

**INSTRUCTION  
GUIDE FOR COMPLETING  
CALENDAR YEAR 2009  
FINANCIAL DISCLOSURE STATEMENT  
FORM A**

FOR USE BY

**MEMBERS, OFFICERS, AND CERTAIN EMPLOYEES  
OF THE LEGISLATIVE BRANCH**

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

U.S. HOUSE OF REPRESENTATIVES



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# **IMPORTANT: SEE COMPLETED SAMPLE DISCLOSURE FORM IMMEDIATELY FOLLOWING THESE INSTRUCTIONS**

## **GENERAL INFORMATION**

### **INTRODUCTION**

Title I of the Ethics in Government Act of 1978, as amended (5 U.S.C. app. 4, § 101 et seq.) 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 Standards of Official Conduct, which administers the statute in the House, has prepared these instructions to assist filers of **FORM A**, for use by Members and certain current officers and employees of the Legislative Branch, as well as terminated Members and employees. **A sample completed form is printed immediately following these instructions.**

The instructions for completing a FORM B Statement (for use by candidates and new employees) are contained in a separate booklet. Form B filers should contact the Clerk of the House to obtain the instruction booklet for completing that form.

Any filer having questions concerning the reporting requirements or on how to fill out the Financial Disclosure Statement should call or write the Committee on Standards of Official Conduct, Suite HT-2, The Capitol, Washington, D.C. 20515-6328, (202) 225-7103. The Committee can also supply extra copies of the forms. **The Committee strongly encourages filers to use the financial disclosure software for completing the form. This software can be downloaded by visiting the Committee's Web site at <http://ethics.house.gov> and clicking on the "Financial Disclosure" link.**

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 an advisory opinion should be sought from the Committee.*

Those who wish 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 <http://ethics.house.gov>. Copies of the Committee's *Rules* will also be provided upon request.

### **WHO MUST FILE AND WHEN**

The following individuals are required by the Act to file Financial Disclosure Statements on **FORM A**:

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

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

**Officers and Employees of the Legislative Branch:** Each individual compensated at or above 120 percent of the minimum pay for Executive Branch GS-15 (the "senior staff" rate) for at least 60 days in a calendar year must file a Financial Disclosure Statement on or before May 15 of the succeeding calendar year, even if no longer paid at the senior staff rate. The rate triggering disclosure was \$117,787 in 2009. (The 2010 threshold is \$119,553.60). The Committee on Standards of Official Conduct can verify the rate for other years. 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. As a general rule, "lump sum payments" will not be considered in calculating an employee's compensation for reporting purposes. (But see the Committee's advisory memorandum of October 15, 1999 regarding inappropriate use of lump sum payments to avoid financial disclosure requirements.) **However, temporary increases in pay that are effective for at least 60 days in a year will trigger the filing requirement. This includes year-end or other bonuses that are paid in two or more pay periods.**

In addition to the House of Representatives, these Instructions cover employees of the following Legislative Branch agencies: the Congressional Budget Office, Library of Congress, Architect of the Capitol, United States Botanic Garden, Government Printing Office, the Office

of Compliance, and other legislative agencies or commissions established in an odd numbered year, unless otherwise provided by law.

**Principal Assistants:** A Member is required to designate at least one current employee as a principal assistant to file a Financial Disclosure Statement if the Member does not have an employee paid at or above the senior staff rate. Except in the case of a new Member, an employee who has been designated as a principal assistant must have been employed in the Member's office for more than 60 days in the calendar year covered by the report. Thus, at least one individual who was an employee in the Member's office for more than 60 days in the year covered by the report (either an employee paid at or above the senior staff rate or principal assistant) must file a Financial Disclosure Statement by May 15. (See Appendix B, Interpretive Ruling No. 1.)

The Clerk of the House will notify those Members who are required to designate a principal assistant. The Act is silent regarding the position in the Member's office that such an employee should hold. This is an area in which the employing Member has broad discretion. As the Committee first stated in its 1969 financial disclosure instructions, the designated individual will usually be an employee whose relationship with the Member permits the person, under some circumstances, to act in the Member's name or with the Member's authority. A Member is also free to require more than one individual to file a Financial Disclosure Statement.

**Termination Filers:** Most Members, officers, and employees who are otherwise required to file Financial Disclosure Statements but terminate employment with the government must file termination reports within 30 days of leaving. A termination report submitted after the May 15 Financial Disclosure Statement has been filed must cover the calendar year in which termination occurs through the date of termination. If a May 15 report has not been filed, the termination report must cover both the calendar year in which termination occurs and the preceding calendar year.

No termination report need be filed by an individual who, within 30 days of leaving House employment, assumes another federal government position requiring the filing of a *public* Financial Disclosure Statement. A requirement to file a confidential financial disclosure statement will not excuse the filing of a termination report. ***A filer who has assumed a new position with a public Financial Disclosure reporting requirement should notify the Clerk of the House in writing of the new position.***

An individual who files only because he or she has been designated as a principal assistant, ra-

ther than because of pay level, does not have to file a termination report (unless the individual was principal assistant of a Member leaving Congress). A new principal assistant must be designated in the individual's place. A termination report does not satisfy the requirement that at least one person in each Member's office besides the Member must file annually.

### Tools to Complete the Form

The following documents may help to provide the information necessary for completing the form:

- A copy of the Financial Disclosure Statement you filed last year (for a new Member, this would be the Statement filed as a candidate);
- For any securities accounts you have, including any retirement accounts that hold securities, account statements covering all of the previous year;
- For your bank accounts that pay interest, and any other kinds of retirement accounts that you have, the previous year's end-of-year statements;
- Tax forms (W-2s or 1099s) or pay stubs for any outside earned income you or your spouse received in the previous year;
- If you own a business, a copy of the accountant's annual report for the previous year;
- For other kinds of investments, income, or liabilities you have, for example, rental property, documents indicating the gross revenue, income, debt, or loss for the previous year.

### 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, D.C. 20515-6612. Members should submit one original, with an original signature, and two copies of their completed Financial Disclosure Statement. Officers and employees should submit one original and one copy.

### 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 shall be the next business day.

Financial Disclosure Statements may NOT be filed with the Legislative Resource Center via facsimile machine. Financial Disclosure Statements are frankable.

## Extensions

Prior to the date on which a Financial Disclosure Statement or a required amendment is due, the Committee on Standards of Official Conduct 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.

Extension requests must be made in writing, signed by the filer, directed to the Chair of the Committee on Standards of Official Conduct (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 both the reason for and the length of the extension requested. Any such request must be *received* by 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 facsimile machine. The Committee fax number for financial disclosure matters is (202) 225-3713.

## 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 on Standards of Official Conduct from taking other action authorized by law and Rules of the House of Representatives.

The Committee has authority to waive the fee, but only in extraordinary circumstances. Waiver requests must be directed in writing to the Chair of the Committee, must be signed by the filer, and must state the circumstances believed to justify the waiver.

Any late report that is submitted without a required late filing fee shall be deemed procedurally deficient and not properly filed.

## REPORTING PERIOD

A FORM A Financial Disclosure Statement must include information for the entire preceding calendar year, unless otherwise indicated. However, new Members need not disclose gifts received or travel occurring before they became a Member.

A termination report submitted after the May 15 Financial Disclosure Statement has been filed

must cover the calendar year in which termination occurs through the date of termination. If a May 15 report has not been filed, then the termination report must cover *both* the calendar year in which termination occurs through the termination date and the preceding calendar year.

## CALCULATING VALUE

Certain financial interests must be disclosed by exact dollar amount; for other interests a category of value will suffice. The following items must be disclosed by exact dollar amount: The filer's earned income from all sources; payments in lieu of honoraria made to charity; honoraria received by the filer's spouse; and gifts.

The Act defines "value" as "a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual." It is not necessary that property be appraised to ascertain its value. A good faith estimate may be based on such information as recent sales of comparable property. Alternatively, you may use a tax assessment (adjusted to reflect 100 percent valuation), or exact purchase price and date of purchase. *However*, in these cases, you must list the exact value and describe the method of valuation, rather than merely checking a category of value.

The law requires that you report the gross value of your holdings, not the net. Thus, a mortgage on rental property would not be taken into consideration when reporting its value. The mortgage would, however, be shown as a liability on Schedule V.

Wherever a category of value is required, boxes are provided so that you merely need to check the correct amount. In any instance where the Act calls for a category of value, you may indicate an exact dollar amount if you so desire.

For any part of the report, a computer print-out such as a brokerage statement may be attached in lieu of using the form. Any such attachment must include all the information required by the Form, and you should state on the face of the Form "See Attachment" or similar language. Number each page of the attachment. You should redact or delete from the attachment any confidential information, such as your brokerage account or Social Security numbers, as the attachment will be publicly disclosed. Such alterations must be made *before* your Statement is filed with the Clerk.

## SPOUSE AND DEPENDENT DISCLOSURE

You are required to include on the Financial Disclosure Statement information concerning your spouse and dependent children, as described below:

**Earned income:** You must report only the source, not the amount, of a spouse's earned income; however, for honoraria paid to a spouse, show the source *and* amount. Neither the source nor amount of a dependent child's earned income need be reported.

**Assets, unearned income, transactions, and liabilities:** Generally, you must report as much information about your spouse's and dependent children's holdings, unearned income, transactions, and liabilities as you would about your own. In listing information, you may indicate that a financial interest belongs to a spouse or dependent child or is jointly held by marking "SP" for spouse, "DC" for dependent child, or "JT" for jointly held in the column reserved for that purpose.

If your spouse or dependent child has income, assets, or liabilities *not* held jointly with you, and if the amount or value category is more than \$5,000,000, the statute permits you to disclose the value as "over \$1,000,000." In those circumstances the category "\$1,000,000-\$5,000,000" may be checked, although you must then indicate that the particular income, asset or liability is that of your spouse or dependent child by marking "SP" or "DC" in the appropriate column.

Where you, your spouse, and dependent child hold identical interests, you may combine them and report them as one line item. For example, you need not list separately all accounts at the same bank, or separate holdings of the same stock.

**Gifts, travel, and reimbursements:** You must report any items received by your spouse or dependent child from a non-relative that meet the reporting requirements of the Ethics in Government Act *unless* circumstances indicate that the gift was totally independent of the recipient's relationship to you as a Member, officer, or employee of the Legislative Branch. That is, if your spouse or child receives something *because* he or she is your spouse or child, you must disclose that gift. On the other hand, if it is apparent that the item would have been offered regardless of the individual's relationship to you as an official, then it need not be disclosed.

