United States
Office of Government Ethics
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August 10, 2006
DO-06-024

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Robert I. Cusick
           Director

SUBJECT: Publication of final rule to clarify the status of
           IPA detailees

Today, the Office of Government Ethics (OGE) is publishing a final rule in the Federal Register that amends 5 C.F.R. part 2635, the Standards of Ethical Conduct for Employees of the Executive Branch (Standards). 71 Federal Register 45735-45736. The rule amends the definition of "employee" in section 2635.102(h), to clarify that detailees to an agency from a State or local government or other organization, under the Intergovernmental Personnel Act (IPA), 5 U.S.C. § 3374, are covered by the Standards. The background of the rule is explained in our previous DAEOgram, DO-06-015, and in the preamble to the proposed rule, both of which were published May 11, 2006. See 71 Federal Register 27427.

The rule becomes effective September 11, 2006. Under this rule, IPA detailees will be subject to all of the Standards. They will be subject to additional requirements in agency supplemental regulations if those regulations expressly so provide. An agency that has already published a supplemental regulation would have to amend it, if the agency wishes to cover IPA detailees. In the interim, those agencies would be permitted to continue to obtain compliance with supplemental restrictions through agreements governing the terms of the IPA detail.

It is important to remember that these amendments apply only to IPA detailees, not to persons who are "appointed" in a Federal agency pursuant to the IPA. As discussed in the preamble to the proposed rule, IPA appointees have always been subject to both the Standards and any agency supplemental regulations in their entirety.

Finally, OGE expects to issue written guidance about various ethical issues pertaining to the IPA in the near future.