

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

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

(d) LATE FEES.—

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

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

(B) if a filing extension is granted to such individual under section 13103(g) of this title, the last day of the filing extension period,

shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch.

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

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4288.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13106	5 U.S.C. App. (EGA §104)	Pub. L. 95–521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, §8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, §3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101–650, title IV, §405, Dec. 1, 1990, 104 Stat. 5124; Pub. L. 110–81, title VII, §702, Sept. 14, 2007, 121 Stat. 775.

In subsection (d)(1) (matter after subparagraph (B)), the extra period at the end is removed to correct an error in the law. The extra period resulted from an amendment to the source law made by section 3(5)(B) of Public Law 101–280 (104 Stat. 154).

§ 13107. Custody of and public access to reports

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

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 13106(a) of this title, to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

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

(b) INSPECTION OF REPORTS.—

(1) IN GENERAL.—Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within 30 days after any report is received under this subchapter by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 13103(g) of this title. The agency, office, Clerk, or Secretary of the Senate, as the case may be, may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) PROCEDURE FOR REQUESTING REPORTS.—Notwithstanding paragraph (1), a report may not be made available under this section to

any person nor may any copy of the report be provided under this section to any person except upon a written application by such person stating—

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

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

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

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

(3) JUDICIAL EMPLOYEES AND OFFICERS.—

(A) IN GENERAL.—This section does not require the immediate and unconditional availability of reports filed by an individual described in paragraph (9) or (10) of section 13101 of this title if a finding is made by the Judicial Conference, in consultation with the United States Marshals Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

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

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

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

(C) REDACTION REPORT.—The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Reform an annual report with respect to the operation of this paragraph including—

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

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

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

(iv) the nature or type of information redacted;

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

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

(vii) any public complaints received relating to redaction.

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

(E) EXPIRATION OF PARAGRAPH.—This paragraph shall expire on December 31, 2027, and apply to filings through calendar year 2027.

(c) PROHIBITED USES OF REPORTS.—

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

(A) for any unlawful purpose;

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

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

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

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

(d) RETENTION OF REPORTS.—

(1) IN GENERAL.—Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this subchapter shall be retained by such agency or office or by the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

(2) PUBLIC AVAILABILITY.—Such report shall be made available to the public—

(A) in the case of a Member of Congress, until a date that is 6 years from the date the individual ceases to be a Member of Congress; and

(B) in the case of all other reports filed pursuant to this subchapter, for a period of 6 years after receipt of the report.

(3) DESTRUCTION OF REPORTS.—After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 13103(b) of this title and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 13103(c) of this title and was not subsequently elected, such reports shall be destroyed 1 year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry.

(Pub. L. 117-286, §3(c), Dec. 27, 2022, 136 Stat. 4289.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 105 of the Ethics in Government Act of 1978, Pub. L. 95-521, which was set out in the former Appendix to this title, and as it existed as of Oct. 19, 2021. Section 105 of Pub. L. 95-521 was amended by Pub. L. 117-125, §2(b), (c)(2), May 13, 2022, 136 Stat. 1205, 1206, prior to being repealed and reenacted as this section by Pub. L. 117-286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4289, 4361. For applicability of those amendments to this section, see section 5(b) of Pub. L. 117-286, set out

in a *Transitional and Savings Provisions* note preceding section 101 of this title. Section 105 of Pub. L. 95–521 was amended as follows:

(1) in subsection (a)(1), by striking “be revealing” and inserting “by revealing”;

(2) in subsection (b)—

(A) in paragraph (1), in the first sentence, by striking “be,,” and inserting “be,” and, in the third sentence, by striking “may be may” and inserting “may be, may”; and

(B) in paragraph (3)(A), by striking “described in section 109(8) or 109(10) of this Act” and inserting “who is a judicial officer or a judicial employee”; and

(3) by redesignating subsections (c) and (d) as (d) and (e), respectively, and by inserting after subsection (b) the following:

“(c) **ONLINE PUBLICATION OF FINANCIAL DISCLOSURE REPORTS OF FEDERAL JUDGES.**—

“(1) **ESTABLISHMENT OF DATABASE.**—Subject to paragraph (4), not later than 180 days after the date of enactment of the *Courthouse Ethics and Transparency Act*, the *Administrative Office of the United States Courts* shall establish a searchable internet database to enable public access to any report required to be filed under this title by a judicial officer, bankruptcy judge, or magistrate judge.

“(2) **AVAILABILITY.**—Not later than 90 days after the date on which a report is required to be filed under this title by a judicial officer, bankruptcy judge, or magistrate judge, the *Administrative Office of the United States Courts* shall make the report available on the database established under paragraph (1) in a full-text searchable, sortable, and downloadable format for access by the public.

“(3) **REDACTION.**—Any report made available on the database established under paragraph (1) shall not contain any information that is redacted in accordance with subsection (b)(3).

“(4) **ADDITIONAL TIME.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the requirements of this subsection may be implemented after the date described in paragraph (1) if the *Administrative Office of the United States Courts* identifies in writing to the relevant committees of Congress the additional time needed for that implementation.

