Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct
Pt. D: Financial Disclosure

Ch. 1: Overview

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§ 110 Introduction

(a) Judicial officers and certain judicial employees are required to file financial disclosure reports by Title I of the Ethics in Government Act of 1978, Pub. L. No. 95-521, amended by the Ethics Reform Act of 1989, Pub. L. No. 101-194, 103 Stat. 1716, and by the Courthouse Ethics and Transparency Act (CETA), Pub. L. No. 117-125, 136 Stat. 1205 (2022).

(b) Congress later repealed and reenacted the Ethics in Government Act, which had previously been in the appendix of title 5 of the U.S. Code. Pub. L. No. 117-286, 136 Stat. 4196, 4361, 4266-4295 (2022).

(c) References to the "Ethics in Government Act, as amended" or the "Act" in *Guide*, Vol. 2D refer to both the provisions already codified at 5 U.S.C. §§ 13101–13111 and the CETA provisions not yet codified.

(d) The Act provides the information required in financial disclosure reports and prescribes their general format and procedures.

§ 120 Authority

(a) The regulations in this volume are issued under the Act's authority.

(b) The Judicial Conference of the United States is responsible for judiciary compliance with, and implementation of, the Act (**see:** 5 U.S.C. § 13102).

(c) In 1990, 2017, and 2022, the Conference delegated this authority to its Committee on Financial Disclosure, as authorized by the Act (**see:** JCUS-SEP 1990, p. 85; JCUS-SEP 2017, p. 13; JCUS-SEP 2022, p. 5).

(d) The Committee approved a revised set of financial disclosure regulations in 2017 and several amendments since then.

(e) The Committee has prescribed Forms AO 10 and AO 10T for filing financial disclosure reports.

§ 130 Purpose

This part of Volume 2 provides the uniform procedures and requirements for the judiciary's financial disclosure system.

§ 140 Applicability

This part of Volume 2 applies to all judicial officers and judicial employees required by the Act to file financial disclosure reports.

§ 150 In General

(a) Title I of the Act requires that designated federal officials disclose publicly their personal financial interests, to ensure confidence in the integrity of the federal government by demonstrating that they are able to carry out their duties without compromising the public trust.

(b) Financial disclosure reports are not net-worth statements. Financial disclosure systems seek only the information that the judiciary has deemed relevant to the administration and application of conflict-of-interest laws, statutes on ethical conduct or financial interests, and regulations on standards of ethical conduct.

(c) Nothing in the Act or these regulations requiring the reporting of information or the filing of any report may be deemed to authorize:

- receipt of income, honoraria, gifts, or reimbursements;
- holding of assets, liabilities, or positions; or
- involvement in transactions that are prohibited by law or regulation.

See: § 160, below.

(d) The Administrative Office of the U.S. Courts (AO) is responsible for processing, maintaining, and releasing financial disclosure reports according to the Act and this part of Volume 2.

(1) As required by the Act, the reports are maintained for six years, after which they are destroyed unless needed in an ongoing investigation.

(2) For individuals who file a report as a nominee under Guide, Vol. 2D, § 210.20 and are not later confirmed by the Senate, such reports will be destroyed one year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

§ 160 Relationship to Codes of Conduct

(a) This part of Volume 2 governs only the filing of financial disclosure reports.

(b) The disclosure requirements and exemptions in the Ethics in Government Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference or the statutory provisions for disqualification or recusal. **See:** Mandatory Conflict Screening Policy (Guide, Vol. 2C, Ch. 4).

(c) Article III judges, bankruptcy judges, and magistrate judges are governed by the Code of Conduct for United States Judges (Guide, Vol. 2A, Ch. 2).

(d) Judicial employees are governed by the Code of Conduct for Judicial Employees (Guide, Vol. 2A, Ch. 3).

(e) Federal public defender employees are governed by the Code of Conduct for Federal Public Defender Employees (Guide, Vol. 2A, Ch. 4).

(f) AO employees are governed by the Code of Conduct for Administrative Office Employees (*AO Manual*, Vol. 4, Ch. 2).

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Act	The Ethics in Government Act of 1978 (Pub. L. 95-521, as amended), as modified by the Ethics Reform Act of 1989 (Pub. L. 101-194, as amended), as further modified in May 2022 by the Courthouse Ethics and Transparency Act (CETA) (Pub. L. 117-125 (2022)), and as repealed and reenacted by Pub. L. 117-286 (Dec. 27, 2022). References to "the Act" refer to both the provisions codified at 5 U.S.C. §§ 13101–13111 and the CETA provisions not yet codified.

§ 170 Definitions	
Beneficial interest	In a trust, this means that the beneficiary has a right to receive an asset or the income from an asset but does not hold title to the asset itself.
Dependent child	When used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who is: (1) unmarried, under age 21, and living in the household of the reporting individual; or (2) a dependent of the reporting individual within the meaning of 26 U.S.C. § 152.
Designated agency ethics official	The Judicial Conference's Committee on Financial Disclosure, a subcommittee, or member of either, or counsel of either designated to administer the provisions of the Act and these regulations within the judiciary.
Excepted Investment Fund	An investment fund is an excepted investment fund if: (1) it is widely held; (2) it is publicly traded or the assets of the fund are widely diversified; and (3) the reporting individual neither owns nor exercises control over nor has the ability to exercise control over the financial interests held by the fund. **Note:** (1) Publicly traded mutual funds and exchange-traded funds (ETFs) registered with the Securities and Exchange Commission qualify as excepted investment funds. (2) Mutual funds and ETFs that qualify as an "excepted investment fund" for financial disclosure reporting also likely qualify as a "safe harbor" from a financial conflict of interest under the Code of Conduct for United States Judges with respect to assets held by the fund, but judges should evaluate all of their financial holdings for potential conflicts that may require disqualification. **See:** Canon 3C(1)(c), (3); Guide, Vol. 2B, Ch. 2 (Published Advisory Opinions), Advisory Opinion No. 106 ("investment in a mutual fund does not convey an ownership interest in the companies whose stock the fund holds"). (3) In a managed asset account (i.e., separately managed account), the individual investor owns (or has an ownership interest in) the assets within the account, but all or most investment and transaction decisions related to the account are within the discretion and control of an account manager. Such an account is not an excepted investment fund. A defined contribution plan (e.g., 401(k), IRA, 457(b), 403(b)) is also not an excepted investment fund since the contributor has an equity interest in the amounts deposited.

§ 170 Definitions	
Filer	Used interchangeably with "reporting individual," and includes both judicial officers and judicial employees.
Gift	A payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor, including food and beverages consumed in connection with a gift of overnight lodging. **Note:** A gift does not include: (1) bequests and other forms of inheritance; (2) suitable mementos of a function honoring the reporting individual; (3) 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 its political subdivision; (4) food and beverages that are consumed without a gift of overnight lodging; (5) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; and (6) exclusions and exceptions as described in Guide, Vol. 2D, § 330.30 and § 330.40.
Honorarium	A payment of money or anything of value (excluding or reduced by travel expenses as provided in 5 U.S.C. § 13141(2) and (5)) for an appearance, speech, or article by a judicial officer or employee, provided that the following do not constitute an honorarium: (1) payment for a series of related appearances, speeches, or articles, provided that: • the subject matter is not directly related to the officer's or employee's official duties, and • the payment is not made because of the officer's or employee's status with the government;

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	(2) compensation received for teaching activity, provided that in the case of covered senior employees such teaching activity is approved under § 1020.35; (3) awards for artistic, literary, or oratorical achievement made on a competitive basis under established criteria; (4) compensation for any performance using an artistic, athletic, musical, or other skill or talent or any incidental oral presentation, provided that: • the subject matter is not directly related to the officer's or employee's official duties, and • the opportunity is not extended because of the officer's or employee's official position; (5) compensation for any writing more extensive than an article; (6) compensation for works of fiction, poetry, lyrics, script, or other literary or artistic works; and (7) a suitable memento or other token in connection with an occasion or article, provided that it is neither money nor of commercial value.
Income	All monies, compensation, and wages derived from whatever source, whether or not taxable for federal income tax purposes (e.g., municipal bond interest). Generally, income means "gross income" as determined under the Internal Revenue Service principles at 26 CFR 1.61-1 through 1.61-15 and 1.61-21. **Note:** It includes but is not limited to the following items: • earnings such as compensation for services, fees, commissions, salaries, wages, and similar items; • gross income derived from business (and net income if the individual elects to include it); • gains derived from dealings in property including capital gains (whether actually received or reinvested); • income from rental property, even if a profit is not realized; • interest; • rents; • royalties; • dividends; • annuities; • income from the investment portion of life insurance and endowment contracts; • pensions; • income from discharge of indebtedness;

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	• distributive share of partnership income; and • income from an interest in an estate or trust.
Judicial employee	Any employee of the federal judiciary (including the United States Sentencing Commission and Court of Federal Claims), Tax Court, Court of Appeals for Veterans Claims, or Court of Appeals for the Armed Forces who: (1) is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or (2) 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. **See:** Ethics in Government Act of 1978, as amended, 5 U.S.C. § 13101(9).
Judicial officer	Justices of the Supreme Court, 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. **See:** Ethics in Government Act of 1978, as amended, 5 U.S.C. § 13101(10).
Marriage	Includes a same-sex marriage regardless of the filer's state of residency.
Personal hospitality of any individual	Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family. **Notes:** (1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include: • gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation; • gifts extended for a business purpose; • gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family; (**Note:** The reporting exemption applies to stays extended for a nonbusiness purpose at a personal residence of the host, even if the

