

2024

A Road Map to Ethical Readiness for the Presidential Election and Beyond

- ★ Presidential Appointments
- ★ Ethics Program Administration
- ★ Ethical Leadership

**U.S.
OFFICE OF
GOVERNMENT
ETHICS**

THE U.S. OFFICE OF GOVERNMENT ETHICS

OGE leads an executive branchwide ethics program designed to prevent conflicts of interest and protect the public's confidence in the integrity of government decision making.

Visit OGE's [website: www.oge.gov](http://www.oge.gov)
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USING THE GUIDE

This guide is divided into three distinct parts, each of which describes key actions that the PTT, and then the White House Office and Office of the Vice President, must take to ensure a smooth transition with regard to government ethics. Each section is organized by the three key time periods that occur during an election cycle: pre-election; post-election; and post-inauguration and describes the top actions the PTT and then the incoming Administration should take, provides the associated timeline for the action, and explains why these actions are critical. The end of each section contains useful reference information.

1 SECTION I of this Guide describes the actions to carry out the ethics portion of the Presidential appointments process and to fill the most senior positions in government quickly with individuals whose conflicts have been assessed and resolved.

2 SECTION II of this Guide describes the actions to implement an ethics program on day one of the Administration so that the employees of the White House and Office of the Vice President can begin work for the American people free from conflicts of interests.

3 SECTION III of this Guide describes the actions the incoming Administration may undertake to establish a strong ethical culture in the new Presidential Administration.

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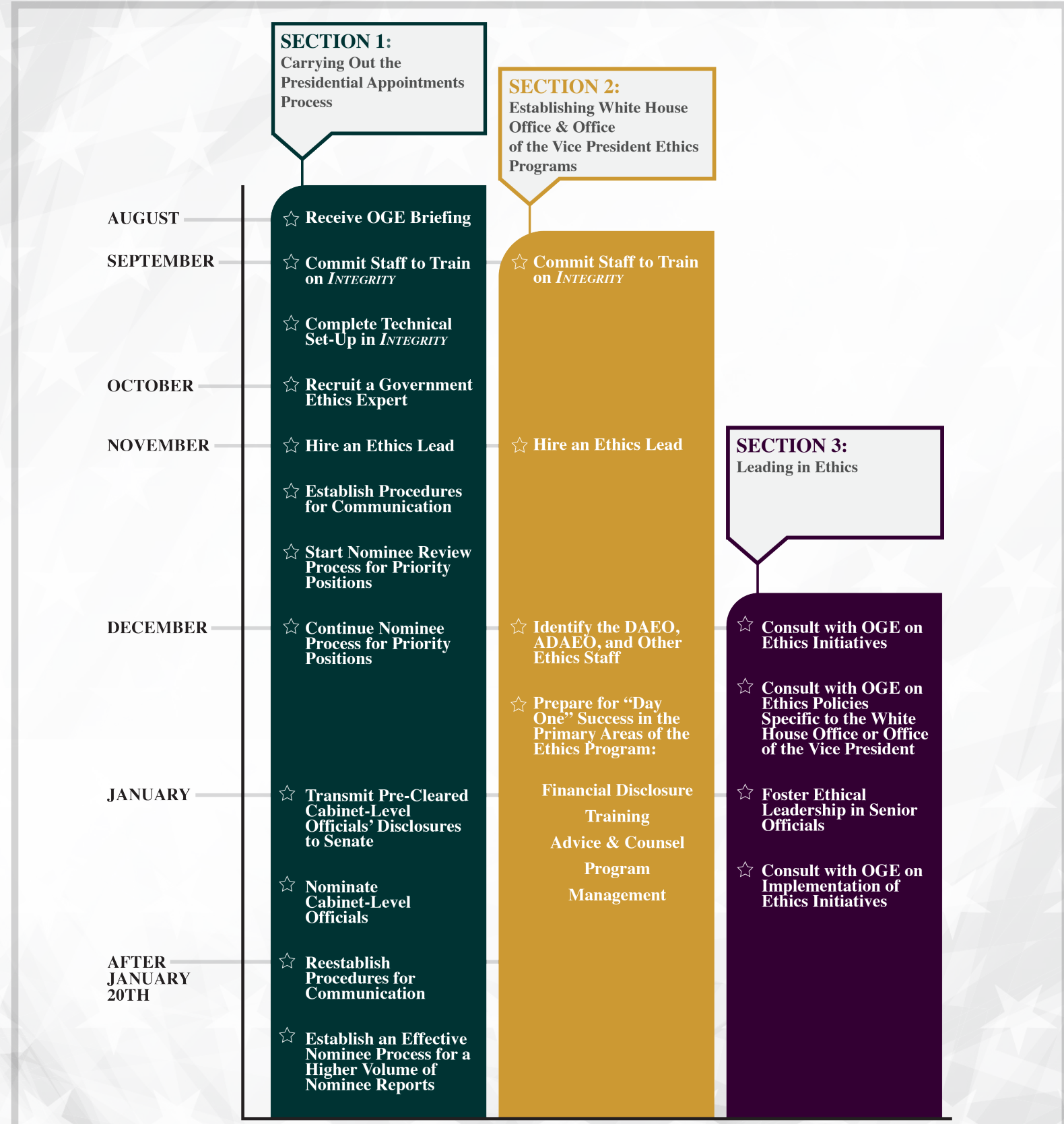
A MESSAGE FROM THE U.S. OFFICE OF GOVERNMENT ETHICS

One of the great traditions of our nation is the peaceful transition of power. History is made every four or eight years when our government turns over the reins of power from one Presidential Administration to the next.

