

Calendar No. 378

107TH CONGRESS
2^D SESSION**S. 1811****[Report No. 107–152]**

To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2001

Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. LUGAR, Mr. DURBIN, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

MAY 16 (legislative day, MAY 9), 2002

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Appoint-
5 ments Improvement Act of ~~2001~~ 2002”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) improve the Presidential appointment proc-
 4 ess without violating the spirit and letter of conflict
 5 of interest laws; and

6 (2) provide a newly elected President the ability
 7 to submit all nominations to the Senate for all Presi-
 8 dential appointments as expeditiously as possible
 9 after the President takes office.

10 **SEC. 3. PUBLIC FINANCIAL DISCLOSURE FOR JUDICIAL**
 11 **AND LEGISLATIVE PERSONNEL.**

12 Title I of the Ethics in Government Act of 1978 (5
 13 U.S.C. App.) is amended to read as follows:

14 **“TITLE I—JUDICIAL AND LEGIS-**
 15 **LATIVE PERSONNEL FINAN-**
 16 **CIAL DISCLOSURE REQUIRE-**
 17 **MENTS**

18 **“SEC. 101. PERSONS REQUIRED TO FILE.**

19 “(a) Within 30 days of assuming the position of an
 20 officer or employee described in subsection (f), an indi-
 21 vidual shall file a report containing the information de-
 22 scribed in section 102(b) unless the individual has left an-
 23 other position described in subsection (f) or section 201(f)
 24 within 30 days prior to assuming such new position or
 25 has already filed a report under this title with respect to

1 nomination for the new position or as a candidate for the
2 position.

3 “(b)(1) Within 5 days of the transmittal by the Presi-
4 dent to the Senate of the nomination of an individual to
5 a position in the legislative or judicial branch, appoint-
6 ment to which requires the advice and consent of the Sen-
7 ate, such individual shall file a report containing the infor-
8 mation described in section 102(b). Such individual shall,
9 not later than the date of the first hearing to consider
10 the nomination of such individual, make current the report
11 filed pursuant to this paragraph by filing the information
12 required by section 102(a)(1)(A) with respect to income
13 and honoraria received as of the date which occurs 5 days
14 before the date of such hearing. Nothing in this Act shall
15 prevent any congressional committee from requesting, as
16 a condition of confirmation, any additional financial infor-
17 mation from any Presidential nominee whose nomination
18 has been referred to that committee.

19 “(2) An individual whom the President or the Presi-
20 dent-elect has publicly announced he intends to nominate
21 to a position may file the report required by paragraph
22 (1) at any time after that public announcement, but not
23 later than is required under the first sentence of such
24 paragraph.

1 “(c) Within 30 days of becoming a candidate as de-
2 fined in section 301 of the Federal Campaign Act of 1971,
3 in a calendar year for nomination or election to the office
4 of Member of Congress, or on or before May 15 of that
5 calendar year, whichever is later, but in no event later
6 than 30 days before the election, and on or before May
7 15 of each successive year an individual continues to be
8 a candidate, an individual other than an incumbent Mem-
9 ber of Congress shall file a report containing the informa-
10 tion described in section 102(b). Notwithstanding the pre-
11 ceding sentence, in any calendar year in which an indi-
12 vidual continues to be a candidate for any office but all
13 elections for such office relating to such candidacy were
14 held in prior calendar years, such individual need not file
15 a report unless he becomes a candidate for another va-
16 cancy in that office or another office during that year.

17 “(d) Any individual who is an officer or employee de-
18 scribed in subsection (f) during any calendar year and per-
19 forms the duties of his position or office for a period in
20 excess of 60 days in that calendar year shall file on or
21 before May 15 of the succeeding year a report containing
22 the information described in section 102(a).

23 “(e) Any individual who occupies a position described
24 in subsection (f) shall, on or before the thirtieth day after
25 termination of employment in such position, file a report

1 containing the information described in section 102(a)
2 covering the preceding calendar year if the report required
3 by subsection (d) has not been filed and covering the por-
4 tion of the calendar year in which such termination occurs
5 up to the date the individual left such office or position,
6 unless such individual has accepted employment in an-
7 other position described in subsection (f) or section 201(f).

8 “(f) The officers and employees referred to in sub-
9 sections (a), (d), and (e) are—

10 “(1) a Member of Congress as defined under
11 section 109(10);

12 “(2) an officer or employee of the Congress as
13 defined under section 109(11);

14 “(3) a judicial officer as defined under section
15 109(8); and

16 “(4) a judicial employee as defined under sec-
17 tion 109(6).

18 “(g) Reasonable extensions of time for filing any re-
19 port may be granted under procedures prescribed by the
20 supervising ethics office for each branch, but the total of
21 such extensions shall not exceed 90 days.

22 “(h) The provisions of subsections (a), (b), and (e)
23 shall not apply to an individual who, as determined by the
24 congressional ethics committees or the Judicial Con-
25 ference, is not reasonably expected to perform the duties

1 of his office or position for more than 60 days in a cal-
2 endar year, except that if such individual performs the du-
3 ties of his office or position for more than 60 days in a
4 calendar year—

5 “(1) the report required by subsections (a) and
6 (b) shall be filed within 15 days of the sixtieth day,
7 and

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

10 “(i) The supervising ethics office for each branch may
11 grant a publicly available request for a waiver of any re-
12 porting requirement under this section for an individual
13 who is expected to perform or has performed the duties
14 of his office or position less than 130 days in a calendar
15 year, but only if the supervising ethics office determines
16 that—

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

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

21 “(3) it is unlikely that the individual’s outside
22 employment or financial interests will create a con-
23 flict of interest, and

24 “(4) public financial disclosure by such indi-
25 vidual is not necessary in the circumstances.

1 **“SEC. 102. CONTENTS OF REPORTS.**

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

5 “(1)(A) The source, type, and amount or value
6 of income (other than income referred to in subpara-
7 graph (B)) from any source (other than from cur-
8 rent employment by the United States Government),
9 and the source, date, and amount of honoraria from
10 any source, received during the preceding calendar
11 year, aggregating \$200 or more in value and the
12 source, date, and amount of payments made to char-
13 itable organizations in lieu of honoraria, and the re-
14 porting individual shall simultaneously file with the
15 applicable supervising ethics office, on a confidential
16 basis, a corresponding list of recipients of all such
17 payments, together with the dates and amounts of
18 such payments.

19 “(B) The source and type of income which con-
20 sists of dividends, rents, interest, and capital gains,
21 received during the preceding calendar year which
22 exceeds \$200 in amount or value, and an indication
23 of which of the following categories the amount or
24 value of such item of income is within:

25 “(i) Not more than \$1,000.

1 “(ii) Greater than \$1,000 but not more
2 than \$2,500.

3 “(iii) Greater than \$2,500 but not more
4 than \$5,000.

5 “(iv) Greater than \$5,000 but not more
6 than \$15,000.

7 “(v) Greater than \$15,000 but not more
8 than \$50,000.

9 “(vi) Greater than \$50,000 but not more
10 than \$100,000.

11 “(vii) Greater than \$100,000 but not more
12 than \$1,000,000.

13 “(viii) Greater than \$1,000,000 but not
14 more than \$5,000,000.

15 “(ix) Greater than \$5,000,000.

16 “(2)(A) The identity of the source, a brief de-
17 scription, and the value of all gifts aggregating more
18 than the minimal value as established by section
19 7342(a)(5) of title 5, United States Code, or \$250,
20 whichever is greater, received from any source other
21 than a relative of the reporting individual during the
22 preceding calendar year, except that any food, lodg-
23 ing, or entertainment received as personal hospitality
24 of an individual need not be reported, and any gift
25 with a fair market value of \$100 or less, as adjusted

1 at the same time and by the same percentage as the
2 minimal value is adjusted, need not be aggregated
3 for purposes of this subparagraph.

4 “(B) The identity of the source and a brief de-
5 scription (including a travel itinerary, dates, and na-
6 ture of expenses provided) of reimbursements re-
7 ceived from any source aggregating more than the
8 minimal value as established by section 7342(a)(5)
9 of title 5, United States Code, or \$250, whichever is
10 greater and received during the preceding calendar
11 year.

12 “(C) In an unusual case, a gift need not be ag-
13 gregated under subparagraph (A) if a publicly avail-
14 able request for a waiver is granted.

15 “(3) The identity and category of value of any
16 interest in property held during the preceding cal-
17 endar year in a trade or business, or for investment
18 or the production of income, which has a fair market
19 value which exceeds \$1,000 as of the close of the
20 preceding calendar year, excluding any personal li-
21 ability owed to the reporting individual by a spouse,
22 or by a parent, brother, sister, or child of the report-
23 ing individual or of the reporting individual’s spouse,
24 or any deposits aggregating \$5,000 or less in a per-
25 sonal savings account. For purposes of this para-

graph, 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—

1 “(A) in real property, other than property
2 used solely as a personal residence of the re-
3 porting individual or his spouse; or

4 “(B) in stocks, bonds, commodities fu-
5 tures, and other forms of securities.

6 Reporting is not required under this paragraph of
7 any transaction solely by and between the reporting
8 individual, his spouse, or dependent children.

9 “(6)(A) The identity of all positions held on or
10 before the date of filing during the current calendar
11 year (and, for the first report filed by an individual,
12 during the 2-year period preceding such calendar
13 year) as an officer, director, trustee, partner, propri-
14 etor, representative, employee, or consultant of any
15 corporation, company, firm, partnership, or other
16 business enterprise, any nonprofit organization, any
17 labor organization, or any educational or other insti-
18 tution other than the United States. This subpara-
19 graph shall not require the reporting of positions
20 held in any religious, social, fraternal, or political
21 entity and positions solely of an honorary nature.

22 “(B) If any person, other than the United
23 States Government, paid a nonelected reporting indi-
24 vidual compensation in excess of \$5,000 in any of
25 the 2 calendar years prior to the calendar year dur-

1 ing which the individual files his first report under
2 this title, the individual shall include in the report—

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

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

8 The preceding sentence shall not require any indi-
9 vidual to include in such report any information
10 which is considered confidential as a result of a priv-
11 ileged relationship, established by law, between such
12 individual and any person nor shall it require an in-
13 dividual to report any information with respect to
14 any person for whom services were provided by any
15 firm or association of which such individual was a
16 member, partner, or employee unless such individual
17 was directly involved in the provision of such serv-
18 ices.

19 “(7) A description of the date, parties to, and
20 terms of any agreement or arrangement with respect
21 to—

22 “(A) future employment;

23 “(B) a leave of absence during the period
24 of the reporting individual’s Government serv-
25 ice;

1 “(C) continuation of payments by a former
2 employer other than the United States Govern-
3 ment; and

4 “(D) continuing participation in an em-
5 ployee welfare or benefit plan maintained by a
6 former employer.

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

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

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

18 “(B) paragraphs (3) and (4) of subsection (a)
19 as of the date specified in the report but which is
20 less than 31 days before the filing date, and

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

24 “(2)(A) In lieu of filling out 1 or more schedules of
25 a financial disclosure form, an individual may supply the

1 required information in an alternative format, pursuant
2 to either rules adopted by the supervising ethics office for
3 the branch in which such individual serves or pursuant
4 to a specific written determination by such office for a
5 reporting individual.

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

10 “(c) In the case of any individual described in section
11 101(e), any reference to the preceding calendar year shall
12 be considered also to include that part of the calendar year
13 of filing up to the date of the termination of employment.

14 “(d)(1) The categories for reporting the amount or
15 value of the items covered in paragraphs (3), (4), (5), and
16 (8) of subsection (a) are—

17 “(A) not more than \$15,000;

18 “(B) greater than \$15,000 but not more than
19 \$50,000;

20 “(C) greater than \$50,000 but not more than
21 \$100,000;

22 “(D) greater than \$100,000 but not more than
23 \$250,000;

24 “(E) greater than \$250,000 but not more than
25 \$500,000;

1 “(F) greater than \$500,000 but not more than
2 \$1,000,000;

3 “(G) greater than \$1,000,000 but not more
4 than \$5,000,000;

5 “(H) greater than \$5,000,000 but not more
6 than \$25,000,000;

7 “(I) greater than \$25,000,000 but not more
8 than \$50,000,000; and

9 “(J) greater than \$50,000,000.

10 “(2) For the purposes of paragraph (3) of subsection
11 (a) if the current value of an interest in real property (or
12 an interest in a real estate partnership) is not ascertain-
13 able without an appraisal, an individual may list (A) the
14 date of purchase and the purchase price of the interest
15 in the real property, or (B) the assessed value of the real
16 property for tax purposes, adjusted to reflect the market
17 value of the property used for the assessment if the as-
18 sessed value is computed at less than 100 percent of such
19 market value, but such individual shall include in his re-
20 port a full and complete description of the method used
21 to determine such assessed value, instead of specifying a
22 category of value pursuant to paragraph (1) of this sub-
23 section. If the current value of any other item required
24 to be reported under paragraph (3) of subsection (a) is
25 not ascertainable without an appraisal, such individual

1 may list the book value of a corporation whose stock is
2 not publicly traded, the net worth of a business partner-
3 ship, the equity value of an individually owned business,
4 or with respect to other holdings, any recognized indica-
5 tion of value, but such individual shall include in his report
6 a full and complete description of the method used in de-
7 termining such value. In lieu of any value referred to in
8 the preceding sentence, an individual may list the assessed
9 value of the item for tax purposes, adjusted to reflect the
10 market value of the item used for the assessment if the
11 assessed value is computed at less than 100 percent of
12 such market value, but a full and complete description of
13 the method used in determining such assessed value shall
14 be included in the report.

