

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—

(I) an individual appointed to a position—

- (aa) as a Foreign Service Officer below the rank of ambassador; or
- (bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37 is O-6 or below; or

(II) a special Government employee, as defined under section 202 of title 18; or

(iii) described in section 13103(f) of this title who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other than—

(I) an individual appointed to a position—

- (aa) as a Foreign Service Officer below the rank of ambassador; or
- (bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37 is O-6 or below; or

(II) a special Government employee, as defined under section 202 of title 18; 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) TRANSACTIONS.—Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000—

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

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, the individual's spouse, or dependent children.

(6) POSITIONS WITH OUTSIDE ENTITIES AND MAJOR SOURCES OF COMPENSATION.—

(A) POSITIONS WITH OUTSIDE ENTITIES.—The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the 2-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) MAJOR SOURCES OF COMPENSATION.—If any person, other than the United States Government, paid a nonelected reporting in-

dividual compensation in excess of \$5,000 in any of the 2 calendar years prior to the calendar year during which the individual files the individual's first report under this chapter, the individual shall include in the report—

- (i) the identity of each source of such compensation; and
- (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

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

(7) AGREEMENTS OR ARRANGEMENTS RELATING TO OTHER EMPLOYMENT.—A description of the date, parties to, and terms of any agreement or arrangement with respect to—

(A) future employment;

(B) a leave of absence during the period of the reporting individual's Government service;

(C) continuation of payments by a former employer other than the United States Government; and

(D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

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

(b) REPORTS FOR NEW EMPLOYEES, NOMINEES, AND CANDIDATES.—

(1) IN GENERAL.—Each report filed pursuant to subsections (a), (b), and (c) of section 13103 of this title shall include a full and complete statement with respect to the information required by—

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

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

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

(2) ALTERNATIVES FOR REPORTING.—

(A) FORMATS.—In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the super-

vising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

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

(c) REPORT AFTER TERMINATION OF EMPLOYMENT.—In the case of any individual described in section 13103(e) of this title, any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d) CATEGORIES FOR REPORTING AMOUNTS OR VALUES.—

(1) PARAGRAPHS (3), (4), (5), AND (8) OF SUBSECTION (A).—The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are—

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

(2) VALUATION OF INTERESTS IN REAL PROPERTY.—For the purposes of paragraph (3) of subsection (a), if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his or her report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his or her report a full and complete description of the method used

in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e) REPORTING INFORMATION RELATING TO SPOUSE OR DEPENDENT CHILD.—

(1) IN GENERAL.—Except as provided in the last sentence of this paragraph, each report required by section 13103 of this title shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

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

(B) DIVIDENDS, RENTS, INTEREST, AND CAPITAL GAINS.—All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

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

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

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

(F) AMOUNTS OR VALUES GREATER THAN \$1,000,000.—For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in subsection (a)(1)(B) and

subsection (d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 13103 of this title shall, with respect to the spouse and dependent child of the reporting individual, contain only information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

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

(f) TRUSTS AND OTHER FINANCIAL ARRANGEMENTS.—

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

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

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

(B) a trust—

(i) which was not created directly by such individual, the individual's spouse, or any dependent child; and

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

(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by the individual, the individual's spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B).

(3) DEFINITION OF QUALIFIED BLIND TRUST.—For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, the individual's spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A) TRUSTEE.—

(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial

institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

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

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

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

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

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

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

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

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

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

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of the trustee's authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

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

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

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

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to

complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

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

(D) APPROVAL BY SUPERVISING ETHICS OFFICE.—The proposed trust instrument and the proposed trustee are approved by the reporting individual's supervising ethics office.

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

(F) TRUST QUALIFIED BEFORE EFFECTIVE DATE OF TITLE II OF ETHICS REFORM ACT OF 1989.—Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4) TRUST ASSET CONSIDERED FINANCIAL INTEREST.—

(A) IN GENERAL.—An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including

section 208 of title 18), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B) EXCEPTION.—

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

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

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

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs<sup>1</sup> (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

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

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

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

(5) NOTIFICATION.—

(A) COPIES.—The reporting individual shall, within 30 days after a qualified blind trust is approved by the individual's supervising ethics office, file with such office a copy of—

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

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

<sup>1</sup> So in original. Probably should be "paragraph".

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

(B) TRANSFER OF ASSET.—The reporting individual shall, within 30 days of transferring an asset (other than cash) to a previously established qualified blind trust, notify the individual's supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) DISSOLUTION.—Within 30 days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify the individual's supervising ethics office of such dissolution; and

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

(D) DOCUMENTS AVAILABLE TO PUBLIC.—Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 13107 of this title, and the provisions of that section shall apply with respect to such documents and lists.

(E) COPY OF WRITTEN COMMUNICATION.—A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within 5 days of the date of the communication.

(6) PROHIBITIONS.—

(A) TRUSTEES.—A trustee of a qualified blind trust shall not knowingly and willfully, or negligently—

(i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection;

(ii) acquire any holding the ownership of which is prohibited by the trust instrument;

(iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or

(iv) fail to file any document required by this subsection.

