

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.