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	personal residence is owned by an entity, provided that the residence is not regularly rented out to others for a business purpose and there are no indicia that the residence is commercial.) • gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or • gifts extended at a commercial property (e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose). (2) A judicial officer or employee may not solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer's or employee's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference regulations. **See:** 5 U.S.C. § 7353; Guide, Vol. 2C, Ch. 6.
Personal residence	Any real property used exclusively as a private dwelling by the filer or filer's spouse that is not rented during any portion of the reporting period. **Note:** The term is not limited to one's domicile. Consequently, there may be more than one personal residence, including a vacation home.
Property	(1) Any real estate (e.g., a personal residence, vacation home, rental holding, land, mineral or royalty interests); (2) Any possessions, objects, and goods (e.g., automobiles, furniture, paintings, coins, stamps); or (3) Any financial holdings (e.g., stocks, bonds, mutual funds, IRAs, 401K and other retirement accounts, education funds, bank accounts, certain life insurance policies).
Reimbursement	Any payment or other thing of value received by the reporting individual (other than gifts, as defined above) to cover travel-related expenses of such individual, other than those that are: (1) provided by the United States Government, the District of Columbia, or a state or local government or its political subdivision; or (2) required to be reported by the filer under 5 U.S.C. § 7342 (codifying the Foreign Gifts and Decorations Act).
Relative	An individual who is related to the filer, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-

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	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 filer, and is deemed to include the future spouse of the filer. **Note:** The term "relative" includes a same-sex spouse and those related to the spouse as described here.
Reporting individual	Used interchangeably with "filer," and includes both judicial officers and judicial employees.
Reviewing official	The Committee on Financial Disclosure, a subcommittee, or a member of either, or designated counsel and staff to the Committee.
Spouse	Includes a same-sex spouse. The term does not include someone in a domestic partnership or civil union.
Value	A good faith estimate of the fair market value if the exact value is neither known nor easily obtainable to the filer without undue hardship or expense. **Note:** For any interest in property, **see:** alternative valuation options in Guide, Vol. 2D, § 315.60. For gifts and reimbursements, **see:** Guide, Vol. 2D, § 330.50.

Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct
Pt. D: Financial Disclosure

Ch. 2: Filing Requirements

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§ 210 Who Must File and When

§ 210.10 Initial Filers

(a) Within 30 days of assuming a position as a judicial officer or judicial employee (as defined in Guide, Vol. 2D, § 170), or within 30 days of receiving notification from the Administrative Office of the U.S. Courts (AO), whichever is later, an individual must file a financial disclosure report. However, no report is required if the individual:

(1) has, within 30 days before assuming such position, left another position or office for which a public financial disclosure report under the Act was required to be filed; or

(2) has already filed such a report as a nominee or candidate for the position.

(b) A filer who has left another position or office within 30 days and who is not required to file a new financial disclosure report according to this section must, upon the request of the Judicial Conference's Committee on

Financial Disclosure (Committee) or its staff, provide to the Committee a copy of the filer's most recent financial disclosure report filed with the former office or agency. For special rules for initial reports, **see:** § 210.30.

Example: Y, a Treasury Department employee who has previously filed public financial disclosure reports under the Act, terminates employment with that department on Jan. 12, 2015, and begins employment with the judiciary on Feb. 10, 2015, in a covered position that requires the filing of a financial disclosure report. Y is not a new entrant since Y has assumed a position described in § 210.10 within 30 days of leaving a similarly described position. Y, therefore, need not file a new report.

(c) A filer's first annual report is due by May 15 of the year following the first calendar year in which the filer works more than 60 days in a covered position. **See:** § 210.40. As a result, the first annual report ordinarily will overlap the period covered by the nomination or initial report.

Example 1: If a filer performs official duties for more than 60 days during a calendar year (i.e., enters on duty or reaches the filing threshold on or before November 1), an annual report for that year must be filed, and the period of the report will be January 1 through December 31 of that year. Thus, a filer who entered on duty on Oct. 12, 2012 must file an annual report by May 15, 2013, and the reporting period would be Jan. 1, 2012 to Dec. 31, 2012.

Example 2: If a filer performs official duties for 60 days or fewer during a calendar year (i.e., enters on duty or reaches the filing threshold on or after November 2), an annual report is not required for that calendar year, but an annual report must be filed for the following calendar year. Thus, a filer who entered on duty on Dec. 1, 2012, would file an annual report by May 15, 2014, and the reporting period would be Jan. 1, 2013 to Dec. 31, 2013.

§ 210.20 Nominees

(a) Within five days of the transmittal by the President of the United States to the Senate of the nomination of an individual to a position, appointment to which requires the advice and consent of the Senate, such individual must file a financial disclosure report containing the information described in § 210.30 and Guide, Vol. 2D, §§ 310-330.

(b) An individual whom the President of the United States or President-elect has publicly announced that he or she intends to nominate to a position may file the financial disclosure report required by this section at any time

after that public announcement, but not later than five days after the transmittal of the nomination to the Senate.

§ 210.20.10 Updated Disclosure

(a) Each individual described in § 210.20 who is nominated by the President of the United States for appointment to a position that requires advice and consent of the Senate, must, at or before the beginning of the first Senate committee hearing to consider the nomination, submit to the Judicial Conference's Committee on Financial Disclosure an amendment to the report previously filed under § 210.20 and transmit copies of the amendment to the designated agency ethics official referred to in Guide, Vol. 2D, § 430 and to the AO.

(b) The amendment to the report must update, through the period ending no more than five days before the beginning of the hearing, the disclosure of information required with respect to receipt of:

(1) outside earned income; and

(2) honoraria, as defined in Guide, Vol. 2D, § 170.

§ 210.30 Special Rules for Initial and Nomination Reports

Each financial disclosure report filed under § 210.10(a) and (b) and § 210.20 must include a full and complete statement of the information required to be reported according to the provisions of Guide, Vol. 2D, Ch. 3, except for § 315.40 (relating to transactions) and § 330 (relating to gifts and reimbursements). The following special rules also apply:

(a) Interests in Property

For purposes of Guide, Vol. 2D, § 310, the report must include all interests in property (as defined in Guide, Vol. 2D, § 170) specified by that section that are held on or after a date that is fewer than 31 days before the date on which the report is filed.

(b) Income

(1) For purposes of Guide, Vol. 2D, § 320, the report must include all income items specified by that section that are generated by or attributable to an asset during the period beginning on January 1 of the preceding calendar year and ending on the date on which the report is filed, except as otherwise provided by § 210.20.10 relating to updated disclosure for nominees.

(2) The report must identify the filer's sources of compensation (other than from United States government employment) exceeding $5,000 during either of the preceding two calendar years or during the current calendar year up to the date of filing, and must briefly describe the nature of the duties performed or services rendered by the reporting individual for each such source of compensation. Information need not be reported, however, that is considered confidential as a result of a privileged relationship, established by law, between the reporting individual and any person. The report also need not contain any information with respect to any person for whom services were provided by any firm or association of which the reporting individual was a member, partner, or employee, unless such individual was directly involved in the provision of such services.

Example: A new entrant hired on June 30, 2015 must file a first financial disclosure report by July 30, 2015. The filer must provide the source of income received exceeding $5,000 and a description of the duties performed or services rendered by the filer, from any position during the calendar year 2013, other than from the United States government, from Jan. 1, 2013 through the date of filing. The filer must also provide the source, type, and amount of income received by the filer, aggregating $200 or more from any source other than the United States government, from Jan. 1, 2014 through the date of filing. **See:** Guide, Vol. 2D, § 320.10.

(c) Liabilities

For purposes of Guide, Vol. 2D, § 335, the report must include all liabilities specified by that section that are owed during the period beginning on January 1 of the preceding calendar year and ending fewer than 31 days before the date on which the report is filed.

(d) Agreements and Arrangements

For purposes of Guide, Vol. 2D, § 340, the report must include only those agreements and arrangements that still exist at the time of filing.

(e) Outside Positions

For purposes of Guide, Vol. 2D, § 355, the report must include all such positions held during the preceding two calendar years and the current calendar year up to the date of filing.

§ 210.40 Annual Filers

(a) Any individual who is a judicial officer or judicial employee (as defined in Guide, Vol. 2D, § 170) during any calendar year and performs the duties of his or her position or office for a period in excess of 60 days in that calendar year must file a financial disclosure report.

(b) Each report must include a full and complete statement of the information for the preceding calendar year for which reporting is required by Guide, Vol. 2D, Ch. 3. Reports are due on or before May 15 of the following year.

§ 210.40.10 Part-Time Magistrate Judges

A part-time magistrate judge whose salary level is equal to or less than 10 percent of the salary of a full-time magistrate judge (i.e., Salary Level 5) normally will not perform the duties of the office for more than 60 days each year and is therefore not required to notify the Committee of exempt status. **See:** § 210.60.10.

§ 210.40.20 Recalled Judges and Re-Employed Annuitants

(a) Recalled judges and re-employed annuitants who are employed immediately after retirement, and who performed the duties of their positions for more than 60 days in the calendar year, should not file a final report but should continue to file annual reports.

(1) Recalled judges and re-employed annuitants who are not employed within 60 days of retirement must file a final report. **See:** § 210.50.

(2) If a judge's Order of Recall states that the recall is on an ad hoc, when-actually-employed basis, not to exceed 60 days, he or she may be authorized to file a final report. **See:** § 210.50.

(3) A judge whose Order of Recall does not authorize the employment of staff by the relevant circuit judicial council or court may consider that a judge is generally not reasonably expected to perform the duties of the office for more than 60 days in a calendar year during the recall. **See:** § 210.50.

(b) After filing a final report, if the recalled judge or re-employed annuitant performs the duties of his or her filing position for more than 60 days in a calendar year, he or she must file an initial report, followed by annual reports for each year that the reporting requirements are met.

