



THE
PRESIDENTIAL
TRANSITION
GUIDE

U.S.
OFFICE OF
GOVERNMENT
ETHICS

THE PRESIDENTIAL TRANSITION GUIDE

OGE

The Presidential Transition Act requires federal agencies to prepare for a possible Presidential transition prior to each Presidential election in order to minimize potential disruptions in the transfer of executive power if a new President is elected. This guide is designed to fulfill that requirement. It provides information about the nomination process for Senate-confirmed Presidential appointees (PAS) and the executive branch ethics program. In particular, the guide provides practical guidance, a timeline, and step-by-step information about the ethics review process for PAS nominees during both pre and post-election periods. The guide also provides information regarding how the U.S. Office of Government Ethics can assist with other ethics issues and provides advice on making ethics a priority from the beginning of an administration. Finally, the guide provides a list of helpful online resources and contact information.

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 Twitter: [@OfficeGovEthics](https://twitter.com/OfficeGovEthics)

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INTRODUCTION

I



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.

The U.S. Office of Government Ethics (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. During the transition, OGE works in partnership with the Presidential Transition Team (PTT) to ensure that prospective nominees are free of 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 process. This guide identifies ways OGE can help, explains the nominee ethics process and procedures, and provides strategies for establishing a strong ethical culture in the new Presidential administration. At the end of the guide, we also provide useful reference information.

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.

HOW OGE CAN HELP WITH THE TRANSITION

OGE is ready to assist the PTT in navigating the transition and laying the groundwork for a strong ethical culture in the executive branch. OGE can also assist in establishing a strong White House ethics program. The following section highlights some of the ways OGE can help.

1 Early coordination with OGE before and after the election

It is important to establish lines of communication with OGE before the election. Please contact OGE's Director in August to schedule an initial briefing for campaign officials engaged in planning Presidential transition activities. At the initial meeting, OGE and the PTT also can agree to procedures for interactions going forward, in particular related to conveying information about potential nominees. OGE can provide assistance on the following:

- * The Presidential nomination process
- * Financial disclosure requirements
- * Electronic filing of financial disclosure reports
- * Informal pre-review of prospective nominees
- * Ethics agreements and how they are used to prevent conflicts of interest
- * Technical assistance on ethics initiatives
- * Best practices for expediting the ethics review for nominees

2 Early ethics review of nominee financial disclosure reports

The financial disclosure vetting process for a potential nominee can take weeks, and sometimes months. Nominees often have complex financial investments and employment arrangements that are difficult to untangle. We will help work through those issues effectively and efficiently. We also recommend that the PTT and White House collect draft financial disclosure reports from nominees and provide them to OGE as soon as possible, in order to avoid delays in the nomination process. In addition, we recommend that the PTT and White House encourage the nominees to respond promptly to agency ethics officials to expedite the process.

3 Preliminary consultations on prospective nominees

OGE can provide preliminary consultations regarding a nominee's potential conflicts of interest. These consultations are critical to determine whether the nominee's financial interests would make nomination for one or more possible positions impracticable. For example, one obstacle may be a nominee's unwillingness or inability to divest a specific financial interest in a family trust. Without identifying the individual, the PTT or White House can describe the financial interest and the position being considered. OGE and the prospective agency can then provide a tentative assessment as to whether that financial interest would likely pose a conflict of interest for a nominee in that position.

4 Ethics agreements

The ethics agreement outlines specific steps a nominee will take to avoid conflicts of interest. OGE's staff and agency ethics officials draft each ethics agreement using standardized language from OGE's ethics agreement guide that they modify as needed to tailor the agreement to the nominee's unique circumstances.

5 Technical assistance with ethics initiatives

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. OGE can identify potential unintended consequences of policy decisions or specific language and can identify a variety of options to achieve the President-elect's objectives.

6 Training and guidance on government ethics

On January 20, if a new White House staff takes the reins of power, they will need to respond immediately to countless urgent matters of national importance. The terrain will be fraught with ethical landmines that can lead to criminal, civil, and administrative penalties for individual appointees and to embarrassment for the new administration.