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

20 “(A) The source of items of earned income
21 earned by a spouse from any person which exceed
22 \$1,000 and the source and amount of any honoraria
23 received by a spouse, except that, with respect to
24 earned income (other than honoraria), if the spouse
25 is self-employed in business or a profession, only the

1 nature of such business or profession need be re-
2 ported.

3 “(B) All information required to be reported in
4 subsection (a)(1)(B) with respect to income derived
5 by a spouse or dependent child from any asset held
6 by the spouse or dependent child and reported pur-
7 suant to subsection (a)(3).

8 “(C) In the case of any gifts received by a
9 spouse or dependent child which are not received to-
10 tally independent of the relationship of the spouse or
11 dependent child to the reporting individual, the iden-
12 tity of the source and a brief description of gifts of
13 transportation, lodging, food, or entertainment and
14 a brief description and the value of other gifts.

15 “(D) In the case of any reimbursements re-
16 ceived by a spouse or dependent child which are not
17 received totally independent of the relationship of
18 the spouse or dependent child to the reporting indi-
19 vidual, the identity of the source and a brief descrip-
20 tion of each such reimbursement.

21 “(E) In the case of items described in para-
22 graphs (3) through (5) of subsection (a), all infor-
23 mation required to be reported under these para-
24 graphs other than items (i) which the reporting indi-
25 vidual certifies represent the spouse’s or dependent

1 child's sole financial interest or responsibility and
2 which the reporting individual has no knowledge of,
3 (ii) which are not in any way, past or present, de-
4 rived from the income, assets, or activities of the re-
5 porting individual, and (iii) from which the reporting
6 individual neither derives, nor expects to derive, any
7 financial or economic benefit.

8 “(F) For purposes of this section, categories
9 with amounts or values greater than \$1,000,000 set
10 forth in sections 102 (a)(1)(B) and (d)(1) shall
11 apply to the income, assets, or liabilities of spouses
12 and dependent children only if the income, assets, or
13 liabilities are held jointly with the reporting indi-
14 vidual. All other income, assets, or liabilities of the
15 spouse or dependent children required to be reported
16 under this section in an amount or value greater
17 than \$1,000,000 shall be categorized only as an
18 amount or value greater than \$1,000,000.

19 Reports required by subsections (a), (b), and (c) of section
20 101 shall, with respect to the spouse and dependent child
21 of the reporting individual, only contain information listed
22 in paragraphs (1), (3), and (4) of subsection (a), as speci-
23 fied in this paragraph.

24 “(2) No report shall be required with respect to a
25 spouse living separate and apart from the reporting indi-

1 vidual with the intention of terminating the marriage or
 2 providing for permanent separation; or with respect to any
 3 income or obligations of an individual arising from the dis-
 4 solution of his marriage or the permanent separation from
 5 his spouse.

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

14 “(2) A reporting individual need not report the hold-
 15 ings of or the source of income from any of the holdings
 16 of—

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

19 “(B) a trust—

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

23 “(ii) the holdings or sources of income of
 24 which such individual, his spouse, and any de-
 25 pendent child have no knowledge of; or

1 “(C) an entity described under the provisions of
2 paragraph (8), but such individual shall report the
3 category of the amount of income received by him,
4 his spouse, or any dependent child from the trust or
5 other entity under subsection (a)(1)(B) of this sec-
6 tion.

7 “(3) For purposes of this subsection, the term ‘quali-
8 fied blind trust’ includes any trust in which a reporting
9 individual, his spouse, or any minor or dependent child
10 has a beneficial interest in the principal or income, and
11 which meets the following requirements:

12 “(A)(i) The trustee of the trust and any other
13 entity designated in the trust instrument to perform
14 fiduciary duties is a financial institution, an attor-
15 ney, a certified public accountant, a broker, or an in-
16 vestment advisor who—

17 “(I) is independent of and not associated
18 with any interested party so that the trustee or
19 other person cannot be controlled or influenced
20 in the administration of the trust by any inter-
21 ested party;

22 “(II) is not and has not been an employee
23 of or affiliated with any interested party and is
24 not a partner of, or involved in any joint ven-

1 ture or other investment with, any interested
2 party; and

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

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

8 “(I) is independent of and not associated
9 with any interested party so that such officer or
10 employee cannot be controlled or influenced in
11 the administration of the trust by any inter-
12 ested party;

13 “(II) is not a partner of, or involved in any
14 joint venture or other investment with, any in-
15 terested party; and

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

18 “(B) Any asset transferred to the trust by an
19 interested party is free of any restriction with re-
20 spect to its transfer or sale unless such restriction
21 is expressly approved by the supervising ethics office
22 of the reporting individual.

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

1 “(i) except to the extent provided in sub-
2 paragraph (B) of this paragraph, the trustee in
3 the exercise of his authority and discretion to
4 manage and control the assets of the trust shall
5 not consult or notify any interested party;

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

9 “(iii) the trustee shall promptly notify the
10 reporting individual and his supervising ethics
11 office when the holdings of any particular asset
12 transferred to the trust by any interested party
13 are disposed of or when the value of such hold-
14 ing is less than \$1,000;

15 “(iv) the trust tax return shall be prepared
16 by the trustee or his designee, and such return
17 and any information relating thereto (other
18 than the trust income summarized in appro-
19 priate categories necessary to complete an inter-
20 ested party’s tax return), shall not be disclosed
21 to any interested party;

22 “(v) an interested party shall not receive
23 any report on the holdings and sources of in-
24 come of the trust, except a report at the end of
25 each calendar quarter with respect to the total

1 cash value of the interest of the interested party
2 in the trust or the net income or loss of the
3 trust or any reports necessary to enable the in-
4 terested party to complete an individual tax re-
5 turn required by law or to provide the informa-
6 tion required by subsection (a)(1) of this sec-
7 tion, but such report shall not identify any
8 asset or holding;

9 “(vi) except for communications which
10 solely consist of requests for distributions of
11 cash or other unspecified assets of the trust,
12 there shall be no direct or indirect communica-
13 tion between the trustee and an interested
14 party with respect to the trust unless such com-
15 munication is in writing and unless it relates
16 only (I) to the general financial interest and
17 needs of the interested party (including, but not
18 limited to, an interest in maximizing income or
19 long-term capital gain), (II) to the notification
20 of the trustee of a law or regulation subse-
21 quently applicable to the reporting individual
22 which prohibits the interested party from hold-
23 ing an asset, which notification directs that the
24 asset not be held by the trust, or (III) to direc-
25 tions to the trustee to sell all of an asset ini-

1 tially placed in the trust by an interested party
2 which in the determination of the reporting in-
3 dividual creates a conflict of interest or the ap-
4 pearance thereof due to the subsequent assump-
5 tion of duties by the reporting individual (but
6 nothing herein shall require any such direction);
7 and

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

14 “(D) The proposed trust instrument and the
15 proposed trustee is approved by the reporting indi-
16 vidual’s supervising ethics office.

17 “(E) For purposes of this subsection, ‘inter-
18 ested party’ means a reporting individual, his
19 spouse, and any minor or dependent child; ‘broker’
20 has the meaning set forth in section 3(a)(4) of the
21 Securities and Exchange Act of 1934 (15 U.S.C.
22 78c(a)(4)); and ‘investment adviser’ includes any in-
23 vestment adviser who, as determined under regula-
24 tions prescribed by the supervising ethics office, is

1 generally involved in his role as such an adviser in
2 the management or control of trusts.

3 “(F) Any trust qualified by a supervising ethics
4 office before January 1, 1991, shall continue to be
5 governed by the law and regulations in effect imme-
6 diately before such effective date.

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

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

20 “(I) the assets placed in the trust consist of a
21 well-diversified portfolio of readily marketable securi-
22 ties;

23 “(II) none of the assets consist of securities of
24 entities having substantial activities in the area of

1 the reporting individual's primary area of responsi-
2 bility;

3 “(III) the trust instrument prohibits the trust-
4 ee, notwithstanding the provisions of paragraph
5 (3)(C) (iii) and (iv) of this subsection, from making
6 public or informing any interested party of the sale
7 of any securities;

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

14 “(V) except as otherwise provided in this para-
15 graph, the trust instrument provides (or in the case
16 of a trust established prior to January 1, 1991,
17 which by its terms does not permit amendment, the
18 trustee, the reporting individual, and any other in-
19 terested party agree in writing) that the trust shall
20 be administered in accordance with the requirements
21 of this subsection and the trustee of such trust
22 meets the requirements of paragraph (3)(A).

23 “(ii) In any instance covered by subparagraph (B)
24 in which the reporting individual is an individual whose
25 nomination is being considered by a congressional com-

1 mittee, the reporting individual shall inform the congres-
 2 sional committee considering his nomination before or dur-
 3 ing the period of such individual's confirmation hearing
 4 of his intention to comply with this paragraph.

5 “(5)(A) The reporting individual shall, within 30
 6 days after a qualified blind trust is approved by his super-
 7 vising ethics office, file with such office a copy of—

8 “(i) the executed trust instrument of such trust
 9 (other than those provisions which relate to the tes-
 10 tamentary disposition of the trust assets), and

11 “(ii) a list of the assets which were transferred
 12 to such trust, including the category of value of each
 13 asset as determined under subsection (d) of this sec-
 14 tion.

15 This subparagraph shall not apply with respect to a trust
 16 meeting the requirements for being considered a qualified
 17 blind trust under paragraph (7) of this subsection.

18 “(B) The reporting individual shall, within 30 days
 19 of transferring an asset (other than cash) to a previously
 20 established qualified blind trust, notify his supervising eth-
 21 ics office of the identity of each such asset and the cat-
 22 egory of value of each asset as determined under sub-
 23 section (d) of this section.

24 “(C) Within 30 days of the dissolution of a qualified
 25 blind trust, a reporting individual shall—

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

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

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

14 “(E) A copy of each written communication with re-
15 spect to the trust under paragraph (3)(C)(vi) shall be filed
16 by the person initiating the communication with the re-
17 porting individual’s supervising ethics office within 5 days
18 of the date of the communication.

19 “(6)(A) A trustee of a qualified blind trust shall not
20 knowingly and willfully, or negligently, (i) disclose any in-
21 formation to an interested party with respect to such trust
22 that may not be disclosed under paragraph (3) of this sub-
23 section; (ii) acquire any holding the ownership of which
24 is prohibited by the trust instrument; (iii) solicit advice
25 from any interested party with respect to such trust, which

1 solicitation is prohibited by paragraph (3) of this sub-
2 section or the trust agreement; or (iv) fail to file any docu-
3 ment required by this subsection.

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

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

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

23 “(7) Any trust may be considered to be a qualified
24 blind trust if—

1 “(A) the trust instrument is amended to comply
2 with the requirements of paragraph (3) or, in the
3 case of a trust instrument which does not by its
4 terms permit amendment, the trustee, the reporting
5 individual, and any other interested party agree in
6 writing that the trust shall be administered in ac-
7 cordance with the requirements of this subsection
8 and the trustee of such trust meets the requirements
9 of paragraph (3)(A); except that in the case of any
10 interested party who is a dependent child, a parent
11 or guardian of such child may execute the agreement
12 referred to in this subparagraph;

13 “(B) a copy of the trust instrument (except tes-
14 tamentary provisions) and a copy of the agreement
15 referred to in subparagraph (A), and a list of the as-
16 sets held by the trust at the time of approval by the
17 supervising ethics office, including the category of
18 value of each asset as determined under subsection
19 (d) of this section, are filed with such office and
20 made available to the public as provided under para-
21 graph (5)(D) of this subsection; and

22 “(C) the supervising ethics office determines
23 that approval of the trust arrangement as a quali-
24 fied blind trust is in the particular case appropriate

1 to assure compliance with applicable laws and regu-
2 lations.

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

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

9 “(ii) the assets of the fund are widely diversi-
10 fied; and

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

14 “(g) Political campaign funds, including campaign re-
15 cepts and expenditures, need not be included in any re-
16 port filed pursuant to this title.

17 “(h) A report filed pursuant to subsection (a), (d),
18 or (e) of section 101 need not contain the information de-
19 scribed in subparagraphs (A), (B), and (C) of subsection
20 (a)(2) with respect to gifts and reimbursements received
21 in a period when the reporting individual was not an offi-
22 cer or employee of the Federal Government.

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

1 “(1) financial interests in or income derived
2 from—

3 “(A) any retirement system under title 5,
4 United States Code (including the Thrift Sav-
5 ings Plan under subchapter III of chapter 84 of
6 such title); or

7 “(B) any other retirement system main-
8 tained by the United States for officers or em-
9 ployees of the United States, including the
10 President, or for members of the uniformed
11 services; or

12 “(2) benefits received under the Social Security
13 Act (42 U.S.C. 301 et seq.).

14 **“SEC. 103. FILING OF REPORTS.**

15 “(a) Each supervising ethics office shall develop and
16 make available forms for reporting the information re-
17 quired by this title.

