

Memorandum



Subject	Date
Procedure specified by statute and regulations for Office of Government Ethics review	May 17, 1982

To The Attorney General From John Roberts *JR*

1. After transmittal of the disclosure form to the Director of the Office of Government Ethics, the Director has sixty days in which to review the form, 18 U.S.C. 206(a). Your form was transmitted on May 14, so time for review would normally expire on July 13. The Director must make the form public by May 30, and has in the past tried to rule finally on forms by that time. That informal deadline is perhaps moot in this case, since we have already made the form public.

2. The Director of Office of Government Ethics has three options after review:

- o If he is of the opinion that the reporting official is "in compliance with applicable laws and regulations," 18 U.S.C. 206(b)(1), he files a report so stating;
- o if the Director believes more information is required, he will notify the reporting official and set a time by which the information must be submitted, 18 U.S.C. 206(b)(2)(A);
- o if the Director believes the reporting official is not in compliance with applicable laws and regulations, he is to notify the official, permit him an opportunity to respond, and then reach a final conclusion, 18 U.S.C. 206(b)(2)(B).

"Applicable laws and regulations" have been specified to include not only the relevant portions of the criminal code and Ethics in Government Act but also Executive Order 11222 and regulations under the Executive Order, 45 Fed. Reg. 69791.

3. If the Director of the Office of Government Ethics determines that the reporting official is not in compliance, he will notify him and determine appropriate remedial action "for assuring compliance," including divestiture. He will specify a date for compliance, 18 U.S.C. 206(b)(3). "Except

in unusual circumstances," the date for compliance is ninety days from notice of the remedial action required. 45 Fed. Reg. 69792.

4. If the required steps are not taken, "the matter shall be referred to the President for appropriate action." 18 U.S.C. 206(b)(4).