OGE can help prevent problems by conducting government ethics training for new White House officials, either before or after January 20. OGE also will continue to support the White House Counsel's Office (WHCO) by providing guidance when issues arise. In addition, OGE can assist in establishing an organized and effective ethics program in the Executive Office of the President and the Office of the Vice President.

7 Training on the electronic filing system, *Integrity*

Nominees file their financial disclosure reports through the executive branch's electronic filing system, which is named *Integrity*. Although *Integrity* is a "smart" system that guides nominees through the process of filing their reports, before any potential nominees can have access to the system, OGE will need to train at least two members of the PTT staff to serve important roles in the system.

8 Coordinating contacts with agency ethics officials

During the Presidential transition and in the first days of a new administration, it can be hard to know who to call in the Government. OGE can help the PTT or White House reach the right people. OGE oversees a network of over 4,500 agency ethics officials spanning every agency in the executive branch. OGE can leverage this network to connect the PTT or White House with the right people to assist with a wide variety of issues.

SETTING THE TONE

The PTT plays an essential role in setting the tone for the early days of an administration. (The same will be true for the White House's Presidential Personnel Office after the inauguration.) 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.

At the heart of the executive branch 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 PTT and White House 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 PTT and White House can charge them with building ethical organizational cultures to make ethics a priority in their agencies.



SENIOR LEADERS
AT THE AGENCIES
WILL PLAY A KEY
ROLE IN ENSURING
THE AGENCY
HAS AN ETHICAL
CULTURE.


The PTT and White House also can 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:

- * 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;
- * Communicate the agency's core values and work to sustain an ethical culture in which employees put the interests of the public first; and
- * Ensure that the agency's ethics office has the leadership support and the staffing resources it needs.



PRESIDENTIAL NOMINEES

II



OGE'S GOALS ARE TO ENSURE COMPLIANCE WITH ETHICS AND DISCLOSURE REQUIREMENTS AND, WHEREVER POSSIBLE, TO REDUCE THE BURDEN ON THE NOMINEE.

OGE'S ROLE IN PRESIDENTIAL NOMINATIONS

The law requires OGE to review the financial disclosure reports of most Presidential nominees for civilian positions requiring Senate confirmation. OGE reviews these reports for potential conflicts of interest and for compliance with disclosure requirements. OGE's efforts to resolve potential conflicts help ensure that nominees will be able to perform the duties of their positions without conflicts of interest.

OGE's staff works in concert with agency ethics officials to review nominees' draft financial disclosure reports. Then, agency ethics officials work directly with nominees or their representatives to assist them in revising their draft reports. Agency ethics officials also supply knowledge regarding their agencies' missions and activities that is crucial to analyzing potential conflicts of interest. Together, OGE's staff and agency ethics officials identify potential conflicts of interest and draft ethics agreements that include the steps the nominee must take to resolve them. The commitments that nominees make in their ethics agreements ensure that they will be able to carry out their duties as Presidential appointees effectively and honorably.

OGE brings to this job a wealth of expertise and experience. OGE's goals are to ensure compliance with ethics and disclosure requirements and, wherever possible, to reduce the burden on the nominee.

CRITICAL MILESTONES

This timeline illustrates critical milestones for the PTT with regard to the ethics review of prospective Presidential nominees.

AUG	<p>OGE BRIEFING In August, a high-level team meets with OGE to receive a briefing and to make plans for the ethics review of nominees.</p>
SEP	<p>ADMINISTRATOR In September, designate PTT's Administrator for electronic filing, and send that individual to training at OGE.</p> <p>SET-UP PTT staff work with OGE to complete the technical set up of PTT's e-filing process for nominees in September.</p>
OCT	<p>RECRUIT In October, recruit a financial disclosure expert to detail from an agency or to hire.</p>
NOV	<p>ETHICS LEAD Immediately following the election, detail or hire a financial disclosure expert to coordinate with OGE.</p> <p>DISCLOSURE Require prospective nominees for priority positions to complete draft.</p> <p>NOMINEES In November, provide prospective nominees with OGE's Nominee Guide.</p> <p>REVIEW Starting as early as possible in November, send nominee financial disclosure reports to OGE and agencies for review.</p>
DEC	<p>SURGE In early December, significantly increase the volume of financial disclosure reports submitted to OGE and agencies for review.</p>
JAN	<p>HEARINGS In January, the Senate traditionally holds hearings for cabinet officials, even though they have not been formally nominated.</p> <p>NOMINATE On January 20, the President nominates cabinet-level officials.</p>