**Positions and Agreements:** In these categories, no information is required regarding your spouse or dependent child.

\* \* \*

**Exclusions:** In rare circumstances, you may be permitted to exclude information pertaining to a spouse's finances. You may only exclude an item if (1) you do not specifically know what it is; (2) you in no way contributed towards it; *and* (3) you do not, and do not expect to, benefit from it. These criteria are explained in detail in the Specific Instructions at pages 7-8 of this booklet. Even if you meet these criteria, you must indicate that you are excluding information by answering "YES" to the "Exemption" question on page 1 of the Statement

You are not required to disclose financial information about a spouse from whom you have separated with the intention of terminating the marriage or providing for a permanent separation. In addition, no reporting is required with respect to any income or obligations arising from the dissolution of a marriage or the permanent separation from a spouse. If you exclude information because of a separation or marital dissolution, you may still answer "NO" to the "Exemption" question on page 1.

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.

## COMMITTEE REVIEW

The Committee on Standards of Official Conduct (or its designee) 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 a possible problem, then you will be notified of the additional information believed to be required, or of the law or rule with which you do not appear to be in compliance.

If you concur with the Committee, then you should file an amendment to the Financial Disclosure Statement with the Legislative Resource Center. 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, corrected pages of a Statement, or an explanatory letter addressed to the Clerk.

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 Act 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 Act.

### **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**

The Ethics in Government Act of 1978, as amended, 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 fails to file or report any information required by the Act (5 U.S.C. app. 4, § 104).

In addition, 18 U.S.C. § 1001, as amended by the False Statements Accountability Act of 1996, is applicable here. That criminal statute, as here relevant, 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 Ethics in Government Act.

House Rule 26 provides that title I of the Ethics in Government Act of 1978 shall be deemed to be a Rule of the House insofar as the law pertains to Members, officers, and employees. The House, acting on the recommendation of the Committee on Standards of Official Conduct, may therefore impose penalties on Members, officers, and employees in addition to those noted above.

### **PUBLIC ACCESS**

The Clerk of the House of Representatives will make Financial Disclosure Statements available for public inspection within 30 days of filing (or within 30 days of May 15 for reports due by that date). The Clerk is also 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, an-

nual reports filed by Members must be compiled into a public document by August 1 of each year.

In addition, pursuant to the Honest Leadership and Open Government Act of 2007, the Clerk is now also required to post on the public Web site of the Office of the Clerk copies of all Member Financial Disclosure Statements. Specifically, the Clerk is required, not later than August 1, 2010, to post on its public Web site all such statements that the Clerk receives by June 1, 2010. Thereafter, the Clerk shall post all subsequently filed statements not later than the end of each 45-day period following the initial public posting. See § 304, Pub. L. 110-81, 121 Stat. 735, 752 (Sept. 14, 2007).

Statements filed with the Clerk are made available for public inspection in the Legislative Resource Center, Room B-106 Cannon House Office Building, Washington, D.C. 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) 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 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. 5 U.S.C. app. 4, § 105(b).

All Financial Disclosure Statements shall be made available for public inspection for six years after receipt, except that 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. 5 U.S.C. app. 4, § 105(d).

### **UNLAWFUL USE**

It is illegal for any person to obtain or use a Financial Disclosure Statement: (1) for any unlawful purpose; (2) for any commercial purpose, other than by news and communications media for dissemination to the general public; (3) for determining or establishing the credit rating of any individual; or (4) for 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 \$11,000. 5 U.S.C. app. 4, § 105(c).



# SPECIFIC REPORTING INSTRUCTIONS

## INTRODUCTION

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

The basic statutory requirement is printed in bold at the beginning of each section of these Instructions, followed by more detailed guidance. While the statute often uses "calendar year" or "preceding calendar year" to describe the period for which information must be disclosed, filers of termination reports on FORM A may be required to include information for other periods of time, as discussed on page 3 of these Instructions.

Examples are provided throughout the Instructions, on the Statements themselves, 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; they are not intended to place additional requirements on you.

The forms are perforated along the left edge. They should be separated and only the signature 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 black ink. If you have nothing to report on a schedule, be certain to mark the appropriate "NO" box on the first page. If you mark a "NO" box, do not file the corresponding schedule.

## SIGNATURE AND CERTIFICATION

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, as the filer, must also 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 civil penalties pursuant to 5 U.S.C. app. 4, § 104, and criminal sanctions under 18 U.S.C. § 1001.

## PRELIMINARY INFORMATION

At the top of the first page is a block for your name, telephone number, filer status, and report type. Print your full name and daytime/office telephone number so that Committee staff will be able to contact 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 filer status. A Member should identify the state and congressional district represented. An officer or employee should state the name of the Member, committee, or office by which the filer is employed.

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

Next, you will see in the middle of the page a series of nine preliminary questions. **You must answer "YES" or "NO" to each of these questions.** These questions necessarily summarize the actual requirements. Accordingly, *before you respond to these questions*, you should read the detailed instructions contained in this booklet.

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

On FORM A, the subjects of the questions (and the corresponding schedules) are as follows:

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

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

## EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION

In this section on the lower portion of page 1, there are two questions you must answer "YES" or "NO" by checking the appropriate boxes. If either of these questions is not answered, the Statement may be deemed deficient.

### Trust Disclosure

*Details regarding "Qualified Blind Trusts" approved by the Committee on Standards of Official Conduct 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 information not only about your own assets and income, but also those of your spouse and dependent children. This includes assets of a trust in which you, your spouse, or a dependent child has a beneficial interest. If you and your family members have no trusts, or if your Statement fully discloses any trust assets, check the box marked "NO."

If you have an excepted trust, qualified blind trust, or qualified diversified trust, as described below, you need not disclose its assets, but you must then check "YES" in response to the "Trust" question on page 1. You must still disclose the value and income of the trust on Schedule III.

There are three circumstances where disclosure of trust assets is not required. The first is for trusts termed "excepted trusts" that meet the following criteria: (1) The trust was not created directly by you, your spouse, or any dependent; and (2) None of you has specific knowledge of the holdings or sources of income of the trust. For these types of trusts, filers must indicate the general type of holdings to the extent known and report the income of the trust (but not its total value) on Schedule III.

The second exception from disclosure of trust assets is for trusts which are "qualified blind trusts" as defined in the Ethics in Government Act (5 U.S.C. app. 4, § 102(f)(3)). In summary, such a trust must meet the following requirements: (1) the trustee is an independent financial institution, lawyer, certified public accountant, broker, or investment adviser; (2) there are no restrictions on the disposition of the trust assets unless such restrictions are expressly approved by the Committee on Standards of Official Conduct; (3) the trust instrument restricts communications between the trustee and interested parties sufficiently to avoid disclosure of assets; and (4) the proposed trust instrument and the name of the trustee have been submitted to and

approved in writing by the Committee. For these types of trusts, you must disclose the aggregate income attributed to you, your spouse, and dependent children on Schedule III. The total value of the trust must also be disclosed on Schedule III for all qualified blind trusts established after July 24, 1995.

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 Ethics in Government Act itself should be consulted for the specific requirements concerning a qualified blind trust (see Appendix A, pages A-6 through A-9).

The third exception from disclosure of trust assets is for a "qualified diversified trust" as described in the Ethics in Government Act (5 U.S.C. app. 4, § 102(f)(4)(B)). Because you must give up almost total control of your finances, the use of such a financial arrangement is rare. A qualified diversified trust created for the benefit of you, your spouse, or a dependent child must consist of a well-diversified portfolio of readily marketable securities. None of the assets may consist of securities of entities having substantial activities in the area of your primary responsibility. The trust instrument must prohibit the trustee from making public or informing any interested party of the sale of any securities. The trustee must be given power of attorney to prepare your personal income tax returns and similar documents which may contain information relating to the trust. As with a qualified blind trust, the trustee and trust instrument must be approved in advance and in writing by the Committee on Standards of Official Conduct.

### Spouse and Dependent Disclosure Exemption

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

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 confer with the staff of the Committee on Standards of Official Conduct before claiming the exemption.* If you have included all information regarding the finances of a spouse or

child, or if you have no spouse or child, then the box marked "NO" should be checked.

You may omit disclosure of certain financial interests and liabilities of a spouse or dependent child only if *all three* of the following criteria are met: (1) the item is the sole financial interest or responsibility of your spouse or dependent child and you have no specific knowledge of the item; (2) the item was 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 item. 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.

## SCHEDULE I

### EARNED INCOME

*The source, type, and amount or value of [earned] income . . . 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 . . .*  
[5 U.S.C. app. 4, § 102(a)(1)(A)]

*The source of items of earned income earned by a spouse from any person which exceeds \$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.* [5 U.S.C. app. 4, § 102(e)(1)(A)]

#### Explanation

The term "income," as defined in the Act, is intended to be comprehensive. For reporting purposes, "income" is divided into two categories, "earned" income and "unearned" income.

Earned income refers to earnings from employment or compensation for personal efforts. Such income, when it totals \$200 or more from any one source, must be disclosed on Schedule I. You must indicate any earned income (other than income from your current U.S. government employment) received in the preceding calendar year.

Pension and retirement payments must be disclosed here, except for income from U.S. government retirement programs and benefits received under the Social Security Act. You must also report on Schedule I benefit 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 that the business be named. For example, on Schedule I, an accountant would report his or her 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.

**Spouse and Children.** Except for honoraria, disclose only the source and type of your spouse's earned income, not the amount. Disclose each source that paid more than \$1,000, including the federal government. The one exception is for honoraria, where you must disclose the source *and* amount of any fees paid to your spouse for speeches, appearances, or articles. You do not need to disclose any information regarding the earned income of a dependent child.

**Income Cap.** The outside earned income of Members of the House has been limited for a number of years. Beginning with calendar year 1991, all Members, officers, and employees paid at or above the "senior staff" rate (\$117,787 in 2009) for more than 90 days in a calendar year became subject to an annual earned income limit of 15 percent of the Executive Level II salary. For calendar year 2009, the earned income cap for Members and senior staff was \$26,550. For calendar year 2010 the senior staff rate has increased to \$119,553.60, but the outside earned income cap has remained at \$26,550. Contact the Committee on Standards of Official Conduct for information on the limit in other years. Where a Member or senior employee inadvertently receives earned income in excess of the cap, he or she may be permitted to donate the excess to a qualified charitable organization, subject to certain conditions. You must still disclose the income, but indicate that it was donated to charity.

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 earned income limit. Nonetheless, such income must be reported on the Financial Disclosure Statement. You may wish to note parenthetically that such income is for services rendered prior to House employment.

**Fiduciary Limits.** Regardless of whether the outside earned income cap has been reached, certain compensated professional activities are barred for Members, officers, and those employees earning at or above the senior staff rate for more than 90 days in a calendar year. If you fall into one of these categories, you may not receive compensation for providing professional services involving a fiduciary relationship, or for being employed by an organization that provides such services. Further, you may not be compensated for serving as an officer or member of the board of any association, corporation, or other entity (including charitable or political organizations, or family businesses). Finally, you may not teach for compensation without prior written ap-

proval of the Committee on Standards of Official Conduct.

