

**INSTRUCTION  
GUIDE FOR COMPLETING  
FINANCIAL DISCLOSURE STATEMENT  
FORM B**

FOR USE BY  
**CANDIDATES FOR THE HOUSE OF REPRESENTATIVES  
AND  
CERTAIN NEW 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 current employees of the House, as well as terminated Members, officers, and employees; and (2) **FORM B** for use by candidates and certain new employees. This instruction booklet covers Form B only. Form A filers should contact the Clerk of the House to obtain the instruction booklet for completing that form.

#### 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 assistance 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 may be obtained by visiting the Committee's Web site at [www.ethics.house.gov](http://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 counsels' 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](http://www.ethics.house.gov). Copies of the Committee's rules are also available on the Web site.

### WHO MUST FILE AND WHEN

Candidates for the House of Representatives and certain new officers, employees, and principal assistants of the Legislative Branch must file **FORM B** Financial Disclosure Statements, as explained below.

#### Candidates

Individuals are required to file a Financial Disclosure Statement once they "qualify" as a candidate by **raising or spending more than \$5,000** in a campaign for election to the House of Representatives. If you receive a notice to file a Statement before you have raised or spent more than \$5,000 on the campaign, you should notify the Clerk of the House *in writing* that the campaign has not yet crossed the \$5,000 threshold. You may use the form attached as Appendix C in this instruction booklet to make the notification to the Clerk.

Funds loaned to a campaign from any source, including from the candidate, as well as funds expended for state filing fees, count toward the \$5,000 threshold. However, only funds raised or spent in the election cycle in which you are a candidate (*i.e.*, the two-year period consisting of the calendar year of the election and the prior calendar year) are considered to determine whether you have qualified as a candidate. For example, if you are running as a candidate for the House in an election to be held on November 6, 2012, only funds raised or spent in the current election cycle (2011 and 2012) count toward the \$5,000 threshold. Any campaign funds carried over from the prior election cycle in which you were a candidate do not count toward the \$5,000 threshold.

*Candidates who never exceed the \$5,000 threshold are not required to file a Financial Disclosure Statement.*

Qualifying candidates are required to file no more than **one** Financial Disclosure Statement in any calendar year.

### Filing Deadlines for Candidates

The deadline for filing the Financial Disclosure Statement depends on whether you qualify as a candidate in an election or non-election year.

***If you qualify as a candidate during an election (even-numbered) year,*** then you must file a Financial Disclosure Statement within 30 days of becoming a candidate *or* May 15 of that year, *whichever is later*.

There are two exceptions to this general rule:

First, a qualifying candidate must file no later than 30 days *before* any election (including primaries) in which the individual is participating. Thus, if you become a candidate on January 5 in an election year and the primary is on April 22, the report is due by March 23 (no later than 30 days before the election).

Second, if a candidate crosses the \$5,000 threshold within the 30-day period prior to an election, the candidate must file the Financial Disclosure Statement immediately after he or she raises or spends more than \$5,000.

***If you qualify during a non-election (odd-numbered) year,*** then you must file your initial Financial Disclosure Statement within 30 days of qualifying. You are then required to file a subsequent Statement on May 15 of the following year *if you are still a candidate on that date*. If you lose a primary election before May 15, then you are not required to file the Statement.

### Withdrawal of Candidacy

A candidate who takes action that is recognized under applicable state law as legally sufficient to withdraw as a candidate *before* the date on which his or her Financial Disclosure Statement is due need not file a Statement. You must, however, notify the Clerk of the House in writing that you withdrew your candidacy prior to your filing deadline. *You may use the form attached as Appendix C in this instruction booklet to make the notification to the Clerk.*

Candidates who withdraw their candidacy *on or after* the date on which the Financial Disclosure Statement is due are still obligated to file the Statement, even though he or she is no longer seeking a nomination or an election.

### Examples

The following examples illustrate when a candidate's report would be due under various circumstances:

1. The campaign receives more than \$5,000 in campaign contributions on October 2 of the year before the election. The candidate must file a Financial Disclosure Statement within 30 days, *i.e.*, by November 1 of that year. The primary

election is in September of the following year. Thus, the candidate must also file a second Financial Disclosure Statement as a continuing candidate on May 15 of the election year. The second Statement must disclose financial information for the current year to filing and the entire calendar year preceding the election.

