United States Government Accountability Office

Report to Congressional Requesters

May 2018

FEDERAL JUDICIARY

The Administrative Office of the U.S. Courts Should Ensure Financial Disclosure Redaction Reports Are Submitted to Congress Annually

GAO-18-406

GAO Highlights

Highlights of GAO-18-406, a report to congressional requesters

May 2018

FEDERAL JUDICIARY

The Administrative Office of the U.S. Courts Should Ensure Financial Disclosure Redaction Reports Are Submitted to Congress Annually

Why GAO Did This Study

Under the Ethics in Government Act of 1978, as amended, federal judges and certain judicial employees must file financial disclosure reports that can be made available to the public. Federal law accounts for the potential security risks of the judiciary and authorizes the redaction of information from judicial officials' reports if the Judicial Conference, in consultation with the United States Marshals Service (USMS), finds that revealing certain information could endanger judicial officials or members of their families.

This report addresses the following for calendar years 2012 through 2016, the most recent years for which full data were available: (1) Actions taken by the Judicial Conference to ensure judicial officials file financial disclosure reports, and the number of reports filed; (2) The judiciary's compliance with procedures for responding to requests for financial disclosure reports and the number of reports released; and (3) The number of redaction requests made, the types of information requested to be redacted, and the judiciary's consistency in reporting results to Congress in a timely manner.

GAO interviewed AOUSC and USMS officials, reviewed relevant laws and guidance, and analyzed data on redaction requests.

What GAO Recommends

GAO recommends that AOUSC develop and implement a formal process, with steps and timeframes, to better ensure that required annual reports are submitted to Congress within the following year. AOUSC concurred with the recommendation.

View GAO-18-406. For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwing@gao.gov.

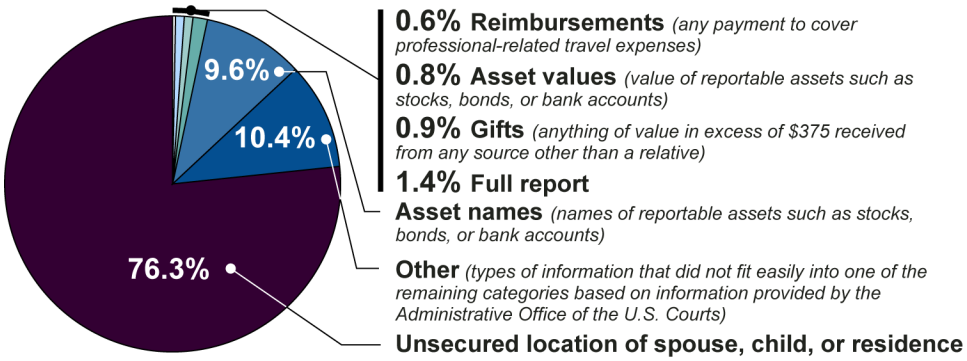
What GAO Found

The Judicial Conference, the federal judiciary's principle policy-making body, developed an electronic filing system, guidance, and a compliance process to help ensure judicial officials file financial disclosure reports that adhere to applicable laws and regulations, and data provided by the Administrative Office of the U.S. Courts (AOUSC) show that more than 4,000 reports were required to be filed annually from 2012 through 2016. According to AOUSC officials, as of March 2018, all financial disclosure reports required to be filed from 2012 through 2016 were filed, except for one in 2015 and one in 2016. AOUSC officials are working with the filers to ensure these reports will be filed.

The Judicial Conference established procedures for responding to requests for copies of financial disclosure reports, and the number of reports released has varied. From 2012 through 2016, AOUSC annually received, on average, about 70 requests for copies of judicial officials' reports and released approximately 16,000 reports during this time. Each request can vary—from a request for a single judicial official's report to a request for multiple judicial officials' reports.

From 2012 through 2016, a small percentage of judicial officials requested redactions from their financial disclosure reports. On average, 3.2 percent of financial disclosure reports filed included a redaction request and about 85 percent of those requests were granted. Of the information requested to be redacted, about 76 percent was related to the unsecured location of a judicial official's spouse, child, or residence. AOUSC is required by federal law to submit annual reports to Congress on use of the judicial redaction authority, such as the number of reports with redactions and types of information redacted, but AOUSC has not consistently submitted the reports on an annual basis in recent years. GAO found that AOUSC does not have a formal process for preparing and submitting the reports to Congress. Implementing a more formal process, with specified steps and timeframes, would better position AOUSC to provide Congress with more timely reports.

Types of Information Requested to be Redacted from Judicial Officials' Financial Disclosure Reports, by Percent, Calendar Years 2012 through 2016



Source: GAO analysis of Administrative Office of the U.S. Courts data. | GAO-18-406

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Abbreviations

AOUSC	Administrative Office of the U.S. Courts
FiDO	Financial Disclosure Online Filing System
JEFS	Judiciary Electronic Filing System
USMS	United States Marshals Service

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U.S. GOVERNMENT ACCOUNTABILITY OFFICE
441 G St. N.W.
Washington, DC 20548

May 31, 2018

Congressional Requesters:

Under the Ethics in Government Act of 1978, as amended, federal judges and certain judicial employees, like similar officials in the legislative and executive branches of government, must file annual financial disclosure reports that can be made available to the public.[1] These reports help preserve and promote the integrity of public officials and institutions by disclosing financial information, but may also include information that could compromise the safety of these officials and their families. According to the United States Marshals Service (USMS), judicial officials received 2,357 threats and inappropriate communications in fiscal year 2016 alone.[2]

Federal law accounts for the potential security risks faced by members of the federal judiciary (judiciary) and authorizes the redaction of personal and sensitive information from financial disclosure reports that could endanger these officials or members of their families.[3] Potential risks to judicial officials could be general or specific. General risks include revealing the unsecured location of a judicial official, a spouse's place of employment, or a child's school. Specific threats could include the potential for kidnapping or extortion, or a threat of violence against a judge by a former defendant or litigant. For example, in 2012, a federal

[1]5 U.S.C. app. §§ 101-111. For purposes of this report, we refer to federal judges and judicial employees who are required to file as separate groups in some sections and refer to both groups, collectively, as "judicial officials." All federal judges are required to file financial disclosure reports and when using the term "judges" in this report, it includes judges appointed pursuant to Article III of the Constitution (e.g., district court judges) and non-Article III judges (e.g., bankruptcy judges and magistrate judges). However, not all judicial employees are required to file a financial disclosure report: only those authorized to perform adjudicatory functions with respect to judiciary proceedings or those in a position that meets a certain income threshold (120 percent of the minimum rate for GS-15 of the General Schedule). §§ 109(8), (10).

[2]USMS, a federal law enforcement agency in the Department of Justice, has been responsible for protecting the federal judicial process since 1789. Among other things, USMS ensures the safe and secure conduct of judicial proceedings; provides protection for federal judges, other court officials, witnesses, and jurors; and assess, investigates, and responds to threats against the judiciary. USMS also apprehends federal fugitives, manages and sells seized assets acquired by criminals through illegal activities, and operates the Witness Security Program, among other things.

[3]5 U.S.C. app. § 105(b)(3).

judge requested that certain information be redacted from his financial disclosure report after an inmate convicted of threatening to kill the judge was released from prison and requested a copy of the judge's report, as well as information on the judge's home security system. The law that authorizes the judiciary to redact financial disclosure reports also requires it to submit annual reports on the operation of its redaction authority to specified congressional committees.[4] Reports should include information on the total number of financial disclosure reports with redactions and the types of information redacted, among other things.