OGE recognizes that the Presidential transition is a monumental undertaking at a critical time when the nation is vulnerable while the government's top leadership positions are vacant. Because of OGE's statutory role in reviewing PAS nominee financial disclosure reports, OGE works in partnership with the Presidential Transition Team (PTT) to ensure that prospective nominees have resolved their conflicts of interest, so that top leadership positions can be filled quickly.

A successful transition depends largely on investing the necessary resources, time, and effort. The PTT needs to be well-organized and knowledgeable about the nominee process. OGE pledges to provide the PTT with the support it needs to get the Administration off to a strong ethical start. The American people deserve nothing less.

OVERVIEW OF KEY DATES AND CRITICAL ACTIONS



SECTION I

Carrying out the
Presidential
Appointments
Process

Pre-Election: Critical Actions

AUG

☆ **Receive OGE Briefing**

SEPT

☆ **Commit Staff to Train on *INTEGRITY***

☆ **Complete Technical Set-Up in *INTEGRITY***

OCT

☆ **Recruit a Government Ethics Expert**

Receive OGE Briefing

After the nominating convention, OGE's Leadership team will hold a briefing for Presidential Transition Team (PTT) officials to provide critical information and to establish procedures for interactions going forward, especially regarding potential Presidential nominees subject to Senate confirmation. To set up the briefing, please email PresidentialTransition@oge.gov.

Commit Staff to Train on *INTEGRITY*

Since 2015, *INTEGRITY* has successfully served as the executive branchwide public financial disclosure filing system. *INTEGRITY*, a secure, confidential, web-based system, assists nominees in navigating the complex financial disclosure requirements and allows nominees to add a Filer Designee, a third-party representative, to assist in completing the report.

To use *INTEGRITY* effectively, the PTT must commit at least four staff to manage the system. The staff members should be the individuals:

- who will assign financial disclosure reports to potential PAS nominees, review the reports for potential ethics issues, and interact with OGE and the agencies regarding nominee reports;
- who will have positions in the Presidential Personnel Office (PPO) and the White House Counsel's Office (WHCO) focused on nominees after the inauguration; and
- who will commit significant time to training and practice prior to the election.

The designated four staff members must:

- attend multiple training sessions,
- practice on the *INTEGRITY* training system, and
- transition as post-election and post-inauguration staff to retain the expertise.

Complete Technical Set-Up in *INTEGRITY*

At least two PTT staff (of the four trained above) must be assigned to work with OGE to complete the technical set up of the PTT's *INTEGRITY* filing process for nominees. They must:

- be working for the PTT post-election and the White House post-inauguration;
- be responsible for nominee work in the post-election period; and
- fill administrator roles in *INTEGRITY*.

If any of the four people who are trained leaves the transition team, the PTT must identify a replacement to be trained immediately. Delays in identifying a replacement will delay the ability of the PTT to access the *INTEGRITY* system.

THE TECHNICAL SET-UP CREATES THE WORKFLOW FOR PAS NOMINEES DESCRIBED BELOW:

Transition Team: The PTT emails the prospective nominee OGE's "Nominee Guide."

Transition Team: A PTT member assigned to the "PPO" role in *INTEGRITY* registers the prospective nominee in *INTEGRITY* and initiates a financial disclosure report. If the PTT has set up the "notice" feature in *INTEGRITY*, *INTEGRITY* will automatically email the prospective nominee a notice with instructions.

Nominee: The prospective nominee completes a draft financial disclosure report in *INTEGRITY* and submits it to the PTT by clicking the "submit" button.

Transition Team: The PTT member assigned to the "PPO" role in *INTEGRITY* releases the report to the PTT member assigned to the "WHCO" role in *INTEGRITY*.

Transition Team: The PTT member assigned to the "WHCO" role in *INTEGRITY* releases the report through *INTEGRITY* to OGE and to the prospective nominee's agency.

CONFIDENTIALITY PROTECTIONS MAKE IT IMPERATIVE THAT THE PTT HAS STAFF TRAINED TO USE *INTEGRITY*:

INTEGRITY includes a firewall separating an outgoing President's nominees from a President-elect's nominees. For that reason, the current White House will be unable to access any data entered by the PTT. In fact, only the PTT has access to the nominee's name and financial disclosure report. OGE and the nominee's agency are unable to access that data until the PTT releases the financial disclosure report to OGE and the agency.

If a prospective nominee is not already an *INTEGRITY* user, the PTT or the White House creates a cloaked account for them. The cloaked account ensures that the prospective nominee's real identity is not added to the MAX.gov User Directory and instead uses a system-generated email address to maintain confidentiality. Cloaked accounts have been used since the launch of *INTEGRITY* in 2015 and are a regular part of the nominee review process.

Recruit a Government Ethics Expert

The PTT should include a government ethics expert, preferably one with experience with *INTEGRITY*, to manage the release of nominee reports to OGE and agency ethics officials. OGE can assist by recommending qualified government ethics experts.