2. The campaign raises or spends more than \$5,000 on December 15 of the year before the election. The candidate must file a Financial Disclosure Statement within 30 days, *i.e.*, by January 14 of the following year. However, another report would *not* be required on May 15 of the election year *if* the report is filed after January 1 of the election year and included the required information through December 31 of the previous year.

3. The campaign raises or spends more than \$5,000 on January 15 of the election year and the primary is not until July. The candidate must file a Financial Disclosure Statement by May 15 of that year (the later of May 15 or 30 days after qualifying).

4. The campaign raises or spends more than \$5,000 on January 15 of the election year and the primary is April 17. The candidate must file a Financial Disclosure Statement by March 18 (no later than 30 days before an election).

5. The campaign raises or spends more than \$5,000 on April 1 of the election year and the primary is April 17. The candidate must file a Financial Disclosure Statement by April 1. (Because the candidate qualified in the 30 days before the election, the report is due immediately upon qualification.)

6. The campaign raises or spends more than \$5,000 on May 1 of the election year and the primary is not until August. The candidate must file a Financial Disclosure Statement by May 31 (30 days after qualifying).

7. The candidate files a Statement of Candidacy with the Federal Election Commission on March 1 and gets enough signatures to be on the ballot of the June 6 primary, but the campaign neither raises nor spends more than \$5,000. The candidate is not required to file a Financial Disclosure Statement.

8. The campaign raises more than \$5,000 on February 1 of the election year. The primary is not until August. On May 1, prior to the due date of the Financial Disclosure Statement, the

candidate takes action necessary to withdraw from the race. No Statement is required. (If the candidate waits until May 15 or later to withdraw, a Financial Disclosure Statement would be required.)

Anyone who is unsure whether or when a Statement is due should call the Committee at (202) 225-7103 for advice.

#### **Definitions**

An “*election*” means a general, special, primary, or run-off election, or a convention or caucus of a political party with the authority to nominate a candidate.

The term “*candidate*” for the purposes of the EIGA is the same found in section 301(2) of the Federal Election Campaign Act of 1971. “Candidate” means an individual other than a Member of the House—

“who seeks nomination for election, or election, to Federal office, and for the purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

“(A) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or

“(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000.”

#### **New Officers and Employees**

A new officer or employee of the Legislative Branch must file a FORM B Financial Disclosure Statement within 30 days of assuming the new position if he or she is *hired* at a compensation rate which is at or above the “senior staff” rate (as defined below).

#### **Principal Assistants**

The EIGA requires that every Member office 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 (as defined below) and therefore is required to file a Statement. If a Member does not have an employee paid at or above the senior staff rate, the Member must designate at least one current employee as a “principal assistant” to file a Financial Disclosure Statement. To designate a principal assistant, the Member must send a letter, signed by the Member, to the Clerk of the House which identifies the designee.

An employee, regardless of salary or job title, may be designated as a principal assistant so long as they were employed in the designating Member’s office for more than 60 days in the calendar year covered by the report. New Members (*i.e.*, those who took office in the same calendar year as the filing deadline), however, have no such employees. Thus, the only requirement for a principal assistant to a new Member is that the designated employee must be an employee of the new Member on the date of the filing deadline, or May 15 of the year in which the Statement is due. Principal assistants to new Members must file a FORM B Financial Disclosure Statement (all other principal assistants file a FORM A).

#### **Senior Staff Rate**

The senior staff rate is 120 percent of the minimum pay for Executive Branch GS-15. For 2012, the rate triggering disclosure is \$119,553.60. The rate has remained unchanged from 2011. Any new House officer or employee who is paid at the senior staff rate when he or she begins employment with the House must file a FORM B Financial Disclosure Statement within 30 days of his or her start date.

Annuities paid by the United States as well as payments such as overtime, night differential payments, locality pay adjustments, and student loan repayment are not considered in calculating whether an employee is compensated at or above the senior staff rate.