WHAT TO TELL NOMINEES

Nominees must be aware that ethics laws and regulations will require them to take certain actions to avoid conflicts of interest. A nominee's willingness to agree to the proposed ethics agreement including the proposed resolutions to potential conflicts of interest will accelerate the preclearance process. In addition, nominee responsiveness is a significant factor in expediting the review of a financial disclosure report. Nominees should respond promptly to questions from ethics officials and requests to revise the financial disclosure report in order to avoid delays. In addition, a nominee's reluctance to agree to take the steps necessary to resolve a potential conflict of interest can slow down the review process significantly.

Below is suggested language that the PTT or White House can email to nominees:

1. 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 items that may raise impartiality concerns have been identified. At that point, ethics officials will determine the actions that you, your spouse, and your minor children may be required to take to address those items.
2. 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.
3. 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.

4. The conflict of interest laws likely will necessitate changes in your business relationships and volunteer activities, 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 promptly to questions from agency ethics officials and when asked to revise your financial disclosure report.
7. Before you approve an ethics 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. Reviewing OGE's Nominee Guide at the beginning of the ethics process will help the process go more smoothly. A link to the Nominee Guide is included in this email. The information in the Nominee Guide is provided to help you determine if you want to pursue a federal position and to avoid surprises late in the vetting process.
9. Once you are in your government position, you will have ongoing ethics training and financial disclosure requirements that are outlined in the Nominee Guide. It is important that you set the tone that compliance with these requirements is an obligation of public service and important to ensuring public confidence in government decision-making.



TAKING A SENIOR
FEDERAL POSITION
MAY REQUIRE
SIGNIFICANT
FINANCIAL
SACRIFICES BY THE
NOMINEE AND
THEIR IMMEDIATE
FAMILY.

INPUT DETERMINES OUTPUT

The President will need to fill nearly 1,100 Senate-confirmed civilian positions in the executive branch. This is no small undertaking. It will often take weeks and sometimes months to complete an individual report. OGE can expedite individual reports upon request, but the trade-off is that expediting one report may cause another one to take longer. In order to fill leadership positions early in the administration, OGE encourages the PTT to invest the resources to identify candidates and bring those candidates into the vetting process as early as possible.

While OGE's nominee process is highly efficient, OGE cannot review financial disclosure reports it has not received. The sooner OGE receives reports, the sooner OGE can clear them.



NOMINEE RESPONSE TIME MATTERS

The single biggest factor affecting the time it takes to review a nominee's financial disclosure report is the responsiveness of the nominee. Multiple rounds of questions and revisions are usually needed before a report can be finalized—the financial disclosure requirements in the Ethics in Government Act are just that complex.

Delays can occur whenever a nominee is slow in:

- * Gathering documents needed to complete the financial disclosure report;
- * Contacting 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;
- * Responding to questions from OGE or agency ethics officials; and
- * Wrapping 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 the steps required to resolve conflicts of interest, such as resignation, divestiture, or recusal.

THE SINGLE BIGGEST FACTOR
AFFECTING THE TIME IT TAKES
TO REVIEW A NOMINEE'S
FINANCIAL DISCLOSURE REPORT
IS THE RESPONSIVENESS OF THE
NOMINEE.

Here are three simple ways the PTT and the White House can reduce nominee response time:

- * Emphasize the importance of nominees responding when OGE or agency ethics officials request additional information or corrections to the financial disclosure report;
- * Warn nominees in advance that ethics laws and regulations may require them to make changes to their financial holdings; and
- * Provide nominees with OGE's Nominee Guide.



