETHICS OFFICE.**—The term ‘supervising ethics office’ has the meaning given that term in section 13101(18) of title 5, United States Code.”

[Pub. L. 117–286, §4(c)(11), which directed amendment of section 2 of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112–105, 126 Stat. 291, 5 U.S.C. App. 101 note)”, was executed to section 2 of Pub. L. 112–105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.]

§ 13102. Administration of provisions

(a) **IN GENERAL.**—The provisions of this subchapter 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 13103(f) of this title;

(2) the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 13103(f) of this title; and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 13103(f) of this title.

(b) **DELEGATION BY JUDICIAL CONFERENCE.**—The Judicial Conference may delegate any authority it has under this subchapter to an ethics committee established by the Judicial Conference.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4270.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13102	5 U.S.C. App. (EGA §111)	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.

In subsection (a)(2), the words “Committee on Ethics of the House of Representatives” are substituted for “Committee on Standards of Official Conduct of the House of Representatives” because of House Resolution No. 5, 112th Congress, January 5, 2011.

Statutory Notes and Related Subsidiaries

TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS

Pub. L. 101–194, title IX, §902, Nov. 30, 1989, 103 Stat. 1780, as amended by Pub. L. 117–286, §4(c)(17), Dec. 27, 2022, 136 Stat. 4356, provided that:

“(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under subchapter I of chapter 131 of title 5, United States Code, (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.”

§ 13103. Persons required to file

(a) **REPORTS FILED UPON ENTERING A FILING POSITION.**—Within 30 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 13104(b) of this title unless the individual has left another position described in subsection (f) within 30 days prior to assuming such new position or has already filed a report under this subchapter with respect to nomination for the new position or as a candidate for the position.

(b) **REPORTS FOR NOMINEES TO POSITIONS REQUIRING SENATE CONFIRMATION.**—

(1) **IN GENERAL.**—Within 5 days of the transmittal by the President to the Senate of the nomination of an individual (other than an in-