

Subject: Register to Attend the next Quarterly DAEO Meeting - October 30th Date: Thursday, September 26, 2024 5:29:14 PM

Good evening DAEOs, ADAEOs, and POCs,

You are invited to attend the next Quarterly DAEO meeting on October 30^{th} from 10:30-11:45, est.

Use this link to register and obtain the TEAMS link:

(b) (5)

If your agency prevents you from registering, you may use the call-in number below or respond to this email and I can register you.

Dial in by phone

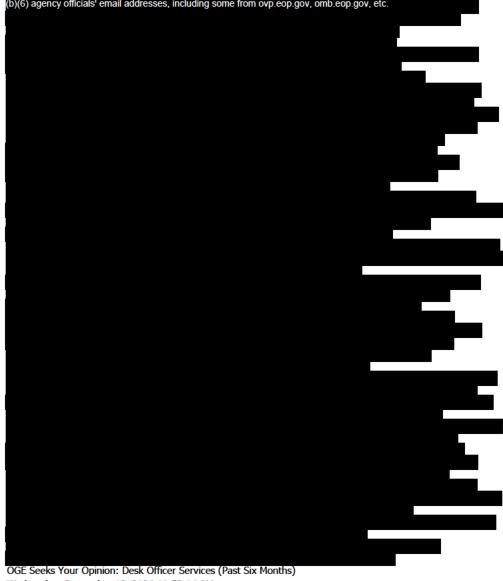
<u>+1 323-433-2117,,444006500#</u> United States, Los Angeles

Find a local number

Phone conference ID: (b) (5)

From: Nicole Stein Nicole Stein To: Cc: Elysabeth Benjamin

Bcc: (b)(6) agency officials' email addresses, including some from ovp.eop.gov, omb.eop.gov, etc



Subject:

Wednesday, September 18, 2024 10:53:04 AM Date:

Good morning,

OGE views the Desk Officer program as a vital communications and support link to the ethics community and your satisfaction with the program is important to us. Because you contacted an OGE Desk Officer within the past six months, I am inviting you to participate in this year's two question survey, which is designed to help OGE ensure that the assistance provided by your Desk Officer continues to meet the standard of providing top-notch guidance and support.

All responses to the survey will be anonymous, unless you elect to provide your contact information for follow-up. The survey will close on September 30th, 2024.

Survey of Desk Officers: (b) (5)

To: (b) (6) . EOP/OMB

Subject: Thank you

Date: Monday, September 16, 2024 11:12:34 AM

(b) (6)

As we near the end of our 12 month coaching year, I wanted to say thank you. I know we didn't meet often but I appreciate your questions during our coaching sessions. They were helpful in thinking thru the given situations.

Nicole

From: <u>Diana Veilleux</u>

To: (b)(6) Schroeder email (b)(6) Branson email

Cc: Shelley K. Finlayson; Nicole Stein; Gilbert Carlson; Grant Anderson

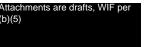
Subject: OGE Budget Justification and Annual Performance Report [Attachments contain CUI]

Date: Friday, September 6, 2024 1:25:22 PM

Attachments: U.S. Office of Government Ethics 2026 CBJ and APP (OMB(September)) .docx

U.S. Office of Government Ethics 2024 APR (OMB(September)).docx

Advancing Equity through the Federal Government FY26 Proposal Template.xlsx FY2026 Budget Data Climate Smart Infrastructure and Real Property.xlsx



CONTROLLED

Attachments contain CUI.

When the attachment(s) is removed, this email is uncontrolled unclassified information. The attachment(s) contain CUI.

Good Afternoon

Attached please find drafts of the Office of Government Ethics' FY2026 Congressional Budget Justification with associated documents, and FY2024 Annual Performance Report for your review. Please let us know if you have questions about any of these documents.

As ever, we appreciate your support for and interest in OGE's mission and programs. Best regards,

Diana J. Veilleux

Diana J. Veilleux (she/her/hers)

Chief

Legal, External Affairs and Performance Branch

Program Counsel Division

Office of Government Ethics

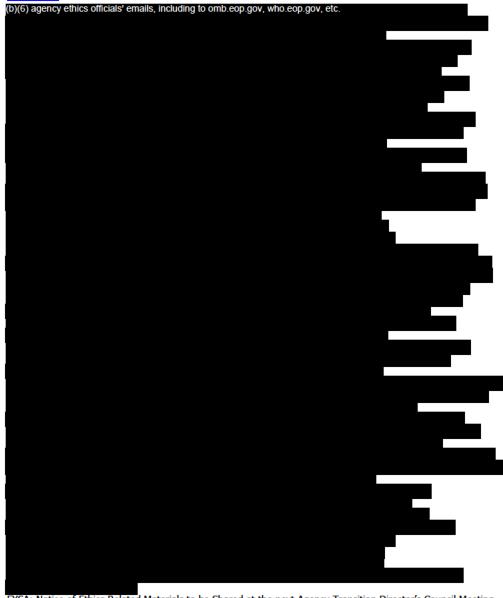
(202) 482-9203

Diana.veilleux@oge.gov

Visit OGE's website at: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics

From: Nicole Stein Nicole Stein To:

Bcc:



Subject: Date:

FYSA: Notice of Ethics Related Materials to be Shared at the next Agency Transition Director's Council Meeting

Tuesday, August 27, 2024 12:19:19 PM

Attachments: OGE Election Readiness Slides for ATDC (August 2024).pptx

DAEOs, ADAEOs, POCs,

As mentioned at prior DAEO Meetings, OGE actively participates in the Agency Transition Directors Council (Council) as part of its statutory role under the Presidential Transition Act. This Council is responsible for coordinating transition activities among the Executive Office of the President, agencies and departments, the campaigns of eligible candidates, and the transition team of the President-elect. OGE also participates in events hosted by non-governmental organizations, such as the Partnership for Public Service's Presidential Transition Service Providers' Council.

Attached is a slide deck summarizing OGE's election readiness efforts that Shelley Finlayson, OGE's Acting Director and Transition Director, will share at this month's Council meeting and at a

Partnership for Public Service event this week. I share these with you for situational awareness in case your agency's representative at these meetings brings the slides up to you or raises questions about the ethics office role in the time period leading up to after and immediately following the election. OGE continues to advocate for ethics officials to have a seat the at the table as agencies begin their transition planning.

OGE plans to meet with each of the campaigns in the future weeks and will share its recently published, <u>A Road Map to Presidential Appointments and Beyond</u>. Also, OGE is working to publish and update the Nominee Guide for you to distribute to your agency's nominees during the transition.

PRESIDENTIAL ELECTION READINESS: ETHICS NEXT STEPS

DIRECT SUPPORT TO CANDIDATES/TRANSITION TEAMS

PRE-ELECTION

- Review President and Vice-President candidate financial disclosure reports
- Provide a direct, overview briefing and resource: A Roadmap to Ethical Readiness for the Presidential Election and Beyond
- Provide intensive training on INTEGRITY

POST-ELECTION

- Provide Nominee Guide for distribution to all potential Nominees
- High volume of complex PAS nominee financial disclosure
- Certificates of divestiture and ethics agreement compliance
- Guidance and implementation of Ethics Pledge/executive orders on ethics
- Support establishment of new Administration's White House ethics office, as needed

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

* Presidential Appointments
Ethics Program Administration
Thical Leadership

Nominee Guide

This Guide provides prospective and current ate-confirmed Presidential appointees with information help them successfully complete the nomination process and then lead our country with honor and integrity. The Guide explains the ethics rules and policies that apply before, during, and after they serve.

The Nominee Process helps nominees navigate the ethics review process through the point of Senate confirmation.

Being an Ethical Leader helps you better serve as an advocate for government integrity and as an ethical role model for your colleagues across government.

Considering Leaving Government helps you navigate your ethical obligations before and after leaving federal service

The Appendix provides helpful references for completing ur financial disclosure report and information about the certificate of divestiture program.

14 Principles of Ethical Conduct articulate the s for honor and integrity shared by all executive branch officials.



Login to Integrity (using MAX.gov)

What is MAX.gov? ?

U.S. Office of Government Ethics



WAYS THE U.S. OFFICE OF GOVERNMENT ETHICS (OGE) CAN HELP

- · Briefings before and after the election
- ♦ Training on INTEGRITY (e-filing system)
- Review of financial disclosure reports
- * Consultations on prospective nominees
- Technical assistance with ethics initiatives
- · Guidance on government ethics

Illustration of Nominee Financial Disclosure Process



Key Dates and Critical Action Items for the Transition Team



Description of Nominee Financial Disclosure Process

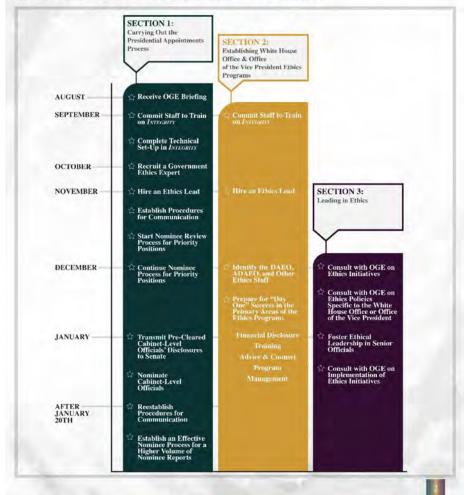
Transition Team provides Nominee Guide to nominee * Transition Team initiates financial disclosure report in INTEGRITT* Release report to OGE and the agency * OGE/agency work on report with nominee (multiple rounds over several weeks) * OGE/agency draft ethics agreement * OGE "preclears" report * Public intent to nominate * Senate holds hearings before Inauguration

ADDRESSING RISK FACTORS

- Risk: Too little time to clear reports before Inauguration
 Send OGE as many reports as possible in November and early December
- Risk: Slow responses from nominees
 Emphasize the importance of responding promptly to
 questions about their reports
- Risk: Nominees' resistance to resolving conflicts of interest
 - Advise nominees early in the process that they and their spouses may be required to divest assets

- Risk: Confidentiality concerns
 INTEGRITY is a secure system with limited access and role-based permissions
- Risk: Issues arising from the complexity of ethics rules and the nominee process
- Detail an agency ethics official or hire an outside financial disclosure expert

OVERVIEW OF KEY DATES AND CRITICAL ACTIONS



PUBLISH KEY RESOURCES

Published Since the Last ATDC Meeting:

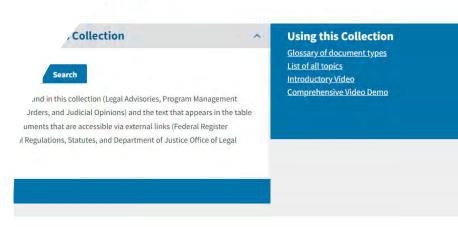
A Roadmap to Ethical Readiness for the Presidential Election and Beyond	The Roadmap to Ethical Readiness for the Presidential Election and Beyond describes key actions that the Presidential Transition Team, and then the White House Office and Office of the Vice President must take to ensure a smooth transition with regard to government ethics.
Excel Workbook of PAS Nominee Positions Subject to OGE Financial Disclosure Review	OGE publishes the list of Presidentially appointed, Senate-confirmed (PAS) positions subject to its review to complement the PLUM book.

Coming Soon:

Quick Guide to PAS Reports OGE Reviews	This Quick Guide describes which PAS reports are or are not subject to OGE review.
Ethics Agreement Guide	The Ethics Agreement Guide is an extensive collection of guidance and model language for agency reviewers who draft ethics agreements for PAS nominees.
Guide for Nominees	The Guide for Nominees contains helpful guidance for incoming PAS nominees, including an introduction to the nominee process, their ethics responsibilities as individuals and leaders, and an overview of key ethics rules and regulations.
INTEGRITY User Guide and Job Aids	This Guide is a reference manual for agency ethics officials using INTEGRITY, the webbased system developed by OGE for filing and reviewing executive branch public financial disclosure reports (OGE Form 278e and OGE Form 278-T).

<u>Resources available at</u> https://www.oge.gov/web/oge.nsf/2024% 20Presidential%20Election%20Readiness

don



PROVIDE PROFESSIONAL DEVELOPMENT

Offered Since the Last ATDC Meeting:

■ Applied Exercise and Live Debrief of the Seeking Employment Rules

Upcoming:

- ☐ Post Employment & the Ethics Pledge
- ☐ Six Courses for Reviewers of Nominee Financial Disclosure Reports. Kicks off September 3

Training available at:

https://extapps2.oge.gov/Training/ OGETraining.nsf/IEGHome.xsp







.ssroom
.ve Web
Or-Demand
J Tob Aid
Curricula
aries
Prefessional Ethics Practitioner PEP
Fundamentals
Advanced Practitioner
Summit Sessions
Massive Open Online Courses
Activity
Advice & Counsel
Financial Disclosure
Training
Program Management
Enterprise Risk Management
Pics
Financial Conflicts of Interest & Impartiality
Citis
Neuse of Position
talde Activities
Employment

a Employment

Selected Courses and Training Aids 14 General Principles Fundamentals Professiona 18 USC 203 & 205 - Restrictions on Compensation for Representational Services & the Personal Flduciary Exception PEP Professiona 18 USC 203. Receipt of Compensation in Practitioner PEP 18 USC 205(a)(2): Flow Chart Professiona 18 USC 205(a)(2) From Doctrine to Ethics Implementation Practitioner PED Professiona 18 USC 208 and Public Financial Disclosure Distinguishing EIFs v. Exemptions for Mutual Practitioner Funds (2016) PFP Professional Advice & Counse 18 USC 208. Applying Community Used Exemptions (2017) Practitioner

PUBLISH GOVERNMENTWIDE WRITTEN GUIDANCE

Issued Since the Last ATDC Meeting:

LA-24-08: Applying the Senior Employee Post-Government Employment Restrictions to Employees Impacted by the Pay Freeze

Upcoming:

- ☐ Transition Team-Related Ethics Guidance
- Restrictions on Compensation for Representational Services for Attorneys (18 U.S.C. 203 & 205)
- ☐ Special Government Employee Day Counting
- ☐ Thematic Mutual Funds
- ☐ Inaugural Event Gift/Fundraising Guidance

Available in OGE's Legal Research Collection at: https://www.oge.gov/web/oge.nsf/Legal%20Rese arch%20Search%20Collection?OpenForm

U.S. Office of Government Ethics

JT: Post-Government Employment Guidance on Executive Order 13770 (The Ett. Pledge)

The U.S. Office of Government Ethics (OGE) is issuing this Legal Advisory to aid agency ethics officials in providing guidance to those appointees ¹ who signed the Ethics Pledge pursuant to Executive Order 13770 ("Ethics Pledge") and are now leaving or considering leaving government employment. This Legal Advisory addresses the post-government employment restrictions established by Paragraphs 1, 3, and 4 of the Ethics Pledge.²

I. Paragraphs 1 and 3: Post-Government Employment Lobbying Restrictions

The Effice Pledge establishes two post-government employment lobbying restrictions. The restriction in Paragraph 1 of the Ethics Pledge prohibits a former appointee, for five years after terminating employment with an executive agency, from engaging in lobbying activities "with respect to" that agency. The restriction in Paragraph 3 of the Ethics Pledge establishes the same restriction "with respect to" any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration. Both paragraphs rely partly on the definition of "lobbying activities" in the Lobbying Disclosure Act (LDA). The LDA defines that term to include both "lobbying contacts" with covered executive branch officials and efforts in support of such contacts. A table comparing the post-government employment lobbying restrictions in Paragraphs 1 and 3 can be found in OGE Legal Advisory A_17-33 (Mar. 20, 2017). When advising on the restrictions in Paragraphs 1 and 3, agency



vm "appointee" is defined in section 2(b) of Executive Order 13770.

th 2 of the Ethics Pledge also relates to post-government activities, but it does not add any new restriction minds former appointese who qualify as "senior" suppleyees that they are subject to the post-govern "strictions at 18 U.S.C. § 207(c). Agency ethics officials may find it helpful to review OGE Letter 18 (Sep. 23, 2016) for additional guidance on how the post-government employment reverse of the senior complexes.

