

ETHICS IN GOVERNMENT ACT OF 1978,
แก้ไขเพิ่มเติมโดย The Ethics Reform Act 1989

TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL
CODIFICATION

Title I of Pub. L. 95–521 was classified to chapter 18 (§ 701 et seq.) of Title 2, The Congress, prior to general amendment of title I by Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1724.

§ 101. Persons required to file

(a) Within thirty 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 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). 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 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(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.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) The officers and employees referred to in subsections (a), (d), and (e) are—

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, 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; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States

Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy

Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission 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;

(7) the Director of the Office of Government Ethics and each designated agency ethics official;

(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government 1 employee) who holds a commission of appointment from the President;

(9) a Member of Congress as defined under section 109(12);

(10) an officer or employee of the Congress as defined under section 109(13);

(11) a judicial officer as defined under section 109(10); and

(12) a judicial employee as defined under section 109(8).

(g)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of

1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

- (i) the last day of the individual's service in such area during such designated period; or
- (ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances.

(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.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Section 301 of the Federal Campaign Act of 1971, referred to in subsec. (c), probably means section 301 of the Federal Election Campaign Act of 1971, Pub. L. 92–225, which is classified to section 431 of Title 2, The Congress.

The General Schedule, referred to in subsec. (f)(3), (6), is set out under section 5332 of this title. Section 112 of the Internal Revenue Code of 1986, referred to in subsec. (g)(2), is classified to section 112 of Title 26, Internal Revenue Code.

CODIFICATION

Section was formerly classified to section 701 of Title 2, The Congress.

AMENDMENTS

2006—Subsec. (f)(6). Pub. L. 109–435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

1992—Subsec. (f)(3). Pub. L. 102–378, § 4(a)(1)(A), 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 position is classified at GS–16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16”. Subsec. (f)(6). Pub. L. 102–378, § 4(a)(1)(B), substituted “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” for “whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS–16”.

1991—Subsec. (g). Pub. L. 102–25 designated existing provisions as par. (1) and added par. (2).

1990—Subsec. (e). Pub. L. 101–280, § 3(2), struck out “the later of May 15 or” after “shall, on or before”.

Subsec. (h). Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”.

1989—Pub. L. 101–194 substituted “Persons required to file” for “Legislative personnel financial disclosure” as section catchline and amended text generally, substituting subsecs. (a) to (i) relating to filing of financial disclosure reports by Federal personnel for former subsecs. (a) to (h) relating to filing of financial disclosure reports by legislative personnel.

1979—Subsec. (b). Pub. L. 96–19, §§ 2(b), 4(d), (e), designated existing provisions as par. (1), substituted “described in subsection (e)” for “designated in subsection (e)” and “information described in section 102(a) if such individual is or will be such an officer or employee on such May 15” for “information as described in section 102(a)”, and added par. (2).

Subsec. (c). Pub. L. 96–19, §§ 2(a)(1), 4(d), (f), inserted provisions relating to an individual who is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year and substituted “described” for “designated” and “, other than an individual who was employed in the legislative branch immediately before he assumed such position,” for “other than an individual employed in the legislative branch upon assuming such position”.

Subsec. (d). Pub. L. 96–19, § 5, inserted provision that in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to that candidacy were held in prior calendar years, that individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

Subsec. (e). Pub. L. 96–19, § 4(b)(1), inserted reference to the National Commission on Air Quality.

Subsec. (h). Pub. L. 96–19, § 2(c)(1), added subsec. (h).

EFFECTIVE DATE OF 1991 AMENDMENT

Section 605(b) of Pub. L. 102–25 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to reports required to be filed after January 17, 1991.”

EFFECTIVE DATE OF 1990 AMENDMENT

Section 11 of Pub. L. 101–280 provided that: “Except as otherwise provided in this joint resolution, this Act and the amendments made by this joint resolution [amending sections 101 to 106, 109 to 111, former section 202, and sections 501 to 503 of Pub. L. 95–521, set out in this Appendix, sections 3393, 7351, 7353, and 7701 of this title, sections 31–1, 31–2, and 441i of Title 2, The Congress, sections 1601 and 2397a of Title 10, Armed Forces, sections 202, 203, 205, 207, 208, and 216 of Title 18, Crimes and Criminal Procedure, section 3945 of Title 22, Foreign Relations and Intercourse, section 1043 of Title 26, Internal Revenue Code, and sections 1353 and 3730 of Title 31, Money and Finance, renumbering section 1352 of Title 31 as section 1353, repealing section 112 of Pub. L. 95–521, set out in this Appendix, enacting provisions set out as notes under sections 101 and 105 of Pub. L. 95–521, set out in this Appendix, section 2397a of Title 10, and section 1043 of Title 26, and amending provisions set out as notes under section 207 and 208 of Title 18 and section 1344 of Title 31] take effect on the date of the enactment of this joint resolution [May 4, 1990].”