18 “(b)(1) The reports required under this title shall be
19 filed by a reporting individual with—

20 “(A)(i)(I) the Clerk of the House of Represent-
21 atives, in the case of a Representative in Congress,
22 a Delegate to Congress, the Resident Commissioner
23 from Puerto Rico, an officer or employee of the Con-
24 gress whose compensation is disbursed by the Chief
25 Administrative Officer of the House of Representa-

1 tives, an officer or employee of the Architect of the
 2 Capitol, the United States Botanic Garden, the Con-
 3 gressional Budget Office, the Government Printing
 4 Office, the Library of Congress, or the Copyright
 5 Royalty Tribunal (including any individual termi-
 6 nating service, under section 101(e), in any office or
 7 position referred to in this subclause), or an indi-
 8 vidual described in section 101(e) who is a candidate
 9 for nomination or election as a Representative in
 10 Congress, a Delegate to Congress, or the Resident
 11 Commissioner from Puerto Rico; and

12 “(II) the Secretary of the Senate, in the case
 13 of a Senator, an officer or employee of the Congress
 14 whose compensation is disbursed by the Secretary of
 15 the Senate, an officer or employee of the General
 16 Accounting Office, ~~the Office of Technology Assess-~~
 17 ~~ment~~, or the Office of the Attending Physician (in-
 18 cluding any individual terminating service, under
 19 section 101(e), in any office or position referred to
 20 in this subclause), or an individual described in sec-
 21 tion 101(c) who is a candidate for nomination or
 22 election as a Senator; and

23 “(ii) in the case of an officer or employee of the
 24 Congress as described under section 101(f)(2) who is

1 employed by an agency or commission established in
 2 the legislative branch after November 30, 1989—

3 “(I) the Secretary of the Senate or the
 4 Clerk of the House of Representatives, as the
 5 case may be, as designated in the statute estab-
 6 lishing such agency or commission; or

7 “(II) if such statute does not designate
 8 such committee, the Secretary of the Senate for
 9 agencies and commissions established in even
 10 numbered calendar years, and the Clerk of the
 11 House of Representatives for agencies and com-
 12 missions established in odd numbered calendar
 13 years; and

14 “(B) the Judicial Conference with regard to a
 15 judicial officer or employee described under para-
 16 graphs (3) and (4) of section 101(f) (including indi-
 17 viduals terminating service in such office or position
 18 under section 101(e) or immediately preceding serv-
 19 ice in such office or position).

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

23 “(c) A copy of each report filed under this title by
 24 a Member or an individual who is a candidate for the of-
 25 fice of Member shall be sent by the Clerk of the House

1 of Representatives or Secretary of the Senate, as the case
2 may be, to the appropriate State officer designated under
3 section 312(a) of the Federal Election Campaign Act of
4 1971 of the State represented by the Member or in which
5 the individual is a candidate, as the case may be, within
6 the 30-day period beginning on the day the report is filed
7 with the Clerk or Secretary.

8 “(d)(1) A copy of each report filed under this title
9 with the Clerk of the House of Representatives shall be
10 sent by the Clerk to the Committee on Standards of Offi-
11 cial Conduct of the House of Representatives within the
12 7-day period beginning on the day the report is filed.

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

17 “(e) In carrying out their responsibilities under this
18 title with respect to candidates for office, the Clerk of the
19 House of Representatives and the Secretary of the Senate
20 shall avail themselves of the assistance of the Federal
21 Election Commission. The Commission shall make avail-
22 able to the Clerk and the Secretary on a regular basis a
23 complete list of names and addresses of all candidates reg-
24 istered with the Commission, and shall cooperate and co-
25 ordinate its candidate information and notification pro-

1 gram with the Clerk and the Secretary to the greatest ex-
2 tent possible.

3 **“SEC. 104. FAILURE TO FILE OR FILING FALSE REPORTS.**

4 “(a) The Attorney General may bring a civil action
5 in any appropriate United States district court against
6 any individual who knowingly and willfully falsifies or who
7 knowingly and willfully fails to file or report any informa-
8 tion that such individual is required to report pursuant
9 to section 102. The court in which such action is brought
10 may assess against such individual a civil penalty in any
11 amount, not to exceed \$10,000.

12 “(b) Each congressional ethics committee or the Ju-
13 dicial Conference, as the case may be, shall refer to the
14 Attorney General the name of any individual which such
15 official or committee has reasonable cause to believe has
16 willfully failed to file a report or has willfully falsified or
17 willfully failed to file information required to be reported.
18 Whenever the Judicial Conference refers a name to the
19 Attorney General under this subsection, the Judicial Con-
20 ference also shall notify the judicial council of the circuit
21 in which the named individual serves of the referral.

22 “(c) A congressional ethics committee and the Judi-
23 cial Conference, may take any appropriate personnel or
24 other action in accordance with applicable law or regula-
25 tion against any individual failing to file a report or fal-

1 sifying or failing to report information required to be re-
 2 ported.

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

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

9 “(B) if a filing extension is granted to such in-
 10 dividual under section 101(g), the last day of the fil-
 11 ing extension period, shall, at the direction of and
 12 pursuant to regulations issued by the supervising
 13 ethics office, pay a filing fee of \$200. All such fees
 14 shall be deposited in the miscellaneous receipts of
 15 the Treasury.

16 “(2) The supervising ethics office may waive the fil-
 17 ing fee under this subsection in extraordinary cir-
 18 cumstances.

19 **“SEC. 105. CUSTODY OF AND PUBLIC ACCESS TO REPORTS.**

20 “(a) The supervising ethics office of the judicial
 21 branch, the Clerk of the House of Representatives, and
 22 the Secretary of the Senate shall make available to the
 23 public, in accordance with subsection (b), each report filed
 24 under this title with such office or with the Clerk or the
 25 Secretary of the Senate.

1 “(b)(1) Except as provided in the second sentence of
2 this subsection, the supervising ethics office in the judicial
3 branch, the Clerk of the House of Representatives, and
4 the Secretary of the Senate shall, within 30 days after
5 any report is received under this title by such office or
6 by the Clerk or the Secretary of the Senate, as the case
7 may be, permit inspection of such report by or furnish
8 a copy of such report to any person requesting such in-
9 spection or copy. With respect to any report required to
10 be filed by May 15 of any year, such report shall be made
11 available for public inspection within 30 calendar days
12 after May 15 of such year or within 30 days of the date
13 of filing of such a report for which an extension is granted
14 pursuant to section 101(g). The office, Clerk, or Secretary
15 of the Senate, as the case may be, may require a reason-
16 able fee to be paid in any amount which is found necessary
17 to recover the cost of reproduction or mailing of such re-
18 port excluding any salary of any employee involved in such
19 reproduction or mailing. A copy of such report may be
20 furnished without charge or at a reduced charge if it is
21 determined that waiver or reduction of the fee is in the
22 public interest.

23 “(2) Notwithstanding paragraph (1), a report may
24 not be made available under this section to any person
25 nor may any copy thereof be provided under this section

1 to any person except upon a written application by such
2 person stating—

3 “(A) that person’s name, occupation, and ad-
4 dress;

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

8 “(C) that such person is aware of the prohibi-
9 tions on the obtaining or use of the report.

10 Any such application shall be made available to the public
11 throughout the period during which the report is made
12 available to the public.

13 “(3)(A) This section does not require the immediate
14 and unconditional availability of reports filed by an indi-
15 vidual described in section 109 (6) or (8) of this Act if
16 a finding is made by the Judicial Conference, in consulta-
17 tion with United States Marshal Service, that revealing
18 personal and sensitive information could endanger that in-
19 dividual.

20 “(B) A report may be redacted pursuant to this para-
21 graph only—

22 “(i) to the extent necessary to protect the indi-
23 vidual who filed the report; and

24 “(ii) for as long as the danger to such indi-
25 vidual exists.

1 “(C) The Administrative Office of the United States
 2 Courts shall submit to the Committees on the Judiciary
 3 of the House of Representatives and of the Senate an an-
 4 nual report with respect to the operation of this paragraph
 5 including—

6 “(i) the total number of reports redacted pursu-
 7 ant to this paragraph;

8 “(ii) the total number of individuals whose re-
 9 ports have been redacted pursuant to this para-
 10 graph; and

11 “(iii) the types of threats against individuals
 12 whose reports are redacted, if appropriate.

13 “(D) The Judicial Conference, in consultation with
 14 the Department of Justice, shall issue regulations setting
 15 forth the circumstances under which redaction is appro-
 16 priate under this paragraph and the procedures for redac-
 17 tion.

18 “(E) This paragraph shall expire on December 31,
 19 ~~2001, and apply to filings through calendar year 2001.~~
 20 *2005, and apply to filings through calendar year 2005.*

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

23 “(A) for any unlawful purpose;

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

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

6 “(D) for use, directly or indirectly, in the solici-
7 tation of money for any political, charitable, or other
8 purpose.

9 “(2) The Attorney General may bring a civil action
10 against any person who obtains or uses a report for any
11 purpose prohibited in paragraph (1) of this subsection.
12 The court in which such action is brought may assess
13 against such person a penalty in any amount not to exceed
14 \$10,000. Such remedy shall be in addition to any other
15 remedy available under statutory or common law.

16 “(d) Any report filed with or transmitted to a super-
17 vising ethics office or to the Clerk of the House of Rep-
18 resentatives or the Secretary of the Senate pursuant to
19 this title shall be retained by such office or by the Clerk
20 or the Secretary of the Senate, as the case may be. Such
21 report shall be made available to the public for a period
22 of 6 years after receipt of the report. After such 6-year
23 period the report shall be destroyed unless needed in an
24 ongoing investigation, except that in the case of an indi-
25 vidual who filed the report pursuant to section 101(b) and

1 was not subsequently confirmed by the Senate, or who
2 filed the report pursuant to section 101(c) and was not
3 subsequently elected, such reports shall be destroyed 1
4 year after the individual either is no longer under consid-
5 eration by the Senate or is no longer a candidate for nomi-
6 nation or election to the Office of President, Vice Presi-
7 dent, or as a Member of Congress, unless needed in an
8 ongoing investigation.

9 **“SEC. 106. REVIEW OF REPORTS.**

10 “(a) Each congressional ethics committee and the Ju-
11 dicial Conference shall make provisions to ensure that
12 each report filed under this title is reviewed within 60 days
13 after the date of such filing.

14 “(b)(1) If after reviewing any report under subsection
15 (a), a person designated by the congressional ethics com-
16 mittee or a person designated by the Judicial Conference,
17 as the case may be, is of the opinion that on the basis
18 of information contained in such report the individual sub-
19 mitting such report is in compliance with applicable laws
20 and regulations, he shall state such opinion on the report,
21 and shall sign such report.

22 “(2) If a person designated by the congressional eth-
23 ics committee, or a person designated by the Judicial Con-
24 ference, after reviewing any report under subsection (a)—

1 “(A) believes additional information is required
2 to be submitted, he shall notify the individual sub-
3 mitting such report what additional information is
4 required and the time by which it must be sub-
5 mitted, or

6 “(B) is of the opinion, on the basis of informa-
7 tion submitted, that the individual is not in compli-
8 ance with applicable laws and regulations, he shall
9 notify the individual, afford a reasonable opportunity
10 for a written or oral response, and after consider-
11 ation of such response, reach an opinion as to
12 whether or not, on the basis of information sub-
13 mitted, the individual is in compliance with such
14 laws and regulations.

15 “(3) If a person designated by a congressional ethics
16 committee or a person designated by the Judicial Con-
17 ference, reaches an opinion under paragraph (2)(B) that
18 an individual is not in compliance with applicable laws and
19 regulations, the official or committee shall notify the indi-
20 vidual of that opinion and, after an opportunity for per-
21 sonal consultation (if practicable), determine and notify
22 the individual of which steps, if any, would in the opinion
23 of such official or committee be appropriate for assuring
24 compliance with such laws and regulations and the date

1 by which such steps should be taken. Such steps may in-
2 clude, as appropriate—

3 “(A) divestiture,

4 “(B) restitution,

5 “(C) the establishment of a blind trust,

6 “(D) request for an exemption under section
7 208(b) of title 18, United States Code, or

8 “(E) voluntary request for transfer, reassign-
9 ment, limitation of duties, or resignation.

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

13 “(4) If steps for assuring compliance with applicable
14 laws and regulations are not taken by the date set under
15 paragraph (3) by an individual in a position appointment
16 to which requires the advice and consent of the Senate
17 but removal authority resides in the President, the matter
18 shall be referred to the President for appropriate action.

19 “(5) If steps for assuring compliance with applicable
20 laws and regulations are not taken by the date set under
21 paragraph (3) by any other officer or employee, the matter
22 shall be referred to the congressional ethics committee or
23 the Judicial Conference, for appropriate action.

24 “(6) Each supervising ethics office may render advi-
25 sory opinions interpreting this title within its respective

1 jurisdiction. Notwithstanding any other provision of law,
2 the individual to whom a public advisory opinion is ren-
3 dered in accordance with this paragraph, and any other
4 individual covered by this title who is involved in a fact
5 situation which is indistinguishable in all material aspects,
6 and who acts in good faith in accordance with the provi-
7 sions and findings of such advisory opinion shall not, as
8 a result of such act, be subject to any penalty or sanction
9 provided by this title.

10 **“SEC. 107. CONFIDENTIAL REPORTS AND OTHER ADDI-**
11 **TIONAL REQUIREMENTS.**

12 “(a)(1) Each supervising ethics office may require of-
13 ficers and employees under its jurisdiction (including spe-
14 cial Government employees as defined in section 202 of
15 title 18, United States Code) to file confidential financial
16 disclosure reports, in such form as the supervising ethics
17 office may prescribe. The information required to be re-
18 ported under this subsection by the officers and employees
19 of the legislative or judicial branch shall be set forth in
20 rules or regulations prescribed by the supervising ethics
21 office, and may be less extensive than otherwise required
22 by this title, or more extensive when determined by the
23 supervising ethics office to be necessary and appropriate
24 in light of sections 202 through 209 of title 18, United
25 States Code, regulations promulgated thereunder, official

1 codes of conduct or the authorized activities of such offi-
2 cers or employees. Any individual required to file a report
3 pursuant to section 101 shall not be required to file a con-
4 fidential report pursuant to this subsection, except with
5 respect to information which is more extensive than infor-
6 mation otherwise required by this title. Subsections (a),
7 (b), and (d) of section 105 shall not apply with respect
8 to any such report.

