



## **Recommended Centralized Ethics Records Database**

The Project On Government Oversight recommends the creation of a centralized database on the website of the Office of Government Ethics (OGE) that would afford the public access to specified ethics records of high-level Department of Defense officials. In some cases, the records would be available for viewing online; in others, they would be available for requesting through an online portal that OGE has already created.<sup>1</sup> The database would include records of political appointees serving in executive branch positions at the following levels: GS-15, noncareer Senior Executive Service, Presidential Appointee not requiring Senate confirmation (PA), and Presidential Appointee in a Senate-Confirmed position (PAS). The database would exclude records of informal ethics advice or classified information. The database would include the following ethics records, all of which currently can be requested under either ethics laws or the Freedom of Information Act:

- Public financial disclosure report (5 U.S.C. app. §§ 101(a)-(e), 103(l))
- Post-government employment opinion (section 847 of the 2008 NDAA (Pub. L. 110-181))
- Waiver of conflict-of-interest law (18 U.S.C. § 208(b)(1))
- Waiver of post-employment restriction (18 U.S.C. § 207(c)(2)(C), (k))
- Waiver of recusal after receipt of extraordinary payment (5 C.F.R. § 2635.503(c))
- Waiver of public financial disclosure requirements (5 U.S.C. app. § 101(i))
- Waiver of requirement to disclose gift (5 U.S.C. app. § 102(a)(2)(C))
- Authorization not to recuse despite impartiality concerns (5 C.F.R. § 2635.502(d))
- Authorization not to recuse from matter involving prospective employer (5 C.F.R. § 2635.605(b))
- Authorization to accept free attendance at widely attended gathering (5 C.F.R. § 2635.204(g))
- Authorization to engage in teaching for compensation (5 U.S.C. app. § 502(a)(5))
- Approval of outside activity (5 C.F.R. § 2635.803)
- Approval of attendance at a social event (5 C.F.R. § 2635.204(h)(3))
- Certificate of divestiture (26 U.S.C. § 1043)
- Certificate of divestiture request (5 C.F.R. § 2634.1004)
- Determination of directed divestiture (5 C.F.R. § 2635.402(e)(2))
- Determination of substantial conflict of interest (5 C.F.R. §§ 2635.403(b), 2635.604(d))
- Determination that recusal is not required (5 C.F.R. § 2635.502(c))
- Employment negotiation notice (released if employment offer accepted) (P.L. 112-105, § 17)
- Ethics agreement (5 C.F.R. § 2634.802)
- Ethics agreement compliance records (5 U.S.C. app. § 110; 5 C.F.R. § 2634.804)
- Ethics opinion regarding PAS nominee (5 C.F.R. §§ 2634.605(c)(2)(ii), 2634.606(c))
- Exclusion from financial disclosure requirements (5 U.S.C. app. § 101(f)(5))
- Qualified blind trust records (5 U.S.C. app. § 102(f)(5)(D))
- Screening arrangement (5 C.F.R. § 2635.402(c)(2))
- Signed ethics pledge (E.O. 13989)
- Updated income disclosure by PAS nominee (5 C.F.R. § 2634.606)

<sup>1</sup> Office of Government Ethics, “Officials’ Individual Disclosures Search Collection,” <https://www.oge.gov/web/oge/nsf/Officials%20Individual%20Disclosures%20Search%20Collection?OpenForm>.