'770, sec. 1, pura. 1.



Jon



Using this Collection

Glossary of document types <u>List of all topics</u> <u>Introductory Video</u> <u>Comprehensive Video Demo</u>



To: (b) (6) . EOP/OSTP"

Subject: RE: You Are Invited to Attend an Informational Meeting about OGE's Mentoring Program

Date: Tuesday, August 13, 2024 3:22:50 PM

Hi (b) (6)

Dawn passed on your email to me as I the mentoring program falls under my purview. When we launched the pilot program last year we tried to make clear that we could not guarantee a match for everyone (and that will remain true for the second cohort as well). Obviously, we did not communicate that as well as could be and something I will make sure is reiterated at the information session and for those who register within the system. We had several lessons learned from the Pilot that we will implementing in the second year. I would ask your to reconsider participating, but understand if you choose not to try again this year.

Nicole

From: (b) (6) EOP/OSTP <(b) (6)

Sent: Friday, August 9, 2024 8:51 AM **To:** Dawn Feick <dfeick@oge.gov>

Subject: RE: You Are Invited to Attend an Informational Meeting about OGE's Mentoring Program

CAUTION: This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to spam@oge.gov for additional analysis.

Hi, Dawn.

I received the invitation for this meeting, but I wanted to share with you/OGE that I've enrolled at least twice in the mentoring program and was never matched with a mentor or mentee or even provided with options for a match. As such, I'm not planning on participating anymore. I'm sorry if you are not the correct POC for this feedback, but I thought it was important to share it with someone involved in the program.

Office of Science and Technology Policy
Executive Office of the President
Office: (b) (6) | Mobile: (b) (6)

From: Dawn Feick < dfeick@oge.gov > Sent: Friday. August 9. 2024 8:44 AM

Sent Mady, Magast 5, 202 Fo. FF Mil	
To: (b)(6) EOP ethics officials' emails	

(b)(6) EOP ethics officials' emails	

Subject: FW: You Are Invited to Attend an Informational Meeting about OGE's Mentoring Program Hello.

OGE understands that EOP Agencies cannot access our Teams Registration links in our Listserv notices. If you would like to register for this Informational Meeting about OGE's Mentoring Program or know of someone in your office that would, please send an email to: dfeick@oge.gov to be added to the registration list. I will need to know if you would like to be a Mentor, Mentee, or Both.

Once you are registered, you will receive a Confirmation Email with an attachment that you will need to add to your Outlook Calendar. All the meeting information will be in the attachment. You will be able to Dial-In to the training.

Thank you,

Institute for Ethics in Government

From: News and Info for Ethics Officials <<u>oge-ethicsinfo@LISTSERV.GSA.GOV</u>> **On Behalf Of** Ethics Mailing List

Sent: Thursday, August 8, 2024 4:48 PM **To:** OGE-ETHICSINFO@LISTSERV.GSA.GOV

Subject: You Are Invited to Attend an Informational Meeting about OGE's Mentoring Program

CAUTION: This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to spam@oge.gov for additional analysis.

The Office of Government Ethics is pleased to announce the launch of its Mentoring Program for the 2024-2025 year. Community-building and knowledge-sharing are vital to a strong executive branch ethics program and part of OGE's efforts to increase equitable and inclusive development opportunities within the ethics profession.

You are invited to attend an informational meeting on August 22, 2024 from 11:15am-12:30pm (EST), if you would like to learn more about:

- what it means to be a mentor or mentee, and the benefits of mentorship;
- the expected time commitment;
- how mentors and mentees will be paired;
- the application OGE is using to implement the program; and
- what resources will be provided to support a mentor-mentee relationship.

You can register for the event using the TEAMS Link below:

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To: <u>"performance@omb.eop.gov"</u>

Subject: Request Speaker: 20 minute overview of strategic planning process

Date: Monday, July 22, 2024 2:27:11 PM

Good afternoon,

The U.. Office of Government Ethics (OGE) is planning an all hands in-person event on September 25th. As part of that event, we are going to have a session to seek feedback from staff on the next Strategic Plan. Given our workload post-election, we always do this feedback session in early Fall.

I would like to invite someone from the OMB performance team to provide a 15–20-minute talk on the importance of strategic planning, the framework the government uses, etc. Although, they have heard this message from me over the past two strategic planning cycles, we have new staff, potentially a new Director, and thought it might be impactful to hear it from one level up before we go into the feedback session.

We are still working out the agenda, but if someone from your team is available – please let me know and we can coordinate on the time.

Many thanks,

Nicole

Nicole Stein Chief, Agency Assistance Branch U.S. Office of Government Ethics nstein@oge.gov (202) 482-9255

To: "Phillips, Anjali W. EOP/OVP"

Subject: RE: [EXTERNAL] Quarterly DAEO Meeting w/OGE"s Leadership is almost here

Date: Thursday, July 18, 2024 10:25:10 AM

Next quarter, I'll send a separate email to the EOP DAEO's/ADAEOs with the call-information.

From: Phillips, Anjali W. EOP/OVP < (b)(6) Phillips email

Sent: Thursday, July 18, 2024 10:24 AM **To:** Nicole Stein <nstein@oge.gov>

Subject: RE: [EXTERNAL] Quarterly DAEO Meeting w/OGE's Leadership is almost here

CAUTION: This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to spam@oge.gov for additional analysis.

Thank you!

From: Nicole Stein <nstein@oge.gov>
Sent: Thursday, July 18, 2024 10:24 AM

To: Phillips, Anjali W. EOP/OVP < (b)(6) Phillips email

Subject: RE: [EXTERNAL] Quarterly DAEO Meeting w/OGE's Leadership is almost here

Dial in by phone

+1 323-433-2117,,429742886#United States, Los Angeles

Find a local number

Phone conference ID:

From: Phillips, Anjali W. EOP/OVP < (b)(6) Phillips email

Sent: Thursday, July 18, 2024 10:23 AM To: Nicole Stein nstein@oge.gov

Subject: RE: [EXTERNAL] Quarterly DAEO Meeting w/OGE's Leadership is almost here

CAUTION: This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to spam@oge.gov for additional analysis.

Hi Nicole,

Is there a dial in for this meeting? We don't have access to Teams and I am unable to get in.

Thanks!

From: U.S. Office of Government Ethics <noreply@gcc-email.teams.microsoft.com>

Sent: Thursday, July 18, 2024 9:00 AM

To: Phillips, Anjali W. EOP/OVP < (b)(6) Phillips email

Subject: [EXTERNAL] Quarterly DAEO Meeting w/OGE's Leadership is almost here
Quarterly DAEO Meeting w/OGE's Leadership is almost
here
Hi Anjali,
Just a quick reminder that this event is coming up soon.

Quarterly DAEO Meeting w/OGE's Leadership
Thu, Jul 18, 2024 10:00 AM - 11:30 AM (UTC-04:00) Eastern Time (US & Canada)

See you there!

Sincerely,
Nicole Stein

Join event
Unable to attend? Cancel your registration

U.S. Office of Government Ethics

This event is powered by Microsoft Teams, under the direction of the meeting organizer. The data processing that occurs for purposes of this event is subject to the terms of the meeting organizer. Microsoft Privacy Policy

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To: "Dorsey, Osasu Z. EOP/WHO"

Subject: RE: Register to Attend Quarterly DAEO Meeting (July 18th at 10am)

Date: Wednesday, July 17, 2024 6:43:08 PM

HI Osasu,

I've just registered you. You should receive an email from Teams with the information.

From: Dorsey, Osasu Z. EOP/WHO < (b)(6) Dorsey email

Sent: Wednesday, July 17, 2024 5:08 PM

To: Nicole Stein <nstein@oge.gov>

Subject: FW: Register to Attend Quarterly DAEO Meeting (July 18th at 10am)

CAUTION: This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to spam@oge.gov for additional analysis.

Hi Nicole. I am unable to sign up for teams meetings. Can you please register me on your end and send me the teams log in information? Thank you.

Osasu

From: Nicole Stein < nstein@oge.gov > Sent: Wednesday, June 26, 2024 9:00 AM

To: Nicole Stein < nstein@oge.gov>

Subject: Register to Attend Quarterly DAEO Meeting (July 18th at 10am)

Good morning DAEOs, ADAEOs and POCs

You are invited to attend OGE's Quarterly DAEO meeting with OGE's Leadership Team on July 18th at 10am.

You may register to attend here: https://events.gcc.teams.microsoft.com/event/62c0bb68-7882-4444-b7d6-6df289917dfa@c0abca44-0182-40a9-8010-01ec94254f77

Nicole

Nicole Stein
Chief, Agency Assistance Branch
U.S. Office of Government Ethics
nstein@oge.gov
(202) 482-9255

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From: Nicole Stein
To: (b)(6) Dorsey email

Cc: Nicole Stein

Subject: 2024 Annual Questionnaire (Ethics Pledge Questions)

Date: Tuesday, July 16, 2024 12:25:04 PM

Attachments: Ethics Pledge Questions.docx

Good afternoon Osasu,

I am reaching out to provide you a courtesy copy of the questions in OGE's Annual Questionnaire related to the administration of the Ethics Pledge (see attached). The questions remain the same minus updating the year. As you

know, OGE is required by Executive Order 13898 to provide an annual public report on the administration of the Ethics Pledge and the Annual Questionnaire serves that purpose.

We plan to issue the Advisory with a copy of the Questionnaire this month.

Nicole

Nicole Stein Chief, Agency Assistance Branch U.S. Office of Government Ethics nstein@oge.gov (202) 482-9255

PART 11. ETHICS PLEDGE ASSESSMENT (Executive Order 13989 ("Ethics Pledge"))

:	Were any full-time non-career Confirmed (PAS), Presidential Service ((SES), Schedule C, et through December 31, 2024?	ly Appoi	nted (P	A), non-care	er Senior Ex	ecutive	
	☐ Yes ☐ No (<i>skip to #52</i>)						
	Note: For guidance on what o purposes of the Ethics Pledge				career appo	intee for	
;	For each category of appointe appointe appointees appointed betwee number who did and did not si	n Janua	ry 1 and	l December			te the
Numb	er of Full-Time Non-Career	Type of Full-Time Non-Career Appointees by Category					es
	Appointees	PAS	PA	Non- career SES	Schedul e C	Other	Total
a. Appoi 12/31/20	nted 01/01/2024 – 024						
	i. Signed the Ethics Pledge in 2024						
	ii. Required to sign the Pledge in 2024 but signed in 2025						
i	iii. Required to sign the Pledge, but did not sign (please explain)						
i	iv. Not required to sign the Pledge because occupied an exempt						

non-policymaking position (Schedule C or other comparable

Not required to sign the Pledge because appointed without

authority)

		serving in another position for which the Ethics Pledge was already signed						
	vi.	Not required to sign for another reason (please explain)						
		or each appointee identified gn the Pledge.		ii, pleas	se explain wl	ny that appo	ointee dic	l not
		or each appointee identified equired to sign the Pledge				ny that appo	ointee wa	s not
		applicable, please explain our mber who signed or did no	-					nd the
3.	Re	gistered Lobbyist/and or Re	gisterec	l under	the Foreign <i>i</i>	Agents Regi	stration A	∖ct
	a.	How many appointees wer Foreign Agents Registratio For purposes of this quest January 1 and December 3 holdover appointees subje	n Act du ion, plea 1, 2024,	ring the ase incl and su	e two years p ude individu ibject to the	rior to their als appoint Ethics Pled	appointr ed betwe	nent? en
	b.	How many of those appoir under the Foreign Agents F appointment have an ethic paragraph 3 of the Ethics F	Registrat cs agree	ion Act ment a	during the t	wo years pri	or to the	ir
	C.	For any of those appointed provide their name and an expected to limit participal duties sufficiently unrelated	explana tion in a	tion (e. ny ager	g., Pledge pa ncy matters b	aragraph 3 r because ap	not reaso	-

break in service after

4. Section 3 of Executive Order 13989 provides a waiver mechanism for the restrictions contained in the Ethics Pledge. Indicate below how many waivers were granted to appointees in your agency in 2024, the names of those individuals granted waivers in 2024, and which of the Pledge paragraphs were implicated.

	Number of Ethics Pledge Waivers Granted By Pledge Paragraph	Name(s) of Individual(s) Granted Ethics Pledge Waivers
a. Paragraph 1		
b. Paragraph 2		
c. Paragraph 3		
d. Paragraph 4		
e. Paragraph 5		
f. Paragraph 6		
g. Paragraph 7		
h. Paragraph 8		
i. Paragraph 9		_
j. Other (please explain)		

j. Otti	ioi (piodoo oxpidiii)		
	If other, please explain.		
5.	Number of violations, if an	y, of Executive Order 13989 in	2024
6.		ctions, if any, taken in 2024 as gardless of whether the violation	
	TIONAL COMMENTS FOR omment corresponds.	PART 11. Please indicate the	question number to which

To: Elizabeth D. Horton; Patrick Shepherd
Subject: Re: Draft EDP Launch Email Language
Date: Thursday, August 8, 2024 8:26:55 AM

I passes this on to chip, he liked it. I think this is a great model for internal emails.

Sent from my T-Mobile 5G Device Get <u>Outlook for Android</u>

From: Nicole Stein <nstein@oge.gov>

Sent: Wednesday, August 7, 2024 4:08:09 PM

To: Elizabeth D. Horton <edhorton@oge.gov>; Patrick Shepherd <pshephe@oge.gov>

Subject: Re: Draft EDP Launch Email Language

I like this - I mentioned to him that these should be posted to the intranet so the attachment language can be removed.

Sent from my T-Mobile 5G Device Get <u>Outlook for Android</u>

From: Elizabeth D. Horton <edhorton@oge.gov> Sent: Wednesday, August 7, 2024 4:05:08 PM

To: Nicole Stein <nstein@oge.gov>; Patrick Shepherd <pshephe@oge.gov>

Subject: RE: Draft EDP Launch Email Language

My suggested revisions (trying to incorporate elements of Smart Brevity):

Attached please find OGE's New Employee Development Plan (EDP) Policy and Guidance.

What's New : This updated policy and guidance (b) (5)				

From: Dale A. Christopher <dachrist@oge.gov>
Sent: Wednesday, August 7, 2024 3:12 PM

To: Communications < Communications@oge.gov>

Cc: Jennifer Matis jmatis@oge.gov>
Subject: Draft EDP Launch Email Language

I'm still going through the rest of the comms template, but here's the proposed language for the email. Feedback would be greatly appreciated:



From: <u>Nicole Stein</u>
To: <u>Dale A. Christopher</u>

Subject: Re: Draft EDP Launch Email Language Date: Thursday, August 8, 2024 8:26:08 AM

Same. She went to a class and learned this style - it's based on how axios writes their articles.

