



January 5, 2023
PA-23-01

PROGRAM ADVISORY

TO: Designated Agency Ethics Officials

FROM: Emory A. Rounds, III
Director

SUBJECT: Recodification of the Ethics in Government Act

The President recently signed a bill into law that recodified—but made no substantive changes to—the Ethics in Government Act of 1978 (EIGA), as amended.¹ The purpose of this advisory is to describe the minor technical changes and to provide a table with the new code citation, the previous code citation, and the original statutory citation for each section of the EIGA to assist agencies in transitioning to the new citations.

The recodification moves the EIGA from the Appendix of title 5 of the U.S. Code to a new chapter 131 of title 5. It also makes minor technical changes to the EIGA, including the addition of new headings and subheadings, and the reorganization of a number of sections (e.g., moving definitions sections ahead of substantive sections). As described in section 2(b) of the bill, no substantive changes were made to the EIGA and the recodification did not change the “meaning or effect of the existing law or impair the precedential value of earlier judicial decisions or other interpretations.”² Congress also clarified that the recodification has no effect on whether an individual is an “officer or employee” for purposes of the ethics laws.³

¹ Act of Dec. 27, 2022, Pub. L. No. 117-286, 136 Stat. 4196. The bill also recodified the Inspector General Act and the Federal Advisory Committee Act. *Id.* The Inspector General Act can now be found in title 5 at chapter 4. The Federal Advisory Committee Act can now be found in title 5 at chapter 10.

² *Id.* § 2(b), 136 Stat. at 4197.

³ As described in section 6 of the bill “[a] Federal statute providing that title 5 of 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.” *Id.* § 6, 136 Stat. at 4360. As a result, legislation that provides that certain employees are not subject to employment and compensation-related provisions of title 5 will have no effect on whether the individual is covered by the EIGA or implementing regulations, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635.



Going forward, agency ethics officials should ensure that citations made to the EIGA in agency products refer to the appropriate section of chapter 131 of title 5 of the United States Code (e.g., citation to section 101 of the EIGA would be 5 U.S.C. § 13103).

Agency ethics officials who have questions concerning this Program Advisory are encouraged to reach out to their Desk Officer.

Attachment

ETHICS IN GOVERNMENT ACT
RECODIFICATION
SECTION-BY-SECTION TABLE

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
<i>Title I. Financial Disclosure</i>		
5 U.S.C. § 13101 <i>Definitions</i>	5 U.S.C. App. (EIGA § 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, § 24(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.
5 U.S.C. § 13102 <i>Administration of Provisions</i>	5 U.S.C. App. (EIGA § 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.
5 U.S.C. § 13103 <i>Persons Required to File</i>	5 U.S.C. App. (EIGA § 101)	Pub. L. 95–521, title I, § 101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96–19, § 2(a)(1), (b), (c)(1), 4(b)(1), (d)–(f), 5, June 13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101–280, § 3(1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102–25, title VI, § 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102–378, § 4(a)(1), Oct. 2, 1992, 106 Stat. 1356; Pub. L. 109–435, title VI, § 604(c), Dec. 20, 2006, 120 Stat. 3241.
5 U.S.C. § 13104 <i>Contents of Reports</i>	5 U.S.C. App. (EIGA § 102)	Pub. L. 95–521, title I, § 102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96–19, § 3(a)(1), (b), 6(a), 7(a)–(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39–43; Pub. L. 97–51, § 130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–150, § 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101–194,

		title II, § 202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101–280, § 3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102–90, title III, § 314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–65, § § 20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705; Pub. L. 112–105, § 13(a), Apr. 4, 2012, 126 Stat. 300.
5 U.S.C. § 13105 <i>Filing of Reports</i>	5 U.S.C. App. (EIGA § 103)	Pub. L. 95–521, title I, § 103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96–19, § § 4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1736; Pub. L. 101–280, § 3(1), (4), May 4, 1990, 104 Stat. 152, 153; Pub. L. 102–90, title III, § 313(1), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–186, title II, § 216(1), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109–55, title I, § 1003(a), Aug. 2, 2005, 119 Stat. 572; Pub. L. 112–105, § § 6(a), 19(a), Apr. 4, 2012, 126 Stat. 293, 304; Pub. L. 113–235, div. H, title I, § 1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 115–277, § 1(b), Nov. 3, 2018, 132 Stat. 4167.
5 U.S.C. § 13106 <i>Failure to File or Filing False Reports</i>	5 U.S.C. App. (EIGA § 104)	Pub. L. 95–521, title I, § 104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, § 8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101–650, title IV, § 405, Dec. 1, 1990, 104 Stat. 124; Pub. L. 110–81, title VII, § 702, Sept. 14, 2007, 121 Stat. 775.
5 U.S.C. § 13107 <i>Custody of and Public Access to Reports</i>	5 U.S.C. App. (EIGA § 105)	Pub. L. 95–521, title I, § 105, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(6), May 4, 1990, 104 Stat. 154; Pub. L. 102–90, title III, § 313(2), Aug. 14, 1991, 105 Stat. 469; Pub. L. 103–359, title V, § 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104–201, div. A, title XI, § 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105–318, § 7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 107–126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108–458, title I, § 1079(c), Dec. 17, 2004, 118 Stat. 3696; Pub. L. 110–24, § § 2, 3, May 3, 2007, 121 Stat. 100; Pub. L. 110–177, title I, § 104, Jan. 7, 2008, 121 Stat. 2535; Pub. L. 110–417, [div. A], title IX, § 931(b)(1), Oct. 14, 2008, 122 Stat. 4575; Pub. L. 112–84, § 1, Jan.

