

“(ii) allow the public to search, sort, and download data contained in the reports.

“(2) LOGIN.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login protocol with the name of the user shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 (5 U.S.C. App. 105(b)(2)) does not apply.

“(3) PUBLIC AVAILABILITY.—Pursuant to section 105(b)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App. 105(b)(1)), electronic availability on the official website of the Office of Government Ethics under this subsection shall be deemed to have met the public availability requirement.

“(4) FILERS COVERED.—Executive branch employees required under title I of the Ethics in Government Act of 1978 to file financial disclosure reports shall file the reports electronically with their supervising ethics office.

“(5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.

“(6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Director of the Office of Government Ethics, after consultation with the Clerk of the House of Representatives and Secretary of the Senate, identifies in writing to relevant congressional committees the additional time needed for such implementation.”

PUBLIC AVAILABILITY OF REPORTS FILED UNDER PRE-1991 ETHICS IN GOVERNMENT ACT PROVISIONS

Pub. L. 101-280, § 9, May 4, 1990, 104 Stat. 162, provided that: “Those reports filed under title I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix], or III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95-521], as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act [this section], as amended by the Ethics Reform Act of 1989 [Pub. L. 101-194], and the provisions of such section shall apply with respect to those reports.”

§ 106. Review of reports

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

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

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such re-

port is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

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

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

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

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

- (A) divestiture,
- (B) restitution,
- (C) the establishment of a blind trust,
- (D) request for an exemption under section 208(b) of title 18, United States Code, or
- (E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

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

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

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

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Con-

ference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

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

(Pub. L. 95-521, title I, § 106, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1739; Pub. L. 101-280, § 3(1), (7), May 4, 1990, 104 Stat. 152, 155.)

CODIFICATION

Section was formerly classified to section 706 of Title 2, The Congress.

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(1). Pub. L. 101-280, § 3(7)(B), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official, or”.

Pub. L. 101-280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(2). Pub. L. 101-280, § 3(7)(C), substituted “the Secretary concerned, the designated agency ethics official,” for “Secretary concerned, designated agency ethics official or”.

Pub. L. 101-280, § 3(7)(A), substituted “a person designated by the Judicial Conference” for “the Chairman of the Judicial Conference”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(3). Pub. L. 101-280, § 3(7)(D), substituted “the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the” for “Secretary concerned, designated agency ethics official, a congressional ethics committee, or the”.

Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Subsec. (b)(4). Pub. L. 101-280, § 3(7)(E), inserted “in the executive branch” after “position” and substituted “Foreign Service” for “foreign service”.

Subsec. (b)(5). Pub. L. 101-280, § 3(7)(F), substituted “Foreign Service” for “foreign service”.

Subsec. (b)(6). Pub. L. 101-280, § 3(1), struck out “of the United States” after “Judicial Conference”.

Pub. L. 101-280, § 3(7)(G), substituted “employee,” for “employee”.

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to review of reports for provisions relating to failure to file or filing false reports. See section 104(a) of this Appendix.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

§ 107. Confidential reports and other additional requirements

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

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

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

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

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

(Pub. L. 95-521, title I, § 107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96-19, § 9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 101-194, title II, § 202, Nov. 30, 1989, 103 Stat. 1740.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

CODIFICATION

Section was formerly classified to section 707 of Title 2, The Congress.

AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting provisions relating to confidential reports and other additional requirements for provisions setting forth definitions for purposes of title I of Pub. L. 95-521. See section 109 of this Appendix.