EFFECTIVE DATE OF 1989 AMENDMENT

Section 204 of title II of Pub. L. 101–194, as added by Pub. L. 101–280, § 3(10)(B), May 4, 1990, 104 Stat. 157, provided that: “The amendments made by this title [enacting sections 110 to 112 of Pub. L. 95–521, set out in this Appendix amending sections 101 to 109 of Pub. L. 95–521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, The Congress] and the repeal made by section 201 [repealing sections 201 to 212 of Pub. L. 95–521, formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix, and sections 301 to 309 of Pub. L. 95–521, formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978 [section 102(f)(4)(B) of Pub. L. 95–521, set out in this Appendix], as amended by this title, shall be effective as of January 1, 1990.”

Section 3(10)(C), (D) of Pub. L. 101–280 provided that:

“(C) The provisions of titles I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix], and III [formerly set out under the heading Judicial Personnel

Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95–521], as in effect on the day before the date of the enactment of the Ethics Reform Act of 1989 [Nov. 30, 1989], shall be effective for the period beginning on November 30, 1989, and ending on January 1, 1991, as if the Ethics Reform Act of 1989 [Pub. L. 101–194] had not been enacted, except that the provisions of section 202(f)(4)(B) of the Ethics in Government Act of 1978 [section 202(f)(4)(B) of Pub. L. 95–521] shall be repealed as of January 1, 1990.

“(D) Nothing in title II of the Ethics Reform Act of 1989 or the amendments made by such title [title II of Pub. L. 101–194, amending title I of Pub. L. 95–521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, and repealing title II of Pub. L. 95–521, formerly set out in this Appendix, and title III of Pub. L. 95–521, formerly set out in the Appendix to Title 28] shall be construed to prevent the prosecution of civil actions against individuals for violations of the Ethics in Government Act of 1978 [Pub. L. 95–521] before January 1, 1991.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–24, § 1, May 3, 2007, 121 Stat. 100, provided that: “This Act [amending section 105 of Pub. L. 95–521 set out in this Appendix] may be cited as the ‘Judicial Disclosure Responsibility Act’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–119, § 1, Jan. 15, 2002, 115 Stat. 2382, provided that: “This Act [amending section 405 of Pub. L. 95–521, set out in this Appendix] may be cited as the ‘Office of Government Ethics Authorization Act of 2001’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–179, § 1, Aug. 6, 1996, 110 Stat. 1566, provided that: “This Act [amending sections 401, 403, 405, and 408 of Pub. L. 95–521, set out in this Appendix, section 1822 of Title 12, Banks and Banking, and section 207 of Title 18, Crimes and Criminal Procedure, and repealing provisions set out as a note under section 7301 of this title] may be cited as the ‘Office of Government Ethics Authorization Act of 1996’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–506, § 1, Oct. 24, 1992, 106 Stat. 3280, provided that: “This Act [amending section 405 of Pub. L. 95–521 set out in this Appendix] may be cited as the ‘Office of Government Ethics Amendment of 1992’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–334, § 1, July 16, 1990, 104 Stat. 318, provided that: “This Act [amending section 405 of Pub. L. 95–521 set out in this Appendix] may be cited as the ‘Ethics in Government Act Amendment of 1990’.”

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101–194 provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics Reform Act of 1989’.”

SHORT TITLE

Section 1 of Pub. L. 95–521 provided: “That this Act [enacting provisions set out in this Appendix, sections 118a, 288 to 288m of Title 2, The Congress, sections 49, 528, 529, 591 to 598, 1364 of Title 28, Judiciary and Judicial Procedure, amending section 5316 of Title 5, Government Organization and Employees, section 207 of Title 18, Crimes and Criminal Procedure, and sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under section 288 of Title 2, section 207 of Title 18, and section 591 of Title 28] may be cited as the ‘Ethics in Government Act of 1978’.”