The Judicial Conference of the United States, the federal judiciary's principle policy-making body, is responsible for implementing the judiciary's redaction authority in a manner that provides the intended safety measures without compromising timely public access to judicial officials' financial disclosure reports. In light of the importance of balancing these goals, you asked us to review the process for filing financial disclosure reports and requesting redactions of information from those reports, and to provide data on the numbers and types of information being redacted. This report addresses the following questions:

(1) What actions has the Judicial Conference taken to ensure that judicial officials are complying with the requirement to file financial disclosure reports and how many reports have been filed each year from 2012 through 2016?

(2) Is the judiciary complying with procedures for responding to requests for judicial officials' financial disclosure reports and how many reports has the judiciary released each year from 2012 through 2016?

(3) During the period from 2012 through 2016, how many redaction requests did judicial officials make, what types of information did they request be redacted, and did the judiciary consistently report the results of judicial officials' redaction requests to Congress in a timely manner?

[4]5 U.S.C. app. § 105(b)(3)(C). Congressional committees of jurisdiction refer to the committees designated by statute to receive such reports. These include the Committees on the Judiciary of the House of Representatives and Senate, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform. *Id*.

To examine the actions the Judicial Conference has taken on financial disclosure report filing and the reports filed, we interviewed officials from the Administrative Office of the U.S. Courts (AOUSC) on their processes for ensuring that judicial officials file financial disclosure reports, and the extent to which reports required to be filed were, in fact, filed.[5] We reviewed key policy and guidance documents related to these processes, including Guide to Judiciary Policy, Filing Instructions for Judicial Officers and Employees, and a Step by Step Guide for the Preparation and Electronic Filing of Financial Disclosure Reports; and we reviewed relevant laws related to financial disclosure reports, such as the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989. We also reviewed data included in AOUSC's annual redaction request reports and data provided to us by AOUSC on the number of reports required to be filed and the number of reports filed every year for calendar years 2012 through 2016—the 5 most recent years for which full data were available at the time of our review.

To examine the judiciary's compliance with procedures for responding to requests for financial disclosure reports and the number of reports released each year from 2012 through 2016, we interviewed AOUSC officials on their processes for responding to requests and the numbers of requests received each year. We reviewed relevant documentation, such as the guidance that dictates the process for responding to requests. We reviewed data included in AOUSC's annual redaction request reports and data provided by AOUSC on the number of requests received per year for calendar years 2012 through 2016.

To determine how many and what types of information judicial officials requested be redacted from 2012 through 2016, and whether the judiciary has consistently reported results of judicial officials' redaction requests to Congress in a timely manner, we interviewed AOUSC officials on the redaction request process. We also interviewed USMS officials on the security consultation process and how they coordinate with AOUSC on redaction requests. Additionally, we requested documentation for all redaction requests made by judicial officials during the two months of September and October for each year from 2012 through 2016, of which there were 45 such requests. In return, AOUSC provided us with all relevant documentation for these 45 redaction requests that were made

[5]AOUSC is the agency within the judicial branch that provides a broad range of legislative, legal, financial, technology, management, administrative, and program support services to federal courts. It also provides staff support and counsel to the Judicial Conference.

during this time period. We also requested and received the AOUSC database that contains data on all redaction requests received from calendar years 2012 through 2016. We reviewed and analyzed the 45 redaction requests and compared the data in these case files to the information contained in AOUSC's redaction database and we determined that the data were sufficiently reliable for our reporting purposes. We then analyzed data from the AOUSC database on redaction requests to determine the number of redaction requests that were granted (in whole or in part) or denied; as well as the type of information that judicial officials requested be redacted from their financial disclosure reports from calendar years 2012 through 2016. In order to categorize the type of information requested to be redacted from judicial officials' financial disclosure reports, two GAO analysts independently reviewed the description of the redaction requests and the related section of the financial disclosure reports as contained in the AOUSC database and reached consensus on which of seven different categories to place the redaction requests—full report; unsecured location of spouse, child, or residence; asset names; asset value; gifts; reimbursement; or other. In those cases where the description of the information redacted was too vague, or did not easily fit into one of the remaining categories, we placed it in the "other" category. Using the AOUSC redaction request database and data provided on the total number of reports required to be filed, we also determined the percentage of judges and other judicial employees who had requested redactions from their financial disclosure reports each year, as well as the types of information requested to be redacted, by percent. Finally, to determine whether the judiciary consistently reported results of judicial officials' redaction requests to Congress in a timely manner, we interviewed relevant AOUSC staff, reviewed available guidance on the procedures for gathering information and producing the annual reports, and requested copies of the annual redaction reports for 2012 through 2016. AOUSC staff could not locate annual reports for calendar years 2013 and 2014. We contacted staff from two congressional committees of jurisdiction to request copies of the missing reports and they also could not locate the reports.

We conducted this performance audit from May 2017 to May 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Purpose and Structure of the Judicial Conference and AOUSC

The Judicial Conference of the United States is the national policy-making body of the federal courts. The Chief Justice of the United States is the presiding officer of the Judicial Conference. The Conference operates through a network of 20 committees, including the Committee on Financial Disclosure. The Judicial Conference delegated authority to redact information from a financial disclosure report to the Committee on Financial Disclosure. Upon request from a judicial official, the committee, in consultation with the USMS, redacts the information when it decides that revealing such personal or sensitive information could endanger the judicial official or a member of his or her family. Responsibilities of the Committee on Financial Disclosure include reviewing reports filed, adjudicating requests for redactions of information from the report, approving and modifying reporting forms and instructions, and monitoring the release of reports to ensure compliance with statute and the committee's guidance. The Judicial Conference of the United States is responsible for implementing the judiciary's redaction authority in a manner that provides judicial officials with the intended security measures without compromising timely public access to judicial officials' financial disclosure reports.

AOUSC is the agency within the judicial branch that provides a broad range of legislative, legal, financial, technology, management, administrative, and program support services to federal courts. It is responsible for carrying out Judicial Conference policies, and one of its primary responsibilities is to provide staff support and counsel to the Judicial Conference and its committees, including the Committee on Financial Disclosure. The Director of AOUSC serves as the Secretary to the Judicial Conference and is an ex officio member of the Executive Committee.

Legislative Basis for Filing Financial Disclosure Reports

The Ethics in Government Act of 1978, as amended, requires specified judicial, legislative, and executive branch officials to file annual financial disclosure reports in the spring of each year.[6] These reports include financial information for the previous calendar year. Financial disclosure

[6] 5 U.S.C. app. §§ 101-111.

reports are made up of nine parts—positions, agreements, non-investment income, reimbursements, gifts, liabilities, investments and trusts, explanatory comments, and certification and signature. (See appendix I for a copy of a blank annual financial disclosure report).

In addition to filing an annual report, covered judicial officials are required to file financial disclosure reports when nominated (nomination report); within 30 days of taking office (initial report); and within 30 days of leaving their position (final report)—see table 1.