§ 210.40.30 Article III Judicial Officers

(a) A judicial officer who retires from regular active service (i.e., a senior judge) must either continue to file annual reports under § 210.40 or certify

that he or she did not perform the duties of the office for more than 60 days in the calendar year under § 210.60.

(b) To assist a senior judge in determining whether to file a final report or certify under § 210.50(d), the judge may consider that a judge who is no longer authorized the employment of staff by the relevant circuit judicial council or court is generally not reasonably expected to perform the duties of the office for more than 60 days in a calendar year. **See:** § 210.50.

§ 210.40.40 Judges of the U.S. Tax Court, U.S. Court of Appeals for the Armed Forces, U.S. Court of Appeals for Veterans Claims, and U.S. Court of Federal Claims

(a) A senior judge must either continue to file annual reports under § 210.40 or certify that he or she did not perform the duties of the office for more than 60 days in the calendar year under § 210.60.

(b) To assist a senior judge in determining whether to file a final report or certify under § 210.50(d), the judge may consider that a judge who is no longer authorized the employment of staff by the relevant judicial council or court, is generally not reasonably expected to perform the duties of the office for more than 60 days in a calendar year.

(c) A senior judge who retires on disability or who freezes his or her pay after electing retired pay must file a final report under § 210.50.

§ 210.45 Periodic Transaction Report Filers

(a) All judges, including judicial officers, bankruptcy judges, magistrate judges, and special trial judges who are required to file annual or final financial disclosure reports and whose filing requirement has not been terminated by the Judicial Conference's Committee on Financial Disclosure must file a periodic transaction report to report any purchase, sale, or exchange that exceeds $1,000 in stocks, bonds, commodities futures, or other securities that is made on or after Aug. 11, 2022. Pub. L. No. 117-125, 136 Stat. 1205 (2022); 5 U.S.C. § 13105 Notes. For exclusions and information on filing, **see:** Judiciary Financial Disclosure Filing Instructions.

(b) The periodic transaction report must be received by the Committee not later than 30 days after the filer receives notification of the transaction, but in any case, no later than 45 days after the transaction.

§ 210.50 Final Filers

(a) An initial or annual filer who separates from employment, including retirement from office or filing position or retirement on disability, or has a

reduction in base salary to below the reporting threshold must file a final financial disclosure report including a full and complete statement of the information required to be reported under Guide, Vol. 2D, Ch. 3 through the date of separation or reduction in base salary. If the filer's annual report for the preceding year has not been filed, the preceding year must be included in the final report as well.

Example: If a filer retires on April 5, 2015, and has not yet filed an annual report for 2014, the final report must be filed by May 5, 2015, and the reporting period would be Jan. 1, 2014 to April 5, 2015.

(b) A final report is due on or before the 30th day after separation from employment or reduction in base salary to below the reporting threshold and may be filed no more than 15 days before separation. If the report is filed before the separation date and there are any changes between the filing date and the separation date, the filer must update the report. The filer should acknowledge this obligation to update the report in an explanation on the financial disclosure form.

(c) If a filer, within 30 days of separating from judiciary employment, assumes a position or office for which a public financial disclosure report under the Act is required to be filed, no final report is required.

(d) If a judge certified that he or she did not perform the duties of the office for more than 60 days in the preceding calendar year in lieu of filing an annual report under § 210.60, and he or she did not perform the duties of the office for more than 60 days in the year of separation, he or she may so certify in lieu of filing the final report.

(e) After filing a final report under paragraph (a) or certification under paragraph (d), if the filer performs the duties of the office or holds a filing position for more than 60 days in a calendar year, the filer must file an initial report, unless the reporting individual filed a nomination report for the filing position, in which case the filer must file an annual report, followed by annual reports for each year the reporting requirements are met.

§ 210.60 Persons Excluded by Rule

§ 210.60.10 Employment of 60 Days or Less

(a) Any judicial officer or judicial employee (as defined in Guide, Vol. 2D, § 170) who performs the duties of his or her position or office for a period of 60 days or less in a calendar year, is not required to file an annual financial disclosure report for that calendar year.

(b) However, the filer must certify in writing to the Committee by May 15th that the filer did not work more than 60 days during the preceding calendar year.

(c) Employment of more than 60 days in a calendar year is not reasonably expected if the judge is no longer authorized the employment of staff by the relevant circuit judicial council or court.

§ 210.60.20 Special Waiver of Reporting Requirements (130-Day Rule)

(a) General Rule

In unusual circumstances, the Committee may grant a request for a waiver of the reporting requirements for an individual who is reasonably expected to perform, or has performed, the duties of an office or position for fewer than 130 days in a calendar year, but only if the Committee determines that:

(1) the individual is not a full-time employee of the United States government;

(2) the individual is able to provide services specially needed by the United States 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 the individual is not necessary under the circumstances.

(b) Procedure

Requests for waivers must be submitted in writing to the Committee in sufficient time before the filing deadline for the Committee to consider the request. The request must include:

(1) the name of the individual and his or her position, the approximate number of days in a calendar year that he or she expects to serve or the actual number of days that he or she did serve in that position, and a request to waive the reporting requirements under this chapter; and

(2) the reasons for the individual's belief that the conditions of § 210.60.20(a)(1)-(4) are met in the particular case.

§ 210.70 Timeliness

(a) The date of filing is determined by the date a report is received by the Committee through its electronic filing system.

(b) To remind and assist filers of their annual reporting obligation, each spring the Committee electronically sends filing information to all filers. The information contains links to resource material and software required to complete the report.

(c) Each filer is personally responsible for filing an annual financial disclosure report, whether or not filing information or a reminder is received.

(d) Reports that are not filed in a timely manner are subject to a late filing fee (**see:** Guide, Vol. 2D, § 610).

§ 210.80 Extensions

(a) A filer may request from the Committee an extension of the due date up to a maximum of 90 days (**see:** 5 U.S.C. § 13103(g)(1)).

(b) Extension requests should be submitted to the Committee through the electronic filing system and must state the number of additional days requested and why the extension is necessary.

(c) If, after an extension, the new due date falls on a weekend or holiday, the report will be due on the next business day that is not a weekend or holiday.

§ 220 How and Where to File

§ 220.10 [Reserved]

§ 220.20 Reporting Form

The Committee provides an approved form for reporting the information described in Guide, Vol. 2D, Ch. 3. All reports, amended reports, and responses to letters of inquiry from the Committee must be filed utilizing this form.

§ 220.30 Electronic Filing

(a) The Committee has implemented a system for the electronic filing of financial disclosure reports.

(b) All financial disclosure reports filed according to this chapter and amendments (including amendments filed in response to letters of inquiry)

must be submitted electronically through the filing system approved by the Committee and maintained by the AO.

(c) The Committee does not accept filings by paper, email, or facsimile unless permitted under § 220.50.

(d) Filers must certify the accuracy of their reports and electronically sign them upon submission.

§ 220.40 [Reserved]

§ 220.50 Use of Alternative Formats

(a) In exceptional circumstances, it is permissible to provide the required information in any part of the financial disclosure report in an alternative format, but only upon a specific written determination by the Committee that such alternative reporting is acceptable.

(b) Requests to use an alternative format must be submitted to the Committee through the electronic system stating in detail the format sought to be used, why the request is being made, and whether it is for the current report only or for future reports as well.

(c) Absent permission to use an alternative format, no extrinsic reports or documents (such as a brokerage report) may be used or attached as a substitute for disclosure.

§ 230 Reimbursement of Professional Fees

(a) Judges and employees of the United States courts of appeals, district courts, Court of Federal Claims, territorial courts, federal public defender organizations, and the AO who incur professional fees rendered by an accountant, a stock broker, an attorney, or similar licensed professional in the preparation of financial disclosure reports filed under the Act may request reimbursement of the amount of those fees up to a maximum of $1,685 for all work performed through the closure of a report required by the Act, with the exception of a nomination report. JCUS-SEP/OCT 2001, p. 59; JCUS-MAR 2019, p. 21-22; JCUS-SEP 2023, p. 13–14. The maximum reimbursement authorized for an annual or final report includes professional fees incurred to prepare periodic transaction reports for the transactions included in the annual or final report. JCUS-SEP 2023, p. 13–14.

Note: The reimbursement policy is limited to those courts and agencies of the judicial branch governed by the Judicial Conference and therefore

does not include the United States Supreme Court, the Federal Judicial Center, or the United States Sentencing Commission. The Court of Appeals for the Federal Circuit and the Court of International Trade have discretion to reimburse such fees out of their separate appropriations.

Example 1: Filer incurs $2,000 in professional fees rendered by an accountant who assists filer in preparing his or her annual report. Filer later receives a letter of inquiry (LOI) from the Committee requiring filer to provide additional information and re-file an amended annual report. Filer's accountant helps prepare the response to the LOI in the form of an amended annual report, charging filer an additional $1,000. Filer is only entitled to seek reimbursement for up to $1,685 for all the work performed by the accountant through the closure of the annual report, which includes the preparation of the original annual report, the response to the LOI, and the preparation and filing of the amended annual report. Filer is **not** entitled to seek reimbursement of $1,685 per activity the accountant performs.

Example 2: In May 2017, a filer incurs $2,500 in professional fees rendered by an accountant who assists the filer in preparing and filing an annual report. In September 2017, the filer retires from the judiciary and incurs $1,500 in professional fees rendered by an accountant who assists the filer in preparing and filing a final report. As these are separate reports required by the Act, the filer may seek up to $1,685 reimbursement for each report (i.e., $1,685 for the annual report and $1,685 for the final report).

