

TITLE 5 - APPENDIX**ETHICS IN GOVERNMENT ACT OF 1978****TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL****§ 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.

Footnotes¹ So in original.

(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.

1979—Subsec. (c). Pub. L. 96–19 designated existing provisions as par. (2) and added par. (1).

Effective Date of 1990 Amendment

Amendment by Pub. L. 101–650 effective 90 days after Dec. 1, 1990, see section 407 of Pub. L. 101–650, set out as a note under section 332 of Title 28, Judiciary and Judicial Procedure.

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.