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

12 “(3) Nothing in this subsection exempts any indi-
13 vidual otherwise covered by the requirement to file a public
14 financial disclosure report under this title from such re-
15 quirement.

16 “(b) The provisions of this title requiring the report-
17 ing of information shall supersede any general require-
18 ment under any other provision of law or regulation with
19 respect to the reporting of information required for pur-
20 poses of preventing conflicts of interest or apparent con-
21 flicts of interest. Such provisions of this title shall not su-
22 persede the requirements of section 7342 of title 5, United
23 States Code.

24 “(c) Nothing in this Act requiring reporting of infor-
25 mation shall be deemed to authorize—

1 “(1) the receipt of income, gifts, or reimburse-
2 ments;

3 “(2) the holding of assets, liabilities, or posi-
4 tions; or

5 “(3) the participation in transactions that are
6 prohibited by law, rule, or regulation.

7 **“SEC. 108. AUTHORITY OF COMPTROLLER GENERAL.**

8 “(a) The Comptroller General shall have access to fi-
9 nancial disclosure reports filed under this title for the pur-
10 poses of carrying out his statutory responsibilities.

11 “(b) Not later than December 31, 1992, and regu-
12 larly thereafter, the Comptroller General shall conduct a
13 study to determine whether the provisions of this title are
14 being carried out effectively.

15 **“SEC. 109. DEFINITIONS.**

16 “For the purposes of this title, the term—

17 “(1) ‘congressional ethics committees’ means
18 the Select Committee on Ethics of the Senate and
19 the Committee on Standards of Official Conduct of
20 the House of Representatives;

21 “(2) ‘dependent child’ means, when used with
22 respect to any reporting individual, any individual
23 who is a son, daughter, stepson, or stepdaughter and
24 who—

1 “(A) is unmarried and under age 21 and
2 is living in the household of such reporting indi-
3 vidual; or

4 “(B) is a dependent of such reporting indi-
5 vidual within the meaning of section 152 of the
6 Internal Revenue Code of 1986 (26 U.S.C.
7 152);

8 “(3) ‘gift’ means a payment, advance, forbear-
9 ance, rendering, or deposit of money, or any thing
10 of value, unless consideration of equal or greater
11 value is received by the donor, but does not
12 include—

13 “(A) bequest and other forms of inherit-
14 ance;

15 “(B) suitable mementos of a function hon-
16 oring the reporting individual;

17 “(C) food, lodging, transportation, and en-
18 tertainment provided by a foreign government
19 within a foreign country or by the United
20 States Government, the District of Columbia, or
21 a State or local government or political subdivi-
22 sion thereof;

23 “(D) food and beverages which are not
24 consumed in connection with a gift of overnight
25 lodging;

1 “(E) communications to the offices of a re-
2 porting individual, including subscriptions to
3 newspapers and periodicals; or

4 “(F) consumable products provided by
5 home-State businesses to the offices of a report-
6 ing individual who is an elected official, if those
7 products are intended for consumption by per-
8 sons other than such reporting individual;

9 “(4) ‘honoraria’ has the meaning given such
10 term in section 505 of this Act;

11 “(5) ‘income’ means all income from whatever
12 source derived, including but not limited to the fol-
13 lowing items: compensation for services, including
14 fees, commissions, and similar items; gross income
15 derived from business (and net income if the indi-
16 vidual elects to include it); gains derived from deal-
17 ings in property; interest; rents; royalties; dividends;
18 annuities; income from life insurance and endow-
19 ment contracts; pensions; income from discharge of
20 indebtedness; distributive share of partnership in-
21 come; and income from an interest in an estate or
22 trust;

23 “(6) ‘judicial employee’ means any employee of
24 the judicial branch of the Government, of the United
25 States Sentencing Commission, of the Tax Court, of

1 the Court of Federal Claims, of the Court of Ap-
2 peals for Veterans Claims, or of the United States
3 Court of Appeals for the Armed Forces, who is not
4 a judicial officer and who is authorized to perform
5 adjudicatory functions with respect to proceedings in
6 the judicial branch, or who occupies a position for
7 which the rate of basic pay is equal to or greater
8 than 120 percent of the minimum rate of basic pay
9 payable for GS-15 of the General Schedule;

10 “(7) ‘Judicial Conference’ means the Judicial
11 Conference of the United States;

12 “(8) ‘judicial officer’ means the Chief Justice of
13 the United States, the Associate Justices of the Su-
14 preme Court, and the judges of the United States
15 courts of appeals, United States district courts, in-
16 cluding the district courts in Guam, the Northern
17 Mariana Islands, and the Virgin Islands, Court of
18 Appeals for the Federal Circuit, Court of Inter-
19 national Trade, Tax Court, Court of Federal Claims,
20 Court of Appeals for Veterans Claims, United States
21 Court of Appeals for the Armed Forces, and any
22 court created by Act of Congress, the judges of
23 which are entitled to hold office during good behav-
24 ior;

25 “(9) ‘legislative branch’ includes—

1 “(A) the Architect of the Capitol;

2 “(B) the Botanic Gardens;

3 “(C) the Congressional Budget Office;

4 “(D) the General Accounting Office;

5 “(E) the Government Printing Office;

6 “(F) the Library of Congress;

7 “(G) the United States Capitol Police;

8 “(H) the Office of ~~Technology~~ Assessment
9 *Compliance*; and

10 “(I) any other agency, entity, office, or
11 commission established in the legislative branch;

12 “(10) ‘Member of Congress’ means a United
13 States Senator, a Representative in Congress, a Del-
14 egate to Congress, or the Resident Commissioner
15 from Puerto Rico;

16 “(11) ‘officer or employee of the Congress’
17 means—

18 “(A) any individual described under sub-
19 paragraph (B), other than a Member of Con-
20 gress or the Vice President, whose compensa-
21 tion is disbursed by the Secretary of the Senate
22 or the Chief Administrative Officer of the
23 House of Representatives;

24 “(B)(i) each officer or employee of the leg-
25 islative branch who, for at least 60 days, occu-

1 pies a position for which the rate of basic pay
2 is equal to or greater than 120 percent of the
3 minimum rate of basic pay payable for GS-15
4 of the General Schedule; and

5 “(ii) at least 1 principal assistant des-
6 ignated for purposes of this paragraph by each
7 Member who does not have an employee who
8 occupies a position for which the rate of basic
9 pay is equal to or greater than 120 percent of
10 the minimum rate of basic pay payable for GS-
11 15 of the General Schedule;

12 “(12) ‘personal hospitality of any individual’
13 means hospitality extended for a nonbusiness pur-
14 pose by an individual, not a corporation or organiza-
15 tion, at the personal residence of that individual or
16 his family or on property or facilities owned by that
17 individual or his family;

18 “(13) ‘reimbursement’ means any payment or
19 other thing of value received by the reporting indi-
20 vidual, other than gifts, to cover travel-related ex-
21 penses of such individual other than those which
22 are—

23 “(A) provided by the United States Gov-
24 ernment, the District of Columbia, or a State or
25 local government or political subdivision thereof;

1 “(B) required to be reported by the report-
 2 ing individual under section 7342 of title 5,
 3 United States Code; or

4 “(C) required to be reported under section
 5 304 of the Federal Election Campaign Act of
 6 1971 (2 U.S.C. 434);

7 “(14) ‘relative’ means an individual who is re-
 8 lated to the reporting individual, as father, mother,
 9 son, daughter, brother, sister, uncle, aunt, great
 10 aunt, great uncle, first cousin, nephew, niece, hus-
 11 band, wife, grandfather, grandmother, grandson,
 12 granddaughter, father-in-law, mother-in-law, son-in-
 13 law, daughter-in-law, brother-in-law, sister-in-law,
 14 stepfather, stepmother, stepson, stepdaughter, step-
 15 brother, stepsister, half brother, half sister, or who
 16 is the grandfather or grandmother of the spouse of
 17 the reporting individual, and shall be deemed to in-
 18 clude the fiancé or fiancée of the reporting indi-
 19 vidual;

20 “(15) ‘supervising ethics office’ means—

21 “(A) the Select Committee on Ethics of
 22 the Senate, for Senators, officers and employees
 23 of the Senate, and other officers, or employees
 24 of the legislative branch required to file finan-

1 cial disclosure reports with the Secretary of the
 2 Senate pursuant to section 103(h) of this title;

3 “(B) the Committee on Standards of Offi-
 4 cial Conduct of the House of Representatives,
 5 for Members, officers, and employees of the
 6 House of Representatives and other officers or
 7 employees of the legislative branch required to
 8 file financial disclosure reports with the Clerk
 9 of the House of Representatives pursuant to
 10 section 103(h) of this title; and

11 “(C) the Judicial Conference for judicial
 12 officers and judicial employees; and

13 “(16) ‘value’ means a good faith estimate of the
 14 dollar value if the exact value is neither known nor
 15 easily obtainable by the reporting individual.

16 **“SEC. 110. NOTICE OF ACTIONS TAKEN TO COMPLY WITH**
 17 **ETHICS AGREEMENTS.**

18 “(a) In any case in which an individual agrees with
 19 a Senate confirmation committee, a congressional ethics
 20 committee, or the Judicial Conference, to take any action
 21 to comply with this Act or any other law or regulation
 22 governing conflicts of interest of, or establishing standards
 23 of conduct applicable with respect to, officers or employees
 24 of the Government, that individual shall notify in writing
 25 the appropriate committee of the Senate, the congressional

1 ethics committee, or the Judicial Conference, as the case
 2 may be, of any action taken by the individual pursuant
 3 to that agreement. Such notification shall be made not
 4 later than the date specified in the agreement by which
 5 action by the individual must be taken, or not later than
 6 3 months after the date of the agreement, if no date for
 7 action is so specified.

8 “(b) If an agreement described in subsection (a) re-
 9 quires that the individual recuse himself or herself from
 10 particular categories of agency or other official action, the
 11 individual shall reduce to writing those subjects regarding
 12 which the recusal agreement will apply and the process
 13 by which it will be determined whether the individual must
 14 recuse himself or herself in a specific instance. An indi-
 15 vidual shall be considered to have complied with the re-
 16 quirements of subsection (a) with respect to such recusal
 17 agreement if such individual files a copy of the document
 18 setting forth the information described in the preceding
 19 sentence with ~~such individual’s designated agency ethics~~
 20 ~~official or~~ the appropriate supervising ethics office within
 21 the time prescribed in the last sentence of subsection (a).

22 **“SEC. 111. ADMINISTRATION OF PROVISIONS.**

23 “The provisions of this title shall be administered
 24 by—

1 “(1) the Select Committee on Ethics of the
 2 Senate and the Committee on Standards of Official
 3 Conduct of the House of Representatives, as appro-
 4 priate, with regard to officers and employees de-
 5 scribed in paragraphs (1) and (2) of section 101(f);
 6 and

7 “(2) the Judicial Conference in the case of an
 8 officer or employee described in paragraphs (3) and
 9 (4) of section 101(f). The Judicial Conference may
 10 delegate any authority it has under this title to an
 11 ethics committee established by the Judicial Con-
 12 ference.”.

13 **SEC. 4. PUBLIC FINANCIAL DISCLOSURE FOR THE EXECU-**
 14 **TIVE BRANCH.**

15 The Ethics in Government Act of 1978 (5 U.S.C.
 16 App.) is amended by inserting after title I the following:

17 **“TITLE II—EXECUTIVE PER-**
 18 **SONNEL FINANCIAL DISCLO-**
 19 **SURE REQUIREMENTS**

20 **“SEC. 201. PERSONS REQUIRED TO FILE.**

21 “(a) Within 30 days of assuming the position of an
 22 officer or employee described in subsection (f), an indi-
 23 vidual shall file a report containing the information de-
 24 scribed in section 202(b) unless the individual has left an-
 25 other position described in subsection (f) of this section

1 or section 101(f) of this Act within 30 days prior to as-
2 suming such new position or has already filed a report
3 under this title with respect to nomination for the new
4 position or as a candidate for the position.

5 “(b)(1) Within 5 days of the transmittal by the Presi-
6 dent to the Senate of the nomination of an individual
7 (other than an individual nominated for appointment to
8 a position as a Foreign Service Officer or a grade or rank
9 in the uniformed services for which the pay grade pre-
10 scribed by section 201 of title 37, United States Code, is
11 O–6 or below) to a position in the executive branch, ap-
12 pointment to which requires the advice and consent of the
13 Senate, such individual shall file a report containing the
14 information described in section 202(b). Such individual
15 shall, not later than the date of the first hearing to con-
16 sider the nomination of such individual, make current the
17 report filed pursuant to this paragraph by filing the infor-
18 mation required by section 202(a)(1)(A) with respect to
19 income and honoraria received as of the date which occurs
20 5 days before the date of such hearing. Nothing in this
21 Act shall prevent any congressional committee from re-
22 questing, as a condition of confirmation, any additional
23 financial information from any Presidential nominee
24 whose nomination has been referred to that committee.

1 “(2) An individual whom the President or the Presi-
2 dent-elect has publicly announced he intends to nominate
3 to a position may file the report required by paragraph
4 (1) at any time after that public announcement, but not
5 later than is required under the first sentence of such
6 paragraph.