Table1: Types of Financial Disclosure Reports Required to be Filed by Judicial Officials[a] and Their Associated Requirements

Type of financial disclosure report	Requirements
Annual	Any individual who is a judicial officer[b] or judicial employee[c] 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. Reports are due on or before May 15 of the following year.
Nomination	An individual nominated to a position, which requires the advice and consent of the Senate, must file a financial disclosure report within 5 days of the transmittal by the President to the Senate. An individual whom the President or President-elect has publicly announced that he or she intends to nominate to a position may file the financial disclosure report at any time after the public announcement, but no later than 5 days after the transmittal of the nomination to the Senate.
Initial	Judicial officers and judicial employees are required to file a financial disclosure report within 30 days of assuming the position or within 30 days of receiving notification from the Administrative Office of the U.S. Courts, whichever is later.
Final	A judicial officer or judicial employee must file a financial disclosure report on or before the 30th day after separation from employment, or a reduction in base salary to below the reporting threshold. However, if within 30 days of such termination the individual assumes employment in another position or office for which a public report is required to be filed, no final report is required.

Source: Administrative Office of the U.S. Courts | GAO-18-406

Note: The requirements in this table are the updated requirements, as reflected in the Guide to Judiciary Policy, Vol. 2, Ch. D, February 2018.

[a]For the purposes of this report, we use the term "judicial officials" to refer to judicial officers and judicial employees collectively. We also use the term judges for judicial officers.

[b]Judicial officers include Justices of the Supreme Court, judges of the United States courts of appeals, United States district courts, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, and United States Court of Appeals for the Armed Forces.

[c]Judicial employees include any employee of the federal judiciary, of the Tax Court, of the United States Sentencing Commission, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who: (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 the GS-15 of the General Schedule.

Federal law also requires that copies of judicial officials' financial disclosure reports be made available, upon written request, to members of the public.[7] Judicial officials may request that certain information be redacted before their financial disclosure reports are sent to the requesting individuals.

Legislative Basis for Judicial Redaction Authority

The judiciary's authority to redact information from financial disclosure reports was established in 1998 and was initially authorized for a 3-year period.[8] That legislation also instituted an annual congressional reporting requirement for the judiciary on the operation of the redaction authority.[9] Over the past 20 years, the judiciary's redaction authority and reporting requirement have been successively reauthorized for various periods of time, but have lapsed on occasion.[10] The authority was most recently reauthorized on March 23, 2018 through the end of 2027.[11]

According to AOUSC officials, while the redaction authority lapsed, the Committee on Financial Disclosure did not grant any new redaction

[7] 5 U.S.C. app. § 105.

[8] Identity Theft and Assumption Deterrence Act of 1998, Pub. L. No. 105-318, § 7, 112 Stat. 3007, 3011-12.

[9] *Id.* Additional information required to be contained in the report was added in 2007, Judicial Disclosure Responsibility Act, Pub. L. No. 110-24, § 3(b), 121 Stat. 100, 100-01 (2007), and additional committees to which the report must be submitted were added in 2012, Pub. L. No. 112-84, 125 Stat. 1870 (2012).

[10] Most of the lapses were relatively short, with reauthorization taking place in January following the expiration at the end of the prior calendar year. The longest period of lapse in judicial redaction authority was between December 31, 2005, when the authorization expired, and May 3, 2007, when it was reauthorized.

[11] Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Div. M, tit. VI. In July 2017, bills were introduced in both the House of Representative and the Senate to extend the judiciary's authority to redact financial disclosure reports. H.R. 3229, which passed the House of Representatives on September 27, 2017, also had an extension of the redaction authority to 2027, and S. 1584, which was reported favorably by the Senate Homeland Security and Governmental Affairs Committee on October 16, 2017, would have made the redaction authority permanent. Prior House-passed amendments to the redaction authority would have made it permanent, but the Senate-passed versions extended the authority for specific time periods. *See, e.g.,* H.R. 660, § 102, 110th Cong. (2007), which became the Court Security Improvement Act of 2007, Pub. L. No. 110-177, § 104, 121 Stat. 2534, 2535 (2008).

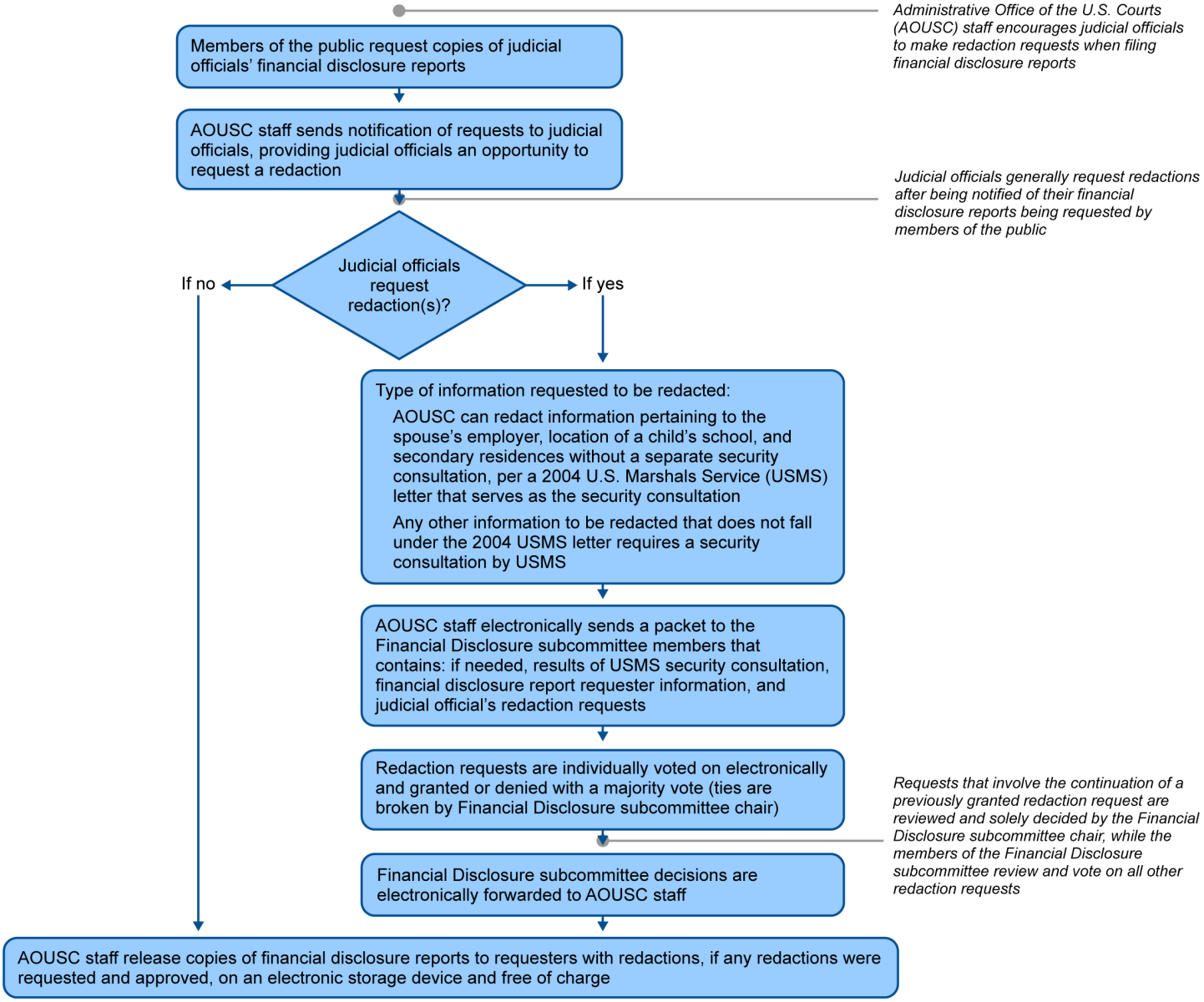
requests, but it did grant requests to continue redactions that were approved prior to December 31, 2017.[12]

The Judiciary's Process for Adjudicating Redaction Requests and Responding to Requests for Copies of Financial Disclosure Reports

The Judicial Conference, through its Committee on Financial Disclosure, has developed a multistep process for reviewing federal judges' requests for redactions of information from their financial disclosure reports and requests for copies of these reports, as shown in figure 1. While the committee encourages judicial officials to request redactions at the time they file their financial disclosure reports, AOUSC officials stated that most redaction requests were made after judicial officials were notified that copies of their reports had been requested.

