

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.

(b) **REPORTS FILED WITH DIRECTOR OF OFFICE OF GOVERNMENT ETHICS.**—The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, shall file reports required under this subchapter with the Director of the Office of Government Ethics.

(c) **COPIES OF REPORTS TRANSMITTED TO THE OFFICE OF GOVERNMENT ETHICS.**—Copies of the reports required to be filed under this subchapter by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i) of title 3, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

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

(e) **REPORTS FILED WITH FEDERAL ELECTION COMMISSION.**—Each individual identified in section 13103(c) of this title who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this subchapter with the Federal Election Commission.

(f) **REPORTS FILED WITH SECRETARY CONCERNED.**—Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) **FORMS FOR REPORTING.**—Each supervising ethics office shall develop and make available forms for reporting the information required by this subchapter.

(h) **REPORTS FILED BY CERTAIN GOVERNMENT OFFICIALS.**—

(1) **OFFICIALS WITH WHOM REPORTS ARE FILED.**—

(A) **REPORTS BY MEMBERS AND STAFF OF CONGRESS.**—

(i) **IN GENERAL.**—

(I) **REPORTS FILED WITH CLERK OF THE HOUSE OF REPRESENTATIVES.**—The reports required under this subchapter shall be filed by a reporting individual with the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Capitol Police, the United States Botanic Garden, the Congress-

sional Budget Office, the Government Publishing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 13103(e) of this title, in any office or position referred to in this subclause), or an individual described in section 13103(c) of this title who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

(II) **REPORTS FILED WITH SECRETARY OF THE SENATE.**—The reports required under this subchapter shall be filed by a reporting individual with the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the Government Accountability Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 13103(e) of this title, in any office or position referred to in this subclause), or an individual described in section 13103(c) of this title who is a candidate for nomination or election as a Senator.

(ii) **OTHER REPORTS.**—In the case of an officer or employee of the Congress as described under section 13103(f)(10) of this title who is employed by an agency or commission established in the legislative branch after November 30, 1989, the reports required under this subchapter shall be filed by a reporting individual with—

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

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

(B) **REPORTS FILED WITH JUDICIAL CONFERENCE.**—The reports required under this subchapter shall be filed by a reporting individual with the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 13103(f) of this title (including individuals terminating service in such office or position under section 13103(e) of this title or immediately preceding service in such office or position).

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

(i) **COPIES OF REPORTS TO STATE OFFICERS.**—

(1) **IN GENERAL.**—A copy of each report filed under this subchapter by a Member or an indi-

vidual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 312(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30113(a)) of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(2) EXCEPTION FOR ELECTRONICALLY FILED REPORTS.—The requirements of paragraph (1) do not apply to any report filed under this subchapter which is filed electronically and for which there is online public access, in accordance with the systems developed by the Secretary and Sergeant at Arms of the Senate and the Clerk of the House of Representatives under section 8(b) of the STOCK Act.

(j) COPIES OF REPORTS TO ETHICS COMMITTEES.—

(1) HOUSE OF REPRESENTATIVES.—A copy of each report filed under this subchapter with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Ethics of the House of Representatives within the 7-day period beginning on the day the report is filed.

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

(k) ASSISTANCE OF FEDERAL ELECTION COMMISSION.—In carrying out their responsibilities under this subchapter with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(l) PERIODIC TRANSACTION REPORTS.—Not later than 30 days after receiving notification of any transaction required to be reported under section 13104(a)(5)(B)<sup>1</sup> of this title, but in no case later than 45 days after such transaction, the following persons, if required to file a report under any subsection of section 13103 of this title, subject to any waivers and exclusions, shall file a report of the transaction:

(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 as defined in section 202 of title 18) who holds a commission of appointment from the President.

(9) A Member of Congress, as defined under section 13101 of this title.

(10) An officer or employee of the Congress, as defined under section 13101 of this title.

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4285.)

#### AMENDMENTS NOT SHOWN IN TEXT

*This section was derived from section 103 of the Ethics in Government Act of 1978, Pub. L. 95-521, which was set out in the former Appendix to this title, and as it existed as of Oct. 19, 2021. Section 103 of Pub. L. 95-521 was amended by Pub. L. 117-125, §2(a)(1), (c)(1), May 13, 2022, 136 Stat. 1205, 1206, prior to being repealed and reenacted as this section by Pub. L. 117-286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4285, 4361. For applicability of those amendments to this section, see section 5(b) of Pub. L. 117-286, set out in a Transitional and Savings Provisions note preceding section 101 of this title. Subsection (l) of section 103 of Pub. L. 95-521 was amended as follows:*

*(1) in paragraph (9), by striking “, as defined under section 109(12)”;*

*(2) in paragraph (10), by striking “, as defined under section 109(13)”;* and

*(3) by adding at the end the following:*

*“(11) Each judicial officer.*

<sup>1</sup> So in original. A closing parenthesis probably should follow “B”.

“(12) Each bankruptcy judge appointed under section 152 of title 28, United States Code.

“(13) Each United States magistrate judge appointed under section 631 of title 28, United States Code.”

The references to sections “109(12)” and “109(13)” in the quoted text directed to be stricken in subsection (l)(9) and (10) did not appear in the text as enacted by Pub. L. 117–286 but were changed to refer to “section 13101 of this title”.

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13105 .....	5 U.S.C. App. (EGA §103)	Pub. L. 95–521, title I, §103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96–19, §§4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1736; Pub. L. 101–280, §3(1), (4), May 4, 1990, 104 Stat. 152, 153; Pub. L. 102–90, title III, §313(1), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–186, title II, §216(1), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109–55, title I, §1003(a), Aug. 2, 2005, 119 Stat. 572; Pub. L. 112–105, §§6(a), 19(a), Apr. 4, 2012, 126 Stat. 293, 304; Pub. L. 113–235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 115–277, §1(b), Nov. 3, 2018, 132 Stat. 4167.

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) applied with respect to reports filed under this chapter 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.