

**From:** [Nicole Stein](#)  
**To:** [Kehli Cage](#)  
**Subject:** RE: Holdover Appointees  
**Date:** Wednesday, November 22, 2023 2:29:44 PM

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No, not necessarily. (b)(5) - deliberative . Only, if (b)(5) - deliberative

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**From:** Kehli Cage <kcage@oge.gov>  
**Sent:** Wednesday, November 22, 2023 2:27 PM  
**To:** Nicole Stein <nstein@oge.gov>  
**Subject:** RE: Holdover Appointees

So (b)(5) - deliberative , it seems.

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**From:** Nicole Stein <nstein@oge.gov>  
**Sent:** Wednesday, November 22, 2023 2:00 PM  
**To:** Kehli Cage <kcage@oge.gov>  
**Subject:** RE: Holdover Appointees

That's a different question.

Is it that (b)(5) deliberative

DO-09-01 discussed that.

[https://www.oge.gov/Web/oge.nsf/Legal%20Docs/OF98639CCBF056B6852585BA005BECBC/\\$FILE/029ce5b77e7d42928f551da8a94d21492.pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/OF98639CCBF056B6852585BA005BECBC/$FILE/029ce5b77e7d42928f551da8a94d21492.pdf?open) and it is referenced in [LA-21-05](#).

“8. Term Appointees

Presidential appointees to positions with a fixed term of office typically are non-career appointees, even if they are removable only for cause as specified by statute. *See* OGE Informal Advisory Letter 89 x 16. Therefore, non-career term appointees are subject to the Pledge if they are full-time and were appointed on or after January 20, 2009.

Term appointees appointed prior to January 20, 2009 are not required to sign the Pledge. As a practical matter, however, agency ethics officials should counsel such individuals to follow the Pledge to the extent feasible, particularly paragraphs 1, 2, 3 and 6 of the Pledge. Doing so will help to prevent the confusion and questions that could result if these appointees, especially those in visible positions, do not abide by the same gift, recusal, and hiring rules that apply to fellow appointees at the same agency.

A term appointee whose term has expired, but who is permitted by statute to holdover for some period of time, is not subject to the Pledge, provided the appointment preceded January 20, 2009. Where the President has nominated such a term appointee for reappointment for an additional term, the individual must sign the Pledge after Senate Confirmation but prior to reappointment. *See* DAEOgram DO-09-005. Again, as described in the previous.”

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**From:** Kehli Cage <[kcage@oge.gov](mailto:kcage@oge.gov)>  
**Sent:** Wednesday, November 22, 2023 1:54 PM  
**To:** Nicole Stein <[nstein@oge.gov](mailto:nstein@oge.gov)>  
**Subject:** RE: Holdover Appointees

Thank you Nicole, I think (b)(5) - deliberative - maybe that's my dilemma.

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**From:** Nicole Stein <[nstein@oge.gov](mailto:nstein@oge.gov)>  
**Sent:** Wednesday, November 22, 2023 11:39 AM  
**To:** Kehli Cage <[kcage@oge.gov](mailto:kcage@oge.gov)>  
**Subject:** RE: Holdover Appointees

Kehli,

I have some familiarity with because of the AQ.

Check out

[https://www.oge.gov/Web/oge.nsf/Legal%20Docs/DD9C58B2C02A3B0C85258686004AAAA3/\\$FILE/LA-21-05.pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/DD9C58B2C02A3B0C85258686004AAAA3/$FILE/LA-21-05.pdf?open) which references old guidance on holdover appointees that is still relevant.

Do-09-010

[https://www.oge.gov/Web/oge.nsf/Legal%20Docs/0F98639CCBF056B6852585BA005BECBC/\\$FILE/O29ce5b77e7d42928f551da8a94d21492.pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/0F98639CCBF056B6852585BA005BECBC/$FILE/O29ce5b77e7d42928f551da8a94d21492.pdf?open)

DO-09-014:

[https://www.oge.gov/Web/oge.nsf/Legal%20Docs/FEFB5781E85CC9D5852585BA005BECBA/\\$FILE/DO-09-014.pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/FEFB5781E85CC9D5852585BA005BECBA/$FILE/DO-09-014.pdf?open)

Quick summary:

My understanding, If (b)(5) - deliberative

[REDACTED]

If (b)(5) - deliberative

[REDACTED]

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**From:** Kehli Cage <[kcage@oge.gov](mailto:kcage@oge.gov)>

**Sent:** Wednesday, November 22, 2023 11:03 AM

**To:** DeskOfficers MailGroup <[DeskOfficersMailGroup@oge.gov](mailto:DeskOfficersMailGroup@oge.gov)>

**Subject:** Holdover Appointees

Happy Pre-Thanksgiving Everyone!

I would like to clarify a few things regarding Holdover Appointees (b)(5) deliberative

[Redacted]

[Redacted]. Is this still true? We've said in previous guidance

(b)(5) - deliberative

[Redacted]. I wanted to check on this! Has anyone encountered similar?

Kehli