[12]The law provided that the redaction authority expired on December 31, 2017, and applied to filings through calendar year 2017. Pub. L. No. 112-84, § 1.

Figure 1: Flowchart of the Judicial Conference's Process for Adjudicating Redaction Requests and Requests for Copies of Financial Disclosure Reports



Source: GAO analysis on information from Administrative Office of the U.S. Courts. | GAO-18-406

A judicial official may request a redaction of information when his or her financial disclosure report is filed or after receiving a notification of a

request for a copy of his or her financial disclosure report. When requesting a redaction, the judicial official must state specifically what information is sought to be redacted and the justification for the redaction. The Committee on Financial Disclosure will determine, in consultation with the USMS, if the information could endanger the judicial official or an immediate family member. For redaction requests involving information pertaining to the unsecured location of (1) a spouse's employer, (2) a child's school, or (3) a primary or secondary residence, a separate security consultation is not required based on an agreement AOUSC reached with the USMS memorialized in a 2004 letter that, in essence, serves as a security consultation.[13] For all other types of information requested to be redacted, a further USMS security consultation is required.

Taking into account the information provided by the judicial officials, as well as results from the USMS security consultations, members of the Subcommittee on Public Access and Security, a subcommittee under the Committee on Financial Disclosure, decide—by majority vote—to either grant (in whole or in part) or deny each redaction request. Such redactions are good until the end of the calendar year in which they are granted. The Committee on Financial Disclosure notifies the judicial official if the information requested to be redacted has been granted, granted in part, or denied. Judicial officials can appeal a redaction decision; however, according to AOUSC officials, there were no appeals from 2012 through 2016, the time period covered by our review.

[13]In 2004, GAO recommended that USMS develop and implement procedures to ensure that it responds to all consultation requests from the Judicial Conference (GAO-04-696NI). In response to this recommendation, USMS issued a letter to AOUSC in December 2004 which states that information pertaining to the location of a spouse's place of employment or the location of a child's school, as well as secondary residences, should generally not be disclosed. As a result, if a redaction request falls into one of these three pre-identified categories, AOUSC forwards the redaction request directly to the Committee on Financial Disclosure for a vote, and does not need to send a request for a security consultation to USMS.

The Judicial Conference Has Developed Procedures to Ensure Judicial Officials File Financial Disclosure Reports, and More Than 4,000 Reports Are Filed Annually

The Judicial Conference's Committee on Financial Disclosure has developed an electronic report filing system, written guidance, and a compliance process to help ensure judicial officials file their financial disclosure reports. Specifically, in 2011, AOUSC switched from having judicial officials file financial disclosure reports in hard copy to electronic filing through an online electronic depository, Financial Disclosure Online Filing System (FiDO). AOUSC also uses a separate internal electronic database (LEGO) to track compliance with financial disclosure report filings.[14] LEGO contains the entire database of judicial filers, including what reports should be filed, the dates financial disclosure reports are due, and which are in process. The Committee on Financial Disclosure stated in September 2014 that FiDO had been upgraded, but committee members continued to experience limitations with the system. For example, according to AOUSC officials, FiDO does not keep track of which reports are in process or when they are due. Accordingly, the committee members authorized an assessment to look for an alternative system that would meet their needs and, by 2016, had selected software currently being used by the government to be customized for the judiciary. According to AOUSC officials, the plan is for the Judiciary Electronic Filing System (JEFS) to replace both FiDO and LEGO and be used for filing financial disclosure reports and tracking compliance with filing requirements beginning in 2019.

The Committee on Financial Disclosure also provides guidance to judicial officials to ensure that financial disclosure reports are filed correctly. The types of guidance provided include the Guide to Judiciary Policy, Filing Instructions for Judicial Officers and Employees, and a Step by Step Guide for the Preparation and Electronic Filing of Financial Disclosure Reports. Additionally, members of the Committee on Financial Disclosure are to review each filed financial disclosure report to confirm that required items have been sufficiently reported and that the filer is in compliance with applicable laws and regulations. In addition, for some sections, members of the committee will compare information provided in a filed report with what was reported in a prior year's report to ensure the information reported is accurate and consistent.

The Committee on Financial Disclosure also provides guidance on the process to be followed if a judicial official fails to file a required financial

[14]According to AOUSC officials, "LEGO" is the name of the internal electronic system but is not an acronym.

disclosure report. Specifically, the Guide to Judiciary Policy states that a late filing fee of $200 will be assessed if a report is filed more than 30 days after the report is due. Further, the Chairman of the Committee on Financial Disclosure is to write a letter to any noncompliant filer.

In addition to the guidance described above, in 2013, the Committee on Financial Disclosure reported that it would establish specific procedures for securing filer compliance with all reporting requirements and the late filing assessments. In 2014, the Committee reported on the successful implementation of these new policies. Part of this effort included developing templates for three successive communications that are to be provided to a noncompliant filer. The communications reflect a progressively increasing level of urgency in language and content, culminating in explicit warnings that if a noncompliant filer does not comply, the matter can be referred to the Attorney General.

From calendar years 2012 through 2016, more than 4,000 financial disclosure reports were required to be filed each year by judicial officials, as shown in table 2.[15] Most of the reports filed were annual reports.

Table 2: Number and Types of Financial Disclosure Reports Required to be Filed by Judges and Judicial Employees, Calendar Years 2012 through 2016

	Calendar year				
	2012	**2013**	**2014**	**2015**	**2016**
Reports required to be filed by judges					
Annual reports	2,233	2,240	2,244	2,229	2,188
Initial reports	47	53	83	54	35
Nomination reports	109	116	39	32	74
Final reports	70	74	105	90	87
Total reports required to be filed by judges	**2,459**	**2,483**	**2,471**	**2,405**	**2,384**
Reports required to be filed by judicial employees					
Annual reports	1,922	1,813	1,716	1,597	1,557

[15]AOUSC reports the number of reports required to be filed and not the actual numbers of reports filed. According to AOUSC officials, the number of reports required to be filed in one calendar year might differ from the number of reports actually filed in the same year because of how reports are counted. For example, when a judicial official files an amendment to a report, it is counted as a different report filed, and therefore would be double counted.

	Calendar year				
	2012	**2013**	**2014**	**2015**	**2016**
Initial reports	100	54	96	154	107
Nomination reports	1	0	0	1	1
Final reports	179	179	148	135	149
Total reports required to be filed by judicial employees	**2,202**	**2,046**	**1,960**	**1,887**	**1,814**
Total reports required to be filed by judicial officials[a]	**4,661**	**4,529**	**4,431**	**4,292**	**4,198**

Source: GAO analysis of data provided by the Administrative Office of the U.S. Courts | GAO-18-406

[a]For the purposes of this report, we refer to federal judges and judicial employees who are required to file a financial report collectively as "judicial officials."