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

### Exclusions

Income of the filer from current U.S. government employment (including military pay such as from the National Guard or Reserve), federal retirement programs, and benefits received under the Social Security Act need not be disclosed. Life insurance proceeds need not be shown. Except for honoraria, report only the source (including U.S. government employment) and type, but not the amount, of a spouse's earned income which exceeds \$1,000. Earned income of a dependent child need not be reported.

### Definitions

The term "*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) . . ."

The term "*honorarium*" means a payment of money or any thing of value for an appearance, speech, or article, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed.

## SCHEDULE II

### PAYMENTS MADE TO CHARITY IN LIEU OF HONORARIA

*[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. [5 U.S.C. app. 4, § 102(a)(1)(A)]*

Since 1991, Members, officers, and employees of the House of Representatives have been prohibited by both federal law and House rules from receiving honoraria. (An exception to the honoraria prohibition for employees paid below the "senior staff" level in certain circumstances was approved in the 106<sup>th</sup> Congress; see House Rule 25, clause 1(a)(2).) Honoraria are payments for speeches, appearances, and articles.

Even under this prohibition, payments in lieu of honoraria may be made to qualified charities by sponsors of speeches, appearances, and articles. Such payments must be made directly by the sponsor of an event to the charity; the Member, officer, or employee may not serve as intermediary. The maximum that may be directed to charity for any one speech, appearance, or article is limited by statute to \$2,000, and no payment may be made to an organization from which the Member, officer, or employee, or a parent, sibling, spouse, child, or dependent relative of that individual derives any financial benefit.

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

The House gift rule (House Rule 25, clause 5) imposes an additional requirement regarding the reporting of charitable contributions in lieu of honoraria. The rule provides that where the charitable contribution is made by a registered lobbyist or an agent of a foreign principal (under the Foreign Agents Registration Act), the House Member, officer, or employee who recommended or designated the recipient charity must file a report with the Clerk of the House within 30 days. This reporting requirement—which applies *only* where the donor is a registered lobbyist or foreign agent—is *in addition* to the requirement for the reporting of payments on Financial Disclosure Statements. The text of the gift rule appears as Appendix C, and the provision that addresses charitable contributions in lieu of honoraria is clause 5(d)(2) of House Rule 25.

### Confidential Report of Recipient Charities

A FORM A filer who knows that a payment has been made to charity on account of a speech, appearance, or article must report that fact on Schedule II, even though the sponsor of the event made the donation directly. You need not identify the recipient charities on the Statement itself. However, the Act requires that you simultaneously submit to the Committee on Standards of Official Conduct a confidential list of the charities receiving the payments, including the dates and amounts of such payments.

Where a payment is to be made by a registered lobbyist or foreign agent at the request of a House Member, officer, or employee, the reporting requirement of the gift rule summarized above *also* applies. The information required to be reported under the gift rule includes identification of the recipient charity. Any charity identi-

fied on a gift rule report should also be identified on either Schedule II or the confidential list of charities submitted to the Committee.

The Committee has not prepared a separate form for the reporting of charities that received payments in lieu of honoraria. Instead, you are free to use any format that is compatible with your personal record-keeping. The report should include your name, the year, the names of each charity known to have received payments because of speeches, appearances, and articles, the amount, the entity making the payment to charity, and the date of the event or the date the payment was made or requested (the same date as on the public Statement).

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

The Committee has included in each Member's filing package a green envelope to use for submitting the confidential report. Officers and employees may obtain envelopes upon request or use their own envelopes. Indicate on the envelope your name and state and district (if a Member) or employing office (if an officer or employee). After enclosing the confidential report, seal the envelope and send it directly to the Committee on Standards of Official Conduct, Room H2-508, Ford House Office Building, Washington, D.C. 20515. The Committee will retain the envelope in its files. It will be unsealed only if the Committee determines that examination of the information is essential to an investigation by the Committee.

## SCHEDULE III

### ASSETS AND "UNEARNED" INCOME

*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. [5 U.S.C. app. 4, § 102(a)(3)]*

*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 . . . category the amount or value of such item of income is within. [5 U.S.C. app. 4, § 102(a)(1)(B)]*

*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. [5 U.S.C. app. 4, § 102(a)(8)]*

#### Explanation

"Unearned" income consists of rents, royalties, dividends, interest, capital gains, and similar amounts received as a return on investment. FORM A filers must disclose the following on Schedule III:

- (1) Real and personal property held for investment or production of income and valued at more than \$1,000 at the close of the reporting period, together with the category value of the asset; or
- (2) Any asset that generated income of more than \$200 during the reporting period, together with its category of value.

Filers must also include the type (dividends, rent, interest, etc.) and amount of income derived from for assets that meet either of these reporting thresholds in Blocks C and D, respectively. *Do not leave these blocks blank. If a reportable asset did not generate any income during the calendar year, you must check the "None" box.*

FORM A filers must also indicate in the "Transaction" column (Block E) if they had purchases, sales, or exchanges totaling over \$1,000 in any asset during the reporting period. **Any transaction (or series of transactions involving the same asset) indicated in Block E of Schedule III must also be listed on Schedule IV.** Be sure to use the same asset name on your Schedule III and IV entries.

You need not disclose personal property that is not principally held for investment or the production of income (e.g., household furniture, automobiles, jewelry, and artwork). Thus, a

painting held in your home for your enjoyment does not have to be listed unless the painting was sold during the reporting period and generated more than \$200 in profit. If you are in the business of buying and selling paintings for profit, however, you must disclose the paintings and their category of value under "Assets." Other items you need *not* report include checking accounts that do not pay interest, the cash value of (or income from) a life insurance policy, and interests in federal retirement programs (e.g., the Thrift Savings Plan).

Real property is treated in the same manner as personal property. You must report only real property held in a trade or business, for investment, or for the production of income. You need not 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 house, 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. For information on real estate holding companies, see page 15 of this booklet.

Reportable items include the gross value of business interests, stocks and bonds, real estate, savings accounts, private retirement accounts (e.g., IRAs and 401(k)s), education savings accounts (529s), trust assets, loans to others (except to your spouse, or to your or your spouse's parent, brother, sister, or child), and any other investment or income-producing property. Reportable holdings also include interests in property which are less than outright ownership, such as a life estate or a remainder interest, but only if the interests are vested (i.e., the interests are not contingent).

***Each asset held during the calendar year must be listed if its value at the close of the reporting period was greater than \$1,000, or if it generated more than \$200 in income during the reporting period.*** If the property is no longer worth more than \$1,000 to you because all or part of it was sold during the year, then any sale valued at more than \$1,000 must be reported as a "Transaction" on Schedule IV.

Columns are included in the "Value" portion of the form to indicate that an asset was worth less than \$1,001 to you or had no value to you at the end of the reporting period. This might be the case, for example, if an asset that generated more than \$200 in income during the reporting period was sold or was no longer worth more than \$1,000. If the asset declined in value to below the \$1,000 threshold and did not generate more than \$200 in income, it need not be reported.

You need not disclose your personal account number for any holding.

### Reporting Particular Holdings

**Securities.** Stocks, bonds (including savings bonds), stock options, and other securities held by you, your spouse, or a dependent child, as well as income from those securities, must be reported in accordance with the requirements summarized above. You must disclose each security held in your portfolio that meets the asset or income threshold. If securities are held through an investment firm, the firm will normally provide periodic statements from which you may obtain the information required to be disclosed regarding each holding. Write out the name of the company or security; do not use stock trading symbols.

For options, list the value of the options contract. If the value is not known, list the specific stock name, the number of shares, the purchase price under the option and the date on which the option will expire.

While you must identify the issuing authority, you need not include such information as the number of shares, maturity date, or interest rate. *However, for securities that are not publicly traded, you must also provide a description of the issuer's trade or business and geographic location, since this information is not listed in investment manuals.* If you own different types of securities 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.

**Mutual Funds and Similar Investments.** You need not disclose specific stocks held in a widely diversified investment trust or mutual fund, as long as (1) the holdings of the trust or fund are a matter of public record (or the fund is publicly traded) 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.

Disclose the *full name* of the trust or mutual fund. For example, you would list "Fidelity Magellan Fund" or "Janus 20 Fund." Listing "Fidelity funds" or "mutual funds" would be insufficient since the specific investment would not be identified. The category of value of the interest held, and the type and amount of any income, even if reinvested, must also be disclosed.

**Family Partnerships and Investment Clubs.** Where you, your spouse, or a dependent child has an interest in a corporation or partnership (including a family partnership) that is not actively engaged in a trade or business, but instead is operated for investment purposes, you must also separately list each asset held through the partnership or corporation where your interest (or that of your spouse or dependent child) in any particular asset exceeds \$1,000, or your share of income from any one source exceeds \$200. Similarly, 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 exceeds \$1,000, or your share of income from any one source exceeds \$200. Your share of transactions exceeding \$1,000 should also be disclosed on Schedule IV.

**Bank Accounts.** Interest-bearing checking or savings accounts held by you, your spouse, or a dependent child must be reported only if their total value exceeds \$5,000 as of the end of the reporting period. If the total does exceed \$5,000, list each institution holding accounts worth more than \$1,000. If no single institution holds more than \$1,000, you need not report any bank accounts. Bank accounts that do not pay interest are *excluded* in making these calculations.

Thus, the \$5,000 threshold does *not* mean that any account of less than \$5,001 need not be reported. Instead, all interest-bearing personal savings accounts of you, your spouse, and dependent children at all institutions should be added together; if the total value at the end of the reporting period is more than \$5,000, then you must report each institution holding accounts valued at more than \$1,000. You must also report any account that generated more than \$200 in interest in the year, even if it was valued at less than \$1,001 at the close of the reporting period, and even if 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 ac-

counts, passbook and other savings accounts, money market accounts, NOW accounts, certificates of deposit, and IRAs held in the form of savings accounts or CDs.

Report money market brokerage and similar accounts that function as bank accounts in the same way that you report bank accounts. Thus, you need not report each deposit or withdrawal over \$1,000 even though these transactions may technically be purchases and sales of shares in the account.

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

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.

**IRAs, Pension Programs, and Other Retirement Accounts.** While the law explicitly exempts from reporting financial interests in U.S. Government retirement programs, including the Thrift Savings Plan, there is no such exemption for other types of retirement programs. Thus, the assets held in non-federal retirement programs (including state government programs), Individual Retirement Accounts (IRAs), annuities, and Keogh plans must be reported. The reporting requirements for retirement accounts differ depending on whether or not the account is "self-directed," i.e., whether you have the power to direct the investments in your account.