7 “(c)(1) Within 30 days of becoming a candidate as
8 defined in section 301 of the Federal Campaign Act of
9 1971, in a calendar year for nomination or election to the
10 office of President or Vice President or on or before May
11 15 of that calendar year, whichever is later, but in no
12 event later than 30 days before the election, and on or
13 before May 15 of each successive year an individual con-
14 tinues to be a candidate, an individual other than an in-
15 cumbent President or Vice President shall file a report
16 containing the information described in section 202(b).
17 Notwithstanding the preceding sentence, in any calendar
18 year in which an individual continues to be a candidate
19 for any office but all elections for such office relating to
20 such candidacy were held in prior calendar years, such in-
21 dividual need not file a report unless he becomes a can-
22 didate for another vacancy in that office or another office
23 during that year.

24 “(2) Notwithstanding paragraph (1), within 30 days
25 of taking the oath of office of President or Vice President,

1 an individual shall file a report containing the information
2 described in section 202(b) unless such individual served
3 as President or Vice President immediately prior to taking
4 that oath.

5 “(d) Any individual who is an officer or employee de-
6 scribed in subsection (f) during any calendar year and per-
7 forms the duties of his position or office for a period in
8 excess of 60 days in that calendar year shall file on or
9 before May 15 of the succeeding year a report containing
10 the information described in section 202(a).

11 “(e) Any individual who occupies a position described
12 in subsection (f) shall, on or before the thirtieth day after
13 termination of employment in such position, file a report
14 containing the information described in section 202(a)
15 covering the preceding calendar year if the report required
16 by subsection (d) has not been filed and covering the por-
17 tion of the calendar year in which such termination occurs
18 up to the date the individual left such office or position,
19 unless such individual has accepted employment in or
20 takes the oath of office for another position described in
21 subsection (f) or section 101(f).

22 “(f) The officers and employees referred to in sub-
23 sections (a), (d), and (e) are—

24 “(1) the President;

25 “(2) the Vice President;

1 “(3) each officer or employee in the executive
2 branch, including a special Government employee as
3 defined in section 202 of title 18, United States
4 Code, who occupies a position classified above GS-
5 15 of the General Schedule or, in the case of posi-
6 tions not under the General Schedule, for which the
7 rate of basic pay is equal to or greater than 120 per-
8 cent of the minimum rate of basic pay payable for
9 GS-15 of the General Schedule; each member of a
10 uniformed service whose pay grade is at or in excess
11 of O-7 under section 201 of title 37, United States
12 Code; and each officer or employee in any other po-
13 sition determined by the Director of the Office of
14 Government Ethics to be of equal classification;

15 “(4) each employee appointed pursuant to sec-
16 tion 3105 of title 5, United States Code;

17 “(5) any employee not described in paragraph
18 (3) who is in a position in the executive branch
19 which is excepted from the competitive service by
20 reason of being of a confidential or policymaking
21 character, except that the Director of the Office of
22 Government Ethics may, by regulation, exclude from
23 the application of this paragraph any individual, or
24 group of individuals, who are in such positions, but
25 only in cases in which the Director determines such

1 exclusion would not affect adversely the integrity of
2 the Government or the public's confidence in the in-
3 tegrity of the Government;

4 “(6) the Postmaster General, the Deputy Post-
5 master General, each Governor of the Board of Gov-
6 ernors of the United States Postal Service, each offi-
7 cer or employee of the United States Postal Service
8 who is designated as a member of the Postal Career
9 Executive Service (PCES I or II), and each officer
10 or employee of the Postal Rate Commission who oc-
11 cupies a position for which the rate of basic pay is
12 equal to or greater than 120 percent of the min-
13 imum rate of basic pay payable for GS-15 of the
14 General Schedule;

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

18 “(8) any civilian employee not described in
19 paragraph (3), employed in the Executive Office of
20 the President (other than a special Government em-
21 ployee) who holds a commission of appointment from
22 the President.

23 “(g)(1) Reasonable extensions of time for filing any
24 report may be granted under procedures prescribed by the

1 Office of Government Ethics, but the total of such exten-
2 sions shall not exceed 90 days.

3 “(2)(A) In the case of an individual who is serving
4 in the Armed Forces, or serving in support of the Armed
5 Forces, in an area while that area is designated by the
6 President by Executive order as a combat zone for pur-
7 poses of section 112 of the Internal Revenue Code of
8 1986, the date for the filing of any report shall be ex-
9 tended so that the date is 180 days after the later of—

10 “(i) the last day of the individual’s service in
11 such area during such designated period; or

12 “(ii) the last day of the individual’s hospitaliza-
13 tion as a result of injury received or disease con-
14 tracted while serving in such area.

15 “(B) The Office of Government Ethics, in consulta-
16 tion with the Secretary of Defense, may prescribe proce-
17 dures under this paragraph.

18 “(h) The provisions of subsections (a), (b), and (e)
19 shall not apply to an individual who, as determined by the
20 designated agency ethics official or Secretary concerned
21 (or in the case of a Presidential appointee under sub-
22 section (b), the Director of the Office of Government Eth-
23 ics), is not reasonably expected to perform the duties of
24 his office or position for more than 60 days in a calendar
25 year, except that if such individual performs the duties

1 of his office or position for more than 60 days in a cal-
2 endar year—

3 “(1) the report required by subsections (a) and
4 (b) shall be filed within 15 days of the sixtieth day,
5 and

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

8 “(i) The Director of the Office of Government Ethics
9 may grant a publicly available request for a waiver of any
10 reporting requirement under this section for an individual
11 who is expected to perform or has performed the duties
12 of his office or position less than 130 days in a calendar
13 year, but only if the Director determines that—

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

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

18 “(3) it is unlikely that the individual’s outside
19 employment or financial interests will create a con-
20 flict of interest, and

21 “(4) public financial disclosure by such indi-
22 vidual is not necessary in the circumstances.

1 **“SEC. 202. CONTENTS OF REPORTS.**

2 “(a) Each report filed pursuant to section 201 (d)
3 and (e) shall include a full and complete statement with
4 respect to the following:

5 “(1)(A) The source, description, and category
6 of value of income (other than income referred to in
7 subparagraph (B)) from any source (other than
8 from current employment by the United States Gov-
9 ernment), received during the preceding calendar
10 year, aggregating more than \$500 in value, except
11 that honoraria received during Government service
12 by an officer or employee shall include, in addition
13 to the source, the exact amount and the date it was
14 received.

15 “(B) The source and description of investment
16 income which may include but is not limited to divi-
17 dends, rents, interest, and capital gains, received
18 during the preceding calendar year which exceeds
19 \$500 in amount or value.

20 “(C) The categories for reporting the amount
21 for income covered in subparagraphs (A) and (B) of
22 this paragraph are—

23 “(i) greater than \$500 but not more than
24 \$20,000;

25 “(ii) greater than \$20,000 but not more
26 than \$100,000;

1 “(iii) greater than \$100,000 but not more
2 than \$1,000,000;

3 “(iv) greater than \$1,000,000 but not
4 more than \$2,500,000; and

5 “(v) greater than \$2,500,000.

6 “(2)(A) The identity of the source, a brief de-
7 scription, and the value of all gifts aggregating more
8 than the minimal value as established by section
9 7342(a)(5) of title 5, United States Code, or \$250,
10 whichever is greater, received from any source other
11 than a relative of the reporting individual during the
12 preceding calendar year, except that any food, lodg-
13 ing, or entertainment received as personal hospitality
14 of an individual need not be reported, and any gift
15 with a fair market value of \$100 or less, as adjusted
16 at the same time and by the same percentage as the
17 minimal value is adjusted, need not be aggregated
18 for purposes of this subparagraph.

19 “(B) The identity of the source and a brief de-
20 scription (including dates of travel and nature of ex-
21 penses provided) of reimbursements received from
22 any source aggregating more than the minimal value
23 as established by section 7342(a)(5) of title 5,
24 United States Code, or \$250, whichever is greater
25 and received during the preceding calendar year.

1 “(C) In an unusual case, a gift need not be ag-
2 gregated under subparagraph (A) if a publicly avail-
3 able request for a waiver is granted.

4 “(3) The identity and category of value of any
5 interest in property held during the preceding cal-
6 endar year in a trade or business, or for investment
7 or the production of income, which has a fair market
8 value which exceeds \$5,000 as of the close of the
9 preceding calendar year, excluding any personal li-
10 ability owed to the reporting individual by a spouse,
11 or by a parent, brother, sister, or child of the report-
12 ing individual or of the reporting individual’s spouse,
13 or any deposit accounts aggregating \$100,000 or
14 less in a financial institution, or any Federal Gov-
15 ernment securities aggregating \$100,000 or less.

16 “(4) The identity and category of value of the
17 total liabilities owed to any creditor other than a
18 spouse, or a parent, brother, sister, or child of the
19 reporting individual or of the reporting individual’s
20 spouse which exceed \$20,000 at any time during the
21 preceding calendar year, excluding—

22 “(A) any mortgage secured by real prop-
23 erty which is a personal residence of the report-
24 ing individual or his spouse; and

1 “(B) any loan secured by a personal motor
2 vehicle, household furniture, or appliances,
3 which loan does not exceed the purchase price
4 of the item which secures it.

5 With respect to revolving charge accounts, only
6 those with an outstanding liability which exceeds
7 \$20,000 as of the close of the preceding calendar
8 year need be reported under this paragraph. Not-
9 withstanding the preceding sentence, individuals re-
10 quired to file pursuant to section 201(b), shall also
11 report the aggregate sum of the outstanding bal-
12 ances of all revolving charge accounts as of any date
13 that is within 30 days of the date of filing if the ag-
14 gregate sum of those balances exceeds \$20,000.

15 “(5) Except as provided in this paragraph, a
16 brief description of any real property, other than
17 property used solely as a personal residence of the
18 reporting individual or his spouse, or stocks, bonds,
19 commodities futures, and other forms of securities,
20 if—

21 “(A) purchased, sold, or exchanged during
22 the preceding calendar year;

23 “(B) the value of the transaction exceeded
24 \$5,000; and

1 “(C) the property or security is not already
2 required to be reported as a source of income
3 pursuant to paragraph (1)(B) or as an asset
4 pursuant to paragraph (3) of this section.

5 “(6)(A) The identity of all positions held on or
6 before the date of filing during the current calendar
7 year (and, for the first report filed by an individual,
8 during the 1-year period preceding such calendar
9 year) as an officer, director, trustee, partner, propri-
10 etor, representative, employee, or consultant of any
11 corporation, company, firm, partnership, or other
12 business enterprise, any nonprofit organization, any
13 labor organization, or any educational or other insti-
14 tution other than the United States. This subpara-
15 graph shall not require the reporting of positions
16 held in any religious, social, fraternal, or political
17 entity and positions solely of an honorary nature.

18 “(B) If any person, other than a person re-
19 ported as a source of income under paragraph
20 (1)(A) or the United States Government, paid a
21 nonelected reporting individual compensation in ex-
22 cess of \$25,000 in the calendar year prior to or the
23 calendar year in which the individual files his first
24 report under this title, the individual shall include in
25 the report—

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

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

6 The preceding sentence shall not require any indi-
7 vidual to include in such report any information
8 which is considered confidential as a result of a priv-
9 ileged relationship, established by law, between such
10 individual and any person or any information which
11 the person for whom the services are provided has
12 a reasonable expectation of privacy, nor shall it re-
13 quire an individual to report any information with
14 respect to any person for whom services were pro-
15 vided by any firm or association of which such indi-
16 vidual was a member, partner, or employee unless
17 such individual was directly involved in the provision
18 of such services.

19 “(7) A description of parties to and terms of
20 any agreement or arrangement with respect to (A)
21 future employment; (B) a leave of absence during
22 the period of the reporting individual’s Government
23 service; (C) continuation of payments by a former
24 employer other than the United States Government;
25 and (D) continuing participation in an employee wel-

1 fare or benefit plan maintained by a former em-
2 ployer. The description of any formal agreement for
3 future employment shall include the date on which
4 that agreement was entered into.

5 “(8) The category of the total cash value of any
6 interest of the reporting individual in a qualified
7 blind trust.

8 “(b)(1) Each report filed pursuant to subsections (a),
9 (b), and (c) of section 201 shall include a full and complete
10 statement with respect to the information required by—

11 “(A) paragraphs (1) and (6) of subsection (a)
12 for the year of filing and the preceding calendar
13 year,

14 “(B) paragraphs (3) and (4) of subsection (a)
15 as of the date specified in the report but which is
16 less than 31 days before the filing date, and

17 “(C) paragraph (7) of subsection (a) as of the
18 filing date but for periods described in such para-
19 graph.

20 “(2)(A) In lieu of filling out 1 or more sched-
21 ules of a financial disclosure form, an individual may
22 supply the required information in an alternative
23 format, pursuant to either rules adopted by the Of-
24 fice of Government Ethics or pursuant to a specific

1 written determination by the Director for a report-
2 ing individual.

3 “(B) In lieu of indicating the category of
4 amount or value of any item contained in any report
5 filed under this title, a reporting individual may in-
6 dicate the exact dollar amount of such item.

7 “(c)(1) In the case of any individual referred to in
8 section 201(d), the Office of Government Ethics may by
9 regulation require a reporting period to include any period
10 in which the individual served as an officer or employee
11 described in section 201(f) and the period would not other-
12 wise be covered by any public report filed pursuant to this
13 title.

14 “(2) In the case of any individual referred to in sec-
15 tion 201(e), any reference to the preceding calendar year
16 shall be considered also to include that part of the cal-
17 endar year of filing up to the date of the termination of
18 employment.