Example 3: In May 2025, a filer incurs $3,000 in professional fees rendered by an accountant who assists the filer in preparing and filing an annual report. The filer incurred an additional $2,000 in professional fees rendered by the accountant to prepare periodic transaction reports for transactions that occurred throughout calendar year 2024, which are also reportable on the filer's annual report due in May 2025. The filer may seek up to $1,685 reimbursement for all professional fees incurred to prepare the annual and associated periodic transaction reports.

(b) For more detailed guidance on the reimbursement request process, **see:** Guide, Vol. 13, § 430.10.30 (Reimbursement for Financial Disclosure Professional Preparation Fees).

Guide to Judiciary Policy

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§ 310 Reporting Thresholds for Assets

(a) As a general rule, when reporting assets, a filer must list each asset that:

(1) exceeds $1,000 in value during the reporting period (**see:** § 315), or

(2) generated more than $200 in income during the reporting period (**see:** § 320).

(b) The income and value of each asset held in brokerage or managed accounts **must be reported individually** (**see:** § 315.30).

§ 312 Types of Reportable Property

Subject to the exceptions in § 315.20, examples of the types of property required to be reported include, but are not limited to:

(a) real estate;

(b) beneficial real estate interests (e.g., royalty and mineral rights);

(c) stocks (including stock options), bonds, securities, and futures contracts;

(d) livestock owned for commercial purposes;

(e) commercial crops, either standing or held in storage;

(f) antiques or art held for resale or investment;

(g) beneficial interests in trusts and estates (but not contingent interests);

(h) cash and cash-equivalent accounts in banks or other financial institutions;

(i) pensions, retirement accounts, and annuities (assets must be listed individually), except as provided in § 315.20(c);

(j) mutual funds;

(k) 529 college education funds;

(l) accounts or other funds receivable; and

(m) capital accounts or other asset ownership in a business or partnership, as well as the business or partnership itself.

§ 315 Interests in Property

(a) Each financial disclosure report filed must include the identity and a brief description of any interest in property having a fair market value in excess of $1,000:

(1) held by the filer during the reporting period in a trade or business; or

(2) for investment or the production of income.

(b) The report must designate the category of value of the property as of the end of the reporting period consistent with § 315.50.

(1) Each item of property must be disclosed separately.

(2) The underlying asset(s) of each of the following items must be **separately** disclosed (**see:** § 315.30), unless the entity qualifies for special treatment under § 365:

(A) individual retirement accounts (IRAs),

(B) brokerage accounts,

(C) managed accounts,

(D) trusts,

(E) pension funds,

(F) 401(k) and 403(b) retirement accounts,

(G) 529 college education funds, and

(H) other entities with portfolio holdings.

§ 315.10 Economic Entities (Businesses and Partnerships)

For property held in a trade, business, partnership, or other business enterprise (e.g., an LLC or sole proprietorship), the filer must list the name and ownership interest in the trade or business, and provide a description of the nature of the trade or business. The source, type, and the actual amount or value of gross income from such a partnership or business must be reported under § 320.10 and § 320.20(b).

(a) Active Assets

Assets actively used in the operation of a trade or business are active assets, which do not need to be individually listed.

(b) Passive Assets

Assets that are passively held in the trade or business and are not related to the nature of the trade or business are passive assets. A filer must list each individual passive asset that is:

(1) valued at more than $1,000, or

(2) earning more than $200 in income.

§ 315.20 Exceptions

The following property interests are exempt from the reporting requirements described above in § 315 and § 315.10:

(a) personal cash-equivalent accounts (defined as any checking, savings, money market account, and certificate of deposit in a bank, savings and loan association, credit union, or similar financial institution) in a single financial institution aggregating $5,000 in value or less in that institution at the end of the reporting period, and earning $200 or less in income during the reporting period;

(b) a personal residence of the filer or his or her spouse (as defined in Guide, Vol. 2D, § 170); and

(c) financial interests in any retirement system of the United States (e.g., Thrift Savings Plan, Social Security).

§ 315.30 Identification of Assets

(a) Each asset required to be reported must be individually listed and identified with sufficient detail so the reader can readily identify the asset type and/or asset nature.

(1) For stocks and other securities, indicate the name and the type of the holding (e.g., "common" or "preferred"). Including stock ticker symbols is encouraged.

(2) For bonds, you must report the name of the issuer (corporation, municipality, state, U.S. Treasury, or government agency) and specify that the asset is a bond (or specify what type of debt obligation it is if not a bond (e.g., debenture or convertible)). For state or local government bonds, you must identify both the city or county and the state. For federal government bonds, indicate the specific type (e.g., savings bonds, Treasury notes, TVA (Tennessee Valley Authority), GNMA (Ginnie Mae), or FHLMC (Federal Home Loan Mortgage Corporation)).

(3) For a cash-equivalent account (savings, checking, money market, certificates of deposit) within a bank, credit union, savings and loan, or similar financial institution, valued at or aggregating more than $5,000 or producing aggregate annual income over $200, list the name of the institution followed by "cash-equivalent account(s)" (e.g., Bank of America cash-equivalent accounts). Information for all cash-equivalent accounts held at each named institution may be aggregated. There is no need to indicate the precise type of account (e.g., savings or checking). Do not list account numbers or addresses for a financial institution or its branches.

(4) For mutual funds, when not listing the ticker symbol, filers must identify both the fund family and the name of the fund (e.g., "Vanguard S&P Index 500 Fund").

(5) For each real estate interest, indicate the city or county, and state. If more than one parcel of real estate is owned in the same geographic area, identify each parcel by number (e.g., Parcel 1, 2, 3). Do not identify real estate by street address, lot, or block number.

(6) For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary") and the trust's name (e.g., "family trust #1").

(b) Investment Funds

If the filer owns or has the ability to select individual stocks, bonds, or other assets within an account or plan, even if the filer defers to the decisions of an investment manager, it is not an excepted investment fund. The filer is therefore required to disclose the individual assets that are part of the plan.

(c) Excepted Investment Funds

(1) A filer is not required to list the individual holdings of an excepted investment fund. (**see:** Guide, Vol. 2D, § 170)

(2) The filer must provide:

(A) the specific name of the plan (including the fund family and the name of the fund) and include words in the plan's description to delineate it as a general investment strategy rather than a self-directed plan (e.g., "Vanguard S&P 500 Index Fund");

(B) income from the fund;

(C) the fund's value at the end of the reporting period; and

(D) fund transactions exceeding $1,000 in value (e.g., increasing or decreasing one's interest in the fund).

Note: This does not refer to individual transactions made by the managers of the excepted investment fund.

§ 315.40 Transactions

(a) Transactions during the reporting period that involve any purchase, sale, or exchange of any property or asset (**see:** Guide, Vol. 2D, § 170) exceeding $1,000 must be reported.

(b) A filer must report the:

(1) type of transaction (e.g., buy, sell, redeem, etc.);

(2) date of the transaction;

(3) value of the consideration paid or received;

(4) opening of a bank account and closing of a bank account that has been reported on a prior report, and

(5) mandatory distributions from retirement accounts;

(c) If a reportable asset has been bought and sold during the same reporting period, you must provide the required information about both transactions.

§ 315.40.10 Exceptions

A filer is not required to report the following transactions:

(a) transactions solely between filer, filer's spouse, and filer's dependent children;

(b) transactions in which the then-fair market value paid or received did not exceed $1,000;

(c) transactions involving property used solely as the personal residence of the filer and the filer's spouse;

(d) transactions involving a mere change in the form of the asset (e.g., a stock split);

(e) transactions involving deposits or withdrawals from bank accounts, money market accounts, and certificates of deposit within any given financial institution, other than the opening or closing of all accounts at such institution;

(f) transactions involving U.S. Treasury securities (i.e., Treasury bills, notes, and bonds, including U.S. savings bonds);

(g) transactions involving the reinvestment of dividends, interest, and capital gain distributions (**see:** § 320.20.10);

(h) cash inheritances or inherited property not held for the production of income that was received by the filer or the filer's spouse or dependent children;

(i) donations made to a charity or to a non-dependent relative by the filer or the filer's spouse or dependent children; or

(j) the maturation of any debt, including the call or redemption of any bond.

§ 315.50 Value Categories

(a) The value categories specified for property items are as follows:

(1) $0 – $15,000;

(2) $15,001 – $50,000;

(3) $50,001 – $100,000;

(4) $100,001 – $250,000;

(5) $250,001 – $500,000;

(6) $500,001 – $1,000,000; and

(7) greater than $1,000,000.

(b) With respect to items held by the filer alone or held jointly by the filer with the filer's spouse and/or dependent children, the following additional categories over $1,000,000 apply:

(1) $1,000,001 – $5,000,000;

(2) $5,000,001 – $25,000,000;

(3) $25,000,001 – $50,000,000; and

(4) greater than $50,000,000.

§ 315.60 Valuation of Interests in Property

(a) A good faith estimate of the fair market value of interests in property and assets may be made in any case in which the exact value cannot be obtained without undue hardship or expense to the filer.

(b) Fair market value may also be determined by:

(1) the purchase price (in which case, the filer should indicate date of purchase);

(2) recent appraisal;

(3) the assessed value 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 that market value);

(4) the year-end book value of nonpublic traded stock, the year-end exchange value of corporate stock, or the face value of corporate bonds or comparable securities;

(5) the net worth of a business partnership;

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

(7) any other recognized indication of value (such as the last sale on a stock exchange).

§ 320 Income

§ 320.10 Non-Investment Income

(a) Each financial disclosure report filed must disclose the source, type, and the actual amount or value of earned or other non-investment income aggregating $200 or more from any one source that is received by the filer or has accrued to the filer's benefit during the reporting period, including the following:

(1) Salaries, fees, commissions, wages, and any other compensation for personal services (other than from United States government employment).