*If you have the power to direct your investments* (as is the case with most such plans), you must provide information about specific holdings of the account in the same detail as non-retirement assets and income. That is, you must list each of the assets held by the account (i.e., the specific stocks, mutual funds, or other assets in which your money is invested within the account), the value of each of those individual holdings at the end of the reporting period, and the amount of income earned by each asset in the account during the reporting period. You must report the income earned even if it was simply reinvested in the account, and even though it may not be subject to federal taxation. However, you are 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 value of the assets held in the plan.

You must provide this level of disclosure if you have the authority to change or direct your investments, even if you did not exercise that power during the reporting period. **All IRAs are self-directed.**

*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. "NA" may be indicated for type and amount of income *only* 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; if you believe your account may be of this type, you are encouraged to contact the Committee prior to filing.

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

**Education Savings Accounts.** For education savings accounts (529s), follow the instructions for IRAs listed above. You must list such accounts when they are in the name of, or for the benefit of, yourself, your spouse, or your children.

**Interest in an Active Business.** If you, your spouse, or a dependent child has an interest in a proprietorship, partnership, or corporation that is actively engaged in a trade or business, state the name of the trade or business, the nature of its activities, and its city and state in Block A of Schedule III. It is not necessary to provide an itemized list of the assets of the business. For example, you need only list the total value of your interest in an accounting firm, not such items as "office equipment."

**S Corporations.** State the name of the corporation, describe the nature of its activities, and state its geographic location (city and state) in Block A of Schedule III.

Under the Internal Revenue Code, a small business may elect to have its income taxed directly to its shareholders even though it is incorporated for liability purposes. This income is passed through to shareholders in the form of dividends. However, particularly in the case of personal service businesses, dividends may actually reflect the value of work performed by the recipient. Where your personal services generate significant income for the business, you should



report the payments on Schedule I as earned income, rather than as "unearned" income on Schedule III. On the other hand, where the dividends truly reflect a return on investment, you should report them as "unearned" income on the appropriate schedule. No matter how the dividends are characterized, you must list the value of the business on Schedule III.

**Limited Partnerships.** Limited partnerships are entities which possess attributes of both corporations and regular partnerships. The liability of limited partners is limited to the amount invested, but income and losses flow directly to the partners. In Block A of Schedule III, you must state the name of the limited partnership, describe the nature of its activities, and state its geographic location. Regarding a limited partnership formed to purchase real estate, see the Column-by-Column instructions below for Block A. If the partnership is not actively engaged in trade or business, refer to the instructions on Family Partnerships and Investment Clubs at page 12, above.)

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 lines 1 through 7, 19, and 20 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.

**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 if interest is being charged.

**Holdings in Trust or Other Financial Arrangements.** If you, your spouse, or a dependent child receives income from or has a beneficial interest in principal or income in a trust or other 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 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. For example, if you had a one-fifth interest, 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 has a value in excess of \$1,000, and indicate your percentage interest in the trust or other financial arrangement. 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 certain circumstances, detailed earlier in these Instructions at page 7, disclosure of trust assets may not be required. In those instances, you must nonetheless disclose the name of the trust and the category of value of the "unearned" income received from the trust. (The total value of the holdings of the trust need not be disclosed except for qualified blind trusts established after July 24, 1995.) In addition, if you do not disclose the holdings of a trust because the trust is a qualified blind trust or meets the other standards for exemption, you must so indicate on the front page of the Financial Disclosure Statement by answering "YES" to the "Trusts" exemption question near the bottom of the page.

**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. If you own a variable life insurance policy, which can be invested at the discretion of the owner into a variety of investment products, you must disclose the name of the insurance company, the type of policy, and the identity of each investment you have selected. You must then separately provide the year-end category of value and income generated, if any, for each specific investment. For whole life or universal 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. There is no requirement to disclose a term life insurance policy.

### **Asset Comparison on Successive Filings**

As part of its review, the Committee on Standards of Official Conduct (or its designee) compares the assets listed on a filer's previous Financial Disclosure Statement with those reported on the current year's. If an asset appears for the first time, or if a previously reported asset is no longer disclosed, the reviewers look for a corresponding report of a purchase, sale, or exchange on the "Transactions" schedule. If none appears, the Committee may contact the filer to make certain that the item was not inadvertently omitted. There are, however, instances where a reportable transaction has not occurred. For example, an asset disclosed in a previous year may have decreased in value to below the reporting threshold without any sale or exchange, the property may have belonged to a child who is no longer a dependent, or the property may have belonged to a spouse from whom the filer is permanently separated or divorced. Other assets may be reported for the first time because of an increase in value, acquisition through inheritance, because the assets of a new spouse are included, the asset was acquired through a spinoff from a previously-held asset, or the name of a stock or asset changed.

When the appearance or disappearance of any asset is not reflected as a transaction, you may wish to explain it parenthetically in Block A of Schedule III (e.g., "XYZ Corp. stock, spun off from Allied Corp." or "Big Corp., formerly Medium Corp.").

### **Column-By-Column Instructions for Schedule III**

**Spouse, Dependent Child, or Jointly Held (in Block A):** As discussed previously (pages 4 and 7-8), 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. If you wish to indicate that an item is that of a spouse or dependent child, or is jointly held, you may do so 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 Assets and/or Income Sources (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, give the street address, city and state. For property with no specific street address (such as unimproved property), give a brief description (such as type and amount of

property) and its location (city and state) (e.g., "10 acres unimproved property, Ames, Iowa"). Identifying information used when the property is recorded with local officials will suffice for parcels with no street address.

The specific property must be disclosed even when it is held in partnership or by someone else for your benefit. For example, if you own an interest in a limited partnership established to purchase real estate, the property should be identified, as well as the partnership (e.g., "Tysons Limited Partnership, owning Tysons Corner Center, Tysons, Virginia"). An exception to the requirement that you must disclose underlying holdings is large public partnerships which are publicly traded (e.g., "Carlyle 1991 Limited Real Estate Partnership").

The identity of a personal property holding should include the name of the corporation, partnership, financial institution, trust, or other entity in which the interest is held, and the type of interest (such as common stock, bonds, savings account, sole beneficiary, etc.) You may disclose your percentage ownership interest (e.g., "¼ interest," "51%"), but you are not required to do so.

When listing securities, report separately each stock holding that was worth more than \$1,000 on the last day of the reporting period, or that generated more than \$200 in income during the reporting period. The number of shares need not be reported. If the shares are not publicly traded, provide a description of the issuer's trade or business and geographic location.

For banks and savings institutions, give the location if not apparent from the name (e.g., "1st National Bank of Milwaukee;" "First National Bank and Trust, Minneapolis, Minnesota"). Only the names of national brokerage houses need be given, while brokers operating in a limited area should be identified in greater detail (e.g., "Merrill Lynch Money Market Account;" "Money Market Account, Smith Investments, McLean, Virginia").

**Value of Assets (Block B):** Indicate the fair market value of an item as of the end of the year or other reporting period by marking with an "X" the appropriate category, designated A through L. As discussed previously in these Instructions, "value" is defined in the law as "a good-faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual." See page 3 of the Instructions and the definition section on page 17 for more information on "value."

It is not necessary that you have your property appraised to ascertain its value. Your good faith estimate may be based on such information as recent sales of comparable property. Alternatively, you may use a tax assessment (adjusted to

reflect 100% valuation), or exact purchase price and date of purchase of real property; 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. If you use such an alternative valuation method, attach an explanation of the method used. If you use the purchase price and date or the adjusted tax value, the law requires that you report the exact purchase price or adjusted assessment amount in lieu of category of value.

The value section includes a "None" box. This should be marked if an asset has been sold and therefore has no value to you at the end of the reporting period, although it must be included because it generated income of more than \$200.

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

**Type of Income** (Block C): "Unearned" income derives 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," write a brief description (e.g., "Farm Income") in this block. *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.*

**Amount of Income** (Block D): "Unearned" income must be reported on the Financial Disclosure Statement when it totals more than \$200 in a calendar year from any one source. As is the case in reporting the value of assets, the amount or value of income is indicated by marking the column of the appropriate category. 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.* Dividend and interest income must be disclosed even if reinvested.

In reporting income (including that from a business), the *gross* dollar amount or value must be used. The one exception is in the case of capital gains, where the net gain over basis is shown in Block D, while the gross value of the sale is

shown on Schedule IV as a transaction. You may also report the net value separately if you so choose (see sample form at page SF-5).

**Transaction** (Block E): If a listed asset was purchased, sold, or exchanged in transactions totaling over \$1,000 during the year, you should indicate "P" (for purchase), "S" (for sale), or "E" (for an exchange) in this block. In each case, you must also report the details of these transactions on Schedule IV.

As noted previously, there are circumstances where an asset disclosed in a previous year is no longer reported, or an asset is reported for the first time, but no reportable purchase, sale, or exchange has occurred. For example, an asset may increase or decrease in value, an asset may be the property of a new spouse or a former spouse or dependent, or an asset may have been acquired through inheritance. Because the Committee compares the current year's filing with the previous year's and questions assets which appear or disappear without a corresponding transaction, filers may wish to explain such occurrences parenthetically on Schedule III.

**Note on Partial Sales of Assets:** Where only a portion of an asset is sold (e.g., half of your shares in Mega Corporation), please so indicate in Block E as follows: "S (partial)." See sample form at page SF-5.

**Note on Brokerage Statements:** For any part of the Schedule, 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 III, and state "see attachment" or similar language in Block B. Number each page of an attachment. *You should redact or delete from the attachment any confidential information, such as your account number or Social Security number, 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.* Since tax forms do not track the Financial Disclosure requirements, they may not be used.

### Exclusions

Personal liabilities owed to you by your spouse, or by a parent, brother, sister, or child of you or your spouse, need not be disclosed.

Deposits in personal savings accounts need not be disclosed unless all interest-bearing accounts total more than \$5,000 as of the close of the calendar year, in which case all accounts valued at more than \$1,000 must be reported. The term "personal savings account" includes any certificate of deposit or any other form of deposit in

a bank, savings and loan association, credit union, or similar financial institution.

A personal residence, or other real property not held for investment purposes (e.g., a second residence, timeshare, or vacation home) need not be disclosed unless it generated rental income during the reporting period.

Personal property that is not principally held for investment or the production of income (e.g., furniture, automobiles, jewelry, and artwork) does not have to be reported.

Financial interests in or income derived from any federal retirement system, including a Thrift Savings Plan account, need not be reported.

### Definitions

The term "income" means all income from whatever source derived, including but not limited to the following 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; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust.

"Value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable.