19 “(d)(1) The categories for reporting the amount or
20 value of the items covered in paragraph (3) of subsection
21 (a) are—

22 “(A) greater than \$5,000 but not more than
23 \$15,000;

24 “(B) greater than \$15,000 but not more than
25 \$100,000;

1 “(C) greater than \$100,000 but not more than
2 \$1,000,000;

3 “(D) greater than \$1,000,000 but not more
4 than \$2,500,000; and

5 “(E) greater than \$2,500,000.

6 “(2) For the purposes of paragraph (3) of subsection
7 (a) if the current value of an interest in real property (or
8 an interest in a real estate partnership) is not ascertain-
9 able without an appraisal, an individual may list (A) the
10 date of purchase and the purchase price of the interest
11 in the real property, or (B) the assessed value of the real
12 property for tax purposes, adjusted to reflect the market
13 value of the property used for the assessment if the as-
14 sessed value is computed at less than 100 percent of such
15 market value, but such individual shall include in his re-
16 port a full and complete description of the method used
17 to determine such assessed value, instead of specifying a
18 category of value pursuant to paragraph (1) of this sub-
19 section. If the current value of any other item required
20 to be reported under paragraph (3) of subsection (a) is
21 not ascertainable without an appraisal, such individual
22 may list the book value of a corporation whose stock is
23 not publicly traded, the net worth of a business partner-
24 ship, the equity value of an individually owned business,
25 or with respect to other holdings, any recognized indica-

tion 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.

“(3) The categories for reporting the amount or value of the items covered in paragraphs (4) and (8) of subsection (a) are—

“(A) greater than \$20,000 but not more than \$100,000;

“(B) greater than \$100,000 but not more than \$500,000;

“(C) greater than \$500,000 but not more than \$1,000,000; and

“(D) greater than \$1,000,000.

“(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 201 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:

1 “(A) The sources of earned income earned by
2 a spouse including honoraria which exceed \$500 ex-
3 cept that, with respect to earned income if the
4 spouse is self-employed in business or a profession,
5 only the nature of such business or profession need
6 be reported.

7 “(B) All information required to be reported in
8 subsection (a)(1)(B) with respect to investment in-
9 come derived by a spouse or dependent child.

10 “(C) In the case of any gifts received by a
11 spouse or dependent child which are not received to-
12 tally independent of the relationship of the spouse or
13 dependent child to the reporting individual, the iden-
14 tity of the source and a brief description of gifts of
15 transportation, lodging, food, or entertainment and
16 a brief description and the value of other gifts.

17 “(D) In the case of any reimbursements re-
18 ceived by a spouse or dependent child which are not
19 received totally independent of the relationship of
20 the spouse or dependent child to the reporting indi-
21 vidual, the identity of the source and a brief descrip-
22 tion of each such reimbursement.

23 “(E) In the case of items described in para-
24 graphs (3) through (5) of subsection (a), all infor-
25 mation required to be reported under these para-

1 graphs other than items which the reporting indi-
2 vidual certifies (i) represent the spouse's or depend-
3 ent child's sole financial interest or responsibility
4 and which the reporting individual has no knowledge
5 of, (ii) are not in any way, past or present, derived
6 from the income, assets, or activities of the reporting
7 individual, and (iii) that he neither derives, nor ex-
8 pects to derive, any financial or economic benefit.

9 “(F) Reports required by subsections (a), (b),
10 and (c) of section 201 shall, with respect to the
11 spouse and dependent child of the reporting indi-
12 vidual, only contain information listed in paragraphs
13 (1), (3), and (4) of subsection (a), as specified in
14 this paragraph.

15 “(2) No report shall be required with respect to a
16 spouse living separate and apart from the reporting indi-
17 vidual with the intention of terminating the marriage or
18 providing for permanent separation; or with respect to any
19 income or obligations of an individual arising from the dis-
20 solution of his marriage or the permanent separation from
21 his spouse.

22 “(f)(1) Except as provided in paragraph (2), each re-
23 porting individual shall report the information required to
24 be reported pursuant to subsections (a), (b), and (c) of
25 this section with respect to the holdings of and the income

1 from a trust or other financial arrangement from which
2 income is received by, or with respect to which a beneficial
3 interest in principal or income is held by, such individual,
4 his spouse, or any dependent child.

5 “(2) A reporting individual need not report the hold-
6 ings of or the source of income from any of the holdings
7 of—

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

10 “(B) a trust—

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

14 “(ii) the holdings or sources of income of
15 which such individual, his spouse, and any de-
16 pendent child have no knowledge of; or

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

22 “(3) For purposes of this subsection, the term ‘quali-
23 fied blind trust’ includes any trust in which a reporting
24 individual, his spouse, or any minor or dependent child

1 has a beneficial interest in the principal or income, and
2 which meets the following requirements:

3 “(A)(i) The trustee of the trust and any other
4 entity designated in the trust instrument to perform
5 fiduciary duties is a financial institution, an attor-
6 ney, a certified public accountant, a broker, or an in-
7 vestment advisor who—

8 “(I) is independent of and not associated
9 with any interested party so that the trustee or
10 other person cannot be controlled or influenced
11 in the administration of the trust by any inter-
12 ested party;

13 “(II) is not and has not been an employee
14 of or affiliated with any interested party and is
15 not a partner of, or involved in any joint ven-
16 ture or other investment with, any interested
17 party; and

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

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

23 “(I) is independent of and not associated
24 with any interested party so that such officer or
25 employee cannot be controlled or influenced in

1 the administration of the trust by any inter-
2 ested party;

3 “(II) is not a partner of, or involved in any
4 joint venture or other investment with, any in-
5 terested party; and

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

8 “(B) Any asset transferred to the trust by an
9 interested party is free of any restriction with re-
10 spect to its transfer or sale unless such restriction
11 is expressly approved by the Office of Government
12 Ethics.

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

15 “(i) except to the extent provided in sub-
16 paragraph (B) of this paragraph, the trustee in
17 the exercise of his authority and discretion to
18 manage and control the assets of the trust shall
19 not consult or notify any interested party;

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

23 “(iii) the trustee shall promptly notify the
24 reporting individual and the Office of Govern-
25 ment Ethics when the holdings of any par-

1 ticular asset transferred to the trust by any in-
2 terested party are disposed of or when the value
3 of such holding is less than \$1,000;

4 “(iv) the trust tax return shall be prepared
5 by the trustee or his designee, and such return
6 and any information relating thereto (other
7 than the trust income summarized in appro-
8 priate categories necessary to complete an inter-
9 ested party’s tax return), shall not be disclosed
10 to any interested party;

11 “(v) an interested party shall not receive
12 any report on the holdings and sources of in-
13 come of the trust, except a report at the end of
14 each calendar quarter with respect to the total
15 cash value of the interest of the interested party
16 in the trust or the net income or loss of the
17 trust or any reports necessary to enable the in-
18 terested party to complete an individual tax re-
19 turn required by law or to provide the informa-
20 tion required by subsection (a)(1) of this sec-
21 tion, but such report shall not identify any
22 asset or holding;

23 “(vi) except for communications which
24 solely consist of requests for distributions of
25 cash or other unspecified assets of the trust,

1 there shall be no direct or indirect communica-
2 tion between the trustee and an interested
3 party with respect to the trust unless such com-
4 munication is in writing and unless it relates
5 only (I) to the general financial interest and
6 needs of the interested party (including, but not
7 limited to, an interest in maximizing income or
8 long-term capital gain), (II) to the notification
9 of the trustee of a law or regulation subse-
10 quently applicable to the reporting individual
11 which prohibits the interested party from hold-
12 ing an asset, which notification directs that the
13 asset not be held by the trust, or (III) to direc-
14 tions to the trustee to sell all of an asset ini-
15 tially placed in the trust by an interested party
16 which in the determination of the reporting in-
17 dividual creates a conflict of interest or the ap-
18 pearance thereof due to the subsequent assump-
19 tion of duties by the reporting individual (but
20 nothing herein shall require any such direction);
21 and

22 “(vii) the interested parties shall make no
23 effort to obtain information with respect to the
24 holdings of the trust, including obtaining a copy
25 of any trust tax return filed or any information

1 relating thereto except as otherwise provided in
2 this subsection.

3 “(D) The proposed trust instrument and the
4 proposed trustee is approved by the Office of Gov-
5 ernment Ethics.

6 “(E) For purposes of this subsection, ‘inter-
7 ested party’ means a reporting individual, his
8 spouse, and any minor or dependent child; ‘broker’
9 has the meaning set forth in section 3(a)(4) of the
10 Securities and Exchange Act of 1934 (15 U.S.C.
11 78c(a)(4)); and ‘investment adviser’ includes any in-
12 vestment adviser who, as determined under regula-
13 tions prescribed by the supervising ethics office, is
14 generally involved in his role as such an adviser in
15 the management or control of trusts.

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

24 “(B)(i) The provisions of subparagraph (A) shall not
25 apply with respect to a trust created for the benefit of

1 a reporting individual, or the spouse, dependent child, or
2 minor child of such a person, if the Office of Government
3 Ethics finds that—

4 “(I) the assets placed in the trust consist of a
5 well-diversified portfolio of readily marketable securi-
6 ties;

7 “(II) none of the assets consist of securities of
8 entities having substantial activities in the area of
9 the reporting individual’s primary area of responsi-
10 bility;

11 “(III) the trust instrument prohibits the trust-
12 ee, notwithstanding the provisions of paragraph
13 (3)(C) (iii) and (iv) of this subsection, from making
14 public or informing any interested party of the sale
15 of any securities;

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

22 “(V) except as otherwise provided in this para-
23 graph, the trust instrument provides (or in the case
24 of a trust which by its terms does not permit amend-
25 ment, the trustee, the reporting individual, and any

1 other interested party agree in writing) that the
2 trust shall be administered in accordance with the
3 requirements of this subsection and the trustee of
4 such trust meets the requirements of paragraph
5 (3)(A).

6 “(ii) In any instance covered by subparagraph (B)
7 in which the reporting individual is an individual whose
8 nomination is being considered by a congressional com-
9 mittee, the reporting individual shall inform the congres-
10 sional committee considering his nomination before or dur-
11 ing the period of such individual’s confirmation hearing
12 of his intention to comply with this paragraph.

13 “(5)(A) The reporting individual shall, within 30
14 days after a qualified blind trust is approved by the Office
15 of Government Ethics, file with such office a copy of—

16 “(i) the executed trust instrument of such trust
17 (other than those provisions which relate to the tes-
18 tamentary disposition of the trust assets), and

19 “(ii) a list of the assets which were transferred
20 to such trust, including the category of value of each
21 asset as determined under subsection (d) of this sec-
22 tion.

23 This subparagraph shall not apply with respect to a trust
24 meeting the requirements for being considered a qualified
25 blind trust under paragraph (7) of this subsection.

1 “(B) The reporting individual shall, within 30 days
2 of transferring an asset (other than cash) to a previously
3 established qualified blind trust, notify the Office of Gov-
4 ernment Ethics of the identity of each such asset and the
5 category of value of each asset as determined under sub-
6 section (d) of this section.

7 “(C) Within 30 days of the dissolution of a qualified
8 blind trust, a reporting individual shall notify the Office
9 of Government Ethics of such dissolution.

10 “(D) Documents filed under subparagraphs (A), (B),
11 and (C) of this paragraph and the lists provided by the
12 trustee of assets placed in the trust by an interested party
13 which have been sold shall be made available to the public
14 in the same manner as a report is made available under
15 section 205 and the provisions of that section shall apply
16 with respect to such documents and lists.

17 “(E) A copy of each written communication with re-
18 spect to the trust under paragraph (3)(C)(vi) shall be filed
19 by the person initiating the communication with the Office
20 of Government Ethics within 5 days of the date of the
21 communication.

22 “(6)(A) A trustee of a qualified blind trust shall not
23 knowingly and willfully, or negligently, (i) disclose any in-
24 formation to an interested party with respect to such trust
25 that may not be disclosed under paragraph (3) of this sub-

1 section; (ii) acquire any holding the ownership of which
2 is prohibited by the trust instrument; (iii) solicit advice
3 from any interested party with respect to such trust, which
4 solicitation is prohibited by paragraph (3) of this sub-
5 section or the trust agreement; or (iv) fail to file any docu-
6 ment required by this subsection.

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

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

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

1 “(7) Any trust may be considered to be a qualified
2 blind trust if—

3 “(A) the trust instrument is amended to comply
4 with the requirements of paragraph (3) or, in the
5 case of a trust instrument which does not by its
6 terms permit amendment, the trustee, the reporting
7 individual, and any other interested party agree in
8 writing that the trust shall be administered in ac-
9 cordance with the requirements of this subsection
10 and the trustee of such trust meets the requirements
11 of paragraph (3)(A); except that in the case of any
12 interested party who is a dependent child, a parent
13 or guardian of such child may execute the agreement
14 referred to in this subparagraph;

15 “(B) a copy of the trust instrument (except tes-
16 tamentary provisions) and a copy of the agreement
17 referred to in subparagraph (A), and a list of the as-
18 sets held by the trust at the time of approval by the
19 Office of Government Ethics, including the category
20 of value of each asset as determined under sub-
21 section (d) of this section, are filed with such office
22 and made available to the public as provided under
23 paragraph (5)(D) of this subsection; and

24 “(C) the Director of the Office of Government
25 Ethics determines that approval of the trust ar-

1 rangement as a qualified blind trust is in the par-
2 ticular case appropriate to assure compliance with
3 applicable laws and regulations.