According to AOUSC officials, as of March 2018, all annual financial disclosure reports required to be filed from calendar years 2012 through 2016 were filed, except for one for calendar year 2015.[16] Additionally, all nominee and initial financial disclosure reports required to be filed during this time period were filed, and all but one final financial disclosure report, for calendar year 2016, were filed. The AOUSC officials stated that the remaining final report is still pending and the compliance process is being followed to ensure the report will be filed.

[16]AOUSC officials stated that this was a unique case due to the complexity of the financial disclosure report and that they have been working with the filer in order to complete the report. The officials added that the filer already filed his 2016 annual financial disclosure report.

The Judiciary is Complying with Procedures for Responding to Requests for Financial Disclosure Reports and the Number of Reports Released Has Varied from 2012 through 2016

The judiciary is complying with the Judicial Conference's Guide to Judiciary Policy (Volume 2, Part D, Chapters 3-4), which sets forth the process for releasing financial disclosure reports. First, members of the public may request financial disclosure reports by submitting Form AO 10A (see appendix II for a blank copy of the Form AO 10A). The Committee on Financial Disclosure notifies the judicial official that a Form AO 10A has been received and provides the official with a copy. At that time, the judicial official has up to 10 days to decide whether or not to request that information from the financial disclosure report be redacted. Once the members of the Subcommittee on Public Access and Security have reviewed any redaction requests and any accompanying USMS security consultation results, the members vote on whether or not to grant redactions and then forward the results to AOUSC staff for final processing. In March 2017, the Judicial Conference approved the release of financial disclosure reports by electronic storage device free of charge in order to expedite the release of requested reports. As a result, once AOUSC staff receive the redaction decisions from the Subcommittee, AOUSC staff are to ensure that approved redactions are made to the financial disclosure reports, and then download the reports to electronic storage devices to mail to the requesting parties.

The AOUSC received, on average, about 70 requests for copies of judicial officials' financial disclosure reports each year from calendar years 2012 through 2016 using the AO 10A request form. The form can include a request for the financial disclosure report of one judicial official, or for multiple judicial officials. Additionally, the form could include a request for multiple years of financial disclosure reports. Based on the AO Form 10As received from calendar years 2012 through 2016, AOUSC released approximately 16,000 financial disclosure reports. The number of financial disclosure reports released each year varied during this time period, as shown in table 3.

Table 3: Number of Financial Disclosure Report Requests Received and Released to the Public, Calendar Years 2012 through 2016

	Calendar year				
	2012	**2013**	**2014**	**2015**	**2016**
Number of Form AO 10As received	67	63	79	68	75
Total number of financial disclosure reports released to the public	3,702	5,162	4,254	2,685	193

Source: GAO analysis of data provided by the Administrative Office of the U.S. Courts | GAO-18-406

Note: One Form AO 10A could include a request for the financial disclosure report of a single judicial official or for multiple judicial officials. A request could also include a request for more than one year's worth of financial disclosure reports for the same individual. As a result, the number of financial

disclosure reports released to the public in one year could be greater than the number of financial disclosure reports filed in the same year.

According to AOUSC officials, the number of financial disclosure reports released each year varies based on the number of requests received and the time of year the requests are submitted. For example, a requester might submit a Form AO 10A late in the calendar year and the requested reports could be released the following calendar year based on how long it takes to process the request.[17] AOUSC officials noted that there are two organizations that have requested copies of the financial disclosure reports for all federal judges every year. In 2016 AOUSC received the requests late in the year and, therefore, were not able to release the reports until 2017.

Few Judicial Officials Requested Redactions and They Pertained Mostly to the Unsecured Location of Family Members, but the Judiciary Has Not Reported Redaction Results to Congress in a Timely Manner

On Average, 3.2 Percent of Judicial Officials Requested Redactions from 2012 through 2016

The number of judicial officials who requested redactions represents a small percentage of the total number of financial disclosure reports filed in recent years. As shown in table 4, the number of redaction requests ranged from a low of 112 in 2014 to a high of 162 in 2012 and 2015.

[17]AOUSC officials stated that the process of redaction does not add significantly to the time required to respond to a request for a financial disclosure report. However, requests for a large volume of reports to a single requester generally take longer to process.

Table 4: Number and Percentage of Redaction Requests Compared to Financial Disclosure Reports Required to be Filed by Judicial Officials,[a] Calendar Years 2012 through 2016

	Calendar year				
	2012	**2013**	**2014**	**2015**	**2016**
Number of reports required to be filed by judges	2,459	2,483	2,471	2,405	2,384
Number of redaction requests for judges	159	146	111	161	134
Percentage of judges' reports with redaction requests	6.5%	5.9%	4.5%	6.7%	5.6%
Number of reports required to be filed by judicial employees	2,202	2,046	1,960	1,887	1,814
Number of redaction requests for judicial employees	3	0	1	1	0
Percentage of judicial employees' reports with redaction requests	0.1%	0.0%	0.1%	0.1%	0.0%
Number of reports required to be filed by judicial officials	4,661	4,529	4,431	4,292	4,198
Number of redaction requests for judicial officials	162	146	112	162	134
Percentage of judicial officials' reports with redaction requests	3.5%	3.2%	2.5%	3.8%	3.2%

Source: GAO analysis of data provided by the Administrative Office of the U.S. Courts | GAO-18-406

[a]For the purposes of this report, we refer to federal judges and judicial employees who are required to file a financial report collectively as "judicial officials."

For calendar years 2012 through 2016, there were a total of 716 requests for redaction of information from judicial officials' financial disclosure reports—711 from judges and 5 from judicial employees—with a yearly average of about 143 redaction requests. In particular, for calendar years 2012 through 2016, judicial officials' redaction requests accounted for, on average, 3.2 percent of the total financial disclosure reports filed during this time period, as shown in table 5. When we segregated the results by judges and judicial employees, we found that, on average, 5.8 percent of judges requested redactions compared to 0.1 percent of judicial employees over the 5 year time period.

Table 5: Totals and 5-Year Averages of Redaction Requests for Judicial Officials[a], Calendar Years 2012 through 2016

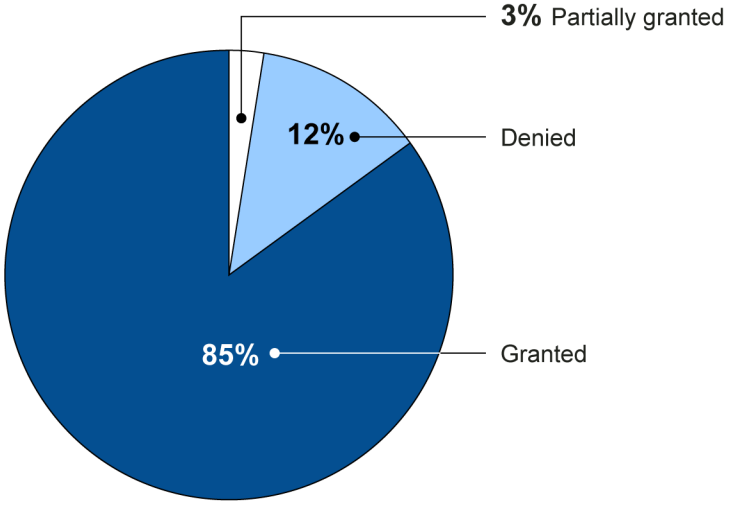
	5-year total	**5-year average**
Number of redaction requests for judges	711	5.8%
Number of redaction requests for judicial employees	5	0.1%
Number of redaction requests for judicial officials	716	3.2%

Source: GAO analysis of data provided by the Administrative Office of the U.S. Courts | GAO-18-406

[a]For the purposes of this report, we refer to federal judges and judicial employees who are required to file a financial report collectively as "judicial officials."