#### **Exclusions from the Filing Obligation**

The requirement to file FORM B does not apply to individuals who move from one position to another within a House office or receive a pay increase in their current position. Thus, a House employee who receives a promotion or raise that lifts that individual to the senior staff rate need not file FORM B within 30 days of the increase.

The requirement to file FORM B also does not apply to an individual who left a federal government position requiring the filing of a public Financial Disclosure Statement within 30 days prior to assuming a House position. Individuals who need not file for this reason should notify the Clerk in writing in response to any request that a report be submitted.

Employees in either of these categories who are paid at the senior staff rate for 60 days or more during the calendar year will be required to file a FORM A for that calendar year during the next May 15 filing period.

#### **WHERE TO FILE AND NUMBER OF COPIES**

The Financial Disclosure Statement (as well as any amendment of a statement) must be filed

with the Clerk of the House of Representatives, Legislative Resource Center, Room B-106 Cannon House Office Building, Washington, DC 20515-6612. **Candidates** should submit one original, with an original signature, and *two* photocopies of their completed Financial Disclosure Statement. All new **officers and employees**, and those **principal assistants** who are required to file Form B, should submit *one* original, with an original signature, and one photocopy of their completed Statement.

#### TIMELINESS OF FILING

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

Financial Disclosure Statements may NOT be filed with the Legislative Resource Center via facsimile or email.

#### 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. In no event will an extension be granted which authorizes a candidate's report to be filed later than 30 days prior to a primary or general election in which the reporting individual is a candidate.

Extension requests must be made in writing, signed by the filer, directed to the Chairman of the Committee (or to the General Counsel of the Congressional Budget Office, the Library of Congress, Architect of the Capitol, Government Printing Office, or Capitol Police for employees of those agencies), 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**.

Pursuant to the Stop Trading On Congressional Knowledge Act (STOCK Act), the Office of the Clerk is required to post notices of extension on its public Web site.

#### 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 Chairman 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. Neither the waiver request nor the Committee's response will 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.

#### REPORTING PERIOD

The reporting period for a FORM B Financial Disclosure Statement is generally January 1 of the prior calendar year through the current calendar year to a date within 30 days of the date of filing. You may select the period-ending date so long as it is no more than 30 days prior to the date of filing. Thus, if your Statement is due on May 15, 2012, and you file it on April 15, 2012, your reporting period is January 1, 2010 through any date of your choosing between March 16 and April 15, 2012. Once you have determined the period covered, you must state it in the "Period Covered" box at the top of the Preliminary Information page of the form.

Please note that for Schedule IV ("Positions") and Schedule VI ("Compensation in Excess of \$5,000 Paid by One Source"), you are required to provide information for the current year and *two* preceding calendar years. Thus, if you are filing in 2012, you must provide information for these two schedules for 2010, 2011, and 2012 through the date of filing.



### **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 substantially 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 in Legislative Resource Center, B-106 Cannon House Office Building, Washington, DC 20515. The same number of copies 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 report needs 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 under the EIGA.

### **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).

### **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. 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.

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 also 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. In the case of a candidate who was not subsequently elected, the Statement shall remain available for one year after the individual ceases to be a candidate.

#### **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.

## SPECIFIC REPORTING INSTRUCTIONS

### INTRODUCTION

The following sections correspond in order with the sections on FORM B, the Financial Disclosure Statement to be filed by candidates for the House of Representatives and certain new officers, employees and principal assistants of the Legislative Branch. Any filer who is completing a FORM A rather than a FORM B should contact the Clerk for the Instructions governing that form.

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 necessary 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 preliminary information 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 if you did so;
- Recent account 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 received in the current and previous year;
- Annual accounting or other financial reports for any business you own; and
- Any other documents which indicate the gross revenue, income, debt, or loss for the current and 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. **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

In the top left-hand corner of the page, you must indicate the period covered by your report. For FORM B filers, the period covered is January 1 of the prior calendar year to a date within 30 days of filing in the current calendar year. For example, the period covered could read, "January 1, 2011—April 30, 2012."