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

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

10 “(ii) the assets of the fund are widely diversi-
11 fied; and

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

15 “(9)(A)(i) A reporting individual described in sub-
16 section (a) or (b) of section 201 shall not be required to
17 report the holdings or sources of income of any trust or
18 investment fund where—

19 “(I) reporting would result in the disclosure of
20 assets or sources of income of another person whose
21 interests are not required to be reported by the re-
22 porting individual under this title;

23 “(II) the disclosure of such assets and sources
24 of income is prohibited by contract or the assets and

1 sources of income are not otherwise publicly avail-
2 able; and

3 “(III) the reporting individual has executed a
4 written ethics agreement which contains a general
5 description of the trust or investment fund and a
6 commitment to divest the interest in the trust or in-
7 vestment fund not later than 90 days after the date
8 of the agreement.

9 “(ii) An agreement described under clause (i)(III)
10 shall be attached to the public financial disclosure which
11 would otherwise include a listing of the holdings or sources
12 of income from this trust or investment fund.

13 “(B)(i) The provisions of subparagraph (A) shall
14 apply to an individual described in subsection (d) or (e)
15 of section 201 if—

16 “(I) the interest in the trust or investment fund
17 is acquired involuntarily during the period to be cov-
18 ered by the report, such as through marriage or in-
19 heritance, and

20 “(II) for an individual described in subsection
21 (d), the individual executes a written ethics agree-
22 ment containing a commitment to divest the interest
23 no later than 90 days after the date on which the
24 report is due.

1 “(ii) An agreement described under clause (i)(II)
2 shall be attached to the public financial disclosure which
3 would otherwise include a listing of the holdings or sources
4 of income from this trust or investment fund.

5 “(iii) Failure to divest within the time specified or
6 after an extension granted by the Director of the Office
7 of Government Ethics for good cause shown shall result
8 in an immediate requirement to report as specified in
9 paragraph (1) of this subsection.

10 “(g) Political campaign funds, including campaign re-
11 cepts and expenditures, need not be included in any re-
12 port filed pursuant to this title.

13 “(h) A report filed pursuant to subsection (a), (d),
14 or (e) of section 201 need not contain the information de-
15 scribed in subparagraphs (A), (B), and (C) of subsection
16 (a)(2) with respect to gifts and reimbursements received
17 in a period when the reporting individual was not an offi-
18 cer or employee of the Federal Government.

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

21 “(1) financial interests in or income derived
22 from—

23 “(A) any retirement system under title 5,
24 United States Code (including the Thrift Sav-

1 ings Plan under subchapter III of chapter 84 of
2 such title); or

3 “(B) any other retirement system main-
4 tained by the United States for officers or em-
5 ployees of the United States, including the
6 President, or for members of the uniformed
7 services; or

8 “(2) benefits received under the Social Security
9 Act (42 U.S.C. 301 et seq.).

10 “(j)(1) Every month each designated agency ethics
11 officer shall submit to the Office of Government Ethics
12 notification of any waiver of criminal conflict of interest
13 laws granted to any individual in the preceding month
14 with respect to a filing under this title that is not confiden-
15 tial.

16 “(2) Every month the Office of Government Ethics
17 shall make publicly available on the Internet—

18 “(A) all notifications of waivers submitted
19 under paragraph (1) in the preceding month; and

20 “(B) notification of all waivers granted by the
21 Office of Government Ethics in the preceding
22 month.

23 “(k) A full copy of any waiver of criminal conflict
24 of interest laws granted shall be included with any filing

1 required under this title with respect to the year in which
 2 the waiver is granted.

3 “(l) The Office of Government Ethics shall provide
 4 upon request any waiver on file for which notice has been
 5 published.

6 **“SEC. 203. FILING OF REPORTS.**

7 “(a) Except as otherwise provided in this section, the
 8 reports required under this title shall be filed by the re-
 9 porting individual with the designated agency ethics offi-
 10 cial at the agency by which he is employed (or in the case
 11 of an individual described in section 201(e), was em-
 12 ployed) or in which he will serve. The date any report is
 13 received (and the date of receipt of any supplemental re-
 14 port) shall be noted on such report by such official.

15 “(b) The President and the Vice President shall file
 16 reports required under this title with the Director of the
 17 Office of Government Ethics.

18 “(c) Copies of the reports required to be filed under
 19 this title by the Postmaster General, the Deputy Post-
 20 master General, the Governors of the Board of Governors
 21 of the United States Postal Service, designated agency
 22 ethics officials, employees described in section 105(a)(2)
 23 (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or
 24 (b)(1)(A)(i), of title 3, United States Code, candidates for
 25 the office of President or Vice President and officers and

1 employees in (and nominees to) offices or positions within
2 the executive branch which require confirmation by the
3 Senate shall be transmitted to the Director of the Office
4 of Government Ethics. The Director shall forward a copy
5 of the report of each nominee to the congressional com-
6 mittee considering the nomination.

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

12 “(e) Each individual identified in section 201(c) who
13 is a candidate for nomination or election to the Office of
14 President or Vice President shall file the reports required
15 by this title with the Federal Election Commission.

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

18 “(g) The Office of Government Ethics shall develop
19 and make available forms for reporting the information
20 required by this title.

21 **“SEC. 204. FAILURE TO FILE OR FILING FALSE REPORTS.**

22 “(a) The Attorney General may bring a civil action
23 in any appropriate United States district court against
24 any individual who knowingly and willfully falsifies or who
25 knowingly and willfully fails to file or report any informa-

1 tion that such individual is required to report pursuant
2 to section 202. The court in which such action is brought
3 may assess against such individual a civil penalty in any
4 amount, not to exceed \$10,000.

5 “(b) The head of each agency, each Secretary con-
6 cerned, or the Director of the Office of Government Eth-
7 ics, as the case may be, shall refer to the Attorney General
8 the name of any individual which such official has reason-
9 able cause to believe has willfully failed to file a report
10 or has willfully falsified or willfully failed to file informa-
11 tion required to be reported.

12 “(c) The President, the Vice President, the Secretary
13 concerned, or the head of each agency may take any ap-
14 propriate personnel or other action in accordance with ap-
15 plicable law or regulation against any individual failing to
16 file a report or falsifying or failing to report information
17 required to be reported.

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

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

1 “(B) if a filing extension is granted to such in-
2 dividual under section 201(g), the last day of the fil-
3 ing extension period,
4 shall, at the direction of and pursuant to regulations
5 issued by the Office of Government Ethics, pay a filing
6 fee of \$500. All such fees shall be deposited in the mis-
7 cellaneous receipts of the Treasury. The authority under
8 this paragraph to direct the payment of a filing fee may
9 be delegated by the Office of Government Ethics to other
10 agencies in the executive branch.

11 “(2) The Office of Government Ethics may waive the
12 filing fee under this subsection for good cause shown.

13 **“SEC. 205. CUSTODY OF AND PUBLIC ACCESS TO REPORTS.**

14 “(a) Each agency and the Office of Government Eth-
15 ics shall make available to the public, in accordance with
16 subsection (b), each report filed under this title with such
17 agency or Office except that this section does not require
18 public availability of a report filed by any individual in
19 the Central Intelligence Agency, the Defense Intelligence
20 Agency, the National Imagery and Mapping Agency, or
21 the National Security Agency, or any individual engaged
22 in intelligence activities in any agency of the United
23 States, if the President finds or has found that, due to
24 the nature of the office or position occupied by such indi-
25 vidual, public disclosure of such report would, by revealing

1 the identity of the individual or other sensitive informa-
2 tion, compromise the national interest of the United
3 States; and such individuals may be authorized, notwith-
4 standing section 204(a), to file such additional reports as
5 are necessary to protect their identity from public disclo-
6 sure if the President first finds or has found that such
7 filing is necessary in the national interest.

8 “(b)(1) Except as provided in the second sentence of
9 this subsection, each agency and the Office of Government
10 Ethics shall, within 30 days after any report is received
11 under this title by such agency or Office, as the case may
12 be, permit inspection of such report by or furnish a copy
13 of such report to any person requesting such inspection
14 or copy. With respect to any report required to be filed
15 by May 15 of any year, such report shall be made available
16 for public inspection within 30 calendar days after May
17 15 of such year or within 30 days of the date of filing
18 of such a report for which an extension is granted pursu-
19 ant to section 201(g). The agency or the Office of Govern-
20 ment Ethics may require a reasonable fee to be paid in
21 any amount which is found necessary to recover the cost
22 of reproduction or mailing of such report excluding any
23 salary of any employee involved in such reproduction or
24 mailing. A copy of such report may be furnished without

1 charge or at a reduced charge if it is determined that waiv-
2 er or reduction of the fee is in the public interest.

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

8 “(A) that person’s name, occupation, and ad-
9 dress;

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

13 “(C) that such person is aware of the prohibi-
14 tions on the obtaining or use of the report.

15 Any such application shall be made available to the public
16 throughout the period during which the report is made
17 available to the public.

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

20 “(A) for any unlawful purpose;

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

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

1 “(D) for use, directly or indirectly, in the solici-
2 tation of money for any political, charitable, or other
3 purpose.

4 “(2) The Attorney General may bring a civil action
5 against any person who obtains or uses a report for any
6 purpose prohibited in paragraph (1) of this subsection.
7 The court in which such action is brought may assess
8 against such person a penalty in any amount not to exceed
9 \$10,000. Such remedy shall be in addition to any other
10 remedy available under statutory or common law.

11 “(d) Any report filed with or transmitted to an agen-
12 cy or the Office of Government Ethics pursuant to this
13 title shall be retained by such agency or Office, as the case
14 may be. Such report shall be made available to the public
15 for a period of 6 years after receipt of the report. After
16 such 6-year period the report shall be destroyed unless
17 needed in an ongoing investigation, except that in the case
18 of an individual who filed the report pursuant to section
19 201(b) and was not subsequently confirmed by the Senate,
20 or who filed the report pursuant to section 201(c) and was
21 not subsequently elected, such reports shall be destroyed
22 1 year after the individual either is no longer under con-
23 sideration by the Senate or is no longer a candidate for
24 nomination or election to the Office of President or Vice
25 President unless needed in an ongoing investigation.

1 **“SEC. 206. REVIEW OF REPORTS.**

2 “(a) Each designated agency ethics official or Sec-
3 retary concerned shall make provisions to ensure that each
4 report filed with him under this title is reviewed within
5 60 days after the date of such filing, except that the Direc-
6 tor of the Office of Government Ethics shall review only
7 those reports required to be transmitted to him under this
8 title within 60 days after the date of transmittal.

9 “(b)(1) If after reviewing any report under subsection
10 (a), the Director of the Office of Government Ethics, the
11 Secretary concerned, or the designated agency ethics offi-
12 cial, as the case may be, is of the opinion that on the basis
13 of information contained in such report the individual sub-
14 mitting such report is in compliance with applicable laws
15 and regulations, he shall state such opinion on the report,
16 and shall sign such report.

17 “(2) If the Director of the Office of Government Eth-
18 ics, the Secretary concerned, or the designated agency eth-
19 ics official after reviewing any report under subsection
20 (a)—

21 “(A) believes additional information is required
22 to be submitted to complete the form or to perform
23 a conflict of interest analysis, he shall notify the in-
24 dividual submitting such report what additional in-
25 formation is required and the time by which it must
26 be submitted, or

1 “(B) is of the opinion, on the basis of informa-
2 tion submitted, that the individual is not in compli-
3 ance with applicable laws and regulations, he shall
4 notify the individual, afford a reasonable opportunity
5 for a written or oral response, and after consider-
6 ation of such response, reach an opinion as to
7 whether or not, on the basis of information sub-
8 mitted, the individual is in compliance with such
9 laws and regulations.

10 “(3) If the Director of the Office of Government Eth-
11 ics, the Secretary concerned, or the designated agency eth-
12 ics official reaches an opinion under paragraph (2)(B)
13 that an individual is not in compliance with applicable
14 laws and regulations, the official shall notify the individual
15 of that opinion and, after an opportunity for personal con-
16 sultation (if practicable), determine and notify the indi-
17 vidual of which steps, if any, would in the opinion of such
18 official be appropriate for assuring compliance with such
19 laws and regulations and the date by which such steps
20 should be taken. Such steps may include, as appropriate—

21 “(A) divestiture,

22 “(B) restitution,

23 “(C) the establishment of a blind trust,

24 “(D) request for an exemption under section
25 208(b) of title 18, United States Code, or

1 “(E) voluntary request for transfer, reassign-
2 ment, limitation of duties, or resignation.

3 The use of any such steps shall be in accordance with such
4 rules or regulations as the Office of Government Ethics
5 may prescribe.

6 “(4) If steps for assuring compliance with applicable
7 laws and regulations are not taken by the date set under
8 paragraph (3) by an individual in a position in the execu-
9 tive branch (other than in the Foreign Service or the uni-
10 formed services), appointment to which requires the advice
11 and consent of the Senate, the matter shall be referred
12 to the President for appropriate action.

13 “(5) If steps for assuring compliance with applicable
14 laws and regulations are not taken by the date set under
15 paragraph (3) by a member of the Foreign Service or the
16 uniformed services, the Secretary concerned shall take ap-
17 propriate action.

18 “(6) If steps for assuring compliance with applicable
19 laws and regulations are not taken by the date set under
20 paragraph (3) by any other officer or employee, the matter
21 shall be referred to the head of the appropriate agency
22 for appropriate action; except that in the case of the Post-
23 master General or Deputy Postmaster General, the Direc-
24 tor of the Office of Government Ethics shall recommend

1 to the Governors of the Board of Governors of the United
2 States Postal Service the action to be taken.

3 “(7) The Office of Government Ethics may render
4 advisory opinions interpreting this title. Notwithstanding
5 any other provision of law, the individual to whom a public
6 advisory opinion is rendered in accordance with this para-
7 graph, and any other individual covered by this title who
8 is involved in a fact situation which is indistinguishable
9 in all material aspects, and who acts in good faith in ac-
10 cordance with the provisions and findings of such advisory
11 opinion shall not, as a result of such act, be subject to
12 any penalty or sanction provided by this title.

13 **“SEC. 207. CONFIDENTIAL REPORTS AND OTHER ADDI-**
14 **TIONAL REQUIREMENTS.**

15 “(a)(1) The Office of Government Ethics may require
16 officers and employees of the executive branch (including
17 special Government employees as defined in section 202
18 of title 18, United States Code) to file confidential finan-
19 cial disclosure reports, in such form as it may prescribe.
20 The information required to be reported under this sub-
21 section by the officers and employees of any department
22 or agency shall be set forth in rules or regulations pre-
23 scribed by the Office of Government Ethics, and may be
24 less extensive than otherwise required by this title, or more
25 extensive when determined by the Office of Government

1 Ethics to be necessary and appropriate in light of sections
2 202 through 209 of title 18, United States Code, regula-
3 tions promulgated thereunder, or the authorized activities
4 of such officers or employees. Any individual required to
5 file a report pursuant to section 201 shall not be required
6 to file a confidential report pursuant to this subsection,
7 except with respect to information which is more extensive
8 than information otherwise required by this title. Sub-
9 sections (a), (b), and (d) of section 205 shall not apply
10 with respect to any such report.

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

14 “(3) Nothing in this subsection exempts any indi-
15 vidual otherwise covered by the requirement to file a public
16 financial disclosure report under this title from such re-
17 quirement.

18 “(b) The provisions of this title requiring the report-
19 ing of information shall supersede any general require-
20 ment under any other provision of law or regulation with
21 respect to the reporting of information required for pur-
22 poses of preventing conflicts of interest or apparent con-
23 flicts of interest. Such provisions of this title shall not su-
24 persede the requirements of section 7342 of title 5, United
25 States Code.

1 “(c) Nothing in this Act requiring reporting of infor-
 2 mation shall be deemed to authorize the receipt of income,
 3 gifts, or reimbursements; the holding of assets, liabilities,
 4 or positions; or the participation in transactions that are
 5 prohibited by law, Executive order, rule, or regulation.

6 **“SEC. 208. AUTHORITY OF COMPTROLLER GENERAL.**

7 “The Comptroller General shall have access to finan-
 8 cial disclosure reports filed under this title for the pur-
 9 poses of carrying out his statutory responsibilities.

10 **“SEC. 209. DEFINITIONS.**

11 “For the purposes of this title, the term—

12 “(1) ‘dependent child’ means, when used with
 13 respect to any reporting individual, any individual
 14 who is a son, daughter, stepson, or stepdaughter and
 15 who—

16 “(A) is unmarried and under age 21 and
 17 is living in the household of such reporting indi-
 18 vidual; or

19 “(B) is a dependent of such reporting indi-
 20 vidual within the meaning of section 152 of the
 21 Internal Revenue Code of 1986 (26 U.S.C.
 22 152);

23 “(2) ‘designated agency ethics official’ means
 24 an officer or employee who is designated to admin-
 25 ister the provisions of this title within an agency;

1 “(3) ‘executive branch’ includes each Executive
2 agency (as defined in section 105 of title 5, United
3 States Code), other than the General Accounting Of-
4 fice, and any other entity or administrative unit in
5 the executive branch;

6 “(4) ‘gift’ means a payment, advance, forbear-
7 ance, rendering, or deposit of money, or any thing
8 of value, unless consideration of equal or greater
9 value is received by the donor, but does not
10 include—

11 “(A) bequest and other forms of inherit-
12 ance;

13 “(B) suitable mementos of a function hon-
14 oring the reporting individual;

15 “(C) food, lodging, transportation, and en-
16 tertainment provided by a foreign government
17 within a foreign country or by the United
18 States Government, the District of Columbia, or
19 a State or local government or political subdivi-
20 sion thereof;

21 “(D) food and beverages which are not
22 consumed in connection with a gift of overnight
23 lodging;

1 “(E) communications to the offices of a re-
2 porting individual, including subscriptions to
3 newspapers and periodicals; or

4 “(F) items that are accepted pursuant to
5 or are required to be reported by the reporting
6 individual under section 7342 of title 5, United
7 States Code.

8 “(5) ‘honoraria’ means a payment of money or
9 anything of value for an appearance, speech, or arti-
10 cle;

11 “(6) ‘income’ means all income from whatever
12 source derived, including but not limited to the fol-
13 lowing items: compensation for services, including
14 fees, commissions, and similar items; gross income
15 derived from business (and net income if the indi-
16 vidual elects to include it); gains derived from deal-
17 ings in property; interest; rents; royalties; prizes and
18 awards; dividends; annuities; income from life insur-
19 ance and endowment contracts; pensions; income
20 from discharge of indebtedness; distributive share of
21 partnership income; and income from an interest in
22 an estate or trust;

23 “(7) ‘personal hospitality of any individual’
24 means hospitality extended for a nonbusiness pur-
25 pose by an individual, not a corporation or organiza-

1 tion, at the personal residence of that individual or
 2 his family or on property or facilities owned by that
 3 individual or his family;

4 “(8) ‘reimbursement’ means any payment or
 5 other thing of value received by the reporting indi-
 6 vidual, other than gifts, to cover travel-related ex-
 7 penses of such individual other than those which
 8 are—

9 “(A) provided by the United States Gov-
 10 ernment, the District of Columbia, or a State or
 11 local government or political subdivision thereof;

12 “(B) required to be reported by the report-
 13 ing individual under section 7342 of title 5,
 14 United States Code; or

15 “(C) required to be reported under section
 16 304 of the Federal Election Campaign Act of
 17 1971 (2 U.S.C. 434);

18 “(9) ‘relative’ means an individual who is re-
 19 lated to the reporting individual, as father, mother,
 20 son, daughter, brother, sister, uncle, aunt, great
 21 aunt, great uncle, first cousin, nephew, niece, hus-
 22 band, wife, grandfather, grandmother, grandson,
 23 granddaughter, father-in-law, mother-in-law, son-in-
 24 law, daughter-in-law, brother-in-law, sister-in-law,
 25 stepfather, stepmother, stepson, stepdaughter, step-

1 brother, stepsister, half brother, half sister, or who
 2 is the grandfather or grandmother of the spouse of
 3 the reporting individual, and shall be deemed to in-
 4 clude the fiancé or fiancée of the reporting indi-
 5 vidual;

6 “(10) ‘Secretary concerned’ has the meaning
 7 set forth in section 101(a)(9) of title 10, United
 8 States Code, and, in addition, means—

9 “(A) the Secretary of Commerce, with re-
 10 spect to matters concerning the National Oce-
 11 anic and Atmospheric Administration;

12 “(B) the Secretary of Health and Human
 13 Services, with respect to matters concerning the
 14 Public Health Service; and

15 “(C) the Secretary of State, with respect
 16 to matters concerning the Foreign Service; and

17 “(11) ‘value’ means a good faith estimate of the
 18 dollar value if the exact value is neither known nor
 19 easily obtainable by the reporting individual.

20 **“SEC. 210. NOTICE OF ACTIONS TAKEN TO COMPLY WITH**
 21 **ETHICS AGREEMENTS.**

22 “(a) In any case in which an individual agrees with
 23 that individual’s designated agency ethics official, the Of-
 24 fice of Government Ethics, or a Senate confirmation com-
 25 mittee, to take any action to comply with this Act or any

1 other law or regulation governing conflicts of interest of,
2 or establishing standards of conduct applicable with re-
3 spect to, officers or employees of the Government, that
4 individual shall notify in writing the designated agency
5 ethics official, the Office of Government Ethics, or the ap-
6 propriate committee of the Senate, as the case may be,
7 of any action taken by the individual pursuant to that
8 agreement. Such notification shall be made not later than
9 the date specified in the agreement by which action by
10 the individual must be taken, or not later than 3 months
11 after the date of the agreement, if no date for action is
12 so specified. If all actions agreed to have not been com-
13 pleted by the date of this notification, such notification
14 shall continue on a monthly basis thereafter until the indi-
15 vidual has met the terms of the agreement.

16 “(b) If an agreement described in subsection (a) re-
17 quires that the individual recuse himself or herself from
18 particular categories of agency or other official action, the
19 individual shall reduce to writing those subjects regarding
20 which the recusal agreement will apply and the process
21 by which it will be determined whether the individual must
22 recuse himself or herself in a specific instance. An indi-
23 vidual shall be considered to have complied with the re-
24 quirements of subsection (a) with respect to such recusal
25 agreement if such individual files a copy of the document

1 setting forth the information described in the preceding
 2 sentence with such individual's designated agency ethics
 3 official or the Office of Government Ethics within the time
 4 prescribed in the penultimate sentence of subsection (a).

5 **“SEC. 211. ADMINISTRATION OF PROVISIONS.**

6 “The Office of Government Ethics shall issue regula-
 7 tions, develop forms, and provide such guidance as is nec-
 8 essary to implement and interpret this title.”.

9 **SEC. 5. TRANSMITTAL OF RECORD RELATING TO PRESI-**
 10 **DENTIALLY APPOINTED POSITIONS TO PRES-**
 11 **IDENTIAL CANDIDATES.**

12 (a) DEFINITION.—In this section, the term “major
 13 party” has the meaning given that term under section
 14 9002(6) of the Internal Revenue Code of 1986.

15 (b) TRANSMITTAL.—

16 (1) IN GENERAL.—Not later than 15 days after
 17 the date on which a major party nominates a can-
 18 didate for President, the Executive Clerk of the
 19 White House shall transmit an electronic record to
 20 that candidate on Presidentially appointed positions.

21 (2) OTHER CANDIDATES.—After making trans-
 22 mittals under paragraph (1), the Executive Clerk of
 23 the White House may transmit an electronic record
 24 on Presidentially appointed positions to any other
 25 candidate for President.

1 (c) CONTENT.—The record transmitted under this
2 section shall provide—

3 (1) all positions which are appointed by the
4 President, including the title and description of the
5 duties of each position;

6 (2) the name of each person holding a position
7 described under paragraph (1);

8 (3) any vacancy in the positions described
9 under paragraph (1), and the period of time any
10 such position has been vacant;

11 (4) the date on which an appointment made
12 after the applicable Presidential election for any po-
13 sition described under paragraph (1) is necessary to
14 ensure effective operation of the Government; and

15 (5) any other information that the Executive
16 Clerk determines is useful in making appointments.

17 **SEC. 6. REDUCTION OF POSITIONS REQUIRING APPOINT-**
18 **MENT WITH SENATE CONFIRMATION.**

19 (a) DEFINITION.—In this section, the term “agency”
20 means an Executive agency as defined under section 105
21 of title 5, United States Code.

22 (b) REDUCTION PLAN.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the head of

1 each agency shall submit a Presidential appointment
2 reduction plan to—

3 (A) the President;

4 (B) the Committee on Governmental Af-
5 fairs of the Senate; and

6 (C) the Committee on Government Reform
7 of the House of Representatives.

8 (2) CONTENT.—The plan under this subsection
9 shall provide for the reduction of—

10 (A) the number of positions within that
11 agency that require an appointment by the
12 President, by and with the advice and consent
13 of the Senate; and

14 (B) the number of levels of such positions
15 within that agency.

16 **SEC. 7. ATTORNEY GENERAL REVIEW OF CONFLICT OF IN-**
17 **TEREST LAW.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Director of the Office
20 of Government Ethics, in consultation with the Attorney
21 General of the United States, shall conduct a comprehen-
22 sive review of conflict of interest laws relating to Federal
23 employment and submit a report to—

24 (1) the President;

1 (2) the Committee on Governmental Affairs of
2 the Senate;

3 (3) the Committee on the Judiciary of the Sen-
4 ate;

5 (4) the Committee on Government Reform of
6 the House of Representatives; and

7 (5) the Committee on the Judiciary of the
8 House of Representatives.

9 (b) CONTENT.—The report under this section shall—

10 (1) examine all—

11 (A) Federal criminal conflict of interest
12 laws relating to Federal employment, including
13 the relevant provisions of chapter 11 of title 18,
14 United States Code; and

15 (B) related civil conflict of interest laws,
16 including regulations promulgated under section
17 402 of the Ethics in Government Act of 1978
18 (5 U.S.C. App.); and

19 (2) make recommendations on legislation to
20 provide for—

21 (A) better coordination of such laws; and

22 (B) more uniformity, efficiency, and clarity
23 in the application and administration of such
24 laws.

1 **SEC. 8. EFFECTIVE DATE.**

2 (a) AMENDMENTS TO ETHICS IN GOVERNMENT ACT
3 OF 1978.—

4 (1) IN GENERAL.—Subject to subsection (b),
5 the amendments made by sections 3 and 4 shall take
6 effect on January 1 of the year following the date
7 of enactment of this Act.

8 (2) LATER DATE.—If the date of enactment of
9 this Act is on or after July 1 of any calendar year,
10 the amendments made by sections 3 and 4 shall take
11 effect on July 1 in the year following the date of en-
12 actment of this Act.

13 (b) OTHER PROVISIONS.—Sections 1, 2, 5, 6, and 7
14 shall take effect on the date of enactment of this Act.

Calendar No. 378

107TH CONGRESS
2^D SESSION

S. 1811

[Report No. 107-152]

A BILL

To amend the Ethics in Government Act of 1978
(5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees.

MAY 16 (legislative day, MAY 9), 2002

Reported with amendments