Of the 3.2 percent of financial disclosure reports that included redaction requests made from 2012 through 2016, on average, about 85 percent were granted, 3 percent were partially granted, and 12 percent were denied, as seen in figure 2.

Figure 2: Results for the Financial Disclosure Reports That Included Redaction Requests, Calendar Years 2012 through 2016



Source: GAO analysis of Administrative Office of the U.S. Courts data. | GAO-18-406

Most Redaction Requests Pertained to the Unsecured Location of a Judicial Official or Immediate Family Member

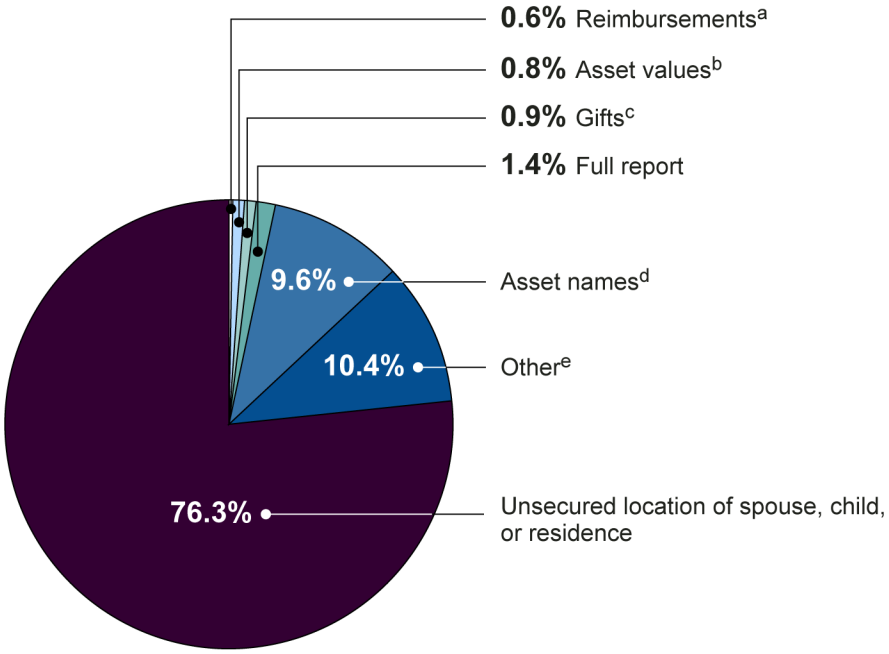
We analyzed AOUSC data on redaction requests made from calendar years 2012 through 2016 by type of information requested to be redacted and found that the majority (about 76 percent) of the requested redactions pertained to information related to the unsecured location of a judicial official or an immediate family member.[18] The next biggest category of information requested to be redacted was the "other" category, with 10.4 percent.[19] Three categories—asset value, gifts, and reimbursement—

[18]Judges and judicial employees may have requested redactions involving more than one category as part of the same request. For example, a judge may have requested the redaction of two categories—e.g., asset names and place of spouse's employer—as part of the same request. For purposes of our analysis, we counted this as two redaction requests—one for each category. As a result, the number of redaction requests by category is greater than the number of actual redaction requests.

[19]The "other" category includes information that was requested to be redacted that did not easily fit into one of the remaining categories, based on information found in AOUSC's redaction request database. For example, information described as "name of organization" or "agreement" did not provide enough information for us to be able to place it in one of the designated categories.

each accounted for less than 1 percent of the redaction requests, as shown in Figure 3.

Figure 3: Types of Information Requested to be Redacted from Financial Disclosure Reports, by Percent, Calendar Years 2012 through 2016



Source: GAO analysis of Administrative Office of the U.S. Courts data. | GAO-18-406

[a]Reimbursements are any payment to cover travel-related expenses, other than gifts. Examples of reportable reimbursements include seminars or judges' association meetings where expenses (travel, lodging, food, etc.) are paid by a nongovernmental organization or private party.

[b]Asset values are the values of reportable assets such as stocks, bonds, mutual funds, or bank accounts that have a fair market value in excess of $1,000, or from which the filer has received income in excess of $200 during the reporting period.

[c]Gifts are a payment, advance, forbearance, deposit of money, or anything of value received by the filer, spouse, or dependent children from any source other than a relative. Information on gifts aggregating more than $375 in value must be reported (this amount increased to $390 starting in 2017). Examples of gifts include tickets to an event where the value of the tickets exceeds $375, or an honorary membership to an organization that would otherwise charge for the membership. A judicial official is not to solicit a gift from a person who is seeking official action from or doing business with the court, or whose interests may be substantially affected by the performance or nonperformance of the judicial official's duties.

[d]Asset names are the names of reportable assets such as stocks, bonds, mutual funds, or bank accounts.

[e]Other includes types of information requested to be redacted that did not easily fit into one of the remaining categories, based on the description of the information found in the Administrative Office of the U.S. Court's redaction request database. For example, information described as "name of organization" or "agreement" did not provide enough information for us to be able to place it in one of the designated categories.

AOUSC Has Not Submitted Required Annual Redaction Reports to Congress in a Timely Manner

We requested copies of the annual redaction reports submitted to Congress for calendar years 2012 through 2016 and determined that AOUSC had not submitted the annual redaction reports to congressional committees of jurisdiction in a timely manner. Specifically, we found that AOUSC submitted the annual report covering 2012 in May 2014 and submitted four annual reports (for calendar years 2013 through 2016) in February and August of 2017, as shown in table 6. For the 2013 and 2014 annual reports, AOUSC prepared and submitted them to the congressional committees of jurisdiction after we asked for them.

Table 6: Dates the Administrative Office of the U.S. Courts Submitted Annual Redaction Reports to Congress, Calendar Years 2012 through 2016

Calendar year of annual report	Date report was submitted to Congress
2012	May 7, 2014
2013[a]	August 9, 2017
2014[a]	August 9, 2017
2015	February 21, 2017
2016	February 28, 2017

Source: GAO analysis of data provided by the Administrative Office of the U.S. Courts | GAO-18-406

[a]During the course of this review, when we initially requested copies of the annual reports for calendar years 2012 through 2016, AOUSC officials were unable to locate the reports for calendar years 2013 and 2014. We contacted the committees of jurisdiction in the Senate (Judiciary and Homeland Security and Governmental Affairs Committees) and neither of these committees could find any record of having received the annual reports for 2013 and 2014. Given the lack of documentation on the annual reports for 2013 and 2014, AOUSC subsequently developed the annual reports for calendar years 2013 and 2014 and submitted them to the congressional committees of jurisdiction on August 9, 2017.

AOUSC officials told us that they could not find evidence that they had submitted the annual reports for calendar years 2013 and 2014 to the committees of jurisdiction in a timely manner. However, AOUSC staff sent a 5-year report to congressional committees of jurisdiction in March 2017 that included information on redaction requests and results for calendar years 2012 through 2016. Thus, the congressional committees of jurisdiction had received no reports from AOUSC on redaction requests and results from May 2014 to February 2017. While the Ethics in Government Act of 1978, as amended, does not set a specific submission date, it requires that AOUSC submit an annual report (i.e., occurring once every year) to congressional committees of jurisdiction on the operation of the judiciary's redaction authority. As shown in table 8 above, AOUSC did not submit an annual report every year, and there was an interval of almost three years (from May 2014 to February 2017) in which there is no record of AOUSC providing any annual redaction reports to Congress.