		3, 2012, 125 Stat. 1870; Pub. L. 112–105, § 8(c), Apr. 4, 2012, 126 Stat. 296; Pub. L. 115–141, div. M, title VI, § 601, Mar. 23, 2018, 132 Stat. 1051.
5 U.S.C. § 13108 <i>Review of Reports</i>	5 U.S.C. App. (EIGA § 106)	Pub. L. 95–521, title I, § 106, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1739; Pub. L. 101–280, § 3(1), (7), May 4, 1990, 104 Stat. 152, 155.
5 U.S.C. § 13109 <i>Confidential Reports and Other Additional Requirements</i>	5 U.S.C. App. (EIGA § 107)	Pub. L. 95–521, title I, § 107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96–19, § 9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1740.
5 U.S.C. § 13110 <i>Authority of the Comptroller General</i>	5 U.S.C. App. (EIGA § 108)	Pub. L. 95–521, title I, § 108, Oct. 26, 1978, 92 Stat. 1835; Pub. L. 96–19, § 9(t), June 13, 1979, 93 Stat. 44; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1741.
5 U.S.C. § 13111 <i>Notice of Actions taken to Comply with Ethics Agreements</i>	5 U.S.C. App. (EIGA § 110)	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.
<i>Title IV. Office of Government Ethics</i>		
5 U.S.C. § 13121 <i>Establishment; Appointment of Director</i>	5 U.S.C. App. (EIGA § 401)	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.
5 U.S.C. § 13122 <i>Authority and Functions</i>	5 U.S.C. App. (EIGA § 402)	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.
5 U.S.C. § 13123 <i>Administration of Provisions</i>	5 U.S.C. App. (EIGA § 403)	Pub. L. 95–521, title IV, § 403, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98–150, § 5, Nov. 11, 1983, 97 Stat. 960; Pub. L. 100–598, § 9, Nov. 3, 1988, 102 Stat. 3035; Pub. L. 104–179, § 2, Aug. 6, 1996, 110 Stat. 1566.
5 U.S.C. § 13124 <i>Rules and Regulations</i>	5 U.S.C. App. (EIGA § 404)	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.
5 U.S.C. § 13125 <i>Authorization of Appropriations</i>	5 U.S.C. App. (EIGA § 405)	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; Pub. L. 109–289, div. B, title II, § 21069, as added Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 57.
5 U.S.C. § 13126 <i>Reports to Congress</i>	5 U.S.C. App. (EIGA § 406)	Pub. L. 95–521, title IV, § 408, as added Pub. L. 100–598, § 4, Nov. 3, 1988, 102 Stat. 3031; amended Pub. L. 104–179, § 4(b)(2)(B), Aug. 6, 1996, 110 Stat. 1567.
<i>Title V. Outside Earned Income and Honoraria</i>		
5 U.S.C. § 13141 <i>Definitions</i>	5 U.S.C. App. (EIGA § 505)	Pub. L. 95–521, title V, § 505, as added Pub. L. 101–194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 102–90, title I, § 6(b)(2), (3), title III, § 314(b), Aug. 14, 1991, 105 Stat. 450, 469.
5 U.S.C. § 13142 <i>Administration</i>	5 U.S.C. App. (EIGA § 503)	Pub. L. 95–521, title V, § 503, as added Pub. L. 101–194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101–280, § 7(c), May 4, 1990, 104 Stat. 161; Pub. L. 102–90, title I, § 6(b)(1), Aug. 14, 1991, 105 Stat. 450.
5 U.S.C. § 13143 <i>Outside Earned Income Limitation</i>	5 U.S.C. App. (EIGA § 501)	Pub. L. 95–521, title V, § 501, as added Pub. L. 101–194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1760; amended Pub. L. 101–280, § 7(a), May 4, 1990, 104 Stat. 161; Pub. L. 102–378, § 4(b)(1), (2), Oct. 2, 1992, 106 Stat. 1357.
5 U.S.C. § 13144 <i>Limitations on Outside Employment</i>	5 U.S.C. App. (EIGA § 502)	Pub. L. 95–521, title V, § 502, as added Pub. L. 101–194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101–280, § 7(a)(1), (b), May 4, 1990, 104 Stat. 161; Pub. L. 101–650, title III, § 319, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 102–198, § 6, Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102–378, § 4(b)(3), Oct. 2, 1992, 106 Stat. 1357.
5 U.S.C. § 13145 <i>Civil Penalties</i>	5 U.S.C. App. (EIGA § 504)	Pub. L. 95–521, title V, § 504, as added Pub. L. 101–194, title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761.
5 U.S.C. § 13146 <i>Conditional Termination (new provision)</i>	(no source)	