Sent from my T-Mobile 5G Device

Get Outlook for Android

From: Dale A. Christopher <dachrist@oge.gov> Sent: Thursday, August 8, 2024 8:24:17 AM

To: Nicole Stein <nstein@oge.gov>

Subject: RE: Draft EDP Launch Email Language

I actually really like it. I've got Kaneisha posting the docs now. I'll send as soon as they're up.

From: Nicole Stein <nstein@oge.gov>
Sent: Thursday, August 8, 2024 8:21 AM
To: Dale A. Christopher <dachrist@oge.gov>
Subject: Fwd: Draft EDP Launch Email Language

A slightly different approach - would still swap attached for hyperlinks.

Sent from my T-Mobile 5G Device

Get Outlook for Android

From: Elizabeth D. Horton < edhorton@oge.gov>
Sent: Wednesday, August 7, 2024 4:05:04 PM

To: Nicole Stein <<u>nstein@oge.gov</u>>; Patrick Shepherd <<u>pshephe@oge.gov</u>>

Subject: RE: Draft EDP Launch Email Language

My suggested revisions (trying to incorporate elements of Smart Brevity):

Attached please find OGE's New Employee Development Plan (EDP) Policy and Guidance.

What's New: This updated policy and guidance (b) (5)					
_					

(b) (5)	

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Sent: Wednesday, August 7, 2024 3:12 PM

To: Communications < Communications@oge.gov>

Cc: Jennifer Matis < imatis@oge.gov >

Subject: Draft EDP Launch Email Language

I'm still going through the rest of the comms template, but here's the proposed language for the email. Feedback would be greatly appreciated:



To: "Chantelle Renn"; "Sasha Blachman"

Cc: "Jill Hyland"; "Haley Foster"; "Georgia Haddad"

Bcc: Nicole Stein

Subject: RE: {EXTERNAL} From OGE: Slide Deck

Date: Thursday, September 26, 2024 5:48:24 PM

Attachments: Partnershp Materials.docx

Good evening,

We've posted nearly all of our election readiness materials, so we wanted to make sure your website has our most up to date versions references. See attached. You'll see in the document, we updated links to our forms and other resources, suggest a new sentence to highlight new resources we created this year, and suggest new language for individuals that file confidential financial disclosures.

I am happy to discuss any of our proposed edits. Thank you again for the opportunity to share our edits/suggestions.

Nicole

Nicole Stein
Chief, Agency Assistance Branch
U.S. Office of Government Ethics
nstein@oge.gov
(202) 482-9255

From: Chantelle Renn < (b)(6) Renn email

Sent: Thursday, September 5, 2024 3:22 PM

To: Nicole Stein <nstein@oge.gov>; Sasha Blachman < (b)(6) Blachman email

Cc: Valerie Boyd < (b)(6) Boyd email

Jill Hyland < (b)(6) Hyland email

Foster < (b)(6) Foster email

Georgia Haddad < (b)(6) Haddad email

Subject: Re: {EXTERNAL} From OGE: Slide Deck

CAUTION: This email originated from outside OGE. Use caution before clicking on links, opening attachments, or responding. If you believe this email is suspicious, please forward it to spam@oge.gov for additional analysis.

Hi Nicole,

Thanks so much for sending these through and thank you for coming yesterday. We'll be sending our post session email by tomorrow (hopefully).

Shelley - thanks again for always being willing to invest your time to be a part of our panel conversations and for giving the excellent advice that you do. We love having you as part of these sessions.

Welcome all suggestions regarding any updated links and materials we need to make - we've already made a start but welcome additional suggestions and updates (copying my colleagues Jill, Haley and Georgia who are leading out on this work).

I'll also follow up regarding the October 9th ATR, as we want to make sure we include your expertise as it relates to outgoing appointees. We'll be meeting at the same time at the Partnership office space (9-11am).

More to come and look forward to talking again soon.

Chantelle

Chantelle Renn

Center for Presidential Transition

Partnership for Public Service

(b)(6) Renn email

(202) (b) (6)

From: Nicole Stein < nstein@oge.gov>

Sent: Wednesday, September 4, 2024 5:22 PM

To: Sasha Blachman < (b)(6) Blachman email Chantelle Renn

(b)(6) Renn email

Cc: Nicole Stein < nstein@oge.gov>

Subject: {EXTERNAL} From OGE: Slide Deck

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

Attached is the slide deck Shelley mentioned during her presentation at this morning's meeting. Thank you again for distributing/sharing these with the attendees.

We are also reviewing the links to our materials on your website and will be in touch next week with updated links and a few suggested edits to the text to highlight an additional resource we've published.

Nicole

Nicole Stein
Chief, Agency Assistance Branch
U.S. Office of Government Ethics
nstein@oge.gov
(202) 482-9255

Nicole

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

https://presidentialtransition.org/appointee-resources/ready-to-serve-prospectiveappointees/financial-disclosure-and-ethics/

Public Financial Disclosure Report (OGE Form 278e)

Most prospective appointees will be asked to complete the Public Financial Disclosure

Report (OGE Form 278e), a nine-part financial disclosure document that must be updated annually and when you make certain financial transactions. The Office of Government Ethics' Public Financial Disclosure Guide provides detailed instructions.

The Office of Government Ethics (OGE) has developed a Nominee Guide to assist prospective and current nominees in navigating the nominee process and their ethical obligations. In addition, OGE's Presidential Election Readiness page has checklists and other resources for nominees, including a nominee process tip list. It is important to start gathering the information for the financial disclosure form well in advance of when you are required to submit it. The form requires financial records for you, your spouse and your dependent children. Use this Office of Government Ethics Checklist to gather documents before you start.

Confidential Financial Disclosure Report (OGE Form 450)

A small number of prospective appointees are not required to submit a public report. Instead, they must submit the <u>Confidential Financial Disclosure Report (Form OGE 450)</u>. The appointees in this category include many part-time members of boards and commissions, as well as some Schedule C appointees. This report is shorter and generally kept confidential. It will be reviewed by your prospective agency and may require additional review by the Office of Government Ethics.

For detailed instructions, see the Office of Government Ethics' Confidential Financial Disclosure Guide: Form OGE 450.

Download the Office of Government Ethics Form 278e and compile information early.

If your paperwork isn't completed quickly and fully, it can delay or endanger your appointment. The OGE Form 278e is long and will require you to research your financial records. Once you are given a preliminary offer, you may have only 24 to 72 hours to enter the information in the online system known as INTEGRITY. Anticipate this quick timeframe and give yourself several weeks or months to gather the information.

https://presidentialtransition.org/blog/advice-for-prospective-political-appointees/

Please replace links all to forms to our Forms Library: https://www.oge.gov/web/oge.nsf/OGE%20Forms Commented [NS1]: Updated link.

Commented [NS2]: Updated link

Commented [NS3]: Updated link

Commented [NS4]: Updated link

Commented [NS5]: New sentence to highlight additional resources

Commented [NS6]: Modified to note that a few confidential reports are reviewed by OGE

Commented [NS7]: Updated link

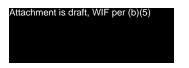
Commented [NS8]: Added link to Integrity

From: Nicole Stein
To: Tiffany M. Fenix

Subject: I mean this assignment (not quite a one pager)

Date: Tuesday, September 10, 2024 12:41:53 PM

Attachments: The Nominee Guide (2024).pdf



From: Deborah J. Bortot <djbortot@oge.gov>
Sent: Wednesday, September 4, 2024 4:23 PM

To: Tiffany M. Fenix <tmfenix@oge.gov>

Cc: Nicole Stein <nstein@oge.gov>; Heather A. Jones <hajones@oge.gov>

Subject: new assignment

Tiffany,

Could you take pages 34 (Public Financial Disclosure Checklist) through 47 (Additional Checklist for Trust Interests) and turn them into a standalone document?

Could you remove the word "Appendix" and renumber the pages. We don't need much in the way of design. I think when you remove "Appendix," you can just have that as a solid rectangle. Other than that, I don't think you need to change the design unless you think you do.

Thanks,

Deb

From: <u>Nicole Stein</u>

To: Webmaster MailGroup
Subject: Website Edit: Replace File

Date: Monday, September 9, 2024 6:19:11 PM

Attachments: A Road Map to Ethical Readiness for the Presidential Election and Beyond (2024).pdf

Can you replace the file on this page tomorrow:

https://www.oge.gov/web/oge.nsf/2024%20Presidential%20Election%20Readiness

Although, we are waiting on the remediated file, Shelley needs to reference this at a high profile meeting on Monday.

I tried to make sure the file name is the same but can you double check.

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 <u>website: www.oge.gov</u>
Follow OGE on X: @OfficeGovEthics

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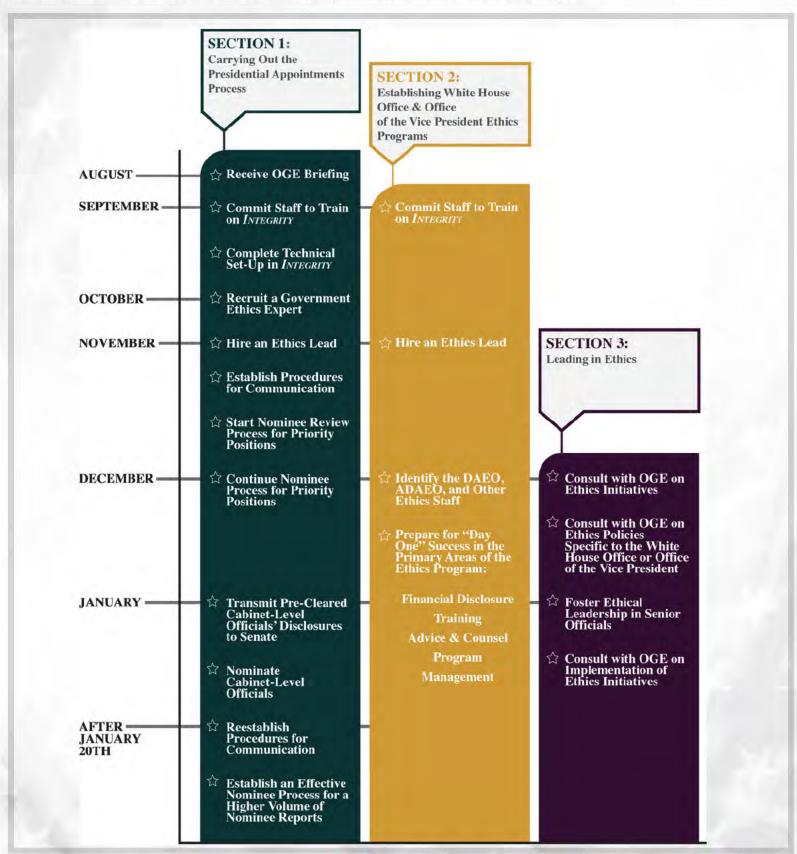
A MESSAGE FROM THE U.S. OFFICE OF GOVERNMENT ETHICS

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

☆ Commit Staff to Train on Integrity

☆ Complete Technical Set-Up in Integrity

◇ 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, webbased 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
- o who will commit significant time to training and practice prior to the election.

The designated four staff members must:

- o attend multiple training sessions,
- o practice on the INTEGRITY training system, and
- o 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:

- o be working for the PTT post-election and the White House post-inauguration;
- o be responsible for nominee work in the post-election period; and
- o 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

☆ Hire an Ethics Lead ☆ Establish Procedures for Communication NOV **☆ Start Nominee Review Process for Priority Positions ☆ Continue Nominee Process for** DEC **Priority Positions ☆ Transmit Pre-Cleared Cabinet-Level** JAN 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

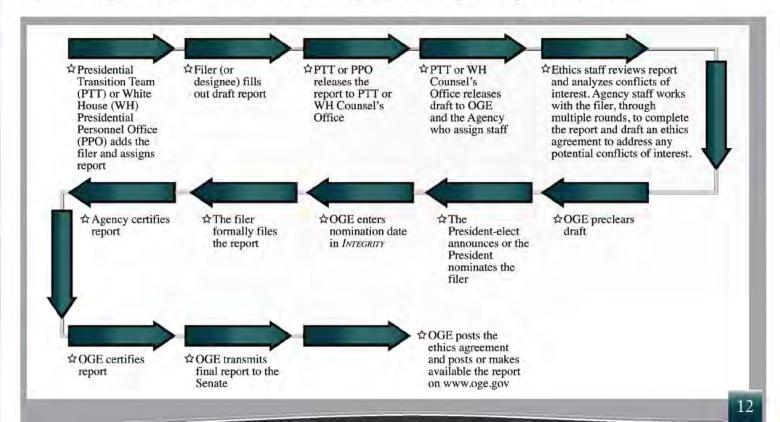
There are three types of positions in the executive branch for which the nominee process varies slightly:

- 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.
- o 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)
- (Unofficial) Excel Workbook of PAS Nominee Positions Subject to OGE Financial Disclosure Review
- LA-23-15 U.S. Office of Government Ethics Review of Nominees for Presidentially Appointed, Senate-Confirmed Positions
- 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
- 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 Inaugration 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:

$\hfill\square$ 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 <i>Integrity</i> has been transferred to the appropriate ethics office.
 Require all senior WHO and OVP employees to formally submit their financial disclosure reports in <i>Integrity</i>.
 Formally submit any requests for a certificate of divestiture to OGE.
\square 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.

☐ 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 <i>Integrity</i> 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.

Within 15 days of appointment:

KEY ONLINE RESOURCES

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

OGE Laws and Regulations

Compilation of Federal Ethics Laws (pdf)

- <u>5 CFR 2634</u>: 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
- <u>5 CFR 2640</u>: Interpretation, Exemptions and Waiver Guidance Concerning18 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 <u>Financial Disclosure</u> (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
- Records Management & Release
- o Legal Expense Funds
- o Conduct Legal Research
- o Watch on Demand Training Videos (Institute for Ethics in Government)
- 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@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

From: Nicole Stein
To: Zohair Baiq

Subject: 03sep24 Completed 2024 Presidential Transition Guide Hyperlinks.pdf

Date: Wednesday, September 4, 2024 1:33:41 PM

Attachments: 03sep24 Completed 2024 Presidential Transition Guide Hyperlinks.pdf

Remediation.

Attachment is same as one found starting at page 48

From: <u>Nicole Stein</u>

To: <u>Heather A. Jones; Webmaster MailGroup</u>

Cc: <u>Deborah J. Bortot</u>
Subject: RE: Nominee Guide

Date: Thursday, August 29, 2024 6:45:02 PM
Attachments: The Nominee Guide (2024).pdf

Zo/Mike,

I added the properties to the file and OCRed it. Please post the file but this can also be sent off to the contractors for 508 remediation. We will replace the file on the web with the updated version.

Heather, once they post they will send you the link. You should then add that to the comms plan in the appropriate place and ask to Kaneisha/Teresa to send the listserv. Patrick and I are both out tomorrow so we will do the tweet on Monday.

