

**INSTRUCTION
GUIDE FOR COMPLETING
CALENDAR YEAR 2011
FINANCIAL DISCLOSURE STATEMENT
FORM A**

FOR USE BY
**MEMBERS, OFFICERS, AND CERTAIN EMPLOYEES
OF THE LEGISLATIVE BRANCH**

COMMITTEE ON ETHICS
U.S. HOUSE OF REPRESENTATIVES



2012

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GENERAL INFORMATION

INTRODUCTION

Statutory Background

Title I of the Ethics in Government Act of 1978, as amended (5 U.S.C. app. 4 §§ 101-111) (EIGA) requires Members, officers, certain employees of the U.S. House of Representatives and related offices, and candidates for the House of Representatives to file Financial Disclosure Statements with the Clerk of the House of Representatives. The Committee on Ethics (Committee) administers the statute for the House.

Forms

The Committee has created two different forms and sets of instructions for the two different categories of filers: (1) **FORM A** for use by Members, officers and certain employees of the Legislative Branch, as well as terminated Members, officers, and employees; and (2) **FORM B** for use by candidates and new employees. This instruction booklet covers Form A only. Form B filers should contact the Clerk of the House or visit the Committee's Web site at www.ethics.house.gov to obtain the instruction booklet for completing that form.

There are two ways to complete Form A: (1) by hand, using a pre-printed form, or (2) by using the financial disclosure software program. **The Committee strongly encourages filers to use the software program for completing the form. This software can be downloaded by visiting the Committee's Web site at www.ethics.house.gov and clicking on the "Financial Disclosure" tab.** Utilizing this software can significantly increase the accuracy of your Statement. Additionally, the software program and the information you enter can be saved to your computer, which eliminates the need to re-enter the same data each year.

Getting Assistance

The following instructions provide a detailed explanation of the disclosure requirements. **This instruction booklet also contains a sample Financial Disclosure Statement for your reference immediately following these instructions beginning at page SF-1.** Filers are encouraged to carefully read these instructions and refer to the sample form for examples of the correct way to disclose the most common types of entries.

Any filer who has questions concerning the reporting requirements or how to fill out the Financial Disclosure Statement should call the Committee, at (202) 225-7103. Additional copies of the form can be obtained by visiting the Committee's Web site at www.ethics.house.gov and clicking on the "Financial Disclosure" tab.

Pursuant to its authority under 5 U.S.C. app. 4 § 106(b), the Committee has delegated to the Congressional Budget Office, the Library of Congress, the Architect of the Capitol, the Government Printing Office, and the Capitol Police the responsibility of reviewing and certifying Disclosure Statements, and issuing extensions of time for filing, for their own employees. Employees of those agencies should contact their respective general counsel's offices with any questions about their financial disclosure obligations.

It is the Committee's opinion that any case in which a filer believes there is an ambiguity in the reporting requirements should be resolved in favor of disclosure or the filer should request an advisory opinion from the Committee.

Those who wish for further information about standards of conduct that apply in the House may obtain the *House Ethics Manual* and advisory memoranda by contacting the Committee or by visiting the Committee's Web site at www.ethics.house.gov. Copies of the Committee's *Rules* are also available on the Web site.

WHO MUST FILE AND WHEN

The following individuals are required to file Financial Disclosure Statements on **FORM A** on or before **May 15**.

Members: Every Member of the House of Representatives, Delegate to Congress, and the Resident Commissioner of Puerto Rico must file a Financial Disclosure Statement on or before May 15 of each calendar year.

New Members: New Members (*i.e.*, those sworn in since the last May 15 filing deadline) must file a FORM A on May 15. However, Members who were first sworn in to the House in the current calendar year are not required to complete Schedule VI (gifts) or Schedule VII (travel).

Officers and Employees of the Legislative Branch: Officers and employees of the House must file if they are compensated at a

certain pay rate established by the statute. Specifically, any House officer or employee who was compensated at or above 120 percent of the minimum pay for Executive Branch GS-15 (the "senior staff" rate) for at least 60 days in a calendar year must file a Financial Disclosure Statement on or before May 15 of the succeeding calendar year, even if he or she is no longer paid at the senior staff rate. The rate triggering disclosure was **\$119,553.60** in 2011. (The 2012 threshold remains \$119,553.60.) Committee staff can provide the rate for other years.

The triggering salary is based on the individual's "base rate of pay." It does not include: annuities paid by the United States, overtime payments, night differential payments, locality pay adjustments, or student loan repayment by the House. As a general rule, "lump sum payments" will not be considered in calculating an employee's compensation for reporting purposes. (*But see* the Committee's advisory memorandum of October 15, 1999, regarding inappropriate use of lump sum payments to avoid financial disclosure requirements.)

Temporary increases in pay that are effective for at least 60 days (two pay periods) in a year may trigger the filing requirement. If, in any two pay periods during a calendar year (whether or not consecutive), an employee has a temporary increase in pay (such as a year-end bonus paid in November and December) which results in the *gross* pay for those two months exceeding 1/12th of the annual senior staff rate, that employee will be required to file a Financial Disclosure Statement. For 2011, the monthly senior staff rate was **\$9,962.80**. Thus, it is possible for an employee to be required to file a Financial Disclosure Statement where the employee received a year-end bonus paid in November and December, even though the employee's total salary for the year was less than the annual senior staff rate amount.

Principal Assistants: Every Member office must have at least one employee who files a Financial Disclosure Statement. Most offices will have at least one employee who is paid at or above the senior staff rate (*see* preceding subsection) and therefore is required to file a Statement. If a Member does not have an employee paid at or above the senior staff rate, however, the Member must designate at least one current employee as a principal assistant to file a Financial Disclosure Statement. To designate a principal assistant, a letter which identifies the designee and is signed by the Member must be transmitted to the Clerk of the House.

Except in the case of a new Member, an employee who has been designated as a principal assistant must have been employed in the Member's office for more than 60 days in the calendar year covered by the report. Thus, at least one individual who was an employee in the Member's office for more than 60 days in the year covered by the report (either an employee paid at or above the senior staff rate or principal assistant) must file a Financial Disclosure Statement by May 15. (*See* Appendix B, Interpretive Ruling No. 1.)

The Clerk of the House will notify those Members who are required to designate a principal assistant. The EIGA is silent regarding the position in the Member's office that such an employee should hold, and Members therefore have broad discretion in choosing which employee to designate as a principal assistant. The Committee encourages, but does not require, Members to select an employee whose relationship with the Member permits the person, under some circumstances, to act in the Member's name or with the Member's authority. A Member is also free to designate more than one employee as a principal assistant to file a Financial Disclosure Statement.

The following individuals must file FORM A within 30 days of terminating their employment with the House:

Termination Filers: Most Members, officers, and employees who are otherwise required to file Financial Disclosure Statements but terminate employment with the government must file termination reports within 30 days of leaving House employment. The reporting period for a termination report depends on the date of termination. See the discussion in the next section under the heading "Reporting Period" for an explanation.

An individual who, within 30 days of leaving House employment, accepts another federal government position requiring the filing of a *public* Financial Disclosure Statement is not required to file a termination report with the House. A requirement to file a confidential financial disclosure statement will not excuse the filing of a termination report. ***An individual who has accepted a new position with a public financial disclosure reporting requirement must notify the Clerk of the House in writing of the new position in order to excuse the filing obligation.***

An individual who files only because he or she has been designated as a principal assistant, rather than because of pay level, does not have to file a termination report. The Member must designate a new principal assistant in the

individual's place. A termination report does not satisfy the requirement that at least one person in each Member's office besides the Member must file annually.

Shared Employees: In 2008, the Committee on House Administration adopted Committee Resolution #110-7 that requires each House employee who is employed simultaneously by three or more offices for more than 60 days in a calendar year to file a Financial Disclosure Statement on May 15 of the following year.

If you believe you have received a notice from the Clerk of the House informing you that you are required to file a Financial Disclosure Statement in error, DO NOT DISREGARD THE NOTICE. Please contact the Committee immediately, as only the Committee can relieve you of your filing obligation.

REPORTING PERIOD

The reporting period for the *annual* Financial Disclosure Statements is the preceding calendar year. New Members filing their first FORM A Financial Disclosure Statement, however, need not disclose gifts received or travel occurring before they became a Member.

The reporting period for a *termination* Financial Disclosure Statement depends on the termination date. If the individual's termination date is prior to May 15, the reporting period is the prior calendar year through the date of termination in the current calendar year. If the individual's termination date is after May 15, the reporting period is the calendar year in which termination occurs through the date of termination.

These instructions will generally use the term "calendar year" to refer to the reporting period.

TIMELINESS OF FILING

Reports are considered timely if they are *received or postmarked* on or before the due date, **May 15, 2012**. If the date on which a report is required to be filed falls on a weekend or holiday, the filing deadline is extended to the next business day.

Financial Disclosure Statements must contain an *original signature*. Thus, they may NOT be filed with the Legislative Resource Center via facsimile (fax) machine or email. Financial Disclosure Statements are frankable.

Extensions

Prior to the date on which a Financial Disclosure Statement or a required amendment

is due, the Committee may grant reasonable extensions of time for the filing. Under the law, the total of such extensions for one individual in a calendar year may not exceed 90 days.

To request an extension, the filer must use the extension request form available on the Committee Web site, www.ethics.house.gov. (Employees of the Congressional Budget Office, the Library of Congress, Architect of the Capitol, Government Printing Office, or Capitol Police must file a written request for an extension with the general counsel of their agency). The form must be signed by the filer and must state the length of the extension requested. ***Any such request must be received on or before the due date of the report.*** An extension request is *not* timely if it was only postmarked, but was not received, by the due date. The Committee will accept extension requests via fax machine or email. The Committee fax number for financial disclosure matters is **(202) 225-3713** and the email address is financial.disclosure@mail.house.gov.

In addition, pursuant to the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), by August 31, 2012, the Clerk is required to post all notices of extension on the public Web site of the Office of the Clerk. The Committee will provide the extension notice to the Clerk. (This requirement applies to all filings made in 2012 and subsequent years.)

Late Filing Fee

An individual who files a Financial Disclosure Statement or any amendment more than 30 days after the later of (1) the date the Statement or amendment is required to be filed, or (2) the last day of any filing extension period that has been granted, must pay a late filing fee of \$200. The fee shall be paid by check or money order made out to the United States Treasury and submitted to the Clerk at the filing address along with the Financial Disclosure Statement. Payment of the fee does not preclude the Committee from taking other disciplinary action authorized by law or the rules of the House of Representatives.

The Committee has authority to waive the fee, but only in extraordinary circumstances. Waiver requests must be directed in writing to the Chair of the Committee, signed by the filer, and state the circumstances believed to justify the waiver. The request may either be faxed to the Committee at (202) 225-3713 or submitted with the report at the time of filing. In neither case will the request, or the Committee's response, be made publicly available.

Any report that is submitted more than 30 days after the due date without the

required late filing fee shall be deemed procedurally deficient and not properly filed. Thus, you must submit the late filing fee at the time you file your report. The fee will be deposited immediately *unless* a fee waiver is requested at the time of filing, in which case it will not be deposited until the Committee acts on the fee waiver request. If the fee waiver is granted, your check or money order will be returned to you by the Clerk of the House.

WHERE TO FILE AND NUMBER OF COPIES

The Financial Disclosure Statement (or any amendments) must be filed with the Clerk of the House of Representatives, Legislative Resource Center, Room B-106 Cannon House Office Building, Washington, DC 20515. Members should submit one original (with an original signature) and two photocopies of their completed (and signed) Financial Disclosure Statement. Officers and employees should submit one original (with an original signature) and one photocopy of their completed Statement.

COMMITTEE REVIEW

The Committee on Ethics is required to review all Financial Disclosure Statements to determine whether they are filed in a timely manner, appear accurate and complete, and comply with applicable laws and rules. If the review indicates an error, omission, or other deficiency, the filer will be notified of the additional information believed to be required, or of the law or rule with which the Statement does not appear to comply.

If you concur with the Committee, then you should file an amendment to the Financial Disclosure Statement with the Clerk at Legislative Resource Center, B-106 Cannon House Office Building, Washington, DC 20515. The same number of copies of an amendment is required as for the original filing. An amendment may be in the form of a revised Financial Disclosure Statement (indicating where appropriate that it is an amendment) or by an explanatory letter addressed to the Honorable Karen L. Haas, Clerk of the House, at the above address.

If you do not agree that an amendment is needed, you must send a letter *to the Committee* explaining why you believe the amendment is not required. In all cases, the Committee shall be the final arbiter of whether any Statement requires clarification or amendment. No communications between the Committee and you will be publicly discussed or released by the Committee.

The Committee is also authorized under the EIGA to render advisory opinions interpreting the disclosure requirements to any person required to file a Financial Disclosure Statement. Any person who acts in good faith in accordance with a written advisory opinion shall not be subject to any sanction by the Committee under the EIGA.

FAILURE TO FILE OR FALSIFYING DISCLOSURE STATEMENTS

Each individual is responsible for the completeness and accuracy of the information contained in the individual's Financial Disclosure Statement, even if someone else prepared, or assisted in preparing, all or part of it. The EIGA provides that the Attorney General may seek up to one year in prison and a fine of up to \$50,000 against an individual who knowingly and willfully falsifies a Statement, and up to a \$50,000 fine for anyone who knowingly and willfully fails to file a Statement required by the EIGA.

In addition, 18 U.S.C. § 1001, as amended by the False Statements Accountability Act of 1996, is applicable to Financial Disclosure Statements. That criminal statute provides for a fine and/or imprisonment for up to five years for knowingly and willfully making any materially false, fictitious or fraudulent statement or representation, or falsifying, concealing, or covering up a material fact, in a filing under the EIGA.

House Rule 26 provides that Title I of the EIGA shall be deemed to be a rule of the House with regard to House Members, officers, and employees. The House, acting on the recommendation of the Committee, may therefore impose penalties on Members, officers, and employees in addition to those noted above.

PUBLIC ACCESS

The Clerk of the House will make Financial Disclosure Statements publicly available within 30 days of filing (or within 30 days of May 15 for reports due by that date). The Clerk is required to send a copy of each Statement filed by a Member or a candidate to the appropriate state officer in the state represented by the Member or in which the individual is a candidate. Under House Rule 26, annual reports filed by Members must be compiled into a public document each year by August 1.

In addition, pursuant to the Honest Leadership and Open Government Act of 2007 (HLOGA), the Clerk now is also required to post on the public Web site of the Office of the Clerk copies of all Member Financial Disclosure Statements. Statements filed by May 15 must be posted within 30 days. The Clerk must post subsequently-filed Statements not later than the end of each 45-day period following the initial public posting.

In addition, pursuant to the STOCK Act, by August 31, 2012, the Clerk is required to post all Statements filed by Members, candidates, and employees on the public Web site of the Office of the Clerk within 30 days of filing. (This requirement applies to all filings made in 2012 and subsequent years.)

Statements filed with the Clerk are made available for public inspection in the Legislative Resource Center, Room B-106 Cannon House Office Building, Washington, DC 20515. The Clerk may not make any Statements available to any person, or provide a copy of any report to any person, except upon written application by such person stating:

- (A) his or her name, occupation, and address;
- (B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and
- (C) that such person is aware of the prohibitions on the obtaining or use of the Statement.

All applications for inspection of Statements shall be made available to the public. In addition, any person requesting a copy of a Statement may be required to pay a reasonable fee to cover the cost of reproduction or mailing.

All Financial Disclosure Statements of Members shall be made available for public inspection until six years after the individual ceases to be a Member of Congress. All Statements of officers and employees shall be made available for public inspection for six years after filing.

UNLAWFUL USE

It is illegal for any person to obtain or use a Financial Disclosure Statement for: (1) any unlawful purpose; (2) any commercial purpose, other than by news and communications media for dissemination to the general public; (3) determining or establishing the credit rating of any individual; or (4) use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The Attorney General may bring a civil action against any person who obtains or uses a Statement for any of the prohibited purposes mentioned above. The court may assess a penalty not to exceed \$50,000.

Forms Not Net Worth Statements

Financial Disclosure Statements are not intended as net worth statements, nor are they well suited to that purpose. As the Commission on Administrative Review of the 95th Congress stated in recommending broader financial disclosure requirements: "The objectives of financial disclosure are to inform the public about the financial interests of government officials in order to increase public confidence in the integrity of government and to deter potential conflicts of interest." *Financial Ethics*, House Document No. 95-73, page 6 (1977).

SPECIFIC REPORTING INSTRUCTIONS

INTRODUCTION

The following sections correspond in order to the nine schedules on the FORM A Financial Disclosure Statement to be filed by Members, officers, and employees of the legislative branch. Any filer who is completing a FORM B rather than a FORM A should contact the Clerk for the instructions governing that form or download the instructions from the Committee's Web site.

Examples are provided throughout the instruction booklet, on the Statement itself, and in a sample completed form immediately following these instructions. The examples are included in an effort to provide as much guidance as possible to reporting individuals.

The preprinted forms are perforated along the left edge. They should be separated and only the signature page, preliminary information page, and completed schedules filed. At the top of each page, indicate your name, the page number, and total pages in the filing. Please type or print clearly in blue or black ink. ***If you have nothing to report on a schedule, be certain to check the appropriate "NO" box on the first page. If you check the "NO" box for any question, do not file the corresponding schedule.***

Tools to Complete the Form

The following documents may help to provide the information necessary for completing the Financial Disclosure Statement. *There is no requirement to file any supporting documentation with your completed Statement unless you choose to do so for ease of filing.*

- A copy of the Statement you filed last year (for a new Member, this would be the Statement you filed as a candidate);
- End of year statements for any brokerage accounts, retirement accounts, or bank accounts that pay interest;
- Tax forms (W-2s or 1099s) or pay stubs for any outside earned income you or your spouse received in the previous year;
- Annual accounting or other financial reports for any business you own; and
- Any other documents which indicate the gross revenue, income, loss, sales, purchases, or debt for the previous calendar year for your investments, income, or liabilities.

PAGE-BY-PAGE INSTRUCTIONS

SIGNATURE AND CERTIFICATION PAGE

Provide your full name, telephone number, and address in the space provided. You may use your office address and telephone number. Also indicate your filer status as a Member or officer/employee of the House. **Please note that this page WILL NOT be made available to the public.**

You must sign and date the signature page after completing the attached Financial Disclosure Statement. By your signature, you are certifying that the attached report (including any accompanying schedules or information) is accurate and complete. This page must be signed by you *personally*, not by someone acting on your behalf, even if someone else prepared or assisted you in completing the Statement.

Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file, a required Financial Disclosure Statement may be subject to incarceration and/or a fine pursuant to 5 U.S.C. app. 4 § 104, and criminal sanctions under 18 U.S.C. § 1001.

PRELIMINARY INFORMATION PAGE

At the top of this page is a block in which you must indicate your name, telephone number, filer status, employing office, and report type. Print your first and last names. Use your daytime or office telephone number so that Committee staff will be able to contact you if questions arise during the review process.

Next, check the box indicating your filer status, as either a Member or as an officer or employee. Members must also identify the state and congressional district they represent. An officer or employee should state the name of the Member, committee, or office by which the filer is employed. Employees of a Member's personal office should state the Member's name, not the state and district the Member represents.

You must also check one of the three boxes indicating the type of report that is being filed: the annual report due on or before May 15, an amendment, or a termination report.

Next, you will see in the middle of the page a series of nine preliminary questions

numbered with Roman numerals I through IX. **You must answer “YES” or “NO” to each of these questions.** These questions only summarize the actual disclosure requirements. Answering these summary questions does not eliminate the need to complete the rest of the form. Accordingly, *before you respond to these questions*, you should read the detailed instructions contained in this booklet.

Each of the nine questions corresponds to a Schedule with the same number (*e.g.*, question I corresponds to Schedule I). **Where the answer to any question is “YES,” you must attach the completed corresponding schedule.** By answering “NO” to a question, you are stating that there is no information to report in this area. **For any “NO” answer, do not file the corresponding schedule.**

The subjects of the questions (and the corresponding schedules) are as follows:

| | |
|--|---------------|
| Earned income | Schedule I |
| Payments made to charity in lieu of honoraria..... | Schedule II |
| Assets and “unearned” income | Schedule III |
| Transactions..... | Schedule IV |
| Liabilities | Schedule V |
| Gifts..... | Schedule VI |
| Travel..... | Schedule VII |
| Positions..... | Schedule VIII |
| Agreements | Schedule IX |

Sometimes more than one schedule is printed on a page. Where there is information to be reported for one schedule but not for the other, you need not complete the schedule for which the answer was “NO.” Leave it blank, or write “N/A” or “Not Applicable.”

Exclusion of Spouse/Dependent or Trust Information

In this section on the lower portion of the page, there are two “YES/NO” questions which you must answer by checking the appropriate boxes. If either of these questions is not answered, the Statement may be deemed deficient.

Trust Exemption

The trust exemption question reads:

Details regarding “Qualified Blind Trusts” approved by the Committee on Ethics and certain other “excepted trusts” need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or a dependent child?

Generally, you must disclose a trust and information concerning each asset held in a trust in which you, your spouse, or a dependent child has a beneficial interest. If you and your family members have no trusts, or if your Statement fully discloses any trust assets, check the box marked “NO.”

If you have an “excepted trust” or “qualified blind trust,” as described below, you must disclose the trust on Schedule III, but you need not disclose its assets. You also must check “YES” in response to the “Trust” question on page 1 because you are excluding from disclosure on Schedule III certain assets contained in a trust.

There are two exceptions to the general rule that all trust assets must be disclosed. The first is for assets held in **“excepted trusts.”** A trust is an excepted trust if it meets two criteria: (1) the trust was not created by you, your spouse, or a dependent child; and (2) none of you has specific knowledge of the assets or sources of income of the trust through a report, statement, or constructive receipt, whether intended or inadvertent. Constructive receipt occurs when a person is considered to have received information, even without having actual possession, such as when the legal requirements for delivery have been satisfied. Filers may never blind themselves from knowledge of the trust assets by simply avoiding information that is made available to them. *Before indicating for the first time that you are the beneficiary of an excepted trust, you should consult with the Committee.*

The second exception is for assets held in **“qualified blind trusts”** as defined in the EIGA (5 U.S.C. app. 4 § 102(f)(3)). A qualified blind trust is a device employed by federal officials to hold, administer, and manage their private financial assets and investments (including those of the official’s spouse and dependent children) as a method of avoiding conflicts. *All qualified blind trusts must be pre-approved by the Committee.* Please contact the Committee for questions concerning the specific approval requirements for a qualified blind trust.

Spouse and Dependent Exemption

The spouse/dependent exemption question reads:

Have you excluded from this report any assets, “unearned” income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

You are required to disclose certain information concerning the income, assets, liabilities, and other information of your spouse and dependent children on the Financial Disclosure Statement. For the specific disclosure requirements, please refer to the detailed discussion of reporting obligations for each schedule provided in this instruction booklet.

This question asks you to indicate if you have omitted any information about your spouse or dependent children under the three statutory standards for exemption discussed below. In those *rare* instances where information may be excluded, check the "YES" box. ***You should not answer "Yes" to this question for the first time unless you have first consulted with the staff of the Committee.*** If you intend to include all information regarding the finances of a spouse or child, or if you have no spouse or child, then the box marked "NO" should be checked.

You may omit disclosure of certain financial interests and liabilities of a spouse or dependent child only if *all three* of the following criteria are met:

(1) The items are the sole financial interest or responsibility of your spouse or dependent child and you have no specific knowledge of the items;

(2) The items were not, in any way, past or present, derived from your income or assets; *and*

(3) You do not derive or expect to derive any financial or economic benefit from the assets.

If you omit any reporting because these three circumstances are met, you must check the "YES" box on the first page of the Statement in response to the "Exemption" question.

An explanation of the three criteria for exemption follows.

(1) To satisfy the "**knowledge test**," you must have no detailed or specific knowledge of a financial interest or responsibility of your spouse or dependent child. For example, if you know that your spouse has inherited stock in a number of different corporations, but you do not know the identity of the corporations or the extent of the stock holdings, you would be considered to have no knowledge of those financial interests for purposes of this exemption. Knowledge would be presumed, however, if you filed a joint tax return which included information regarding the assets in question.

(2) To satisfy the "**independence test**," the financial interest or responsibility must be solely that of your spouse or child, and must have been obtained through your spouse's or child's own activities or financial resources (as would be the case with a bequest, inheritance, gift, or other means totally unrelated to you). If any part of your income, financial interests, or activities contributed in any way to the acquisition or disposition of the item, then the item would not meet this criterion.

(3) The "**benefit test**" should be interpreted very broadly. The law requires that you neither derive nor expect to derive any financial or economic benefit from the item. 5 U.S.C. app. 4 § 102(e)(1)(E). You benefit under this standard if income from the holdings of your spouse or dependent child is used, for example, for your vacations, the education of your dependents, or the maintenance of your home. In addition, you stand to benefit from interests held by a spouse or dependent child if you have the possibility of inheriting the interest.

Separation from Spouse. You are also not required to disclose financial information about a spouse from whom you have separated with the intention of terminating the marriage. If you exclude information because of a separation or marital dissolution, you may check the box marked "NO."

The term "*dependent child*" means one's child or stepchild who (A) is unmarried, under age 21, and living in the household of the reporting individual, or (B) is a "dependent" of the reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986.

SCHEDULE I EARNED INCOME

You are required to disclose the following payments to you if they totaled more than \$200 from a single source in the calendar year:

1. **Earned income** from employment outside the House; and
2. **Honoraria.**

Earned income, as defined in the EIGA, is intended to be comprehensive and means “all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it)”

Honorarium refers to a payment of money or anything of value for an appearance, speech, or article, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed.

Spouse and Children. You must disclose the source and type, *but not the amount*, of your spouse’s earned income which totaled \$1,000 or more from a single source (including the federal government). In the “Amount” column of Schedule I, you may enter “N/A” for entries related to your spouse’s employment. You must also disclose the source, type, *and* amount of your spouse’s honoraria that totaled more than \$200.

You do not need to disclose any information regarding the earned income or honoraria of a dependent child.

Reportable Earned Income

You must disclose the following types of earned income which meet the reporting thresholds above:

- **Earned income** from any source other than your current U.S. government employment.
- **Pension and retirement payments** from any source other than the U.S. government or Social Security.
- **IRA and 401(k) distributions.**
- **Benefits payments** from state or local governments, such as **unemployment compensation.**

Report the source, type, and dollar amount of earned income. Identify the source by naming the organization, corporation, or other entity making the payment. It is not necessary that individual clients of a business be named, only the business itself. For example, on

Schedule I, an accountant would report the name of the accounting firm as the source of earned income, not the clients for whom the work was performed. Describe the type of income as salary, commissions, fees, pension, etc., as appropriate.

The law requires that *gross amounts* be used for reporting income. Thus, you must disclose the gross amount of salary or fees without first deducting expenses. Likewise, you must report the gross income of an unincorporated business such as a sole proprietorship you own. You may report the net income in addition to, but not in place of, the gross income figure.

Exclusions

You do not have to report the following on Schedule I, regardless of the amount:

- Income from your **employment by the House.**
- Income from any other current U.S. government employment, including **military pay** such as from the National Guard or Reserve.
- Benefits from **federal retirement programs**, and benefits received under the Social Security Act.
- **Life insurance proceeds.**
- **Earned income of a dependent child.**
- **Disability payments** from the federal government, a state government, or a private insurance company.
- **Alimony and child support payments.**

Special Considerations

Income Cap. The outside earned income of Members, officers, and employees paid at or above the “senior staff” rate (\$119,553.60 in 2011) for more than 90 days in a calendar year is subject to an annual earned income limit of 15 percent of the Executive Level II salary. For calendar year 2011, the outside earned income cap for Members and senior staff was \$26,955. (For calendar year 2012 the senior staff rate and earned income cap remain the same.)

Certain types of earned income, such as pensions from prior employers or deferred compensation for services rendered prior to current legislative employment, do not count against the outside earned income limit. Nonetheless, such income must be reported on Schedule I. You may wish to note parenthetically that such income is for services rendered prior to House employment.

Fiduciary Restrictions. Regardless of whether the outside earned income cap has been reached, certain compensated professional activities are barred for Members, officers, and those employees who are paid at or above the senior staff rate for more than 90 days in a calendar year. These individuals may not earn **any** income (even an amount below the income cap) for the following:

- Providing **professional services involving a fiduciary relationship**, such as the practice of law or the sale of real estate or insurance;
- Being employed by an organization that provides fiduciary services;
- Serving as an **officer or board member** of any association, corporation, or other entity (including charitable or political organizations, or family businesses); and
- **Teaching** without the prior written approval of the Ethics Committee.

A more detailed discussion of the outside earned income limits for Members and staff is included in the *House Ethics Manual*.

For examples of how to report earned income and honoraria, refer to the sample Financial Disclosure Statement beginning at page SF-3.

SCHEDULE II PAYMENTS MADE TO CHARITY IN LIEU OF HONORARIA

Filers must report on Schedule II any payments that were made to charity in lieu of being paid as an honorarium to the filer.

Members, officers, and employees paid at or above the “senior staff” rate (\$119,553.60 in 2011) for more than 90 days in a calendar year have been prohibited by both federal law and House rules from receiving honoraria, which are payments for speeches, appearances, and articles. (For 2012, the senior staff rate remains \$119,553.60.)

Even under this prohibition, payments in lieu of honoraria may be made to qualified charities by sponsors of speeches, appearances, and articles, subject to the following four conditions:

1. The benefitting organization must be a **§ 501(c)(3) nonprofit** entity;
2. The **payments must be made directly by the sponsor** of an event to the charity; the Member, officer, or employee may not serve as intermediary;

3. There is a **\$2,000 limit** that may be directed to charity for any one speech, appearance, or article; **and**
4. There may be **no financial benefit to the Member, officer, or employee**, or to a parent, sibling, spouse, child, or dependent relative of that individual from the benefitting charity.

How to Complete Schedule II

A Schedule II entry has two parts:

1. The **Schedule II form page**, which is submitted to the Clerk as part of the completed financial disclosure form; and
2. A **confidential list of recipient charities**, which is submitted directly to the Ethics Committee.

Details on how to complete each part are provided below.

Part 1: Schedule II. Filers should complete the Schedule II page and include it as part of their completed Financial Disclosure Statement filed with the Clerk of the House.

On Schedule II, filers must list under “source” the sponsor of each event for which a payment was made to charity in lieu of an honorarium being paid. The type of activity—*i.e.*, speech, appearance, or article—must be identified, as well as the date and dollar amount. The date will either be the date of a speaking engagement or appearance or, in the case of an article, the date the payment was made.

The Schedule II page does not require the filer to list the name of any charity that received a payment in lieu of an honorarium. Instead, the filer provides that information on a confidential list submitted directly to the Committee, as explained below.

Payments made by a federal lobbyist or foreign agent have an additional reporting requirement, as explained later in this section.

Part 2: Confidential List of Recipient Charities. In addition to filling out the Schedule II page, a filer must also submit to the Ethics Committee a confidential list of the charities receiving the payments, including the dates and amounts of such payments.

The Committee has not prepared a separate form for the reporting of charities that received payments in lieu of honoraria. Instead, you are free to use any format that is compatible with your personal record-keeping. The report should include your name, the year, the names of each charity known to have received payments because of speeches, appearances, and articles,

the amount, the entity making the payment to charity, and the date of the event or the date the payment was made or requested (the same date as on the public Statement). The easiest method is to photocopy your Schedule II page and add the names of the recipient charities.

The Committee recognizes that you may not always know that a charity has received a payment. For example, you may have requested that a payment be made, but did not receive confirmation that the request was honored. Or, you may have a policy of suggesting that the sponsor of an event choose from among several charities, but not know which organization was the actual recipient. If you have requested that a payment be made to charity, then the sponsor, date, and amount should be disclosed on your public report. If you do not know whether a charity received the payment, simply indicate in the confidential report what request was made of the sponsor (*i.e.*, the names of the charities), but state that you do not know which charity received the payment, or whether the requested payment was made.

The Committee has included in each Member's filing package a green envelope to use for submitting the confidential report. Officers and employees may obtain envelopes upon request or use their own envelopes. Indicate on the envelope your name, the year, and state and district (if a Member) or employing office (if an officer or employee). If you use a plain envelope rather than a green one, please also indicate on the front that it is your "green envelope" or your confidential list of charities.

After enclosing the confidential report, seal the envelope and send it directly to the Committee on Ethics, 508 Ford House Office Building, Washington, DC 20515.

The Committee will retain the envelope in its files. It will be unsealed only if the Committee determines that examination of the information is essential to an investigation by the Committee.

Special Requirement for Payments from Federal Lobbyists or Foreign Agents

The House gift rule (House Rule 25, clause 5) imposes an additional requirement regarding the reporting of charitable contributions in lieu of honoraria where the charitable contribution is made by a registered lobbyist or an agent of a foreign principal (under the Foreign Agents Registration Act). When the contribution is from either of these sources, the House Member, officer, or employee who recommended or designated the recipient charity must file a

report with the Clerk of the House within 30 days.

This reporting requirement—which applies *only* where the donor is a registered lobbyist or foreign agent—is *in addition* to the requirement for the reporting of payments on Financial Disclosure Statements. The text of the gift rule appears as Appendix C to these instructions, and the provision that addresses charitable contributions in lieu of honoraria is clause 5(d)(2) of House Rule 25.

Exclusions

You do not need to report the following on Schedule II:

- **Honoraria earned by your spouse.** However, the source and amount of these payments must be reported on Schedule I as earned income.
- **Honoraria earned by your dependent children.**

For examples of how to report payments made to charity in lieu of honoraria, refer to the sample Financial Disclosure Statement at page SF-4.

SCHEDULE III ASSETS AND "UNEARNED" INCOME

You are required to disclose the following on Schedule III:

1. **Assets** (real and personal property) held for investment or the production of income valued at more than **\$1,000** at the close of the calendar year; and
2. **Unearned income** which exceeds **\$200** during the calendar year.

Reportable Assets

Real and personal property held by you, your spouse, or a dependent child as an investment or for the production of income must be disclosed on Schedule III if it had a value in excess of \$1,000 at the close of the calendar year *or* generated unearned income in excess of \$200 during the calendar year.

Reportable assets include:

- **Real Property**
- **Brokerage Accounts**
- **IRAs, 401(k) Plans, and Other Non-Federal Retirement Accounts**
- **529 College Savings Accounts**
- **Corporate Securities**

- **Mutual Funds, Exchange Traded Funds (ETFs), and Real Estate Investment Trusts (REITs)**
- **Government Securities and Agency Debt**
- **Asset-Backed Securities**
- **Futures and Options**
- **Hedge Funds and Private Equity Funds**
- **Annuities**
- **Insurance Policies**
- **Bank Accounts**
- **Ownership Interests in Privately Held Companies**
- **Debts Owed to the Filer**
- **Trusts**
- **Investment Clubs**
- **Collectibles**
- **Intellectual Property/Royalties**

Reportable Unearned Income

In general, unearned income is income received by you, your spouse, or dependent children as a return on investment. Unearned income which must be disclosed includes, but is not limited to, the following:

- **Dividends**
- **Interest**
- **Capital Gains**
- **Rents**
- **Royalties**
- **Income from Ownership Interests in Privately-Held Companies or Other Business Entities**
- **Income From an Interest in an Estate or Trust**
- **Income Resulting from the Discharge of Indebtedness**

Important: Please note filers are no longer required to disclose unearned income generated by assets held in tax-deferred accounts (including, but not limited to, 401(k), IRA, and 529 college savings accounts).

Valuation of Assets

For each asset you disclose, you must indicate the category of its year-end value. Providing a *good faith estimate* of the fair market value of an asset if the exact value is neither known nor easily obtainable is an

acceptable, and often the simplest, method of valuation. In valuing real property, for example, a good faith estimate may be based on such information as recent sales of comparable property. You may also value assets by any of the following alternative methods:

- The year-end market value of publicly-traded securities such as stocks or mutual funds;
- The year-end book value of an interest in a non-publicly traded company;
- The purchase price of real property (if the filer so indicates and provides the exact purchase price and date);
- A property tax assessment adjusted to reflect 100 percent value (if the filer so indicates and provides the exact assessed value);
- A recent professional appraisal;
- The net worth of a business partnership; or
- The value of an individually owned business.

Reporting Particular Assets

Real Estate. Reportable real estate includes any interest in land (including mineral rights) or commercial property (such as office buildings, shopping malls, or apartment buildings) held in a trade or business or for investment or the production of income. You are *not* required to disclose a personal residence (including any gain from its sale) *unless* it generated rental income, including, for example, from the rental of the basement or a single room (in which case you must report the value of the *entire* residence). A second home, vacation home, or other property that is held purely for recreational purposes and is not rented at any time during the reporting period need not be reported.

With regard to rental income, you must disclose the *gross* income received; you may not deduct mortgage payments or other expenses (though you may also disclose the net income if the two amounts are clearly identified as “gross” and “net”).

You may, *but are not required to*, provide a street address for real estate. You can simply provide a brief description and the city and state of its location. For example, “Residential Rental Property located in Ithaca, New York.” If you own more than one property, however, the property descriptions must be distinguishable from one another and used consistently from year-to-year.

If you hold real estate (such as residential rental properties or commercial buildings) in a limited partnership or limited liability corporation, please refer to the discussion of the specific reporting requirements of such companies under the heading “Ownership Interests in Privately-Held Partnerships, Corporations, and Other Business Entities” on page 17 of this booklet.

For examples of how to report interests in real estate, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Brokerage Accounts and Accounts with an Investment Advisor. A brokerage account is only an investment vehicle; it is not the asset that is required to be disclosed by the EIGA. It is not sufficient to disclose the aggregate value of your portfolio or brokerage account. This includes “managed accounts” unless the account is “**not self directed,**” meaning that you have no power to direct investments within the account. *Such accounts are very rare. Please consult with the Committee before asserting that a managed brokerage account is not self directed.* An account remains self directed even where you authorize an investment broker to make all investment decisions on your behalf if you retain the power, whether or not exercised, to make investment decisions yourself.

If you have a self directed account, you must provide information about specific holdings of the account in the same detail as assets and income held outside an account. That is, you must individually list each of the assets held in the account (*i.e.*, the specific stocks, mutual funds, or other assets in which your money is invested within the account) which meet the reporting thresholds in Block A, disclose the individual value of each of those holdings at the end of the calendar year in Block B, and disclose the type and amount of income earned by each asset in the account during the calendar year in Blocks C and D. **You must report the income earned even if it was simply reinvested in the account.**

Retirement Accounts. You must disclose each non-federal retirement account held by you, your spouse, or a dependent child. Examples of retirement accounts that must be disclosed include:

- Individual Retirement Accounts (IRAs)
- Roth IRAs
- 401(k) Plans
- 403(b) Plans
- Keogh Plans
- Simplified Employee Pensions (SEPs)

- State Pension Plans
- TIAA-CREF Accounts
- Defined Benefit Plans
- Defined Contribution Plans

You are *not* required to disclose financial interests in or income derived from *federal* retirement systems, including the Thrift Savings Plan.

The reporting requirements for retirement accounts differ depending on whether or not the account is “**self directed,**” *i.e.*, whether you have the authority or discretion, *even if not exercised,* to direct the investments in your account. The term “direct” should be construed broadly and includes, but is not limited to, the selection of the initial investments among a variety of investment options when opening the account, the ability to allocate the percentage of your contributions among your designated investment options, and the ability to move funds among and between your designated investment options (or select new ones).

Important: All IRAs, TIAA-CREF accounts and Keogh plans are self directed, as are most (if not all) 401(k) plans, 403(b) plans, SEPs, and defined contribution plans. Failure to list the individual assets (e.g. stocks, bonds, mutual funds) held within a self directed account is the most common error made by filers. If you are not sure whether a retirement account is self directed, please consult the Committee.

If you have a self directed retirement account, you must provide information about specific holdings of the account in the same detail as non-retirement assets and income. That is, you must individually list each of the assets held in the account (*i.e.*, the specific stocks, mutual funds, or other assets in which your money is invested within the account) which meet the reporting thresholds in Block A, disclose the individual value of each of those holdings at the end of the calendar year in Block B, and disclose the type and amount of income earned by each asset in the account during the calendar year in Blocks C and D. **You must report the income earned even if it was simply reinvested in the account. An exception to this general rule, however, is that you are no longer required to disclose tax-deferred income.** This would include income generated by assets held in IRAs, 401(k) accounts, 529 college savings plans and similar accounts. For these types of accounts, “tax deferred” may be indicated for type of income and “none” for

amount of income (Blocks C and D, respectively).

You are also not required to report as income the amount of any new funds contributed to the plan by you or your employer during the reporting period, nor are you required to report as income any increase in market value (*i.e.*, the unrealized gain) of the assets held in the plan.

If you lack the power to make specific investment decisions within the plan (*i.e.*, it is not self directed), only the name of the plan or location of the account and its overall value at the end of the reporting period need be shown. “None” may be indicated for type and amount of income (Blocks C and D, respectively) for those accounts where you do not have the power to choose specific investments. As with self directed accounts, you do not have to report the amount of any new funds contributed to or accumulated in the plan during the reporting period. *Non-self directed accounts are extremely rare* and typically limited to defined benefit plans and many, but not all, state pension plans. If you disclose an asset which is not self directed, please so indicate parenthetically along with the asset description in Block A of Schedule III.

You do not have to report as a transaction a change in retirement account custodians or a “roll over” of funds from one retirement account to another. However, you should parenthetically explain any change on Schedule III where you list the new account (*e.g.*, “Fidelity Asset Management Fund IRA rolled over from Lincoln pension plan”).

For examples of how to report retirement accounts, refer to the sample Financial Disclosure Statement beginning at page SF-5.

529 College Savings Accounts. A 529 plan is an education savings plan operated by a state or educational institution designed to help families set aside funds for future college costs. You must disclose each 529 plan held by (or for the benefit of) you, your spouse, or dependent children. **You are not required to disclose the name of any dependent child.** Accounts may be identified as “DC1” for your first dependent child, “DC2” for your second dependent child, and so on.

There are two types of 529 college savings accounts:

College savings plans are self directed investment accounts in which individuals choose among a variety of investment options which are typically based on risk, age of the child, or graduation date (*e.g.*, “2020

Graduation Portfolio”). For this type of plan, you must disclose the name of the plan and sponsor and *each* investment option that has either a period-ending value of more than \$1,000 *or* generates income during the reporting period in excess of \$200 in Block A. Because income generated by assets held in 529 accounts is tax deferred, you may check “tax deferred” for type of income and “none” for amount of income (Blocks C and D, respectively).

Pre-paid tuition plans are contracts with a state or educational institution that allow a person to pay for some or all of the cost of a future education at present-day costs. For this type of plan, you must disclose the name of the plan and sponsor in Block A and its period-ending value in Block B. Because income generated by assets held in 529 accounts is tax deferred, you may check “tax deferred” for type of income and “none” amount of income (Blocks C and D, respectively).

For examples of how to report 529 plans, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Corporate Securities. Types of reportable securities include stocks, bonds, stock options, and futures. Each security, as well as any reportable income generated by that security (*including reinvested income*) must be individually disclosed. You are not required to provide such information as the number of shares, maturity date, or interest rate. Provide the complete name of the company or security; do not use stock trading or “ticker” symbols.

For stock options (including those held in Employee Stock Option Plans), list the specific stock name, the purchase price under the option (“strike price”), and the date on which the option will expire in Block A.

For securities or an ownership interest in a privately-held company that is not publicly traded, you must also provide a brief description of the trade or business and the city and state of its location in Block A. See page 17 of this booklet for a detailed discussion of ownership interests in privately-held partnerships and corporations.

For examples of how to report corporate securities, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Mutual Funds, Exchange Traded Funds (ETFs), and Real Estate Investment Trusts (REITs). You must disclose the *full name* of each mutual fund or ETF (*e.g.*, “Fidelity Magellan Fund” or “Janus 20 Fund”), as well as any reportable income generated by

the fund (*including reinvested income, unless it is received in a tax-deferred account*). Listing only “Fidelity funds” or “mutual funds” would be insufficient since the specific investment would not be identified. The category of value of the investment, and the type and amount of any income, *even if reinvested (unless held in a tax-deferred account)*, must also be disclosed.

You need not disclose specific stocks held in a mutual fund, ETF, or other widely diversified investment trusts so long as (1) the holdings of the mutual fund, ETF, or investment trust are publicly traded (or are otherwise a matter of public record) *and* (2) you have no ability to exercise control over the specific holdings. Both of these requirements must be satisfied in order to list the name of the fund rather than the individual holdings. If you possess the legal power to exercise control over specific holdings, you must disclose each holding that exceeds \$1,000, whether or not you exercise that power.

Closely related to mutual funds are Real Estate Investment Trusts (REITs). REITs manage a portfolio of diversified real estate equity or mortgages and sell shares to individual investors through public trading. REITs should be disclosed in the same manner as mutual funds.

For examples of how to report mutual funds, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Government Securities and Agency Debt. These terms refer to debt obligations issued by federal, state, or local governments, or by Government Sponsored Enterprises (GSEs). Such securities generally fall into three categories:

- **U.S. Treasury Securities** – debt obligations issued by the Federal Government and secured by the full faith and credit of the United States. Includes Treasury bills, Treasury notes, Treasury bonds, and U.S. savings bonds.
- **Agency Securities** – debt obligations issued by federal agencies and GSEs. A common agency security issuer is the Government National Mortgage Association (Ginnie Mae). Common GSE issuers include the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Banks.
- **Municipal Securities** – debt obligations (bonds and notes) of U.S. states, cities, counties, or other political subdivisions of states.

If you own different types of government securities or agency debt issued by the same

authority, such as U.S. Treasury obligations or municipal bonds, it is not necessary to provide an itemized list of each security worth over \$1,000. Rather, you may simply report the aggregate value of the securities issued by the same authority and identify the type of securities. For example, “U.S. Treasury bonds and notes” and “New York Port Authority Bonds” are acceptable descriptions; “Municipal bonds” is insufficient since the issuing authority is not identified.

Securities pay interest in different ways. On many bonds, interest accrues during the lifetime of the instrument, but is not paid until maturity. If you can determine the interest that has accrued in a particular period, you may report that amount. However, you may find it easier to wait until a bond matures and report all of the interest at that time. That approach is acceptable as long as you use it consistently.

For examples of how to report government securities, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Asset-Backed Securities. This term refers to a security whose value and income payments are derived from and collateralized (or “backed”) by a specified pool of underlying assets such as mortgages, auto loans, or credit card receivables. The monthly payments from the underlying assets typically consist of principal and interest.

Futures and Options. Futures contracts are agreements to buy or sell a commodity (such as agricultural products) or a financial instrument at a stipulated price, quantity, and time. Options contracts grant a right, but not a legal obligation, to buy or sell a commodity on specified terms. Futures and options involving the same commodity must be disclosed if the year-end value exceeds \$1,000 or their income during the reporting period exceeds \$200.

For stock options (including those held in Employee Stock Option Plans), list the specific stock name, the purchase price under the option (“strike price”), and the date on which the option will expire in Block A.

Hedge Funds and Private Equity Funds. Hedge funds and private equity funds are private investment partnerships that are open to a limited class of investors and frequently require a very large initial minimum investment.

You must disclose your ownership interest in each hedge fund or private equity fund that meets the reporting thresholds. In most cases, hedge funds and private equity funds are *not* self directed (*i.e.*, the investors have no

authority or discretion to direct investments held by the fund). If your account is not self directed, you must disclose only the name of the fund in Block A, but you do not need to detail the specific holdings of the fund. Even if the fund is not self directed, you still must disclose the name of the hedge fund or private equity fund in Block A (indicating parenthetically that it is “not self directed”) and its year-end value in Block B. Type and amount of income, if any, should be disclosed in Blocks C and D, respectively.

Annuities. An annuity is a contract with a life insurance company whereby the investor pays a premium to the insurance company in either a single payment or a series of payments. In return, the insurance company makes payments to the investor, beginning at some future time, such as at retirement or at a specific age.

There are two basic types of annuities:

Variable annuities offer investors a limited series of investment options, typically mutual funds, and pay a return based on the performance of the investments they choose. Because variable annuities are self directed, you must disclose the name of the issuing company (indicating parenthetically that it is a variable annuity) and *each* investment option in Block A that had a year-end value of more than \$1,000 or generated income during the reporting period in excess of \$200. You must also disclose the type and amount of income, if any, in Blocks C and D.

Fixed annuities offer a specified rate of return that the issuing company guarantees. Fixed annuities are *not* self directed, *i.e.*, investors may not choose among investment options and have no financial interest in how the issuing company invests the premiums. For fixed annuities, you must disclose the name of the issuing company (indicating parenthetically that it is a fixed annuity) in Block A and its year-end value in Block B. For year-end value, you may use the annuity’s face value, the company’s estimate of year-end value, or the value of your paid premiums plus accrued income. You are not required to disclose income generated by a fixed annuity and may write “N/A” in the “Other Type of Income” column in Block C.

For examples of how to report annuities, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Insurance Policies. The type of insurance policy you own will determine whether, and to

what extent, you must disclose your ownership interest in this type of asset.

A *variable life* insurance policy allows the policyholder the discretion to choose among a variety of investment options. For this type of policy, you must disclose in Block A the name of the insurance company and *each* investment option that had a year-end value of more than \$1,000 or generated income during the calendar year in excess of \$200. You must also disclose the type and amount of income, if any, in Blocks C and D, respectively.

For *whole life* or *universal life* insurance policies, which simply have a cash value, you must disclose only the name of the insurance company, the type of policy, and the category of the policy’s year-end cash value in Block A. You are not required to disclose income generated by whole life or universal life policies and may check “None” for the type and amount of income in Blocks C and D, respectively.

There is no requirement to disclose a *term life* insurance policy or life insurance obtained through your House employment.

For examples of how to report insurance policies, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Bank Accounts. In order to determine whether deposits in a bank account must be disclosed, you must first add together all interest-bearing checking and savings accounts held by you, your spouse, or a dependent child at every financial institution in which you have such accounts. If the total value of these accounts exceeded \$5,000 at the end of the calendar year, then you must disclose each financial institution which held deposits valued at more than \$1,000. You must also report any interest-bearing account that generated more than \$200 in interest during the calendar year, even if it was valued at less than \$1,000 at the close of the calendar year or your total deposits were less than \$5,000.

The accounts to be reported under these rules include interest-bearing, cash-deposit accounts at banks, credit unions, and savings and loan associations, including interest-bearing checking accounts, passbook, and other savings accounts; money market accounts; negotiable order of withdrawal (NOW) accounts; certificates of deposit (CDs); and individual retirement accounts (IRAs) held in the form of savings accounts or CDs. Unlike all other assets disclosed on Schedule III, *there is no requirement to disclose transactions related to bank accounts* on Schedule IV, including the

opening and closing of bank accounts or deposits to or withdrawals from such accounts.

Money market funds are considered cash equivalents and are reported in the same manner that you report bank accounts. Thus, you need not report each deposit or withdrawal over \$1,000 even though these transactions may technically be purchases and sales of shares in the account.

All accounts at one institution, including those of a spouse or dependent child, may be combined as one entry. Thus, for example, you may report a checking account, savings account, and certificate of deposit at the First National Bank of Georgia by stating "First National Bank of Georgia accounts," and aggregating the total year-end values and interest income.

If you are listed on an account purely for custodial reasons and you do not assert any ownership rights to the assets in the account (for example, if you are a joint tenant with an elderly relative), you need not report the account.

For examples of how to report bank accounts, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Ownership Interests in Privately-Held Partnerships, Corporations, and Other Business Entities. The manner in which you disclose ownership interests in a privately-held company depends on whether the company is actively engaged in a trade or business or was formed to hold investments (typically real estate).

To disclose your ownership interest (or that of your spouse or dependent child) in a **privately-held company that is actively engaged in a trade or business** (such as a restaurant or family farm), you must provide (1) the name of the business; (2) a brief description of the nature of its activities; and (3) its geographic location (city and state) in Block A of Schedule III. For example, "Peterson Construction Company, residential home builder, Phoenix, AZ." It is not necessary to provide an itemized list of the assets of the business. You need only list the total value of your interest in the business and not such items as office equipment.

To disclose an ownership interest in a **privately-held company which was formed for the purpose of holding investments**, you must disclose each asset held by the company in which your interest (or that of your spouse or dependent child) had a year-end value of more than \$1,000 or generated more than \$200 in income during the calendar year. Limited

partnerships and limited liability companies are frequently formed for the purpose of holding real estate. If, for example, you are a partner in a limited partnership that owns five rental properties, you must separately disclose each property in which your interest exceeded \$1,000 or your rental income derived from any of the properties exceeded \$200. You may, *but are not required to*, provide an exact street address for each property you own. However, when disclosing multiple properties, the property descriptions must be distinguishable from one another and used consistently from year-to-year.

A limited partner generally receives a Schedule K-1 (IRS Form 1065) at the end of each tax year summarizing the partner's share of income, deductions, and credits. If you hold a limited partnership interest, you need not report separately each type of income in which you shared (e.g., "ordinary income," "portfolio income," "capital gain," and "investment income"). Instead, you may combine the income types and report the total as "Partnership Income." This total normally will be the sum of the income reflected on lines 1 through 11 and 18 of your K-1 form. Your share of income must be reported even if you do not physically receive the funds. On the other hand, as long as amounts received do not exceed the total invested, withdrawals and distributions from your capital account need not be reported, since you are receiving your own money back. If you do not receive your K-1 form prior to your filing deadline, it is acceptable to provide a good faith estimate of the income based, for example, on the income received in the prior year. Once your K-1 form is received, you should amend your Statement if the category of value of your good faith estimate is different than the actual income received.

For examples of how to report interests in privately-held companies, refer to the sample Financial Disclosure Statement beginning at page SF-5.

S Corporations. S Corporations are corporations that elect to pass corporate income, losses, deductions, and credits through their shareholders for federal tax purposes. Shareholders of S corporations report the flow-through of income and losses on their personal tax returns and are assessed tax at their individual income tax rates.

S Corporations are disclosed in the same manner as businesses actively engaged in a

trade or business. You must provide the name of the corporation, briefly describe the nature of its activities, and state its geographic location (city and state) in Block A of Schedule III.

The manner in which you report income (also referred to as “dividends”) from an S Corporation depends on how it is derived. Where your personal services generate significant income for the business, you should report the payments on Schedule I as earned income, rather than as “unearned” income on Schedule III. On the other hand, where the dividends truly reflect a return on investment, you should report them as “unearned” income on Schedule III. No matter how the dividends are characterized, you must list the value of the business on Schedule III.

Debts Owed to the Filer. If you have loaned more than \$1,000 to anyone other than your spouse, a parent, a sibling, or a child of you or your spouse *and* you are charging interest on the loan, you must disclose the name of the person or entity and their city and state of residence, the category of value of the loan, and the category of value of the interest received. Loans to a campaign committee must be disclosed *only* if interest is being charged.

For examples of how to report debts owed to the filer, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Trusts. If you, your spouse, or a dependent child receive income from or have a vested beneficial interest in principal or income in a trust or a similar financial arrangement, each asset held by the trust which had a fair market value of more than \$1,000 at the end of the calendar year or generated more than \$200 in income during the calendar year must be disclosed. You must disclose the assets of the trust even if you currently receive no income from the trust but have a vested interest in the principal.

If you are *not* the sole beneficiary, disclosure may be done in one of two ways. You may report each asset of the trust in which your interest exceeded \$1,000 at the end of the calendar year. For example, if you had a one-fifth interest in a trust, you would disclose all assets worth more than \$5,000, together with a category of value that reflects the value of your interest. Alternatively, you may disclose each asset of the trust that had a value in excess of \$1,000, and indicate your percentage interest in the trust. You must clearly state which of these two alternatives you are using.

Holdings of an estate or trust for which you are merely an administrator or executor,

receiving no income and having no beneficial interest in the corpus, need not be reported. Similarly, disclosure is not required if your interest is strictly contingent. For example, if you stand to inherit certain property, but the current owner could dispose of it in the meantime, you need not report the property. Report such a holding only when your rights to it have been legally established, *i.e.*, upon completion of probate.

In two rare circumstances, disclosure of trust assets is not required. If you are the beneficiary of a trust that falls into either of the categories described below, you should answer “Yes” in response to the “Trust” question on Page 1 of the form.

The first category is for trusts termed **“excepted trusts.”** A trust is deemed to be an excepted trust if it meets two criteria: (1) the trust was not created by you, your spouse, or a dependent child; and (2) none of you has specific knowledge of the assets or sources of income of the trust through a report, statement, or constructive receipt, whether intended or inadvertent. Constructive receipt occurs when a person is considered to have received information, even without having actual possession, such as when the legal requirements for delivery have been satisfied. *Filers may never blind themselves from knowledge of the trust assets by simply avoiding information that is made available to them.*

For these types of trusts, you must disclose the name of the trust and indicate the general type of holdings to the extent known in Block A (*e.g.*, “Peterson Family Excepted Trust believed to contain energy stocks”). Unless it is known, you are *not* required to disclose the total period-ending value of the trust in Block B. If any income in excess of \$200 was received from the trust during the reporting period, you must check the “Excepted/Blind Trust” column in Block C and indicate the category of value of the income in Block D. There is no requirement to disclose transactions related to the trust’s assets. ***Before indicating for the first time that you are the beneficiary of an excepted trust, you must consult with the Committee.***

The second exception from disclosure of trust assets is for trusts which are **“qualified blind trusts”** as defined in the EIGA (5 U.S.C. app. 4 § 102(f)(3)). A qualified blind trust is a device employed by federal officials to hold, administer, and manage their private financial assets and investments (including those of their spouse and dependent children) as a method of avoiding conflicts of interest.

For these types of trusts, you must disclose in Block A the existence of the qualified blind trust and the total year-end value of the trust in Block B. If any reportable income was generated by the assets held in the trust during the calendar year, check the "Excepted/Blind Trust" column in Block C and indicate the category of value of the income in Block D. There is no requirement to disclose transactions related to the trust's assets.

In the event that a newly formed trust is approved by the Committee as a qualified blind trust, all assets transferred to the trust upon its creation and subsequently (for as long as the trustor is required to file Financial Disclosure Statements) must be identified, valued, and made available to the public in the same manner as are Financial Disclosure Statements. The EIGA itself should be consulted for the specific requirements concerning a qualified blind trust (see Appendix A, pages A-6 through A-9).

Investment Clubs. If you participate in an investment club, you must disclose your share of the holdings to the extent your interest (or that of your spouse or dependent child) in any particular asset exceeded \$1,000 at the end of the calendar year or your share of income from any one source exceeded \$200 during the calendar year. Your share of transactions exceeding \$1,000 should also be disclosed on Schedule IV.

Collectibles Held as Investments. Personal property, if held for investment or the production of income, must be disclosed if it meets the reporting thresholds. Collectibles can include, but are not limited to, works of art, vintage automobiles, stamps, jewelry, precious metals, rare coins, and books. There is no requirement to disclose collectibles if held strictly for enjoyment or utility. For example, antique household furnishings and paintings displayed for decorative or artistic purposes would not be collectibles held for investment, while periodic sales from a coin collection would indicate an investment purpose.

For collectibles held as investments, provide a brief description (such as "rare books" or "impressionist oil paintings") in Block A and indicate the year-end value in Block B. Purchase price, a recent appraisal for insurance purposes, a published price guide, the recent sale price of similar items, or a good faith estimate of value are common methods of determining the fair market value of collectibles. Blocks C and D should contain the type of income earned during the calendar year, if any, and the category of the amount. This

will ordinarily be "None" until the items from the collection are sold, at which time there may be capital gains.

Intellectual Property Rights. Under intellectual property law, owners of intellectual property are granted certain exclusive rights to a variety of intangible assets, including musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property include copyrights, trademarks, and patents. Filers must disclose their ownership interests in intellectual property which meet the reporting thresholds by providing a brief description in Block A (such as "*Elements of Physics* textbook published by Simon and Schuster") and the category of year-end value in Block B. The year-end value includes any advances and contract payments in the form of earned income that have not yet been received for transfer of the intellectual property to the publisher, as well as any royalties currently due from the publisher for completed sales. When an interest in future royalties cannot be ascertained, it is acceptable to write "indefinite" or "unascertainable" in Block B. Disclose the type of income in Block C (e.g., by listing "royalties" in the "Other Type of Income" column) and the amount of income in Block D.

Please note that Members and senior staff employees are prohibited from receiving advance payments on royalties for book publishing contracts and that all such contracts must be submitted in writing and approved in advance by the Committee.

For examples of how to report intellectual property, refer to the sample Financial Disclosure Statement beginning at page SF-5.

Exclusions

The following assets are not required to be disclosed, regardless of their value:

- Personal residences which generate no rental income;
- Real property not held for investment purposes or the production of income (such as second homes and vacation homes that generate no rental income);
- Deposits in non-interest-bearing personal checking or savings accounts, regardless of amount;
- Debts owed to you by your spouse, or by a parent, brother, sister, or child of you or your spouse;
- Debts owed to you for which you are not charging interest;

- Personal property that is not principally held for investment or the production of income (such as furniture, automobiles, boats, jewelry, and artwork);
- Financial interests in or income derived from any *federal* retirement system, including the Thrift Savings Plan; and
- Term life insurance policies.

Important: Unearned income generated by assets held in tax-deferred accounts (including, but not limited to, 401(k), IRA, and 529 college savings accounts) is not required to be disclosed, regardless of its value.

Asset Comparison on Successive Filings

As part of its review, the Committee compares the assets listed on a filer's previous Financial Disclosure Statement with those reported on the current year's Statement. *Every asset from your prior Statement should be accounted for in your current Statement.* If an asset appears for the first time, or if a previously reported asset is no longer disclosed, the reviewers look for a corresponding report of a purchase, sale, or exchange on the "Transactions" schedule. If none appears, the Committee may contact the filer to make certain that the item was not inadvertently omitted. *In those situations where an asset either appears or disappears due to a non-reportable transaction, it is strongly recommended that you include a footnote or parenthetical explanation (e.g., "XYZ Corp. stock, spun off from Allied Corp." or "Big Corp., formerly Medium Corp.").*

Column-By-Column Instructions for Schedule III

Please refer to the Sample Financial Disclosure Statement beginning at page SF-5 in this instruction booklet for specific examples of how assets should be disclosed.

Spouse, Dependent Child, or Jointly Held (column within Block A). As noted above, you must generally report information regarding the assets and unearned income of your spouse or dependent children to the same extent you would report your own. You may, *but are not required to*, indicate that an item is that of a spouse or dependent child, or is jointly held, by including a "SP" for spouse, "DC" for dependent child, or "JT" for jointly held property in the first column of Block A.

Identity of Asset and/or Income Source (Block A). Each asset listing should provide clear information regarding its identity,

including the nature of the holding and its location, where appropriate.

For *real property*, provide a brief description. This may be a street address (e.g., 123 Main St., Denver, CO) or a description of the property (e.g., "10 acres of unimproved land in Seattle, Washington"). If you are listing multiple properties, the description must be sufficiently unique to enable the reviewer to distinguish one property from another. Property descriptions must be consistent from year-to-year.

As discussed previously, if you own an interest in a partnership or limited liability company established for the purpose of holding real estate, you must provide the name of the company as well as a brief description of each individual property held by the company in Block A. For example, "Tysons Limited Partnership, owning Tysons Shopping Center, Tysons Corner, Virginia").

For *publicly-traded securities, mutual funds, bonds and other similar assets*, provide a brief description of the name of the company in which the interest is held and the type of interest (such as stock or bond). *Do not use trading or "ticker" symbols to describe publicly-traded securities.* The number of shares need not be reported.

For ownership interests in *privately-held companies*, provide the name of the company, a brief description of its activities, and the city and state of its location. For example, "The Wheel,' (restaurant and bar) Lawrence, Kansas."

For *banks and savings institutions*, provide the name of the bank. You should also provide the city and state of its location if it is not apparent from the name or is not a nationally-recognized name such as Bank of America or Wells Fargo.

Value of Asset (Block B): Indicate the year-end value of each reportable asset by placing an "X" in the column of the appropriate range of value designated A through L. As explained above in the "Valuation of Assets" discussion, providing a *good faith estimate* of the fair market value of an asset if the exact value is neither known nor easily obtainable is an acceptable method of valuation. See page 12 of this booklet for a list of alternative valuation methods.

The Value of Asset block includes a "None" box. Mark this box if an asset has been sold and therefore has no value to you at the end of the calendar year, but which you must include because it generated income of more than \$200. For example, if the sale of an asset generated a capital gain of more than \$200, you must

disclose this income in Blocks C and D of Schedule III. For year-end value, check the "None" column since you no longer held the asset at the end of the year.

The fair market value of rental property or other real estate should *not* reflect any mortgage on such property. The law requires that the gross value of property and the gross rent receipts be reported. Any mortgage on the property should be shown as a liability on Schedule V. The gross value of the entire property should be reported even if only part of the property (*e.g.*, the basement of a residence) is used for rental purposes.

Type of Income (Block C): "Unearned" income derived from the assets and other income sources listed in Block A. It includes, but is not limited to, such items as interest, rents, dividends, and capital gains. Place an "X" in the appropriate column, or, if you have some other type of unearned income not specifically listed, write a brief description (*e.g.*, "Farm Income") in the "Other Type of Income" column. If an asset had more than one type of income, such as dividends and capital gains, you may check each box that applies. *If you had no income from a particular asset, you must check "None" under both Block C and Block D. Do not leave the columns blank.*

Important: Please note filers are no longer required to disclose unearned income generated by assets held in tax-deferred accounts (including, but not limited to, 401(k), IRA, 529 college savings accounts and other similar accounts). For such accounts, you may check the "Tax Deferred" box for type and "None" for amount of income (Blocks C and D, respectively).

Amount of Income (Block D): Unearned income must be disclosed on the Financial Disclosure Statement if it totaled more than \$200 during the calendar year from any one source. Indicate the amount of income by placing an "X" in the column of the appropriate range of income. Note that the categories for reporting "unearned" income are different from those used elsewhere on the form. Thus, they are identified by Roman numerals (I through XI) rather than letters. There is also a "None" category. *If an asset did not generate any income during the reporting period, you must check the "None" box; do not leave the column blank.*

Capital gains, dividends, interest income, and other types of income must be disclosed even if reinvested.

In reporting income (including that from a business), the *gross* dollar amount or value must be used. The one exception is in the case of capital gains, where the net gain over basis is shown in Block D, while the gross value of the sale is shown on Schedule IV as a transaction. You may also report the net value separately if you so choose.

Transactions (Block E): If an asset was purchased, sold, or exchanged in a single transaction (or a series of transactions involving the same asset) totaling over \$1,000 during the calendar year, you should indicate "P" (for purchase), "S" (for sale), or "E" (for an exchange) in this block. If you sell only a portion of a particular asset (such as half of your Google stock) then you indicate "S (Partial)" for partial sale. In each case, you must also report the details of these transactions on Schedule IV. For a more complete explanation of reportable transactions, please refer to the discussion of Schedule IV in the next section of this Instruction Booklet. Leave Block E blank if you had no transactions or the transactions for that asset totaled less than \$1,000 in the reporting period.

There are circumstances where an asset disclosed in a previous year is no longer reported, or an asset is reported for the first time, but no reportable purchase, sale, or exchange has occurred. For example, an asset may increase or decrease in value above or below the reporting threshold, an asset may be the property of a new spouse or a former spouse or dependent, or an asset may have been acquired through inheritance. Because the Committee compares the current year's filing with the previous year's and questions assets which appear or disappear without a corresponding transaction, filers may wish to explain such occurrences parenthetically on, or in a footnote to, Schedule III. For a more complete discussion of the circumstances in which an asset may appropriately appear for the first time or disappear from a prior Statement without a corresponding transaction, please refer to the Schedule IV discussion in the next section of this Instruction Booklet.

For examples of how to disclose purchase, sale, and exchange transactions, refer to the Sample Financial Disclosure Statement beginning at page SF-8.

Note on Brokerage Statements

For any part of Schedule III or IV, a computer print-out such as a brokerage statement may be attached in lieu of using the form. However, any such attachment must

include all the information required by the form. For Schedule III, the brokerage statement must include the values of each asset held in the account as of December 31 of the reporting period. This information is typically included in the last quarterly or monthly statement issued in the calendar year. Schedule III also requires the disclosure of income in excess of \$200 generated by an asset (such as dividends, interest, or capital gains) at any time during the calendar year. Income generated by assets prior to the period of time covered by the year-end statement is frequently NOT included in the year-end statement. In those circumstances, you must supplement the income information provided in the year-end statement with the relevant portions of the prior statements that contain the income information. Alternatively, you may be able to obtain an income summary for the full calendar year from your broker if one is not normally provided to you.

Schedule IV requires the disclosure of transactions (or a series of transactions for a single asset) occurring in the reporting period which exceed \$1,000. If you choose to submit brokerage statements in lieu of using the form for this Schedule, you must likewise ensure that the statement provides the transaction information for the complete year (rather than just those transactions occurring in the period covered by the year-end statement).

You must still list the account name on Schedules III and IV and indicate that a statement of your account is attached to your Financial Disclosure Statement. For example, "Morgan Stanley Brokerage Account (see Attachment 1)." Be sure to clearly identify each statement and number each page of an attachment. You are not required to complete blocks B through E for the account for which you provide attachments. ***You should redact or delete from your attachments any confidential information, such as your account number, Social Security number, home address, or the names of your spouse or dependent children, as the attachment will be publicly disclosed as part of your Statement. Such alterations must be made before your Statement is filed with the Clerk.***

In general, tax forms do not track the financial disclosure requirements and should not be used as attachments.

SCHEDULE IV TRANSACTIONS

In general, you must report each purchase, sale, or exchange transaction involving Schedule III assets by you, your spouse, or dependent child when the amount of the transaction exceeds \$1,000 in the calendar year. The \$1,000 threshold is based on the total dollar value of the transaction, not your gain or loss.

Purchase transactions which must be disclosed on Schedule IV include:

- Individual purchases involving a Schedule III asset in which the transaction amount exceeds \$1,000;
- A series of purchases during the calendar year involving the same Schedule III asset in which the total amount of the transactions exceeds \$1,000; or
- Reinvestment of income in a Schedule III asset (such as dividends or interest) in which the amount of the reinvestment transaction (or series of transactions) exceeds \$1,000 during the calendar year.

Sales transactions which must be disclosed on Schedule IV include:

- Individual sales involving a Schedule III asset in which the transaction amount exceeds \$1,000; or
- A series of sales during the calendar year involving the same Schedule III asset in which the total amount of the transactions exceeds \$1,000.

Exchange transactions are somewhat rare and refer only to a single set of circumstances that involves the exchange of stock certificates following the purchase of one company by another or a merger of two companies. For example, if you own stock in Company A and that company is purchased by (or merged with) Company B, your Company A stock may be exchanged for Company B stock. If you disclose an exchange transaction, you may do so in a single entry on Schedule IV. For example, you may state in the "Asset" column "Company A stock exchanged for Company B stock following merger."

Please note that purchase and sales transactions involving assets held within self directed retirement accounts such as 401(k) plans and IRAs must be disclosed. For example, if you have a 401(k) plan and direct the plan administrator to sell your entire holding in "Small Cap Fund" and purchase shares in "Large Cap Fund," you must

separately disclose each of these transactions on Schedule IV. Likewise, the reallocation of funds among currently held assets within these accounts are also considered purchase and sales transactions and must be disclosed.

The reporting threshold for disclosure of transactions is reached when the *gross* amount of either a single purchase or sales transaction, or a series of purchase or sales transactions involving the same asset, exceeds \$1,000. *This includes transactions that result in a net loss.* Thus, a sales transaction of an asset for \$5,000 for which you previously paid \$7,000 must be disclosed even though it resulted in a \$2,000 net loss.

When aggregating multiple transactions to determine whether the reporting threshold has been reached, you do not combine purchase and sales transactions. Thus, a \$700 purchase of an asset followed by \$500 sale of that same asset requires no disclosure of either the purchase or sales transaction.

With very few exceptions, every *purchase* or *exchange* transaction requires that the asset involved also be disclosed on Schedule III along with an indication of that transaction by placing a “P” or an “E” in Block E of that Schedule. One exception to this general rule would be in the case of an asset which has a decrease in its market value following its purchase. For example, if you purchased a stock for \$1,200 in July of 2011, but its market value fell to \$900 at the end of the year, you must disclose the purchase transaction because it exceeded \$1,000, but you would not be required to disclose the asset on Schedule III because it was not worth more than \$1,000 at the end of the calendar year (assuming that it had less than \$200 of income). In such cases, however, it would be advisable to list the asset on Schedule III with a year-end value of \$1-\$1,000.

Sales transactions may or may not require a corresponding entry on Schedule III depending on the circumstances. *If you sell your entire holding of an asset*, you are not required to disclose the asset on Schedule III *unless* there is a capital gain generated by the sale which exceeds \$200 or there was any other reportable income (such as dividends) attributable to the asset prior to its sale. If there was such a capital gain or other income generated by the asset exceeding \$200, you must disclose that income in Blocks C and D on Schedule III, but indicate the year-end value of the asset as “None” in Block B since it had no value at the end of the calendar year.

You are *not* required to disclose transactions involving a *federal* retirement system (e.g. monthly contribution, withdrawals), including the Thrift Savings Plan.

Note on Partial Sales of Assets: Where only a portion of an asset is sold (e.g., half of your shares in Mega Corporation), please so indicate in the “Asset” column on Schedule IV as follows: “Mega Corporation (partial).”

Column-by-Column Instructions for Schedule IV

Please refer to the Sample Financial Disclosure Statement beginning at page SF-8 in this instruction booklet for specific examples of how transactions should be disclosed.

Spouse, Dependent Child, or Jointly Held Column. As noted above, you must generally report information regarding the transactions of your spouse or dependent children to the same extent you would report your own. You may, *but are not required to*, indicate that a transaction involves an asset that is held by your spouse or dependent child, or is jointly held, by including an “SP” for spouse, “DC” for dependent child, or “JT” for jointly held property.

Asset Column. Provide the complete name of the asset for which a reportable transaction has occurred. Asset descriptions used on Schedule IV should be *identical* to those used to describe the same asset on Schedule III.

Type of Transaction Column. Indicate the type of transaction (purchase, sale, or exchange) by placing an “X” in the appropriate box. Multiple transactions of the *same* type involving the same asset (e.g., three purchases of Google stock) may be combined into a single entry, if they are made at regular intervals, such as monthly or quarterly, or are automatic reinvestments. You *may not*, however, combine multiple transactions that *you initiate* at irregular intervals (e.g., purchases of Google stock on January 6, May 12, and October 26). Nor may you combine multiple transactions of *different* types involving the same asset (e.g., a purchase and two sales of Google stock) into a single entry. If you choose to combine multiple transactions, you must follow the instructions below for completing the “Date” column when multiple transactions are combined.

Capital Gain Column. On sales transactions only, place an “X” in this box if a sale (or series of sales involving the same asset) resulted in a capital gain in excess of \$200, unless the asset was held in a tax-deferred

account. *If you check this box, you **must** report the capital gain on Schedule III.*

Date Column. Indicate the month, day, and year of the transaction. For securities, the transaction date is generally the settlement date.

Multiple transactions, at regular intervals, of the *same type* involving the same asset may be combined into a single entry. The manner in which you report the date depends upon the quantity of transactions. If the transactions are at regular intervals, indicate the interval (*e.g.*, “monthly”). If it is an automatic dividend reinvestment, use the frequency of your statement to indicate the date (*e.g.*, “monthly” or “quarterly”).

Important: You *may not* combine multiple transactions that you *initiate* at irregular intervals. You must provide the month, day, and year, for each of these transactions.

You may choose to attach brokerage statements or transaction summaries to your Financial Disclosure Statement as an alternative to completing Schedule IV in its entirety. Before doing so, please refer to the discussion on the use of brokerage statements on page 21 of this booklet.

Amount of Transaction Column. The amount to be reported is the category of value of the total purchase price or total sales price (or the fair market value in the case of an exchange). As explained above, use the *gross* amount of a transaction (or series of transactions involving the same asset) to determine in which category of amount to disclose a transaction. The extent of any capital gain or loss on the transaction is irrelevant for the purposes of determining the transaction amount.

Partnership Transactions. You are only required to disclose transactions related to the ownership interests in privately-held companies that were formed for the purpose of holding investments (typically real estate). If, for example, you are a partner in a limited partnership that owns five rental properties, you must separately disclose each transaction (such as the purchase of an additional rental property) that exceeds \$1,000. There is no requirement to disclose transactions related to your ownership in privately-held companies that are actively engaged in a trade or business (such as a restaurant or family farm).

Exclusions

The following transactions are not required to be disclosed:

- The purchase or sale of your personal residence so long as it generated no rental income during the calendar year;
- The purchase or sale of real property such as a second home, vacation home, or vacant land so long as it generated no income during the calendar year;
- The purchase or sale of personal property such as an automobile or boat;
- Any transactions solely by and between you, your spouse, or your dependent child;
- Bequests or inheritances;
- Stock splits and spin-offs;
- The opening or closing of bank or similar accounts (such as money market funds);
- Deposits to and withdrawals from a bank or similar accounts (including checks written on money market accounts);
- The purchase or sale of certificates of deposit; and
- The rollover of assets from one retirement account to another.

SCHEDULE V LIABILITIES

You must report on Schedule V any debts personally owed by you, your spouse, or your dependent children that were over \$10,000 during the year.

Types of Debt That Must Be Disclosed

There are many different types of debt that must be disclosed, including: (1) personal loans (including student loans); (2) mortgages on rental or investment property; (3) revolving charge accounts (*i.e.*, credit card debt); and (4) margin accounts. The rules on when these types of debt must be disclosed differ slightly, as explained more fully below.

1. **Personal Loans.** You must report any loan personally owed by you, your spouse, or your dependent child that totaled more than \$10,000 *at any point* during the calendar year. This includes loans to a business for which you are personally responsible. You must report these debts at the highest amount owed during the year. Thus, a loan, such as a student loan, which had over \$10,000 in principal due at some point in the year, but was paid off or paid below that amount, must be listed. (You are free to include additional parenthetical information,

such as the fact that the loan was satisfied during the year.)

Example: You are the co-signer for your dependent child's college loan. You must report the loan on Schedule V if the balance exceeded \$10,000 at any point during the calendar year.

2. Mortgages on Rental or Investment Property. You must report any mortgage, home equity loan, or home equity line of credit on any property held for investment or the production of income. This would include any interest in rental property, commercial property (such as an office building or shopping mall), or land (including mineral rights) held by you, your spouse, or dependent children. Any liability on real property which generates income must be disclosed. This includes, for example, the mortgage on a vacation or second home that was rented for any portion of the reporting period. You must also disclose liabilities secured by real property held for investment or the production of income even if that property generated no income during the reporting period (such as a rental property that was not leased during the reporting period).

As with personal loans, you must report the debts at the highest amount owed during the reporting period. You must report the entire amount of the mortgage, even if only part of the property (such as the basement) is used for rental purposes.

Note that you must also list the property, and any income exceeding \$200 earned from it, as an asset on Schedule III.

3. MEMBERS ONLY: Mortgages and other Liabilities on Real Property that is a Personal Residence. You must report any mortgage, home equity loan, or home equity line of credit on any property held as a personal residence. In addition to your primary personal residence, this includes, but is not limited to, the mortgage on a vacation or second home or vacant piece of property. As with personal loans, you must report the debts at the highest amount owed during the reporting period. **Note** that unlike a rental or investment property, you are not required to list a personal residence as an asset on Schedule III.

4. Revolving Charge Accounts (credit cards). You must report an amount owed on a credit card account only if the balance on that card exceeded \$10,000 on December 31, regardless of the balance owed on the card at any other point during the year.

Do not total the balances on different accounts. You must list an account only if you

owed more than \$10,000 on that particular account at the end of the reporting period.

Example 1: You owed \$20,000 on your American Express card every month from January through November, but in early December you made an \$11,000 payment. Because you owed only \$9,000 on the card on December 31 (the end of the reporting period), you do not have to report the account on Schedule V.

Example 2: On December 31, you owed \$8,000 each on your Visa, MasterCard, and American Express charge accounts. Because the balance on each card was less than \$10,000, you do not have to report any of the accounts on Schedule V.

5. Margin Accounts. You must report any margin account personally held by you, your spouse, or your dependent child in which the account holder borrowed more than \$10,000 at any point during the calendar year. You must report the margin loan at the highest amount owed during the year. Thus, a margin loan which had over \$10,000 outstanding at some point in the year, but was paid off or paid below that amount, must be listed. (You are free to include additional information, such as the fact that the margin loan was satisfied during the year.)

Reportable Debts

You must report the following debts of yours, your spouse, or your dependent child if they totaled more than \$10,000 at any point during the calendar year.

- **Personal loans.**
- **Student loans.**
- **Mortgages on rental property** or property held for investment purposes or the production of income. You do not have to report mortgages on property that serves solely as your personal residence or vacation home and does not generate any income.
- **MEMBERS ONLY: Mortgages on personal residences.**
- Loans or debts on which you are a **co-signer.**
- **Liabilities of a business** if you are personally liable for the debt.
- **Margin accounts.**

You must also report the following debts of yours, your spouse, or your dependent child if the amount owed exceeded \$10,000 on December 31.

- **Revolving charge accounts (credit cards).**

Exclusions

You do not have to report the following on Schedule V, regardless of their dollar value.

- **Car loans**, if the loan amount does not exceed the purchase price of the item which secures it. Loans on other types of motor vehicles, such as motorcycles, boats, and airplanes are excluded under the same condition.
- **Liabilities owed to certain relatives.** You do not have to report loans you received from your spouse, or the parent, brother, sister, or child of you or your spouse.
- **OFFICERS AND EMPLOYEES ONLY: Mortgages and home equity loans on a personal residence**, as long as the property is not used for rental purposes. This includes loans secured by a secondary residence or vacation home, as long as it does not generate rental income.
- **Contingent liabilities**, such as that of a guarantor, endorser, or surety. You may, however, need to list the position on Schedule VIII.
- **Liabilities of a business** in which you have an interest *unless* you are personally liable for the debt. This includes mortgages on rental or investment property held in a partnership or limited liability company.
- Loans secured by the cash value of a **life insurance policy**.
- **Taxes** owed to the IRS or a state or local government.
- Loans secured by **household furniture or appliances**, if the loan amount does not exceed the purchase price of the item which secures it.
- **Professional fees** (such as legal or medical fees) that you incur and are paying on a regular basis. **However**, fees of this kind that remain unpaid for a prolonged period, thus resulting in a debtor-creditor relationship, must be disclosed.

Column-by-Column Instructions for Schedule V

SP/DC/JT. In the far left column, you may indicate that a debt is that of your spouse (SP),

dependent child (DC), or jointly-held with your spouse (JT). Use of this column is optional.

Creditor. All information regarding a single creditor may be reported on a single line. If you have more than one liability owed to the same creditor, add up the loans to determine if the \$10,000 threshold has been met.

The identity of the creditor is the name of the person or organization to which the liability is owed. If the lender is an individual or a regional lender, also indicate the city and state. (e.g., “Jane Jones, Miami, Florida;” “Main Street Bank, Columbus, Missouri;” “Citibank”).

Date. Provide the month and year that the liability was incurred (e.g., the date you signed the loan documents). Failure to provide a date that a liability was incurred is a common error. For revolving charge accounts, please use December 2011 (or your termination date, if you have left the House). If you are combining multiple debts from a single lender, provide the date for the first debt you incurred. For example, if you took out multiple student loans from the same lender while in college, you may list the loans under one entry, and should provide the date you took out the first loan.

Type of Liability. Examples are “personal loan,” “business loan,” “demand note,” “margin account,” and “mortgage on rental property.” When there are several of the same type of loan, you must provide information to differentiate the debts from each other. For example, if you show only one rental property as an asset, “mortgage on rental property” is sufficient. If, on the other hand, you have multiple rental properties, state the property to which each obligation relates, together with the type of liability (e.g., “Mortgage on 123 Main Street, Dover, Del.”).

For Members Only: For your personal residence, examples include “mortgage on personal residence, Washington, D.C. (not rented)” and “mortgage on vacation home, Hilton Head, S.C. (not rented).” For any personal residence that has rental income, you are also required to list the property on Schedule III and provide the amount of the rental income, but you are otherwise not required to list a personal residence as an asset on Schedule III.

Amount of Liability. As explained above, for all debts except credit cards, report the liability at the highest value owed during the calendar year. For credit cards, report the category of value owed on December 31.

SCHEDULE VI GIFTS

Schedule VI requires filers to report gifts of a certain dollar value that were accepted by the filer, or in some cases by a relative of the filer, during the calendar year covered by the Financial Disclosure Statement.

House Rule 25, clause 5 (the House “gift rule”) substantially limits the ability of House Members, officers, and employees to accept gifts. The text of the gift rule is reprinted in Appendix C of this booklet, and explanatory materials on the rule are contained in the *House Ethics Manual*.

Despite the gift rule’s limitations on the acceptance of gifts, House Members, officers, and employees may accept a number of gifts that must be reported on the Statement.

The EIGA requires filers to report any gifts received during the calendar year from a single donor, other than a relative, that total more than “minimal value.” For 2011, “minimal value” is \$350. (For 2012, “minimal value” is also \$350.) However, any single gift valued at less than \$140 need not be counted against the \$350 reporting threshold.

You, your spouse, and your children do not have separate \$350 reporting limits. Thus, if you, your spouse, and a dependent child each receive gifts from the same source, the value of those gifts would be totaled to determine if the reporting threshold has been met. The only exception is if your spouse or dependent child receives gifts totally independent of their relationship to you as a Member, officer, or House employee.

Example 1: You received a \$120 gift and a \$250 item from the same source. Neither item would have to be disclosed, since the \$120 gift falls below the \$140 aggregation threshold and the remaining item is valued at less than \$350.

Example 2: You and your spouse each received \$180 items from the same source. The gifts together total \$360 in value and therefore must be reported.

Example 3: Your wife received a \$400 watch as a birthday present from her best friend, who has no official business before the House. The gift need not be reported, because it was given independent of your House employment.

Reportable Gifts

Gifts valued over the \$350 reporting threshold that must be reported on Schedule VI include the following:

- **Gifts of personal friendship.** This includes gifts of travel paid for under this exception. Note, however, that the gift rule prohibits the acceptance of a gift of personal friendship valued at more than \$250 unless the recipient receives written permission from the Committee that the gift is acceptable under that provision of the gift rule. Reportable personal friendship gifts include gifts of nonbusiness travel paid for by a personal friend.
- **Commemorative items.**
- **Gambling or lottery winnings.**
- **Scholarships.**
- **Donations to a Legal Expense Fund.**

In disclosing a gift, you must report the source, briefly describe it, and state its value. If you do not know the exact value of a gift, you may use a good-faith estimate of its fair market value (which may be different from its cost to the donor). A group of items received from the same source at the same time are considered one gift and the total value should be added together.

Exclusions

You do not have to report the following gifts on Schedule VI, regardless of their dollar value:

- **Gifts from relatives.** Under the EIGA, the term “relative” means an individual who is related to you as your father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of your spouse. Your fiancé/fiancée is deemed to be a relative under the gift rule.
- **Gifts of personal hospitality.** These gifts are food, lodging, and entertainment extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of, or on property

or facilities owned by, that individual or his or her family.

The personal hospitality exemption is limited. It does not extend to hotel lodging or to air travel to get to the location where the hospitality is provided. The host may not take a tax deduction for the costs of the hospitality provided, nor may the host be reimbursed by another source for the expenses of the hospitality.

- **Bequests or inheritances.**
- **Items paid for by a federal, state, or local government.** This exclusion covers gifts of food, lodging, transportation, entertainment, and tangible items paid for entirely by any federal, state, or local government entity.
- **Local food or meals.** This means food and beverages that are not consumed in connection with a gift of overnight lodging.
- **Items received prior to your employment by the House.**
- **Tickets to widely attended, charity, or political events.** The tickets must be acceptable under the relevant provision of the gift rule.

SCHEDULE VII TRAVEL PAYMENTS AND REIMBURSEMENTS

Schedule VII requires filers to report travel over a certain dollar value accepted from private and foreign government sources during the calendar year covered by the Financial Disclosure Statement.

The EIGA requires filers to report any trips taken by the filer for which the filer's trip expenses for food, transportation, and lodging totaled more than \$350 (also \$350 for 2012) and were paid by a source other than a federal, state, or local government or a relative.

All travel, food, and lodging expenses received from one source in a calendar year must be counted in determining if the total exceeds \$350. Unlike the treatment of gifts, there is no \$140 minimum threshold for counting travel reimbursements. Thus, if you received airfare and lodging worth \$260 on one occasion from one source, and on a separate occasion received lodging worth \$100 from that same source, you must report both events.

You must report travel paid for by a private source, regardless of whether it was taken in connection with your House employment or otherwise. You must report travel regardless of whether it was paid on your behalf directly or was reimbursed to you.

You must report the identity of the trip sponsor; the dates of the trip (including any days you added at your own expense); the cities of departure, destination, and return; whether you were accompanied by a family member; whether you were provided food and lodging; and the number of days you added to the trip at your own expense. You are not required to report on Schedule VII the cost of any travel.

You do not have to report any travel taken solely by your spouse or dependent children, without you. However, you may be required to report travel in which you accompanied your spouse on travel related to your spouse's employment or activities.

The types of travel that must be reported on Schedule VII are described immediately below under "Reportable Trips."

Reportable Trips

The following five types of trips must be reported on Schedule VII if your expenses for transportation, food, and lodging totaled more than \$350 from the sponsor during the calendar year. You must report travel that was paid for by a –

- 1) Private source and taken **in connection with your official duties.** This type of travel must be pre-approved, in writing, by the Ethics Committee, and the actual dollar of the travel also must be disclosed to the Clerk within 15 days of your return from travel, in addition to the listing on Schedule VII.
- 2) Private source in connection with the **outside business or other activities of the filer** or the filer's spouse (if the filer travels with the spouse).
- 3) Non-federal political organization for travel in connection with a **campaign or fundraising event.**
- 4) Nonprofit group in connection with your attendance at its **charity fundraising event.**

- 5) Foreign government under the **Mutual Educational and Cultural Exchange Act (MECEA)** (22 U.S.C. § 2458a).

Exclusions

You do not have to report on Schedule VII, regardless of its dollar value, travel:

- **Paid for by relatives.** Under the EIGA, the term “relative” means an individual who is related to you as your father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of your spouse. Your fiancé/fiancée is deemed to be a relative under the gift rule.
- **Paid for by a federal, state, or local government.** You do not have to report any travel paid for by House funds, including funds of a committee or a Member’s personal office. You also do not have to report any travel paid for by a federal government entity, such as a federal agency. Travel paid for by the general funds of a public university need not be reported.
- **Taken by only your spouse or dependent children,** provided it was taken totally independent of the relationship to you as a Member, officer, or employee of the House.
- Provided by a foreign government which is separately reportable pursuant to the **Foreign Gifts and Decorations Act** (5 U.S.C. § 7342).
- Taken **prior to becoming a Member** or House employee.
- Paid for by a federal political organization for travel in connection with a **campaign or fundraising event**, if reported as an expense to the Federal Election Commission.

Column-By-Column Instructions for Schedule VII

In disclosing travel on your financial disclosure statement, it is not necessary to indicate the dollar value or provide an itemized accounting of the expenses provided. Only the name of the organization providing the travel, together with the dates of travel and a brief description of the itinerary and nature of expenses, is required. Schedule VII includes seven columns prompting disclosure of the necessary information.

Source. Provide the name of the sponsor or organization that *actually paid for or provided the travel* in the first column of Schedule VII. For example, “XYZ Trade Association” or “International Visitors Board.” There may be more than one sponsor for a particular trip. For MECEA trips, the sponsoring entity is the government of the host country, or an agency or department thereof.

For travel other than privately-sponsored, officially-connected trips, you may wish to indicate parenthetically the type of trip, (*e.g.*, “MegaCorp (in connection with spouse’s employment)” or “Embassy of France (MECEA)”).

Date(s). The inclusive dates of all travel are required by statute. If all of the travel occurred on one date, state this date. Otherwise, list the starting and ending dates of each trip in the second column, *i.e.*, the first day on which any travel was accepted and the last day on which any travel was accepted. Subject to certain limitations, it is permissible to extend a trip for a limited period of time at your own expense, accepting return travel from the sponsor, but you must list the inclusive dates of travel. However, to avoid suggesting that travel was accepted for a longer period of time than was actually the case, you should indicate the number of days of any time not spent at the sponsor’s expense in the last column of Schedule VII.

Itinerary. State the starting point, destination(s), and return location in the third column of Schedule VII. List the city and state or country, not the airport name.

Nature of Expenses Accepted. Indicate in the fourth and fifth column whether lodging and food was included. In the sixth column, indicate if travel or travel expenses were

accepted to permit a family member to accompany you. Answer “no” in this column if a relative accompanied you at your own expense, rather than being paid for by the trip sponsor.

Number of Days Not at Sponsor’s Expense. If you paid, at your own expense, to extend the trip, indicate the number of additional days for which you paid (*e.g.*, “2 days”). If you did not extend the trip beyond the itinerary planned by the trip sponsor, write “None” or “N/A.”

SCHEDULE VIII POSITIONS

You must report on Schedule VIII any non-federal positions (whether or not compensated) you held with organizations at any time during the reporting period up to the date of filing. If you no longer hold the position, you may wish to indicate that fact parenthetically, but you still must report the position.

You must report only positions held by you, not those held by your spouse or dependent child.

Reportable Positions

The EIGA lists specific positions that must be reported if held with specific types of organizations, regardless of whether or not compensation was received.

The reportable positions are:

- officer
- director
- trustee
- partner
- proprietor
- representative
- employee
- consultant

The reportable entities and organizations are:

- corporations
- companies
- firms
- partnerships
- limited liability company
- any other type of business enterprise
- nonprofit organizations
- labor organizations

- educational institutions
- any institution other than the United States.

The types of entities or organizations for which a filer must disclose a reportable position include limited liability companies (LLCs), neighborhood or building associations, and state or local governments, among others. Also, please note that these designated positions are not the same as titles and, therefore, a functional position which carries a different title may still need to be reported. For example, a “member” of a limited liability company (LLC) is generally a proprietor of that business and a “manager” of an LLC is often an officer. A filer who has a question as to whether a particular position should be reported should contact the Committee.

Exclusions

You do not have to report on Schedule VIII any position:

- Held in a religious, social, or fraternal organization.
- Of an honorary nature.
- With political parties or campaign organizations.
- As a trustee or executor, *unless* it was for an organization (rather than, for example, a family member).
- Already reported on Schedule I.

Note Regarding Compensation

In general, Members, officers, and employees paid at the senior staff rate may not be compensated for serving as an officer or board member of a corporation, association, or other entity. Thus, if you served as an unpaid member or officer of an entity, you may wish to indicate that fact parenthetically in your entry.

However, such income is permitted in certain limited circumstances. If you are permitted to receive such income, you are not required to report the amount of any salary or payment you receive on Schedule VIII, but you must report that income on Schedule I if the income you receive as a result of holding the position is over \$200.

Note that any travel totaling more than \$350 provided by an organization for purposes such as to attend meetings must be reported on Schedule VII.

SCHEDULE IX AGREEMENTS

You must report on Schedule IX the parties to and general terms of the following types of agreements:

1. With your **future employer**:
 - Regarding **your future employment** following your departure from employment by the House. You must list the employer, position title, and starting date, but not the compensation.
2. For a **leave of absence** during your period of government service.
3. With your **former employer**:
 - For any employer other than the U.S. Government, your continued

participation in a **benefit program**, such as life or health insurance, or a pension or profit-sharing plan.

- For all types of employers, continuing **compensation** payments, such as a buyout agreement, severance payments, or payments not yet received for previous work.

Exclusions

You do not have to list on Schedule IX any agreements:

- Entered into by your **spouse or dependent child** (and not you).
- For continued benefits from your prior **employment by the U.S. government**.

**UNITED STATES HOUSE OF REPRESENTATIVES
ETHICS IN GOVERNMENT ACT
CALENDAR YEAR 2011 FINANCIAL DISCLOSURE STATEMENT - FORM A**

Please provide the following information. Your address and signature WILL NOT be made available to the public.

Rep. Phog Allen _____ 202-225-0000
(Print Full Name) (Daytime Telephone)

1000 Longworth HOB _____ Washington, DC 20515
(Complete Address — Office or Home)

Filer Status: Member Officer or Employee

CERTIFICATION — THIS DOCUMENT MUST BE SIGNED BY THE REPORTING INDIVIDUAL AND DATED

The attached Financial Disclosure Statement is required by the Ethics in Government Act of 1978, as amended. The Statement will be available to the public and will be reviewed by the Committee on Ethics or its designee. Any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file the attached report may be subject to civil penalties and criminal sanctions. See Section 104 of the Ethics in Government Act (5 U.S.C. app. 4 §§101-111) and 18 U.S.C. § 1001.

| Certification | Signature of Reporting Individual | Date |
|---|-----------------------------------|---------|
| I CERTIFY that the statements I have made on the attached financial disclosure statement and all attached schedules are true, complete, and correct to the best of my knowledge and belief. | Phog Allen | 5-15-12 |

Members must file a signed original and two photocopies thereof. Employees must file a signed original and one photocopy thereof.

*****FOR OFFICIAL USE ONLY — DO NOT WRITE BELOW*****

| Certification | Signature of Certifying Individual | Date |
|---|------------------------------------|------|
| It is my opinion, based on the information contained in this Financial Disclosure Statement, that the reporting individual is in compliance with Title I of the Ethics in Government Act (5 U.S.C. app. 4 §§101-111). | | |

**UNITED STATES HOUSE OF REPRESENTATIVES
CALENDAR YEAR 2011 FINANCIAL DISCLOSURE STATEMENT**

Form A

For use by Members, officers, and employees

Name: Rep. Phog Allen Daytime Telephone: 202-225-0000

(Office Use Only)

| | | | | |
|--------------|---|--------------------|---|--|
| Filer Status | <input checked="" type="checkbox"/> Member of the U.S. House of Representatives | State: <u>KS</u> | Employing Office: | A \$200 penalty shall be assessed against anyone who files more than 30 days late. |
| Report Type | <input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> 15, 2012 | District: <u>4</u> | Officer or Employee: <input type="checkbox"/> Officer <input type="checkbox"/> Employee | |
| | <input type="checkbox"/> Amendment | | Termination Date: | |

PRELIMINARY INFORMATION — ANSWER EACH OF THESE QUESTIONS

| | | | | |
|---|---|-----------------------------|---|-----------------------------|
| I. Did you or your spouse have "earned" income (e.g., salaries or fees) of \$200 or more from any source in the reporting period? If yes, complete and attach Schedule I. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| II. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article in the reporting period? If yes, complete and attach Schedule II. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| III. Did you, your spouse, or a dependent child receive "unearned" income of more than \$200 in the reporting period or hold any reportable asset worth more than \$1,000 at the end of the period? If yes, complete and attach Schedule III. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| IV. Did you, your spouse, or a dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding \$1,000 during the reporting period? If yes, complete and attach Schedule IV. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| V. Did you, your spouse, or a dependent child have any reportable liability (more than \$10,000) during the reporting period? If yes, complete and attach Schedule V. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| VI. Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than \$350 and not otherwise exempt)? If yes, complete and attach Schedule VI. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| VII. Did you, your spouse, or a dependent child receive any reportable travel or reimbursements for travel in the reporting period (worth more than \$350 from one source)? If yes, complete and attach Schedule VII. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| VIII. Did you hold any reportable positions on or before the date of filing in the current calendar year? If yes, complete and attach Schedule VIII. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| IX. Did you have any reportable agreement or arrangement with an outside entity? If yes, complete and attach Schedule IX. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Each question in this part must be answered and the appropriate schedule attached for each "Yes" response. | | | | |

EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS

| | | |
|--|------------------------------|--|
| TRUSTS—Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| EXEMPTION—Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption? Do not answer "yes" unless you have first consulted with the Committee on Ethics. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

SCHEDULE I — EARNED INCOME

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totalling \$200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding \$1,000. See examples below.

Exclude: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

| Source | Type | Amount |
|--------------------------------------|-----------------------|----------|
| Keene State | Approved Teaching Fee | \$6,000 |
| State of Maryland | Legislative Pension | \$9,000 |
| Civil War Roundtable (Oct. 2nd) | Spouse Speech | \$1,000 |
| Ontario County Board of Education | Spouse Salary | NA |
| University of Kansas Business School | Approved Teaching fee | \$5,000 |
| State of Kansas | Legislative Pension | \$15,000 |
| Clarendon Inc., Kansas City, MO | Spouse Salary | N/A |
| Kansas Women's Association | Spouse Speech | \$500 |
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SCHEDULE II — PAYMENTS MADE TO CHARITY IN LIEU OF HONORARIA

List the source, activity (i.e., speech, appearance, or article), date, and amount of any payment made by the sponsor of an event to a charitable organization in lieu of an honorarium. A separate confidential list of charities receiving such payments must be filed directly with the Committee on Ethics. A green envelope for transmitting the list is included in each Member's filing package.

| Source | Activity | Date | Amount |
|--|-------------------|---------------|---------|
| Examples: Association of American Associations, Washington, DC | Speech | Feb. 2, 2011 | \$2,000 |
| XYZ Magazine | Article | Aug. 13, 2011 | \$500 |
| Real Time with Bill Maher | TV Appearance Fee | 2-15-11 | \$500 |
| WIBW Radio, Topeka, KS | Radio Show Fee | 7-7-11 | \$250 |
| Kansas City Magazine | Article | 10-20-11 | \$400 |
| Cattlemen's Society | Speech | 5-29-11 | \$1500 |
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SCHEDULE III—ASSETS AND “UNEARNED” INCOME

Continuation Sheet (if needed)

Name Rep. Phog Allen

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| SP, DC, JT | BLOCK A Asset and/or Income Source | | BLOCK B Year-End Value of Asset | | | | | | | | | | | BLOCK C Type of Income | | | | | | | BLOCK D Amount of Income | | | | | | | | | | | BLOCK E Transaction | | | | | | | |
|------------------|---|--|------------------------------------|---------------|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|---------------------------|----------------------------|-----------------------------|---------------------------|------|-----------|------|----------|---------------|----------------------|-----------------------------|--|---|------|-------------|-----------------|-------------------|-------------------|--------------------|---------------------|----------------------|------------------------|-------------------------|---------------------------|------------------|--|--|--|--|
| | | | A | B | C | D | E | F | G | H | I | J | K | L | NONE | DIVIDENDS | RENT | INTEREST | CAPITAL GAINS | EXCEPTED/BLIND TRUST | TAX-DEFERRED | Other Type of Income (Specify: e.g., Partnership Income or Farm Income) | I | II | III | IV | V | VI | VII | VIII | IX | | X | XI | | | | | |
| | | | None | \$1 - \$1,000 | \$1,001 - \$15,000 | \$15,001 - \$50,000 | \$50,001 - \$100,000 | \$100,001 - \$250,000 | \$250,001 - \$500,000 | \$500,001 - \$1,000,000 | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | \$25,000,001 - \$50,000,000 | Over \$50,000,000 | | | | | | | | | | None | \$1 - \$200 | \$201 - \$1,000 | \$1,001 - \$2,500 | \$2,501 - \$5,000 | \$5,001 - \$15,000 | \$15,001 - \$50,000 | \$50,001 - \$100,000 | | \$100,001 - \$1,000,000 | \$1,000,001 - \$5,000,000 | Over \$5,000,000 | | | | |
| | Mutual of Omaha - Fixed Annuity | | | | X | | | | | | | | | | | | | | | | | | X | | | | | | | | | | | | | | | | |
| | The Wheel, Lawrence, KS Bart Restaurant (25%) | | | | | | | X | | | | | | | | | | | | | | | | | | | | | X | | | | | | | | | | |
| | New York Life - Whole Life | | | | | | | | X | | | | | | | | | | | | | | | X | | | | | | | | | | | | | | | |
| | Fns Policy | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Met Life - Variable Annuity - Vanguard Emerging Markets - Fidelity High-Field Bond Fund | | | | | X | X | | | | | | | | | | | | | | | | | | | X | X | | | | | | | | | | | | |
| | DC U.S. Savings Bonds | | | | | | | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Oil Leases, Reno County | | | | | | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | "America's Next Chapter" Book | | | | | | | | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Frederick Remington Collection (Valued for insurance purposes) | | | | | | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

SCHEDULE IV — TRANSACTIONS

| SP, DC, JT SP | Asset <i>Example: Mega Corporation Common Stock (partial sale)</i> | Type of Transaction | | | Check Box if Capital Gain Exceeded \$200 | Date (MO/DAY/YR) or Quarterly, Monthly, or Bi-weekly, if applicable | Amount of Transaction | | | | | | | | | | | | | |
|------------------|---|---------------------|------|----------|--|--|-----------------------|------------------------|-------------------------|--------------------------|--------------------------|----------------------------|------------------------------|-------------------------------|--------------------------------|------------------------|--|--|--|--|
| | | PURCHASE | SALE | EXCHANGE | | | A \$1,001-\$15,000 | B \$15,001-\$50,000 | C \$50,001-\$100,000 | D \$100,001-\$250,000 | E \$250,001-\$500,000 | F \$500,001-\$1,000,000 | G \$1,000,001-\$5,000,000 | H \$5,000,001-\$25,000,000 | I \$25,000,001-\$50,000,000 | J Over \$50,000,000 | | | | |
| | | | X | | | 10-12-11 | | | | | | | | | | | | | | |
| | Kroger Stock | X | | | | 1-12-11 | | | | | X | | | | | | | | | |
| | Kroger Stock | X | | | | 4-18-11 | | | | | X | | | | | | | | | |
| | Google Stock | X | | | | 3-15-11 | | | | | X | | | | | | | | | |
| | Google Stock | | X | | | 10-21-11 | X | | | | X | | | | | | | | | |
| | Vanguard S&P 500 Fund (part) | | X | | | 7-8-11 | X | | | | X | | | | | | | | | |
| | Chardon 401K | | | | | | | | | | | | | | | | | | | |
| | Vanguard Large-Cap Fund | X | | | | Monthly | | | | | X | | | | | | | | | |
| | Fidelity Contrafund | X | | | | Monthly | | | | | X | | | | | | | | | |
| | Disney Stock (Allen Trust) | X | | | | 5-12-11 | | | | | X | | | | | | | | | |
| | T. Rowe Price Small Cap (IRA) | X | | | | Quarterly | | | | | X | | | | | | | | | |
| | Learning Quest 529 - college aged plan | X | | | | Monthly | | | | | X | | | | | | | | | |
| | Learning Quest 529 - college aged plan (part) | | X | | | 8-27-11 | | | | | X | | | | | | | | | |

SCHEDULE V — LIABILITIES

Report liabilities of over \$10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent child. Mark the highest amount owed during the year. **Exclude:** Any mortgage on your personal residence (unless it is rented out); loans secured by automobiles, household furniture, or appliances; liabilities of a business in which you own an interest (unless you are personally liable); and liabilities owed to a spouse, or the child, parent, or sibling of you or your spouse. Report **revolving charge accounts** (i.e., credit cards) only if the balance at the close of the preceding calendar year exceeded \$10,000. **NOTE:** Pending legislation may require Members to report mortgages on personal residences.

| SP, DC, JT | Creditor | Date Liability Incurred Mo/Year | Type of Liability | Amount of Liability | | | | | | | | | | | | |
|------------------|---------------------------------------|--|--|----------------------------|----------------------------|-----------------------------|------------------------------|------------------------------|--------------------------------|----------------------------------|-----------------------------------|------------------------------------|---------------------------|--|--|--|
| | | | | A \$10,001- \$15,000 | B \$15,001- \$50,000 | C \$50,001- \$100,000 | D \$100,001- \$250,000 | E \$250,001- \$500,000 | F \$500,001- \$1,000,000 | G \$1,000,001- \$5,000,000 | H \$5,000,001- \$25,000,000 | I \$25,000,001- \$50,000,000 | J Over \$50,000,000 | | | |
| | Example: First Bank of Wilmington, DE | May 1998 | Mortgage on 123 Main St., Dover, DE | | | | X | | | | | | | | | |
| SP | American Express Card | 12-11 | Credit Card | X | | | | | | | | | | | | |
| DC | U.S. Dept of Education | 8-11 | Student Loan | X | | | | | | | | | | | | |
| | Citi bank | 3-00 | Business loan for the wheel (personally left) | | X | | | | | | | | | | | |
| | Bank of America | 4-04 | Mortgage on Rental Property Lenexia, KS | | | | X | | | | | | | | | |

SCHEDULE VI — GIFTS

Report the source, a brief description, and the value of all gifts totalling more than \$350 received by you, your spouse, or a dependent child from any source during the year. **Exclude:** Gifts from relatives, gifts of personal hospitality of an individual, local meals, and gifts to a spouse or dependent child that are totally independent of his or her relationship to you. Gifts with a value of \$140 or less need not be added towards the \$350 disclosure threshold. **Note:** The gift rule (House Rule 25, clause 5) prohibits acceptance of gifts except as specifically provided in the rule.

| Source | Description | Value |
|---|--|---------|
| Example: Mr. Joseph H. Smith, Anytown, Anystate | Silver Platter (determination on personal friendship received from Committee on Ethics) | \$375 |
| Sam Jones (Hutchinson, KS) | Flight + tickets to the Superbowl (gift waiver approved by Ethics Committee based on personal friendship) | \$3,000 |
| Kansas City, KS Rotary Club | Commemorative Waterford Award engraved with Event to my name presented at Annual gala | \$400 |

SCHEDULE VII — TRAVEL PAYMENTS AND REIMBURSEMENTS

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totalling more than \$350 received by you, your spouse, or a dependent child during the reporting period. Indicate whether a family member accompanied the traveler at the sponsor's expense, and the amount of time, if any, that was not at the sponsor's expense. Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.

Exclude: Travel-related expenses provided by federal, state, and local governments, or by a foreign government required to be separately reported under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342); political travel that is required to be reported under the Federal Election Campaign Act; travel provided to a spouse or dependent child that is totally independent of his or her relationship to you.

| Source | Date(s) | City of Departure—City of Return—Destination | Lodging? (Y/N) | Food? (Y/N) | Was a Family Member Included? (Y/N) | Number of days not at sponsor's expense |
|--|---------------------|--|----------------|-------------|-------------------------------------|---|
| Examples: Chicago Chamber of Commerce Roycroft Corporation | Mar. 2 Aug. 6-11 | DC—Chicago—DC DC—Los Angeles—Cleveland | N Y | N Y | N Y | None 2 Days |
| American Cancer Society (to attend Board meeting) | Aug 8-10 | Kansas City - Atlanta - KC | Y | Y | N | 0 |
| Habitat for Humanity (Fundraiser) | Dec 15 | DC - Boston - DC | Y | Y | N | 0 |
| Embassy of Turkey (MCEEA) | Apr. 23-30 | DC - Istanbul - DC | Y | Y | N | 0 |
| Aspen Institute | Oct 13-20 | DC - Spain - DC | Y | Y | Y | 2 days |
| Clarendon Inc. (travel for spouse business events) | Sept 9-12 | KC - Denver - KS | Y | Y | Y | 0 |
| Tucker for Governor (Montana) | 12-28-11 | KC - Helena, MT - KC | N | Y | N | 0 |

SCHEDULE VIII—POSITIONS

| | |
|-----------------------------|-----------------------------|
| Name <u>Rep. Brog Allen</u> | Page <u>10</u> of <u>10</u> |
|-----------------------------|-----------------------------|

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States.

Exclude: Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations); and positions solely of an honorary nature.

| Position | Name of Organization |
|-------------------------|--|
| <u>Board Member</u> | <u>American Cancer Society (uncompensated)</u> |
| <u>Member + Manager</u> | <u>Allen Properties, LLC</u> |
| <u>Partner</u> | <u>The Wheel</u> |
| | |
| | |
| | |

SCHEDULE IX—AGREEMENTS

Identify the date, parties to, and general terms of any agreement or arrangement with respect to: future employment; a leave of absence during the period of government service; continuation or deferral of payments by a former or current employer other than the U.S. Government; or continuing participation in an employee welfare or benefit plan maintained by a former employer.

| Date | Parties To | Terms of Agreement |
|------------------|-----------------------------------|---|
| <u>Jan. 1999</u> | <u>Myself and State of Kansas</u> | <u>Pension annuity for service in state legislature</u> |
| | | |
| | | |
| | | |
| | | |

APPENDIX A

ETHICS IN GOVERNMENT ACT, TITLE I

As Amended By Public Laws 101-194, 101-280, 102-90, 102-378, and 104-65
(5 U.S.C. appendix 4 §§ 101-111)
(As of March 1, 2012)

FINANCIAL DISCLOSURE OF FEDERAL PERSONNEL

PERSONS REQUIRED TO FILE

SEC. 101. (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 that 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 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.

CONTENTS OF REPORTS

SEC. 102. (a) Each report filed pursuant to section 101(d) and (e) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating \$200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

- (i) not more than \$1,000,
- (ii) greater than \$1,000 but not more than \$2,500,
- (iii) greater than \$2,500 but not more than \$5,000,
- (iv) greater than \$5,000 but not more than \$15,000,
- (v) greater than \$15,000 but not more than \$50,000,
- (vi) greater than \$50,000 but not more than \$100,000,
- (vii) greater than \$100,000 but not more than \$1,000,000,
- (viii) greater than \$1,000,000 but not more than \$5,000,000, or
- (ix) greater than \$5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by

section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed \$10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds

\$10,000 as of the close of the preceding calendar year need to be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

(i) the identity of each source of such compensation; and

(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with re-

spect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to specific written determination by such office for a reporting individual.

(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are as follows:

(A) not more than \$15,000;

(B) greater than \$15,000 but not more than \$50,000;

(C) greater than \$50,000 but not more than \$100,000;

(D) greater than \$100,000 but not more than \$250,000;

(E) greater than \$250,000 but not more than \$500,000;

(F) greater than \$500,000 but not more than \$1,000,000;

(G) greater than \$1,000,000 but not more than \$5,000,000;

(H) greater than \$5,000,000 but not more than \$25,000,000;

(I) greater than \$25,000,000 but not more than \$50,000,000; and

(J) greater than \$50,000,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities, are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent child required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings or the source of income any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, or dependent child have no knowledge of; or

(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term “qualified blind trust” includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete

an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment ad-

viser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in ac-

cordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$10,000.

(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000.

(7) Any trust may be considered to be a qualified blind trust if—

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any in-

terested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

(8) A reporting individual shall not be required to report the financial interests held by 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—

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 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) A reporting individual shall not be required under this title to report—

(1) financial interests in or income derived from—

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such 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.].

FILING OF REPORTS

SEC. 103. (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) 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 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.

FAILURE TO FILE OR FILING FALSE REPORTS

SEC. 104. (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 persons 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.

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

CUSTODY OF AND PUBLIC ACCESS TO REPORTS

SEC. 105. (a) 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 title 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, be 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 104(a), 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, United States Code, 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 title.

(b)(1) Except as provided in the second sentence of this subsection, 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, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by

May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of the Senate, as the case may be may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(3)(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States Marshal Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

(B) A report may be redacted pursuant to this paragraph only—

(i) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(ii) for as long as the danger to such individual exists.

(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including—

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph; and

(iii) the types of threats against individuals whose reports are redacted, if appropriate;

(iv) the nature or type of information redacted;

(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

(vi) principles used to guide implementation of redaction authority; and

(viii) any public complaints received relating to redaction.

(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) This paragraph shall expire on December 31, 2011, and apply to filings through calendar year 2011.

(c)(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the re-

port pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

REVIEW OF REPORTS

SEC. 106. (a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a)—

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral re-

sponse, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18, United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster Gen-

eral, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

SEC. 107. (a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general

requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

AUTHORITY OF COMPTROLLER GENERAL

SEC. 108. (a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

DEFINITIONS

SEC. 109. For the purposes of this title, the term—

(1) “congressional ethics committees” means the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) “dependent child” means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 [26 U.S.C. 152];

(3) “designated agency ethics official” means an officer or employee who is designated to administer the provisions of this title within an agency;

(4) “executive branch” includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch;

(5) “gift” means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;

(6) “honoraria” has the meaning given such term in section 505 of this Act;

(7) “income” means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(8) “judicial employee” means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or 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;

(9) “Judicial Conference” means the Judicial Conference of the United States;

(10) “judicial officer” means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of

Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

(11) “legislative branch” includes—

(A) the Architect of the Capitol;

(B) the Botanic Gardens;

(C) the Congressional Budget Office;

(D) the Government Accountability Office;

(E) the Government Printing Office;

(F) the Library of Congress;

(G) the United States Capitol Police;

(H) the Office of Technology Assessment; and

(I) any other agency, entity, office, or commission established in the legislative branch;

(12) “Member of Congress” means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) “officer or employee of the Congress” means—

(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;

(B)(i) each officer or employee of the legislative branch who, for at least 60 days, 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; and

(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee 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;

(14) “personal hospitality of any individual” means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(15) “reimbursement” means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related ex-

penses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(16) “relative” means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual;

(17) “Secretary concerned” has the meaning set forth in section 101(a)(9) of title 10, United States Code, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service;

(18) “supervising ethics office” means—

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;

(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 103(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees; and

(19) “value” means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

SEC. 110. (a) In any case in which an individual agrees with that individual’s designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual’s designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

ADMINISTRATION OF PROVISIONS

SEC. 111. The provisions of this title shall be administered by—

(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with re-

gard to officers and employees described in paragraphs (1) through (8) of section 101(f);

(2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.

APPENDIX B

INTERPRETIVE RULING NO. 1¹

Subject

Designation of principal assistants by Members of the House of Representatives for purposes of filing a Financial Disclosure Statement pursuant to Title I of the Ethics in Government Act (5 U.S.C. app. 6, §§101–111), as amended by the Ethics Reform Act of 1989 (Public Laws 101–194 and 101–280).

Discussion

The Ethics in Government Act applies financial disclosure requirements to each employee of the Legislative Branch who is compensated at or greater than the “above GS–15” rate.² Such employees must file a Financial Disclosure Statement by May 15 of each year covering the preceding calendar year. Any Member who does not have an employee in his or her congressional office compensated at or greater than the above GS–15 salary level is required to designate at least one principal assistant for purposes of the Act. The principal assistant must be an individual who was employed in the Member’s office for more than 60 days in the calendar year covered by the Financial Disclosure Statement.

The purpose of the requirement that a Member designate a principal assistant is to ensure that at least one employee in each Member’s office files an annual Financial Disclosure Statement. See House Report No. 95–574, Select Committee on Ethics. However, the Act is ambiguous concerning when a Member’s obligation to designate a principal assistant takes effect, when that designation must occur, and if the designation requirement applicable to a Member may subsequently be nullified under certain circumstances, requiring the designation of another individual as principal assistant.

An additional requirement of the Act is that any “covered employee” must file a termination report within 30 days of leaving his or her Government position. Not clear are the circumstances under which a person who is replaced as principal assistant must file a termination report, as well as whether the filing of a termination report can satisfy the annual filing requirement for a Member’s office.

While a principal assistant usually will be designated by a Member early in a calendar year for purposes of filing a Financial Disclosure Statement in the succeeding calendar year, an employee who had been required to file may leave the Member’s office before the May 15 filing date or prior to having been employed in the Member’s office for more than 60 days in a calendar year. Consequently, Members who do not have an employee required to file may designate a principal assistant for the purposes of the statute any time prior to May 15, in order that a Financial Disclosure Statement can be filed by that date. Such an interpretation of the designation requirement ensures that at least one employee in each Member’s office will file a disclosure statement in each calendar year. The newly designated person should be an individual who served in the Member’s office for more than 60 days in the period covered by the report.

An above GS–15 employee who is employed in a Member’s office for more than 60 days in a calendar year is required to file a Financial Disclosure Statement irrespective of whether he or she continues to be paid at or greater than the above GS–15 salary level on May 15. A principal assistant designated by a Member who does not have an above GS–15 employee would be required to file a disclosure statement only if: (1) The individual has been employed in the Member’s office for more than 60 days in the preceding calendar year; and (2) The Member does not have an above GS–15 employee required to file a disclosure statement on or before May 15. Thus, a principal assistant not an above GS–15 employee, designated by a Member who subsequently has an above GS–15 employee meeting the statutory requirements, would not be required to file a disclosure statement on or before May 15 of the succeeding calendar year.

An employee not paid at the above GS–15 level who is no longer obligated to file an annual Financial Disclosure Statement as principal

¹ Originally issued by the Committee on December 5, 1979, this Ruling was modified by the Committee on March 6, 1991, to reflect changes made by the Ethics Reform Act of 1989.

² Public Law 101–509 eliminated the GS–16 classification and replaced it with “above GS–15.” Public Law 102–378 amended title I of the Ethics in Government Act to change each reference to “GS–16” to “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.” The term “above GS–15” is used throughout this opinion.

assistant (either because there is a qualifying above GS-15 employee or because someone else has been designated) does not have to file a termination report. This is the case whether the individual remains an employee in the same office, moves to a different congressional office, or leaves Government service entirely. As long as the Member designates someone else to file by May 15, the statutory objective is met. The only instance where a termination report is required of a principal assistant not paid at or greater than the GS-15 level is in the case of a Member leaving Congress, where both the Member and the designated employee would be required to file termination reports.

In light of the intent that a Member have at least one employee file on or before May 15, whether an individual compensated at or greater than the GS-15 level or a principal assistant, a termination report cannot be used to satisfy the annual filing requirement. To permit otherwise would mean that the report would be filed by an individual who is no longer employed in the Member's office.

Since the filing of a disclosure statement upon termination cannot be used to satisfy the annual filing requirement of a Member's office, the Member must designate a new principal assistant in the event that the previously designated individual has left his or her employment prior to the May 15 filing. The newly designated individual must have performed his or her duties for more than 60 days in the calendar year covered by the report.

Any employee designated as a principal assistant need not report information with respect to gifts and reimbursements received in a period when the individual was not so designated. This interpretation is consistent with the statutory provision exempting gifts and reimbursements received when the reporting individual was not a government employee, since the individual may not have kept records of such items.

A further issue concerns the application of the designation requirement to Members serving their first term, and the circumstances under which a new employee designated as a principal assistant would be required to file the abbreviated disclosure statement applicable to new employees (FORM B). If a newly elected Member does not hire a new employee compensated at the above GS-15 salary level, there might be no employee of

that Member required to file a disclosure statement for a period of almost 17 months. Again, the intent of the statute is that at least one employee in each Member's office file a Financial Disclosure Statement in each calendar year. Accordingly, any Member first taking office on January 3 who does not have an above GS-15 employee should designate a principal assistant to file a disclosure statement by May 15. Any such designated principal assistant should file a Financial Disclosure Statement as a new employee (FORM B), even if that employee previously worked in another congressional office.

Summary Ruling

The purpose of this ruling is to ensure that at least one employee in each Member's office files a disclosure statement by May 15 of each calendar year. The ruling is based on three specific provisions of the Ethics in Government Act: (1) At least one principal assistant must be designated by each Member who does not have an employee compensated at a rate equal to or greater than 120 percent of the minimum rate of GS-15 pay ("above GS-15"); (2) An employee in a position subject to the Act is required to file a Financial Disclosure Statement for the preceding calendar year only if he or she was employed at the above GS-15 rate of pay for more than sixty days during the preceding calendar year; and (3) An above GS-15 employee is required to file a disclosure statement within thirty days after termination of government employment, covering the preceding calendar year if the annual disclosure statement has not been filed, as well as that portion of the calendar year in which the termination occurred up to the date that the employee left the position.

Any Member who does not have an employee required to file a Financial Disclosure Statement on or before May 15 in a calendar year must designate at least one principal assistant to file a disclosure statement by that date. The designation of a principal assistant may occur at any time prior to the May 15 filing date. Any such designated principal assistant must have been employed in the Member's congressional office for more than 60 days in the preceding calendar year and must continue to be so employed when the Financial Disclosure Statement is filed.

A principal assistant who is not an above GS-15 employee does not have to file a termination report if someone else in the Member's office is

designated to file in that person's place. The newly designated individual must meet the statutory requirements for filing, including having worked in the Member's office for more than 60 days in the year covered by the report.

An employee designated as a principal assistant in accordance with this ruling by a Member first taking office on January 3 must file the Financial Disclosure Statement required of new employees on or before May 15 of that calendar year.

An employee designated as a principal assistant need not report information with respect to gifts and reimbursements received in a period when the individual was not designated as a principal assistant for purposes of the Act.

APPENDIX C

Rules of the House of Representatives – 112th Congress

RULE XXV, clause 5

Gifts

5. (a)(1)(A)(i) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift except as provided in this clause.

(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.

(B)(i) A Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift (other than cash or cash equivalent) not prohibited by subdivision (A)(ii) that the Member, Delegate, Resident Commissioner, officer, or employee reasonably and in good faith believes to have a value of less than \$50 and a cumulative value from one source during a calendar year of less than \$100. A gift having a value of less than \$10 does not count toward the \$100 annual limit. The value of perishable food sent to an office shall be allocated among the individual recipients and not to the Member, Delegate, or Resident Commissioner. Formal recordkeeping is not required by this subdivision, but a Member, Delegate, Resident Commissioner, officer, or employee of the House shall make a good faith effort to comply with this subdivision.

(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an

event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.

(2)(A) In this clause the term “gift” means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(B)(i) A gift to a family member of a Member, Delegate, Resident Commissioner, officer, or employee of the House, or a gift to any other individual based on that individual’s relationship with the Member, Delegate, Resident Commissioner, officer, or employee, shall be considered a gift to the Member, Delegate, Resident Commissioner, officer, or employee if it is given with the knowledge and acquiescence of the Member, Delegate, Resident Commissioner, officer, or employee and the Member, Delegate, Resident Commissioner, officer, or employee has reason to believe the gift was given because of the official position of such individual.

(ii) If food or refreshment is provided at the same time and place to both a Member, Delegate, Resident Commissioner, officer, or employee of the House and the spouse or dependent thereof, only the food or refreshment provided to the Member, Delegate, Resident Commissioner, officer, or employee shall be treated as a gift for purposes of this clause.

(3) The restrictions in subparagraph (1) do not apply to the following:

(A) Anything for which the Member, Delegate, Resident Commissioner, officer, or employee of the House pays the market value, or does not use and promptly returns to the donor.

(B) A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) that is lawfully made under that Act, a lawful contribution for election to a State or local government office, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(C) A gift from a relative as described in section 109(16) of title I of the Ethics in Government Act of 1978 (2 U.S.C. App. 109(16)).

(D)(i) Anything provided by an individual on the basis of a personal friendship unless the Member, Delegate, Resident Commissioner, officer, or employee of the House has reason to believe that, under the circumstances, the gift was provided because of the official position of such individual and not because of the personal friendship.

(ii) In determining whether a gift is provided on the basis of personal friendship, the Member, Delegate, Resident Commissioner, officer, or employee of the House shall consider the circumstances under which the gift was offered, such as:

(I) The history of the relationship of such individual with the individual giving the gift, including any previous exchange of gifts between them.

(II) Whether to the actual knowledge of such individual the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether to the actual knowledge of such individual the individual who gave the gift also gave the same or similar gifts to other Members, Delegates, the Resident

Commissioners, officers, or employees of the House.

(E) Except as provided in paragraph (e)(3), a contribution or other payment to a legal expense fund established for the benefit of a Member, Delegate, Resident Commissioner, officer, or employee of the House that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

(F) A gift from another Member, Delegate, Resident Commissioner, officer, or employee of the House or Senate.

(G) Food, refreshments, lodging, transportation, and other benefits –

(i) resulting from the outside business or employment activities of the Member, Delegate, Resident Commissioner, officer, or employee of the House (or other outside activities that are not connected to the duties of such individual as an officeholder), or of the spouse of such individual, if such benefits have not been offered or enhanced because of the official position of such individual and are customarily provided to others in similar circumstances;

(ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(iii) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such organization.

(H) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(I) Informational materials that are sent to the office of the Member, Delegate, Resident Commissioner, officer, or employee of the House in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(J) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(K) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

(L) Training (including food and refreshments furnished to all attendees as an integral part of the training) if such training is in the interest of the House.

(M) Bequests, inheritances, and other transfers at death.

(N) An item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(O) Anything that is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(P) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

(Q) Free attendance at a widely attended event permitted under subparagraph (4).

(R) Opportunities and benefits that are –
(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;
(ii) offered to members of a group or class in which membership is unrelated to congressional employment;
(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are

available to large segments of the public through organizations of similar size;

(iv) offered to a group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(S) A plaque, trophy, or other item that is substantially commemorative in nature and that is intended for presentation.

(T) Anything for which, in an unusual case, a waiver is granted by the Committee on Ethics.

(U) Food or refreshments of a nominal value offered other than as a part of a meal.

(V) Donations of products from the district or State that the Member, Delegate, or Resident Commissioner represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any single recipient.

(W) An item of nominal value such as a greeting card, baseball cap, or a T-shirt.

(4)(A) A Member, Delegate, Resident Commissioner, officer, or employee of the House may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if –

(i) the Member, Delegate, Resident Commissioner, officer, or employee of the House participates in the event as a speaker or a panel participant, by

presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the official position of such individual; or

(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, Delegate, Resident Commissioner, officer, or employee of the House.

(B) A Member, Delegate, Resident Commissioner, officer, or employee of the House who attends an event described in subdivision (A) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.

(C) A Member, Delegate, Resident Commissioner, officer, or employee of the House, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event unless –

(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

(iii) the offer of free attendance at the event is made by such organization.

(D) In this paragraph the term “free attendance” may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

(5) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a gift the value of which exceeds \$250 on the basis of the personal friendship exception in subparagraph (3)(D) unless the Committee on Ethics issues a written determination that such exception applies. A determination under this subparagraph is not required for gifts given on the basis of the family relationship exception in subparagraph (3)(C).

(6) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

(b)(1)(A) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with the duties of such individual as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs registered lobbyists or agents of a foreign principal (except as provided in subdivision (C)), if the Member, Delegate, Resident Commissioner, officer, or employee –

(i) in the case of an employee, receives advance authorization, from the Member, Delegate, Resident Commissioner, or officer under whose direct supervision the employee works, to accept reimbursement; and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk within 15 days after the travel is completed.

(B) For purposes of subdivision (A), events, the activities of which are substantially recreational in nature, are not considered to be in connection with the duties of a Member, Delegate, Resident

Commissioner, officer, or employee of the House as an officeholder.

(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Ethics to implement this provision –

(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.

(2) Each advance authorization to accept reimbursement shall be signed by the Member, Delegate, Resident Commissioner, or officer of the House under whose direct supervision the employee works and shall include –

(A) the name of the employee;

(B) the name of the person who will make the reimbursement;

(C) the time, place, and purpose of the travel; and

(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

(3) Each disclosure made under subparagraph (1)(A) shall be signed by the Member, Delegate, Resident Commissioner, or officer (in the case of travel by that Member, Delegate, Resident

Commissioner, or officer) or by the Member, Delegate, Resident Commissioner, or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include –

(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in subparagraph (4);

(F) a description of meetings and events attended; and

(G) in the case of a reimbursement to a Member, Delegate, Resident Commissioner, or officer, a determination that the travel was in connection with the duties of such individual as an officeholder and would not create the appearance that the Member, Delegate, Resident Commissioner, or officer is using public office for private gain.

(4) In this paragraph the term “necessary transportation, lodging, and related expenses” –

(A) includes reasonable expenses that are necessary for travel for a period not exceeding four days within the United States or seven days exclusive of travel time outside of the United States unless approved in advance by the Committee on Ethics;

(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in subdivision (A);

(C) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this clause; and

(D) may include travel expenses incurred on behalf of a relative of the Member, Delegate, Resident Commissioner, officer, or employee.

(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.

(c)(1)(A) Except as provided in subdivision (B), a Member, Delegate, Resident Commissioner, or officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs registered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Ethics to implement paragraph (b)(1)(C) of this clause.

(3) A Member, Delegate, Resident Commissioner, officer, or employee of the

House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal.

(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source-

(1) provide to the Committee on Ethics before such a trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source-

(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

(B) that the source either-

(i) does not retain or employ a registered lobbyist or agent of a foreign principal; or

(ii) is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Ethics to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as de minimis under such rules;

(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the

meaning of section 101 of the Higher Education Act of 1965); and

(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will no in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

(2) after the Committee Ethics has promulgated the regulations mandated in paragraph (i)(1)(B) of this clause, obtain the prior approval of the committee for such trip.

(e) A gift prohibited by paragraph (a)(1) includes the following:

(1) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, Delegate, Resident Commissioner, officer, or employee of the House.

(2) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, Delegate, Resident Commissioner, officer, or employee of the House (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph (f).

(3) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, Delegate, Resident Commissioner, officer, or employee of the House.

(4) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, Delegates, the Resident Commissioner, officers, or employees of the House.

(f)(1) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, Delegate, Resident Commissioner, officer, or employee of the House are not considered a gift under this clause if it is reported as provided in subparagraph (2).

(2) A Member, Delegate, Resident Commissioner, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of an honorarium described in subparagraph (1) shall report within 30 days after such designation or recommendation to the Clerk –

(A) the name and address of the registered lobbyist who is making the contribution in lieu of an honorarium;

(B) the date and amount of the contribution; and

(C) the name and address of the charitable organization designated or recommended by the Member, Delegate, or Resident Commissioner.

The Clerk shall make public information received under this subparagraph as soon as possible after it is received.

(g) In this clause –

(1) the term “registered lobbyist” means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute;

(2) the term “agent of a foreign principal” means an agent of a foreign principal registered under the Foreign Agents Registration Act; and

(3) the terms “officer” and “employee” have the same meanings as in rule XXIII.

(h) All the provisions of this clause shall be interpreted and enforced solely by the Committee on Ethics. The Committee on Ethics is authorized to issue guidance on any matter contained in this clause.

(i)(1) Not later than 45 days after the date of the adoption of this paragraph and at annual intervals thereafter, the

Committee on Ethics shall develop and revise, as necessary-

(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish-

(i) a connection between a trip and official duties;

(ii) the reasonableness of an amount spent by a sponsor;

(iii) a relationship between an event and an officially connected purpose; and

(iv) a direct and immediate relationship between a source of funding and an event; and

(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by the clause, including any required certifications.

(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government Services Administration, the Department of State and the Department of Defense.

* * * * *

Additional Statutory Reference

Rule XXIII, clause 14

14(a) A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity-

(a) take or withhold, or offer or threaten to take or withhold, an official act; or

(b) influence, or offer or threaten to influence, the official act of another.

Rule XXIII, clause 15

15(a) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on an aircraft.

(b) Paragraph (a) does not apply if-

(1) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules;

(2) the aircraft is owned or leased by a Member, Delegate, Resident Commissioner or a family member of a Member, Delegate, Resident Commissioner (including an aircraft owned by an entity that is not a public corporation in which the Member, Delegate, Resident Commissioner or a family member of a Member, Delegate, or Resident Commissioner has an ownership interest, provided that such Member, Delegate or Resident Commissioner does not use the aircraft any more than the Member, Delegate, Resident Commissioner, or family member's proportionate share of ownership allowed);

(3) the flight consists of the personal use of an aircraft by a Member, Delegate, Resident Commissioner that is supplied by an individual on the basis of personal friendship; or

(4) the aircraft is operated by an entity of the Federal government or an entity of the government of any State.

(c) In this clause—

(1) the term "campaign funds" includes funds of any political committee under the

Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, Resident Commissioner involved under such Act;

determined as under clause 5(a)(3)(D)(ii) of rule XXV.

(2) the term “family member” means an individual who is related to the Member, Delegate, or Resident Commissioner, as father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law; and

(3) the term “on the basis of personal friendship” has the same meaning as in clause 5 of rule XXV and shall be

APPENDIX D

Policy Regarding Amendments to Financial Disclosure Statements

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, DC.

To: All Members, Officers, and Employees of the U.S. House of Representatives.
From: Committee on Standards of Official Conduct.
Subject: Revised Policy Regarding Amendments to Financial Disclosure Statements.
Date: April 23, 1986

The purpose of this letter is to inform all Members, officers, and employees who are required to file Financial Disclosure (FD) Statements pursuant to Title I of the Ethics in Government Act (EIGA) of 1978, as amended, 5 U.S.C. Appendix 4, §101, et seq., whose filings are under the jurisdiction of this Committee, of a revision to this Committee's policy regarding the submission of amendments to earlier filed disclosure statements. The new policy, discussed below, will be implemented immediately and all future statements as well as the amendments thereto will be handled in accordance therewith.

To date, it has been the general policy of this Committee to accept amended FD Statements from all filers and consider such amendments to have been timely filed without regard to the duration of time between the date of the original filing and the amendment submitted thereto. Over time, this practice has resulted in the Committee having received a significant number of amendments to disclosure statements under circumstances not necessarily reflecting adequate justification or explanation that the amendment was necessary to clarify previously disclosed information or that a disclosure was omitted due either to unavailability of information or inadvertence. Moreover, and

particularly in the case of an individual whose conduct (having EIGA implications) is under review, the Committee has been faced with the somewhat inconsistent tasks of identifying deficiencies in earlier FD Statements while simultaneously accepting amendments to such statements that may well have been intended to have a mitigating or even exculpating effect. Quite clearly, both time and experience have established the need to make some adjustments to the financial disclosure process in order to alleviate such perceived problems and create a more logical and predictable environment for filers to meet their statutory obligation under EIGA and the parallel responsibility of this Committee to implement that law. It is in this context that a new policy for accepting and considering amended disclosure statements is being implemented.

To begin, effective immediately, an amendment to an earlier FD Statement will be considered timely filed if it is submitted by no later than the close of the year in which the original filing so affected was proffered. There will be, however, a further caveat to this "close-of-year" approach. Specifically, an amendment will not be considered to be timely if the submission thereof is clearly intended to "paper over" an earlier mis/non-filing or

there is no showing that such amendment was occasioned by either the prior unavailability of information or the inadvertent omission thereof. Thus, for example, so long as a filer wishes to amend within the appropriate period of prescribed “timeliness” and such amendments are not submitted as a result of, or in connection with, action by this Committee that may have the effect of discrediting the quality of the initial filing(s), then such amendments will be deemed to be presumptively good faith revisions to the filings. In essence, the amendment, per se, should be submitted only as a result of the need to either clarify an earlier filing or to disclose information not known (or inadvertently omitted) at the time the original FD was submitted. In sum, the Committee will adopt a two-pronged test for determining whether an amendment is considered to be filed with a presumption of good faith: First, whether it is submitted within the appropriate amendment period (close-of-year); and second, a “circumstance” test addressing why the amendment is justified. In this latter regard, filers will be expected to submit with the amendment a brief statement on why the earlier FD is being revised. Thus, amendments meeting the two-pronged test will be accorded a rebuttable presumption of good faith and this Committee will have the burden to overcome such a presumption. Conversely, any amendment not satisfying both of the

above-stated criteria will not be accorded the rebuttable presumption of good faith. In such a case, the burden will be on the filer to establish such a presumption.

The Committee is well aware that disclosure statements filed in years past may be in need of revision. To this end, the Committee has determined that a grace period ending at the close of calendar year 1986 will be granted during which time all filers may amend any previously submitted FD Statements. Again, while an amendment may be timely from the standpoint of when it is submitted—i.e., within the current year—information regarding the need for and, hence, appropriateness of the amendment will also be considered vis-a-vis the rebuttable presumption of good faith.

In sum, the effect of the new policy is to establish a practice of receiving and anticipating that FD Statements and amendments thereto will be submitted within the same calendar year and that departures based on either timeliness or circumstances can be readily identified for scrutiny and possible Committee action. As noted, implementation of the new policy will affect not only statements filed this year but also all statements filed in prior years in light of the grace period being adopted.

Should you have a question regarding this matter, please feel free to contact the Committee staff at (202) 225-7103.