The alternative methods of valuation that may be used if the current value of an interest in property is not ascertainable without an appraisal are as follows:

Real property—

(A) the purchase price and date of purchase; or

(B) the assessed value for tax purposes, adjusted, if necessary, to reflect the fair market value if the assessed value is computed at less than 100 percent of market value.

If either of these two methods is used, exact purchase price or adjusted assessed value must be disclosed in lieu of the category of value.

Personal property—

(A) the book value of a corporation whose stock is not publicly traded;

(B) the net worth of a business partnership;

(C) the equity value of an individually owned business; or

(D) the assessed value for tax purposes, adjusted, if necessary, to reflect the fair market value if the assessed value is computed at less than 100 percent of market value.

The reporting individual may use any other recognized indication of value, provided that a full and complete description of the method used is included with the Financial Disclosure Statement.

## SCHEDULE IV TRANSACTIONS

*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. [5 U.S.C. app. 4, § 102(a)(5)]*

### Explanation

You must report each purchase, sale, or exchange of *real property* or *securities* by you, your spouse, or dependent child when the category of value of the transaction, or series of transactions in one type of property, exceeds \$1,000 in a calendar year. Transactions of personal property, such as the purchase or sale of an automobile, are *not* to be reported here. Dividend reinvestment in a particular security that exceeds \$1,000 in the calendar year must be reported on the transaction schedule.

Practically any security or real property that you purchased, sold, or exchanged during the year will have to be reported on *both* Schedule III and Schedule IV of FORM A.

As used here, the term "securities" includes corporate stocks, bonds and stock options; government obligations; mutual funds and unit investment trusts; limited partnerships; futures and options; and mortgage-backed instruments.

The property should be identified in the same manner used for the reporting of assets and income sources on Schedule III of the Financial Disclosure Statement. On the same line, mark the appropriate box as to the type of transaction (purchase, sale, or exchange). In addition, for exchange transactions, indicate parenthetically a brief description of the nature of the transaction (e.g., "Cingular stock exchanged for AT&T wireless").

For stocks, stock options, and most other securities, the transaction date is generally the settlement date. If during the calendar year there were two or more of the same type of transaction in the same security which together totaled more than \$1,000, then report the aggregate category of value of all the transactions. The manner in which you report the date depends upon the quantity of transactions. If there are only a few transactions, state each date separately (e.g.,

"May 5 and November 6, 2009," for two purchases of XYZ Company Stock). When the same item is both purchased and sold in the course of the year, the item may be identified once on a single line. In such an instance, check both the purchase and sale boxes, but give the date for the purchase and sale separately (e.g., "6/18/2009 P; 11/27/2009 S").

If there are multiple transactions throughout the year involving the same asset, it is adequate to state the number of transactions, without all of the dates (e.g., "Monthly dividend reinvestment," for the purchase of shares of XYZ Company; or, "18 times on various dates throughout the year" for purchase of S&P 500 call options). When there are many transactions, you may choose to attach brokerage firm printouts to the Financial Disclosure Statement. See the note on page 16 for more information on the use of such attachments.

The amount to be reported is the category of value of the total purchase price or total sales price (or the fair market value in the case of an exchange). The extent of any capital gain or loss on the transaction is irrelevant for the purposes of this Schedule.

Stock and commodity options, futures contracts, and bonds (both corporate and government) are types of securities. You should thus report transactions in these items on Schedule IV of FORM A.

**Partnership Transactions.** If you have an interest in a partnership that is organized for investment or the production of income and that is not actively engaged in a trade or business, then you must disclose any transactions of the partnership wherein your share of the transaction exceeds \$1,000 in value. Transactions of a trust in which you have a beneficial interest must also be reported to the extent your share exceeds \$1,000 in value.

**Note on Partial Sales of Assets:** Where only a portion of an asset is sold (e.g., half of your shares in Mega Corporation), please so indicate in the asset description on Schedule IV as follows: "Mega Corporation (partial)." See sample form at page SF-7.

### Exclusions

Any purchase or sale of property used solely as your personal residence need not be reported, including a secondary residence or vacation home not used for rental purposes.

Any transactions solely by and between you, your spouse, and dependent child are excluded.

Bequests and inheritances need not be shown as transactions.

Stock splits, the opening or closing of bank or similar accounts (such as money market funds), deposits to and withdrawals from such accounts (including checks written on money market and mutual funds), the purchase or sale of certificates of deposit, and contributions to or the rollover of IRAs and other retirement plans (except to purchase individual stocks) need not be reported.

## SCHEDULE V

### LIABILITIES

*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 be reported under this paragraph. [5 U.S.C. app. 4, § 102(a)(4)]*

### Explanation

You must list personal obligations on the Financial Disclosure Statement, including those of your spouse and dependent children, totaling over \$10,000 *at any time* during the year, regardless of the repayment terms or interest rates. Thus, a loan which had over \$10,000 in principal due at some point in the year, but was paid off or paid below that amount, must be listed. (You are free to include additional information, such as the fact that the loan was satisfied during the year.)

Any student loans exceeding the reporting threshold must be disclosed here.

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

The identity of the creditor is the name of the person or organization to which the liability is owed and, unless obvious from the name, the city and state (e.g., "Jane Jones, Miami, Florida;" "Federal Bank of Boston").

Following the name of the creditor, list the type of liability. Examples are "personal loan," "business loan," "demand note," "margin account," and "mortgage on rental property." When there are several of the same type of loan, further information should be provided. Thus, if you show only one rental property as an asset, "mortgage on rental property" is sufficient. If, on the other hand, you have multiple rental properties, state the property to which each obligation relates, together with the type of liability (e.g., "Mortgage on 123 Main Street, Dover, Del.>").

In most cases, report the category of value of the largest amount owed during the calendar year. The one exception is revolving charge accounts (i.e., credit cards). Debt owed on a particular credit card account must be disclosed only if the balance on that card exceed \$10,000 at the end of the reporting period (which is December 31 for May 15 filers), regardless of the balance owed on the card at any other point during the year. Mark the box which corresponds to the category of value. The categories for reporting liabilities are the same as those for reporting the value of assets and transactions, except that they begin with Category B and \$10,001, since loans below that amount need not be reported.

#### Exclusions

Any contingent liability, such as that of a guarantor, endorser, or surety may be excluded. (However, if you are shown on the loan document as jointly obligated with another person, you must report the loan even though you may have co-signed to help the other person obtain credit.) The liabilities of a business in which you have an interest may also be excluded. This includes mortgages on rental or investment property held in a partnership or limited liability company. You also need not disclose loans secured by the cash value of a life insurance policy or any tax deficiencies. Further, you need not disclose 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.

The Act specifically excludes the following from the disclosure requirements:

Liabilities owed to a spouse, or a parent, brother, sister, or child of you or your spouse;

Any mortgage secured by real property which is a personal residence (including a loan secured by a secondary residence or vacation home), as long as the property is not used for rental purposes; and

Any loan secured by a personal motor vehicle, household furniture, or appliance, which loan does not exceed the purchase price of the item which secures it.

The exclusion for mortgages on personal residences includes home equity loans and home equity lines of credit. However, a mortgage must be reported if any part of the residence (such as the basement) is used for rental purposes. In that case, the entire amount of the outstanding mortgage on the residence must be disclosed.

## SCHEDULE VI

### GIFTS

*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. [5 U.S.C. app. 4, § 102(a)(2)(A)]*

#### Explanation

The House gift rule (House Rule 25, clause 5) substantially limits the ability of House Members, officers, and employees to accept gifts. The text of the gift rule is reprinted in Appendix C, and explanatory materials on the rule are available from the House Standards Committee. Members who were sworn in on or after January 1, 2010 are not required to complete Schedule VI and should indicate "N/A" to question VI on page 1 of their Statement.

Notwithstanding the limitations on gift acceptance, there are gifts which a House Member, officer, or employee may accept under the specific provisions of the gift rule and as to which disclosure must be made on his or her Financial Disclosure Statement. Examples of such gifts include gifts provided on the basis of personal friendship, contributions to a legal expense fund, and commemorative items that exceed the reporting threshold. The definition of "minimal value" under title 5 of the U.S. Code, § 7342(a)(5) for calendar year 2009 was \$335. However, under the House gift rule, a gift exceeding \$250 in value cannot be accepted on the basis of personal friendship without a written determination from the Committee.

Whether any particular gift may be accepted by a House Member, officer, or employee is determined solely by reference to the House gift

rule. The requirements for disclosure of acceptable gifts may be summarized as follows.

In general, you must disclose on your Financial Disclosure Statement all gifts totaling more than \$335 from a single source other than a relative.

The terms "gift" and "relative" are defined in the Act, and certain categories of gifts are specifically exempted from disclosure (see below). You must disclose gifts from third parties to your spouse or dependent children *unless the gifts are totally independent* of the relationship to you as a Member, officer, or employee of the Legislative Branch. You need not report gifts received before you became a Member, officer, or employee of the Legislative Branch.

The value of all gifts from the same source received during the calendar year must be totaled to determine if the reporting threshold of \$335 has been met, except that any gift with a fair market value of \$134 or less need not be counted. For example, if you received a \$130 gift and a \$225 item from the same source, neither item would have to be disclosed, since the \$130 gift falls below the \$134 aggregation threshold and the remaining item is valued at less than \$335.

You, your spouse, and dependent children do not have separate \$335 limits. Thus, if you, your spouse, and a dependent child each receive gifts from the same source, all those gifts would be tallied to determine if the reporting threshold has been met. For example, if an employee and spouse each received \$170 items from the same source, these gifts would total \$340 in value and would have to be reported.

All types of gifts, including travel-related expenses provided for your personal benefit, must be reported on Schedule VI. However, travel (including food and lodging) in connection with official duties is reported separately on Schedule VII, as discussed below. (Entertainment provided while on a fact-finding tour and reimbursements in excess of your travel expenses are considered gifts and may be accepted by a House Member, officer, or employee, if at all, only in accordance with the provisions of the House gift rule.) Gambling and lottery winnings, as well as scholarships, should also be disclosed on Schedule VI.

In disclosing a gift, you must report the source, briefly describe it, and state the value. If you do not know the exact value of a gift, you may use a good-faith estimate of its fair market value (which may be different from its cost to the donor). A group of items received from the same source at the same time are considered one gift and the total value should be added together. For gifts of transportation on privately-owned aircraft, the value is actual cost of the flight. Please note, however, that acceptance of such transportation is highly restricted. The text of

the applicable rule (clause 15 of House rule 23) is reprinted in Appendix C following the Gift Rule. The Committee on Standards of Official Conduct may, in an unusual case, grant a written request for a waiver from the requirement to report a gift. Waivers are generally granted for weddings and in other instances where it is determined that the relationship between the recipient and the donor, and the motivation for the gift, are purely personal, and there is no countervailing public purpose requiring the disclosure of the nature, source, and value of the gift. The request for such a waiver is made publicly available in the same manner as Financial Disclosure Statements.