DECLARATION OF PURPOSE OF 1990 AMENDMENTS

Section 1 of Pub. L. 101–280 provided that: “It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989 [Pub. L. 101–194, see Tables for classification].”

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 [amending sections 102 and 505 of Pub. L. 95–521, set out in this Appendix, section 31–2 of Title 2, The Congress, and section 7701 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 31–2 of Title 2] 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.”

Section 1001 of Pub. L. 101–194 provided that: “The provisions of this Act [see Short Title of 1989 Amendment note above] 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.”

§ 102. Contents of reports

(a) Each report filed pursuant to section 101(d) and (e) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating \$200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

- (i) not more than \$1,000,
- (ii) greater than \$1,000 but not more than \$2,500,
- (iii) greater than \$2,500 but not more than \$5,000,
- (iv) greater than \$5,000 but not more than \$15,000,
- (v) greater than \$15,000 but not more than \$50,000,
- (vi) greater than \$50,000 but not more than \$100,000,
- (vii) greater than \$100,000 but not more than \$1,000,000,
- (viii) greater than \$1,000,000 but not more than \$5,000,000, or
- (ix) greater than \$5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar

year, excluding any personal liability owed to the reporting individual by a spouse,¹ or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed \$10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it. With respect to revolving charge accounts, only those with an outstanding liability which exceeds \$10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities. Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than

the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

(i) the identity of each source of such compensation; and

(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are as follows:

- (A) not more than \$15,000;
- (B) greater than \$15,000 but not more than \$50,000;
- (C) greater than \$50,000 but not more than \$100,000;
- (D) greater than \$100,000 but not more than \$250,000;
- (E) greater than \$250,000 but not more than \$500,000;
- (F) greater than \$500,000 but not more than \$1,000,000;
- (G) greater than \$1,000,000 but not more than \$5,000,000;
- (H) greater than \$5,000,000 but not more than \$25,000,000;
- (I) greater than \$25,000,000 but not more than \$50,000,000; and
- (J) greater than \$50,000,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full

and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

(C) an entity described under the provisions of paragraph (8), but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term “qualified blind trust” includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph

(B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only

(I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain),

(II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or

(III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not 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).

(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

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.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the

identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$10,000.

(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000.

(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.

(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) A reporting individual shall not be required under this title to report—

(1) financial interests in or income derived from—

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act [42 U.S.C. 301 et seq.].

REFERENCES IN TEXT

The effective date of title II of the Ethics Reform Act of 1989, referred to in subsec. (f)(3)(F), is Jan. 1, 1991. See section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

The effective date of this Act, referred to in subsec. (f)(4)(B)(i)(V), probably means the effective date of title II of the Ethics Reform Act of 1989, which amended this title generally and is effective Jan. 1, 1991. See section 204 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

The Social Security Act, referred to in subsec. (i)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 702 of Title 2, The Congress.

AMENDMENTS

1995—Subsec. (a)(1)(B)(viii), (ix). Pub. L. 104–65, § 20(a), added cls. (viii) and (ix) and struck out former cl. (viii) which read as follows: “greater than \$1,000,000.”

Subsec. (a)(8). Pub. L. 104–65, § 22(a), added par. (8).

Subsec. (d)(1). Pub. L. 104–65, § 22(b), substituted “(5), and (8)” for “and (5)” in introductory provisions.

Subsec. (d)(1)(G) to (J). Pub. L. 104–65, § 20(b), added subpars. (G) to (J) and struck out former subpar. (G) which read as follows: “greater than \$1,000,000.”

Subsec. (e)(1)(F). Pub. L. 104–65, § 20(c), added subpar. (F).

1991—Subsec. (a)(2)(A). Pub. L. 102–90, § 314(a)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating \$100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph.”

Pub. L. 102–90, § 314(a)(1), (2), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating \$250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph.”

Subsec. (a)(2)(B). Pub. L. 102–90, § 314(a)(2), (4), redesignated subpar. (C) as (B) and substituted “more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater” for “\$250 or more in value”. Former subpar. (B) redesignated (A).

Subsec. (a)(2)(C), (D). Pub. L. 102–90, § 314(a)(2), (5), redesignated subpar. (D) as (C) and struck out “or (B)” after “(A)”. Former subpar. (C) redesignated (B).

