

## **Biden-Harris Transition Team Ethics Plan**

The Biden-Harris Transition Team agrees that it will implement and enforce an ethics plan to guide the conduct of the Transition. The Plan aims to ensure that Transition team members abide by the highest ethical standards, act solely in furtherance of the public interest, and base all policy and personnel decisions on merit, free from individual conflicts of interest. The Plan is part of a broader effort by the Transition and a future Biden-Harris Administration to restore and maintain trust in government. In addition to instituting a robust code of ethical conduct, Vice President Biden aims to ensure that those who serve are aligned with his values and policy priorities, and have not, for example, been leaders at fossil fuel or private prison companies.

As part of the Biden-Harris Transition Team Ethics Plan:

1. Transition team members will avoid both actual and apparent conflicts of interest. More specifically, Transition team members may not participate in any particular Transition matter that they know may directly conflict with a financial interest of the member, an immediate family member, partner, client or other individual or organization with which the member has or has had a business relationship within the past 12 months. Even if there is no direct conflict, a team member will bring to the General Counsel's attention any potential for the appearance of a conflict. An appearance of a conflict exists when the circumstances are such that a reasonable person would question the impartiality of a Transition team member or conclude that that member's work on a particular matter would undermine public confidence in the Transition Team.
2. The Transition will safeguard classified information, as defined in 50 U.S.C § 834, and only persons with the requisite security clearances will have access to classified information.
3. The Transition also will safeguard non-public information, as defined in the Presidential Transition Act, 3 U.S.C. § 102 note, § 4(a)(4), and other information that is not readily available to the public. Accordingly, Transition team members must receive advance authorization from the Team's Executive Director or his designee before seeking access, on behalf of the Transition, to any non-public information. Transition team members must hold all non-public Transition information in confidence, and use it exclusively for Transition purposes. Transition team members may not use such information, in any manner, either during or after the Transition, for personal or private gain, for themselves or any other party. Transition team members (and their spouses and minor children) may not buy or sell individual stocks during their service with the Transition absent advance approval of the General Counsel.
4. Persons who have registered as federal lobbyists within the last 12 months may only serve as Transition team members with advance approval of the General Counsel. Registered federal lobbyists also cannot contribute to, solicit contributions for, or incur

any expenses on behalf of, the Transition. Transition team members who have engaged in lobbying activities regulated under the Lobbying Disclosure Act of 1995 (2 U.S.C. § 1601 et seq.), regardless of whether they have registered under the Act, cannot work on any specific Transition matter if they lobbied on the matter in the previous 12 months or plan to lobby on the matter in the subsequent 12 months without advance approval of the General Counsel.

5. Persons who have represented, aided, or advised a foreign government or foreign political party in the previous year, including persons registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. § 611, *et seq.*), may only serve as Transition team members with advance approval of the General Counsel, and may not, for the duration of their service on the Transition and 12 months thereafter, engage in such activities. Foreign nationals may not serve as Transition team members without advance approval of the General Counsel.
6. Transition team members may not misuse their positions. In all Transition-related activities, team members may not make any representations on behalf of Vice President Biden or Senator Harris, their designees, or a Transition team official without authorization. Transition team members may only identify themselves as acting on behalf of the Transition in Transition-related matters, and may only use any property entrusted to them by the Transition for Transition-related activities.
7. While serving the Transition, a Transition team member may not communicate with or appear before, with the intent to influence, any federal department or agency with respect to which he or she has substantial responsibility during the activities of the Biden-Harris Transition Team, on behalf of any other person or entity (except federal, state, local or tribal government entities). Likewise, for the 12 months following the member's Transition service, the Transition team member may not represent back to departments or agencies on particular matters the team member worked on during the Transition.
8. Transition team members (and their immediate family) may not accept or solicit a gift (money or anything of value) that is, or may reasonably appear to be, given to influence or reward the Transition's operations, decisions, advice, recommendations, or actions.
9. Transition team members may not promote their work for the Transition during their service and for 12 months thereafter in any business or professional marketing materials.
10. Transition team members will sign the Biden-Harris Transition Team Code of Ethical Conduct that incorporates the content of this Plan, and is attached hereto.

Should Vice President Biden become the President-elect, he will avoid both actual and apparent conflicts of interest. He will hold only non-conflicting assets, such as assets exempt from conflict by regulation, see 5 C.F.R. 2640, Subpart B.

All Transition personnel will be trained on ethics requirements and Transition legal staff will be available to counsel personnel on their individual circumstances. The Transition has adopted a whistleblower policy and will address promptly alleged violations of ethics requirements. Jessica Hertz, the General Counsel for the Transition, and her designees, will be responsible for enforcement, oversight, and compliance of the Biden-Harris Transition Team Code of Ethical Conduct.

## **Biden-Harris Transition Team Code of Ethical Conduct**

As a condition of being permitted to serve as a member of the Biden-Harris Transition Team, I agree to abide by the following requirements:

1. In all of my activities related to the Biden-Harris Transition Team, I will abide by the highest ethical standards and act in furtherance of the public interest. I will avoid both actual and apparent conflicts of interest. I will act in a manner that reflects positively on, and promotes public confidence in, the transition process.

2. I will disqualify myself from involvement in any particular Biden-Harris Transition Team matter which to my knowledge may directly conflict with a financial interest of mine, an immediate family member, partner, client, or other individual or organization with which I have or have had a business relationship within the past 12 months. Work on a particular matter directly conflicts with a financial interest where it would have a direct and predictable effect on the financial interest. Should there be no such direct conflict, but the potential for the appearance of a conflict, I will present the issue for resolution to the Biden-Harris Transition Team's General Counsel prior to working on the particular matter or immediately upon identifying the potential issue. An appearance of a conflict exists when the circumstances are such that a reasonable person would question my impartiality or conclude that my work on a particular matter would undermine public confidence in the transition process or reflect negatively on the Biden-Harris Transition Team.

3. I will disqualify myself from involvement in any particular Biden-Harris Transition Team matter if I have engaged in regulated lobbying activities with respect to such matter, as defined by the Lobbying Disclosure Act, within the previous 12 months, or if I anticipate I will engage in regulated lobbying activities with respect to such matter in the next 12 months unless I have obtained advance written approval to work on such matter from the Biden-Harris Transition Team's General Counsel.

4. If I am, or have been at any time in the last 12 months, a federally-registered lobbyist:

- a. I understand that I must cease all registrable lobbying activity for the period that I am assisting the Biden-Harris Transition Team in any approved capacity.
- b. I understand that I may not solicit for, contribute to, or collect contributions, in cash or in-kind, for the Biden-Harris Transition Team.
- c. I understand that I may not incur any expenses on behalf of the Biden-Harris Transition Team, whether they are paid by me personally or by my employer.
- d. I understand that I may not begin work until my involvement has been approved in writing by the Biden-Harris Transition Team's General Counsel.

5. I understand that in my Biden-Harris Transition Team-related activities, unless given specific authorization, I am not permitted to make any representations on behalf of Vice President Biden, Senator Harris, his or her designees, or any official of the Biden-Harris Transition Team, and in all my service to the Transition Team, I will identify myself only as acting on behalf of the Biden-Harris Transition Team on transition-related matters.

6. I understand that authorization is required from the Biden-Harris Transition Team's Executive Director or the Executive Director's designee before seeking, on behalf of the Biden-Harris Transition Team, access to any non-public information.

7. I will hold in confidence any non-public information provided to me in the course of my duties with the Biden-Harris Transition Team and exclusively use such information for purposes of the Biden-Harris Transition Team.

8. I will not use or permit to be used any non-public information provided to me in the course of my duties with the Biden-Harris Transition Team, in any manner, for personal or private gain for myself or any other party at any time during or after the transition. In all cases, neither I nor, if applicable, my spouse, minor children or our financial advisors or agents, will buy or sell any stock in any entity during the course of my work with the Biden-Harris Transition Team without the advance written approval of the General Counsel or her designee; provided, however, that this requirement does not apply to "excepted investment funds" as defined by the Office of Government Ethics (i.e., that it is independently managed, widely held, and either publicly traded or widely diversified).

9. I will not refer to my work for the Biden-Harris Transition Team during my service on the Biden-Harris Transition Team and for the 12 months thereafter in any business or other professional marketing materials.

10. During my service with the Biden-Harris Transition Team, I will not communicate with or appear before, with the intent to influence, any federal department or agency with respect to which I have substantial responsibility during the activities of the Biden-Harris Transition Team, on behalf of any other person or entity (except federal, state, local or tribal government entities). I will promptly cause my firm or organization to establish reasonable procedures to assure that I will not participate in any undertaking with respect to which I am affected by this provision.

11. For 12 months following the conclusion of my service with the Biden-Harris Transition Team, I will not on behalf of any person or entity (except federal, state, local or tribal government entities) communicate with or appear before, for compensation and with the intent to influence, any cabinet department or federal agency on a particular matter for which I had substantial responsibility during my service on the Biden-Harris Transition Team.

12. I will conserve and protect any federal property entrusted to me, and shall not use federal property, including motor vehicles or other forms of transportation, stationery, printing, equipment and supplies, other than for purposes directly related to the activities of the Biden-Harris Transition Team.

13. Neither I nor any member of my immediate family will solicit or accept any money or thing of value as an inducement, reward or thank you to influence in any way the Biden-Harris Transition Team's operations or decisions. This prohibition includes accepting a gift from

anyone nominated for or seeking a federal job or appointment, or anyone advocating on behalf of such a person; any federal employee or person or organization that conducts activities regulated by, or has a matter pending before, an agency or department within the scope of my Biden-Harris Transition Team responsibilities; or any person or organization under circumstances where the gift may reasonably appear to be given to influence or reward Biden-Harris Transition Team decisions, advice, recommendations or actions.

14. I will not represent, aid, or advise a foreign government or foreign political party for the duration of service to the Biden-Harris Transition Team and for 12 months thereafter. If I have personally represented, aided, or advised a foreign government or foreign political party in the last 12 months, I understand that I may not serve on the Biden-Harris Transition Team until and unless my involvement has been approved in writing by the Biden-Harris Transition Team's General Counsel.

15. I understand that if I am a Biden-Harris Transition Team volunteer who works in the private sector, for a non-profit agency, or for an academic institution, I must arrange to do my Biden-Harris Transition Team work on leave, on vacation time, or otherwise on my own time, and provide documentation of those arrangements at the request of the Biden-Harris Transition Team.

I understand that my commitment to abide by these requirements may be made public and that this document will be made available to any department or agency to which I may be assigned. I will make disclosure to and seek guidance from the Biden-Harris Transition Team's General Counsel, or designated ethics officials, as appropriate to ensure compliance with these standards of conduct and understand that this Code of Ethical Conduct will be overseen and enforced by the Biden-Harris Transition Team's General Counsel. I further acknowledge that failure to comply with the above provisions may result in my dismissal.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_