“(B) **PUBLICATION REQUIREMENT.**—The *Administrative Office of the United States Courts* shall continue to make the reports described in paragraph (1) available to the public during the period in which the *Administrative Office of the United States Courts* establishes the database under this subsection.”

The substitutions directed to subsections (a)(1) and (b)(1) had already been made in the text of this section as restated by Pub. L. 117–286. The reference to “section 109(8) or 109(10) of this Act” in the quoted text directed to be stricken in subsection (b)(3)(A) did not appear in the text as enacted by Pub. L. 117–286 but was changed to refer to “paragraph (9) or (10) of section 13101 of this title”.

The date of enactment of the *Courthouse Ethics and Transparency Act*, referred to in subsection (c)(1) as set out above, is the date of enactment of Pub. L. 117–125, which was approved May 13, 2022.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13107	5 U.S.C. App. (EGA § 105)	Pub. L. 95–521, title I, § 105, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(6), May 4, 1990, 104 Stat. 154; Pub. L. 102–90, title III, § 313(2), Aug. 14, 1991, 105 Stat. 469; Pub. L. 103–359, title V, § 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104–201, div. A, title XI, § 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105–318, § 7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 107–126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108–458, title I, § 1079(c), Dec. 17, 2004, 118 Stat. 3696; Pub. L. 110–24, § 2, 3, May 3, 2007, 121 Stat. 100; Pub. L. 110–177, title I, § 104, Jan. 7, 2008, 121 Stat. 2535; Pub. L. 110–417, [div. A], title IX, § 931(b)(1), Oct. 14, 2008, 122 Stat. 4575; Pub. L. 112–84, § 1, Jan. 3, 2012, 125 Stat. 1870; Pub. L. 112–105, § 8(c), Apr. 4, 2012, 126 Stat. 296; Pub. L. 115–141, div. M, title VI, § 601, Mar. 23, 2018, 132 Stat. 1051.

In subsection (a)(1), the word “by” is substituted for “be” to correct an error in the law. The change appears in the phrase “public disclosure of such report would, by [be] revealing the identity of the individual or other sensitive information, compromise the national interest of the United States”.

In subsection (b)(3)(C) (matter before clause (i)), the words “Committee on Oversight and Reform” are substituted for “Committee on Oversight and Government Reform” on authority of Rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (116th Congress, January 9, 2019).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

PUBLIC, ONLINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS

Pub. L. 113–7, § 1(a)(1), (2), Apr. 15, 2013, 127 Stat. 438, provided that:

“(1) **IN GENERAL.**—Except with respect to financial disclosure forms filed by officers and employees referred to in paragraph (2), section 8(a) and section 11(a) of the STOCK Act [Pub. L. 112–105] (5 U.S.C. App. 105 note[s]) [now 5 U.S.C. 13107 notes, set out below] shall not be effective.

“(2) **EXEMPTED OFFICERS AND EMPLOYEES.**—The officer and employees referred to in paragraph (1) are the following:

“(A) The President.

“(B) The Vice President.

“(C) Any Member of Congress.

“(D) Any candidate for Congress.

“(E) Any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.”

PUBLIC FILING AND DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF

Pub. L. 112–105, § 8(a), (b), Apr. 4, 2012, 126 Stat. 295, as amended by Pub. L. 112–173, § 1(1), Aug. 16, 2012, 126 Stat.

1310; Pub. L. 113-7, §1(b)(1), Apr. 15, 2013, 127 Stat. 438; Pub. L. 117-286, §4(c)(15), Dec. 27, 2022, 136 Stat. 4355, provided that:

“(a) PUBLIC, ONLINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.—

“(1) IN GENERAL.—Not later than September 30, 2012, or 90 days after the date of enactment of this Act [Apr. 4, 2012], whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, candidates for Congress, and employees of Congress in calendar year 2012 and in subsequent years pursuant to subchapter I of chapter 131 of title 5, United States Code, are made available to the public on the respective official websites of the Senate and the House of Representatives not later than 30 days after such forms are filed.

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

“(3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 13105(l) of title 5, United States Code, such disclosure shall be filed not later than the date required by that section. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.

“(4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).

“(b) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS.—

“(1) IN GENERAL.—Subject to paragraph (6) and not later than January 1, 2014, the Secretary of the Senate and the Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall develop systems to enable—

“(A) electronic filing of reports received by them pursuant to section 13105(h)(1)(A) of title 5, United States Code; and

“(B) public access to—

“(i) financial disclosure reports filed by Members of Congress and candidates for Congress,

“(ii) reports filed by Members of Congress and candidates for Congress of a transaction disclosure required by section 13105(l) of title 5, United States Code, and

“(iii) notices of extensions, amendments, and blind trusts, with respect to financial disclosure reports described in clauses (i) and (ii), pursuant to subchapter I of chapter 131 of title 5, United States Code, through databases that are maintained on the official websites of the House of Representatives and the Senate.

“(2) LOGIN.—For purposes of filings under paragraph (1)(B), section 13107(b)(2) of title 5, United States Code, does not apply.