1990—Subsec. (a)(1)(A). Pub. L. 101–280, § 3(3)(A)(i), substituted “the reporting individual” for “such individuals”.

Subsec. (a)(3). Pub. L. 101–280, § 3(3)(A)(ii), substituted “, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual’s spouse,” for “parent, brother, sister, or child”.

Subsec. (a)(4). Pub. L. 101–280, § 3(3)(A)(iii), substituted “spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual’s spouse” for “relative”.

Subsec. (e)(1)(E). Pub. L. 101–280, § 3(3)(B), inserted “of subsection (a)” after “(3) through (5)”.

Subsec. (f)(3)(A)(i)(II). Pub. L. 101–280, § 3(3)(C)(i)(I), struck out comma after “involved in”. Subsec. (f)(3)(A)(ii)(II). Pub. L. 101–280, § 3(3)(C)(i)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: “is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and”.

Subsec. (f)(3)(F). Pub. L. 101–280, § 3(3)(C)(i)(III), substituted “title II of the Ethics Reform Act of 1989” for “this section”.

Subsec. (f)(6)(A), (B). Pub. L. 101–280, § 3(3)(C)(ii), substituted “and willfully, or negligently,” for “or negligently”.

Subsec. (i). Pub. L. 101–280, § 3(3)(D), added subsec. (i).

1989—Pub. L. 101–194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (g) which related, respectively, to Members of Congress, legislative officers and employees, non-legislative personnel and Congressional candidates, categories of value; interests in real property and other items needing appraisals, information respecting spouses and dependent children, trusts or other financial arrangements including qualified blind trusts, political campaign funds, and gifts and reimbursements.

1983—Subsec. (e)(5)(A). Pub. L. 98–150, § 10(b), inserted provision that 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.

Subsec. (e)(7). Pub. L. 98–150, § 10(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Any trust which is in existence prior to the date of the enactment of this Act shall be considered a qualified blind trust if—

“(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

“(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

“(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection.”

1981—Subsec. (a)(1)(A). Pub. L. 97–51 inserted “including speeches, appearances, articles, or other publications” after “honoraria from any source”.

1979—Subsec. (a)(2)(B). Pub. L. 96–19, § 3(b)(2), struck out provision that a gift need not be aggregated if, in an unusual case, a publicly available request for a waiver is granted.

Subsec. (a)(2)(D). Pub. L. 96–19, § 3(b)(1), added subpar. (D).

Subsec. (a)(6). Pub. L. 96–19, § 9(b), substituted “The identity of all positions held” for “The identity of all positions”.

Subsec. (a)(7). Pub. L. 96–19, § 9(j), struck out a colon following “arrangement with respect to”.

Subsec. (b). Pub. L. 96–19, § 9(c)(1), substituted provisions that the information required by pars. (3) and (4) of subsec. (a) be as of the date specified in the report but which is less than thirty-one days before the filing date and that the information required by par. (6) and, in the case of reports filed under section 101(c), par. (7) of subsec. (a) be as of the filing date but for periods described in such paragraphs for provisions that required that the information covered by pars. (3), (4), (6), and, in the case of reports filed pursuant to section 101(c), par. (7) of subsec. (a) be as of a date specified in such report, which could not be more than thirty-one days prior to the date of filing.

Subsec. (d)(1)(B). Pub. L. 96–19, § 6(a)(1), (2), substituted “any gifts received by a spouse which are” for “any gift which is” and “and a brief description” for “or a brief description”.

Subsec. (d)(1)(C). Pub. L. 96–19, § 6(a)(3), (4), substituted “reimbursements received by a spouse which are” for “reimbursement which is” and “description of each such reimbursement” for “description of the reimbursement”.

Subsec. (d)(1)(D). Pub. L. 96–19, § 6(a)(5), substituted “represent the spouse’s or dependent child’s sole financial interest” for “represent the spouse or dependent child’s sole financial interest”.

Subsec. (e)(3). Pub. L. 96–19, § 7(a)–(d)(1), substituted “a broker, or an investment adviser” for “or a broker” in subpar. (A) preceding cl. (i), substituted “is not or has not been” for “is or has not been” in cl. (ii) of subpar. (A), and, in provisions following subpar. (D), substituted “section 78c(a)(4) of title 15” for “section 78 of title 15”, substituted “the reports” for “their reports”, and inserted definition of “investment adviser”.

