

Statutory Notes and Related Subsidiaries**TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS**

Pub. L. 101-194, title IX, § 902, Nov. 30, 1989, 103 Stat. 1780, as amended by Pub. L. 117-286, § 4(c)(17), Dec. 27, 2022, 136 Stat. 4356, provided that:

“(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under subchapter I of chapter 131 of title 5, United States Code, (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

“(b) For purposes of this section, the head of the employing office shall be—

“(A) in the case of an employee of a Member, the Member by whom that person is employed;

“(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

“(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

“(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.”

§ 13103. Persons required to file

(a) **REPORTS FILED UPON ENTERING A FILING POSITION.**—Within 30 days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 13104(b) of this title unless the individual has left another position described in subsection (f) within 30 days prior to assuming such new position or has already filed a report under this subchapter with respect to nomination for the new position or as a candidate for the position.

(b) **REPORTS FOR NOMINEES TO POSITIONS REQUIRING SENATE CONFIRMATION.**—

(1) **IN GENERAL.**—Within 5 days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37 is O-6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 13104(b) of this title. Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 13104(a)(1)(A) of this title with respect to income and honoraria received as of the date which occurs 5 days before the date of such hearing. Nothing in this chapter shall prevent any congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) **PUBLIC ANNOUNCEMENT OF INTENDED NOMINATION.**—An individual whom the President or the President-elect has publicly announced he or she intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the 1st sentence of paragraph (1).

(c) **REPORTS FOR CANDIDATES FOR ELECTED FEDERAL OFFICE.**—Within 30 days of becoming a

candidate as defined in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101), in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 13104(b) of this title. Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless the individual becomes a candidate for another vacancy in that office or another office during that year.

(d) **ANNUAL REPORTS.**—Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of the position or office for a period in excess of 60 days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 13104(a) of this title.

(e) **TERMINATION REPORTS.**—Any individual who occupies a position described in subsection (f) shall, on or before the 30th day after termination of employment in such position, file a report containing the information described in section 13104(a) of this title covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) **INDIVIDUALS REQUIRED TO FILE.**—The officers and employees referred to in subsections (a), (d), and (e) are—

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee, as defined in section 202 of title 18, who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of this title;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of

this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

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

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

(9) a Member of Congress as defined in section 13101 of this title;

(10) an officer or employee of the Congress as defined in section 13101 of this title;

(11) a judicial officer as defined in section 13101 of this title; and

(12) a judicial employee as defined in section 13101 of this title.

(g) EXTENSIONS OF TIME FOR FILING.—

(1) IN GENERAL.—Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed 90 days.

(2) ARMED FORCES.—

(A) COMBAT ZONE.—In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986 (26 U.S.C. 112), the date for the filing of any report shall be extended so that the date is 180 days after the later of—

(i) the last day of the individual's service in such area during such designated period; or

(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

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

(h) EXCEPTIONS.—The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of the individual's office or position for more than 60 days

in a calendar year, except that if such individual performs the duties of the office or position for more than 60 days in a calendar year—

(1) the report required by subsections (a) and (b) shall be filed within 15 days of the 60th day; and

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

(i) REQUEST FOR WAIVER.—The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of the individual's office or position less than 130 days in a calendar year, but only if the supervising ethics office determines that—

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

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

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

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

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4270.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------------|--|
| 13103 | 5 U.S.C. App. (EGA §101) | Pub. L. 95-521, title I, § 101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96-19, §§2(a)(1), (b), (c)(1), 4(b)(1), (d)-(f), 5, June 13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101-280, §3(1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102-25, title VI, § 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102-378, § 4(a)(1), Oct. 2, 1992, 106 Stat. 1356; Pub. L. 109-435, title VI, § 604(c), Dec. 20, 2006, 120 Stat. 3241. |

In subsection (c), the words “section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101)” are substituted for “section 301 of the Federal Campaign Act of 1971” for clarity and to correct an error in the law.

In subsection (f)(8), the words “special Government employee” are substituted for “special government employee” to correct an error in the law.

Editorial Notes

REFERENCES IN TEXT

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

Statutory Notes and Related Subsidiaries

POST-EMPLOYMENT NEGOTIATION RESTRICTIONS

Pub. L. 112-105, §17, Apr. 4, 2012, 126 Stat. 303, as amended by Pub. L. 117-286, §4(c)(12), Dec. 27, 2022, 136 Stat. 4354, provided that:

“(a) RESTRICTION EXTENDED TO EXECUTIVE AND JUDICIAL BRANCHES.—Notwithstanding any other provision of law, an individual required to file a financial disclosure report under section 13103 of title 5, United States Code, may not directly negotiate or have any agree-

ment of future employment or compensation unless such individual, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, files with the individual's supervising ethics office a statement, signed by such individual, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced.

“(b) RECUSAL.—An individual filing a statement under subsection (a) shall recuse himself or herself whenever there is a conflict of interest, or appearance of a conflict of interest, for such individual with respect to the subject matter of the statement, and shall notify the individual's supervising ethics office of such recusal. An individual making such recusal shall, upon such recusal, submit to the supervising ethics office the statement under subsection (a) with respect to which the recusal was made.”

[Pub. L. 117-286, § 4(c)(12), which directed amendment of section 17(a) of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112-105, 126 Stat. 303, 5 U.S.C. App. 101 note)”, was executed to section 17(a) of Pub. L. 112-105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.]

[For definition of “supervising ethics office” as used in section 17 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

§ 13104. Contents of reports

(a) ANNUAL AND TERMINATION REPORTS.—Each report filed pursuant to section 13103(d) and (e) of this title shall include a full and complete statement with respect to the following:

(1) INCOME.—

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

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

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

- (vii) greater than \$100,000 but not more than \$1,000,000;
- (viii) greater than \$1,000,000 but not more than \$5,000,000; or
- (ix) greater than \$5,000,000.

(2) GIFTS AND REIMBURSEMENTS.—

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

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

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

(3) INTERESTS IN PROPERTY.—The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) LIABILITIES.—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 the individual's spouse, except that this exception shall not apply to a reporting individual—
 - (i) described in paragraph (1), (2), or (9) of 13103(f) of this title;
 - (ii) described in section 13103(b) of this title who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of that section, other than—