From: Heather A. Jones hajones@oge.gov>
Sent: Thursday, August 29, 2024 5:16 PM

To: Webmaster MailGroup <WebmasterMailGroup@oge.gov>; Communications <Communications@oge.gov>; Kaneisha T. Cunningham <ktcunnin@oge.gov>; Patrick Shepherd <pshephe@oge.gov>

Cc: Deborah J. Bortot <djbortot@oge.gov>

Subject: Nominee Guide

AII-

Attached are the Nominee Guide and the Communications plan. This document is ready for posting on the OGE Website.

Thanks, Heather

Heather Jones (she/her/hers) Senior Counsel for Financial Disclosure (202) 482-9316 U.S. Office of Government Ethics

Visit OGE's website: www.oge.gov
Follow OGE on X: @OfficeGovEthics

The Nominee Guide

2024

U.S. Office of Government Ethics

The Nominee Guide

This Guide provides prospective and current
Senate-confirmed Presidential appointees with information
to help them successfully complete the nomination process
and then lead our country with honor and integrity. The
Guide explains the ethics rules and policies that apply before,
during, and after they serve.

The Nominee Process helps nominees navigate the ethics review process through the point of Senate confirmation.

Being an Ethical Leader helps you better serve as an advocate for government integrity and as an ethical role model for your colleagues across government.

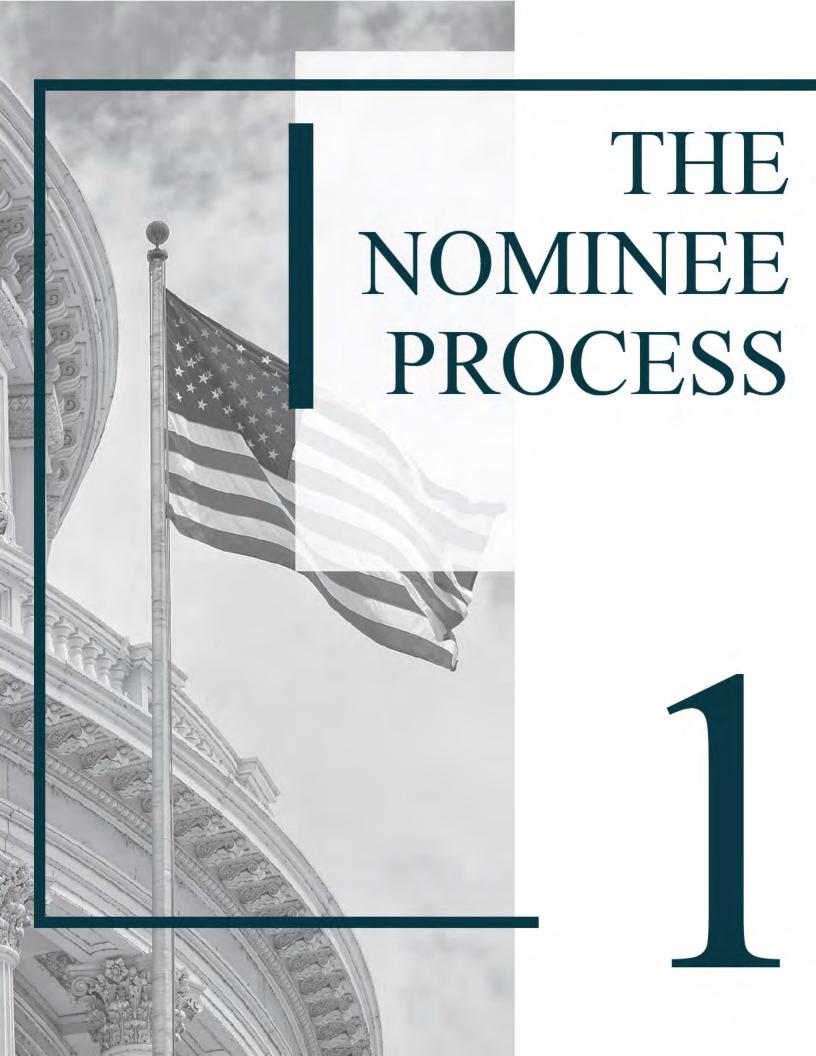
Considering Leaving Government helps you navigate your ethical obligations before and after leaving federal service.

The Appendix provides helpful references for completing your financial disclosure report and information about the certificate of divestiture program.

The 14 Principles of Ethical Conduct articulate the expectations for honor and integrity shared by all executive branch officials.

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A Message from the U.S. Office of Government Ethics

Congratulations on being considered for nomination by the President. Serving as a federal leader is more than a job, it is an honor—one that comes with responsibilities. You will be subject to a variety of ethics laws and regulations, which come with the potential for criminal, civil, and administrative penalties.

The nomination process is daunting, complex, and challenging. Your patience will be required as the nomination process is often longer and more difficult than anticipated. During this process, you may be required to divest certain assets or make other financial sacrifices to avoid conflicts of interest or comply with other ethics laws. The good news is that you are not alone in this process. OGE and your agency's ethics officials will assist you in bringing your financial disclosure report into compliance with the statute and executing your ethics agreement.

At the heart of the ethics program is the principle that public service is a public trust. Government officials must put the public's interests before their own interests. The principle that public service is a public trust is an easy one to appreciate, but the complex ethics requirements that flow from it are not necessarily intuitive. They represent numerous policy choices by Congress, Presidents, and federal agencies over the years. You will need to build a working knowledge of these requirements, so you can spot potential issues and seek help from your agency's ethics officials when you need it.

Thank you for your willingness to serve your country. OGE encourages you to make ethics a priority throughout your government service and wishes you every success.

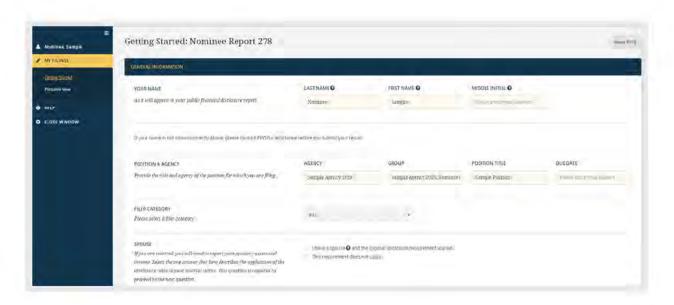
What to Expect in the Nominee Process

The nominee process is just that - a *process*. Though the sequence may vary and different portions of the process may overlap, the nominee process for ethics often includes the events outlined below:

Completion of the Financial Disclosure Report

After conversations between you and the Presidential Transition Team (PTT) or White House Office of Presidential Personnel Office (PPO) about the position, the PTT or PPO will request that you fill out the paperwork that is part of the Nominee process. The ethics portion of the required paperwork is a public financial disclosure report, the OGE Form 278e. You will complete this report in *Integrity*, OGE's electronic filing system, after you receive an email informing you that you have a report to complete in the system.

 Please consult the <u>Appendix to this Guide</u> once you are ready to begin completing your financial disclosure report.



- Staff in the PTT or PPO will review your draft report and may have questions for you or ask you to provide additional information. When they are ready, they will transmit the report to OGE and your prospective agency.
- Ethics officials at OGE and at your prospective agency review your draft financial disclosure report, ask follow-up questions, and provide instructions for revising the report.

 You will be asked multiple rounds of questions about the financial disclosure report and your financial arrangements from the ethics official at your prospective agency and OGE. Depending on the complexity of your finances, the revisions may take several weeks or several months.

Review for Potential Conflicts of Interest and Drafting of the Ethics Agreement

- Ethics officials at your prospective agency and OGE analyze financial disclosure reports for potential conflicts of interest. If either the prospective agency or OGE sees potential red flags with regard to conflicts of interest, the agency or OGE will notify you and the PTT or PPO and begin a discussion.
- As possible conflicts are identified, ethics officials will determine the resolution
 - of the conflicts, for example resignations and divestiture of assets. Agency ethics officials will discuss the proposed resolutions with you. It may take multiple discussions and proposals until a workable solution is found.
- Ethics officials will prepare an ethics agreement outlining steps you will take to avoid conflicts of interest. The ethics agreement will contain standard language used for all nominees as well as standardized clauses addressing your particular situation.
- You then review the agreement for any factual errors, make sure you understand it, and determine if you can complete the steps in the required time frames.
- Once the financial disclosure report and ethics agreement are finalized, the package
 is submitted to OGE for preclearance (i.e., tentative approval). You may receive an
 additional round of questions or requests for changes to your report following this
 review.
- Once OGE preclears your financial disclosure report and ethics agreement, you sign your ethics agreement.

Taking a senior federal

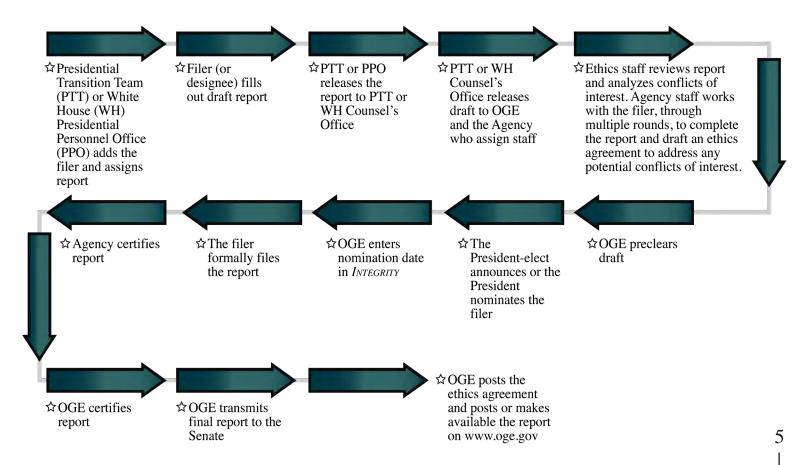
position may require

significant financial

sacrifices by you and

Nomination

- If your nomination is approved by the White House, the President nominates you. At that point, you certify your pre-approved financial disclosure report in *Integrity*.
- Your agency's ethics official certifies the report and provides OGE with an opinion regarding conflicts of interest.
- OGE reviews the opinion, certifies the report, and transmits your financial disclosure report and ethics agreement to the Senate.
- Once the Senate confirms receipt, OGE will make your financial disclosure report available and post your ethics agreement on the OGE website, www.oge.gov.
- Within five days before your Senate committee hearing, you disclose any income or honoraria earned after the date of your signature on your financial disclosure report by filing a letter with your agency's ethics official, who transmits it to the Senate and OGE.
- If the Senate confirms your nomination, the President appoints you.





conflicts of interest

remedies for nominees.

Common Actions Nominees Take to Prevent Conflicts of Interest and Maintain Impartiality

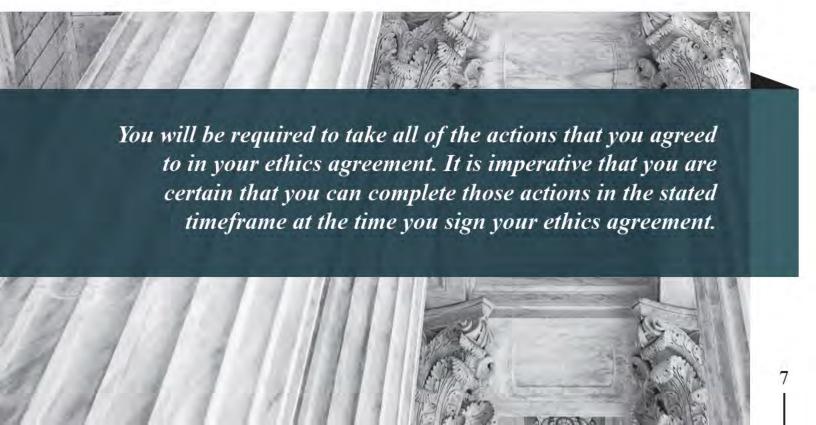
The nominee process can be overwhelming at times. Over the course of the next several weeks or months, you will engage in discussions with the ethics officials from the agency in which you are being considered to serve and OGE about your financial disclosure report and the financial interests of you, your spouse, and your dependent children. The purpose of these discussions is to ensure that all required items are reported and that potential conflicts of interest and other ethics concerns have been identified. At that point, we will determine the actions that you, your spouse, and your minor children may be required to take to address those items.

One of the most common ethics actions is recusal from a particular matter. However, because you are entering a senior position and your participation in matters may be required, it may be necessary for you to take other actions to remedy the potential conflict of interest. Those actions are outlined below.

Resign from all paid positions and most unpaid positions

- Frequently sell (or otherwise divest) stocks, sector mutual funds, and private investment funds owned by you, your spouse, and minor children (you may be eligible for a certificate of divestiture to defer taxable capital gains)
- Frequently forfeit unvested equity interests granted by your current employer
- Frequently divest assets from family (or other closely held) partnerships owned by you, your spouse, or minor children
- Frequently divest assets in trusts of which you, your spouse, or minor children are the beneficiary, or for which you, your spouse, or minor children are paying taxes
- Divest from a business that practices a profession involving a fiduciary relationship
- Divest from managed accounts that hold assets other than diversified mutual funds, Treasury securities, and sometimes municipal bonds.

This information is provided to help you determine if you want to pursue a federal position and to avoid surprises late in the vetting process.



Your Responsiveness Matters

The single biggest factor affecting the time it takes to review a nominee's financial disclosure report is the responsiveness of the nominee because of the multiple rounds of questions and revisions that are usually needed before a report and conflicts analysis can be finalized.

Delays occur when a nominee, nominee's spouse, or the nominee's representative, is slow to:

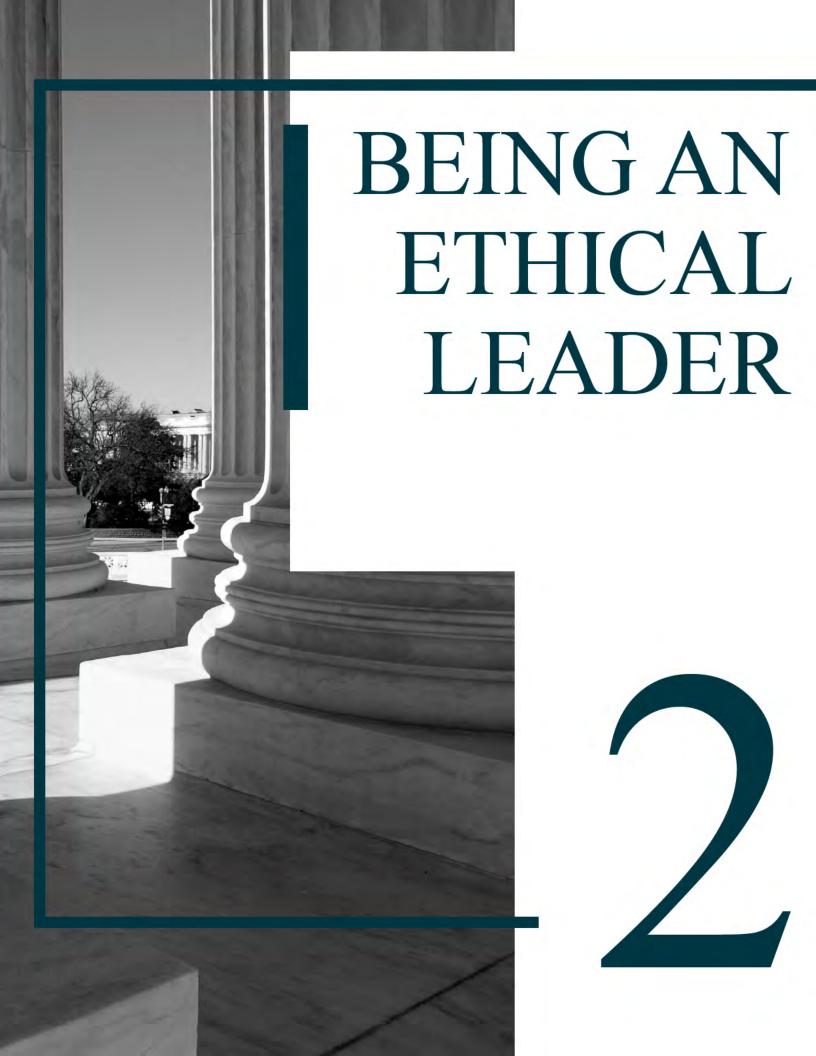
- Gather documents needed to complete the financial disclosure report;
- · Respond to questions from OGE or agency ethics officials;
- Contact a source of needed information, such as a brokerage firm, a financial advisor, an employer's human resources office, a partner, a trustee, etc.; or
- Wrap up negotiations to plan for actions, such as the dissolution of a partnership, the sale of a company, or the termination of an employment relationship.