Post-Election: Critical Actions

NOV

- ☆ **Hire an Ethics Lead**
- ☆ **Establish Procedures for Communication**
- ☆ **Start Nominee Review Process for Priority Positions**

DEC

- ☆ **Continue Nominee Process for Priority Positions**

JAN

- ☆ **Transmit Pre-Cleared Cabinet-Level Officials' Disclosures to Senate**
- ☆ **Nominate Cabinet-Level Officials**

Hire an Ethics Lead

OGE recommends that the PTT detail or hire a government ethics expert, preferably one with experience with *INTEGRITY*, to manage the release of nominee reports to OGE and agency ethics officials, and to coordinate with OGE immediately following the election. OGE can assist by recommending qualified government ethics experts.

Establish Procedures for Communication

OGE and the PTT agree on procedures going forward related to conveying information about nominees and how their reviews are proceeding.

Start Nominee Review Process for Priority Positions

It is vitally important for the PTT and White House to invest in getting the ethics part of the nomination process right because the consequences for the nominee and the Administration can be serious. Unresolved conflicts of interest can derail a nomination or ultimately expose Presidential appointees to potential criminal, civil, or administrative penalties for inadvertent violations of the law. More broadly, these problems can spell trouble for a new Presidential Administration.

OGE recommends that the PTT and White House collect draft financial disclosure reports from nominees and provide them to OGE and the prospective agency as soon as possible. The financial disclosure vetting process for a potential PAS nominee can take weeks, and often months. Nominees often have complex financial investments and employment arrangements that are difficult to untangle.

OGE recommends that the PTT and White House consult with OGE and the prospective agency early to get a tentative assessment on whether a nominee's financial interests would likely pose a conflict of interest with the position for which they are being considered. These consultations are critical to determining whether the nominee's financial interests would make nomination for one or more possible positions impracticable. Without identifying the individual, the PTT or White House can describe the financial interest and the position being considered.

Continue Nominee Process for Priority Positions



After OGE and the agency receive a draft report ([see process on page 9](#)), OGE works with agency ethics officials to review the nominee's draft financial disclosure report for compliance with disclosure requirements. Then, the agency ethics official works directly with the nominee or their representative to assist them in revising their draft report to bring them into compliance with the complex disclosure requirements. Concurrently, OGE and agency ethics officials also review the report to identify and analyze potential conflicts

of interest. Agency ethics officials supply insight into their agencies' missions and activities that is crucial to this process. Together, OGE and the agency ethics official draft an ethics agreement that documents the steps the nominee must take to resolve potential conflicts of interest. These written commitments ensure that they will be able to serve as Presidential appointees effectively and honorably while avoiding inadvertent ethics violations.

The review process concludes with pre-clearance. Pre-clearance is a pivotal point in the nominee process when the PTT or the White House receives staff-level assurance from OGE that the nominee report is ready to be certified. OGE developed the pre-clearance process decades ago to ensure that ethics issues are resolved **before** a Presidential nomination is announced. This process protects the President from having to withdraw a nominee. It also protects the privacy of private citizens who may choose or need to withdraw from consideration before being nominated publicly.

Although pre-clearance is not a final commitment by OGE to certify a nominee's report as is, it has generally proven highly effective in enabling OGE to quickly certify the report once a candidate is nominated. In the unusual case of new issues or questions arise at the time of nomination, OGE will expedite efforts to work with the nominee to quickly resolve those issues.

Transmit Pre-Cleared Cabinet-Officials' Disclosures to Senate and Nominate Cabinet-Level Officials

Once the President is ready to formally nominate an individual, the following sequence, starting at Agency/Nominee is initiated. For cabinet-level positions, the Senate traditionally holds hearings prior to January 20th, even though they have not been formally nominated. In those cases, the sequence begins with the Transition Team.

The remainder of this sequence assumes that the Senate will hold a hearing in advance of the inauguration. The Senate will likely hold advance hearings for nominees to several cabinet-level positions before January 20. For other nominees, the steps on this page will occur when the President makes formal nominations only after having been sworn into office on January 20.

Transition Team: The PTT reviews the ethics package, the FBI's background investigation report, and other vetting materials. The name of the intended nominee is released publicly if a favorable decision is made.

Agency/Nominee: The agency instructs the nominee to formally file the report in *INTEGRITY* and to sign the ethics agreement if not already signed. After the nominee takes these actions, the agency certifies the report in *INTEGRITY* and sends the ethics agreement to OGE.

OGE: OGE certifies the report in *INTEGRITY* and then transmits both the report and the ethics agreement to the appropriate Senate committee.

Agency/Nominee: Within 5 days of the Senate hearing, the nominee provides the agency with a letter containing updated information about earned income if the information about the nominee's earned income needs to be updated. The agency sends copies of the letter to OGE and the Senate.

Senate/President: Committee staffers meet with the nominee. Then, the committee holds a hearing. After being sworn into office, the President makes the formal nomination. The Senate then votes on the nomination.

President: If the Senate confirms the nominee, the President can appoint the nominee.

