

OFFICE OF GOVERNMENT ETHICS

Pub. L. 95-521, title IV, Oct. 26, 1978, 92 Stat. 1862, as amended by Pub. L. 96-19, § 9(e), (s), June 13, 1979, 93 Stat. 43, 44; Pub. L. 98-150, §§ 2, 3(a)-(c), 4, 5, 12, Nov. 11, 1983, 97 Stat. 959, 960, 963

§ 401. Establishment in Office of Personnel Management; appointment of Director

[See main edition for text of (a)]

(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.

(As amended Pub. L. 98-150, § 2, Nov. 11, 1983, 97 Stat. 959.)

AMENDMENTS

1983—Subsec. (b). Pub. L. 98-150 added 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 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 201 of Pub. L. 95-521 in 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 Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

[See main edition for text of (3) to (5)]

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

[See main edition for text of (7) to (11)]

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

[See main edition for text of (13) and (14)]

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

[See main edition for text of (c)]

(As amended 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.)

AMENDMENTS

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 Man-

agement, and promulgating" for "and recommending for promulgation by the 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 201 of Pub. L. 95-521 in 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 (8) 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 201 of Pub. L. 95-521 in this Appendix]."

§ 403. Administrative provisions

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 subsections (b)(3) and (b)(4) of section 402.

(As amended Pub. L. 98-150, § 5, Nov. 11, 1983, 97 Stat. 960.)

AMENDMENTS

1983—Pub. L. 98-150 added 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 201 of Pub. L. 95-521 in 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 Di-

rector 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.

(As amended 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 201 of Pub. L. 95-521 in this Appendix.

§ 405. Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this title [sections 401 to 407 of this Act], 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.

(As amended Pub. L. 98-150, § 12, Nov. 11, 1983, 97 Stat. 963.)

AMENDMENTS

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 201 of Pub. L. 95-521 in this Appendix.

§ 406. Annual pay

[Section amended section 5316 of Title 5, Government Organization and Employees.]

§ 407. Submission of budget

(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.

(Pub. L. 95-521, title IV, § 407, as added Pub. L. 98-150, § 4, Nov. 11, 1983, 97 Stat. 960.)

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 201 of Pub. L. 95-521 in this Appendix.