§ 101. Persons required to file

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102 (b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b) (1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O–6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102 (b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102 (a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102 (b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102 (a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102 (a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) The officers and employees referred to in subsections (a), (d), and (e) are—

(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, United States Code, 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, United States Code; 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 title 5, United States Code;

(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) who holds a commission of appointment from the President;

(9) a Member of Congress as defined under section 109 (12);

(10) an officer or employee of the Congress as defined under section 109 (13);

(11) a judicial officer as defined under section 109 (10); and

(12) a judicial employee as defined under section 109 (8).

(g) (1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

(2) (A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

(i) the last day of the individual’s service in such area during such designated period; or

(ii) the last day of the individual’s hospitalization as a result of injury received or disease contracted while serving in such area.

(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—
(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and
(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

(1) such individual is not a full-time employee of the Government,
(2) such individual is able to provide services specially needed by the Government,
(3) it is unlikely that the individual’s outside employment or financial interests will create a conflict of interest, and
(4) public financial disclosure by such individual is not necessary in the circumstances.

Footnotes
1 So in original. Probably should be capitalized.

References in Text


Section 112 of the Internal Revenue Code of 1986, referred to in subsec. (g)(2), is classified to section 112 of Title 26, Internal Revenue Code.

Codification
Section was formerly classified to section 701 of Title 2, The Congress.

Amendments
1992—Subsec. (f)(3). Pub. L. 102–378, § 4(a)(1)(A), substituted “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” for “whose position is classified at GS–16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16”.
Subsec. (f)(6). Pub. L. 102–378, § 4(a)(1)(B), substituted “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” for “whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS–16”.
1991—Subsec. (g). Pub. L. 102–25 designated existing provisions as par. (1) and added par. (2).
1990—Subsec. (e). Pub. L. 101–280, § 3(2), struck out “the later of May 15 or” after “shall, on or before”.

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5a USC 101

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).

1989—Pub. L. 101–194 substituted “Persons required to file” for “Legislative personnel financial disclosure” as section catchline and amended text generally, substituting subsecs. (a) to (i) relating to filing of financial disclosure reports by Federal personnel for former subsecs. (a) to (h) relating to filing of financial disclosure reports by legislative personnel.

1979—Subsec. (b). Pub. L. 96–19, §§ 2(b), 4 (d), (e), designated existing provisions as par. (1), substituted “described in subsection (e)” for “designated in subsection (e)” and “information described in section 102 (a) if such individual is or will be such an officer or employee on such May 15” for “information as described in section 102 (a)”, and added par. (2).

Subsec. (c). Pub. L. 96–19, §§ 2(a)(1), 4 (d), (f), inserted provisions relating to an individual who is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year and substituted “described” for “designated” and “. . . other than an individual who was employed in the legislative branch immediately before he assumed such position,” for “other than an individual employed in the legislative branch upon assuming such position”.

Subsec. (d). Pub. L. 96–19, § 5, inserted provision that in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to that candidacy were held in prior calendar years, that individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.


**Effective Date of 1991 Amendment**

Section 605(b) of Pub. L. 102–25 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to reports required to be filed after January 17, 1991.”

**Effective Date of 1990 Amendment**

Section 11 of Pub. L. 101–280 provided that: “Except as otherwise provided in this joint resolution [amending sections 101 to 106, 109 to 111, former section 202, and sections 501 to 503 of Pub. L. 95–521, set out in this Appendix, sections 3393, 7351, 7353, and 7701 of this title, sections 31–1, 31–2, and 4411 of Title 2, The Congress, sections 1601 and 2397(a) of Title 10, Armed Forces, sections 202, 203, 205, 207, 208, and 216 of Title 18, Crimes and Criminal Procedure, section 3945 of Title 22, Foreign Relations and Intercourse, section 1043 of Title 26, Internal Revenue Code, and sections 1353 and 3730 of Title 31, Money and Finance, renumbering section 1352 of Title 31 as section 1353, repealing section 112 of Pub. L. 95–521, set out in this Appendix, enacting provisions set out as notes under sections 101 and 105 of Pub. L. 95–521, set out in this Appendix, section 2397(a) of Title 10, and section 1043 of Title 26, and amending provisions set out as notes under section 207 and 208 of Title 18 and section 1344 of Title 31] take effect on the date of the enactment of this joint resolution [May 4, 1990].”

**Effective Date of 1989 Amendment**


Section 3(10)(C), (D) of Pub. L. 101–280 provided that:


Short Title of 2007 Amendment

Short Title of 2002 Amendment

Short Title of 1996 Amendment

Short Title of 1992 Amendment

Short Title of 1990 Amendment

Short Title of 1989 Amendment
Section 1 of Pub. L. 101–194 provided that: “This Act [see Tables for classification] may be cited as the ‘Ethics Reform Act of 1989’.”

Short Title
Section 1 of Pub. L. 95–521 provided: “That this Act [enacting provisions set out in this Appendix, sections 118a, 288 to 288m of Title 2, The Congress, sections 49, 528, 529, 591 to 598, 1364 of Title 28, Judiciary and Judicial Procedure, amending section 5316 of Title 5, Government Organization and Employees, section 207 of Title 18, Crimes and Criminal Procedure, and sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under section 288 of Title 2, section 207 of Title 18, and section 591 of Title 28] may be cited as the ‘Ethics in Government Act of 1978’.”

Declaration of Purpose of 1990 Amendments
Section 1 of Pub. L. 101–280 provided that: “It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989 [Pub. L. 101–194, see Tables for classification].”

Rulemaking Power of Congress
Pub. L. 102–90, title III, § 314(f), Aug. 14, 1991, 105 Stat. 470, provided that: “The provisions of this section [amending sections 102 and 505 of Pub. L. 95–521, set out in this Appendix, section 31–2 of Title 2, The Congress, and section 7701 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 31–2 of Title 2] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

Section 1001 of Pub. L. 101–194 provided that: “The provisions of this Act [see Short Title of 1989 Amendment note above] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—
“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”