

Subsec. (a)(7). Pub. L. 96-19, §9(j), struck out a colon following “arrangement with respect to”.

Subsec. (b). Pub. L. 96-19, §9(c)(1), substituted provisions that the information required by pars. (3) and (4) of subsec. (a) be as of the date specified in the report but which is less than thirty-one days before the filing date and that the information required by par. (6) and, in the case of reports filed under section 101(c), par. (7) of subsec. (a) be as of the filing date but for periods described in such paragraphs for provisions that required that the information covered by pars. (3), (4), (6), and, in the case of reports filed pursuant to section 101(c), par. (7) of subsec. (a) be as of a date specified in such report, which could not be more than thirty-one days prior to the date of filing.

Subsec. (d)(1)(B). Pub. L. 96-19, §6(a)(1), (2), substituted “any gifts received by a spouse which are” for “any gift which is” and “and a brief description” for “or a brief description”.

Subsec. (d)(1)(C). Pub. L. 96-19, §6(a)(3), (4), substituted “reimbursements received by a spouse which are” for “reimbursement which is” and “description of each such reimbursement” for “description of the reimbursement”.

Subsec. (d)(1)(D). Pub. L. 96-19, §6(a)(5), substituted “represent the spouse’s or dependent child’s sole financial interest” for “represent the spouse or dependent child’s sole financial interest”.

Subsec. (e)(3). Pub. L. 96-19, §7(a)-(d)(1), substituted “a broker, or an investment adviser” for “or a broker” in subpar. (A) preceding cl. (i), substituted “is not or has not been” for “is or has not been” in cl. (ii) of subpar. (A), and, in provisions following subpar. (D), substituted “section 78c(a)(4) of title 15” for “section 78 of title 15”, substituted “the reports” for “their reports”, and inserted definition of “investment adviser”.

Subsec. (e)(5)(D). Pub. L. 96-19, §7(f), substituted “shall apply with respect to such documents and lists” for “shall apply”.

Subsec. (g). Pub. L. 96-19, §3(a)(1), added subsec. (g).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 20 of Pub. L. 104-65 effective Jan. 1, 1996, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

Section 22(c) of Pub. L. 104-65 provided that: “The amendment made by this section [amending this section] shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95-521, set out in this Appendix] for calendar year 1996 and thereafter.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-90 effective Jan. 1, 1993, see section 314(g)(2) of Pub. L. 102-90, as amended, set out as a note under section 31-2 of Title 2, The Congress.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, except that subsec. (f)(4)(B) of this section, as amended by Pub. L. 101-194, is effective Jan. 1, 1990, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 13 of Pub. L. 98-150 provided that: “The amendments made by this Act [enacting sections 211 and 407 of Pub. L. 95-521, set out in this Appendix, amending sections 102, 201-203, 210, 302, and 401-405 of Pub. L. 95-521, set out in this Appendix, and enacting provisions set out as a note under section 402 of this Appendix] shall take effect on October 1, 1983.”

§ 103. Filing of reports

(a) Except as otherwise provided in this section, the reports required under this title shall

be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title 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, United States Code, 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) Reports required to be filed under this title 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 title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with—

(A)(i)(I) 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, United States Capitol Police, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

(II) 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 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

(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; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) 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) A copy of each report filed under this title by a Member or an individual 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 316(a)¹ of the Federal Election Campaign Act of 1971 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.

(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title 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) In carrying out their responsibilities under this title 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 avail-

able 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.

(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.)

REFERENCES IN TEXT

The date of the enactment of the Ethics Reform Act of 1989, referred to in subsec. (h)(1)(A)(ii), is the date of enactment of Pub. L. 101-194, which was approved Nov. 30, 1989.

Section 316(a) of the Federal Election Campaign Act of 1971, referred to in subsec. (i), was probably intended to be a reference to section 312(a) of Federal Election Campaign Act of 1971, Pub. L. 92-225, which is classified to section 439(a) of Title 2, The Congress, and which directs the chief executive officer of each State to designate a State officer to receive reports and statements filed by persons under the Federal Election Campaign Act of 1971.

