

In subsection (h)(1)(A)(ii), the date “November 30, 1989” is substituted for “the date of the enactment of the Ethics Reform Act of 1989” to reflect the date of enactment of the Ethics Reform Act of 1989 (Public Law 101–194, 103 Stat. 1716).

In subsection (i)(1), the reference to “section 312(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30113(a))” is substituted for “section 316(a) of the Federal Election Campaign Act of 1971” to correct an error in the law. Section 312(a), not section 316(a), of the Federal Election Campaign Act of 1971 contains provisions relating to the filing of copies of reports with the appropriate State officer. Section 312 of the Federal Election Campaign Act of 1971 was originally enacted as section 309, but was redesignated several times. The provision was redesignated as section 317 by section 208(a) of Public Law 93–443 (88 Stat. 1279), as section 316 by section 105 of Public Law 94–283 (90 Stat. 481), and as section 312 by section 105(4) of Public Law 96–187 (93 Stat. 1354).

In subsection (j)(1), the words “Committee on Ethics of the House of Representatives” are substituted for “Committee on Standards of Official Conduct of the House of Representatives” because of House Resolution No. 5, 112th Congress, January 5, 2011.

In subsection (l)(8), the words “special Government employee as defined in section 202 of title 18” are substituted for “special government employee” for clarity and consistency with other provisions of the chapter.

Editorial Notes

REFERENCES IN TEXT

Section 8(b) of the STOCK Act, referred to in subsec. (i)(2), is section 8(b) of Pub. L. 112–105, which is set out in a note under section 13107 of this title.

The General Schedule, referred to in subsec. (l)(3), (6), is set out under section 5332 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–125, §2(a)(2), May 13, 2022, 136 Stat. 1205, provided that: “The amendment made by paragraph (1) [enacting subsec. (l)(11) to (13) of section 103 of Pub. L. 95–521, see Amendments Not Shown in Text note above] shall apply to applicable transactions occurring on or after the date that is 90 days after the date of enactment of this Act [May 13, 2022].”

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, §1003(b), Aug. 2, 2005, 119 Stat. 572, as amended by Pub. L. 117–286, §4(c)(14), Dec. 27, 2022, 136 Stat. 4355, provided that: “The amendment made by subsection (a) [amending section 103 of Pub. L. 95–521, restated as this section] shall apply with respect to reports filed under chapter 131 of title 5, United States Code, for calendar year 2005 and each succeeding calendar year.”

IMPLEMENTATION OF PTR REQUIREMENTS UNDER STOCK ACT

Pub. L. 112–173, §2, Aug. 16, 2012, 126 Stat. 1310, as amended by Pub. L. 112–178, §3(a), Sept. 28, 2012, 126 Stat. 1409, provided that: “Effective January 1, 2013, for purposes of implementing subsection (l) of [former] section 103 of the Ethics in Government Act of 1978 (as added by section 6 of the STOCK Act, Public Law 112–105) [see 5 U.S.C. 13105(l)], section 102(e) of such Act ([former] 5 U.S.C. App. 102(e)) [see 5 U.S.C. 13104(e)] shall apply as if the report under such subsection (l) were a report under section 101 of such Act ([former] 5 U.S.C. App. 101) [see 5 U.S.C. 13103] but only with respect to the transaction information required under such subsection (l).”

[Pub. L. 112–178, §3(b), Sept. 28, 2012, 126 Stat. 1409, provided that:

[“(1) EFFECTIVE DATE.—The amendments made by subsection (a) [amending section 2 of Pub. L. 112–173, set out above] shall take effect on January 1, 2013.

[“(2) RULE OF CONSTRUCTION.—Before January 1, 2013, the amendments made by subsection (a) shall not affect the applicability of section 2 of the Act entitled ‘An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes’, approved August 16, 2012 [Pub. L. 112–173] (5 U.S.C. App. 103 note) [now 5 U.S.C. 13105 note], as in effect on the day before the effective date under paragraph (1).”]

[Pub. L. 112–178, §3(c), Sept. 28, 2012, 126 Stat. 1410, provided that: “Nothing in the amendments made by subsection (a) [amending section 2 of Pub. L. 112–173, set out above] shall be construed as affecting any requirement with respect to the House of Representatives or the executive branch in effect before January 1, 2013, with respect to the inclusion of transaction information for a report under section 103(l) of the Ethics in Government Act of 1978 ([former] 5 U.S.C. App. 103(l)) [see 5 U.S.C. 13105(l)].”]

[Pub. L. 112–178, §3(d), Sept. 28, 2012, 126 Stat. 1410, provided that: “Nothing in this section [enacting and amending provisions set out as notes above] or the amendments made [by] this section shall be construed as affecting the requirement that took effect with respect to the Senate on July 3, 2012, which mandates the inclusion of transaction information for spouses and dependent children for a report under section 103(l) of the Ethics in Government Act of 1978 ([former] 5 U.S.C. App. 103(l)) [see 5 U.S.C. 13105(l)].”]

TRANSACTION REPORTING REQUIREMENTS

Pub. L. 112–105, §14, Apr. 4, 2012, 126 Stat. 300, provided that: “The transaction reporting requirements established by [former] section 103(l) of the Ethics in Government Act of 1978 [see 5 U.S.C. 13105(l)], as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

“(1)(A) the fund is publicly traded; or

“(B) the assets of the fund are widely diversified; and

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

§ 13106. Failure to file or filing false reports

(a) VIOLATION.—

(1) CIVIL ACTIONS.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 13104 of this title. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$50,000.

(2) VIOLATIONS AND PENALTIES.—

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

(i) falsify any information that such person is required to report under section 13104 of this title; and

(ii) fail to file or report any information that such person is required to report under section 13104 of this title.

(B) PENALTIES.—Any person who—

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

(ii) violates subparagraph (A)(ii) shall be fined under title 18.

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

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

(d) LATE FEES.—

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

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

(B) if a filing extension is granted to such individual under section 13103(g) of this title, the last day of the filing extension period,

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

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

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4288.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13106	5 U.S.C. App. (EGA §104)	Pub. L. 95–521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, §8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, §3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101–650, title IV, §405, Dec. 1, 1990, 104 Stat. 5124; Pub. L. 110–81, title VII, §702, Sept. 14, 2007, 121 Stat. 775.

In subsection (d)(1) (matter after subparagraph (B)), the extra period at the end is removed to correct an error in the law. The extra period resulted from an amendment to the source law made by section 3(5)(B) of Public Law 101–280 (104 Stat. 154).

§ 13107. Custody of and public access to reports

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

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 13106(a) of this title, to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

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

(b) INSPECTION OF REPORTS.—

(1) IN GENERAL.—Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within 30 days after any report is received under this subchapter by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 13103(g) of this title. The agency, office, Clerk, or Secretary of the Senate, as the case may be, may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) PROCEDURE FOR REQUESTING REPORTS.—Notwithstanding paragraph (1), a report may not be made available under this section to