AOUSC officials stated that although there are no reporting time frames specified in legislation for preparing and submitting the reports to the congressional committees of jurisdiction (other than annual submission), beginning in 2016, AOUSC staff began to work on preparing the redaction report for the previous year by February of the following year. The AOUSC officials acknowledged, though, that they have not implemented a formal process, with designated steps and time frames, to ensure they consistently produce the annual redaction reports in a timely manner. The AOUSC officials also stated that since 2013, the Financial Disclosure Office—the office responsible for preparing the reports—had experienced a series of changes in management, as well as staff turnover in key positions, which contributed to the inconsistent process for developing and completing the annual redaction reports in a timely manner. Given that AOUSC experienced staff turnover in the past, and could experience it in the future, it is important that AOUSC has the necessary controls in place to overcome staffing issues and ensure that it consistently prepares and submits the annual redaction reports to the committees in a timely manner.

Standards for Internal Control in the Federal Government state that management should implement control activities by documenting responsibilities through policies for each unit.[20] With guidance from management, each unit determines the policies necessary to achieve the desired objectives. Management should also define objectives in specific terms so they are understood at all levels. This involves clearly defining what is to be achieved, who is to achieve it, how it will be achieved, and the time frames for achievement. AOUSC officials stated that the annual reports cannot be compiled until after the close of the previous calendar year and after all data have been reviewed. While this is true, without a formal process for ensuring that staff complete the reports in a timely manner, there are no assurances that the process will consistently occur on a regular schedule, or at all. Implementing a more formal process, with specified steps and time frames, would ensure staff are fully informed of their responsibilities and allow AOUSC to be better positioned to provide the congressional committees of jurisdiction with timely redaction reports that can be used to conduct oversight of the federal judiciary's use of its redaction authority.

[20]GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: Sep. 10, 2014).

Conclusions

The Ethics in Government Act of 1978, as amended, serves the public interest by providing access to selected information from financial disclosure reports filed by judicial officials that could represent conflicts of interest for these officials. At the same time, the law accounts for the security threats faced by judicial officials and grants the judiciary authority to redact personal and sensitive information from their financial disclosure reports if a finding is made that the release of the information could endanger these officials or members of their families. Thus, the Judicial Conference has a responsibility to balance the goals of safeguarding judicial officials' information and providing timely public access. The Judicial Conference developed a compliance process to ensure judicial officials were filing financial disclosure reports that adhere to applicable laws and regulations, and also had procedures in place to ensure the public had access to copies of judicial officials' financial disclosure reports when requested. While the Ethics in Government Act of 1978, as amended, provides the Judicial Conference with authority to redact information that could pose a security threat to judicial officials, this authority has been used sparingly. From 2012 through 2016, about 3.2 percent of financial disclosure reports included a redaction request and about 85 percent of those were approved. Nevertheless, the law requires AOUSC to submit an annual report to congressional committees of jurisdiction on the operation of the judiciary's redaction authority, including information on the total number of reports with redactions and the types of information redacted. Our review of available guidance and documentation shows that AOUSC has not implemented a formal process for producing annual redaction reports and has not submitted these reports to Congress in a timely manner. Implementing a more formal process, with specified steps and timeframes, would allow AOUSC to be better positioned to provide congressional committees of jurisdiction with the required annual redaction reports that can be used to conduct oversight of the federal judiciary's use of its redaction authority. This is particularly important given that Congress recently passed an extension to the judiciary's redaction authority through the end of 2027.

Recommendation for Executive Action

The Director of AOUSC should develop and implement a formal process, with specified steps and associated time frames, to better ensure that required annual redaction reports are completed and submitted to Congress within the following year.

Agency Comments and Our Evaluation

In April 2018, we requested comments on a draft of this report from DOJ, USMS, and AOUSC. Neither DOJ nor USMS had any comments. AOUSC provided technical comments, which we have incorporated into the report, as appropriate. In particular, based on AOUSC comments, we amended the report title to provide greater clarity into the subject matter of the report and added additional text to the conclusions section to better address all aspects of the report's findings. In addition to its technical comments, AOUSC provided an official letter for inclusion in the report, which can be seen in appendix III. In its letter, AOUSC stated it concurred with the recommendation and will determine how best to implement a more formalized process to better ensure it can submit annual redaction reports to Congress in a timely manner.

We are sending copies of this report to the Administrative Office of the U.S. Courts, the Attorney General, the United States Marshals Service, selected congressional committees, and other interested parties. In addition, this report is also available at no charge on the GAO website at http://www.gao.gov.

If you or your staff have any further questions about this report, please contact me at (202) 512-8777 or goodwing@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributions to this reported are listed in appendix III.

Gretta L. Goodwin
Director, Homeland Security and Justice Issues

List of Requesters

The Honorable Tom Carper
United States Senate

The Honorable Charles E. Grassley
United States Senate

The Honorable James Lankford
United States Senate

The Honorable Patrick Leahy
United States Senate

The Honorable Claire McCaskill
United States Senate

Appendix I: Administrative Office of the U.S. Courts Form AO 10: Blank Financial Disclosure Report for Calendar Year 2016

AO 10
Rev. 1/2017

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2016

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial)	2. Court or Organization	3. Date of Report
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	5a. Report Type (check appropriate type) ☐ Nomination Date ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period to
7. Chambers or Office Address		

IMPORTANT NOTES: ***The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.***

I. POSITIONS. ***(Reporting individual only; see pp. 9-13 of filing instructions.)***

☐ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.		
2.		
3.		
4.		
5.		

II. AGREEMENTS. ***(Reporting individual only; see pp. 14-16 of filing instructions.)***

☐ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.		
2.		
3.		

FINANCIAL DISCLOSURE REPORT
Page 2 of 6

Name of Person Reporting	Date of Report

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

	DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.			
2.			
3.			
4.			

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*
(Dollar amount not required except for honoraria.)

☐ NONE *(No reportable non-investment income.)*

	DATE	SOURCE AND TYPE
1.		
2.		
3.		
4.		

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*
(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE *(No reportable reimbursements.)*

	SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.					
2.					
3.					
4.					
5.					

FINANCIAL DISCLOSURE REPORT
Page 3 of 6

Name of Person Reporting	Date of Report

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
1.			
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☐ NONE *(No reportable liabilities.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.			
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT
Page 4 of 6

Name of Person Reporting	Date of Report

VII. INVESTMENTS and TRUSTS *-- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	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	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT
Page 5 of 6

Name of Person Reporting	Date of Report

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT
Page 6 of 6

Name of Person Reporting	Date of Report

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: S/

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

Appendix II: Administrative Office of the U.S. Courts Form AO 10A Used for Requesting Copies of Judicial Officials' Financial

AO 10A (Rev. 03/17)

REQUEST FOR EXAMINATION OF REPORT FILED BY A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE

In accordance with section 105 of the Ethics in Government Act of 1978, as amended, I request that the report of the following named Judicial Officers or Judicial Employees be sent to me in electronic form. By checking this box, I am requesting a paper copy rather than an electronic copy ❒ *(See instructions).*

NAMES OF INDIVIDUALS WHOSE DISCLOSURE REPORTS ARE REQUESTED	NAME	POSITION	YEAR(S) REQUESTED

ORGANIZATIONS OR PERSONS ON WHOSE BEHALF THIS REQUEST IS MADE	NAME	ADDRESS

PROHIBITIONS

I understand that the statute makes it unlawful to obtain or use this or these reports for: any unlawful purpose; any commercial purpose other than by news and communication media for dissemination to the general public; determining or establishing of the credit rating of any individual; or use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose (5 U.S.C. App. 4 § 105(c)).