### Exclusions

Gifts from relatives and gifts of personal hospitality, as defined in the Act (see below) are exempt, and gifts with a fair market value of \$134 or less need not be counted towards the \$335 disclosure threshold.

A gift to your spouse or a dependent child need not be reported if it was received totally independent of the relationship to you as a Member, officer or employee of the Legislative Branch. However, if your spouse or dependent child receives a gift based on his or her relationship to you, and you have reason to believe it was given *because* of your official position, the gift must be reported. For example, you would not have to report a rare book valued at \$340 received by your spouse from a former college roommate who has no association with you. If, on the other hand, your spouse (or you) were to be given the same book by a personal friend of yours, you need to seek written approval of the Committee on Standards of Official Conduct in order to retain it (because it is valued at more than \$250), and list the book on your Financial Disclosure Statement, even though the donor had no involvement in the legislative process.

No reporting is required for gifts of food, lodging, transportation, or entertainment provided on an official basis by federal, state, or local governments.

Local meals (i.e., food and beverages not consumed in connection with a gift of overnight lodging) need not be aggregated towards the reporting threshold.

Political campaign contributions are specifically exempted, as are gifts received when you were not an officer or employee of the federal government.

### Definitions

"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) bequests 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) "local meals," i.e., 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.

"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.

"Personal hospitality of an individual" means food, lodging, and entertainment extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of, or on property or facilities owned by that individual, or his or her family. The personal hospitality exemption is limited. It does not extend, for example, to hotel lodging paid for by an individual, corporation, or other organization, or to air travel to get to the location where the hospitality is provided. Furthermore, if the hospitality is to qualify as personal, the host may not take a tax deduction on account of the visit, nor have the expenses of the hospitality reimbursed by another source.

## SCHEDULE VII

### TRAVEL PAYMENTS AND REIMBURSEMENTS

*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. [5 U.S.C. app. 4, § 102(a)(2)(B)]*

#### Explanation

The House gift rule includes provisions which generally allow House Members, officers, and employees to accept travel expenses in certain circumstances, including (1) from a private source for travel in connection with official duties, (2) for travel in connection with the individual's outside business or other activities, or the business activities of his or her spouse, (3) from a political organization for travel in connection with a campaign or fundraising event, (4) travel provided by a nonprofit group in connection with your attendance at a charity fundraising event, and (5) travel paid for by a foreign government under the Mutual Educational and Cultural Exchange Act (MECEA) (22 U.S.C. § 2458a). The text of the gift rule is reprinted in Appendix C, and explanatory materials on the rule are available from the House Standards Committee. Members who were sworn in on or after January 1, 2010 are not required to complete Schedule VII; they should indicate "N/A" to question VII on page 1 of their Statement.

The gift rule also requires that a disclosure statement be filed with the Clerk of the House regarding any officially-related trip taken at private expense within 15 days of return. The requirement for disclosure of officially-related travel on your Financial Disclosure Statement is in addition to the House gift rule disclosure requirement. In other words, House Members and reporting officers and employees must disclose each privately funded trip taken in connection with official duties on both a Travel Disclosure Form filed with the Clerk and Schedule VII of his or her Financial Disclosure Statement.

On Schedule VII, you must disclose travel and travel-related expenses valued at more than \$335 provided by any private source other than a relative (with certain exceptions noted under the Exclusions section below). Thus, you must disclose in this section travel for such activities as speaking engagements, conferences, or fact-finding events related to official duties. You must also disclose privately paid travel that, while not related to your official duties, was not provided merely for your personal benefit; for example, travel paid for by corporations that you or your family own, travel that is necessary in connection with your service as an officer or board member of any organization, travel for job interviews, and travel taken in connection with your spouse's employment must be disclosed here. Such ex-



penses must be disclosed whether the expenses were reimbursed or paid directly by the sponsoring organization.

In contrast, travel-related expenses provided merely for your personal benefit (for example, a vacation paid for by a personal friend) are subject to the reporting requirements for gifts on Schedule VI, described above.

All travel, food, and lodging expenses received from one source in a calendar year must be counted in determining if the total exceeds \$335. Unlike the treatment of gifts, there is no \$134 minimum threshold for counting travel reimbursements. Thus, if you received airfare and lodging worth \$260 on one occasion from one source, and on a separate occasion received lodging worth \$90 from that same source, you must report both events.

You do not have to report the cost of travel on Schedule VII. However, House Members, officers, and employees must report the cost of each officially related trip on the Post-Travel Disclosure Form required by the gift rule. As to any other travel, you should make a good faith estimate of the value to determine whether it was worth more than \$335. While travel paid for by a congressional or other federal campaign committee need not be reported on Schedule VII (see below), other political trips must be reported. Thus, as a general matter, a filer who is a candidate for a state or local office will have to report trips taken in connection with that campaign.

#### **Column-By-Column Instructions for Schedule VII**

In disclosing travel, it is not necessary to indicate the dollar value or provide an itemized accounting of the expenses provided. Furthermore, you need not disclose whether travel was on private or commercial carrier. Only the name of the organization providing the travel, together with the dates of travel and a brief description of the itinerary and nature of expenses, is required. Schedule VII includes seven columns prompting the necessary information.

**Source.** Provide the name of the sponsor or organization that *actually paid for or provided the travel* in the first column of Schedule VII. For example, "XYZ Trade Association" or "International Visitors Board." There may be more than one sponsor for a particular trip.

**Date(s).** (Time Not Spent at Sponsor's Expense). The inclusive dates of all travel are required by statute. If all of the travel occurred on one date, state this date. Otherwise, list the starting and ending dates of each trip in the second column, i.e., the first day on which any travel was accepted and the last day on which any travel was accepted. Subject to certain limitations, it is permissible to extend a trip for a

limited period of time at your own expense, accepting return travel from the sponsor, but you must list the inclusive dates of travel. However, to avoid suggesting that travel was accepted for a longer period of time than was actually the case, you should indicate the number of days of any time not spent at the sponsor's expense in the last column of Schedule VII.

**Itinerary and Nature of Expenses Accepted.** State the starting point, destination(s), and return location in the third column of Schedule VII. Indicate in the fourth and fifth column whether lodging and food was included. In the sixth column, indicate if travel or travel expenses were accepted to permit a family member to accompany you. Anyone who accompanied you at your own expense need not be indicated.

You may also wish to describe parenthetically the nature of the trip by indicating that it was provided in connection with a speaking engagement, MECEA trip, spouse's employment, etc.

#### **Exclusions**

Travel provided to your spouse or dependent children need not be reported if the travel is totally independent of the relationship to you as a Member, officer, or employee of the Legislative Branch. However, if your spouse or dependent child receives travel based on his or her relationship to you, and you have reason to believe it was given because of your official position, the travel must be disclosed.

You need not report on your financial disclosure form travel provided on an official basis by federal, state, or local governments, or travel provided by a foreign government which is separately reportable pursuant to the Foreign Gifts and Decorations Act (5 U.S.C. § 7342).

You need not report travel provided by a federal political committee, such as to a campaign or fundraising event, nor travel that occurred in a period when you were not employed by the federal government.

#### **Definitions**

"*Reimbursement*" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses 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 (Foreign Gifts and Decorations Act); or

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

## SCHEDULE VIII POSITIONS

*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 any 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. [5 U.S.C. app. 4, § 102(a)(6)(A)]*

### Explanation

You must report your nongovernmental positions (whether compensated or uncompensated) with organizations held at any time during the current calendar year up to the date of filing. If you no longer hold the position, you may wish to so indicate.

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. Thus, if the position is unpaid, you may wish to indicate that parenthetically on the Statement. Any travel totaling more than \$335 provided by an organization for purposes such as to attend meetings should be reported on Schedule VII.

### Exclusions

Positions held in any religious, social, fraternal, or political entities, and positions solely of an honorary nature are excluded. Excludable positions with political entities are limited to political parties and campaign organizations, not special interest and lobbying groups. The exemption for honorary positions applies, for example, where you are the honorary chairman of some organization but do not actively participate in the organization's operations. However, if you are on the board of directors and attend directors' meetings or have operational responsibilities for the organization, you must report the position. Service as a trustee or executor need not be listed as a position unless it is for an organization.

Only positions held by you need be reported. Do not report positions held by your spouse or dependent children.

## SCHEDULE IX AGREEMENTS

*A description of the date, parties to, and terms of any agreement or arrangement with respect 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. [5 U.S.C. app. 4, § 102(a)(7)]*

### Explanation

This provision requires the reporting of certain specified employment-related arrangements. It requires the reporting, for example, of an agreement between a House employee and his or her former employer that upon leaving the government at any time within the next five years, that employee can return to the former employer at a specified salary. Continued payments or benefits from a former employer would include interest in or contributions to a pension fund, profit-sharing plan, or life and health insurance; buyout agreements; severance payments; and continuing payments from a former employer, including severances and payments not yet received for previous work. Finally, this provision requires the disclosure of signed agreements with book publishers whether or not royalties have actually been received.

Members and employees who file termination reports should list under "Agreements" any jobs they have accepted while in office. The compensation of the position need not be listed when describing the agreement, only the employer, position title and starting date. While any employment agreement—oral or written—that is reached while in office must be disclosed, employment negotiations that did not result in an agreement prior to then need not be disclosed.



