§ 501. Outside earned income limitation

(a) Outside Earned Income Limitation.—

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee who occupies a position classified above GS–15 of the General Schedule, in the case of positions not under the General Schedule, 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, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, 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, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

(b) Honoraria Prohibition.—An individual may not receive any honorarium while that individual is a Member, officer or employee.

(c) Treatment of Charitable Contributions.—Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

References in Text

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

Constitutionality


Prior Provisions


Amendments

1992—Subsec. (a)(1). Pub. L. 102–378, §4(b)(1), substituted “who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, 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,” for “whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code,”.

Subsec. (a)(2). Pub. L. 102–378, §4(b)(2), substituted “who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, 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,” for “who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS–16 of the General Schedule under section 5332 of title 5, United States Code,”.

1990—Subsec. (a)(1). Pub. L. 101–230, §7(a)(1), substituted “a noncareer officer or employee” for “not a career civil servant”.

Subsec. (a)(2). Pub. L. 101–230, §7(a)(1), substituted “a noncareer officer or employee” for “not a career civil servant”.

Pub. L. 101–230, §7(a)(2), substituted “Member or such an officer or employee which” for “Member, officer or employee which” and “Member or such officer or employee” for “Member, officer or employee during”.

Effective Date

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101–194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

§ 502. Limitations on outside employment

(a) Limitations.—A Member or an officer or employee who is a noncareer officer or employee who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, 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 shall not—