Delays also can occur when a nominee is reluctant to agree to take steps to resolve conflicts of interest, such as resignation, divestiture, or recusal, which are contained in the ethics agreement.

OGE encourages you to:

- Gather your immediate family's financial documents before starting to fill out your report;
- Be available to respond to requests;
- Respond promptly to questions from agency ethics officials;
- Revise your financial disclosure report quickly, when directed to by the agency ethics official;
- Notify agency ethics officials as soon as possible once any request is completed; and
- Consider engaging professional help if you have complex financial holdings.







Introduction

You've now taken the oath of office. You've made a promise that millions of public servants before you have made and kept: to support and defend our Constitution, to bear true faith and allegiance to the same, and to well and faithfully perform the duties of the office in which you will serve. You've promised to put the interests of the United States and the citizens we serve before your own.

As you serve our country, you will face ethical questions about simple decisions, such as how you use your time, to very complex ones, such as how to allocate millions of dollars. With each decision, the public's trust in you as a leader, in the organization you lead, and in the government as a whole are at stake.

Your commitment and fidelity to government ethics principles, laws, and regulations will ensure that your staff and the public can trust in your leadership. Your commitment to all ongoing ethics requirements and your actions to resolve potential conflicts of interest will be essential to your success as a leader.

Public service is a public trust

General Principles of Ethical Conduct

The General Principles of Ethical Conduct broadly require selfless service, responsible stewardship, and loyalty to law.

1 Selfless Service

Public service is a profession. It is also a public trust that involves a duty to something larger than yourself. You must always act, and appear to act, with our nation's interests before your own. You not only put forth an honest effort in your work, but you also do not seek personal advantage for yourself or others. You hold yourself to the highest standards, knowing that even the question of impropriety is sometimes enough to undermine good work.

Responsible Stewardship

You have been given the honor of using your position and the resources of the federal government to serve your fellow citizens. Monies, property, information, and other governmental resources are entrusted to you. You honor your commitment to the American public by using these resources wisely and only to accomplish the work of the United States government.

3 Loyalty to Law

You will take a solemn oath—to support and defend the Constitution. In all things, you will be expected to uphold the Constitution and the oath you will take. Part of fulfilling this oath involves respecting the rule of law by adhering to all legal authorities in the work you perform and as a public servant.

Ethical Leadership: What You Need to Do

The decisions you make and the actions you take will have profound effects on the culture of the agency you lead. As a leader, creating a culture that protects and preserves the public's trust is essential to your success and the success of our nation. Now is the time to think about the message you want to send as you begin your federal service. Here are a few ways to help protect the integrity and reputation of the government you will help lead:



Walk the Walk

Be a model of ethical service. One way you do this is by complying with your ethics commitments—e.g., your ethics agreement, training requirements, financial disclosure requirements—on time. When you do, staff will follow your example.

You can also model ethical leadership when you monitor your personal financial interests for possible conflicts of interest. By preventing conflicts of interest, you protect yourself and the agency from the erosion of public trust. When you timely file your financial disclosure report, you ensure that any potential conflict can be resolved. Maintain a dialogue with your agency ethics officials to ensure you are meeting your ethics commitments.

As a leader, the agency and public have put their trust in you. When you adhere to the safeguards of government ethics laws and regulations, you cement that trust. In order to maintain that trust, take the following steps.

Meet Your Individual Ethics Commitments: The First 100 days

1 Complete Your Initial Ethics Briefing

To become familiar with your ethics obligations, your agency ethics official will schedule an ethics briefing with you within your first 15 days of government service.

2 Complete the Actions Required in Your Ethics Agreement

Resignations from outside positions must occur before you begin your government service. Most other actions required in the ethics agreement, including divesting of assets that create a potential conflict of interest, must be completed within 90 days of confirmation. You may be eligible for a certificate of divestiture if ethics officials require you to sell an asset. A certificate of divestiture allows you to defer the payment of capital gains tax by reinvesting the proceeds of a sale into "permitted property." The certificate of divestiture must be obtained **before** you sell the asset. If you plan to request a certificate of divestiture, you should submit your request as soon as possible after appointment.

3 Complete Your Certification of Ethics Agreement Compliance

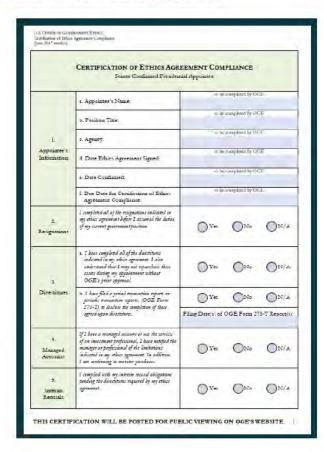
Within 90 days of confirmation, submit your Certification of Ethics Agreement Compliance to the agency ethics official. The Certification will be submitted to OGE and will be posted on the OGE website.

4 Complete Your Initial Ethics Training

As a nominee, you will have the opportunity to complete this training before or after your appointment. You must complete training within three months of your appointment.

5 Share Your Commitment to an Ethical Workplace With Your Staff

Make a point of sharing with staff as you complete these important steps to emphasize the importance of, and your commitment to, an ethical workplace.



Meet Your Ongoing Individual Ethics Commitments

Complete Ongoing Ethics Training

Ethics education is key to navigating your leadership role with the trust and confidence of your staff and the public. Education is ongoing and you are required to have annual ethics training. Your agency ethics officials may supplement required training throughout the year, in order to remind staff of their ethics obligations as public servants.

Complete Ongoing Financial Disclosure Requirements

Filing your nominee financial disclosure report is the beginning of your financial disclosure obligations as an agency leader. In addition, you are required to file:

- Periodic Transaction Reports (OGE Form 278-T) at the time of making purchases, sales, or exchanges of securities in excess of \$1,000 by you, your spouse, or your dependent child using *Integrity*, OGE's electronic filing system.
- Annual Financial Disclosure Reports (OGE Form 278e) by May 15 each year using *Integrity*.

Ethics ediucation is key to navigating your leadership role with the trust and confidence of your staff and the public.

Use Your Platform

- Your staff will look for you to set the tone. You will be in a position to communicate your agency's core values and foster an ethical culture through speeches, written messages, videos, and agency newsletters.
- Your staff need to hear directly from you. Staff appointments, all-hands meetings, and other employee gatherings provide opportunities to reinforce a strong ethical culture and remind employees of their obligations as public servants.

Create and Support a Strong Ethics Program

- Appoint and support a well-qualified Designated Agency Ethics Official.
- Ensure that your agency's ethics office has the leadership support and staffing resources it needs.
- Demonstrate support for the agency's ethics office by making yourself accessible to your agency ethics officials. By doing so, you let your staff and the ethics office know that you take ethics seriously.
- Let your staff hear directly from the ethics experts at your agency. You can invite ethics officials to speak briefly at the beginning of senior staff meetings and to be available for any ethics questions.

Ethical Leadership: What You Need to Know

More About Your Ongoing Ethics Obligations and the Breadth of Ethics Laws and Regulations

A wide range of ethics laws and regulations apply to appointees, and many of them come with criminal, civil, or administrative penalties.

Seek Counsel, As Needed

It is impossible for this guide to train you fully on government ethics. This section introduces a few salient ethics issues for you to be aware of. With this overview, you will be able to spot real or potential red flags, and then contact your agency's ethics



1 Conflicting Financial Interests

A criminal law, 18 U.S.C § 208, prohibits you from **participating** as a government official in **particular matters** affecting the financial interests of the following:

- You
- Your spouse
- · Your minor child
- A general partner
- Any organization in which you serve as officer, director, trustee, general partner, or employee
- Any organization with which you are negotiating for employment.

The concept of **participating** is not limited to final decisions. It also includes recommendations, deliberations, assigning work, approving funding, and other common activities.

A **particular matter** is a legal term referring to any matter that focuses on the interests of either (1) specific parties or (2) a discrete and identifiable group.

Specific Parties

A particular matter focused on the interests of specific parties can be relatively easy to spot. Examples include litigation, grants, contracts, applications, investigations, etc.

For example:

- If the Department of Justice pursues an antitrust case against A and B companies, the case is a <u>particular matter</u> because it is focused on the interests of <u>specific parties</u> (A and B companies).
- An appointee would be barred from participating in the case if the appointee holds stock in either A company or B company.

A Discrete and Identifiable Group

A particular matter focused on the interests of a "discrete and identifiable class" can be harder to spot. Policy deliberations focusing on a specific industry could be a particular matter.

For example:

- An appointee's agency's proposed regulation would impose new requirements on all pharmaceutical companies. The pharmaceutical companies constitute <u>a discrete and identifiable class</u>. The proposed regulation is a <u>particular matter</u>.
- An appointee would be barred from participating in the regulatory effort if he or she holds stock in a pharmaceutical company.

2 Impartiality

Basic obligations of public service include the principle that employees shall act impartially and not give preferential treatment to any private organization or individual.

The Standards of Conduct restrict you from participating as a government official in any particular matter involving specific parties if you have a "covered relationship" with a party to the matter (or with the representative of a party), whenever a reasonable person would question your impartiality. You have a "covered relationship" with:

- Members of your immediate family
- Members of your household
- Close relatives
- Any individual or organization to whom you provided services in the past year
- Any individual or organization with whom you seek or have a contractual relationship (other than routine consumer transactions)
- Any individual or organization to whom your spouse, parent or dependent child is currently providing services
- Any organization in which you held a position in the past year or are currently serving as an "active member."

3 Gifts

Securing the public's trust as an agency leader means knowing the basics of the Standards of Conduct gift regulations. The regulations are designed to ensure that gifts cannot influence your official actions or even create the appearance that you are inappropriately profiting from your government position.

- The general rule of thumb is that you cannot accept most gifts from outside sources. There are limited exceptions, such as gifts from personal friends and family members, but you need to consult with ethics officials before relying on them. The Standards of Conduct also contain examples, and you can consult those as well.
- Your subordinates may not give you a gift. You are also prohibited from accepting gifts from other government employees who earn less than you do. There are limited exceptions for these rules as well.

4 Misuse of Position

Public service is a public trust. You must never use your official position to benefit your own private interests or the private interests of another. Government positions, authority, and resources may be used only for officially authorized purposes. Misuse can take many forms, including:

- Helping a former business associate gain access to government decision-makers
- Helping a friend in dealings with the government
- Asking subordinates to perform outside work for you or your family members
- Using government resources for personal pursuits, etc.
- Using your federal position to gain personal benefits from others.

5 Other Restrictions

- Receiving outside earned income
- Receiving compensation for teaching, speaking, or writing related to official duties
- Permitting the use of your name in the name of a law firm or other entity that provides services involving fiduciary relationships
- Accepting bribes or receiving gifts because of official actions
- Representing others before the government

Support a strong ethical culture and preserve trust in your organization by honoring your ongoing ethics obligations.

The Key Statutes and Regulations Guiding Your Conduct: What is at Stake

The Executive Branch has a set of principles and a specific and enforceable set of standards and laws to help guide your conduct. The following are the key ethics statutes and regulations guiding your conduct and requiring your attention:

- <u>18 U.S.C.</u> § <u>208</u>: The primary criminal conflict of interest statute.
- The Ethics in Government Act (5 U.S.C. § 13103, et seq.): Requires financial disclosure and includes other ethics obligations.
- The Standards of Conduct (5 C.F.R. Part 2635): Contains regulations regarding impartiality, gifts, misuse of position, and outside activities.

As a senior official, you also will be responsible, in part, for ensuring that other government employees follow the law—by demonstrating your commitment to ethical behavior. Senior officials hold each other, federal employees, and themselves accountable, knowing that transparency and honesty are the surest ways to avoid conflicts and promote public confidence in government.





Ethics Obligations Upon Leaving Government Service _____

Your ethics obligations do not immediately end once you decide to leave government service. Certain ethics laws and regulations will continue to apply as you transition out of the government and will limit the type of work you are permitted to do after you

have left your government position.

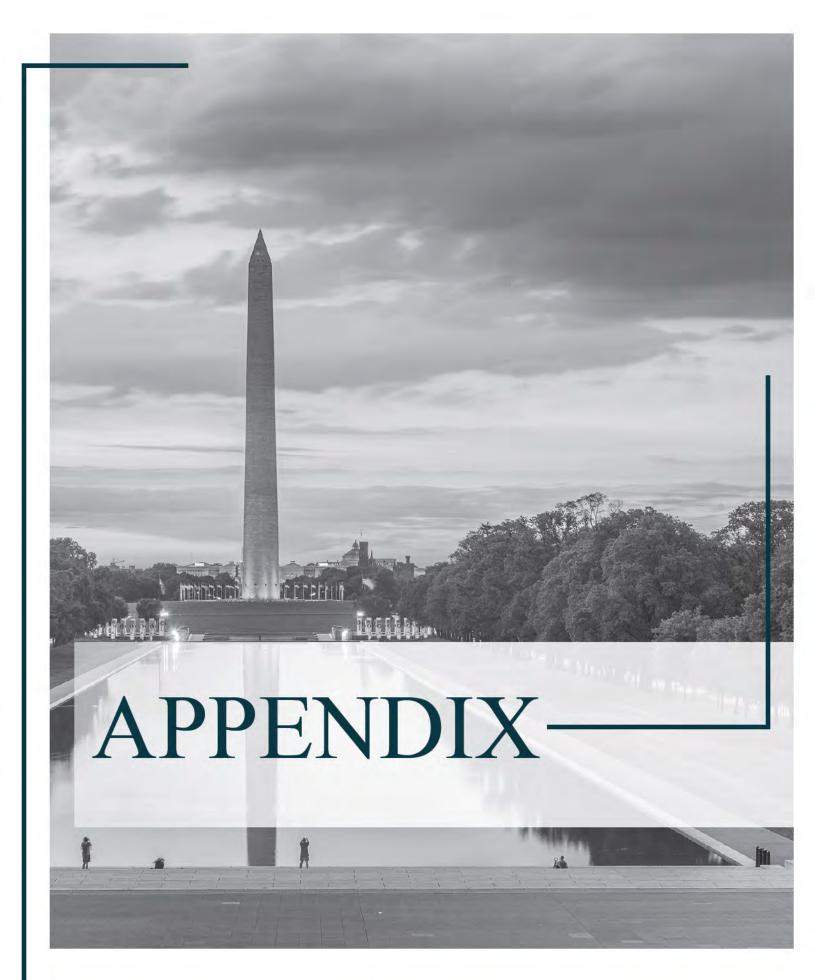
Some ethics laws continue to apply after you leave federal service.