At the top of the page is a block for your name, telephone number, and filer status. Print your full name and daytime telephone number so that Committee staff will be able to contact you in case questions arise during the review process. Put your name at the top of each subsequent page, including attachments.

Next, check the box indicating your filing status. A new officer or employee should state the name of the Member, committee, or office by which the filer is employed. For Member offices, state the name of the Member, not the district. A candidate should identify the state and district from which election is being sought and the election date. The election specified should be the next primary, run-off, special, or general election (or convention authorized to nominate a candidate) in which you are participating.

In the middle of the page is a series of six preliminary questions. ***You must answer "YES" or "NO" to each of these questions.*** These questions only summarize the actual disclosure requirements. Accordingly, *before you respond to these questions*, you should read the

detailed instructions for each section of the report.

Each of the six 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.

On FORM B, the subjects of the questions (and the corresponding Schedules) are as follows:

Earned income .....	Schedule I
Assets and “unearned” income .....	Schedule II
Liabilities .....	Schedule III
Positions .....	Schedule IV
Agreements .....	Schedule V
Compensation in excess of \$5,000 .....	Schedule VI

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 have 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 II, 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 II 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 Ethics in Government Act (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 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 you should check the box marked “NO.”

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.”

#### **Definition of Dependent Child**

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, INCLUDING HONORARIA

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

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 the recipient 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.” However, you must also disclose the source, type, *and* amount of your spouse’s honoraria that totaled more than \$200 from a single source.

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.
- **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.

### 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 2012) 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 2012, the outside earned income cap for Members and senior staff is \$26,955. Both the senior staff rate and the earned income limit are unchanged from 2011.

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-1.

## SCHEDULE II

### ASSETS AND “UNEARNED” INCOME

You are required to disclose the following on Schedule II:

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 reporting period; and
2. **Unearned income** which exceeds **\$200** during a calendar year during the reporting period.

#### 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 II if it had a value in excess of \$1,000 at the close of the reporting period *or* generated unearned income in excess of \$200 during any year in the reporting period.

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 16 of this booklet.

For examples of how to report interests in real estate, refer to the sample Financial Disclosure Statement beginning at page SF-4.

**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 reporting period in Block B, and disclose the type and amount of income earned by each asset in the account during the reporting period 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 reporting period in Block B, and disclose the type and amount of income earned by each asset in the account during the reporting period 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 and 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 II.

*For examples of how to report retirement accounts, refer to the sample Financial Disclosure Statement beginning at page SF-4.*

**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 and 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 and 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-4.*

**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 16 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-4.*

**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-4.*

**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-4.*

**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 any year 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 any calendar year in 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-4.*

**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 any year in the reporting period 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-4.*

**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 reporting period, 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 any calendar year in the reporting period, even if it was valued at less than \$1,000 at the close of the reporting period 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.

Money market funds are considered cash equivalents and are reported in the same manner that you report bank accounts.

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-4.*

**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 II. 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 in any year during the reporting period. 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-4.*

**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 II.

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 II. On the other hand, where the dividends truly reflect a return on investment, you should report them as "unearned" income on Schedule II. No matter how the dividends are characterized, you must list the value of the business on Schedule II.

**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-4.*

**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 reporting period or generated more than \$200 in income in any year during the reporting period 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 reporting period. 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 in any year 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. ***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 reporting period, check the “Excepted/Blind Trust” column in Block C and indicate the category of value of the income in Block D.

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 reporting period or your share of income from any one source exceeded \$200 in any year during the reporting period.

**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 a 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-4.*

#### **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 does not appear, 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, 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 II

*Please refer to the Sample Financial Disclosure Statement beginning at page SF-1 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 an "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. For example, "Main Street Bank, Peoria, IL."

**Value of Asset** (Block B): Indicate the period-ending 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 11-12 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 reporting period, 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 II. For year-end value, check the "None" column since you no longer held the asset at the end of the reporting period.

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 II. 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 "tax deferred" for type of income 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 in either the current calendar year or preceding calendar year from any one source. Indicate the amount of income by placing an "X" in the column of the appropriate range of income for each year. 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. You may also report the net value separately if you so choose.

#### **Note on Brokerage Statements**

For any part of Schedule II, 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. You must still list each account on Schedule II 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 D for accounts 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 III LIABILITIES**

You must report on Schedule III any debts personally owed by you, your spouse, or your dependent children that exceeded \$10,000 *at any time* during the reporting period (with the exception of credit cards as described below).

#### **Types of Debt That Must Be Disclosed**

There are four different types of debt that must be disclosed: (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 reporting period. You must report these debts at the highest amount owed during the reporting period. Thus, a loan, such as a student loan, which had over \$10,000 in principal due at some point in the reporting period, 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 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 III if the balance exceeded \$10,000 at any point during the reporting period.

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, 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 II.

**3. 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 the last day of the reporting period, regardless of the balance owed on the card at any other point during the reporting period.

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 on December 1, you made an \$11,000 payment. Assuming the end of your reporting period is December 15, you do not have to report the account on Schedule III because you owed only \$9,000 on the card at the end of the reporting period.

Example 2: On December 1<sup>st</sup>, you owed \$8,000 each on your Visa, MasterCard, and American Express charge accounts. Assuming the end of your reporting period is December 15<sup>th</sup>, you do not have to report the balance on any of the cards on Schedule III because the balance on each card was less than \$10,000 at the end of the reporting period.

**4. 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.**

- **Campaign loans.** This includes loans the filer made to the filer's own campaign, if interest is being charged.
- **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.
- 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 the last day of the reporting period:

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

#### Exclusions

You do not have to report the following on Schedule III, 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.
- **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 IV.
- **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 III**

**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, your spouse, or dependent child 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. Failure to provide a date that a liability was incurred is a common error. For revolving charge accounts, please use the last month of the reporting period. 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 types 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, DE”).

**Amount of Liability.** As explained above, for all debts except credit cards, report the liability at the highest value owed during the reporting period. For credit cards, report the category of value owed on the last day of the reporting period if the amount exceeded \$10,000.

**SCHEDULE IV  
POSITIONS**

You must report your nongovernmental positions (whether or not compensated) with organizations held at any time during the current calendar year up to the date of filing, plus the *two* prior calendar years. Note that this is a different reporting period than is used for other Schedules of your Statement. If you no longer hold the position, you may wish to so indicate, but you still must report the position.

Report the title or nature of the position, and the name of the organization. No reporting of any monetary value is required in this part. However, if you receive income over \$200 as a result of holding the position, report that income on Schedule I. Note, however, that in general, Members and reporting officers and employees may not be compensated for serving as an officer or board member of a corporation, association, or other entity.

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 IV any positions:

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

### SCHEDULE V AGREEMENTS

You must report on Schedule V 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. With your **current or former employer**:
  - For a **leave of absence** during your campaign or period of government service.
  - For your continued participation in a **benefit program**, such a life or health insurance, or a pension or profit-sharing plan, from any employer other than the U.S. Government.
  - For 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 V 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**.

### SCHEDULE VI COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE

If you were employed in a position in which you personally performed services for clients in either of the *two* preceding calendar years which generated fees for your employer in excess of \$5,000, you must identify each of those clients. For example, if you were a partner or member (but not an associate) of a law firm, accounting firm, or lobbying firm, you must disclose the clients or customers of your firm to whom you *personally* provided services which generated fees in excess of \$5,000. The clients or customers of a filer who was the sole proprietor of a business or other professional practice must also be disclosed in the same manner.

In identifying the clients or customers, you must provide the name and location (city and state) of the individual or company for which you performed the services. You must also describe the nature of the services generating the compensation. This may be in general terms such as “legal services.” It is not necessary to elaborate further on the type of legal services or to indicate a proceeding to which the services related.

#### Exclusions

You do not have to disclose the following information on Schedule VI:

- Earned income from your employer that you reported on Schedule I.
- Compensation for work you performed for the United States government.
- The amount of the compensation received for your services.
- Information regarding your spouse or dependent children.

In addition, you do not have to disclose the names of clients whose identities are prohibited from disclosure as a result of a:

- State bar rule provision.
- Confidentiality agreement entered into with the client at the time your services were retained.
- Court order.

- Grand jury investigation or other non-public investigation for which there are no public filings.

If you are not disclosing your clients for any of these reasons, you must still check “Yes” to Question VI on the “Preliminary Information” page. You must then indicate on Schedule VI that “certain confidential clients are not reported” and state the specific reason for the nondisclosure (such as a cite to the specific bar rule of the state in which disclosure of client identities is not permitted).

#### **BEFORE FILING**

Before filing, please double check to make certain that the following have been done:

- Each question on the Preliminary Information Page has been answered “YES” or “NO” by marking the appropriate box.
- You have attached the proper, completed schedule for each question to which you answered “YES” on the Preliminary Information Page.
- The Signature and Certification Page has been signed and dated.
- The correct number of forms have been prepared (candidates file an original and *two* photocopies; new employees file an original and *one* photocopy).



**UNITED STATES HOUSE OF REPRESENTATIVES**  
**ETHICS IN GOVERNMENT ACT**  
**FINANCIAL DISCLOSURE STATEMENT — FORM B**

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

James Naismith 785-555-1212  
(Print Full Name) (Daytime Telephone)  
112 Vermont St., Lawrence, KS 66044  
(Complete Address — Office or Home)

Filer Status  Candidate  New 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 for review by 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.	<i>James Naismith</i>	5-15-12

Candidates 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 Official	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).		

**FORM B**  
For use by candidates and new employees

**UNITED STATES HOUSE OF REPRESENTATIVES  
FINANCIAL DISCLOSURE STATEMENT**

Period covered: January 1, 2011 - April 30, 2012

Name: James Naismith Daytime Telephone: 785-555-1212

(Office Use Only)

Filer Status:  Candidate for the House of Representatives  
 New officer or employee

State: KS District: 4 Date of Election: Primary 3-7-12

Employing Office: \_\_\_\_\_

Check if Amendment

A \$200 penalty shall be assessed against any individual who files more than 30 days late.

In all sections, please type or print clearly in blue or black ink.

**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"/>	IV. Did you hold any reportable positions on or before the date of filing in the current calendar year or in the prior two years? If yes, complete and attach Schedule IV.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
II. 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 II.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	V. Did you have any reportable agreement or arrangement with an outside entity? If yes, complete and attach Schedule V.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
III. 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 III.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	VI. Did you receive compensation of more than \$5,000 from a single source in the two prior years? If yes, complete and attach Schedule VI.	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 a 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 (INCLUDING HONORARIA)**

Name **James Naismith** Page **2** of **7**

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 (include date of receipt for honoraria)	Type	Amount	
			Current Year to Filing	Preceding Year
Examples:	XYZ Corporation, Houston, TX	Salary	\$6,300	\$28,450
	First Bank & Trust, Houston, TX	Director's Fee	\$400	\$3,200
	XYZ Trade Association, Chicago, IL (Rec'd December 2)	Honorarium	0	\$1,000
	Harris County, Texas Public Schools	Spouse Salary	NA	NA
	Lawrence Roofing Co., Lawrence KS	Salary	\$40,000	\$140,000
	Kansas City Bank, Kansas City, MO	Director's Fee	\$3,000	\$12,000
	WKCA Radio, Kansas City, MO	Appearance Fee	\$300	—
	State of Kansas	Legislative Pension	\$12,000	\$36,000
	Hallmark, Kansas City, MO	Spouse Salary	N/A	N/A
	Kansas Magazine	Spouse Honorarium	—	\$400

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**SCHEDULE II - ASSETS AND "UNEARNED" INCOME**

