

Public Law 98-150
98th Congress

An Act

To amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes.

Nov. 11, 1983
[S. 461]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ethics in
Government Act
of 1978,
amendment.

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

2 USC 701 note.

FIVE YEAR TERM FOR AND REMOVAL OF THE DIRECTOR

SEC. 2. Section 401(b) is amended by adding at the end thereof the following: "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."

5 USC app.

AUTHORITY OF DIRECTOR

SEC. 3. (a) Section 402(a) is amended by striking out "under the general supervision of" and inserting in lieu thereof "in consultation with".

5 USC app.

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12)—

(A) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(B) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof ", in consultation with the Office of Personnel Management, and promulgating".

5 USC app.

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

5 USC app.

(d)(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 which are in effect immediately before the effective date of the amendments made by this Act 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, with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act shall not be affected by this Act or any of the amendments made by this Act.

SEPARATE BUDGET LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 4. Title IV is amended by adding at the end thereof the following new section:

"SUBMISSION OF BUDGET

5 USC app.

"SEC. 407. (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."

REQUEST ASSISTANCE FROM INSPECTORS GENERAL

5 USC app.

SEC. 5. Section 403 is amended by inserting at the end thereof the following:

"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."

5 USC app.

OFFICE OF GOVERNMENT ETHICS REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

5 USC app.

SEC. 6. Section 203(c) is amended by adding after "designated agency officials," the following: "employees described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code,".

**LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE
AIDES**

SEC. 7. Section 210 is amended to read as follows:

5 USC app.

"OUTSIDE EARNED INCOME

"SEC. 210. Except where the employee's agency or department shall have more restrictive limitations on outside earned income, all employees covered by this title—

"(1) who are compensated at a pay grade in the General Schedule of grade GS-16 or above and who occupy nonjudicial full-time positions, appointments to which are required to be made by the President by and with the advice and consent of the Senate, or

5 USC 5332 note.

"(2) who are employees of the White House Office and are compensated at rates equivalent to level II of the Executive Schedule under section 5313 of title 5, United States Code, may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary."

REPORTS BY PRESIDENTIAL NOMINEES

SEC. 8. Section 201(b) is amended—

5 USC app.

(1) by inserting "(1)" immediately after "(b)";

(2) by inserting after the first sentence the following: "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 202(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing."; and

(3) by adding at the end thereof the following new paragraph:

"(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."

ETHICS AGREEMENTS

SEC. 9. Title II is amended—

(1) by redesignating section 211 as section 212; and

5 USC app.

(2) by inserting after section 210 the following new section:

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 211. (a) In any case in which an individual agrees with that individual's designated agency official, the Office of Government Ethics, or a Senate confirmation committee 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 official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not

5 USC app.

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 official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, within the time prescribed in the last sentence of subsection (a)."

BLIND TRUST AMENDMENTS

2 USC 702, 5
USC app., 28
USC app.

SEC. 10. (a) Sections 102(e)(7), 202(f)(7), and 302(f)(7) are each amended to read as follows:

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations."

(b) Sections 102(e)(5)(A), 202(f)(5)(A), and 302(f)(5)(A) are each amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection."

APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

5 USC app.

SEC. 11. Section 201 is amended by adding at the end thereof the following new subsection:

"(j)(1) Any individual who performs staff functions in support of an advisory committee which is composed, in whole or in part, of special Government employees shall be subject to the provisions of

this title as if that individual were such a special Government employee.

“(2) For purposes of paragraph (1)—

Definitions.

“(A) the term ‘advisory committee’ means any committee, board, commission, council, conference, panel, task force, or other similar group which is established—

“(i) by statute or reorganization plan,

“(ii) by the President, or

“(iii) by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of an advisory committee, but does not include the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement;

“(B) the term ‘staff functions in support of an advisory committee’ means such activities as the Director of the Office of Government Ethics by regulation prescribes which are carried out with respect to those functions for which the advisory committee was established as described in subparagraph (A) of this paragraph;

“(C) the term ‘special Government employee’ has the meaning given that term by section 202 of title 18, United States Code; and

“(D) the term ‘agency’ has the meaning given that term by section 551(1) of title 5, United States Code.

“(3) The Director of the Office of Government Ethics shall prescribe such regulations as may be necessary to carry out this subsection.”

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 12. Section 405 is amended in paragraph (2) by striking out “four” and inserting in lieu thereof “nine”. 5 USC app.

EFFECTIVE DATE

SEC. 13. The amendments made by this Act shall take effect on October 1, 1983. 5 USC app.

Approved November 11, 1983.

LEGISLATIVE HISTORY—S. 461 (H.R. 2717):

HOUSE REPORTS: No. 98-89 accompanying H.R. 2717, Pt. 1 (Comm. on the Judiciary) and Pt. 2 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 98-59 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 129 (1983):

Apr. 6, considered and passed Senate.

Sept. 19, H.R. 2717 considered and passed House; S. 461, amended, passed in lieu.

Sept. 28, Senate concurred in House amendment with an amendment.

Sept. 30, House concurred in Senate amendment with amendments.

Oct. 27, Senate concurred in House amendments.