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# Nominee Financial Disclosure During a Presidential Transition

Every four years, the United States conducts a presidential election. In instances where a transition from one presidential Administration to another occurs, one of the President-elect's tasks is to fill more than 1,000 Senate-confirmed civilian positions in the executive branch.

The Ethics in Government Act (EIGA; 5 U.S.C. §§13101-13111) requires nominees to certain positions requiring Senate confirmation (under the Constitution's advice and consent clause (Article II, Section 2)) to complete financial disclosure forms. Federal agencies and the Senate may use the disclosed information to inform the confirmation process and to identify and remediate real or perceived conflicts of interest, as necessary.

Public financial disclosure by high-level Government employees was introduced into law to provide a tool for identifying and resolving potential conflicts of interest and to increase public confidence in the Government. It is fundamental to the executive branch ethics program.

—Office of Government Ethics, *Report on Improvements to the Financial Disclosure Process for Presidential Nominees*, April 2001, p. 2

## Nominee Financial Disclosure Process

Upon winning the presidential election, the President-elect begins the process to transition from campaigning to governing. As noted by the Government Services Administration (GSA), “in just over ten weeks between the election and inauguration, a president-elect must prepare to take control of an executive branch that comprises over 140 agencies, hundreds of sub-components, and millions of civilian and uniformed personnel.”

Part of this transition process is the identification of individuals to fill to-be-vacant roles within the government. The EIGA requires that individuals who are nominated to positions requiring Senate confirmation submit financial disclosure forms, which are then reviewed by the nominee's prospective agency, the Office of Government Ethics (OGE), and the Senate committee evaluating their nomination. Individuals may begin to file financial disclosure forms upon the President's announcement of the intent to nominate.

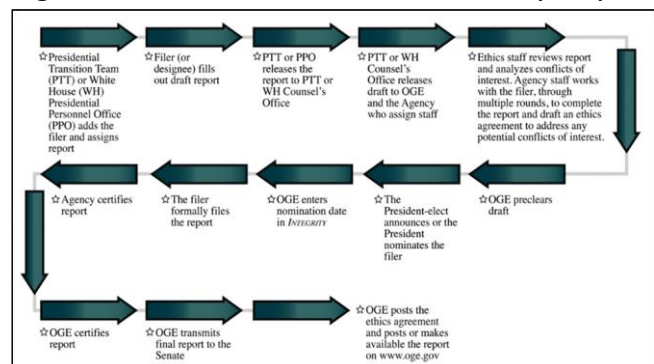
Nominee financial disclosure filers generally complete a public financial disclosure form (OGE Form 278e). Unlike procedures for existing federal employees, OGE has outlined a process for nominees that may involve multiple

rounds of financial questions. As outlined by OGE, a nominee should expect to engage with their prospective agency and OGE on financial disclosure matters. The process generally includes the following:

- nominee completes a draft public financial disclosure form;
- OGE and agency review the draft public financial disclosure form, ask follow-up questions, and provide additional instructions to the nominee as necessary;
- nominee revises, as needed, the financial disclosure form and negotiates an ethics agreement with agency and OGE, if necessary;
- OGE transmits the completed and signed financial disclosure report to the Senate once formal nomination is made by the President; and
- upon confirmation, OGE makes the financial disclosure and ethics agreement, if any, available on the OGE website.

**Figure 1** shows an OGE-created nominee process flowchart for the nominee financial filing and review process.

**Figure 1. OGE Nominee Process Flowchart (2024)**

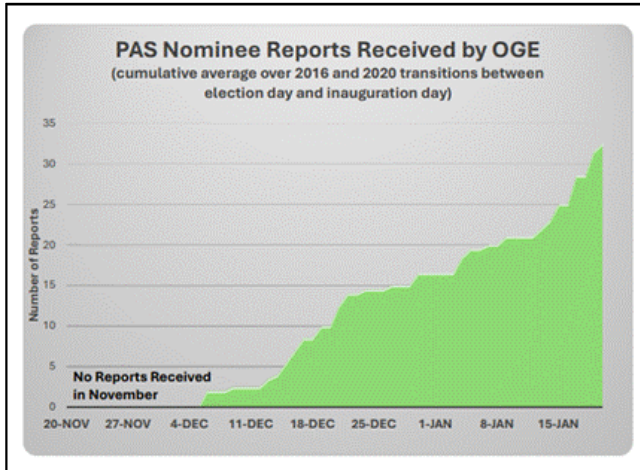


**Source:** OGE, *A Road Map to Ethical Readiness for the Presidential Election and Beyond*, p. 12.

Overall, OGE reviews financial disclosure forms for approximately 1,000 presidentially appointed, Senate-confirmed (PAS) positions. While OGE reviews many nominees at the beginning of a new Administration, the review process can occur anytime a new nomination is made. OGE does not review financial disclosure reports for all PAS positions. Nominees excluded from OGE review include (1) judicial officers; (2) members of the uniformed services; (3) Foreign Service Officers who are not ambassadors; and (4) a select number of PAS nominees who serve no more than 60 days.

OGE conducts nominee financial disclosure review as the forms are provided by an agency's Designated Agency Ethics Official (DAEO). In October 2024, OGE provided data on the number of reports received, on average, between Election Day and Inauguration Day. **Figure 2** shows the number of PAS reports OGE received per day, on average, in the 2016 and 2020 transition years.

**Figure 2. OGE Data on PAS Nominee Reports, 2016 and 2020 Transitions**



**Source:** OGE, "Averaged PAS Nominee Data: Past Two Presidential Transitions from Election Day to Inauguration Day."

Should a nominee be confirmed, the confirmed individual will be required to carry out any ethics agreement negotiated with their agency to mitigate any identified conflicts of interest. While the most common action is recusal from agency activities that involve an individual's financial or past work-related activities, some appointees must take other actions to remediate a conflict of interest. They can include resignation from certain positions outside

government, divestiture of assets, creation of a blind trust (upon approval of the supervising ethics official at the agency), and the use of statutory or regulatory waivers for certain actions.

For more information about OGE and its role in the financial disclosure process, see CRS In Focus IF10634, *Office of Government Ethics: A Primer*, by Jacob R. Straus; and CRS In Focus IF12019, *Executive Branch Ethics and Financial Disclosure Administration: The Role of Designated Agency Ethics Officials (DAEOs)*, by Jacob R. Straus. For more information on financial disclosure, see CRS Report R47320, *Financial Disclosure in the U.S. Government: Frequently Asked Questions*, by Jacob R. Straus.

### Access to Nominee Financial Disclosures

Prior to confirmation by the Senate, a nominee's financial disclosure form is not generally made available to the public. After confirmation by the Senate and subsequent appointment to the position by the President, the nominee's public financial disclosure is made available for public inspection (5 U.S.C. §13107). The point of access to the nominee's financial disclosure depends on the filer. For the top approximately 60 filers in the executive branch (President, Vice President, presidential candidates, and filers in Level I and Level II of the Executive Schedule), forms can be downloaded directly from the OGE website. For certain other presidentially appointed, Senate-confirmed positions, the disclosure forms are listed on the OGE website, but access to their disclosure reports requires that the requester file an OGE Form 201 with OGE. For access to the filings, see OGE's Officials' Individual Disclosures Search Collection.

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