

“(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

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) REFERRAL OF MEMBER OF FOREIGN SERVICE OR UNIFORMED SERVICES.—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) REFERRAL OF OTHER OFFICERS OR EMPLOYEES.—If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action, except that in the case of the Postmaster General or Deputy Postmaster 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) ADVISORY OPINIONS.—Each supervising ethics office may render advisory opinions interpreting this subchapter 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 subchapter 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 subchapter.

(Pub. L. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4292.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
13108	5 U.S.C. App. (EGA §106)	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.

§ 13109. Confidential reports and other additional requirements

(a) IN GENERAL.—

(1) AUTHORITY TO REQUIRE CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS.—Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18) 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 subchapter, or more extensive when determined by the super-

vising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, regulations promulgated under those sections, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 13103 of this title 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 subchapter. Subsections (a), (b), and (d) of section 13107 of this title shall not apply with respect to any such report.

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

(3) NO EXEMPTION FROM OTHER REPORTING REQUIREMENTS.—Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this subchapter from such requirement.

(b) PREEMPTION.—The provisions of this subchapter 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 subchapter shall not supersede the requirements of section 7342 of this title.

(c) NO AUTHORIZATION FOR ACTIVITY OTHERWISE PROHIBITED.—Nothing in this chapter 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. 117–286, §3(c), Dec. 27, 2022, 136 Stat. 4294.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from section 107 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 107 of Pub. L. 95–521 was amended by Pub. L. 117–125, §2(c)(3), May 13, 2022, 136 Stat. 1207, prior to being repealed and reenacted as this section by Pub. L. 117–286, §§3(c), 7, Dec. 27, 2022, 136 Stat. 4294, 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. Subsection (a)(1) of section 107 of Pub. L. 95–521 was amended in the last sentence by striking “and (d)” and inserting “and (e)”. Such amendment was to conform with an amendment to section 105 of Pub. L. 95–521 redesignating subsection (d) as (e), see Amendments Not Shown in Text note set out under section 13107 of this title.