When you begin the process of seeking employment, you must be sure to closely communicate with your agency ethics officials to avoid potential ethics issues.

- You generally may not perform any official work on a matter that would affect the financial interests of someone with whom you are seeking employment. You will need to notify your agency of any negotiation for or agreement of future employment or compensation. Additionally, you may need to notify officials at your agency that you have been disqualified from participating in certain matters once you have started employment negotiations.
- The law requires you to file a final financial disclosure report within 30 days of leaving the government. The requirements for termination reports are the same as for annual reports. Only the reporting period is different.
- After you leave the government, you may not represent anyone before a federal agency or court regarding any particular matter involving specific parties on which you worked. If you did not work directly on the matter, but an employee under your supervision did, you may not represent anyone on that matter before a federal agency or court for two years. You also may not represent anyone before your former agency for one year.

Previous administrations have imposed additional restrictions on post-government employment through executive orders. Some of these restrictions have included prohibiting former employees from lobbying their former agencies for five years and from lobbying any senior administration official for the remainder of the administration. It is crucial to coordinate closely with your ethics official before leaving government to make sure you fully understand what restrictions apply to you.





Nominee Process Tips - What You Need to Know

- **1.** Check your name in *Integrity* when you login for the first time. It should match your legal name. If it does not, contact your PTT or PPO contact person and ask them to initiate a new report in *Integrity* with your legal name. This step will save you from having to complete the report a second time with updated information.
- 2. Retain the User ID that you received and password to login to *INTEGRITY*. You will need them again after you are nominated to submit your report.
- **3.** The nominee process can be overwhelming at times. Be prepared for the unfortunate reality that the financial disclosure process, vetting, and Senate confirmation processes can be burdensome and intrusive. It likely will require **multiple rounds** of questions and edits from OGE and your prospective agency over several weeks or months. The purpose of these discussions is to ensure that all required items are reported and that potential conflicts of interest and items that may raise impartiality concerns have been identified.
- **4.** Be prepared for the likelihood that conflict of interest laws may necessitate changes in your personal finances, frequently including the divestiture of assets and the forfeiture of unvested equity interests related to employment. Additionally, they likely will necessitate changes in your business relationships and compensated and uncompensated positions, including resignations.
- **5.** Be aware that conflict of interest laws apply not only to your own financial interests but also to the financial interests of your spouse and minor children. For this reason, they too may need to take certain actions, including divestiture of assets.
- **6.** It is imperative that you respond <u>promptly</u> to questions from agency ethics officials when asked to revise your financial disclosure report.
- 7. You will be required to sign an ethics agreement. Before you approve the agreement, it is essential that you determine that you can accomplish the actions that you agree to take in that agreement in the time frames established in the agreement.
- **8.** Your ethics agreement and public financial disclosure report will be made available to the public on the OGE website.

What to Gather Before You Start Your Public Financial Disclosure Report

Before starting on your financial disclosure report, take time to gather your financial information. The items listed below apply to **you**, **your spouse**, and **your dependent child**, unless otherwise specified.

- Earnings by you or your spouse (including any honoraria)
- · Retirement accounts for you or your spouse
- Names of your clients
- You or your spouse's assets with employers (e.g., restricted stock units, restricted stock, stock options, deferred compensation plans, short- or long-term incentive plans, etc.)
- · Brokerage accounts
- · College savings plans
- Annuities and life insurance (excluding term life)
- Your dependent child's assets (e.g., UTMA accounts, etc.)
- Holdings of trusts for the benefit of you, your spouse, or your dependent child (even if someone else established the trust)
- Holdings of trusts for which you or your spouse are paying the taxes
- Rental or other investment properties
- Other assets (e.g., stocks, bonds, investment funds, bank accounts, digital asset holdings, etc.)
- Liabilities
- Positions you hold, both paid and unpaid, outside the federal government

How to Use *Integrity*, the Electronic Filing System

Nominees file public financial disclosure reports through OGE's electronic filing system, which is called *INTEGRITY*.

1 Logging into Integrity

If you are new to *Integrity*, the Presidential Personnel Office (PPO) or Presidential Transition Team (PTT) will register you as a filer.

- You will then automatically receive an email from notifications@integrity. gov.
- The email will provide a User ID to use when logging into Integrity.
- After following instructions to set a password, you will be able to log in online by going to integrity.gov. Retain the User ID that you received and password to login to Integrity. You will need them again to submit your report after you are nominated.
- Integrity works well with Google Chrome. Integrity also works with the most recent versions of Safari, Firefox, and Internet Explorer.
- You can grant a designee access to your report. Click "Manage My Designees" in the "My Tools" section of Integrity's main page. Then, click "Add a New Designee" and provide your designee's email address. Your designee will receive an email with instructions.



2 Check Your Name

Check your name in *INTEGRITY* when you login for the first time. It should match your legal name. If it does not, contact your PTT or PPO contact person and ask them to initiate a new report in *INTEGRITY* with your legal name. This step will save you from having to complete the report a second time with updated information.

3 Filling Out Your Financial Disclosure Report

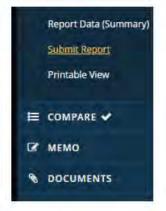
INTEGRITY provides tables designed to guide you through the report. In some cases, INTEGRITY asks a series of questions before adding your responses to certain tables.

- Be sure to read the instructions for each table. The various tables cover different periods of time (i.e., "Reporting Periods").
- Note that some tables focus specifically on assets and income items that
 are related to employment or retirement (e.g., salary, stock options, 401k
 holdings, etc.). A separate table near the end of the report focuses more
 generally on other types of assets and income. The table headings and
 instructions will indicate what to enter in each table.

4 Submitting Your Financial Disclosure Report

After completing a draft report, you will need to submit it to PPO (or PTT).

- Click the word "Submit" in the left side navigation menu.
- Then, scroll to the bottom of the page and certify your draft.



5 Revising Your Report

After you submit your report, ethics officials will review the report and contact you with any questions or needed corrections.

There are usually several rounds of questions and revisions, so please respond to questions and revise your report promptly.

INTEGRITY'S "Change History" section allows you to track all revisions to your report. Click on "Audit Trail" in the left navigation menu, then select "Change History" to see all revisions.

6 Certifying Your Report

After you are nominated, agency ethics officials will ask you to log into *INTEGRITY* again and certify your final report.

Excepted Investment Fund (EIF)

1 Understanding the Terms

An "Excepted Investment Fund," or EIF, is an important concept. It allows you to disclose an investment fund without having to go through the burdensome task of disclosing its underlying holdings.

An EIF is an investment fund that is:

- 1. Independently managed,
- 2. Widely held, and
- 3. Either publicly traded or available, or widely diversified.
- "Widely held" means at least 100 individuals are invested in the fund. Note that the focus is on the number of individuals, not the number of investors. For example, if a fund has only 63 investors, but one of the investors is a limited partnership with 200 partners, the fund is widely held.
- "Publicly traded or available" means the fund is (or previously was) open to investment by the public. A fund is not disqualified solely because it has net worth or income requirements or if an investor must be an "accredited investor."
- "Widely diversified" means the fund does not have a stated policy of concentrating its investments in any industry, business, single country other than the United States, or bonds of a single state within the United States.

Knowing what each of these terms means can be helpful. Typical examples of an EIF include mutual funds and exchange-traded funds. If you think an investment fund may not qualify as an EIF, you should talk to an ethics official before doing all of the work of reporting its underlying holdings.

2 A Managed Account is not an EIF

Managed and robo-advisor accounts never qualify as excepted investment funds (EIF), even if they track a mutual fund, because they are not investment funds (i.e., pooled investment vehicles). With a managed account, you own the account's holdings directly.

3 Example

To help you understand why the EIF concept is so important, let's consider the example of a typical mutual fund, which we'll call the ABC Large Cap Fund. Mutual funds and exchange traded funds qualify as EIFs, so, you will simply disclose the name of this fund and indicate that it is an EIF:

#	Description	EIF	Value	Income Type	Income Amount
1	ABC Large Cap Fund	Yes	\$50,001- \$100,000		\$201-\$1,000

As another example, let's say you hold the ABC Energy Fund, a private equity fund that has less than 100 investors. It does not qualify as an EIF. In this case, you would have to disclose the name of the fund and any underlying holding that exceeds the reporting threshold (i.e., more than \$1,000 in value or more than \$200 in income):

#	Description	EIF	Value	Income Type	Income Amount
1	ABC Energy Fund	No			
1.1	Def Tirez Company	N/A	\$1,001-\$15,000		None (or less than \$201)
1.2	G&HI Drilling Corp.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.3	J&KL Supplies, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.4	Mnop Distribution, Co.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.5	Peaqpan Resources Corporation	N/A	\$1,001-\$15,000		None (or less than \$201)
1.6	Tuvvyz Systems, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.7	Wyxorp Oil & Gas Co.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.8	Zozzox Battery Technologies, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.9	Aaabahk & Sons, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.10	Guuyezo Turbine Co.	N/A	\$1,001-\$15,000		None (or less than \$201)
1.11	Faszlebar Installations	N/A	\$15,001-\$50,000	Dividends	\$201-\$1,000
1.12	VanGaarsfold International, Inc.	N/A	\$1,001-\$15,000		None (or less than \$201)

Certificates of Divestiture

You may be eligible for a certificate of divestiture if ethics officials require you to divest an asset. A certificate of divestiture allows you to defer the payment of capital gains tax by reinvesting the proceeds of a sale into "permitted property." You should be aware of the following:

- The certificate is valid only if obtained before selling an asset
- You must be a federal employee for you, your spouse, or your dependent child to be eligible to receive certificates
- A trustee is also eligible when the asset is held in a trust, subject to limitations if ineligible persons are trust beneficiaries
- The requestor must commit to divesting, even if OGE ultimately determines that an asset does not qualify for a certificate
- "Permitted property" includes U.S. obligations (i.e., Treasuries), diversified mutual or exchange-traded funds, and diversified unit investment trusts. For this purpose, a fund is diversified if it does not have a stated policy of concentrating in any industry, business, single country other than the United States, or in the bonds of a single state within the United States
- A certificate of divestiture is not available for assets in tax-deferred retirement accounts because the capital gains are not taxed at the time of the sales transaction
- OGE is not able to provide tax advice. Please consult your own tax advisor if you need guidance as to tax matters

Public Financial Disclosure Checklist

The following is a *non-exhaustive* list of items you should include in the public financial disclosure report that you file as a nominee:

Part 1 (Filer's Positions Held Outside the United States Government)

Report all positions as an officer, director, trustee, general partner, proprietor, representative, employee, or consultant. Be sure to include both paid and unpaid positions. Do not include political, religious, or honorary positions.

Part 2 (Filer's Employment Assets & Income and Retirement Accounts)

Report all assets and income related to your current or former employment (excluding U.S. government employment). Also, list any retirement plans or individual retirement accounts (excluding federal government retirement accounts). Examples include:

- Salary, bonuses, partnership or LLC distributions, other business income, client fees, receivables, director fees, consulting fees, deferred compensation, severance payments, etc.
- Equity in an employer and similar interests (e.g., stock, stock options, restricted stock, restricted stock units, stock appreciation rights, capital account, etc.)
- · Carried interest or profits interest
- Retirement plans with a current or former employer, including: defined contribution plans, defined benefit pension plans, and any other type (excluding federal employee retirement)
- Individual retirement accounts (IRAs and Roth IRAs)
- Trustee fees or executor fees
- Honoraria
- Patents, copyrights, and other intellectual property

Part 3 (Filer's Employment Agreements and Arrangements)

Report all arrangements with your current and former employers. Examples include:

- Ongoing participation in a retirement or deferred compensation plan
- An ongoing leave of absence
- Anticipated payments from your employer (e.g., bonus, severance, return of capital account, partnership or LLC distribution, buyout, carried or profits interest, etc.)
- Employee benefits that will continue (e.g., health insurance, life insurance, use of car or office, housing benefits, etc.)
- Retention or disposition of any vested or unvested stock options, restricted stock, or other equity-related interests (e.g., forfeit upon resignation, accelerated vesting, exercise, etc.)

Part 4 (Filer's Sources of Compensation Exceeding \$5,000 in a Year)

Report all sources of compensation (even if paid to your employer) exceeding \$5,000 in any one calendar year during the reporting period.

- Remember to list your employer and clients, if applicable
- Do not include payments from the United States government

Part 5 (Spouse's Employment Assets & Income and Retirement Accounts)

Report all assets and income related to your spouse's current or former employment. Also list any retirement plans or individual retirement accounts.

- See the discussion in Part 2 above for examples
- Do not include payments from the United States government

Part 6 (Other Assets and Income)

Report all other assets and investment income for you, your spouse, and your dependent child. Examples include:

- Stocks, bonds, notes, options, futures, mutual funds, exchange-traded funds, private equity funds, and hedge funds
- · Life insurance, excluding term life insurance
- Cash accounts
- Annuities
- Qualified tuition plans (also called 529 plans, college savings plans, or prepaid tuition plans)
- Digital Assets (including virtual currency and non-fungible tokens)
- Real estate that you rent out or hold for investment purposes (including farms or farmland)
- Investment partnerships, LLCs, and S-corporations
- Assets of any trust in which you, your spouse, or your dependent child:

 (1) is currently entitled to receive income or access the principal;
 (2) has a vested future interest in principal or income; or
 (3) pays the income taxes
 (i.e., a grantor trust)
- Uniform Gifts to Minors Act accounts and Uniform Transfers to Minors Act accounts

Part 7 (Transactions)

Nominees do not complete this Part.

Part 8 (Liabilities)

Report all liabilities that exceeded \$10,000 at any time during the reporting period. Examples include:

- A mortgage on a personal residence
- A mortgage on other real estate
- A student loan
- A credit card balance exceeding \$10,000 at the end of the reporting period
- An equity line of credit (but only if you have exercised the equity line of credit)
- A margin loan
- · A capital commitment
- A personal loan

Part 9 (Gifts and Travel Reimbursements)

Nominees do not complete this Part.