“(3) PUBLIC AVAILABILITY.—Pursuant to section 13107(b)(1) of title 5, United States Code, electronic availability on the official websites of the Senate and the House of Representatives under paragraph (1)(B) shall be deemed to have met the public availability requirement.

“(4) FILERS COVERED.—Individuals required under chapter 131 of title 5, United States Code, or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House of Representatives shall be able to file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives.

“(5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under paragraph (1)(B) 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 Secretary of the Senate or the Clerk of the House of Representatives identifies in writing to relevant congressional committees the additional time needed for such implementation.”

[Pub. L. 117-286, §4(c)(15), which directed amendment of section 8 of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112-105, 126 Stat. 295, 5 U.S.C. App. 105 note)”, was executed to section 8 of Pub. L. 112-105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.]

[For definitions of terms used in section 8 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a note under section 13101 of this title.]

EXECUTIVE BRANCH REPORTING

Pub. L. 112-105, §11, Apr. 4, 2012, 126 Stat. 298, as amended by Pub. L. 112-173, §1(2), Aug. 16, 2012, 126 Stat. 1310; Pub. L. 113-7, §1(b)(2), Apr. 15, 2013, 127 Stat. 439; Pub. L. 117-286, §4(c)(16), Dec. 27, 2022, 136 Stat. 4355, provided that:

“(a) EXECUTIVE BRANCH REPORTING.—

“(1) IN GENERAL.—Not later than September 30, 2012, or 90 days after the date of enactment of this Act [Apr. 4, 2012], whichever is later, the President shall ensure that financial disclosure forms filed pursuant to subchapter I of chapter 131 of title 5, United States Code, in calendar year 2012 and in subsequent years, by executive branch employees specified in section 13103 of title 5, United States Code, are made available to the public on the official websites of the respective executive branch agencies not later than 30 days after such forms are filed.

“(2) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically along with the related disclosure.

“(3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 13105(l) of title 5, United States Code, such disclosure shall be filed not later than the date required by that section. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.

“(4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).

“(b) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF CERTAIN EXECUTIVE BRANCH OFFICIALS.—

“(1) IN GENERAL.—Subject to paragraph (6), and not later than January 1, 2014, the President, acting through the Director of the Office of Government Ethics, shall develop systems to enable—

“(A) electronic filing of reports required by section 13105 of title 5, United States Code, other than subsection (h) of such section; and

“(B) public access to—

“(i) financial disclosure reports filed by the President, the Vice President, and any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position,

“(ii) reports filed by any individual described in clause (i) of a transaction disclosure required by section 13105(l) of title 5, United States Code, and

“(iii) notices of extensions, amendments, and blind trusts, with respect to financial disclosure reports described in clauses (i) and (ii), pursuant to subchapter I of chapter 131 of title 5, United States Code, through databases that are maintained on the official website of the Office of Government Ethics.

“(2) LOGIN.—For purposes of filings under paragraph (1)(B), section 13107(b)(2) of title 5, United States Code, does not apply.

“(3) PUBLIC AVAILABILITY.—Pursuant to section 13107(b)(1) of title 5, United States Code, electronic availability on the official website of the Office of Government Ethics under paragraph (1)(B) shall be deemed to have met the public availability requirement.

“(4) FILERS COVERED.—Executive branch employees required under subchapter I of chapter 131 of title 5, United States Code, to file financial disclosure reports shall be able to file the reports electronically with their supervising ethics office.

“(5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under paragraph (1)(B) 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.”

[Pub. L. 117-286, §4(c)(16), which directed amendment of section 11 of the “Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112-105, 126 Stat. 298, 5 U.S.C. App. 105 note)”, was executed to section 11 of Pub. L. 112-105, set out above, known as the “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act” or the “STOCK Act”, to reflect the probable intent of Congress.] [For definitions of terms used in section 11 of Pub. L. 112-105, set out above, see section 2 of Pub. L. 112-105, set out as a Definitions note under section 13101 of this title.]

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 [former 2 U.S.C. 701 et seq.], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in the Appendix to this title], 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 [former] section 105 of that Act [see 5 U.S.C. 13107], 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.”

§ 13108. Review of reports

(a) TIME FOR REVIEW.—

(1) EXECUTIVE BRANCH.—Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with the designated agency ethics official or Secretary under this subchapter is reviewed within 60 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 the Director of the Office of Government Ethics under this subchapter within 60 days after the date of transmittal.

(2) CONGRESSIONAL ETHICS COMMITTEE AND JUDICIAL CONFERENCE.—Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this subchapter is reviewed within 60 days after the date of such filing.

(b) RESULTS OF REVIEW.—

(1) COMPLIANCE.—If after reviewing any report under subsection (a), the Director of the

Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he or she shall state such opinion on the report, and shall sign such report.

(2) ADDITIONAL INFORMATION REQUIRED OR POSSIBLE NONCOMPLIANCE.—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 or she 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 or she 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) NONCOMPLIANCE AND NOTIFICATION OF STEPS TO ASSURE COMPLIANCE.—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; 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) REFERRAL OF INDIVIDUALS IN POSITIONS REQUIRING SENATE CONFIRMATION.—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