Workflow Variations

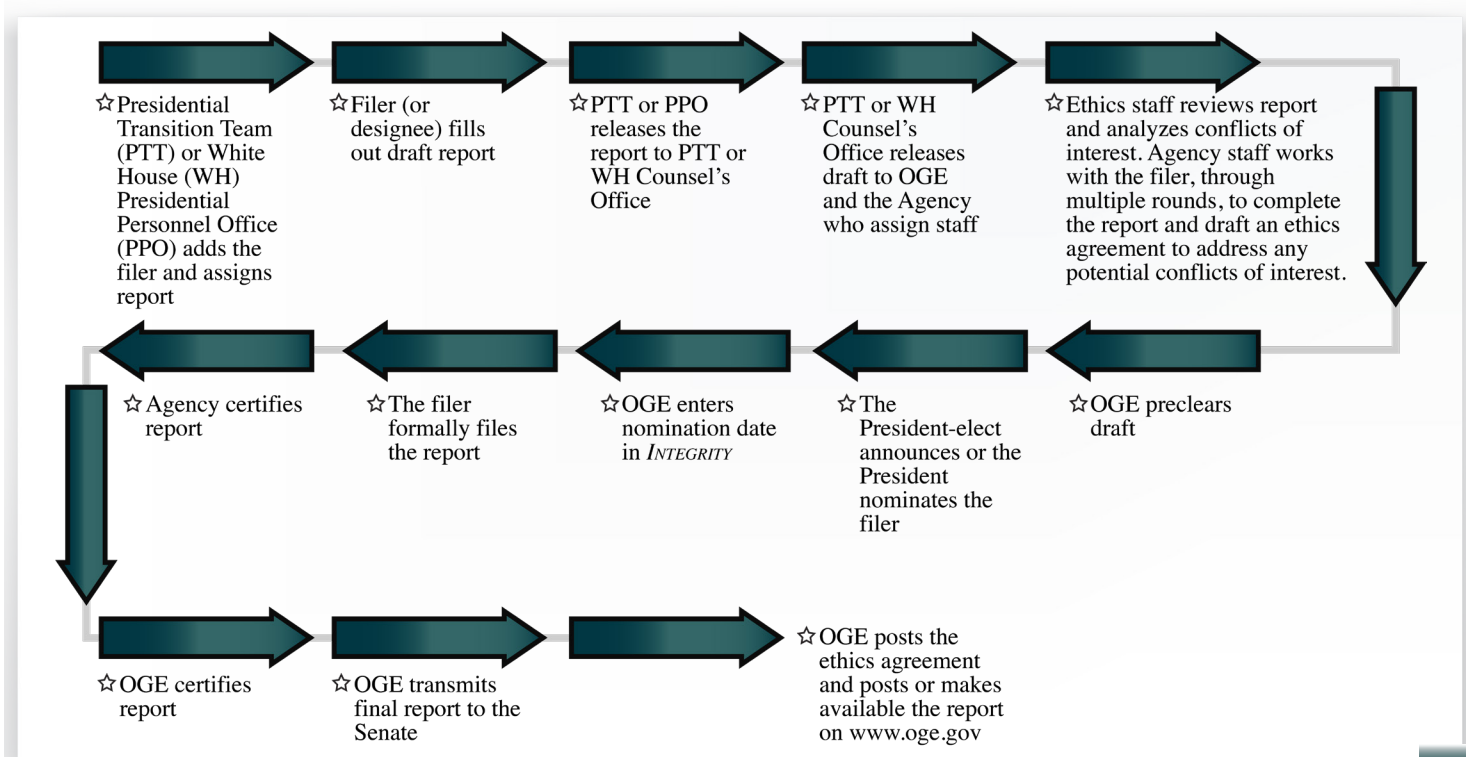
There are three types of positions in the executive branch for which the nominee process varies slightly:

1. Ambassadors who are career Foreign Service Officers
2. U.S. Attorneys
3. U.S. Marshals

The Department of State traditionally initiates the process in *INTEGRITY* for Ambassadors who are career Foreign Service Officers. The Department of Justice traditionally initiates the process in *INTEGRITY* for both U.S. Attorneys and U.S. Marshals.

Both of these departments serve in the “PPO” role in *INTEGRITY* while the White House staff serves only in the “WHCO” role in *INTEGRITY*. Accordingly, the White House staff will be unable to view these financial disclosure reports until the departments release them through *INTEGRITY*. After the departments release these reports, the person in the “WHCO” role will then release the reports to OGE.

This image illustrates the nominee financial disclosure process from initiation by the PTT/White House Presidential Personnel Office (PPO) to OGE’s transmittal of the final report to the Senate and making the forms publicly available.



Post-Inauguration: Critical Actions

AFTER
JANUARY
20th

- ☆ **Re-establish Procedures for Communication**
- ☆ **Establish an Effective Nominee Process for a Higher Volume of Nominee Reports**

Re-establish Procedures for Communication with OGE

OGE recommends that together OGE and the White House re-establish procedures after the Inauguration to implement best practices for sharing information about nominees to facilitate efficiency and ensure discretion. OGE has suggestions for practices to make the review process as efficient as possible:

- OGE recommends weekly phone calls between senior nominee review staff and White House staff to provide status updates, priority lists, and information about complicated conflicts of interest issues.
- OGE recommends that the White House limit lists of priority nominees to no more than 10-15 nominees at a time to enable OGE and the agencies to more effectively focus resources on expediting review of those particular nominees.
- OGE recommends that the White House memorialize in writing any policies on outside positions or required divestitures so that OGE, the agencies, and nominees are aware of the policies.

Establish an Effective Nominee Process for a Higher Volume of Nominee Reports

The number of nominees under consideration by the White House and under review by OGE and the agencies will increase exponentially in the early months of the Administration, often peaking in May or June of the first year. An ineffective nomination process can cause delays in getting the President's leadership team in place.

The single biggest factor affecting the time it takes to review a nominee's financial disclosure report is the responsiveness of the nominee.