CODIFICATION

Section was formerly classified to section 703 of Title 2, The Congress.

AMENDMENTS

2005—Subsec. (h)(1)(A)(i)(I). Pub. L. 109-55 inserted “United States Capitol Police,” after “Architect of the Capitol.”

2004—Subsec. (h)(1)(A)(i)(II). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1996—Subsec. (h)(1)(A)(i)(I). Pub. L. 104-186 substituted “by the Chief Administrative Officer” for “by the Clerk”.

1991—Subsec. (i). Pub. L. 102-90 substituted “30-day” for “7-day”.

1990—Subsec. (c). Pub. L. 101-280, § 3(4)(A), inserted “individuals nominated to be judicial officers and” after “Houses of Congress other than”.

Subsec. (d). Pub. L. 101-280, § 3(4)(B), inserted “of the Office of Government Ethics” after “Director”.

Subsec. (e). Pub. L. 101-280, § 3(4)(C), inserted “who is a candidate for nomination or election to the Office of President or Vice President” after “section 101(c)” and substituted “Election” for “Elections”.

Subsec. (g). Pub. L. 101-280, § 3(4)(D), substituted “Each supervising ethics office” for “The Office of Government Ethics”.

Subsec. (h)(1)(A)(i). Pub. L. 101-280, § 3(4)(E), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and”.

Subsec. (h)(1)(A)(ii)(I). Pub. L. 101-280, § 3(4)(F)(i), substituted “Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as” for “congressional ethics committee”.

Subsec. (h)(1)(A)(ii)(II). Pub. L. 101-280, § 3(4)(F)(ii), substituted “Secretary of the Senate” for “Senate Se-

¹ See References in Text note below.

lect Committee on Ethics” and “Clerk” for “Committee on Standards of Official Conduct”.

Subsec. (h)(1)(B). Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Subsecs. (i) to (k). Pub. L. 101-280, §3(4)(G), added subsecs. (i) to (k).

1989—Pub. L. 101-194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (f) which related, respectively, to persons filing with the clerk, persons filing with the Secretary, State copies, Committee copies, Federal Election Commission assistance, and reporting forms, rules and regulations.

1979—Subsec. (b). Pub. L. 96-19, §4(b)(2), inserted reference to the National Commission on Air Quality.

Subsec. (f). Pub. L. 96-19, §9(a), substituted “the designated committee of the House of Representatives” for “the Clerk shall, after consultation with the designated committee of the House of Representatives”.

CHANGE OF NAME

Committee on Standards of Official Conduct of House of Representatives changed to Committee on Ethics of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-55, title I, §1003(b), Aug. 2, 2005, 119 Stat. 572, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports filed under the Ethics in Government Act of 1978 [Pub. L. 95-521] for calendar year 2005 and each succeeding calendar year.”

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

§ 104. Failure to file or filing false reports

(a)(1) 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 102. 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)(A) It shall be unlawful for any person to knowingly and willfully—

(i) falsify any information that such person is required to report under section 102; and

(ii) fail to file or report any information that such person is required to report under section 102.

(B) Any person who—

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

(ii) violates subparagraph (A)(ii) shall be fined under title 18, United States Code.

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

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

(B) if a filing extension is granted to such individual under section 101(g), 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.¹

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

(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.)

CODIFICATION

Section was formerly classified to section 704 of Title 2, The Congress.

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-81 designated existing provisions as par. (1), substituted “\$50,000” for “\$10,000”, and added par. (2).

1990—Subsec. (b). Pub. L. 101-650 inserted at end “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.”

Pub. L. 101-280, §3(5)(A), substituted “Judicial Conference” for “Chairman of the Judicial Conference”.

Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (c). Pub. L. 101-280, §3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (d)(1). Pub. L. 101-280, §3(5)(B), substituted closing provisions for former closing provisions which read “shall pay a filing fee of \$200 to the miscellaneous receipts of the General Treasury”.

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to failure to file or filing false reports for provisions relating to accessibility of reports. See section 105 of this Appendix.

¹ So in original.