

## CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE

Senate Confirmed Presidential Appointee

1. Appointee's Information	a. Appointee's Name:	to be completed by OGE <b>Mark Esper</b>
	b. Position Title:	to be completed by OGE <b>Secretary of Defense</b>
	c. Agency:	to be completed by OGE <b>Department of Defense</b>
	d. Date Ethics Agreement Signed:	to be completed by OGE <b>July 15, 2019</b>
	e. Date Confirmed:	to be completed by OGE <b>July 23, 2019</b>
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE <b>October 28, 2019</b>
2. Resignations	<i>I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
3. Divestitures	a. <i>I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
	b. <i>I have filed a periodic transaction report, or periodic transaction reports, (OGE Form-T) to disclose the completion of these agreed upon divestitures.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Filing Date(s) of OGE Form 278-T Report(s):
4. Managed Accounts	<i>If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
5. Interim Recusals	<i>I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A

<p>6. Recusals</p> <p><i>(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)</i></p>	<p>a. I am recusing from particular matters in which I know I have a <u>personal</u> or <u>imputed</u> financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</p> <p><input checked="" type="radio"/> Yes      <input type="radio"/> No</p>
	<p>b. I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</p> <p><input type="radio"/> Yes      <input type="radio"/> No      <input checked="" type="radio"/> N/A</p>
	<p>c. I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</p> <p><input checked="" type="radio"/> Yes      <input type="radio"/> No      <input type="radio"/> N/A</p>
<p>7. Waivers and Authorizations</p>	<p>a. I received a waiver pursuant to 18 U.S.C. § 208.</p> <p><input type="radio"/> Yes      <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Financial interest:</p> <p>If yes, indicate the date of the waiver and indicate the financial interest covered by the waiver.</p>
	<p>b. I received a waiver pursuant to Executive Order 13770.</p> <p><input type="radio"/> Yes      <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Subject:</p> <p>If yes, indicate the date of the waiver and the subject of the waiver (i.e., applicable paragraph of the ethics pledge, parties, particular matters, specific issue areas, as applicable).</p>
	<p>c. I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</p> <p><input type="radio"/> Yes      <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Covered person(s):</p> <p>If yes, indicate date of authorization and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).</p>
	<p>d. I received a waiver pursuant to 5 C.F.R. § 2635.503(c).</p> <p><input type="radio"/> Yes      <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Former employer or payer:</p> <p>If yes, indicate the date of the waiver and identify the former employer or payer.</p>

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<p>8. Payments, Accelerations, or Divestitures Required to be Completed Prior to Entering Government Service</p>	<p>Mark this box if not applicable: <input checked="" type="checkbox"/></p>	<p>a. <i>If I committed that I would forfeit a financial interest or payment, unless it was received or accelerated prior to my assumption of the duties of the government position:</i></p>	<p><input type="radio"/> <i>I received it (or it was accelerated) prior to my assumption of the duties of the position.</i>  <input type="radio"/> <i>I received it (or it was accelerated) after my assumption of the duties of the position.</i>  <input type="radio"/> <i>I forfeited it.</i></p>
		<p>b. Financial interest or payment at issue:</p>	
<p>9. Requirements for Regular Appointees</p>	<p><i>I have completed my initial ethics briefing, pursuant to 5 C.F.R. § 2638.305.</i> If you are a Special Government Employee (SGE) or career Foreign Service Officer (FSO), select N/A.</p>	<p><input checked="" type="radio"/> Yes    <input type="radio"/> No    <input type="radio"/> N/A</p>	
	<p><i>I have signed the ethics pledge pursuant to Executive Order 13770.</i> If you are a SGE or career FSO or previously signed the pledge, select N/A.</p>	<p><input type="radio"/> Yes    <input type="radio"/> No    <input checked="" type="radio"/> N/A</p>	
<p>10. Additional Ethics Agreement Requirements</p>	<p>to be completed by OGE</p>	<p>to be completed by appointee <i>I am complying with these requirements as described in the adjacent box.</i> <input type="radio"/> Yes    <input type="radio"/> No    <input checked="" type="radio"/> N/A</p>	
<p>11. Comments of Appointee</p>			
<p>Any intentionally false or misleading statement or response provided in this certification is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001.</p>			
<p><i>I certify that the information I have provided is complete and accurate.</i></p>	<p>Appointee's Signature: <i>Mark T. Esper</i></p>	<p>Date: <i>7/26/19</i></p>	