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, in a vast majority of cases it has proven highly effective in enabling OGE to quickly certify the report once a candidate is nominated. In the unusual case new issues or questions arise at the time of nomination, OGE will expedite efforts to work with the nominee to quickly resolve those issues.

INTEGRITY, THE ELECTRONIC FILING SYSTEM

Presidential nominees in the executive branch file public financial disclosure reports through *Integrity*, the executive branch electronic financial disclosure system. *Integrity* is a secure web-based system that can be accessed from any computer with internet access and a login and password through www.integrity.gov. The system allows fully electronic filing, review, routing, certification, and transmission so that the nominee process continues to seamlessly operate in a virtual/telework environment.



Integrity employs a combination of smart data-entry tables and context-dependent questions to guide nominees through the complex financial disclosure requirements. It also allows nominees to request login information for a third-party representative to assist with completion of the report.

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, even OGE and the nominee's agency will be unable to access that data until the PTT releases it to OGE.

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.



**ESTABLISHING
PROCEDURES**

III

INVESTING IN THE NOMINEE PROCESS

An ineffective nomination process can cause delays in getting the President's leadership team in place. Unresolved conflicts of interest can derail a nomination or ultimately expose Presidential appointees to potential criminal, civil, or administrative penalties for inadvertent violations of law. More broadly, these problems can spell trouble for a new Presidential administration.

AN INEFFECTIVE NOMINATION PROCESS CAN CAUSE DELAYS IN GETTING THE PRESIDENT'S LEADERSHIP TEAM IN PLACE.

For these reasons, it is vitally important for the PTT to invest in getting the ethics part of the nomination process right. This means understanding what is required and what needs to be done. This section provides detailed information to assist in establishing effective procedures. The information in this section is intended primarily for transition team members who are directly involved in nominations.

OBTAINING NEEDED EXPERTISE

It is important to have a government ethics expert on the PTT. In the past, transition teams have detailed senior ethics officials from the executive branch. If needed, OGE can recommend ethics officials to serve as a detailee. Alternatively, the PTT can secure the services of an experienced government ethics expert from outside the Government.

In either case, this individual can coordinate with OGE and manage the release of nominee reports to OGE and agency ethics officials. In this regard, it would help if the individual has previously used the electronic filing system, *Integrity*.

INITIATING REPORTS IN *INTEGRITY*

As discussed in the previous section, nominee reports are processed through *Integrity*, the executive branch electronic filing system. *Integrity* is configured for a seamless handoff from the PTT to the new White House. In order to accomplish this handoff, the PTT needs to establish procedures that parallel the procedures the new White House will use after the inauguration.

After the inauguration, the White House's Presidential Personnel Office (PPO) will manage the nominee process. The White House PPO will collect and release a nominee's financial disclosure report to the White House Counsel's Office (WHCO). Then, WHCO will be responsible for releasing the nominee's report to OGE and the nominee's prospective agency.



Integrity is configured to accommodate this process, with separate user roles for PPO and WHCO. For this reason, prior to the inauguration the PTT needs to assign members of its staff to serve in the *Integrity* roles of PPO and WHCO, as illustrated on the next page.

OGE recommends that the PTT send the two team members assigned to the PPO and WHCO roles in *Integrity* to OGE for training on the use of *Integrity*. OGE can train additional people in each functional area, so the PTT can have additional coverage.

SEQUENCE OF THE NOMINEE PROCESS

The nominee process prior to the inauguration usually flows in the following sequence:

INITIATION OF THE NOMINEE PROCESS

Transition Team: The transition team emails the prospective nominee OGE’s “[Nominee Guide](#).”

Transition Team: A transition team member assigned to the “PPO” role in *Integrity* registers the prospective nominee in *Integrity* and initiates a financial disclosure report. *Integrity* automatically emails the prospective nominee a notice with instructions.

Nominee: The prospective nominee completes a draft financial disclosure report in *Integrity* and submits it to the transition team by clicking the “submit” button.