(B) REPORTING INDIVIDUALS.—A reporting individual shall not knowingly and willfully, or negligently—

(i) solicit or receive any information with respect to a qualified blind trust of which the reporting individual is an interested party that may not be disclosed under paragraph (3)(C) of this subsection; or

(ii) fail to file any document required by this subsection.

(C) CIVIL ACTIONS FOR VIOLATIONS.—

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

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

(7) TRUST CONSIDERED TO BE QUALIFIED BLIND TRUST.—Any trust may be considered to be a qualified blind trust if—

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

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

(A) if—

(i) the fund is publicly traded; or

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

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

(g) POLITICAL CAMPAIGN FUNDS.—Political campaign funds, including campaign receipts

and expenditures, need not be included in any report filed pursuant to this subchapter.

(h) GIFTS AND REIMBURSEMENTS RECEIVED WHILE INDIVIDUAL NOT OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—A report filed pursuant to subsection (a), (d), or (e) of section 13103 of this title need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) NON-REPORTABLE RETIREMENT BENEFITS.—A reporting individual shall not be required under this subchapter to report—

(1) financial interests in or income derived from—

(A) any retirement system under this title (including the Thrift Savings Plan under subchapter III of chapter 84 of this title); or

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

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

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4273.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13104 .....	5 U.S.C. App. (EGA §102)	Pub. L. 95–521, title I, §102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96–19, §§3(a)(1), (b), 6(a), 7(a)–(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39–43; Pub. L. 97–51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–150, §10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101–280, §3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102–90, title III, §314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–65, §§20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705; Pub. L. 112–105, §13(a), Apr. 4, 2012, 126 Stat. 300.

In subsection (a)(4)(A), in clause (ii)(II) and clause (iii)(II), the words “special Government employee” are substituted for “special government employee” to correct errors in the law.

In subsection (f)(2)(B)(ii), at the end of the clause, after the word “knowledge”, the word “of” is omitted to correct an error in the law. The preceding phrase “of which” eliminates the need for “of” after “knowledge”.

In subsection (f)(3)(E), the words “Securities Exchange Act of 1934” are substituted for “Securities and Exchange Act of 1934” to correct an error in the law. See the short title enacted by section 1 of the Act (15 U.S.C. 78a).

In subsection (f)(3)(F), the reference to “the effective date of title II of the Ethics Reform Act of 1989” is not translated to a date certain because the date varies. For most provisions, the effective date is January 1, 1991. For section 102(f)(4)(B) of the Ethics in Government Act of 1978, which is restated as section 13104(f)(4)(B) of title 5, United States Code, the effective date is January 1, 1990. See section 204 of the Ethics Reform Act of 1989, as added by section 3(10)(B) of Public Law 101–280 (104 Stat. 157).

In subsection (f)(4)(B)(i)(V), the reference to “the effective date of this Act” is not translated to a date cer-

tain because the date is ambiguous. The words “the effective date of this Act” probably mean the effective date of title II of the Ethics Reform Act of 1989 (rather than the effective date of the Ethics in Government Act of 1978). Title II of the Ethics Reform Act of 1989 enacted a general amendment of title I of the Ethics in Government Act of 1978 (see section 202 at 103 Stat. 1724). For title II of the Ethics Reform Act of 1989, the effective date varies. For most provisions, the effective date is January 1, 1991. For section 102(f)(4)(B) of the Ethics in Government Act of 1978, which is restated as section 13104(f)(4)(B) of title 5, United States Code, the effective date is January 1, 1990. See section 204 of the Ethics Reform Act of 1989, as added by section 3(10)(B) of Public Law 101–280 (104 Stat. 157).

Editorial Notes

REFERENCES IN TEXT

For the effective date of title II of the Ethics Reform Act of 1989, referred to in subsec. (f)(3)(F), see section 204 of Pub. L. 101–194, set out as an Effective Date of 1989 Amendment note below.

The effective date of this Act, referred to in subsec. (f)(4)(B)(i)(V), probably means the effective date of title II of the Ethics Reform Act of 1989, which generally amended title I of Pub. L. 95–521, prior to repeal and re-statement as this subchapter. See note above.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104–65, §22(c), Dec. 19, 1995, 109 Stat. 705, as amended by Pub. L. 117–286, §4(c)(13), Dec. 27, 2022, 136 Stat. 4354, provided that the amendments made by section 22 of Pub. L. 104–65 (amending section 102 of Pub. L. 95–521, which was restated as this section) applied with respect to reports filed under this subchapter for calendar year 1996 and thereafter.

EFFECTIVE DATE OF 1989 AMENDMENT

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

§ 13105. Filing of reports

(a) REPORTS FILED WITH DESIGNATED AGENCY ETHICS OFFICIAL.—Except as otherwise provided in this section, the reports required under this subchapter shall be filed by the reporting individual with the designated agency ethics official at the agency by which the reporting individual is employed (or in the case of an individual described in section 13103(e) of this title, was employed) or in which the individual will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by the designated agency ethics official.