Name **James Naismith**

Page **3** of **7**

BLOCK A Asset and/or Income Source	BLOCK B Value of Asset												BLOCK C Type of Income							BLOCK D Amount of Income											
	Indicate value of asset at close of reporting year. If you use a valuation method other than fair market value, please specify the method used.  If an asset was sold during the reporting year and is included only because it generated income, the value should be "None."												Check all columns that apply. For retirement accounts that do not allow you to choose specific investments or that generate tax-deferred income (such as 401(k) plans or IRAs), you may check the "Tax-Deferred" column. <b>Dividends, interest, and capital gains, even if reinvested, must be disclosed as income.</b> Check "None" if the asset generated no income during the reporting period.							For assets for which you checked "Tax-Deferred" in Block C, you may check the "None" column. For all other assets, indicate the category of income by checking the appropriate box below. <b>Dividends, interest, and capital gains, even if reinvested, must be disclosed as income.</b> Check "None" if no income was earned or generated.											
	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)	None	I	II	III	IV	V	VI	VII	VIII	IX	X
SP, Mega Corp. Stock																				Royalties											
DC, Examples: Simon & Schuster																															
JT, 1st Bank of Paducah, KY accounts																															
JT Citibank Accts.																															
Residential Rental Property Topeka, KS																															
Google Stock																															
GE Stock																															
Vanguard Star Fund																															
DC U.S. Savings Bonds																															

For additional assets and unearned income, use next page.





**SCHEDULE III — LIABILITIES**

Name James Naismith Page 6 of 7

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 reporting period. **Exclude:** Any mortgage on your personal residence (unless there is rental income); 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 previous calendar year exceeded \$10,000.

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 Street, Dover, DE				X										
	Bank of America	3/98	Mortgage on Rental Property Tapeka, KS			X											
	JP Morgan Chase	4/2012	Credit Card	X													
SP	Dept of Education	8/90	Student Loans	X													
	Citibank	10/05	Business Loan for the Peanut CPE personally liable				X										
	SunTrust Bank	1/12	Campaign Loan			X											

**SCHEDULE IV — POSITIONS**

Report all positions, compensated or uncompensated, held on or before the date of filing during the current calendar year and in the two prior years 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. **Exclude:** Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as a political party or campaign organization); and positions solely of an honorary nature.

Position	Name of Organization
Trustee	Baker University
Director	Kansas City Bank
Partner	The Peanut
Partner	Naismith Properties
Proprietor	Lawrence Roofing Co.

Use additional sheets if more space is required.

**SCHEDULE V – 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
Vested 2005	Myself + State of Kansas	Legislative Pension Plan Participation

**SCHEDULE VI – COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE**

Report sources of such compensation received by you or your business affiliation for services provided directly by you during the two prior years. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any nonprofit organization if you directly provided the services generating a fee or payment of more than \$5,000. **Exclude:** Payments by the U.S. Government and any information considered confidential as a result of a privileged relationship recognized by law. **Do not repeat information listed on Schedule I.**

Source (Name and Address)	Brief Description of Duties
<i>Example:</i> Doe Jones & Smith, Hometown, Homestate	Accounting services
University of Kansas, Lawrence, KS	Roofing
Smith Tire, Lawrence, KS	Roofing

## 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

### 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 exculpatory 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.



**NOTICE:**

If you have not yet raised (either through contributions or loans from yourself or others) or spent in excess of \$5,000 for your campaign, or if you have withdrawn your candidacy, please complete this Notice and return to the Office of the Clerk at the address below.

Office of the Clerk, U.S. House of Representatives  
Legislative Resource Center  
B-106 Cannon House Office Building  
Washington, D.C. 20515-6601

Dear Madam Clerk:

This is to notify you that I have not yet raised (either through contributions or loans from myself or others) or spent in excess of \$5,000 for my campaign for the U.S. House of Representatives.

I understand that when I do raise or spend in excess of \$5,000 for my campaign, I must file a Financial Disclosure Statement with the Clerk of the House of Representatives according to the deadlines set out on pages 2 and 3 of the Financial Disclosure Instruction booklet, a copy of which has been provided to me by the Clerk.

Name: \_\_\_\_\_  
(Please print or type)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

State: \_\_\_\_\_ District: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Or

This is to notify you that under the laws of the state of \_\_\_\_\_, I withdrew my candidacy for the U.S. House of Representatives on \_\_\_\_\_. [NOTE: If your Financial Disclosure Statement was due *before* the date on which you withdrew from the race, you still must file a Financial Disclosure Statement with the House.]

Name: \_\_\_\_\_  
(Please print or type)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

State: \_\_\_\_\_ District: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_