(2) Retirement benefits other than from the United States government (e.g., Thrift Savings Plan, Social Security).

(3) Any honoraria (the source, date, and amount of payments), including payments made or to be made to charitable organizations on behalf of the filer in lieu of honoraria.

Note: Filers should not list the name of the recipient of an honoraria made on behalf of the filer on the financial disclosure report. Rather, the filer must simultaneously file with the Judicial Conference's Committee on Financial Disclosure (Committee), on a confidential basis, a corresponding list of all recipients of such payments, together with the dates and amounts.

(4) Any other non-investment income, such as:

- earnings from teaching,
- prizes,
- awards,
- discharge of indebtedness, and
- fees earned as trustee of a family trust or executor of a family estate.

(b) The following do not have to be reported as non-investment income:

(1) death benefits under insurance policies;

(2) inheritances;

(3) tort recoveries and other compensation for injuries and sickness;

(4) disability compensation;

(5) income tax refunds; and

(6) veteran's benefits.

§ 320.20 Investment income

Each financial disclosure report filed under this subpart must disclose the following:

(a) The source and type of investment income, including dividends, rents, interest, capital gains, or income from qualified or excepted trusts (**see:** § 365), that is generated by or attributable to an asset during the reporting period, and that exceeds $200 in amount or value from any one source.

(1) For entities with portfolio holdings, such as individual retirement accounts (IRAs), brokerage accounts, managed asset accounts, and trusts, each underlying source of income must be separately disclosed, unless the entity qualifies for special treatment under § 365.

(2) The amount or value of income from each reported source must be disclosed and categorized consistent with the following table:

(A) $0 – $1,000;

(B) $1,001 – $2,500;

(C) $2,501 – $5,000;

(D) $5,001 – $15,000;

(E) $15,001 – $50,000;

(F) $50,001 – $100,000;

(G) $100,001 – $1,000,000;

(H) greater than $1,000,000; but with respect to investment income of the filer alone or joint investment income of the filer with the filer's spouse and/or dependent children, the following additional categories over $1,000,000 apply:

(i) $1,000,001 – $5,000,000; and

(ii) greater than $5,000,000.

(b) The source, type, and the actual amount or value of gross income from a business, distributive share of a partnership, joint business venture income, payments from an estate or an annuity or endowment contract, or any other items of income not otherwise covered by § 320.10 and § 320.20(a) that are generated by or attributable to an asset during the reporting period and that exceed $200 from any one source.

§ 320.20.10 Reportable Income

(a) Reportable income can differ from taxable income.

(b) For purposes of the financial disclosure report, all reportable interest, dividends, and other income generated by or attributable to an asset during the reporting period must be listed, regardless of whether that income is taxable, tax deferred, or tax exempt.

(c) Income from mutual fund holdings includes short-term and long-term capital gains along with dividends that are reinvested.

§ 320.30 Life Insurance Policies

(a) Term Insurance

A term insurance policy pays a benefit if the insured person dies during the term of the policy, and when the policy expires, no value remains. Since the insured person does not have an ownership interest in the value of the policy, term insurance is not reportable.

(b) Cash Value Insurance

Cash value insurance is part insurance and part investment (e.g., Prudential Whole-Life Insurance Policy). Such policies require premiums during the life of the insured person in exchange for a fixed sum of money to be paid to a beneficiary when the insured person dies. A part of the premium pays for the expense of the insurance portion of the policy, and the remainder goes into a tax-deferred cash reserve that is invested and builds the policy's cash value. An insured person would have an ownership interest in the investment portion of such a policy that would require reporting.

(c) Variable Policy

Generally, the purchaser of an insurance policy does not select specific investment funds other than a general category of risk (e.g., high, medium, or low risk). Under a "variable" or "universal variable" policy that allows the insured person to choose specific investments from options offered by the insurer, the filer must report the name of the insurance company and the fund selected (e.g., "Prudential Variable Life: Prudential Money Market Fund"). If assets were allocated to more than one fund, all funds to which investments were allocated must be reported.

§ 325 Purchases, Sales, and Exchanges

§ 325.10 Generally

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report filed must include a brief description, the date, and value (using the categories of value in § 315.50) of any purchase, sale, or exchange of a reportable asset during the reporting period, in which the transaction amount exceeds $1,000. **See:** Guide, Vol. 2D, § 170.

§ 325.20 Exceptions

(a) The following transactions do not need to be reported:

(1) Any transaction solely by and between the filer, filer's spouse, and dependent children.

(2) Transactions involving government-issued Treasury securities (i.e., Treasury bills, notes, and bonds, including U.S. savings bonds); and personal cash-equivalent accounts (as defined in § 315.20(a)) that occur at rates, terms, and conditions available generally to members of the public.

Note: Likewise, transactions involving portfolio holdings of qualified and investment trusts and excepted trusts described in § 365.20 do not need to be reported.

(3) Any transaction that occurred at a time when the reporting individual was not a judicial officer or judicial employee.

§ 330 Gifts and Reimbursements

§ 330.10 Gifts

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source, a brief description, and the value of all gifts aggregating more than $480 in value that are received by the filer during the reporting period from any one source.

§ 330.20 Reimbursements

Except as indicated in Guide, Vol. 2D, § 210.30, each financial disclosure report must contain the identity of the source and a brief description (including travel locations, dates, and nature of expenses provided) of any travel-related reimbursements aggregating more than $480 in value that are received by the filer from one source during the reporting period.

§ 330.30 Exclusions

(a) Reports need not contain any information about gifts and reimbursements to which the provisions of this section would otherwise apply that are received from relatives (as defined in Guide, Vol. 2D, § 170) or during a period in which the filer was not a judicial officer or judicial employee.

(b) For gift reporting only, any food, lodging, or entertainment received as "personal hospitality of any individual" (as defined in § 170) need not be reported. Certain exclusions are also specified in the definitions of gift and reimbursement in § 170.

§ 330.40 Aggregation Exception

Any gift with a fair market value of $192 or less need not be aggregated for purposes of the reporting rules of this section.

§ 330.50 Value of Gifts and Reimbursements

(a) The value to be assigned to a gift (for determining whether the reporting threshold is met and for reporting) or reimbursement (for determining whether the reporting threshold is met) is its fair market value.

(b) For most reimbursements, this will be the amount actually received.

(c) For gifts, the value should be determined using one of the following means:

(1) If the gift has been newly purchased or is readily available in the market, the value should be its retail price (the filer need not contact the donor, but may contact a retail establishment selling similar items to determine the present cost in the market); **or**

(2) If the item is not readily available in the market, such as a piece of art, a handmade item, or an antique, the filer may make a good faith estimate of the value of the item.

Note: In the case of gifts related to travel, the filer's estimate of value should be made in reference to the most analogous commercially available substitute (e.g., transportation aboard a private aircraft should be valued at the cost of a first-class ticket for a similar route on a commercial air carrier; travel aboard a private yacht should be valued according to the cost of a ticket on a commercial cruise with similar destinations, duration, and accommodations).

(d) "Readily available in the market" means that an item generally is available for retail purchase in the metropolitan area nearest to the filer's residence or from an internet retailer.

(e) The market value of a ticket entitling the holder to attend an event that includes food, refreshments, entertainment, or other benefits is the face value of the ticket, which may exceed the actual cost of the food and other benefits. The value of food and beverages (which may be excludable under the definition of "gift" in Guide, Vol. 2D, § 170) may be determined by:

- making a good faith estimate, or
- determining their actual cost from the caterer, restaurant, or similar source.

§ 330.60 Waiver Rule in the Case of Certain Gifts

(a) In unusual cases, the value of a gift as defined in Guide, Vol. 2D, § 170 need not be aggregated for reporting threshold purposes under this section and, therefore, the gift need not be reported if the Committee receives a written request for and issues a waiver. A waiver request must include the following:

(1) A cover letter with the filer's name and position and a request for a waiver under 5 U.S.C. § 13104(a)(2)(C); and

(2) An enclosure with:

(A) the identity and occupation of the donor;

(B) a description and estimated fair market value of the gift;

(C) a description of the relationship between the filer and the donor including whether the relationship and motivation for the gift are personal in nature;

(D) an explanation if the relationship or gift from the donor would require recusal;

(E) whether the gift was given to the filer because of an official position; and

(F) an explanation as to why there is no countervailing public purpose requiring public disclosure of the nature, source, and value of the gift.

(b) The Committee may issue a waiver, after determining that:

(1) both the basis of the relationship between the grantor and the grantee and the motivation behind the gift are personal; and

(2) no countervailing public purpose requires public disclosure of the nature, source, and value of the gift.

(c) The date of any waiver request and grant issued under this section must be made publicly available as a note in Part VIII. Additional Information or Explanations on the filer's financial disclosure report.

(d) Any determination by the Committee that a filer does or does not have to report a gift under this section is not a determination that the filer may properly accept the gift under the appropriate Code of Conduct for the filer or any other applicable ethics statute or regulation (**see:** Guide, Vol. 2D, § 160).

§ 335 Liabilities

§ 335.10 Generally

(a) Each financial disclosure report filed must identify and include a brief description of the filer's liabilities over $10,000 owed to any creditor at any time during the reporting period, and the name of the creditors to whom such liabilities are owed.

(b) The report also must designate the category of value of the liabilities consistent with § 315.50, reporting the amount owed to the creditor at the end of the reporting period.

