



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

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PROGRAM ADVISORY

TO: Designated Agency Ethics Officials

FROM: Walter M. Shaub, Jr.
Director

SUBJECT: 2014 PAS Nominee Ethics Agreement Guide

In DAEOgram DO-01-013 (Mar. 28, 2001), OGE first provided guidance to agency reviewers who draft ethics agreements for nominees to positions requiring Senate confirmation (“PAS nominees”). Since then, we have had the benefit of working closely with agency reviewers to develop ethics agreement language addressing a variety of circumstances. The result has been a body of work that represents the joint product of OGE and the agencies to which PAS nominees are appointed.

That body of work is reflected in the PAS Nominee Ethics Agreement Guide, which we first issued in February 2008 and are reissuing now with updates based on the ethics community’s experience using the guide over the last six years. Our intention is to spread the benefit of individual experiences with such agreements evenly across the executive branch. We also encourage you to read the introductory section for a discussion of considerations relevant to the process of drafting ethics agreements.

One change found throughout the 2014 version of the guide is the addition of the knowledge element. OGE traditionally considered the knowledge element to be implied in ethics agreements. Based on feedback from ethics officials and PAS nominees, OGE was persuaded to include language expressly addressing knowledge in the guide. However, when reading executive branch ethics agreements, readers should not misconstrue any omission of language addressing the knowledge element as signaling that the PAS nominee either has waived the knowledge element or has committed to recuse even when the PAS nominee lacks knowledge of a conflict of interest. In such cases, the knowledge element is understood to remain applicable.

A copy of the revised Ethics Agreement Guide, September 2014 edition, is attached.

Attachment: [Ethics Agreement Guide](#)