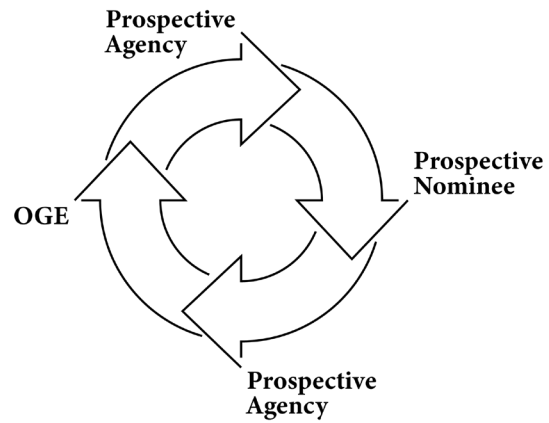
Transition Team: The transition team member assigned to the “PPO” role in *Integrity* releases the report to the transition team member assigned to the “WHCO” role in *Integrity*.

Transition Team: The transition team member assigned to the “WHCO” role in *Integrity* releases the report through *Integrity* to OGE and the prospective nominee’s agency.

FINANCIAL DISCLOSURE REVIEW AND CONFLICTS OF INTEREST ANALYSIS

OGE/Agency/Nominee: OGE and agency ethics officials work with the prospective nominee to perfect the report and prepare an ethics agreement. This work takes multiple rounds of questions, revisions, and determination of workable resolutions to any potential conflicts of interest. This period of the review can take between weeks and months depending on the responsiveness of the prospective nominee and the complexity of the financial arrangements of the nominee and the nominee’s immediate family.

OGE: OGE then “preclears” the report in *Integrity*.



NOMINATION AND THE CONFIRMATION PROCESS

Transition Team: The transition team 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 it was not signed earlier. After the nominee takes these actions, the agency certifies the report 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.

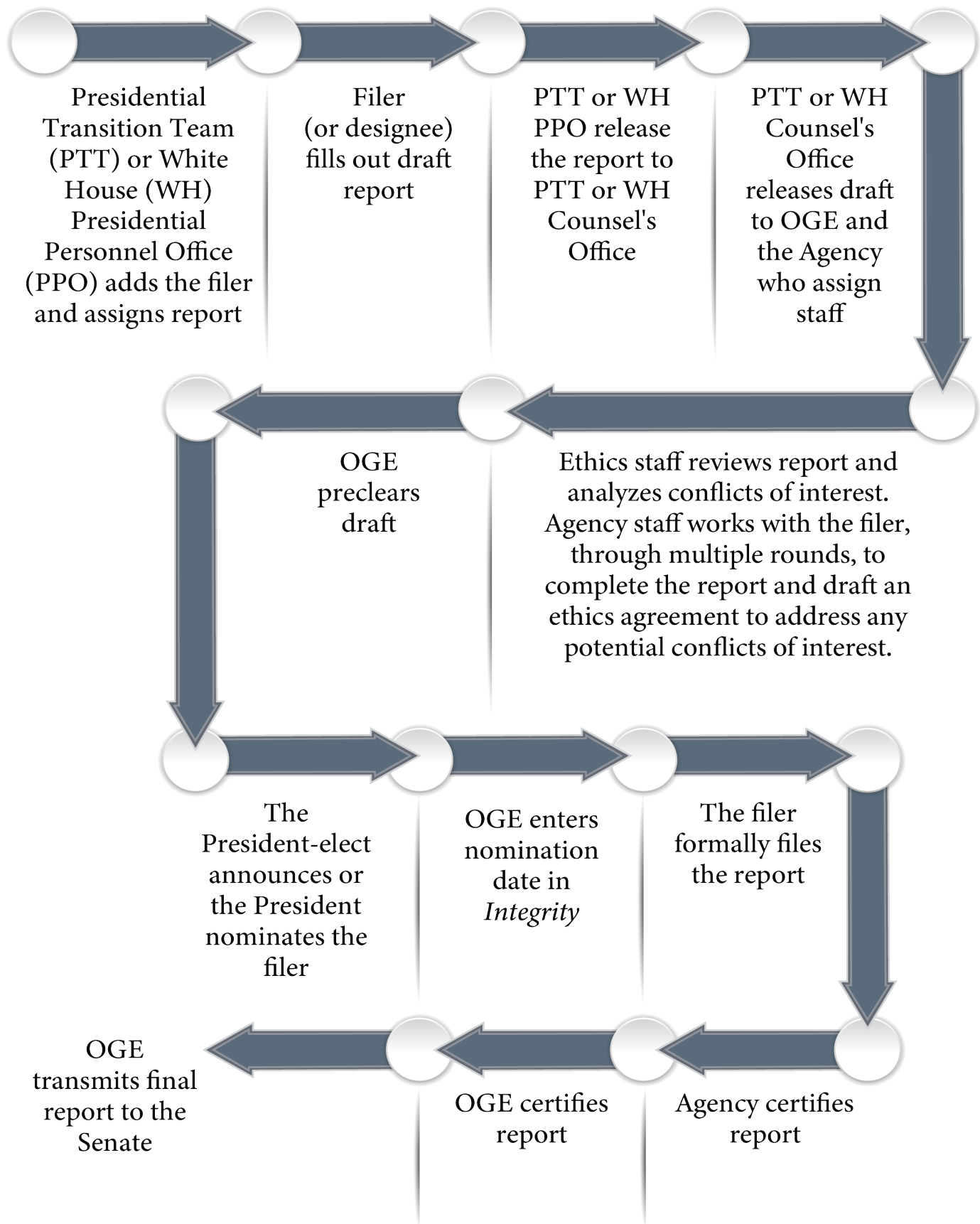
Agency/Nominee: Within 5 days of the Senate hearing, the nominee provides the agency with a letter containing updated information about earned income. The agency sends copies of the letter to OGE and the Senate.