Additional Checklist for Attorneys

The following is a non-exhaustive list of additional items that nominees who are attorneys (or are married to attorneys) often need to include in their public financial disclosure reports:

If you or your spouse held a position with a law firm, you may find these reminders helpful:

- 1. Report your position with the law firm in Part 1. (Do not report your spouse's position in Part 1.)
- 2. Report the law firm as a source of income in Part 4 if you earned more than \$5,000 in a calendar year during the reporting period. Also, report the name of any client who paid more than \$5,000 to the law firm (or to you) for your services in a calendar year during the reporting period. You may describe your services simply as "legal services." (Do not report your spouse's law firm or clients in Part 4.)
- 3. If you received any of the following kinds of income from the law firm during the reporting period, report the exact amount of income in Part 2. (If your spouse received any of these types of income, report your spouse's receipt of income from the law firm in Part 5, but do not include the amount of income.)
 - Salary and/or bonus
 - Partnership share or LLC distribution
 - Severance payment
 - Other compensation
- 4. If the law firm owes you any of the following kinds of payments, report the anticipated payments in Part 2, and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Explain your arrangement for the payment in Part 3. (If the law firm owes any of these kinds of payments to your spouse, report the anticipated payments in Part 5, and indicate the anticipated amount by selecting the appropriate category in the "Value" column. Do not report information about your spouse in Part 3.)
 - Anticipated salary or bonus

- Anticipated partnership share or LLC distribution
- Anticipated severance
- Any other outstanding compensation
- 5. Report all items listed below that currently have a value greater than \$1,000 or from which more than \$200 in income was received during the reporting period. If the item is associated with you, report it in Part 2 and describe any arrangement with the law firm (e.g., return of capital account after separation from the firm) in Part 3. (If the item is associated with your spouse, report it in Part 5. Do not report information about your spouse in Part 3.)
 - · Law firm capital account
 - · Law firm stock
 - A financial interest in a contingency fee case (see item 4 in the solo legal practice section for more details on contingency fee cases)
 - A financial interest in an investment fund that the law firm created
 - A financial interest in other firm investments (e.g., real estate partnerships)
 - · Retirement plans
- 6. If your name is used in the name of the law firm, describe what will happen to the firm's name in Part 3 (e.g., "my name will be removed from the name of the firm upon my withdrawal"). Note that the Ethics in Government Act prohibits certain high level government officials from allowing firms to use their names.
- 7. If your law firm is small enough that it will be dissolved after your separation, describe the arrangements for the firm's dissolution in Part 3. (Do not provide information about your spouse's firm in Part 3.)

If you or your spouse are engaged in a solo legal practice, you may find these reminders helpful:

- 1. Report your position as a solo practitioner in Part 1. (Do not report your spouse's position in Part 1.)
- 2. Report the solo practice as a source of income in Part 4 if you earned more than \$5,000 in a calendar year during the reporting period. Also, report the name of any client who paid more than \$5,000 for your services in a calendar year during the reporting period in Part 4. You may describe your services simply as "legal services." (Do not report your spouse's clients in Part 4.)
- 3. Report the exact amount of your income from your solo legal practice during the reporting period in Part 2. Do not report your clients in Part 2. (Report your spouse's solo legal practice as a source of income in Part 5, but do not disclose the amount of income. Do not disclose your spouse's clients in Part 5.)
- 4. Report any interest you have in a contingency fee case in Part 2. You may estimate the value of your interest in the "Value" column. (You may use any good faith method of estimating the value. For example, you may describe the value based on the amount sought by your client in damages, with or without reducing the value based on the likelihood of a favorable decision or settlement.) If you cannot ascertain the value, leave the value field blank and write "value not readily ascertainable" in the "Description" field. In Part 3, describe what will happen to your interest in the contingency fee case upon entering government service. (Do not report information about your spouse's individual cases or clients.)
- 5. Report any anticipated referral fees in Part 2. In Part 3, describe what will happen to your anticipated referral fee upon entering government service. (Do not report information about your spouse's individual cases or clients.)
- 6. In Part 3, describe what will happen to the practice while you are in government (e.g., "it will be placed in an inactive status during my appointment") and any remaining fees owed to you (e.g., "the amounts of all outstanding client fees will be fixed before I enter government service"). Describe any ongoing arrangement for the payment of referral fees by attorneys to whom you refer your clients. (Do not provide information about your spouse in Part 3.)

Additional Checklist for Corporate Officers, Employees, and Directors

The following is a non-exhaustive list of additional items that nominees who are current or former corporate officers, employees, or directors (or are married to current or former corporate officers or directors) often need to include in their public financial disclosure reports:

- 1. Report your position with the corporation in Part 1. (Do not report your spouse's position in Part 1.)
- 2. If you received any of the following kinds of income during the reporting period, report the exact amount of income in Part 2. (If your spouse received any of these types of income, report your spouse's receipt of income in Part 5, but do not include the amount of income.)
 - Salary and/or bonus
 - Director fees
 - · Severance payment
 - Other compensation
- 3. If you are owed any of the following kinds of payments, report the anticipated payments in Part 2, and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Explain your arrangement for the payment in Part 3.
 - Salary and/or bonus
 - Director fees
 - Severance payment
 - Other compensation

- 4. Report in Part 2 any of the employment-related items listed below that you currently hold or from which more than \$200 in income was received during the reporting period. If you currently hold the item, explain in Part 3 what will happen to it when you enter government service (e.g., divest, forfeit, vest, exercise, etc.). (If the item is associated with your spouse, report it in Part 5. Do not provide information about your spouse in Part 3.)
 - Stock options or warrants (incentive, nonqualified, etc.)
 - Restricted stock or restricted stock units
 - Employee stock ownership plan (ESOP) account or employee stock purchase plan (ESPP) account
 - · Stock appreciation right
 - · Dividend equivalent units
 - Phantom stock
 - Deferred compensation plan
 - · Retirement plans
 - Any other asset or right to payment associated with the corporation that you hold as a result of your position with the corporation
- 5. If you will retain any benefits following your separation from the corporation, report them in Part 3. Examples may include health or life insurance; estate, tax, or financial planning services; health club or country club memberships; use of a company car, car service, or plane; use of a residence or office; use of secretarial or IT support; use of a telephone; discounts on company services and products; travel planning services; housing or a mortgage subsidy; tickets or use of a skybox; the right to attend board meetings, other than as an ordinary shareholder of common stock; etc. (Do not provide information about your spouse in Part 3.)

Additional Checklist for University Professors and Deans

The following is a non-exhaustive list of additional items that nominees who are university professors or deans (or are married to university professors or deans) often need to include in their public financial disclosure reports:

- 1. Report your position with the university in Part 1. (Do not report your spouse's position in Part 1.)
- 2. If you received any income from the university during the reporting period, report the exact amount of income in Part 2. (If your spouse received income, report your spouse's receipt of income in Part 5, but do not include the amount of income.)
- 3. If the university owes you a bonus or severance payment, report the anticipated payment in Part 2, and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Describe your arrangement for the payment in Part 3. (If your spouse is owed a payment, report the anticipated payment in Part 5, and indicate the anticipated amount by selecting the appropriate category in the "Value" column. Do not provide information about your spouse in Part 3.)
- 4. If you will be taking a leave of absence from your position while you are in government, report the leave of absence in Part 3. Indicate whether the leave of absence will be paid or unpaid and specify its duration. Indicate whether your employer will continue to make contributions to any retirement plan during your leave of absence. (Do not provide information about your spouse in Part 3.)
- 5. If you will retain any of the benefits listed below during your government service, report the benefits in Part 3. (Do not provide information about your spouse in Part 3.)
 - University housing, a housing allowance, a mortgage subsidy or supplement, a reduced rate mortgage, mortgage loan forgiveness, etc.
 - Reduced tuition rate for a child or other individual
 - Student loan forgiveness

- Subsidized child care
- Any other benefit that will be provided during your leave of absence (other than retention of tenure)
- 6. If you received an honorarium (i.e., fee for speaking, writing an article, or making an appearance) in excess of \$200 during the reporting period, report the honorarium in Part 2. Provide the date your service was provided and indicate the exact amount of the payment in the "Income" column. Be sure to provide an exact amount (e.g., \$7,250) of the payment, instead of merely a category of amount.
- 7. If you are owed an honorarium in excess of \$1,000, report the honorarium in Part 2, and indicate the appropriate category in the "Value" column (e.g., \$1,001-\$15,000), as opposed to the exact amount that you are owed.
- 8. If your spouse received an honorarium (i.e., fee for speaking, writing an article, or making an appearance) in excess of \$200 during the reporting period, report the honorarium in Part 5 and indicate the exact amount of the payment in the "Income" column. Be sure to provide an exact amount (e.g., \$7,250) of the payment, instead of merely a category of amount. (Note: For most types of earned income, you do not have to provide the amount that your spouse received. However, the law imposes a special requirement for honoraria, which requires you to disclose the exact amount that your spouse received for each honorarium payment in excess of \$200.)
- 9. If you have interests in intellectual property (e.g., books, book deals, patents, etc.) that are currently worth more than \$1,000, or from which more than \$200 in income was received during the reporting period, report those interests in Part 2. Also, report any advance on Part 2.
- 10. If your spouse has interests in intellectual property (e.g., books, book deals, patents, etc.) that are currently worth more than \$1,000, or from which more than \$200 in income was received during the reporting period, report those interests in Part 5. Also, report any advance on Part 5.

Additional Checklist for Investment Fund Managers

The following is a non-exhaustive list of additional items that nominees, whose work (or whose spouse's work) involves, or previously involved, managing investment funds, often need to include in their public financial disclosure reports:

- 1. Any paid or unpaid position with the fund manager, the fund, a subaccount, a subsidiary fund, or any other entity or business venture in Part 1. (Do not disclose your spouse's position in Part 1.)
- 2. If you received any of the following payments during the reporting period, report the exact amount of income in Part 2 in the "Income" column. (If your spouse received a payment, report your spouse's receipt of the payment in Part 5, but do not include the amount of the payment.)
 - Salary and/or bonus
 - Severance
 - Other compensation
- 3. If you are owed any of the following types of payments, report the anticipated payment in Part 2 and indicate the anticipated amount by selecting the appropriate category (as opposed to the exact amount) in the "Value" column (as opposed to the "Income" column). Describe your arrangement for the payment in Part 3.
 - · Outstanding bonus payment
 - · Outstanding severance payment
 - Other outstanding compensation

- 4. Report any of the following items that you currently hold (or are owed) or from which more than \$200 in income was received during the reporting period in Part 2. If you currently hold the item, explain in Part 3 what will happen to the item when you enter government service (e.g., divest, forfeit, vest, etc.). (If the item is associated with your spouse, report it in Part 5. Do not provide information about your spouse in Part 3.)
 - Stock (or other equity) in the fund
 - Equity share in a partnership or limited liability company
 - Carried interest
 - Co-investment interest
 - Profit interest
 - Warrants, options, or other equity interest
 - · Any other financial interest, investment, or right
- 5. In Part 8, report any capital commitments by you, your spouse, or your dependent child. Also, describe (either in Part 8 or in an endnote) any arrangement with the fund manager (or with any other individual or entity) to assist you in satisfying this capital commitment (e.g., a leveraging agreement, a subsidy, a supplemental payment, a credit, etc.).
- 6. In Part 3, describe any arrangement related to your work. For example, describe any continuing right, share, interest, payment, etc., associated with the fund manager, the investment fund, or any other entity. (Do not provide information about your spouse in Part 3.)

Additional Checklist for Trust Interests

The following is a non-exhaustive list of additional items that nominees who have an interest in a trust (or whose spouses or dependent children have an interest in a trust) often need to include in their public financial disclosure reports:

- 1. Report your position as trustee of a trust in Part 1, including positions with revocable trusts. (Do not report your spouse's position in Part 1.)
- 2. If you, your spouse, or your dependent child have a revocable trust, report the assets held by the trust in Part 6. You do not need to report the assets from a revocable trust established for you, spouse, or dependent child by someone else.
- 3. If you, your spouse, or your dependent child received a mandatory distribution from a revocable trust, report the trust and distribution in Part 6.
- 4. If you, your spouse, or your dependent child have a vested beneficial interest in income or principal, either current or remainder, in an irrevocable trust, report the trust and the assets held by the trust in Part 6. Your remainder interest must be considered vested by the state law that governs the trust.
- 5. If you, your spouse, or your dependent child have an interest in a discretionary trust, report the discretionary trust on Part 6 and any distribution that you received from the trust.
- 6. If you, your spouse, or your dependent child pays the taxes on an irrevocable trust, report the trust and the assets held by the trust in Part 6.

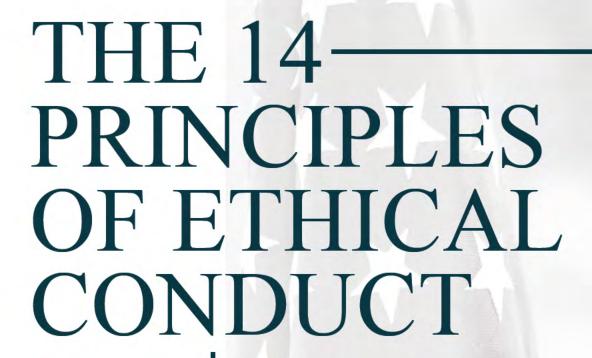
Blind Trusts and Diversified Trusts

You may hear about *qualified blind trusts and qualified diversified trusts* as potential options for addressing ethics issues.

OGE's staff is available to talk to you about these types of trusts, but you should know that the requirements are highly restrictive and usually burdensome. There is almost always a different remedy that is more appropriate for resolving the applicable ethics issues. For this reason, there have been <u>very few</u> qualified blind or diversified trusts in the Executive Branch. You should not set up a blind or diversified trust without first talking to your agency ethics official or OGE.

Here are a few things to keep in mind:

- An existing blind or diversified trust may not be used.
- You should not contact potential trustees without first consulting OGE, as you could disqualify them.
- You must publicly disclose every asset you place in the trust. Later, when you dissolve the trust, you must publicly disclose every asset held in the trust at the time of dissolution.
- You may not instruct a trustee as to types of assets to acquire, and you will not receive information about a trust's holdings until it is dissolved.
- A blind trust does not resolve existing conflicts of interest—an asset you place in a blind trust is not "blind" until it is sold down to \$1,000 or less.



THE 14 PRINCIPLES OF ETHICAL CONDUCT

Under a longstanding Presidential Executive Order, these Principles of Ethical Conduct apply to every Executive Branch employee.

- 1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- 2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- 3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- 4. An employee shall not, except as permitted by [exceptions documented in the *Standards of Ethical Conduct for Employees of the Executive Branch*], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- 5. Employees shall put forth honest effort in the performance of their duties.

- 6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- 7. Employees shall not use public office for private gain.
- 8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- 9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- 10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- 11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- 12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
- 13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of, for example, race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, genetic information, or disability.
- 14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in [the *Standards of Ethical Conduct for Employees of the Executive Branch*]. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

GOVERNMENT ETHICS

Preventing Conflicts of Interest in the Executive Branch

From: Nicole Stein
To: Deborah J. Bortot
Subject: Nominee Guide

Date: Thursday, August 22, 2024 6:52:09 PM

Attachments: 8.22.24 Nominee Guide.pdf

Attachment is draft, WIF per (b)(5)

Hi Deb,

Attached is the Nominee Guide with your comments incorporated (the hyperlink she will do at the very end). If you have any other comments please add them to the document. I then recommend sending to Shelley as she may have time on Monday to review – in case she has any design comments (she usually does). I've mentioned to her that Stephanie is still doing the line by line.

Tiffany is off tomorrow but she can turn to any text changes Stephanie identifies on Monday.

Nicole

From: Nicole Stein

To: Deborah J. Bortot; Tiffany M. Fenix Subject: Nom Guide - additional edits Date: Tuesday, August 20, 2024 3:28:34 PM

Attachments: Final 2024 Nomination Guide (nes).pdf Attachment is draft, WIF per (b)(5)

Tiffany,

Deb and I spoke – see comments on cover. I also marked places where the titlecase needs to be fixed. Please review again to make sure we are using the green text for the titles throughout, looks like there may be some places that use green.

