



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

October 7, 2003  
DO-03-019

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Marilyn L. Glynn  
General Counsel

SUBJECT: Annual Update of 18 U.S.C. § 207(c) Component  
Designations

The Director of the Office of Government Ethics (OGE) is authorized by 18 U.S.C. §§ 207(h) to designate separate departmental and agency components for purposes of 18 U.S.C. § 207(c), the one-year post-employment restriction applicable to former "senior" employees. Procedures for the designation of components are prescribed in 5 C.F.R. §§ 2641.201(e). Current component designations are set forth in Appendix B of part 2641.

Designated Agency Ethics Officials are required by section 2641.201(e)(3)(ii) to forward to OGE by November 30 of each year "a letter stating whether components currently designated should remain designated . . ." If your department or agency currently has components that are designated for purposes of 18 U.S.C. § 207(c) and no changes are needed, please confirm in writing that the current list of designations in Appendix B does not require revision. Any request to modify the existing list of components should be submitted in accordance with the procedures set forth in section 2641.201(e). We ask that each "parent" department or agency submit a consolidated response on behalf of all of its components. You need not reply if your department or agency currently has no designated components and you do not wish to request the designation of any component.

This year, we also want to take the opportunity to invite DAEOs to specifically address any changes to their component designations that are necessitated by reorganizations occurring after the Homeland Security Act of 2002. We are aware that a number of agencies and departments have lost and/or gained components as a result of the recent reorganization, and we want to make sure that

Designated Agency Ethics Officials

Page 2

the list of designated components in Appendix B is as accurate as possible.

In deciding whether to request any component designations, you should consider the criteria set out in section 2641.201(e)(6) & (7). In addition to the non-exclusive list of factors found in those provisions, please note that OGE has relied on other factors on a case-by-case basis in the past, including: whether the component exercises responsibilities that cut across organizational lines within the parent department; the size of the component in absolute terms; the size of the component in relation to other agencies or bureaus within the parent; and whether the component would be encompassed or otherwise supervised by another designated component.

We very much appreciate your cooperation in this matter. If you have any questions, please contact Richard M. Thomas, Associate General Counsel, at 202-482-9278.