

NOTE: All substantive legal interpretations in this Legal Advisory are applicable to Executive Order 13989, sec. 1. See LA-21-03 and LA-21-05. Note that E.O. 13989 was revoked on January 20, 2025.



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Office of Government Ethics
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DO-09-005

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Robert I. Cusick
Director

SUBJECT: Signing the Ethics Pledge

The Office of Government Ethics (OGE) has received several questions about when appointees must sign the Ethics Pledge required under Executive Order 13490. In consultation with the White House Counsel's office, OGE has determined that Pledge forms must be signed:

- in the case of individuals nominated by the President to a position requiring Senate confirmation (PAS), after Senate confirmation but before appointment;
- in the case of non-PAS appointees who have already been appointed, no later than 30 days after the date of their appointment (in recognition of the logistics of bringing new appointees on board during the initial implementation of the Executive Order); and
- in the case of non-PAS appointees who may be appointed in the future, at the time such person is appointed to a position covered by the Executive Order.

In light of the serious nature of the commitments embodied in the Pledge, OGE wants to emphasize that special Government employees (SGEs) are not considered to be full-time, non-career appointees subject to the Pledge requirement. This follows the interpretation of similar language in section 2(a) of Executive Order 12834 and section 102 of Executive Order 12731. See OGE Advisory Memorandum 00 x 1. Note that individuals serving in an agency as temporary advisors or counselors, pending Senate confirmation to a PAS position, are considered SGEs unless and until they are confirmed. See OGE Advisory Memorandum 01 x 2. Such individuals, therefore, must sign the Pledge after their confirmation, but before their appointment to a PAS position.