From: Nicole Stein
To: Deborah J. Bortot

Subject: FW: Nomination Guide - ready for cross check
Date: Tuesday, August 20, 2024 3:02:18 PM
Attachments: 07AUG2024 Nomination Guide.pdf

2024 Nominee Guide - Final (proofread).docx

Attachments are drafts, WIF per (b)(5)

From: Nicole Stein

Sent: Wednesday, August 14, 2024 6:06 PM

To: Stephanie J. Dyer <sdyer@oge.gov>; Heather A. Jones <hajones@oge.gov>

Subject: Nomination Guide - ready for cross check

Good evening,

Stephanie, attached is the designed version of the Guide and the word doc. How you marked up the transition doc worked perfectly, please go ahead and use the same process for this document.

You do not need to check page numbers and she is still working on some of the graphics but that does not impact your review.

From: Nicole Stein

To: Tiffany M. Fenix

Subject: RE: Nom Guide

Date:Monday, August 19, 2024 12:59:52 PMAttachments:Final 2024 Nomination Guide (nes).pdf

Attachment is draft, WIF per (b)(5)

I added comments to the titles to signify the first letter of the words that need the first letter to be capitalized.

I added some comments on the cover. For the cover, remove the all caps from U.S. Office of Government Ethics and the The Nominee Guide.

Page numbers. No. Page 1 would start right after the table of contents on the Frist Chapter page.

After you make those changes today, send the covers and document to Deb to get feedback on the cover. Hopefully, Stehpanie will be finished with her review soon.

From: Tiffany M. Fenix <tmfenix@oge.gov> Sent: Monday, August 19, 2024 12:40 PM

To: Nicole Stein <nstein@oge.gov>

Subject: Nom Guide

Message page will be page 1 correct even in the order they have this one in? then I will throw numbers on

I made the lowercase correction to all but am afraid a few headers need some words capital please advise

I attached 3 cover options

And I fixed all the graphic issues
I found some mistakes as well that I fixed

Thank you,
Tiffany Fenix (she/her)
Office of Government Ethics
Visual Information Specialist
Approval Officer
(202) 482-9208

From: Nicole Stein

To: Tiffany M. Fenix

Subject: RE: Nom Guide

Date: Wednesday, August 7, 2024 6:44:35 PM
Attachments: 07AUG2024 Nomination Guide (nes).pdf

Attachment is draft, WIF per (b)(5)

I did a quick comparison – a few comments to incorporate before you send to Deb again.

From: Tiffany M. Fenix <tmfenix@oge.gov> **Sent:** Wednesday, August 7, 2024 6:28 PM

To: Nicole Stein <nstein@oge.gov>

Subject: FW: Nom Guide

I sent this over to Deb.

From: Tiffany M. Fenix

Sent: Wednesday, August 7, 2024 6:27 PM **To:** Deborah J. Bortot dibortot@oge.gov

Subject: Nom Guide

Hello Deb,

This is not complete, but I wanted you to see where I am at currently. I am sorting out the Appendix and fixing graphic elements, colors, page number etc

Just take a look and let me know if generally it feels good overall to you. I will also have cover options for you tomorrow. I will give you a completed layout by mid day tomorrow for you to pass along

Do you want Sect. 1 Sect 2 and Sect 3 to be different shades of green or all the same do you think?

Thank you,
Tiffany Fenix (she/her)
Office of Government Ethics
Visual Information Specialist
Approval Officer
(202) 482-9208

Nicole Stein From:

Webmaster MailGroup To: Subject: To post (can be tomorrow)

Date: Wednesday, August 7, 2024 4:37:20 PM

A Road Map to Ethical Readiness for the Presidential Election and Beyond (2024).pdf <u>Transition Guide.docx</u> Attachments:

First attachment is same as one found starting at page 48, second is nonresponsive record.

See attached.

I would also like this sent to be remediated for 508 concerns.

From: Nicole Stein

To: <u>Deborah J. Bortot; Heather A. Jones; Seth Jaffe; Christopher J. Swartz; David J. Apol</u>

Subject: The "Transition Guide" is ready for publication

Date: Wednesday, August 7, 2024 2:56:20 PM

Attachments: A Road Map to Ethical Readiness for the Presidential Electionand Beyond (2024).pdf

Attachment is same as one found starting at page 48

See attached. I'll work with IT to get it published (Shelley had approved for release before she went on leave).

From: Nicole Stein
To: Tiffany M. Fenix

Subject: RE:

Date: Tuesday, August 6, 2024 5:12:38 PM

Attachments: 06Aug24 Completed 2024 Presidential Transition Guide Hyperlinks (002).pdf

A few things to fix and one link I am checking on Tracy with.

From: Tiffany M. Fenix <tmfenix@oge.gov>
Sent: Tuesday, August 6, 2024 4:39 PM
To: Nicole Stein <nstein@oge.gov>

Subject:

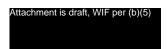
Sorry this kept kicking me out Here is it with links please check

Two questions

Sect 1 pg16 Nom Guide bullet does not have a link and Guide to Drafting PAS bullet does not have a link-I left both black no link

Contact Pg 38 why are some email links started with a capital and some not ...is that correct?

Thank you,
Tiffany Fenix (she/her)
Office of Government Ethics
Visual Information Specialist
Approval Officer
(202) 482-9208



From: Nicole Stein
To: Tiffany M. Fenix

Subject: Completed 2024 Presidential Transition Guide Hyperlinks (nes).pdf

Date: Thursday, August 1, 2024 4:27:04 PM

Attachments: Completed 2024 Presidential Transition Guide Hyperlinks (nes).pdf

See two comments on page 34. And then standby for whether we will add another paragraph. You can work on the nom guide or dashboard while you are waiting.

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 Follow OGE on X: @OfficeGovEthics

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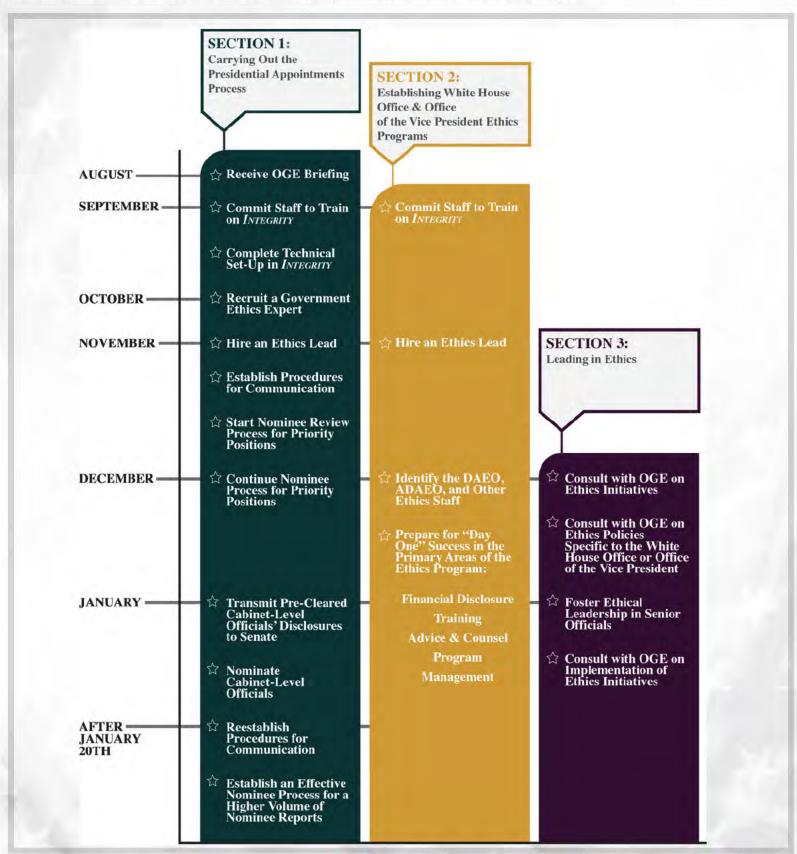
A MESSAGE FROM THE U.S. OFFICE OF GOVERNMENT ETHICS

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

☆ Commit Staff to Train on Integrity

☆ Complete Technical Set-Up in Integrity

◇ 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, webbased 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
- o who will commit significant time to training and practice prior to the election.

The designated four staff members must:

- o attend multiple training sessions,
- o practice on the INTEGRITY training system, and
- o 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:

- o be working for the PTT post-election and the White House post-inauguration;
- o be responsible for nominee work in the post-election period; and
- o 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

☆ Hire an Ethics Lead ☆ Establish Procedures for Communication NOV **☆ Start Nominee Review Process for Priority Positions ☆ Continue Nominee Process for** DEC **Priority Positions ☆ Transmit Pre-Cleared Cabinet-Level** JAN 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

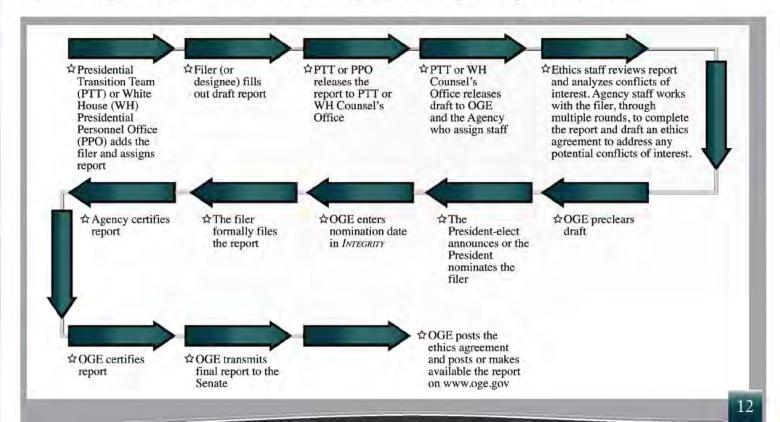
There are three types of positions in the executive branch for which the nominee process varies slightly:

- 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.
- o 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
- 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)
- (Unofficial) Excel Workbook of PAS Nominee Positions Subject to OGE Financial Disclosure Review (2020)
- 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 Inaugration 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:

$\hfill\square$ 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 <i>Integrity</i> has been transferred to the appropriate ethics office.
 Require all senior WHO and OVP employees to formally submit their financial disclosure reports in <i>Integrity</i>.
 Formally submit any requests for a certificate of divestiture to OGE.
\square 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.

☐ 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 <i>Integrity</i> 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.

Within 15 days of appointment:

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
- Financial Disclosure (includes Public and Confidential Financial Disclosure Guides)
- o Election Readiness
- Enforcement Responsibilities
- o OGE Oversight
- 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)
- 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 (See page 34 for more details)

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
- o Ensure that the agency's ethics office has the leadership's support, and the staffing resources it needs.

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@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

— * —

From: Nicole Stein
To: Seth Jaffe
Subject: Transition Guide

Date: Thursday, August 1, 2024 3:23:40 PM

Attachments: 31jul 24 Final 2024 Presidential Transition Guide Final.pdf

Attachment is same as one found starting at page 157

Shelley thinks we need a short paragraph rather then referencing back to page 34.

(b) (5)
how we were going to originally do it. Disregard the space issue.

(b) (5) ,something like that.

From: Nicole Stein
To: Tiffany M. Fenix
Subject: Three additional edits

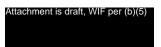
Date: Thursday, August 1, 2024 9:07:30 AM

Attachments: 31jul 24 Final 2024 Presidential Transition Guide Final (page numbers).pdf

Attachment is same as one found starting at page 157

From: Nicole Stein
To: Shelley K. Finlayson
Subject: Nominee Guide

Date:Thursday, August 1, 2024 8:19:20 AMAttachments:30JULY2024 Nomination Guide.pdf



She still has refining to do but this gives you a sense of what's been completed so far.

From: Nicole Stein
To: Shelley K. Finlayson

Subject: Transition Guide - minus the hyperlinks

Date: Wednesday, July 31, 2024 5:51:19 PM

Attachments: 31jul 24 Final 2024 Presidential Transition Guide Final.pdf

Attachment is same as one found starting at page 157

Attached is the guide, minus the active hyperlinks which will be added tomorrow!

From: Nicole Stein
To: Tiffany M. Fenix

Subject: RE: Transition Guide - Final To Do Items
Date: Wednesday, July 31, 2024 2:01:10 PM

Attachments: <u>image001.pnq</u>

No cover Final 2024 Presidential Transition Guide Final (nes)pdf.pdf



It's close but a few edits to be made. I added a note about the page number, please call if it's unclear.

From: Tiffany M. Fenix <tmfenix@oge.gov> **Sent:** Wednesday, July 31, 2024 12:04 PM

To: Nicole Stein <nstein@oge.gov>

Subject: RE: Transition Guide - Final To Do Items

Please see attached for the whole document revised.

- 1. Please check page numbers that they start and are on pages you want them on
- 2. Are we sticking with the critical action charts otherwise will have to revise all them
- 3. I will send cover very shortly
- 4. I would like to add hyperlinks after you look over it and I send covers

From: Nicole Stein <<u>nstein@oge.gov</u>>
Sent: Wednesday, July 3, 2024 12:34 PM
To: Tiffany M. Fenix <<u>tmfenix@oge.gov</u>>
Subject: Transition Guide - Final To Do Items

TO DO TODAY: Review the attached PDF has the remaining changes based on Stephanie's line by line of the design document with the word document. Make sure you understand the comments (as well as my comments on the cover page below) and schedule a meeting for today if we need to discuss. Confirm either way that you have reviewed.

Friday or next WEEK:

- 1. Implement changes in comments.
- 2. Also attached is the updated critical action design you sent me so this document and the Nominee guide better co-exist. You should update the critical actions to reflect this design.
- 3. Add the hyperlinks. You can access the hyperlinks in the final draft (or text changes) linked below.

The Presidential Transition Guide 2024 (04.16.24)(SKF).docx

4. Cover Page Edits – Shelley would like the map to go behind the color sections and then a light grey in the center part. For the sub items below the line, can we see what it looks with the

stars we are using as bullets.

I'll double check everything and then we should be done with this one.

Nicole

From: Nicole Stein
To: Elise Alvidrez-Peek

Subject: FW: 2024 Nominee Guide - Final (proofread).docx

Date: Monday, July 15, 2024 9:30:25 AM

Attachments: 2024 Nominee Guide - Final (proofread).docx

Attachment is draft, WIF per (b)(5)

Will reference this in another email I send.

From: Heather A. Jones hajones@oge.gov

Sent: Friday, May 31, 2024 3:47 PM **To:** Tiffany M. Fenix <tmfenix@oge.gov>

Cc: Nicole Stein <nstein@oge.gov>; Deborah J. Bortot <djbortot@oge.gov>

Subject: 2024 Nominee Guide - Final (proofread).docx

Tiffany-

This has been proofread and is ready for you. Please let me know if you have any questions.

Thanks,

Heather

 From:
 Nicole Stein

 To:
 Tiffany M. Fenix

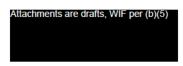
Subject: Transition Guide - Final To Do Items

Date: Wednesday, July 3, 2024 12:34:28 PM

Attachments: Transition Guide (Design) 6.11.pdf

image001.png NEW Crit 1 Graph.png

2024 FINAL Pres Tran Cover 2b.png



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