Subsec. (e)(5)(D). Pub. L. 96–19, § 7(f), substituted “shall apply with respect to such documents and lists” for “shall apply”.

Subsec. (g). Pub. L. 96–19, § 3(a)(1), added subsec. (g).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 20 of Pub. L. 104–65 effective Jan. 1, 1996, see section 24 of Pub. L. 104–65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

Section 22(c) of Pub. L. 104–65 provided that: “The amendment made by this section [amending this section] shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95–521, set out in this Appendix] for calendar year 1996 and thereafter.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–90 effective Jan. 1, 1993, see section 314(g)(2) of Pub. L. 102–90, as amended, set out as a note under section 31–2 of Title 2, The Congress.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, except that subsec. (f)(4)(B) of this section, as amended by Pub. L. 101–194, is effective Jan. 1, 1990, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 13 of Pub. L. 98–150 provided that: “The amendments made by this Act [enacting sections 211 and 407 of Pub. L. 95–521, set out in this Appendix, amending sections 102, 201–203, 210, 302, and 401–405 of Pub. L. 95–521, set out in this Appendix, and enacting provisions set out as a note under section 402 of this Appendix] shall take effect on October 1, 1983.”

§ 103. Filing of reports

(a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, 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, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall

forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title by the Director of the Office of Government Ethics shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with—

(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, United States Capitol Police, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the Government Accountability Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) 1 of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make

avail to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(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.)

REFERENCES IN TEXT

The date of the enactment of the Ethics Reform Act of 1989, referred to in subsec. (h)(1)(A)(ii), is the date of enactment of Pub. L. 101–194, which was approved Nov. 30, 1989.

Section 316(a) of the Federal Election Campaign Act of 1971, referred to in subsec. (i), was probably intended to be a reference to section 312(a) of Federal Election Campaign Act of 1971, Pub. L. 92–225, which is classified to section 439(a) of Title 2, The Congress, and which directs the chief executive officer of each State to designate a State officer to receive reports and statements filed by persons under the Federal Election Campaign Act of 1971.

CODIFICATION

Section was formerly classified to section 703 of Title 2, The Congress.

AMENDMENTS

2005—Subsec. (h)(1)(A)(i)(I). Pub. L. 109–55 inserted

“United States Capitol Police,” after “Architect of the Capitol,”.

2004—Subsec. (h)(1)(A)(i)(II). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

1996—Subsec. (h)(1)(A)(i)(I). Pub. L. 104–186 substituted “by the Chief Administrative Officer” for “by the Clerk”.

1991—Subsec. (i). Pub. L. 102–90 substituted “30-day” for “7-day”.

1990—Subsec. (c). Pub. L. 101–280, § 3(4)(A), inserted “individuals nominated to be judicial officers and” after “Houses of Congress other than”.

Subsec. (d). Pub. L. 101–280, § 3(4)(B), inserted “of the Office of Government Ethics” after “Director”.

Subsec. (e). Pub. L. 101–280, § 3(4)(C), inserted “who is a candidate for nomination or election to the Office of President or Vice President” after “section 101(c)” and substituted “Election” for “Elections”.

Subsec. (g). Pub. L. 101–280, § 3(4)(D), substituted “Each supervising ethics office” for “The Office of Government Ethics”.

Subsec. (h)(1)(A)(i). Pub. L. 101–280, § 3(4)(E), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and”.

Subsec. (h)(1)(A)(ii)(I). Pub. L. 101–280, § 3(4)(F)(i), substituted “Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as” for “congressional ethics committee”.

Subsec. (h)(1)(A)(ii)(II). Pub. L. 101–280, § 3(4)(F)(ii), substituted “Secretary of the Senate” for “Senate Select Committee on Ethics” and “Clerk” for “Committee on Standards of Official Conduct”.

Subsec. (h)(1)(B). Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsecs. (i) to (k). Pub. L. 101–280, § 3(4)(G), added subsecs. (i) to (k).

1989—Pub. L. 101–194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (f) which related, respectively, to persons filing with the clerk, persons filing with the Secretary, State copies, Committee copies, Federal Election Commission assistance, and reporting forms, rules and regulations.

1979—Subsec. (b). Pub. L. 96–19, § 4(b)(2), inserted reference to the National Commission on Air Quality.

Subsec. (f). Pub. L. 96–19, § 9(a), substituted “the designated committee of the House of Representatives” for “the Clerk shall, after consultation with the designated committee of the House of Representatives”.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, § 1003(b), Aug. 2, 2005, 119 Stat. 572, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports filed under the Ethics in Government Act of 1978 [Pub. L. 95–521] for calendar year 2005 and each succeeding calendar year.”

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

§ 104. Failure to file or filing false reports

(a)(1) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$50,000.

(2)(A) It shall be unlawful for any person to knowingly and willfully—

(i) falsify any information that such person is required to report under section 102; and

(ii) fail to file or report any information that such person is required to report under section 102.

(B) Any person who—

(i) violates subparagraph (A)(i) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both; and

(ii) violates subparagraph (A)(ii) shall be fined under title 18, United States Code.

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference

also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch..¹

(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

(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. 5124; Pub. L. 110–81, title VII, § 702, Sept. 14, 2007, 121 Stat. 775.)

CODIFICATION

Section was formerly classified to section 704 of Title 2, The Congress.

AMENDMENTS

2007—Subsec. (a). Pub. L. 110–81 designated existing provisions as par. (1), substituted “\$50,000” for “\$10,000”, and added par. (2).

1990—Subsec. (b). Pub. L. 101–650 inserted at end “Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.”

Pub. L. 101–280, § 3(5)(A), substituted “Judicial Conference” for “Chairman of the Judicial Conference”.

Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (c). Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”. Subsec. (d)(1). Pub. L. 101–280, § 3(5)(B), substituted closing provisions for former closing provisions which read “shall pay a filing fee of \$200 to the miscellaneous receipts of the General Treasury”.

1989—Pub. L. 101–194 amended section generally, substituting provisions relating to failure to file or filing false reports for provisions relating to accessibility of reports. See section 105 of this Appendix.

1979—Subsec. (c). Pub. L. 96–19 designated existing provisions as par. (2) and added par. (1).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–650 effective 90 days after Dec. 1, 1990, see section 407 of Pub. L. 101–650, set out as a note under section 332 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

§ 105. Custody of and public access to reports

(a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security

Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be 1 revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.

(b)(1) Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,,2 permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of the Senate, as the case may be 3 may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to

the public throughout the period during which the report is made available to the public.

(3)(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States Marshall 4 Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

(B) A report may be redacted pursuant to this paragraph only—

(i) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(ii) for as long as the danger to such individual exists.

(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including—

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph;

(iii) the types of threats against individuals whose reports are redacted, if appropriate;

(iv) the nature or type of information redacted;

(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

(vi) principles used to guide implementation of redaction authority; and

(vii) any public complaints received relating to redaction.

(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) This paragraph shall expire on December 31, 2011, and apply to filings through calendar year 2011.

(c)(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

(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.)

CODIFICATION

Section was formerly classified to section 705 of Title 2, The Congress.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–417 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (b)(3)(E). Pub. L. 110–177 substituted “2011” for “2009” in two places.

2007—Subsec. (b)(3)(A). Pub. L. 110–24, § 2(1), inserted “or a family member of that individual” before period at end.

Subsec. (b)(3)(B)(i). Pub. L. 110–24, § 2(2), inserted “or a family member of that individual” before semicolon.

Subsec. (b)(3)(C)(iv) to (vii). Pub. L. 110–24, § 3(b), added cls. (iv) to (vii).

Subsec. (b)(3)(E). Pub. L. 110–24, § 3(a), substituted

“2009” for “2005” in two places.

2004—Subsec. (a)(1). Pub. L. 108–458 inserted “the Office of the Director of National Intelligence,” before “the Central Intelligence Agency”.

2002—Subsec. (b)(3)(E). Pub. L. 107–126 substituted

“2005” for “2001” in two places.

1998—Subsec. (b)(3). Pub. L. 105–318 added par. (3).

1996—Subsec. (a)(1). Pub. L. 104–201 substituted “National Imagery and Mapping Agency” for “Central Imagery Office”.

1994—Subsec. (a)(1). Pub. L. 103–359 inserted “the Central Imagery Office,” after “Defense Intelligence Agency,”.

1991—Subsec. (b)(1). Pub. L. 102–90 substituted “Except as provided in the second sentence of this subsection, each agency” for “Each agency” and inserted after first sentence “With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30

days of the date of filing of such a report for which an extension is granted pursuant to section 101(g).”

1990—Subsec. (a). Pub. L. 101–280, § 3(6)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by—

“(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

“(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed.”

Subsec. (b)(1). Pub. L. 101–280, § 3(6)(B)(i)(I), substituted “, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate” for “and each supervising ethics office”.

Pub. L. 101–280, § 3(6)(B)(i)(II), substituted “under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,” for “by such agency or office under this title”.

Pub. L. 101–280, § 3(6)(B)(ii), substituted “, office, Clerk, or Secretary of the Senate, as the case may be” for “or office”.

Subsec. (d). Pub. L. 101–280, § 3(6)(C), inserted “or to the Clerk of the House of Representatives or the Secretary of the Senate” after “ethics office” and “or by the Clerk or the Secretary of the Senate” after “or office”.

1989—Pub. L. 101–194 amended section generally, substituting provisions relating to custody of and public access to reports for provisions relating to review and compliance procedures. See section 106 of this Appendix.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of Title 50, War and National Defense.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104–201, set out as a note under section 193 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

PUBLIC AVAILABILITY OF REPORTS FILED UNDER PRE- 1991 ETHICS IN GOVERNMENT ACT PROVISIONS

Section 9 of Pub. L. 101–280 provided that: “Those reports filed under title I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix], or III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95–521],

as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act [this section], as amended by the Ethics Reform Act of 1989 [Pub. L. 101-194], and the provisions of such section shall apply with respect to those reports.’’

§ 106. Review of reports

(a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a)—

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response,

reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

- (A) divestiture,
- (B) restitution,
- (C) the establishment of a blind trust,
- (D) request for an exemption under section 208(b) of title 18, United States Code, or
- (E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

(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.)

CODIFICATION

Section was formerly classified to section 706 of Title 2, The Congress.

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(1). Pub. L. 101–280, § 3(7)(B), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official, or”.

Pub. L. 101–280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(2). Pub. L. 101–280, § 3(7)(C), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official or”.

Pub. L. 101–280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101–280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(3). Pub. L. 101–280, § 3(7)(D), substituted “the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a

person designated by the’ for ‘Secretary concerned, designated agency ethics official, a congressional ethics committee, or the’.

Pub. L. 101–280, § 3(1), struck out ‘of the United States’ after ‘Judicial Conference’.

Subsec. (b)(4). Pub. L. 101–280, § 3(7)(E), inserted ‘in the executive branch’ after ‘position’ and substituted ‘Foreign Service’ for ‘foreign service’.

Subsec. (b)(5). Pub. L. 101–280, § 3(7)(F), substituted ‘Foreign Service’ for ‘foreign service’.

Subsec. (b)(6). Pub. L. 101–280, § 3(1), struck out ‘of the United States’ after ‘Judicial Conference’.

Pub. L. 101–280, § 3(7)(G), substituted ‘employee,’ for ‘employee’.

1989—Pub. L. 101–194 amended section generally, substituting provisions relating to review of reports for provisions relating to failure to file or filing false reports. See section 104(a) of this Appendix.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

§ 107. Confidential reports and other additional requirements

(a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than

information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation. (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.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

CODIFICATION

Section was formerly classified to section 707 of Title 2, The Congress.

AMENDMENTS

1989—Pub. L. 101–194 amended section generally, substituting provisions relating to confidential reports and other additional requirements for provisions setting forth definitions for purposes of title I of Pub. L. 95–521. See section 109 of this Appendix.

1979—Par. (1). Pub. L. 96–19, § 9(d), substituted “gross income derived from business (and net income if the individual elects to include it)” for “net and gross income derived from business”.

Par. (16). Pub. L. 96–19, § 9(g), inserted quotation marks after “designated committee of the House of Representatives” and before “designated committee of the Senate”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.

§ 108. Authority of Comptroller General

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

(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.)

CODIFICATION

Section was formerly classified to section 708 of Title 2, The Congress.

AMENDMENTS

1989—Pub. L. 101–194 amended section generally, substituting provisions relating to authority of Comptroller General for provision relating to preemption of State laws.

1979—Pub. L. 96–19 inserted “holding the office of Member or” after “financial disclosure by reason of”.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 204 of Pub. L. 101–194, set out as a note under section 101 of this Appendix.