§ 335.20 Exceptions

(a) The following are not required to be reported:

(1) personal liabilities owed to a spouse or to the parent, brother, sister, or child of the filer or the filer's spouse;

(2) any mortgage secured by a personal residence of the filer or the filer's spouse;

(3) any loan secured by a personal motor vehicle, household furniture, or appliances, provided that the loan does not exceed the purchase price of the item that secures it;

(4) any revolving charge account with an outstanding liability that does not exceed $10,000 at the close of the reporting period; and

(5) any liability:

(A) that is the sole financial liability or responsibility of the spouse or child;

(B) that is not in any way, past or present, derived from the assets, income, or activities of the reporting person;

(C) from which the reporting person does not derive or expect to derive a benefit; and

(D) regarding which the reporting person has no knowledge.

(b) Omission of such data indicates a certification of these statutory conditions.

§ 340 Agreements and Arrangements

Each financial disclosure report filed under this section must identify the parties to, the date of, and a brief description of the terms of, any agreement or arrangement of the filer in existence at any time during the reporting period with respect to:

(a) future employment;

(b) a leave of absence from employment 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.

§ 345 Trustees, Executors, Administrators, and Custodians

(a) If the filer is a trustee, executor, administrator, custodian, or in any other similar position, the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate.

(b) The reporting of a position as trustee, executor, administrator, custodian, or any similar position requires a listing of the assets involved if the filer, filer's spouse, or any dependent child receives income from, or has a beneficial interest in, the estate or fund with which filer is associated.

§ 350 Power of Attorney

A filer is not required to list the assets (**see:** § 312, § 315, and § 320); purchases, sales, and exchanges of assets (**see:** § 325); and liabilities (**see:** § 335) subject to a power of attorney, whether or not the power has been exercised.

§ 355 Outside Positions

§ 355.10 Generally

(a) Each financial disclosure report filed must identify all positions held by the filer at any time during the reporting period and any time up to the date of the filing of the report, as an officer, director, trustee, general partner, proprietor, representative, executor, employee, or consultant of any corporation, company, firm, partnership, trust, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States.

(b) When a filer lists trustee, executor, or a similar position, the filer must also list the assets in the trust or estate for which the position is held if the filer, the filer's spouse, or any dependent child receives income from, or has a beneficial interest in, the estate or fund with which the filer is associated. **See:** § 365.

§ 355.10.10 Compensation and Financial Interest

Outside positions must be disclosed even if the filer is not compensated and even if neither the filer nor the filer's family has any financial interest in the entities listed.

§ 355.20 Exceptions

The following need not be reported:

(a) positions held in any religious, social, fraternal, or political entity; and

(b) positions solely of an honorary nature, such as those with an emeritus designation.

§ 360 Spouses and Dependent Children

§ 360.10 Special Disclosure Rules

Each report required under Guide, Vol. 2D, Ch. 2 must also include the following information with respect to the spouse or dependent children of the reporting individual:

(a) Income

For purposes of § 320, the filer must report the following income:

(1) Spouse Non-investment Income

(A) Non-investment income includes such items as salary, royalties, and lottery winnings.

(B) The filer must report the source but not the amount of the spouse's non-investment income (other than honoraria and investment income) exceeding $1,000 from any one source (other than from the spouse's current employment by the United States government).

(C) If items of earned income are derived from a spouse's self-employment in a business or profession, the filer must report the nature of the business or profession but not the amount of the earned income.

(2) Spouse Honoraria

The source and actual amount or value of any honoraria received by or accrued to the spouse (or payments made or to be made to

charity on the spouse's behalf in lieu of honoraria), and the date on which the honoraria were received must be reported.

(3) Spouse and Dependent Child Investment Income

With respect to a spouse or dependent child, the type and source, and the amount or value (category or actual amount, consistent with § 320) of all other income exceeding $200 from any one source, such as investment income from interests in property (if the property itself is reportable under § 315).

(b) Gifts and Reimbursements

For purposes of § 330, the filer must report the identity and a brief description of reportable gifts, and the identity of the source and a brief description of reportable reimbursements received by a spouse or dependent child. Gifts and reimbursements do not have to be reported if they are received either from a relative or totally independent of their relationship to the filer.

(c) Interests in Property, Transactions, and Liabilities

For purposes of § 315, § 325, and § 335, the filer must report all information concerning property interests, transactions, or liabilities referred to by those sections of a spouse or dependent child, unless the following three conditions are satisfied:

(1) the filer certifies that the item represents the spouse's or dependent child's sole financial interest or responsibility, and that the filer has no specific knowledge regarding that property;

(2) the item is not in any way, past or present, derived from the income, assets or activities of the filer; and

(3) the filer neither derives, nor expects to derive, any financial or economic benefit from the item.

Note: One who prepares a joint tax return with his or her spouse will normally derive a financial or economic benefit from assets held by the spouse, and will also be charged with knowledge of such items. Consequently, the filer could not invoke this exception.

§ 360.20 Exception (New Entrant and Nominee)

For a report filed by a new entrant or nominee under Guide, Vol. 2D, § 210.10 or § 210.20, no information regarding gifts and reimbursements or transactions is required for a spouse or dependent child.

§ 360.30 Divorce and Separation

A reporting individual need not report any information about:

(a) a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation;

(b) a former spouse or a spouse from whom the reporting individual is permanently separated; or

(c) any income or obligations of the reporting individual arising from dissolution of the reporting individual's marriage or permanent separation from a spouse.

§ 365 Trusts, Estates, and Investment Funds

§ 365.10 Generally

(a) Except as otherwise provided, each financial disclosure report must include the information required by this part of Volume 2 about the holdings — and income from the holdings — of any trust, estate, investment fund, or other financial arrangement from which income is received, or with respect to which a beneficial interest (as defined in Guide, Vol. 2D, § 170) in principal or income is held by the filer or the filer's spouse or dependent child. Disclosure of the holdings of a trust in which the filer or the filer's spouse or dependent child has a contingent beneficial interest is not required.

(b) Revocable Living Trust

(1) Nothing in this section requires the reporting of the holdings or income of a revocable inter vivos trust (also known as a "living trust") with respect to which the filer, the filer's spouse, or dependent child has only a remainder interest, vested or not, provided that the grantor of the trust is neither the filer, the filer's spouse, nor the filer's dependent child.

(2) Furthermore, nothing in this section requires the reporting of the holdings or income from the holdings of a revocable inter vivos trust

from which the filer, the filer's spouse, or dependent child receives any discretionary distribution, provided that the grantor of the trust is neither the filer, nor the filer's spouse, nor the filer's dependent child. Distributions from the trust received by the filer, the filer's spouse, or the filer's dependent child are reportable as income from the trust.

(c) Trust Income Exclusion

Filers are not required to report the source of income from any trust:

(1) that was not created directly by the filer, the filer's spouse, or any dependent child; and

(2) the holdings or sources of income of which the filer, the filer's spouse, and any dependent child have no knowledge.

(d) Life Insurance Policies Within Trusts

A trust whose sole asset is a term life insurance policy need not be listed, as term insurance is not regarded as an investment asset.

§ 365.20 Qualified Trusts and Excepted Trusts

The Code of Conduct for United States Judges (**see:** Guide, Vol. 2A, Ch. 2, Canon 3C(2)) precludes judges, their spouses, and dependent children from owning a blind trust. Other judiciary filers may own beneficial interests in a qualified blind trust with the approval of the Committee. For those filers:

(a) Qualified Trust Reporting Exceptions

(1) A filer should not report information about the holdings or income from holdings of any qualified blind trust or any qualified diversified trust.

(2) For a qualified blind trust, a financial disclosure report must disclose the category of the aggregate amount of the trust's income attributable to the beneficial interest of the filer, the filer's spouse, or dependent child in the trust.

(3) For a qualified diversified trust, a financial disclosure report must disclose the category of the aggregate amount of income with respect to such a trust that is actually received by the filer, the filer's spouse, or dependent child, or applied for the benefit of any of them.

(b) In the case of an excepted trust, a filer should indicate the general nature of its holdings, to the extent known, but will not otherwise need to report information about the trust's holdings or income from holdings.

(1) The category of the aggregate amount of income from an excepted trust that is received by the filer, the filer's spouse, or dependent child must be reported on financial disclosure reports.

(2) For purposes of this part, the term "excepted trust" means a trust:

(A) that was not created directly by the filer, spouse, or dependent child; and

(B) the holdings or sources of income of which the filer, spouse, or dependent child have no specific knowledge through a report, disclosure, or constructive receipt, whether intended or inadvertent.

§ 370 Security Issues

The Act makes financial disclosure reports available to the public. Revealing certain identifying information can pose a security risk to the filer or the filer's family. Reporting of the following information is not required, and the Committee recommends that it not be included in financial disclosure reports.

(a) Real Estate

(1) Home Address

Filers should not disclose their home address for any purpose connected with the report. Filers should use their chambers or office address.

(2) Rental Properties

Filers only need to provide the city (or county) and state in which the property is located. Do not use street addresses, lot numbers, or survey descriptions.

(b) Unnecessary Financial Detail

(1) Account Numbers

Filers should not include any bank or brokerage account numbers.

(2) Social Security Number

Filers should not include nor use the social security number for themselves, their spouse, nor their dependent children.

(3) Bank Details

Filers only need to provide the name of a bank, not its address or the branch frequented. Bank account numbers should never be included in a report.

(c) Names of Relatives

Filers should not identify relatives by name nor designation (e.g., "daughter," "brother," or "mother-in-law"). Trusts or estates should be identified by number (e.g., "Trust #1" or "Estate #2").

(d) Financial Documents

Filers should not attach financial documents, brokerage statements, tax returns, deeds, or trust agreements to their report.

§ 375 No Incorporation by Reference

Each financial disclosure report submitted by a filer must be complete in itself. No information may be adopted or incorporated by reference to prior financial disclosure reports or financial documents, statements, or reports.

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Ch. 4: Report Review

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- § 420.40 Compliance with Applicable Laws and Regulations
- § 420.50 Administrative Closure

§ 430 Expedited Procedure for Presidential Appointees Subject to Senate Confirmation

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§ 410 In General

(a) The Judicial Conference of the United States is the designated agency ethics official (**see:** Guide, Vol. 2D, § 170) for judges and judiciary employees and serves as the reviewing official for judiciary financial disclosure reports.

(b) That responsibility has been delegated to the Conference's Committee on Financial Disclosure (Committee), which has in turn delegated certain responsibilities to Committee counsel and staff.

(c) The date that a report or supplemental report is received will be noted.

(d) Except as indicated in § 420.30, all reports should be reviewed within 60 days after the date of filing.

(e) Final certification under § 420.20 may, of necessity, occur later, where additional information is being sought, or remedial action is being taken.

§ 420 Responsibilities of Reviewing Officials

§ 420.10 Initial Review

The reviewing official must examine the report to determine, to his or her satisfaction that:

(a) each required item is completed; and

(b) no interest or position disclosed on the form violates or appears to violate:

(1) the Act, as amended, and the implementing regulations; and

(2) items specifically set out in the filer's certification stated at the filer's signature block of the report, including:

- outside employment,
- honoraria, or
- gifts.

§ 420.20 Signature by Reviewing Official

(a) If the reviewing official determines that the report meets the requirements of § 420.10, he or she must certify it by signature and date.

(b) The reviewing official need not audit the report to ascertain whether the disclosures are correct.

(c) Disclosures should be presumed correct unless:

(1) there is a patent omission or ambiguity, or

(2) the office has independent knowledge of matters outside the report.

(d) A report signed by a reviewing official certifies that:

(1) the judiciary has reviewed the report;

(2) the reviewing official has concluded that each required item has been sufficiently reported; and

(3) on the basis of information in the report, the filer is in compliance with applicable laws and regulations noted in § 420.10(b).

§ 420.30 Requests for Additional Information

(a) If the reviewing official believes that additional information is required, he or she will request that it be submitted by a specified date.

(b) If the additional information needed is required to be in the filer's report, the filer must submit an amended report with the additional information specified by the reviewing official.

(c) If the reviewing official concludes, based on the information in the report and any additional information submitted, that the report fulfills the requirements of § 420.10, he or she must sign and date the report.

§ 420.40 Compliance with Applicable Laws and Regulations

(a) If the reviewing official concludes that report information may reveal a violation of the laws and regulations specified in § 420.10, the official will:

(1) notify the filer of that conclusion;

(2) afford the filer a reasonable opportunity to respond; and

(3) determine, after considering any response, whether or not the filer has complied with applicable laws and regulations specified in § 420.10(b).

(b) If the reviewing official concludes that the report fulfills the requirements, he or she will sign and date the report.

(c) If the reviewing official determines that the report does **not** fulfill the requirements, he or she will:

(1) notify the filer of the conclusion;

(2) afford the filer an opportunity for personal consultation if practicable;

(3) determine what action should be taken to bring the report into compliance with § 420.10; and

(4) notify the filer in writing of the action that is needed, and the date by which such action should be taken.

§ 420.50 Administrative Closure

(a) In extraordinary circumstances, the Committee on Financial Disclosure's Subcommittee on Compliance may administratively close a financial disclosure report that:

(1) otherwise does not meet the requirements provided in Guide, Vol. 2D, Ch. 2 and Ch. 3, and

(2) cannot be certified by a reviewing official as required under § 420.

(b) Factors that the Subcommittee will consider when determining whether to administratively close a report include:

(1) the absence of evidence indicating that the filer is knowingly and willfully failing to act;

(2) in the case of a non-responsive filer, the number of, type of, and time period over which efforts were made to contact the filer, and the unsuccessful results;

(3) in the case of a filer incapable of filing or responding to a letter of inquiry because of sickness, infirmity, or other such reason, a sufficient indication of the filer's incapacity and the likelihood of its continuation (e.g., a letter from a doctor, family member, representative, or chief judge who is aware of or knowledgeable about the situation); and

(4) in the case of a filer who is no longer in a governmental decision-making position, the absence of any likelihood that official actions would be compromised by a conflict of interest.

(c) Administrative closures will not be used in situations where a filer does not want to report required information.

(d) A report that is administratively closed will be neither certified nor signed by a reviewing official.

§ 430 Expedited Procedure for Presidential Appointees Subject to Senate Confirmation

The following procedures apply in cases of a report filed by an individual described in Guide, Vol. 2D, § 210.20 who is nominated by the President for appointment to a position that requires the advice and consent of the Senate.

(a) The Executive Office of the President will furnish the applicable financial disclosure report form to the nominee. The completed report will be forwarded to the Judicial Conference's Committee on Financial Disclosure.

(b) The Committee will complete an accelerated review of the report according to the standards and procedures in § 420.

(c) If the Committee is satisfied that the report meets the requirements of the Act and its implementing regulations, the reviewing official will sign and date the report form, and then either return the report to the nominee, or submit the report to the appropriate Senate committee expressing the opinion whether, based on the report information, the nominee has complied with all applicable conflict laws and regulations.

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Ch. 5: Report Redaction and Release

§ 510 Overview

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§ 550 Limitations on Release
- § 550.10 Custody of Financial Disclosure Reports
- § 550.20 Incomplete or Improper Request
- § 550.30 Security

§ 560 Use of Reports

§ 570 Reporting Requirements

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§ 510 Overview

(a) The Judicial Conference issued the "Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended" on Dec. 2, 1999 (JCUS-SEP 1999, pp. 48, 63), and amended them on Oct. 1, 2000 (JCUS-SEP 2000, pp. 39, 53), Oct. 1, 2007 (JCUS-SEP 2007, p. 17), and March 14, 2017 (JCUS-MAR 2017, pp. 12-13).

(b) In 2017 and 2022, the Conference delegated to its Committee on Financial Disclosure (Committee) the authority to adopt and amend regulations under the Act (JCUS-SEP 2017, p. 13; JCUS-SEP 2022, p. 5).

(c) The regulations in this chapter govern access to the financial disclosure reports filed by judicial officers and judicial employees under the Act.

§ 520 Applicability

These regulations apply to the processing of requests for copies of the financial disclosure reports of judicial officers and judicial employees maintained by the Administrative Office of the U.S. Courts (AO).

§ 530 Responsibility

(a) The Committee on Financial Disclosure:

(1) monitors the release of financial disclosure reports and the publishing of reports to a publicly accessible online database to ensure compliance with the Act and the Committee's guidance;

(2) reviews and, within the Committee's discretion, approves or disapproves any requests for the redaction of statutorily mandated information where the release of the information could endanger a filer or a filer's family member, as provided in § 550.30;

(3) reviews and approves or disapproves any requests for waiver of costs associated with a request for the release of a financial disclosure report; and

(4) provides guidance when questions not covered in these regulations arise.

(b) The Committee's Subcommittee on Public Access and Security is delegated the authority to act for the Committee where necessary to implement the provisions of these regulations.

§ 540 Requesting a Report

(a) To request a report, requesters must submit a Form AO 10A or its electronic equivalent to the AO's Financial Disclosure Office or must register for access to the online database.

(1) The Form AO 10A or its electronic equivalent must:

(A) include a list of the filers whose reports are requested;

(B) be signed and dated by the requester; and

(C) contain the information identified below in § 540(a)(2).

(2) All requests must contain:

(A) the requester'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) the requester's affirmation that he or she is aware of the prohibitions and restrictions with regard to obtaining or viewing the report.

(b) Each request received that results in the release or viewing of a report will be retained throughout the period that the report is available to the public (**see:** § 550.10), except as provided in § 540.30(b).

§ 540.10 Request to View a Report

(a) Financial disclosure reports may be viewed in the AO's Financial Disclosure Office by appointment.

(b) Appointments must be made at least five working days in advance.

(c) Staff will provide the requester with an approved copy of the requested report(s) to view.

§ 540.20 Cost for Copies of Reports

(a) Unless otherwise requested, financial disclosure reports will be provided via reliable electronic means at no charge.

(b) If a paper copy of a report is requested, the requester will be charged $0.20 per page to cover reproduction and mailing costs.

(c) A paper copy of a requested 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, particularly the requester's inability to pay the fee.

(d) Requests for waiver must be presented in writing to the Committee.

§ 540.30 Notification of a Request

(a) For financial disclosure reports that are required to be published on the online database (i.e., judges' reports covering calendar year 2021 to present), AO's Financial Disclosure staff will notify the judge once a report is certified and afford the judge a final opportunity to request redaction before publication on the database. Publication of a report on the database constitutes its public release since anyone registered on the

database can immediately access and download published reports. Judges may choose to receive notifications about who previously accessed their reports on the database.

(b) For financial disclosure reports that are not required to be published on the online database (i.e., all employee reports, and judges' reports covering calendar years 2020 and earlier), AO's Financial Disclosure staff will notify filers when a request for copies of their reports is received, provide them a copy of the request, and afford them an opportunity to request redaction before releasing the requested reports.

(c) When a request involves a filer who is the subject of an ongoing criminal or ethics investigation by the U.S. Department of Justice, a Judicial Conference committee, or a circuit judicial council, the Committee will not notify a filer of the request and later release of a financial disclosure report where the request's originator affirmatively asks that the filer not be notified. The Committee staff will coordinate with the Committee Chair on the release of reports related to such investigations.

§ 550 Limitations on Release

§ 550.10 Custody of Financial Disclosure Reports

(a) Any report filed under Guide, Vol. 2D, Ch. 2 will be retained by the AO for six years after receipt.

(b) After the six-year period, the report will be destroyed unless needed in an ongoing investigation.

(c) For individuals who file a report as a nominee under Guide, Vol. 2D, § 210.20 and are not later confirmed by the Senate, such reports will be destroyed one year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

§ 550.20 Incomplete or Improper Request

Under 5 U.S.C. § 13107, financial disclosure reports will not be released to any individual who fails to complete the request properly or pay assessed costs.

§ 550.30 Security

(a) Financial Disclosure Committee staff will take reasonable steps to ensure the privacy and security of individuals required to file a financial disclosure report according to the Act and the guidance provided by the Committee.

(b) The staff will not release or allow the viewing of any report until notice has been given to the filer, except as provided in § 540.30.

(c) According to Committee direction, Committee staff will continue to monitor compliance with the Act, while minimizing security risks by removing information that is not required by the Act, including without limitation:

(1) spouse's and dependents' names, initials, and designations (e.g., "spouse," "son," "dependent child," "dc");

(2) home addresses;

(3) home or personal mobile telephone numbers, or the direct telephone number of a government-issued cell phone or private extension in chambers;

(4) personal email addresses;

(5) social security and driver's license numbers;

(6) financial account, credit or debit card, and bank account numbers;

(7) street addresses of rental properties, business properties, and financial institutions (including branch names or location identifiers);

(8) ownership codes (e.g., "joint," "JTWROS," "UGMA," "UTMA"); and

(9) filer's signature.

(d) A report that may be disseminated to the public may be redacted under 5 U.S.C. § 13107 to prevent public disclosure of personal or sensitive information that could directly or indirectly endanger the filer or a filer's family member if obtained by a member of the public hostile to the filer or a filer's family member. The following procedure will be used to determine whether redaction is appropriate.

(1) When an annual report is filed, the filer may request redactions believed to be appropriate before release of a report that may be disseminated to the public. Redaction requests may also be made at any other time based on the filer's security situation.

(2) Reports that will not be considered as ones that may be disseminated to the public include, but are not limited to:

(A) reports released upon request to appropriate committees of the Senate or House of Representatives; and

(B) reports released upon request to appropriate executive-branch officials.

Note: In the case of (A) and (B), redaction of the filer's signature under § 550.30(c)(9) may not occur if so indicated by the requester.

(3) The filer must state with specificity what material is sought to be redacted. The filer must also state in detail the reasons justifying redaction. These reasons may include, but are not limited to:

(A) the purposes and need for an ongoing protective detail;

(B) particular threats or inappropriate communications;

(C) involvement in a high threat trial or appeal;

(D) a current and active protective investigation;

(E) false liens have been filed against the filer or the filer's family member;

(F) persons have engaged in identity theft activities against the filer or the filer's family member;

(G) persons have engaged in other forms of financial harassment of the filer or the filer's family member; or

(H) certain information on the form that could endanger the filer or the filer's family member directly or indirectly if possessed by a member of the public hostile to the filer or the filer's family member. The types of information that could endanger the filer or the filer's family member may include, but are not limited to:

(i) street addresses and city or county and state of primary or secondary residences, including rental properties at which the filer or the filer's family member resides for part of a year;

(ii) names of schools or care facilities attended by a filer or the filer's family member or at which a filer or the filer's family member works; and

(iii) names of spouses' employers.

(4) The Committee will determine, in consultation with the U.S. Marshals Service, whether information sought to be redacted could,

if disseminated to the public, directly or indirectly endanger the filer or the filer's family member, then grant or deny the request as appropriate.

(A) Information that could facilitate the financial harassment of a filer or a family member (e.g., identity theft) may be deemed information that could endanger a filer or a family member.

(B) However, no redaction will be granted that eliminates disclosure of the existence, rather than extent, of an interest in an entity that would disqualify the filer from serving as a judge in litigation involving that entity, unless disclosure of that interest would:

(i) reveal the location of a residence of the filer or the filer's family member;

(ii) reveal the place of employment of the filer or the filer's family member;

(iii) reveal the school or care facility attended by the filer or the filer's family member or at which the filer or the filer's family member works; or

(iv) increase an existing danger to a filer or the filer's family member based on circumstances described in § 550.30(d)(3). (**Note:** Generally, an existing danger is one that is recent or current (i.e., within the last seven years).)

(C) It would be unusual for a request for the redaction of the identity of a stock or other security to be granted.

(D) The Committee may redact material without a request from a filer if it has received credible evidence that the release of information contained in a financial report could endanger the filer or the filer's family member.

(e) Information may be redacted from a report according to such finding to the extent necessary to protect the filers who filed the report and their family, and the redactions will be made for as long as the filers certify that reasons for redacting the report exist.

(f) The Committee staff will notify a filer when a report is actually released or reviewed and provide the filer with a copy of the redacted report. The staff

will maintain a copy of the redacted material for as long as the original report is maintained.

(g) A request for redaction and its supporting documents, except for copies of the financial disclosure report and any amendments to it, are considered confidential and will only be used to determine whether to grant a request for redaction. Such documents are not considered part of any report available for release under 5 U.S.C. § 13107(b)(1).

§ 560 Use of Reports

(a) Under 5 U.S.C. § 13107(c), it is unlawful for any person to obtain or use a report for:

(1) any unlawful purpose;

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

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

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

(b) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited by this section. 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 may be in addition to any other remedy available under statutory or common law. **See also:** Guide, Vol. 2D, § 630.

§ 570 Reporting Requirements

The AO will report the following to the appropriate Congressional Committees by March 30 of each year:

(a) the total number of reports in which required information is redacted under exercise of the authority delineated in § 550.30(d);

(b) the total number of individuals whose reports have been redacted under exercise of the authority in § 550.30(d);

(c) the types of threats against filers whose reports are redacted, if appropriate;

(d) the nature or type of information redacted;

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

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

(g) any public complaints received relating to redaction.

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Ch. 6: Related Penalties

§ 610 Filing a Late Report
- § 610.10 Late Filing Fee
- § 610.20 Waiver of Late Fee
- § 610.30 Procedure

§ 620 Failure to File or Falsifying a Report
- § 610.10 Civil Action
- § 620.20 Criminal Action

§ 630 Misuse of Public Reports

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§ 610 Filing a Late Report

§ 610.10 Late Filing Fee

(a) Under 5 U.S.C. § 13106(d), any individual required to file a financial disclosure report must transmit a $200 late filing fee payable to the United States Treasury if such report is filed more than 30 days after the later of:

(1) the date such report must be filed under Guide, Vol. 2D, Ch. 2; or

(2) the last day of any filing extension period granted under Guide, Vol. 2D, § 210.80.

Note: If the 30th day from the last day of the filing extension falls on a weekend or holiday, such report must be filed by the next day that is not a weekend or holiday.

(b) The date of filing for purposes of determining whether a public financial disclosure report is filed more than 30 days late will be the date of receipt by the Administrative Office of the U.S. Courts (AO).

(c) The 30-day period prior to imposing a late filing fee is adequate allowance for administrative delays in the receipt of reports.

§ 610.20 Waiver of Late Fee

(a) The Judicial Conference's Committee on Financial Disclosure may waive the late filing fee if it determines that the delay in filing was caused by extraordinary circumstances, including a failure by the AO to notify a new entrant, first-time annual filer, or separated filer of the requirement to file the public financial disclosure report, which made the delay reasonably necessary.

(b) Filers requesting a waiver of the late filing fee from the Committee must request the waiver in writing with supporting documentation. The Committee's determination will be made in writing to the filer, and a copy will be maintained in his or her financial disclosure report file.

§ 610.30 Procedure

(a) The Committee's staff will maintain a record of the due dates for all financial disclosure reports that must be filed, along with the new filing dates under any granted extensions.

(b) The date of receipt of each report will be noted.

(c) For any report not received by the end of the period specified in § 610.10, the Committee will advise the delinquent filer, in writing, that:

(1) because his financial disclosure report is more than 30 days overdue, a $200 late filing fee is due at the time of filing, under 5 U.S.C. § 13106(d) and Guide, Vol. 2D, § 610.10;

(2) the filer is directed to transmit to the AO the $200 fee, payable to the United States Treasury, with the completed report;

(3) the filer will be subject to debt collection procedures if he or she fails to transmit the $200 fee when filing his or her late report; and

(4) if extraordinary circumstances exist that would justify a request for a fee waiver under § 610.20, such request and supporting documentation must be submitted immediately.

(d) The late filing fee is in addition to other sanctions which may be imposed, including agency disciplinary action, civil action, or criminal action.

§ 620 Failure to File or Falsifying a Report

Under 5 U.S.C. § 13106(b), the Judicial Conference through its Committee on Financial Disclosure can refer to the United States Attorney General the name of any individual that the Committee has reasonable cause to believe has:

(a) willfully failed to file a report,

(b) willfully falsified a report, or

(c) willfully failed to file information required to be reported.

§ 620.10 Civil Action

Under 5 U.S.C. § 13106(a)(1):

(a) the Attorney General may bring a civil action in any appropriate U.S. district court against any filer who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report; and

(b) the court in which such action is brought may assess against such non-compliant filer a civil penalty as prescribed by § 13106(a)(1) and adjusted by the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

§ 620.20 Criminal Action

Under 5 U.S.C. § 13106(a)(2), an individual may be criminally prosecuted for knowingly and willfully falsifying or failing to file or report any financial disclosure information that such person is required to report under 5 U.S.C. § 13104.

§ 630 Misuse of Public Reports

(a) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited by 5 U.S.C. § 13107(c)(1), as incorporated in Guide, Vol. 2D, § 560.

(b) The court in which the action is brought may assess against the person a civil monetary penalty for any such violation as provided by 5 U.S.C. § 13107(c)(2), with an inflation adjustment as prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

(c) This remedy will be in addition to any other remedy available under statutory or common law.