UNITED STATES HOUSE OF REPRESENTATIVES  
ETHICS IN GOVERNMENT ACT

CALENDAR YEAR 2009 FINANCIAL DISCLOSURE STATEMENT

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

Rep. Dave Stoller (202) 555-1212  
(Print Full Name) (Daytime Telephone)  
 1000 Longworth HOB Washington DC 20515  
(Complete Address — Office or Home)  
 Filer Status  Member  Officer or Employee

**CERTIFICATION — THIS DOCUMENT MUST BE SIGNED BY THE REPORTING INDIVIDUAL AND DATED**  
 The attached Financial Disclosure Statement is required by the Ethics in Government Act of 1978, as amended. The Statement will be available to any requesting person upon written application and will be reviewed by the Committee on Standards of Official Conduct 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 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.	Signature of Reporting Individual <div style="font-size: 1.5em; text-align: center;">Dave Stoller</div>	Date (Month, Day, Year) <div style="font-size: 1.5em; text-align: center;">5-15-10</div>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------

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

**UNITED STATES HOUSE OF REPRESENTATIVES  
CALENDAR YEAR 2009 FINANCIAL DISCLOSURE STATEMENT**

Form A  
For use by Members, officers, and employees

Name: Rep. Dave Stoller Daytime Telephone: (202) 555-1212

(Office Use Only)

Filer Status	<input checked="" type="checkbox"/> Member of the U.S. House of Representatives	State: <u>IN</u>	<input type="checkbox"/> Officer or Employee	Employing Office:	Termination Date:
Report type	<input checked="" type="checkbox"/> Annual (May 17, 2010)	District: <u>1</u>	<input type="checkbox"/> Amendment	<input type="checkbox"/> Termination	

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

**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"/>	VI. Did you, your spouse, or a dependent child receive any reportable gift in the reporting period (i.e., aggregating more than \$335 and not otherwise exempt)? If yes, complete and attach Schedule VI.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
II. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article in the reporting period? If yes, complete and attach Schedule II.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VII. Did you, your spouse, or a dependent child receive any reportable travel or reimbursements for travel in the reporting period (worth more than \$335 from one source)? If yes, complete and attach Schedule VII.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
III. Did you, your spouse, or a dependent child receive "unearned" income of more than \$200 in the reporting period or hold any reportable asset worth more than \$1,000 at the end of the period? If yes, complete and attach Schedule III.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VIII. Did you hold any reportable positions on or before the date of filing in the current calendar year? If yes, complete and attach Schedule VIII.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
IV. Did you, your spouse, or a dependent child purchase, sell, or exchange any reportable asset in a transaction exceeding \$1,000 during the reporting period? If yes, complete and attach Schedule IV.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	IX. Did you have any reportable agreement or arrangement with an outside entity? If yes, complete and attach Schedule IX.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
V. Did you, your spouse, or a dependent child have any reportable liability (more than \$10,000) during the reporting period? If yes, complete and attach Schedule V.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.</b>	

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

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

2/25

# SCHEDULE 1 — EARNED INCOME

Name Dave Stoller Page 2 of 10

List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. Government) totalling \$200 or more during the preceding calendar year. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding \$1,000. See examples below.  
 Exclude: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

Source	Type	Amount
Keene State	Approved Teaching Fee	\$6,000
State of Maryland	Legislative Pension	\$9,000
Civil War Roundtable (Oct. 2nd)	Spouse Speech	\$1,000
Ontario County Board of Education	Spouse Salary	NA
Indiana University School of Law	Approved Teaching Fee	\$7,500
Technology, Inc., Bloomington, IN	Spouse Salary	N/A
Bloomington Chamber of Commerce, Bloomington IN	Spouse Honorarium	\$1,000
State of Indiana	Legislative Pension	\$10,000

For payments to charity in lieu of honoraria, use Schedule II.

**SCHEDULE II -- PAYMENTS MADE TO CHARITY IN LIEU OF HONORARIA**

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

Source	Activity	Date	Amount
<i>Examples:</i> Association of American Associations, Washington, DC	Speech	Feb. 2, 2009	\$2,000
XYZ Magazine	Article	Aug. 13, 2009	\$500
Allied Trade Association	Speech	March 1, 2009	\$ 2000
Real Time with Bill Maher	TV Appearance Fee	June 3, 2009	\$ 500
WFHB Radio, Bloomington, IN	Radio Show Fee	July 10, 2009	\$ 100
Indiana Magazine of History	Article	October 1, 2009	\$ 300

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# SCHEDULE III — ASSETS AND "UNEARNED" INCOME

Name **Dave Stoller**

Page **4** of **10**

### BLOCK A Asset and/or Income Source

### BLOCK B Value of Asset

### BLOCK C Type of Income

### BLOCK D Amount of Income

### BLOCK E Transaction

Identify (a) each asset held for investment or production of income with a fair market value exceeding \$1,000 at the end of the reporting period, and (b) any other asset or source of income which generated more than \$200 in "unearned" income during the year. For rental property or land, provide a complete address. Provide full names of stocks and mutual funds (do not use ticker symbols). For all IRAs and other retirement plans (such as 401(k) plans) that are self-directed (i.e., plans in which you have the power, even if not exercised, to select the specific investments), provide the value and income information on each asset in the account that exceeds the reporting threshold. For retirement plans that are not self-directed, name the institution holding the account and its value at the end of the reporting period. For an active business that is not publicly traded, state the name of the business, the nature of its activities, and its geographic location in Block A. For additional information, see the instruction booklet.

**Exclude:** Your personal residence(s) (unless there is rental income); any debt owed to you by your spouse, or by you or your spouse's child, parent, or sibling; any deposits totaling \$5,000 or less in personal savings accounts; and any financial interest in or income derived from U.S. Government retirement programs.

If you so choose, you may indicate that an asset or income source is that of your spouse (SP) or dependent child (DC) or is jointly held (JT), in the optional column on the far left.

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 plans or accounts that do not allow you to choose specific investments, you may write "NA." For all other assets including all IRAs, indicate the type of income by checking the appropriate box below. Dividends and interest, even if reinvested, should be listed as income. Check "None" if asset did not generate any income during calendar year.

For retirement plans or accounts that do not allow you to choose specific investments, you may write "NA" for income. For all other assets, including all IRAs, indicate the category of income by checking the appropriate box below. Dividends and interest, even if reinvested, should be listed as income. Check "None" if no income was earned or generated.

Indicate if the asset had purchases (P), sales (S), or exchanges (E) exceeding \$1,000 in reporting year.

SP Mega Corp. Stock  
Simon & Schuster  
1st Bank of Paducah, KY Accounts

Asset and/or Income Source	Value of Asset											Type of Income						Amount of Income											Transaction			
	A	B	C	D	E	F	G	H	I	J	K	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify: For Example, Partnership Income or Farm Income)	I	II	III	IV	V	VI	VII	VIII	IX	X		XI		
<b>JT</b> Bank of America Accounts																																
Residential Rental Property																																P, S
Bloomington, IN																																P, S
120 Acere Farm																																P
Corn Brook, IN																																S (partial)
Google Stock		X																														P
Microsoft Stock			X																													P
Vanguard 500 Mutual Fund				X																												S (partial)



**SCHEDULE III — ASSETS AND "UNEARNED" INCOME**

Continuation Sheet (if needed)

Name	Dave Stoller
Page	5 of 10

BLOCK A Asset and/or Income Source	BLOCK B Year-End Value of Asset	BLOCK C Type of Income						BLOCK D Amount of Income						BLOCK E Transaction								
		NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify)	I None	II \$1 - \$200	III \$201 - \$1,000	IV \$1,001 - \$2,500	V \$2,501 - \$5,000		VI \$5,001 - \$15,000	VII \$15,001 - \$50,000	VIII \$50,001 - \$100,000	IX \$100,001 - \$1,000,000	X \$1,000,001 - \$5,000,000	XI Over \$5,000,000		
SP Fidelity 401k Plan: • Large Cap Fund • Small Cap Fund	None		X							X	X										P	
T. Rowe Price IRA: • Money Market Fund • Global Stock Fund			X					X														P
Stoller Family Trust: • Disney Stock • Ben & Jerry's Stock		X							X													P
DC T. Rowe Price 529 Plan • Portfolio 2024		X						X														P
Stoller Properties, LLC: • Rental House - Butler, IN • Rental House - Muncie, IN							X		X													
Sun Trust Bank CDs		X							X													

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

Continuation Sheet (if needed)

Name Dave Stoller

Page 6 of 10

SP, DC, JT	BLOCK A Asset and/or Income Source	BLOCK B Year-End Value of Asset											BLOCK C Type of Income						BLOCK D Amount of Income											BLOCK E Transaction			
		A	B	C	D	E	F	G	H	I	J	K	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	Other Type of Income (Specify)	I	II	III	IV	V	VI	VII	VIII	IX	X		XI		
	Mutual of Boston (Fixed Annuity)					X													N/A														
	The Dell (live music venue)							X											Partnership Income									X					
	Norman, OK (50% owner)							X											N/A														
	Travelers Insurance whole Life Policy							X											N/A														
	Met Life Variable Annuity								X																								
	Trusted in Vanguard 500									X																							
	DC US Savings Bonds										X																						
	Pave Coin Collection (valued for insurance purposes)											X																					

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# SCHEDULE IV - TRANSACTIONS

Name **Dave Stoller**

Page **7** of **10**

Report any purchase, sale, or exchange transactions by you, your spouse, or dependent child during the reporting period of any security or real property held for investment that exceeded \$1,000. Include transactions that resulted in a capital loss. Provide a brief description of any exchange transaction. Exclude transactions between you, your spouse or dependent child, or the purchase or sale of your personal residence, unless it generates rental income. If only a portion of an asset is sold, please so indicate (i.e., "partial sale"). See example below.

**Capital Gains** — If a sales transaction resulted in a capital gain in excess of \$200, check the "capital gains" box and disclose this income on Schedule III.

SP, DC, JT SP	Asset	Type of Transaction			Check Box if Capital Gain Exceeded \$200	Date (M/D/YR) or Quarterly, Monthly, or Bi-weekly, if applicable	Amount of Transaction													
		PURCHASE	SALE	EXCHANGE			B \$1,001- \$15,000	C \$15,001- \$50,000	D \$50,001- \$100,000	E \$100,001- \$250,000	F \$250,001- \$500,000	G \$500,001- \$1,000,000	H \$1,000,001- \$5,000,000	I \$5,000,001- \$25,000,000	J \$25,000,001- \$50,000,000	K Over \$50,000,000				
SP	Example: Mega Corporation Common Stock (partial sale)		X			10-12-09		X												
	Google Stock	X				3-15-09	X													
	Google Stock		X		X	9-15-09		X												
	Microsoft Stock	X				12-3-09			X											
	Vanguard 500 Mutual Fund (partial)		X		X	7-8-09	X													
	Fidelity 401k Plan - Large Cap Fund	X				Monthly	X													
	Fidelity 401k Plan - Small Cap Fund	X				Monthly	X													
	T. Rowe Price 529 Plan - Portfolio 2024	X				Bi-weekly		X												

This name may be omitted if more space is required.

**SCHEDULE V - LIABILITIES**

Name **Dave Stoller**

Page **8** of **10**

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

SP, DC, JT	Creditor	Type of Liability	Amount of Liability											
			B \$10,001-\$15,000	C \$15,001-\$50,000	D \$50,001-\$100,000	E \$100,001-\$250,000	F \$250,001-\$500,000	G \$500,001-\$1,000,000	H \$1,000,001-\$5,000,000	I \$5,000,001-\$25,000,000	J \$25,000,001-\$50,000,000	K Over \$50,000,000		
	<i>Example:</i> First Bank of Wilmington, Delaware	Mortgage on 123 Main St., Dover, Del.				X								
	Bank of America	Mortgage on Rental House Bloomington, IN			X									
SP	American Express	Credit Card		X										
	Sun Trust Bank	Business loan for "The Deli" for which I am personally liable		X										
	Congressional Federal Credit Union	Personal loan	X											
DC	US Department of Education	Student Loan		X										

**SCHEDULE VI - GIFTS**

Report the source, a brief description, and the value of all gifts totaling more than \$335 received by you, your spouse, or a dependent child from any source during the year. Exclude: Gifts from relatives, gifts of personal hospitality of an individual, local meals, and gifts to a spouse or dependent child that are totally independent of his or her relationship to you. Gifts with a value of \$134 or less need not be added towards the \$335 disclosure threshold. Note: The gift rule (House Rule 25, clause 5) prohibits acceptance of gifts except as specifically provided in the rule.