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.

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.

NOMINEE PROCESS FLOWCHART



VARIATIONS

There are three types of positions in the executive branch for which the 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.

During the transition, both of these departments serve in the “PPO” role in *Integrity*, while the PTT serves only in the “WHCO” role in *Integrity*. Accordingly, the PTT will be unable to view these financial disclosure reports until the departments release them through *Integrity*. After the departments release these reports, the PTT will then release the reports to OGE.





RESOURCES

IV

KEY ONLINE RESOURCES

Several key resources are available to transition team members involved in the ethics component of the nominee process:

OGE'S WEBSITE (www.oge.gov)

OGE's official website has a wealth of resources and tools that will be useful to transition team members. These tools include:

- * [Nominee Guide](#)
- * [Public Financial Disclosure Guide](#)
- * [Confidential Financial Disclosure Guide](#)
- * [Guide to Drafting Nominee Ethics Agreements](#)
- * [Conflicts of Interest Guidance by Type of Financial Interest](#)
- * [Legal advisories covering a variety of ethics topics](#)

***Integrity* Information for agencies with PAS nominees**

The *Integrity* Nominee Functionality resource page provides information for agencies who will use *Integrity* for Nominee reports filed for PAS positions traditionally subject to OGE's review in the nomination process. It can be found on the *Integrity* webpage, www.integrity.gov. OGE can provide a copy to the PTT upon request.

PAS POSITION SPREADSHEETS

The official source for identifying political positions in the executive branch is the publication titled, “United States Government Policy and Supporting Positions.” This publication, commonly known as the Plum Book, is published alternately by the Senate and the House committees after each Presidential election. An online version of the Plum Book is available [here](#).

As explained earlier in this guide, however, the PTT will need to begin identifying possible nominees well before the election. To assist the PTT in this process, OGE has compiled an Excel workbook listing the civilian PAS positions traditionally subject to OGE’s review in the nomination process. OGE can provide this Excel workbook to the PTT upon request. The workbook contains information about the categories of civilian PAS nominees. The Excel workbook is available [here](#).

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OGE INFORMATION

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The preferred method for transmitting documents to OGE is electronically by scanned attachment via email. If you need to send documents by mail or by hand delivery, OGE's street and mailing address is:

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(for deliveries dial 202.482.9250 from the building lobby)

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch