



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
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July 19 2007
DO-07-022

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Robert I. Cusick
Director

SUBJECT: Presidential Recess Appointees—Modification of OGE Process

This DAEOgram addresses two issues relating to recess appointees: public financial disclosure reports and ethics agreements. OGE has decided to handle the public financial disclosure reports (SF 278s) and ethics agreements of individuals who are recess appointed the same way it treats the reports and agreements of individuals who are Presidentially appointed and Senate confirmed (PAS). Therefore, OGE will perform the final review and certification of recess appointees' annual and termination public financial disclosure reports. OGE will also track compliance with recess appointees' ethics agreements. This process is effective for all recess appointees who assume the duties of their position (start date) after the date of this DAEOgram.

Occasionally, the President may appoint an individual to a position that requires Senate confirmation during the time the Senate is in recess. Generally, at the time the appointment is made, these individuals have already had their nominee SF 278s and, when applicable, their ethics agreements approved by OGE and forwarded to the appropriate Senate confirmation committee. Therefore, recess appointees' nominee reports can be treated as their new entrant SF 278. Any ethics agreements that recess appointees have entered into as part of the nominee approval process will be effective on their start date. This start date will begin the three-month period the appointees have in which to comply with the terms of their ethics agreements.

Below are some items to keep in mind when implementing this process for the annual and termination SF 278s and ethics agreements of recess appointees. Issues relating to compliance with ethics agreements are discussed more fully in [DAEOgram DO-01-013](#), dated March 28, 2001 (attached for your convenience).

- Agency ethics officials must forward to OGE for final review and certification recess appointees' annual and termination SF 278s.

- Agency ethics officials must notify OGE of the date recess appointees assume the duties of the position (start date) even if that date is the same as the appointment date. The start date will begin the three-month ethics agreement compliance period.
- Agency ethics officials must coordinate with OGE if they wish to amend a recess appointee's ethics agreement from that which was agreed to as part of the appointee's nominee SF 278 approval process.
- Agency ethics officials must receive evidence of compliance from the recess appointee during the three-month compliance period. This evidence must then be transmitted to OGE.

If you have any comments or questions, please contact Tom Zorn, Deputy Associate Director for Financial Disclosure, at 202-482-9287 or tfzorn@oge.gov.