Source	Description	Value
<i>Example:</i> Mr. Joseph H. Smith, Anytown, Anystate	Silver Platter (determination on personal friendship received from Committee on Standards)	\$345
Mike Cyril (Bloomington IN)	2009 Colago Road Bike (gift waiver based on personal friendship obtained from Committee on Standards)	\$ 3,000
Indianapolis Rotary Club	Commemorative plaque presented following speech on 7-15-09	\$ 500

Use additional sheets if more space is required.

**SCHEDULE VII — TRAVEL PAYMENTS AND REIMBURSEMENTS**

Name Dave Stoller Page 9 of 10

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totalling more than \$335 received by you, your spouse, or a dependent child during the reporting period. Indicate whether a family member accompanied the traveler at the sponsor's expense, and the amount of time, if any, that was not at the sponsor's expense. Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.  
**Exclude:** Travel-related expenses provided by federal, state, and local governments, or by a foreign government required to be separately reported under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342); political travel that is required to be reported under the Federal Election Campaign Act; travel provided to a spouse or dependent child that is totally independent of his or her relationship to you.

Source	Date(s)	City of Departure—Destination— City of Return	Lodging? (Y/N)	Food? (Y/N)	Was a Family Member Included? (Y/N)	Number of days not at sponsor's expense
Examples: Chicago Chamber of Commerce Roycroft Corporation	Mar 2 Aug. 6-11	DC—Chicago—DC DC—Los Angeles—Cleveland	N Y	N Y	N Y	None 2 Days
Allied Trade Association	March 1-3	DC - Chicago - DC	Y	Y	N	1 day
Embassy of Egypt (MECEA)	June 1-9	DC - Cairo - DC	Y	Y	N	None
Brown for Governor Campaign	July 3-4	DC - St. Louis - DC	Y	Y	N	None
Technology, Inc. (in connection with spouse's employment)	Aug 5-10	DC - Cancun - DC	Y	Y	Y	None
American Cancer Society (to attend Board meeting)	Sept 3-4	DC - Miami - DC	Y	Y	N	None

**SCHEDULE VIII—POSITIONS**

Name **Dave Stoller**

Page **10** of **10**

Report all positions, compensated or uncompensated, held during the current calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any non profit organization, any labor organization, or any educational or other institution other than the United States.  
**Exclude:** Positions listed on Schedule I; positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations); and positions solely of an honorary nature.

Position	Name of Organization
Board Member	American Cancer Society (uncompensated)
Partner	Stoller Properties, LLC

**SCHEDULE IX—AGREEMENTS**

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

Date	Parties To	Terms of Agreement
May 1997	State of Indiana	Pension annuity for service in State legislature.

Use additional sheets if more space is required.

## 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)

#### 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) (includ-

ing individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

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

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

#### FAILURE TO FILE OR FILING FALSE REPORTS

**SEC. 104.** (a)(1) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$50,000.



(2)(A) It shall be unlawful for any person to knowingly and willfully—

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

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

(B) Any person who—

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

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

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

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

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

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period, shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the

supervising ethics office in the executive branch to other agencies in the executive branch.

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

#### CUSTODY OF AND PUBLIC ACCESS TO REPORTS

**SEC. 105.** (a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) the nature or type of information redacted;

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

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

(viii) any public complaints received relating to redaction.

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

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

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

(A) for any unlawful purpose;

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

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

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

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

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

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

#### REVIEW OF REPORTS

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

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

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

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

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

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

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

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

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

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

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

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

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

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

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

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

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

#### CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

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

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

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

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

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

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

#### AUTHORITY OF COMPTROLLER GENERAL

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

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

#### DEFINITIONS

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

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

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

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

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

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

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

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

(A) bequest and other forms of inheritance;

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

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

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

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

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

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

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

(8) "judicial employee" means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(9) "Judicial Conference" means the Judicial Conference of the United States;

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

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

(11) "legislative branch" includes—

(A) the Architect of the Capitol;

(B) the Botanic Gardens;

(C) the Congressional Budget Office;

(D) the Government Accountability Office;

(E) the Government Printing Office;

(F) the Library of Congress;

(G) the United States Capitol Police;

(H) the Office of Technology Assessment; and

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

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

(13) "officer or employee of the Congress" means—

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

(B)(i) each officer or employee of the legislative branch who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

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

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

penses of such individual other than those which are—

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

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

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

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

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

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

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

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

(18) "supervising ethics office" means—

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

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

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

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

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

#### NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

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

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

#### ADMINISTRATION OF PROVISIONS

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

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

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

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

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

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

## APPENDIX B

### INTERPRETIVE RULING NO. 1<sup>1</sup>

#### Subject

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

#### Discussion

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

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

An additional requirement of the Act is that any "covered employee" must file a termination report

within 30 days of leaving his or her Government position. Not clear are the circumstances under which a person who is replaced as principal assistant must file a termination report, as well as whether the filing of a termination report can satisfy the annual filing requirement for a Member's office.

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

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

An employee not paid at the above GS-15 level who is no longer obligated to file an annual Financial Disclosure Statement as principal assistant (either because there is a qualifying above GS-15 employee or because someone else has been designated) does not have to file a

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

<sup>2</sup> Public Law 101-509 eliminated the GS-16 classification and replaced it with "above GS-15." Public Law 102-378 amended title I of the Ethics in Government Act to change each reference to "GS-16" to "a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule." The term "above GS-15" is used throughout this opinion.



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

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

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

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

A further issue concerns the application of the designation requirement to Members serving their first term, and the circumstances under which a new employee designated as a principal assistant would be required to file the abbreviated disclosure statement applicable to new employees (FORM B). If a newly elected Member does not hire a new employee compensated at the above GS-15 salary level, there might be no employee of that Member required to file a disclosure statement for a period of almost 17 months. Again, the intent of the statute is that at least one

employee in each Member's office file a Financial Disclosure Statement in each calendar year. Accordingly, any Member first taking office on January 3 who does not have an above GS-15 employee should designate a principal assistant to file a disclosure statement by May 15. Any such designated principal assistant should file a Financial Disclosure Statement as a new employee (FORM B), even if that employee previously worked in another congressional office.

#### Summary Ruling

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

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

A principal assistant who is not an above GS-15 employee does not have to file a termination report if someone else in the Member's office is designated to file in that person's place. The newly designated individual must meet the statutory requirements for filing, including

having worked in the Member's office for more than 60 days in the year covered by the report.

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

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

## APPENDIX C

### Rules of the House of Representatives – 111th Congress

#### RULE XXV, clause 5

##### Gifts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Whether to his actual knowledge the individual who gave the gift also gave the same or similar gifts to other Members, Delegates, the Resident Commissioners, officers, or employees of the House.

(E) Except as provided in paragraph (e)(3), a contribution or other payment to a legal expense fund established for the benefit of a Member, Delegate, Resident

Commissioner, officer, or employee of the House that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

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

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

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

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

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

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

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

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

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

entertainment provided in the presentation of such degrees and awards).

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

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

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

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

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

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

(R) Opportunities and benefits that are –

(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

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

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

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

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

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

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

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

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

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

(i) the Member, Delegate, Resident Commissioner, officer, or employee of the House participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his official position; or

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

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

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

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

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

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

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

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

the family relationship exception in subparagraph (3)(C).

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

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

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

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk within 30 days after the travel is completed.

(B) For purposes of subdivision (A), events, the activities of which are substantially recreational in nature, are not considered to be in connection with the duties of a Member, Delegate, Resident Commissioner, officer, or employee of the House as an officeholder.

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

(A) the name of the employee;

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

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

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

(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member, Delegate, Resident Commissioner, or officer (in the case of travel by that Member, Delegate, Resident Commissioner, or officer) or by the Member, Delegate, Resident Commissioner, or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include –

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

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

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

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

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

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

(G) in the case of a reimbursement to a Member, Delegate, Resident Commissioner, or officer, a determination that the travel was in connection with his duties as an officeholder and would not create the appearance that the Member, Delegate, Resident Commissioner, or

officer is using public office for private gain.

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

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

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

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

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

(5) The Clerk shall make available to the public all advance authorizations and disclosures of reimbursement filed under subparagraph (1) as soon as possible after they are received.

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

(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within

the meaning of section 101 of the Higher Education Act of 1965.

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

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

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

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

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

(B) that the source either-

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

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

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

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

(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965); and

(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

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

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

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

(2) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation,



recommendation, or other specification of a Member, Delegate, Resident Commissioner, officer, or employee of the House (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph (f).

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

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

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

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

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

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

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

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

(g) In this clause -

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

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

(3) the terms "officer" and "employee" have the same meanings as in Rule XXIII.

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

(i)(1) Not later than 45 days after the date of the adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary-

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

(i) a connection between a trip and official duties; (ii) the reasonableness of an amount spent by a sponsor;

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

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

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

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

\* \* \* \* \*

*Additional Statutory Reference*

**Rule XXIII, clause 14**

14(a) In this Code of Official Conduct, the term "officer or employee of the House" means an individual whose compensation is disbursed by the Chief Administrative Officer.

**Rule XXIII, clause 15**

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

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

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

(2) the aircraft is owned or leased by a Member, Delegate, Resident Commissioner or his or her family member (including an aircraft owned by an entity that is not a public corporation in which the Member, Delegate, Resident Commissioner or his or her family member has an ownership interest,

provided that such Member, Delegate or Resident Commissioner does not use the aircraft any more than the Member, Delegate, Resident Commissioner, or family member's proportionate share of ownership allowed);

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

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

(c) In this clause-

(1) the term "campaign funds" includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, Resident Commissioner involved under such Act;

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

(3) the term "on the basis of personal friendship" has the same meaning as in clause 5 of rule XXV and shall be determined as under clause 5(a)(3)(D)(ii) of rule XXV.

## APPENDIX D

### Policy Regarding Amendments to Financial Disclosure Statements Committee on Standards of Official Conduct Memorandum, April 23, 1986<sup>1</sup>

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

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<sup>1</sup> References have been updated to reflect changes made by the Ethics Reform Act of 1989.

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 effect 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.

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