I understand that whoever, in any manner within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document, knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both (18 U.S.C. § 1001).

I am aware of the prohibitions on the obtaining and use of this information, as are stated above, and that this request for examination is a matter of public record.

PERSON MAKING REQUEST

Name:	Occupation:
Phone Number:	Email Address:
Mailing Address:	

I certify under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746)

Signature *Date executed*

Print Save As... Reset

Instructions for Requesting a Copy of a Financial Disclosure Report from the Financial Disclosure Office

These instructions provide you with the information necessary to request a copy of a judge's or a judiciary employee's financial disclosure report filed with the Administrative Office of the U.S. Courts in accordance with the requirements of the Ethics in Government Act of 1978, as amended (Act) (5 U.S.C. app. §§ 101-111). Before a financial disclosure report can be released, a Form AO 10A, Request for Examination of Report Filed by Judicial Officer or Judicial Employee, must be completed. Each judge or employee whose report you request must be listed by name on the form.

The Form AO 10A may be obtained from the judiciary's website at www.uscourts.gov or from the Financial Disclosure Office. Questions concerning the completion of the Form AO 10A, or the report request process, should be directed to the Financial Disclosure Office at (202) 502-1850, or by fax at (202) 502-1899.

Please note that section 105(b)(2)(A) of the Act requires that you provide your name, occupation, and address on the Form AO 10A. Section 105(b)(2)(B) requires that if you are obtaining a report at the request of, or on behalf of, another individual or an organization, you must specifically list that individual or organization in the appropriate block on the form. Section 105(b)(3)(C) requires you to sign the request form indicating that you are aware of the prohibitions on wrongful use as delineated on the form and in section 105(c)(1) of the Act. Failure to comply with these statutory requirements is cause to deny your request. It is helpful to provide a phone number and email address where you can be reached in case there is a question relating to your request.

All financial disclosure reports will be provided on an electronic storage device at no charge. If you wish to receive a paper copy of a report, you must check the appropriate box on the Form AO 10A. The reproduction cost for a paper copy of a financial disclosure report is $0.20 per page. The Financial Disclosure Office only accepts checks and money orders for the exact amount provided to you. Your check or money order should be made payable to the Administrative Office of the United States Courts. Paper copies of a report will not be mailed until payment has been received.

After completing the Form AO 10A, you must return the form to the Financial Disclosure Office, Administrative Office of the United States Courts, Suite 2-301, One Columbus Circle, N.E., Washington, D.C. 20544; email it to CommitteeonFinancialDisclosure@ao.uscourts.gov (with Form AO 10A in the subject line); or fax it to (202) 502-1899. Upon receipt of the Form AO 10A, each judge or employee will be notified that you requested his or her report, then a copy of the requested report will be sent to you. If a paper copy is requested, you will be notified of the cost.

Appendix III: Comments from the Administrative Office of the U.S. Courts

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

May 18, 2018

Ms. Gretta L. Goodwin
Director
Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Ms. Goodwin:

The Administrative Office of the U.S. Courts (AO) has received the draft report relating to the Government Accountability Office (GAO) engagement on judicial compliance with filing and processing of financial disclosure reports, GAO-18-406, and appreciates the opportunity to review and comment.

We are pleased to note that the report addresses positively the issues originally identified in the May 5, 2017, notification letter regarding this engagement, which focused on the actions taken by the Judicial Conference to ensure that all judicial officials are properly filing financial disclosure reports and what processes are in place for processing judicial officials' redaction requests. The Judiciary takes seriously its obligation to ensure compliance with applicable laws and regulations regarding financial disclosure. As the report notes, the Judicial Conference has "developed an electronic filing system, written guidance, and a compliance process to help ensure judicial officials file financial disclosure reports." The report highlights the important efforts of the Judicial Conference Committee on Financial Disclosure to provide "guidance to judicial officials to ensure that financial disclosure reports are filed correctly" and to implement policies and "specific procedures for securing filer compliance with all reporting requirements and the late filing assessments."

The Judiciary recognizes the value of providing financial disclosure reports to members of the public upon request. We are pleased that GAO determined that the Judiciary has established procedures for responding to requests for financial disclosure reports and that the Judiciary is complying with those procedures.

Because of the nature of the judicial function, judges and judicial employees have been, unfortunately, the subject of assault, threats, and harassment. Federal judges and judiciary employees, such as probation officers, routinely interact with disgruntled

A TRADITION OF SERVICE TO THE FEDERAL JUDICIARY

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individuals who may bear grudges against them. The redaction provisions of the Ethics in Government Act prevent these individuals from learning sensitive information such as the unsecured locations of judges' and employees' families and protect these public servants and their families from harm.

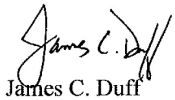
As GAO's report notes, the "Judicial Conference has a responsibility to balance the goals of safeguarding judicial official's information and providing timely public access." Judiciary policy requires that there be a clear nexus between a security risk and the information for which redaction is sought before redaction will be permitted. The Committee on Financial Disclosure, which must approve any redaction request, interprets strictly its redaction authority to conform to the need for public disclosure. As the report's conclusion states, "this authority has been used sparingly." GAO's analysis of judiciary data on redaction requests for the calendar years 2012 through 2016 evidences the careful approach taken by the Judicial Conference in dealing with requests for redaction. Only a small percentage of the financial disclosure reports filed contain an approved redaction, and most redactions pertained to the unsecured location of family members.

Regarding the timeliness of the annual report on redaction, the late filing of this information was inadvertent. We never intended to keep any information from Congress and we promptly provided these reports to the relevant Congressional committees after our review of our records confirmed that we could not verify their prior transmission. All required reports have now been submitted to Congress.

As the report notes, the late reporting issue was due in part to staff turnover in key positions during the period under study. Key management staff are now in place in the Financial Disclosure Office and efforts are underway to ensure the timely submission of the redaction reports. They have established a goal of preparing the redaction report for submission in February of each year. The most recent reports, for calendar year 2016 and calendar year 2017, were submitted on February 28, 2017, and February 15, 2018, respectively. The AO will determine how best to implement GAO's recommendation, suggesting that we formalize our process for timely filing the annual redaction report.

The Judiciary will continue complying with its financial disclosure and redaction responsibilities following the policies and processes described favorably in this report. We also want to assure the GAO that the AO takes its congressional reporting obligations seriously and will continue to improve our processes to ensure timely filing of the annual redaction report.

Sincerely,



James C. Duff
Director

Appendix IV: GAO Contact and Staff Acknowledgements

GAO Contact

Gretta L. Goodwin, (202) 512-8777 or goodwing@gao.gov

Staff Acknowledgements

In addition to the contact named above, Christopher Conrad (Assistant Director) and Valerie Kasindi (Analyst-in-Charge) managed this assignment. Kristiana Moore, Dominick Dale, Melissa Hargy, Eric Hauswirth, Amanda Miller, Jerry Sandau, and Janet Temko-Blinder made key contributions to this report.

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