Nominee responsiveness to questions from agency ethics officials is a significant factor in expediting the review of a financial disclosure report. Here are four simple ways the White House can reduce nominee response time:

1. Provide nominees with OGE's Nominee Guide and encourage them to gather documents needed to complete the financial disclosure report.
2. Emphasize the importance of nominees responding when OGE or agency ethics officials request additional information or corrections to the financial disclosure report. Nominees must be ready to contact a source of missing needed information, such as a brokerage firm, a financial advisor, an employer's human resources office, a partner, etc., to obtain the information.
3. Prepare the nominees for the process. Inform them it may be overwhelming at times and to be prepared for the unfortunate reality that the financial disclosure, vetting, and Senate confirmation processes can be burdensome and intrusive. In addition, the process likely will require **multiple rounds** of questions and edits from OGE and the prospective agency. Remind them that they must respond timely.
4. Warn nominees in advance that ethics laws and regulations may require them to make changes to their, their spouse's, and their dependent children's financial holdings, such as resigning from positions and divesting assets. A nominee's willingness to agree to the proposed ethics agreement including the proposed resolutions to potential conflicts of interest will accelerate the pre-clearance process, whereas reluctance to the proposed resolutions will slow down the process significantly.

Nominees also must be aware that ethics laws and regulations will require them to take certain actions to avoid conflicts of interest, such as resigning from positions and divesting assets.

KEY ONLINE RESOURCES

Several key resources are available to PTT members and PPO/WHCO staff involved in the ethics component of the PAS nominee process:

OGE's Website (www.oge.gov)

OGE's official website has a wealth of resources and tools that will be useful to the PTT members.

The tools for the nominee program include:

- o [Nominee Guide](#)
- o [Public Financial Disclosure Guide](#)
- o [Confidential Financial Disclosure Guide](#)
- o [Guide to Drafting PAS Ethics Agreements](#)
- o [Conflicts of Interest Guidance by Type of Financial Interest](#)
- o [PLUM BOOK \(OPM\)](#)
- o [\(Unofficial\) Excel Workbook of PAS Nominee Positions Subject to OGE Financial Disclosure Review](#)
- o [LA-23-15 - U.S. Office of Government Ethics Review of Nominees for Presidentially Appointed, Senate-Confirmed Positions](#)
- o [Legal Advisories and Program Advisories covering a variety of ethics topics](#)
- o [Forms Library](#)
- o [Officials' Individual Disclosures Search Collection](#)
- o [Certificate of Divestiture Fact Sheet and Request Template](#)

***INTEGRITY* Resources**

- o [User's Guide](#)
- o [User's Guide – Supplement for PPO and WHCO Agencies](#)
- o [Introducing *INTEGRITY* to Filer and Designee](#)

SECTION II

Establishing the White House
Office & Office of the Vice
President Ethics Programs

Introduction

This section discusses steps that the White House Office (WHO) and the Office of the Vice President (OVP) will need to take to have efficient ethics programs on day one. To ensure compliance with the ethics program responsibilities set out in 5 C.F.R. part 2638, OGE strongly encourages WHO and OVP to begin planning for a successful ethics program early in the post-election cycle.

The White House Office & Office of the Vice President Ethics Programs

Maintaining the trust of the citizens is a responsibility that the White House, OGE, and executive branch agencies share. Employees in the Executive Office of the President (EOP), which includes WHO and OVP, occupy unique positions of public trust. Like other employees throughout the executive branch, WHO and OVP employees must adhere to the Federal conflict of interest rules, the standards of ethical conduct, and financial disclosure requirements.

The President and Vice President occupy a special place in the ethics community. They are responsible for establishing and leading an ethics program in their agency as well as across the executive branch. This responsibility includes providing the necessary resources to implement a strong and effective agency ethics program and creating an ethical culture by demonstrating a personal commitment to ethics.

The day-to-day ethics program responsibilities of WHO and OVP are carried out by their respective ethics offices. Each ethics office is led by a Designated Agency Ethics Official (DAEO) and an Alternate Designated Agency Ethics Official (ADAEO). These officials are appointed by the President and Vice President and are required to have the expertise and skills necessary to ensure the success of the ethics program.

Pre-Election: Critical Actions

SEPT

☆ **Commit Staff to Train on *INTEGRITY***
(See page 5 for more details)

Post-Election: Critical Actions

NOV

- ☆ **Hire an Ethics Lead**
(See page 7 for more details)

DEC-
JAN
20th

- ☆ **Identify the DAEO, ADAEO, and Other Ethics Staff**
- ☆ **Prepare for “Day One” Success in the Primary Areas of the Ethics Program:**
 - Financial Disclosure**
 - Training**
 - Advice & Counsel**
 - Program Management**

Identify a DAEO, ADAEO, and Other Ethics Staff

WHO and OVP are required to have a DAEO and ADAEO. As early as possible, the PTT should identify individuals that will serve as the DAEO and ADAEO as well as other individuals that will work on ethics. OGE recommends that WHO have no less than six full-time employees dedicated to the ethics program. Traditionally, WHO and OVP appoint both full-time employees as well as career ethics officials who are detailed from other departments and agencies to assist the DAEO and ADAEO in carrying out the responsibilities of the ethics program. OGE recommends that the incoming Administration identify detailees before the Inauguration and enter into agreements with their agencies to onboard them as soon as possible following the Inauguration.

Prepare for “Day One” Success in the Primary Areas of the Ethics Program

Financial Disclosure

Create an EOP Agency in Integrity

Two PTT staff (of the four trained prior to the election), must be assigned to work with OGE to complete the technical set up of WHO and OVP financial disclosure filing process for employees.

Identify Individuals Who Will File Financial Disclosure Reports

The Ethics in Government Act and OGE regulations require that certain employees file public or confidential financial disclosure reports. One of the first and most urgent responsibilities will be to create a process to identify new WHO and OVP employees who are required by law to file public or confidential financial disclosure reports. OGE can assist you with understanding the statutory and regulatory requirements regarding who is required to file and whose reports receive a second level review by OGE.

Assign, Collect, and Review Draft Financial Disclosure Reports and Consult with OGE on Reports Requiring OGE Second Level Review

Financial disclosure reports are required to be filed shortly after a filer enters a covered position and, for public reports, are available for the public to request within 30 days of filing. Further, the Ethics in Government Act requires OGE to conduct a second level review of the public financial disclosure reports of senior WHO staff.

OGE recommends that once potential WHO and OVP staff are identified, the PTT should assign them draft financial disclosure reports. For employees who will be public financial disclosure filers, reports should be assigned in draft form in *INTEGRITY*. For confidential financial disclosure reports, the report can be filed using the OGE Form 450 (pdf or excel), which is available on OGE's website. The PTT should review draft reports to identify any steps that will be needed to avoid conflicts of interest before the person enters government. WHO and OVP ethics officials should work directly with WHO and OVP staff or their representatives to assist them in revising their reports to bring them into compliance with the complex disclosure requirements. OGE is available to consult on both the technical reporting and conflicts analysis.

Establish Procedures for the Collection, Review, Evaluation, and Release of Reports

WHO and OVP are required by statute to establish written procedures relating to how they will collect, review, evaluate, and make publicly available financial disclosure reports filed by their officers or employees. Establishing these procedures early in the Administration is imperative to ensuring that there are clearly defined roles and responsibilities, which are necessary to carry out a successful financial disclosure program.

Identify a Mechanism for Providing Public Access to Ethics Documents

Public financial disclosure reports, waivers under 18 U.S.C. 208, and certificates of divestiture are public documents. Because of the visibility of WHO and OVP, these documents are frequently requested by members of the public. In addition, some of these documents, such as financial disclosure reports, must be released within 30 days of receipt. It is therefore crucial that the incoming Administration establish a mechanism to receive and respond to public release requests, including through a web form, as well as to consider proactive release policies, as soon as possible.

Training

Prepare Initial Ethics Training for Incoming Officials

All new employees are required to receive initial ethics training. Training incoming WHO and OVP employees on their ethical responsibilities is imperative to ensuring public trust in the executive branch. Because WHO and OVP officials will often begin impactful work the first day of employment, it is important that they receive ethics training as soon as possible. This is particularly true when it comes to incoming officials at the beginning of an Administration. OGE recommends that the PTT train incoming ethics officials before they take up the duties of their position. OGE's subject matter experts are available to assist WHO and OVP in developing effective initial ethics training materials.

Establish Procedures for Continuous Training Requirements

WHO and OVP are responsible for continuous ethics education and training for their employees. WHO and OVP are required to train all new hires, as well as provide training for at-risk officials on at least an annual basis. OGE strongly encourages the incoming Administration to establish policies and procedures early on to ensure that employees receive required training.

OGE encourages WHO and OVP to consider tailoring training to address realistic risks employees of each office are likely to encounter in their work. OGE also encourages WHO and OVP to build into their process opportunities for ethics education throughout the year, for example, by including discussion of ethics topics at high-level meetings and through the dissemination of ethics reminder emails.

Establish Written Procedures for Tracking Compliance with Training Requirements

WHO and OVP are required to establish written procedures for tracking which employees have received training, and whether that training was received within regulatorily established deadlines. OGE recommends that WHO and OVP create mechanisms, such as an electronic database, that allow the ethics office to easily track who has complied with necessary training requirements.

Advice and Counsel

Build Internal Capacity

The DAEO and ADAEO are responsible for providing advice on the government ethics laws to prospective, current, and former employees. OGE encourages all ethics officials who will be assigned to WHO and OVP ethics offices to take advantage of [OGE's Institute for Ethics in Government](#) which includes access to more than 150 on-demand training courses. These courses include trainings focused on the meaning and application of the ethics laws, financial disclosure, and all aspects of ethics program management.

Establish Standard Forms and Templates for Advice and Counsel, including Recusals, Screening Mechanisms, and Gift, Events, and Travel Acceptance

OGE encourages WHO and OVP to establish standard forms, templates, and tracking mechanisms for advice and counsel provided by the ethics offices. Standardized procedures ensure that advice is consistent and can be easily accessed and maintained consistent with ethics program records requirements. Adopting standard forms and templates can also increase program efficiency and result in smoother interactions. Moreover, tracking gift requests can help validate that gifts are accurately disclosed on annual financial reports.

To that end, OGE recommends that WHO and OVP adopt template recusal and screening mechanisms and encourages WHO and OVP to prepare standard forms for requesting approval of gift acceptance, including acceptance of free attendance at events and travel expenses.

Coordinate with OGE Senior Management and Desk Officer

OGE works closely with WHO and OVP in considering the application of the ethics laws, financial disclosure requirements, and issues related to program management. OGE maintains a dedicated Desk Officer for each executive branch agency including WHO and OVP. OGE is available to provide on-demand, expert assistance on matters related to program management, financial disclosure, and ethics law questions. OGE will provide contact information to the PTT's ethics lead for WHO and OVP Desk Officer.

Consult with OGE on Documents Requiring OGE Review such as CDs and Waivers

Coordination with OGE is required before the issuance of certain documents, including certificates of divestiture (CD) and financial conflict of interest waivers. Employees who divest of assets to comply with the ethics laws may be eligible for a CD, which defers capital gains taxes resulting from the divestiture. CD requests must be submitted, approved, and issued by OGE prior to the employee divesting the asset. OGE encourages WHO and OVP to proactively identify the need for CDs for incoming officials prior to entry into service and coordinate requests with OGE. This will ensure that OGE can determine eligibility and provide the CD in time to allow divestiture as soon as possible. Contact cd@oge.gov to submit a request for a certificate of divestiture (CD request) or with questions about the process.

In certain cases, where a financial interest is not substantial, waiver of the financial conflict of interest law might be appropriate. WHO and OVP must consult with OGE before issuing 18 U.S.C. § 208(b)(1) waivers except where doing so is impracticable. OGE's Desk Officer is available to review draft requests for 208(b)(1) waivers as well as draft requests for a certificate of divestiture for future WHO and OVP employees.

Program Management

Build an Internal Network of Key Partners to Carry Out the Ethics Program

Ethics offices cannot operate in isolation. Close coordination with leadership, including the Chief of Staff, and officials responsible for human capital management, information technology, and records management is imperative to the success of any ethics program. OGE encourages WHO and OVP to stress the importance of a whole-of-agency approach to ethics, and to ensure that lines of communication are established early to allow the ethics office to access the information and resources necessary to carry out its statutory and regulatory responsibilities. For example, WHO and OVP should ensure that human resource capital officials promptly provide to the ethics office information concerning new hires, temporary and permanent promotions, details, transfers, and planned terminations. Absent this information, the ethics office cannot ensure these officials file necessary financial disclosure paperwork, receive required training, or receive post-employment advice.

Prepare Ethics Notices for Prospective Employees and Supervisors

OGE regulations require that written offers of employment provide prospective employees with notice of the ethical obligations associated with the position. Similarly, upon initial appointment to a supervisory position, employees must receive notice of the ethical obligations specific to supervisors. OGE encourages WHO and OVP to provide notices to all “day one” officials before the beginning of the Administration, and to establish procedures for sending out such notices and tracking systems to monitor compliance.

Establish Procedures for the Annual Ethics Program Questionnaire and Semi-Annual 1353 Reporting

WHO and OVP are required to report comprehensive information related to their ethics programs to OGE. The requirement includes information related to the number of financial disclosure filers, number of individuals required to receive training, number of special Government employees, and other metrics. OGE encourages WHO and OVP to use the annual questionnaire as a tool in establishing their programs and tracking mechanisms and to ensure that they have a process for collecting and validating all information that must be reported out on their programs.

In addition, twice a year, WHO and OVP must report to OGE payments and reimbursements accepted from non-Federal sources under 31 U.S.C. § 1353. OGE has established a specific form, [OGE Form 1353](#), for this reporting requirement. Use of 31 U.S.C. § 1353 must be done in accordance with the regulations of the General Services Administration. OGE encourages WHO and OVP to establish procedures and tracking databases early on to ensure that all reportable payments and reimbursements are accounted for and can be timely reported. These reports are posted to OGE's website.

Post-Inauguration: Critical Actions

Immediate Action Items:

- Designate the DAEO and ADAEO and allocate necessary personnel resources to the ethics office.
- Provide a copy of the DAEO and ADAEO designations to OGE.
- Send ethics notices to prospective employees and supervisors.
- Confirm that the PTT functionality in *INTEGRITY* has been transferred to the appropriate ethics office.
 - Require all senior WHO and OVP employees to formally submit their financial disclosure reports in *INTEGRITY*.
 - Formally submit any requests for a certificate of divestiture to OGE.
- Ensure that the mechanisms for identifying new entrant financial disclosure filers are in place.
- Get Ethics Pledges signed, collected, and stored appropriately, if applicable.
- Ensure that the mechanism to publicly release requested ethics documents is operational.
- Ensure that the ethics office has provided contact information to all employees.
- Establish an internal web portal for ethics inquiries, access to gift acceptance and outside activity request forms, and other ethics-related forms and information.
- Ensure that the mechanisms for tracking compliance with ethics requirements are in place.

Within 15 days of appointment:

- Provide Initial Ethics Briefings to required employees.

Within 60 days of receiving a financial disclosure report:

- Review, resolve any conflicts of interests, and certify new entrant OGE Form 278e's.
- Ensure that OGE Form 278e reports required to receive second-level review by OGE are in the correct *INTEGRITY* group, PAS/DAEO 278 Filing Type, so they are routed to OGE.

OGE will review the reports for technical completeness and conflicts. OGE will follow up with WHO and OVP when additional information is needed. OGE's review process concludes with OGE determining if it can certify the report. OGE will make the report publicly available thirty days after receipt of the report by OGE or after certification by OGE, whichever is sooner.

Within 90 days of appointment:

- Provide Initial Ethics Training to required employees.

As needed:

- Submit requests for Certificates of Divestiture (CD) to OGE.

Note: CD requests must be submitted, and the certificate of divestiture approved and issued by OGE prior to the employee divesting the asset.

- Submit 208(b)(1) waivers to OGE for consultation.

KEY ONLINE RESOURCES

Several key resources are available to help implement the ethics program:

OGE Laws and Regulations

[Compilation of Federal Ethics Laws](#) (pdf)

[5 CFR 2634](#): Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture

[5 CFR 2635](#): Standards of Ethical Conduct for Employees of the Executive Branch

[5 CFR 2638](#): Executive Branch Ethics Program

[5 CFR 2640](#): Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest)

OGE's Website (www.oge.gov)

Resources for Ethics Officials - These webpages contain key resources for implementing each aspect of the ethics program.

- o [Mission, Authority, & Key Players](#)
- o [Ethical Leadership & Building an Ethical Culture](#)
- o [Conflicts Analysis & Resolution](#)
- o [Education through Training & Advice](#)
- o [Financial Disclosure](#) (includes Public and Confidential Financial Disclosure Guides)
- o [Election Readiness](#)
- o [Enforcement Responsibilities](#)
- o [OGE Oversight](#)
- o [OGE Support](#)
- o [Professional Development for Ethics Officials](#)
- o [Records Management & Release](#)
- o [Legal Expense Funds](#)
- o [Conduct Legal Research](#)
- o [Watch on Demand Training Videos](#) (Institute for Ethics in Government)
- o [Forms Library](#) (includes DAEO and ADEO Designation Templates, Financial Disclosure Forms, CD Format, Request an Individual's Ethics Document, and 1353 Travel)

SECTION III

Leading in Ethics

Post-Election: Critical Actions

DEC

☆ **Consult with OGE on Ethics Initiatives**

☆ **Consult with OGE on Ethics Policies Specific to the White House Office or Office of the Vice President**

Consult with OGE on Ethics Initiatives

Recent incoming Presidential Administrations have chosen to issue an Executive Order requiring political appointees sign a pledge (“ethics pledge”) committing themselves to certain ethics requirements as a condition of their employment. If the President-elect intends to issue an Executive Order or other instructions regarding government ethics, OGE is available to assist in the drafting process to ensure successful development and implementation.

Specifically, an early consultation with OGE can help ensure that an administration’s ethics pledge will effectuate its intended results – both as it relates to limits on specific actions of appointees as well as on increasing the public’s trust in an administrations’ decision making – while avoiding unintended consequences.

Consistent with its role as the supervising ethics office, OGE, in consultation with WHCO, has been responsible for administering and interpreting the ethics requirements found in these pledge.

White House ethics pledges have covered a variety of subject matters including 1) limiting interactions between appointees and their former employers and clients, 2) various limitations on incoming appointees who had recently been registered lobbyists, 3) restrictions on the ability of appointees to accept gifts from registered lobbyists, and 4) post-government employment restrictions.

Consult with OGE on Ethics Policies Specific to the White House Office or Office of the Vice President

If the President-elect intends to have ethics policies for staff in WHO or OVP that exceed the statutory and regulatory requirements, the PTT or WHCO should consult with OGE about the scope and implementation of those policies.

Post-Inauguration: Critical Actions

JAN

- ☆ **Foster Ethical Leadership in Senior Officials**
- ☆ **Consult with OGE on Implementation of Ethics Initiatives**

Foster Ethical Leadership in Senior Officials

The White House's Counsel's Office (WHCO) and the White House Presidential Personnel Office (PPO) play an essential role in setting the tone for prospective senior government officials in the early days of an Administration. The message that government ethics matters should be communicated right from the beginning of the nominee process and repeated throughout an appointee's public service.

Senior leaders at the agencies will play a key role in ensuring the agency has an ethical culture.

The WHCO and PPO can emphasize to nominees and appointees that serving as a Federal leader comes with responsibilities, and that they must carry out their obligations under the ethics laws and regulations, as well as under their individual ethics agreements. Beyond these legal requirements, the President can charge them with building organizational cultures to make ethics a priority in their agencies.

The WHCO and PPO can also stress that, as senior leaders, nominees will play key roles in their agencies' ethical culture. In addition to encouraging nominees to review *Being an Ethical Leader* from the Nominee Guide, here are brief highlights of how they can make ethics a priority:

- Communicate the agency's core values and work to sustain an ethical culture in which employees put the interests of the public first;
- Model the importance of ethics compliance for their subordinates by complying with the ethics statutes and regulations and their ethics agreement, and by completing ethics training and financial disclosure obligations on time; and
- Ensure that the agency's ethics office has the leadership's support, and the staffing resources it needs.

Consult with OGE on Implementation of Ethics Initiatives

If the incoming Presidential Administration has chosen to issue an Executive Order requiring political appointees to sign an ethics pledge, OGE as the supervising ethics office, has traditionally been responsible for administering and interpreting its ethics requirements in consultation with the WHCO. During this process OGE, among other things, issues legal advisories on topics related to implementing the pledge and consults with the WHCO on the continued applicability of ethics guidance previously issued by OGE concerning similar ethics pledges issued by previous administrations. Finally, OGE provides technical expertise, institutional knowledge, and advice concerning best practices to the WHCO in accordance with any authorities granted to OGE to administer and implement an Executive Order containing an ethics pledge.

OGE CONTACT INFORMATION

Key points of contact for transition questions and nominee financial disclosure

Agency Transition Director

Director@oge.gov

Transition Questions

Presidentialtransition@oge.gov

Nominee Reports Questions and Notifications

Nominees@oge.gov

Certificate of Divestiture Requests and Questions

cd@oge.gov

INTEGRITY Help Desk

integrity@oge.gov

SENDING DOCUMENTS

The preferred method for transmitting documents to OGE, other than financial disclosure reports completed in *INTEGRITY*, is electronically by scanned attachment via email.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch