



# **Joint Ethics Regulation (JER)**

**May 15, 2024**

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## PREAMBLE

As members of the Department of Defense (DoD) who serve in or support the most powerful military in the world, we represent not only the determination of our country to secure its interests, but also the core values upon which this country and our military were founded. All DoD personnel must be committed to our high standards of ethical conduct and policies, and to ensuring effective training on and enforcement of these standards. As part of taking the oath to support and defend the Constitution, we must strive to uphold our Nation's proud legacy by fulfilling our *duty*, serving with *honor*, displaying *courage*, and showing *respect*.

***Duty:*** We fulfill our duty by bearing true faith and allegiance to the Constitution and defending the Nation. Fulfilling our duty requires dedicating ourselves to professional excellence, steadfast discipline, selfless service, and an uncompromising commitment to meet our solemn obligation to deter our adversaries and defend our Nation.

***Honor:*** We serve with honor by demonstrating unwavering integrity in all we do. Serving with honor requires strength of character and uncompromising ethical conduct that is in keeping with the sacred trust placed in us by the American people.

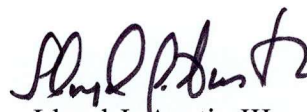
***Courage:*** We display courage through our actions to faithfully support and defend the Constitution. Courageous service demands an inner strength and determination in the face of adversity.

***Respect:*** We show respect for and affirm the guiding principles of the Constitution by treating others with dignity, fairness, empathy, and compassion. Showing respect requires that we confront bias, discrimination, and prejudice in all its forms.

The essence of ethical conduct is a commitment to act as good stewards of the trust, confidence, and resources provided by the American people and their democratically-elected representatives in Congress. DoD leaders at every level are responsible for upholding the highest standards of ethical conduct through personal example and appropriate corrective action when personnel fail to meet these standards.

Every day and in all things, we need to live up to our core ethical values and the expectations of our fellow citizens. Steadfast ethical decision-making must be an integral part of our daily conversations, meetings, and engagements. We must ask ourselves: Is this the right thing to do and are we going about it in the right way?

The body of Federal ethics statutes and regulations, and the Joint Ethics Regulation (JER), set forth the ethics standards that apply to DoD personnel. These standards, reflective of our core ethical values, will guide all DoD personnel as they encounter and resolve challenging ethical dilemmas.



Lloyd J. Austin III  
Secretary of Defense

APR 27 2024

SECRETARY OF DEFENSE APPROVAL OF PUNITIVE PARAGRAPHS PURSUANT TO  
THE UNIFORM CODE OF MILITARY JUSTICE

I approve as punitive the provisions of the Joint Ethics Regulation annotated in bold italics throughout the Joint Ethics Regulation and summarized in Appendix E.

A handwritten signature in black ink, appearing to read "Lloyd J. Austin III".

Lloyd J. Austin III  
Secretary of Defense

## APPLICABILITY

The Joint Ethics Regulation, in conjunction with DoD Directive 5500.07, “Ethics and Standards of Conduct,” applies to all DoD Personnel, who are expected to uphold the highest standards of ethical conduct. All DoD personnel should seek to avoid or resolve situations that call into question the impartiality or integrity of DoD Personnel or programs. To help ensure these standards are upheld, DoD Personnel will seek appropriate guidance, which may include consultation with a supervisor, leadership, or ethics official within their DoD Component.

## CHAPTER 1 – RESPONSIBILITIES

### SECTION 1. RESPONSIBILITIES

#### 1-100. The DoD Standards of Conduct Office (SOCO) Director:

- a. Serves as the Alternate Designated Agency Ethics Official (ADAEO) for the DoD Remainder Agency;
- b. Leads and manages the ethics program within the DoD Remainder Agency by exercising the authority and responsibility of the General Counsel, DoD (GC DoD) in DoD Directive (DoDD) 5500.07 (“Ethics and Standards of Conduct”) and applicable laws and regulations; and,
- c. Assist the GC DoD in exercising their authorities and responsibilities as the principal DoD Designated Agency Ethics Official (DAEO) as set forth in DoDD 5500.07 and applicable laws and regulations.

#### 1-101. Designated Agency Ethics Officials perform all responsibilities established in 5 C.F.R. § 2638.104 and the JER.

- a. In accordance with Paragraph 3.f. of DoD Directive (DoDD) 5145.01, the GC DoD serves as the DAEO for the DoD remainder agencies and as the principal DoD DAEO.
- b. The following DoD organizations have been approved, in coordination with the Office of Government Ethics, as additional DAEO agencies, with the organization’s General Counsel serving as the DAEO:
  - (1) Armed Services Board of Contract Appeals.
  - (2) Department of the Army
  - (3) Department of the Navy
  - (4) Department of the Air Force
  - (5) Defense Commissary Agency
  - (6) Defense Contract Audit Agency
  - (7) Defense Finance and Accounting Service
  - (8) Defense Information Systems Agency
  - (9) Defense Intelligence Agency
  - (10) Defense Logistics Agency

- (11) Defense Counterintelligence and Security Agency
- (12) Defense Threat Reduction Agency
- (13) National Geospatial-Intelligence Agency
- (14) National Security Agency
- (15) Office of Inspector General of the Department of Defense
- (16) Uniformed Services University of the Health Sciences

1-102. Alternate Designated Agency Ethics Officials perform all responsibilities established in 5 C.F.R. § 2638.104 and the JER.

1-103. Deputy Designated Agency Ethics Officials (DDAEO) assist the DAEOs in carrying out the responsibilities of the ethics program, consistent with written delegation of authority from the respective DAEO.

1-104. The DoD Committee on Standards of Conduct:

- a. Will include representatives designated by the General Counsel and Judge Advocate General of each Military Department, the Staff Judge Advocate to the Commandant of the Marine Corps, the Chief of the National Guard Bureau, the Legal Counsel to the Chairman of the Joint Chiefs of Staff, and such other members and subject matter experts designated by the GC DoD.
- b. Evaluates requests for clarifications of ethics and ethics-related guidance;
- c. Facilitates the resolution or reconciliation of disparate legal interpretations of the ethics rules within the DoD; and,
- d. Reviews and recommends updates and revisions to ethics laws and regulations.

1-105. Heads of DoD Organizations:

- a. Exercise leadership and are responsible for establishing and maintaining the organization's ethics program in coordination with Ethics Officials. This includes meeting with the organization's Ethics Official(s) at least once per calendar year to discuss the ethics program and carrying out the responsibilities of agency heads enumerated in 5 C.F.R. § 2638.107 and the JER;

b. Provide sufficient resources to enable the organization's Ethics Officials to implement and administer the local aspects of the organization's ethics program in a positive and effective manner;

c. Facilitate the prompt resolution of any actual or apparent conflicts of interest involving DoD Personnel within the organization;

d. Designate Administrative Officers at appropriate levels within the organization;

e. Ensure that DoD Personnel who are in positions requiring the filing of U.S. Office of Government Ethics (OGE) Forms 278e, "Executive Branch Personnel Public Financial Disclosure Report," and 450, "Confidential Financial Disclosure Reports," do so in a timely manner; and,

f. Ensure that DoD Personnel attend required ethics and procurement integrity training.

1-106. Agency Designees:

a. Provide prior approval or disapproval of outside employment and business activities by financial disclosure report filers, as required by 5 C.F.R. § 3601.106; and,

b. Perform all the duties of an Agency Designee established in 5 C.F.R. Chapter XVI, Subchapter B, 5 C.F.R. Part 3601 and the JER.

1-107. Ethics Officials:

a. Provide written and oral advice, counseling, and assistance to their organization and to the DoD Personnel within that organization, on all ethics matters covered by the JER and related statutes and regulations; and,

b. Perform duties as assigned by written designation from the respective DAEO.

1-108. The Director of each DoD Component or Servicing Personnel Office (or equivalent):

a. Provides the respective DAEO such personnel data on DoD Personnel as may be required by 5 C.F.R. § 2638.105, the DAEO, or the JER;

b. Assigns personnel action officers at local levels the responsibility of providing the information required by 5 C.F.R. § 2638.105;

c. In coordination with the respective DAEO, establishes procedures to inform new DoD Personnel of their obligation to receive ethics training, as required;

d. In coordination with the respective DAEO, establishes out-processing procedures and records to advise DoD Personnel of available counseling regarding post-Government employment and procurement integrity restrictions prior to departure from DoD;

e. In coordination with the respective DAEO, establishes procedures to advise incoming and outgoing DoD Personnel of their financial and employment disclosure reporting obligations; and,

f. Provides information to DoD Personnel as required by 5 C.F.R. §§ 2638.105, 2638.303, and 2638.306.

1-109. The Director Defense Pricing and Contracting provides data pertaining to DoD contracts and vendors, upon request by SOCO.

1-110. The Administrative Officer (or equivalent) of each command and organization:

a. Ensures that each position description of the command or organization indicates whether an OGE Form 278e or OGE Form 450, and annual ethics training are required so prospective or new DoD Personnel are notified of such requirements prior to employment. Where OGE Form 450 filing is not automatically required for a given position, provides supervisors a filing determination worksheet to assist in making a determination;

b. Upon the request of the DAEO, confirms the accuracy of personnel data regarding DoD Personnel within that command or organization;

c. In coordination with the respective DAEO, develops a list of all DoD Personnel within that command or organization who are required to receive ethics training; facilitates the scheduling and completion of the training; and maintains a list of DoD Personnel who complete such training (maintaining such list for three years); and,

d. Provides such other support to the respective DAEO as may be requested to facilitate the timely completion, tracking, and reporting of ethics compliance requirements and data. Such support may include, but is not limited to:

(1) Notifications and other documentation concerning incoming and outgoing personnel;

(2) Notifications concerning changes to the organization's structure;

(3) Updates to filer and supervisor data; and,

(4) Communicating information, reminders, and status updates to organization personnel and leadership.

1-111. Designated Federal Officers (DFO) perform all responsibilities as assigned in Directive-Type Memorandum 21-002 ("Federal Advisory Committee Management Program Ethics Responsibilities") or superseding issuance.

1-112. All DoD Personnel:

- a. Abide by the ethical principles established by Executive Order (E.O.) 12674, as modified by E.O 12731, ethics statutes and regulations promulgated by the OGE and the DoD, and applicable DoD policies;
- b. Set a personal example for fellow DoD Personnel in performing official duties by abiding by the highest ethical standards;
- c. Report suspected violations of ethics regulations in accordance with Chapter 8 of the JER;
- d. Complete ethics and procurement integrity training, as required;
- e. Obtain ethics advice from an Ethics Official, as needed; and,
- f. Timely file financial and employment disclosure reports, as required.

**SECTION 2. PUNITIVE PROVISIONS**

1-200. Punitive Provisions: A violation of any provision identified as punitive in the JER may result in judicial or administrative action, or both, pursuant to applicable law, regulation, or policy. The JER is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by any person against the United States, its agencies, its Service members or employees, or any other person.

a. Persons subject to Chapter 47 of Title 10, U.S.C. (also known and referred to in this issuance as “the Uniform Code of Military Justice (UCMJ)”) who violate the specific punitive provisions of the JER as annotated by ***bold italicized*** font in the JER, may be subject to punitive action pursuant to Article 92 of the UCMJ.

b. Violation of any provision of the JER may result in appropriate criminal prosecution, civil judicial action, disciplinary or adverse administrative action, or other administrative action authorized by law or regulation.

## CHAPTER 2 – COMPLIANCE STANDARDS AND GUIDANCE

### SECTION 1. REGULATORY STANDARDS OF ETHICAL CONDUCT

2-100. ***Standards of Ethical Conduct for Employees of the Executive Branch. DoD Personnel must comply with the “Standards of Ethical Conduct for Employees of the Executive Branch” at 5 C.F.R. Part 2635, the “Supplemental Standards of Ethical Conduct for Employees of the Department of Defense” at 5 C.F.R. Part 3601, and the JER.***

2-101. Applicability of 5 C.F.R. Parts 2634, 2635, 2638, 2640, and 2641 to National Guard Members and Enlisted Members of the Military Services. Title 32 National Guard members and enlisted members of the Military Services are subject to the provisions of 5 C.F.R. Parts 2634, 2635, 2638, 2640, 2641, and Sec. 1117 of the National Defense Authorization Act (NDAA) for Fiscal Year 2022 (Pub. L. No. 117-81).

### SECTION 2. STANDARDS FOR ACCOMPLISHING DISQUALIFICATION, WAIVER, OR AUTHORIZATION TO PREVENT CONFLICTS OF INTEREST AND ENSURE IMPARTIALITY

2-200. Written Disqualification Required.

a. Nothing in this section limits a DAEO from requiring DoD Personnel to file a written recusal statement when the DAEO determines it prudent to create a record of the individual’s actions.

b. An individual assigned to a DoD Component under the Intergovernmental Personnel Act of 1970 or serving as a Special Government Employee (SGE) must file a written recusal statement with their supervisor or, for an SGE assigned to a Federal Advisory Committee Act (FACA) board, with the applicable DFO.

c. When a written disqualification is required by law or this section, DoD Personnel subject to that disqualification will provide a copy to their Ethics Official.

2-201. Waiver. Any waiver of the provisions in 18 U.S.C. §§ 201-209 may only be issued after consulting with OGE. Consultation with SOCO is required prior to consulting with OGE.

2-202. Authorizations. Authorizations issued pursuant to Sec. 1117 of the NDAA for Fiscal Year 2022 will be accomplished using the authorization procedures set forth at 5 C.F.R. § 2635.502(c). When a written authorization is required by law or this section, DoD Personnel subject to that authorization will provide a copy to their Ethics Official.

### SECTION 3. USE OF FEDERAL GOVERNMENT RESOURCES

2-300. **Use of Federal Government Resources.** *DoD Personnel may use Federal Government resources, including personnel, equipment, and property, for official purposes only, except as otherwise permitted in the JER or other applicable authority.*

2-301. **Guidance on Use of Federal Government Resources Other Than Personnel and Government-Owned Vehicles.** Agency Designees may permit DoD Personnel to make limited personal use of Federal Government resources other than personnel and Government-owned vehicles, such as office equipment, libraries, and similar resources and facilities, if the use is not otherwise prohibited and the Agency Designee determines the following:

- a. The use does not adversely affect the performance of official duties by DoD Personnel or their organization;
- b. The use is of reasonable duration and frequency;
- c. The use serves a legitimate public interest (such as enhancing the individual's professional skills or job-searching in response to Federal Government downsizing);
- d. The use does not reflect adversely on DoD or the DoD Component (such as involving commercial activities; unofficial advertising, soliciting, or selling; violation of statute or regulation; and other uses that are incompatible with public service); and,
- e. The use does not create any significant additional cost to DoD or the DoD Component.

2-302. **Misuse of Personnel.** *DoD Personnel, such as administrative staff, clerks, and military aides, may not be used to support the unofficial activity of other DoD Personnel whether in support of an individual or a Non-Federal Entity (NFE), nor for any other non-Federal purpose, except as otherwise provided in the JER or other applicable authority.*

a. Work performed by DoD Personnel must have an obvious benefit to DoD's mission and operations and be in direct support of official responsibilities. Support that is entirely personal, such as drafting personal correspondence, planning unofficial travel, or running personal errands within the area of the permanent duty station is never permissible. In assigning tasks and duties to others, personnel senior in rank or otherwise in the chain of command or supervision must be careful to avoid even the appearance of personal entitlement.

b. Senior officials authorized military-aides-de camp or confidential assistants may request their assistance with tasks in direct support of official responsibilities. These officials include the Secretary of Defense, Deputy Secretary of Defense, Under Secretaries of Defense, Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chiefs and Vice Chiefs of the Military Services and other senior officials assigned military aides by orders issued under applicable Service personnel regulations. Tasks in direct support of official responsibilities may include:

(1) Scheduling unofficial appointments, such as doctor appointments, only if reasonably necessary to ensure coordination with the official schedule;

(2) Coordinating with family members to obtain information necessary to avoid conflicts between the personal and official travel of the senior official;

(3) Assisting family members and friends to facilitate their attendance at official ceremonies honoring the senior official; or,

(4) Writing checks or facilitating electronic fund transfers, personally funded by the senior official, for expenses incurred by the senior official that arise from official duties.

c. This paragraph does not address Enlisted Aides on personal staffs of General and Flag Officers. Guidance for utilization of Enlisted Aides is found in DoDI 1315.09 (“Utilization of Enlisted Aides (EAs) on Personal Staffs of General and Flag Officers (GO/FOs)”).

2-303. Additional Limitations. Nothing in this section limits the authority of the Heads of DoD Components to further limit the use of specific categories of resources.

#### SECTION 4. FUNDRAISING ACTIVITIES AND MEMBERSHIP DRIVES

2-400. Official Participation in Fundraising Activities and Membership Drives. DoD Personnel, while acting in an official capacity, are prohibited from supporting or endorsing (or appearing to support or endorse) NFE fundraising activities or membership drives, except for the organizations listed below or their successor organizations.

- a. The Combined Federal Campaign;
- b. Emergency and disaster appeals, approved by the Office of Personnel Management;
- c. Army Emergency Relief;
- d. Navy-Marine Corps Relief Society;
- e. The Air Force Assistance Fund’s affiliated charities:
  - (1) Air Force Enlisted Village, Inc.;
  - (2) Air Force Villages Charitable Foundation (a/k/a Blue Skies of Texas);
  - (3) Air Force Aid Society;
  - (4) General and Mrs. Curtis E. LeMay Foundation.

f. Other non-profit, private organizations composed primarily of DoD Personnel, or their immediate family members, when fundraising among their own members for organizational support or for the benefit of welfare funds when approved by the Head of the DoD Organization, after consultation with an Ethics Official. Such organizations must first be approved to operate on DoD installations in accordance with DoDI 1000.15 (“Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations”).

2-401. Non-Charitable Fundraising in the Federal Workplace. DoD Personnel may host an activity to raise funds within a command or organization to support an event held for the benefit of DoD Personnel of that command or organization (e.g., unit picnic, holiday gathering), when approved by the Head of the DoD Organization after consultation with an Ethics Official. In addition to the limitations in paragraph 2-402, planning and execution of these events should occur primarily during non-duty hours, such as the lunch period or before or after normal duty hours. Requests for voluntary contributions to informal funds, such as coffee funds, cup and flower funds, and similar office funds do not require approval under this section.

2-402. Limitations. The following limitations apply to authorized fundraising activities, membership drives, and requests for non-charitable contributions in the workplace described in paragraphs 2-400 and 2-401.

- a. DoD Personnel may not be ordered, coerced, or compelled to participate in or contribute to any fundraiser, membership drive, or other solicitation;
- b. The authorization of official time and resources allocated to support such activities should be limited in duration and scope and comply with all applicable time and attendance laws, rules, and regulations;
- c. Contractors may not be solicited for donations or be allowed to participate or contribute to fundraising activities or membership drives, unless otherwise authorized by statute or regulation. Contractors should not be included on electronic or other distribution lists requesting donations. Contractors are not prohibited from making unsolicited purchases of items being offered to raise funds. Additionally, contractors may participate in cost-sharing arrangements such as office coffee and water funds or potluck meals, if amounts requested only include actual costs or in-kind contributions of food or refreshment and those costs are equitably divided among participants; and,
- d. Contributions made by DoD Personnel may not be tracked, other than on an informal and temporary basis as necessary for accountability of funds (e.g., change due back to the individual, etc.).

2-403. Personal Participation in Fundraising in Designated Areas. Consistent with applicable General Services Administration regulations and any other applicable laws or regulations, the Head of the DoD Organization may, on a limited basis, authorize their DoD Personnel, or their immediate family members, to participate in their personal capacities in fundraising activities in designated areas on Federal installations, such as public entrances, in community support facilities, and in personal quarters, as long as these activities do not imply DoD endorsement or

preferential treatment. Heads of DoD Organizations have authority to determine which areas, if any, are outside the Federal Government workplace. These activities may be further limited by Federal Government building and grounds regulations. The use of official duty time and other Federal Government resources may not be authorized to support such fundraising activities.

## SECTION 5. OTHER GUIDANCE AND STANDARDS FOR DOD PERSONNEL

2-500. **Bribery of Public Officials and Witnesses.** *DoD Personnel must comply with 18 U.S.C. § 201, “Bribery of Public Officials and Witnesses.”*

2-501. **Gambling.** *DoD Personnel must comply with 5 C.F.R. § 735.201, which prohibits gambling activities with Government equipment, on Government property, or while on duty, except as necessitated by official duties or allowed under section 7 of E.O. 12353.* For purposes of this section, “gambling” shall have the same meaning as used in 5 C.F.R. § 735.201 and 41 C.F.R. § 102-74.395. This section does not preclude:

a. DoD Personnel from participating in contests if they do not have to pay to participate. For example, while raffles are generally considered gambling, random drawings with awards for contest winners are permissible if participants are not required to pay for the tickets to participate.

b. Private wagers among DoD Personnel, while off duty, if based on a personal relationship, transacted entirely outside of the Federal workplace or within assigned Federal Government living quarters, and within the limitations of local laws, where not otherwise restricted by law or regulation.

2-502. **Outside Employment and Activity.** The Supplemental Standards of Ethical Conduct for Employees of the DoD, 5 C.F.R. 3601, require certain DoD Personnel to obtain approval of outside or non-Federal employment and business activities. In addition to any prior approval required by 5 C.F.R. 3601, Agency Designees may require any DoD Personnel under their supervision (or for Ethics Officials, DoD Personnel whom they advise) to report outside employment or activity prior to engaging in the employment or activity. Consistent with applicable military and civilian personnel regulations, the Head of the DoD Organization or supervisor may prohibit the employment or activity if they believe that the proposed outside activity will create a conflict of interest that cannot otherwise be remedied through recusal, will detract from readiness, or will pose a security risk.

2-503. **Use of Military Title by Retirees or Members of the Reserve Components.** The rule at 5 C.F.R. § 2635.702, permitting use of terms of address and ranks, also applies to retired military members and members of Reserve Components not on active duty, provided they clearly indicate their retired or Reserve status. ***However, any use of military titles is prohibited if it in any way casts discredit on the DoD or creates the appearance of sponsorship, sanction, endorsement, or approval by DoD.*** In addition, in overseas areas, commanders may further restrict the use of titles by retired military members and members of Reserve Components.

2-504. **Commercial Dealings Involving DoD Personnel.** *DoD Personnel may not knowingly solicit or make solicited sales to DoD Personnel who are junior in rank, grade, or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the unsolicited sale or lease of an individual's non-commercial personal or real property or commercial sales and arm's length transactions solicited or made in a retail establishment or online market and made in a retail establishment during off-duty employment. The posting of an advertisement in accordance with Federal Government building management policies does not constitute solicitation for purposes of this subsection.*

*a. This prohibition includes the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services.*

*b. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. In both cases, however, a solicitation is necessary for a violation to occur. While the standard prohibits a more senior DoD official from making a solicited sale to a junior or to their family, sales made because a junior approaches the senior DoD official and requests the sale to be made are not prohibited, absent coercion or intimidation by the senior DoD official.*

c. Personal commercial solicitations by the spouse or other household member of DoD Personnel to those who are junior in rank, grade, or position (or the junior individual's family members) may give rise to the appearance that the senior official is using public office for personal gain. DoD Personnel must avoid activity that may:

- (1) Cause actual or perceived unfairness or lack of impartiality;
- (2) Involve the actual or apparent use of rank or position for personal gain; or,
- (3) Otherwise undermine discipline, morale, or authority.

2-505. **Waiver of Application of the Prohibition on Acceptance of Gifts from Outside Sources for Enlisted Personnel, E-6 and below, for the Limited Purpose of Gift Acceptance from Charitable and Veterans Service Tax-Exempt Organizations.** Enlisted members of the Military Departments and enlisted Title 32 National Guard Members, in the grade of E-6 and below, may accept gifts, other than cash, from charitable and veterans service tax-exempt organizations, as defined by 26 U.S.C. § 501(c)(3), (19), and (23). Acceptance of such a gift must otherwise comply with applicable law, 5 C.F.R. § 2635, and the JER.

2-506. **Gifts in Connection with Ship Launch.** *Unless acceptance is otherwise authorized under 5 C.F.R. 2635, Subpart B or appropriate statutory or regulatory authority, DoD Personnel may not accept any tangible item of value as a gift or memento in connection with a ceremony to mark the completion of a milestone in shipbuilding.*

a. **Statutory Exception.** Unsolicited tangible gifts or mementos from the same source that have a value of less than \$100 and which are offered in connection with a ceremony to mark the completion of a milestone in shipbuilding may be accepted directly or indirectly by DoD

Personnel if the aggregate market value per ceremony does not exceed \$100 and the cost is not borne by the Federal Government. (See 5 U.S.C. § 7301, Historical and Revision Note on “Limitation on Gratuities at Naval Shipbuilding Ceremonies.”) Milestones in shipbuilding include keel laying, launching, christening, and commissioning. “Accepted indirectly” will have the meaning stated in 5 C.F.R. § 2635.203(f). When such gifts exceed the \$100 limit, the recipient must dispose of the gift in accordance with 5 C.F.R. § 2635.206 or forward the gift to the appropriate DoD official for disposition as a gift to the Federal Government. When the acceptance of a gift could call into question the integrity of DoD Personnel or programs, the gift should be declined.

b. Other Exceptions. In determining whether an exception or other authority permits DoD Personnel to accept attendance at functions incident to the ceremony, such as a dinner preceding the ceremony and reception following it, and related food, hospitality and entertainment, the Agency Designee must ensure that such functions are not lavish, excessive, extravagant, or otherwise incompatible with the occasion prior to acceptance.

2-507. *Prohibition on Facilitating or Engaging in Certain Communications.* *DoD personnel who have actual knowledge that a former Federal official is prohibited by Federal statute or regulation from communicating with or appearing before certain Federal officials or organizations on behalf of a NFE, may not facilitate such communication or appearance.*

2-508. *Restrictions on Monetization of Name, Image, or Likeness Pertaining to Status as DoD Employee or Military Service Member.* *DoD Personnel are prohibited from using their official position or public office for personal financial gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the DoD Personnel is affiliated in a non-governmental capacity.*

a. *Use of Official Position or Public Office.* *The use of one’s official position or public office includes the use of any reference to one’s status, name, image, or likeness as a DoD employee or member of the uniformed services. This includes the use of official titles, photographs that display a connection to one’s status as DoD Personnel (e.g., a photograph while in uniform or while wearing an identifying device such as a lanyard or lapel pin); and the personal use of DoD protected symbols or other imagery.*

b. *Endorsement.* *DoD Personnel are prohibited from using their official position to either affirmatively endorse a NFE, product, service, or enterprise, or by implying DoD endorsement through the individual’s unauthorized use of their official position or public office.*

c. *Private Gain.* *Private gain includes the receipt of compensation from a third party, to include revenue from advertising, sponsorships or sponsorship agreements, affiliate marketing agreements, or promotion of commercial ventures on personal social media accounts. This does not preclude DoD Personnel from engaging in compensated outside employment when permitted by applicable ethics and other regulations.*

## CHAPTER 3 – ACTIVITIES WITH NON-FEDERAL ENTITIES

### SECTION 1. OFFICIAL PARTICIPATION IN NON-FEDERAL ENTITIES

#### 3-100. Membership, Management, and Liaison.

##### a. General Prohibitions.

(1) Membership. DoD Personnel may not hold membership in a NFE in their official capacities, except as provided by statute or regulation.

(2) Management or Operations. DoD Personnel may not participate in their official DoD capacities in the management or operations of NFEs, except as set out below.

(3) Compensation. DoD Personnel may not receive any salary or supplementation of salary from a NFE for performance of DoD duties. See 18 U.S.C. § 209.

b. Authorized Management Exception. The Secretary concerned, with the concurrence of the cognizant DAEO, may authorize, on a case-by-case basis, DoD Personnel under that Secretary's jurisdiction to serve without compensation as directors, officers, or trustees, or otherwise to participate in the management of one of the entities, including their successors, designated in accordance with 10 U.S.C. §§ 1033(b) and 1589(b). Any such authorization must be in writing and must identify by name or position the individual authorized to participate, specify the capacity in which they shall participate, and identify the entity. Such authorization may be made only for the purpose of providing oversight and advice to, and coordination with, the designated entity. Such authorization may not extend to participation in the day-to-day operations of the entity, nor involve the expenditure of appropriated funds, except in direct support of the individual's authorized participation. The Secretary concerned must ensure that authorizations under this section are published in the Federal Register when new DoD Personnel are appointed or new positions are created. Such authorizations must be transmitted to the Office of the Federal Register for publication in the Federal Register within 90 days of the date of the approved authorization. The Secretary concerned must provide a copy of the published Federal Register notice to the DoD ADAEO.

c. Liaison. DoD Personnel may be appointed, in their official capacities, to serve as DoD liaisons for the exclusive purpose of representing DoD's views and interests to a NFE, after a written determination has been made that there is a significant and continuing DoD interest in such representation. The liaison may not be involved in the day-to-day management, control, or operations of the NFE.

(1) DoD Personnel may only serve as DoD liaisons to NFEs when appointed in writing by the Head of the DoD Organization, who must first consult with an Ethics Official. While serving as DoD liaisons, DoD Personnel may only represent DoD in discussions related to the significant and continuing DoD interest identified in the appointment letter. Further, DoD Personnel must make it clear to NFEs that the opinions expressed while serving as liaisons do not bind DoD or any DoD command or organization to any action. As part of their duties as a

liaison, the individual will brief DoD leadership on the NFEs' positions or views on matters directly related to DoD's interests. DoD Personnel will cease to be DoD liaisons no later than the end of the significant and continuing DoD interest identified in the appointment letter. Appointment letters should be evaluated annually and reissued, if appropriate. A copy of the appointment letter must be provided to the NFE and include the following information:

(a) A description of the significant and continuing DoD interest that will be served by such representation;

(b) The scope of the liaison's duties;

(c) A list of the prohibitions outlined in subparagraph (b) of this section; and,

(d) A description of the official time DoD Personnel are authorized to spend on liaison related duties (e.g., preparation time for meetings with the NFE, attendance at such meetings, and preparation of any follow-on reports or tasks).

(2) As DoD liaisons, DoD Personnel may not serve as officers, board members, employees, or representatives of the NFE. In addition, DoD Personnel may not:

(a) Engage in management or operations of the NFE. For example, a liaison may not participate in matters related solely to the business, internal interests, or daily management of the NFE (e.g., finances, fundraising, and membership);

(b) Serve on committees or task groups beyond the scope of their appointment letter;

(c) Represent or lobby on behalf of the NFE before the Federal Government or to third parties;

(d) Authorize the use of any DoD seals, logos, or other insignia;

(e) Authorize the NFE to identify or recognize DoD Personnel by name or position as having contributed input to any product generated by the NFE unless the NFE also indicates that the individual was serving as a DoD liaison at the time the contribution was made and includes a disclaimer stating that "the DoD liaison's participation does not constitute DoD endorsement of the entity or its products/services";

(f) Disclose, without authorization, non-public information to the NFE; and,

(g) Provide or appear to provide preferential treatment to the NFE, including providing the NFE more logistical support than DoD would customarily provide to a similar NFE requesting such support.

### 3-101. Designated Entities.

a. Organizations listed in, or designated by the Secretary of Defense pursuant to 10 U.S.C. §§ 1033(b) and 1589(b) are eligible for authorization under section 3-100.b of the JER.

b. The DoD ADAEO may designate, no more frequently than semiannually, entities that are not operated for profit and meet any of the following criteria:

(1) An entity that regulates and supports the athletic programs of the service academies (including athletic conferences);

(2) An entity that regulates international athletic competitions;

(3) An entity that accredits service academies and other schools of the Armed Forces (including regional accrediting agencies);

(4) An entity that: (i) regulates the performance, standards, and policies of military health care (including health care associations and professional societies); and (ii) has designated the position or capacity in that entity in which a member of the Armed Forces may serve if authorized under section 3-100.b of the JER; or,

(5) An entity that, operating in a foreign nation where U.S. military personnel are serving at U.S. military activities, promotes understanding and tolerance between such personnel (and their families) and the citizens of that host foreign nation through programs that foster social relations between those persons.

b. Requests for designation under paragraph 3-101 must be submitted in writing to the DoD ADAEO (ATTN: Director, SOCO). If approved, the requestor must transmit the authorization to the Office of the Federal Register for publication in the Federal Register within 90 days of the date of the approved authorization. The Secretary concerned must provide a copy of the published Federal Register notice to the DoD ADAEO.

### 3-102. Support to Non-Federal Entities.

a. Official DoD resources in support of NFEs (e.g., speakers, use of DoD facilities, or other logistical support) may only be provided for an official or authorized purpose consistent with the restrictions in 5 C.F.R. 2635, Subpart G.

b. Support provided to NFEs must be authorized in accordance with the criteria set forth in the DoD Community Outreach Activities Instruction, DoDI 5410.19 (Volumes 1-4, "Community Outreach Activities") and DoD Conference Guidance, Version 4.0, as applicable.

c. DoD Personnel must recuse themselves from authorizing or providing support to NFEs in their official capacities if they have a covered relationship with or financial interest in the NFE, unless they receive a waiver under 18 U.S.C. § 208 or an authorization under

5 C.F.R. § 2635.502, as applicable.

***d. DoD Personnel may not officially endorse or give preferential treatment (or appear to endorse or give preferential treatment) to any NFE, except as otherwise authorized by statute or regulation, consistent with the restrictions in 5 C.F.R. 2635, Subpart G.***

## SECTION 2. PERSONAL PARTICIPATION IN NON-FEDERAL ENTITIES

3-200. Participation. Subject to other provisions of the JER, 5 C.F.R. 2635, Subpart H, 5 C.F.R. § 3601.106, and criminal conflict of interest statutes, DoD Personnel are not precluded from participating in outside employment, business activities, or volunteer activities in their personal capacities.

a. Except as authorized under 5 C.F.R. §§ 2635.807(b) and 2635.808(c)(2), DoD Personnel may not use or allow the use of their official titles, official photographs, positions, or organization names in connection with activities performed in their personal capacities.

b. DoD Personnel may use military rank and Military Department or Service as part of an individual's name (e.g., Captain Smith, U.S. Navy) in connection with a personal activity, the same as other general terms of address such as Mr., Ms., or The Honorable. However, ***use of military grade or reference to Military Department or Service is prohibited if it could in any way discredit DoD or give the appearance of DoD sponsorship, sanction, or endorsement.***

3-201. Membership and Management. Subject to the limitations of paragraph 3-202 below, DoD Personnel may become members and may participate in the management of NFEs in a personal capacity. DoD Personnel are not considered to be acting in a personal capacity when an invitation to join a NFE as an officer, member of the Board of Directors, or any other similar position is offered primarily because of their DoD assignment or official duty positions.

3-202. Limitation to Compensated and Uncompensated Service on Boards of Directors.

a. Regular Component and Reserve Component officers in the grades of O-9 and O-10 may not serve on the board of directors of companies or other entities that do business with the DoD or focus their business principally on military personnel.

b. Regular Component officers in the grades of O-7 and O-8 may not serve on the boards of directors of companies or other entities that do business with the DoD or focus their business principally on military personnel.

c. Reserve Component officers in the grades of O-7 and O-8 who serve more than 179 days (need not be consecutive) during the immediately preceding period of 365 consecutive days on active duty, and who serve on the board of a company or other entity that focuses its business principally on military personnel, must resign from such board.

d. Reserve Component officers in the grades of O-7 and O-8 who serve more than 179 days (need not be consecutive) during the immediately preceding period of 365 consecutive days on

active duty, and who serve on the boards of directors of companies or other entities that do business with the DoD, may be permitted to continue service on such a board, but must seek an ethics determination by the appropriate Ethics Official of their organization of assignment. The ethics determination shall evaluate whether there is an appearance of implied Governmental endorsement or sanction of the commercial entity of the member's board service. If board service does not create the appearance of Governmental endorsement, the Reserve Component officer in the grade of O-7 or O-8 may be permitted to serve on the board.

e. Regular Component officers in the grade of O-6 and below and Regular Component enlisted personnel in the grade of E-9, who serve in a leadership position that spans an entire installation (e.g., base commander, base command sergeant major) may not serve on the boards of directors of companies or other entities that do business with the DoD or focus their business principally on military personnel unless they receive an ethics determination by the appropriate Ethics Official for the Service member's organization of assignment. The ethics determination shall evaluate whether there is an appearance of implied Governmental endorsement or sanction of the commercial entity by the member's board service. This must be done prior to serving on the boards of companies or other entities that do business with the DoD or focus their business principally on military personnel.

f. Companies that "do business" with the DoD are those listed on the DoD \$25K list, which is published annually and posted on the DoD SOCO website. In addition to traditional defense contractors, this list includes other entities such as colleges, universities, think tanks, and non-profit organizations that receive grants or contracts from the DoD.

g. Companies and other entities that "focus their business principally on military personnel" include, but are not limited to, life, health, automobile, and property insurance companies whose clientele is predominately military members and their families; financial planning consulting firms whose clients are predominately military members and their families; and military-focused credit unions or banks.

h. Waiver. The policy limiting service on boards of directors, described in paragraphs 3-202a-g above, may be waived in writing by the Under Secretary or Deputy Under Secretary of Defense for Personnel and Readiness based on extraordinary circumstances. This authority may not be delegated and must be exercised in consultation with the DoD ADAEO.

CHAPTER 4 – PROCEDURES FOR ACCEPTING GIFTS OF TRAVEL  
PURSUANT TO 31 U.S.C. § 1353

SECTION 1. PROCEDURES FOR ACCEPTING GIFTS OF TRAVEL PURSUANT TO  
31 U.S.C. § 1353

4-100. Acceptance of Travel from Non-Federal Sources.

a. Official Travel.

(1) Pursuant to the authority in 31 U.S.C. § 1353, DoD Components may accept payment of expenses for official travel, including in kind subsistence and accommodations and payments or reimbursements, from non-Federal sources. Generally, a DoD Component should not approve acceptance of travel benefits from non-Federal sources under any other gift acceptance authority if 31 U.S.C. § 1353 or one of the authorities in 41 C.F.R. § 304-3.19 applies.

(2) DoD Personnel on official travel must comply with the “Employee Responsibility” rules at 41 C.F.R Part 304-3, including the requirement to obtain approval in advance of travel for payment of travel expenses accepted under this authority. DoD Personnel must timely provide to the travel approving authority all necessary information for inclusion in the semiannual report to the respective DAEO. Except as provided in 41 C.F.R. § 304-3.13, failure to obtain advance approval may require DoD Personnel to personally reimburse the Government for travel expense payments received, in accordance with 41 C.F.R. § 304-3.18.

b. Personal Travel. This Chapter does not apply to travel benefits that DoD Personnel may accept in their personal capacities. Other statutes or regulations may require DoD Personnel to report certain personal travel expenses. There may be limitations on acceptance of travel benefits in a personal capacity, including limitations on acceptance from prohibited sources or foreign governments, or travel benefits offered because of one’s official position.

4-101. Approval Process.

a. The authorizing or approving official (as defined in the Joint Travel Regulations) must:

(1) Approve or disapprove acceptance of payments of travel expenses from non-Federal sources in accordance with 31 U.S.C. § 1353 and 41 C.F.R. Chapter 304;

(2) Obtain the concurrence of the respective DAEO when approving acceptance of payments of travel expenses in accordance with this chapter; and,

(3) Prepare and submit a report to the respective DAEO reporting all travel expenses over \$250 accepted in accordance with the 31 U.S.C. § 1353. This report must be submitted to the respective DAEO semiannually on April 30 and October 31.

b. DAEOs must provide written concurrence for the approval of acceptance of travel expenses in accordance with 31 U.S.C. § 1353.

4-102. Reporting Requirements. DAEOs must prepare and submit semiannual reports to OGE documenting all travel expenses over \$250 accepted from non-Federal sources in accordance with 31 U.S.C. § 1353. These semiannual reports are due to OGE by May 31 and November 30 of each year.

## CHAPTER 5 – CONFLICTS OF INTEREST POLICY FOR ENLISTED, RESERVE, AND TITLE 32 NATIONAL GUARD MEMBERS

### SECTION 1. DOD POLICY ON 18 U.S.C. § 208

#### 5-100. Applicability to Active Component and Reserve Component Enlisted and Officers and Title 32 National Guard Members.

a. Title 18 U.S.C. § 208 applies to Active and Reserve Component officers, and officers of the National Guard of the United States pursuant to 18 U.S.C. § 202.

b. Although 18 U.S.C. § 208 and related provisions of the OGE regulations do not apply to Title 32 National Guard members or to enlisted members of the Military Services, such personnel are subject to the conflicts of interest provisions set forth in this section.

5-101. ***Prohibition. Unless authorized in advance by the DAEO, a Title 32 National Guard member and an enlisted member of the Military Services, including an enlisted Reserve Component member, may not participate personally and substantially as part of their official DoD duties in any particular matter that will, to their knowledge, have a direct and predictable effect on their own financial interest, or the financial interests of:***

***a. Their spouse, minor child, general partner, or entity in which they are serving as officer, director, trustee, general partner, employee, or***

***b. Any person or organization with which they are negotiating for or have an arrangement concerning prospective employment.***

5-102. Exceptions and Authorizations. The exceptions and authorization permitted by 18 U.S.C. § 208, 5 C.F.R. § 2635.502, and Sec. 1117 of the NDAA for FY22 apply to Title 32 National Guard members and to enlisted members of the Military Services.

5-103. Resolution of Conflicts. Personnel subject to this Section are personally responsible for preventing and resolving conflicts of interest as stated in paragraph 5-101. Heads of DoD Organizations, in consultation with Ethics Officials, are responsible for resolving actual or apparent conflicts of interest that arise within their command or organization.

### SECTION 2. OTHER CONFLICTS OF INTEREST LAWS

5-201. Applicability of 18 U.S.C. §§ 203, 205, and 207 to Enlisted and National Guard Members. The prohibitions in 18 U.S.C. §§ 203, 205, and 207 do not apply to Title 32 National Guard members or to enlisted members of the Military Services.

5-202. Applicability of 18 U.S.C. § 209 to Enlisted and National Guard Members. Although the provisions of 18 U.S.C. § 209 and related provisions of OGE regulations do not apply to Title 32 National Guard members or to enlisted members of the Military Services, such personnel are subject to the salary or supplementation provisions set forth in paragraph 5-203, below.

5-203. **Prohibition.** *Title 32 National Guard members and enlisted members of the Military Services, may not receive any salary or supplementation of their Federal Government salary from any source other than the Federal Government or as may be contributed out of the treasury of any State, county, or municipality, for their services to the Federal Government or as otherwise permitted by law. This prohibition applies to Reserve Component enlisted members in the same manner that 18 U.S.C. § 209 applies to Reserve Component officers under 18 U.S.C. § 202.*

5-204. **Prohibition on Extra Pay for Extra Services.** *DoD Personnel must comply with 5 U.S.C. § 5536, “Extra pay for extra services prohibited.”*

5-205. **Assignment of Reserve Component Members for Training.**

a. Personnel who assign members of the Reserve Components for training may not assign them to duties in which they may obtain information that they or their private employers may use to gain unfair advantage over competitors. Members of the Reserve Components must disclose to superiors and assignment personnel information necessary to ensure that no conflict exists between their duty assignment and their private interests.

b. Commanders must screen members of the Reserve Components performing training to ensure that no actual or apparent conflict exists between their private interests and their duty assignment. While members of the Reserve Components have an affirmative obligation under this rule to disclose material facts in this regard, receiving commands cannot assume compliance and must independently screen incoming personnel to avoid conflicts of interests.

## CHAPTER 6 – FINANCIAL DISCLOSURE REPORTS

### SECTION 1. SUBMISSION AND REVIEW OF REPORTS

#### 6-100. Electronic Filing Required.

a. General. All financial disclosure reports (OGE Forms 278e, 278-T, and 450) must be submitted electronically using the electronic filing system(s) designated by the GC DoD for that purpose.

b. Exceptions. DAEOs may grant individual or categorical exceptions to electronic filing in situations where electronic filing is not feasible. This authority may not be delegated below the DDAEO level. Filers with an exception to electronic filing must use the current OGE form for the year in which the report is due.

Example: An organization does not issue Common Access Cards to certain personnel who are not expected to normally utilize DoD systems. However, these individuals make decisions or recommendations that affect the financial interests of outside parties, and thus, have been designated as confidential financial disclosure filers. The DAEO could issue a written determination that such individuals are exempt from using the designated electronic filing system to submit reports because the system only permits Common Access Card access.

c. Records Management. To optimize efficiency and storage capacity and minimize strain on the filing systems, DAEOs will establish procedures to ensure that:

(1) Reports greater than six years old are purged at least once per year, unless an investigative or litigation hold is required.

(2) Uncertified reports that are more than two years old are properly closed out in the Financial Disclosure Management system if they cannot be certified. Uncertified reports more than two years old in the Financial Disclosure Management system will be administratively closed by the system administrator in the fall of each year. However, Ethics Officials can re-open individual reports as necessary.

#### 6-101. Support to Designated Agency Ethics Officials.

a. The directors of personnel offices, and their subordinate offices, are responsible for supporting the DAEOs and Ethics Officials they serve by:

(1) Providing Ethics Officials with updated lists of all incoming and outgoing personnel on at least a monthly basis, or more frequently if requested by Ethics Officials. The lists must include each individual's name, grade/rank, appointment type, position title,

organization name, supervisor's name, and entrance-on-duty or departure date, as well as indicating whether financial disclosure filing is required by the position description.

(2) Coordinating with Ethics Officials and supervisors to ensure that position or billet descriptions of filers described at 5 C.F.R. § 2634.904 contain a statement that an OGE Form 450 must be filed. All new or revised position or billet descriptions must be reviewed to determine whether such reports are required.

b. Administrative Officers (or equivalent) of each organization are responsible for supporting the DAEOs for their organization by:

(1) Immediately upon the appointment or assignment of DoD personnel new to their organization, providing Ethics Officials with each individual's name, grade/rank, official e-mail address, supervisor's name, and, if needed, coordinating with the individual's supervisor to verify the individual's financial disclosure filing status.

(2) Coordinating with the supervisors within their organization, in consultation with Ethics Officials, throughout each calendar year to update lists of financial disclosure filers in their organization and report any additions or deletions to the concerned Ethics Official. At a minimum, this should occur at least once per calendar year, with updated lists provided to Ethics Officials by October 31 of each calendar year.

c. Upon request by an Ethics Official or the Administrative Officer, supervisors will promptly provide a written determination to the Ethics Official regarding the financial disclosure filing status of any new individual who is not already designated as a public or confidential financial disclosure report filer, using a Filer Determination Worksheet or other format designated by the Ethics Official.

6-102. Notification of Requirement to File. Each DAEO must take reasonable measures to provide appropriate notices and instructions to all financial disclosure report filers. Except for New Entrants, failure to receive notification or instructions alone shall not excuse late filing. Filers are responsible for keeping track of applicable filing deadlines.

6-103. Contents of Report.

a. Filers may not attach account statements or other documents in lieu of completing report data.

b. Filers will include the full, unabbreviated, name of each reportable item. If the asset is a publicly traded bond, stock, mutual fund, exchange-traded fund or other security, the filer should include the ticker symbol. Ticker symbols alone are insufficient. If the asset is a holding in a fund or company that is not publicly traded, the filer will indicate the market sector in which the entity operates (or other information sufficient to identify the type of business or area of focus for that entry) using public or "of record" comments, endnotes, or similar method that ensures the information appears on the printed version of the report.

c. Filers and reviewers must ensure that report contents conform to published OGE guidance for the applicable financial disclosure report type and section.

d. Filers should not include any information that is not required to be reported on the applicable form.

#### 6-104. Report Reviews.

##### a. Supervisory Review.

(1) Prior to the Ethics Official's conflicts review and certification, supervisors must review financial disclosure reports to determine if any of the reported financial interests (including any outside activities and positions) create an actual or potential conflict of interest or impartiality issue with the filer's current and foreseeable official duties. This is a factual review to identify any actual or potential nexus between the filer's duties and their reported interests and relationships. Supervisors should also identify entries that are incomplete or fail to provide sufficient information to identify potential conflicts. Upon identification of a technically deficient entry, the supervisor should require the filer to address the deficiency. Ethics Officials will conduct the final legal review, taking into account the supervisor's comments, to determine whether any conflict of interest or impartiality issue exists.

(2) Supervisors will annotate, in a comment on the financial disclosure report, their approval of the filer's business activity or outside employment, if any.

(3) Supervisors will supplement the report with any required information or data, including comments on the existence of actual or apparent conflicts of interest. Inclusion of comments in the filing system, or via email to the Ethics Official, identifying a potential ethics issue satisfies the supervisor's duty as a reviewer and serves as a caveat to the signing statement generated by the filing system. If the supervisor identifies an actual conflict of interest or impartiality issue, the supervisor must consult with an Ethics Official to ensure that the matter is resolved in accordance with applicable law.

(4) Supervisory review must be completed within 14 calendar days of a filer's submission unless an extension is granted by the responsible Ethics Official. DAEOs may grant blanket extensions (e.g., for supervisors with a large number of filers). The supervisor's signature on a financial disclosure report documents the determination that the reported financial interests (including any outside activities and positions) do not present a conflict of interest, except as discussed in any report comments or written communications with an Ethics Official.

(5) Supervisory review is not required for Termination or Combination Annual/Termination Public Financial Disclosure Reports, or reports filed by Presidential appointees confirmed by the Senate.

(6) Supervisory review of Periodic Transaction Reports (OGE Form 278-T) is not required but may be prudent to facilitate early identification and prevention of potential conflicts of interest.

(7) The Chairman of the Joint Chiefs of Staff, the Military Service Chiefs, any Head of a DoD Component, any military officer in the grade of O-9 or above who is in command, and any Presidential appointee requiring Senate confirmation may designate a deputy, chief of staff, or equivalent to perform supervisory reviews on their behalf, provided that supervisory reviews of Public Financial Disclosure Reports must be performed by an individual at the Senior Executive Service (SES)/General or Flag Officer or equivalent level.

(8) Except for supervisory reviews of reports submitted by their own subordinates, Ethics Officials may not conduct supervisory reviews.

b. Ethics Office Review and Certification – All Reports.

(1) Comparison with Previous Reports. Reviewing Officials will compare each submission with the filer’s previous report(s), if applicable.

(2) Ending Initial Review. Review of financial disclosure reports assists DoD Personnel, supervisors, and Ethics Officials in detecting and preventing potential conflicts of interest. DAEOs should ensure that their processes and resources allow the initial review to be conducted promptly, so that filers can be counseled and asked to provide any additional information necessary. Reviewing Officials must use the correct functionality in the applicable filing system to document the “End Initial Review” date. Requests for additional information or amendment to the report must require that the filer respond within a reasonable period not to exceed 30 days, unless a later deadline is granted in writing for good cause shown. Reviewers will promptly and continuously follow up with filers to ensure that information is submitted, and amendments are completed in a timely manner. Reviewing Officials will inform the filer’s supervisory chain of any non-compliance, culminating with notice to the Head of DoD Organization if compliance is not achieved within a reasonable timeframe. When a Reviewing Official requires the filer to provide additional information or amend the report in order to complete a conflict of interest analysis and certify the report, the Reviewing Official may “End Initial Review” by one of the following methods:

(a) Request Additional Information. A Reviewing Official who determines that additional information or clarification is required will notify the filer of the additional information required and the date by which it must be submitted. If a filer provides additional information or clarifications, this may result in a subsequent request for the filer to amend their report.

(b) Request Filer Amend. A Reviewing Official who determines that a report must be amended by the filer to comply with statutory or regulatory filing criteria will notify the filer of the requirement to amend, the nature of the required revisions, and the date by which amendment must be accomplished. Ethics Officials should inform supervisors of the need to carefully review reports that have been substantially revised.

(c) Certify the Report.

1. While a Reviewing Official may end initial review and work with a filer to perfect a report, only an Ethics Official may certify a report. Reviewing Officials may be given any role in an electronic financial disclosure system that Ethics Officials deem necessary and appropriate, including system roles that permit certification, provided that Ethics Officials issue clear guidance that only attorneys designated as Ethics Officials are permitted to certify reports.

2. Certifying a report that has not previously had initial review ended will end initial review.

(3) Documentation. When the Ethics Official makes amendments, revisions, or comments based upon additional information obtained from the filer, they will document the source of the information by either including such information in the comments section or attaching supporting documentation or communications to the report. If attaching documentation is not feasible, such documentation should be retained in an appropriate records management system to facilitate future reference and for continuity of legal advice.

(4) Guidance and Remedial Action.

(a) Cautionary Guidance. Ethics Officials will issue written cautionary guidance concerning actual or potential conflicts of interest, and any other ethics issues, identified during supervisor and Ethics Official review, where appropriate, with a copy to the filer's supervisor. Where cautionary guidance was previously issued based upon the same or similar information in the previous three years, Ethics Officials may determine that it is not necessary to reissue the guidance.

Example: If the filer's report indicates that there are financial interests in NFEs doing or seeking to do business with DoD or the agency/command generally, even if not necessarily with the filer's specific organization, the Ethics Official may determine that cautionary guidance is appropriate.

(b) Recusal. If the filer, supervisor, or an Ethics Official determines that recusal is necessary to prevent potential or actual conflicts of interest, the filer will execute and deliver a written disqualification statement to the supervisor, with a copy to the Ethics Official. Filers must coordinate any recusal that would significantly impact the filer's ability to perform the duties of their position, in advance, with their supervisor and an Ethics Official. In such cases, filers may be required to address the conflict using alternate means, such as divestiture. If the filer does not resolve the conflict, the Government may elect to take appropriate personnel action.

(c) Documentation. Ethics Officials will document cautionary guidance issued and remedial measures taken in report comments, memos, or attachments and maintain them in an appropriate records management system to facilitate future reference and for continuity of legal

advice. Email is an acceptable form of documentation but should be saved in a format that can be retrieved and read by others.

## SECTION 2. PUBLIC FINANCIAL DISCLOSURE REPORTS (OGE FORM 278e)

6-200. Individuals Required to File. *The positions listed at 5 C.F.R. § 2634, Subpart B must file an OGE Form 278e.* Additionally, individuals occupying the following positions must file an OGE Form 278e:

- a. Highly Qualified Experts – Senior Mentors (HQE-SM)
- b. Senior Level (SL) and Scientific and Professional (ST) personnel
- c. Defense Intelligence Senior Executive Service (DISES)
- d. Defense Intelligence Senior Level (DISL) Employees

6-201. Time of Filing.

a. **New Entrant Reports for National Guard and Reserve Component Officers.** *Any National Guard or Reserve Component officer in the grade of O-7 or above who has not previously filed an OGE Form 278, either in the course of their civilian employment or Guard/Reserve duties, must file a New Entrant report within 15 days after the 61st day of serving on active duty during any calendar year (see 10 U.S.C. § 101(d)(1) and 32 U.S.C. § 101(12)). For National Guard and Reserve Component officers, only service pursuant to orders issued under Title 10, U.S.C., is counted.*

b. **Annual Reports for National Guard and Reserve Component Officers.** *Any National Guard or Reserve Component officer in the grade of O-7 or above who has previously submitted a New Entrant OGE Form 278e and served on active duty for more than 60 days during the preceding calendar year must file an Annual OGE Form 278e. For National Guard and Reserve Component officers, only service pursuant to orders issued under Title 10, U.S.C., is counted.*

c. **Termination Reports for National Guard and Reserve Component Officers.** Any National Guard or Reserve Component officer in the grade of O-7 who is not otherwise required to file an OGE Form 278e and did not serve more than 60 days on active duty during the calendar year in which the military officer is transferred to the Retired Reserve is not required to file a termination report. For National Guard and Reserve Component officers, only service pursuant to orders issued under Title 10, United States Code, is counted.

d. **Senior Mentor Highly Qualified Experts.** In accordance with Deputy Secretary of Defense's "Revised Guidance on Senior Mentor Financial Disclosure Requirement," issued on November 12, 2010, HQE-SMs must file Public Financial Disclosure Reports irrespective of individual rate of pay or number of days reasonably expected to serve. Accordingly, HQE-SMs

must file a report even if expected to serve or actually have served less than 60 days in any 365-day period.

e. Extension of Filing Deadlines. When required by reason of national or family emergency, unusually pressing assignments, infirmity, or other good cause affecting a filer or class of filers, the DAEO may grant an extension of the filing deadline, not to exceed a total of 90 days. The DAEO may also grant an extension for good cause based upon administrative or technical issues outside of the filer's control that impact the filer's ability to submit a report, such as delays in notice to Ethics Officials of a new filer's appointment to a filing position or extended filing system outages.

(1) Filers requesting extensions must do so in writing. No request is required for:

(a) Extensions initiated by the DAEO based upon administrative or technical issues; or,

(b) Combat Zone Extensions granted pursuant to 5 C.F.R. § 2634.201(h).

(2) Ethics Officials and Reviewing Officials must record all extensions in the electronic filing system and, where applicable, attach a copy of the extension request and approval to the report in the system or retain it in the filer's client file. For reports excepted from electronic filing, the request and the extension must be saved with the associated financial disclosure report.

f. Combined Annual and Termination Reports. Filers who anticipate terminating their DoD employment between May 15 and August 13 may file one combined Annual/Termination OGE Form 278. Combination Reports must be filed within 30 days after separation, but not later than August 13. Assignment of a Combination Report to a filer constitutes an extension of the filer's Annual Report submission deadline to 30 days following their separation date or August 13, whichever is earlier. Any further extensions may not exceed 90 days from the original Annual Report due date of May 15, which is August 13. Combination Reports filed after August 13 are late. Due dates falling on a weekend or Federal holiday will roll to the next business day.

#### 6-202. Special Reviewing and Certification Requirements.

a. General and Flag Officers.

(1) Military Service Responsibilities. The Military Service must:

(a) Structure their electronic filing system organizational groups to include each joint duty assignment (JDA) location where the Military Service has or may have General/Flag officer(s) assigned. The primary group staff/reviewer roles will be assigned to appropriate personnel at the JDA location and updated within seven calendar days of notification from the JDA organization of a change in ethics office personnel.

(b) Ensure that Ethics Officials at the JDA location are notified of any General/Flag officers assigned to that location, as well as when any military officer at the JDA location is

appointed to the rank of O-7, within 30 calendar days of the officer's assignment/date of appointment.

(c) Maintain oversight of filing compliance for their General/Flag officer(s), regardless of where assigned.

(2) Joint Duty Assignments Responsibilities. JDA Ethics Officials must:

(a) Ensure that General/Flag officers assigned to their JDA organization are properly registered in the designated electronic filing system and assigned appropriate financial disclosure reports.

(b) Ensure that the appropriate JDA personnel are assigned to conduct supervisory reviews for each organizational group established by the Military Services for their General/Flag officer filers.

(c) Review and certify General/Flag officer reports, except that the Combatant Commander of a Unified Combatant Command will have their report certified by the Legal Counsel to the Chairman of the Joint Chiefs of Staff following initial review by a Combatant Command Ethics Official.

(d) Ensure at least two alternates are always assigned to each Integrity role for the JDA (regardless of whether those personnel will practice ethics). This will provide capability to remove and assign ethics office personnel in the system at the JDA level without action by Military Service ethics officials.

(3) DAEO Agency Reporting Data. For purposes of OGE Annual Agency Ethics Program Questionnaires, Program Reviews, or any other similar requirements, financial disclosure compliance data for General/Flag officers assigned to JDAs will be reported by the Military Services. JDA Ethics Officials will ensure that General/Flag officer reports are timely reviewed and certified and will promptly respond to requests for status and other information from Military Service Ethics Officials.

b. Nominee Reports for O-9 and O-10 General and Flag Officers. As part of the Senate confirmation process that is required for the President to appoint an officer to the grade of O-9 or O-10, the Secretaries of the Military Departments must ensure that nominees for such positions have current OGE Forms 278e on file and that their reports are reviewed and certified by the appropriate DAEO prior to forwarding the report to the Committee on Armed Services of the U.S. Senate.

c. Designation of Certifying Official for DoD Presidentially Appointed Senate Confirmed Civilian Reports.

(1) Only the DoD DAEO or DoD ADAEO may certify a Nominee OGE Form 278e filed by a prospective nominee for a Presidentially appointed civilian position in DoD that requires Senate confirmation (PAS).

(2) Annual and Termination OGE Form 278e public financial disclosure reports filed by PAS civilian officials must be certified by a DAEO or, an ADAEO who is a civilian employee. This certification authority may not be delegated except that where the ADAEO is a military member, certification of PAS reports may be delegated to a civilian employee in the grade of GS-15 or above who has been designated as a DDAEO.

d. OGE Form 278-T Periodic Financial Disclosure Reports. To ensure that electronic filing system compliance data is accurate:

(1) Filers may not include non-reportable transactions on OGE Form 278-T reports that are submitted for Ethics Official certification. Non-reportable transactions can be removed by the filer or the Ethics Official (with filer notification). Ethics Officials must not certify reports that contain non-reportable transactions.

(2) Filers may not include transactions spanning a period greater than 30 days on a single OGE Form 278-T. Filers who conduct reportable transactions throughout the year will submit a separate OGE Form 278-T for each month in which the filer has reportable transactions.

(3) Exception for Late Filing. A filer who failed to timely submit required OGE Form 278-T reports for transactions that occurred in any previous calendar year, may submit a single OGE Form 278-T that includes all reportable transactions for that year and may include non-reportable transactions on such report. In such situations, the filer must submit a separate report for each calendar year of unreported transactions.

#### 6-203. Non-Compliance.

a. Action within a DoD Component. The Head of the DoD Component will ensure appropriate action is taken in accordance with applicable law, regulation, or policy.

(1) Non-Compliance with Reporting Requirements. The DAEO will notify the Head of the DoD Component if a filer:

(a) Fails to timely file an OGE Form 278 and is more than 60 days beyond the report's current due date;

(b) Willfully or negligently falsifies or fails to report any required information; or,

(c) Fails to provide additional information or make required report amendments for more than 30 days following a request from the ethics office to do so.

(2) Non-Compliance with Remedial Actions. If a filer is notified that remedial action is required to address a conflict of interest or other issue and the filer fails to take necessary steps to ensure compliance by the date established by the Ethics Official, the DAEO must report the matter to the Head of the DoD Component for remedial action. The Head of a DoD Component may designate personnel who are members of the SES or equivalent, or military officers in the grade of O-7 or above to receive and act on such reports.

b. Required Referrals. The Head of the DoD Component must ensure that the name of any individual that they have reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported is referred to the Attorney General, with a copy of such referral to the appropriate Inspector General (IG) and the SOCO Director. (See 5 U.S.C. app. § 104 and 5 C.F.R. § 2634.701).

6-204. Release of Public Financial Disclosure Reports. OGE Form 201 requests for release of public financial disclosure reports or associated records must be properly completed and signed, to include providing the names of individuals for whom reports are requested, unless an exception is granted by the SOCO Director. Where it is clear the request for the same type of records is being made to multiple DoD Components, or where the number of records requested is particularly large, Component Ethics Officials should inform DoD SOCO to ensure appropriate DoD-wide coordination.

### SECTION 3. CONFIDENTIAL FINANCIAL DISCLOSURE REPORT (OGE FORM 450)

6-300. Individuals Required to File.

a. ***Covered Positions***. *For purposes of this section, unless required to file an OGE Form 278e or unless expressly exempted, the following individuals are in “covered positions” and are required by 5 C.F.R. 2634, Subpart I and the JER to file an OGE Form 450:*

***(1) Commanding officers, heads and deputy heads, and executive officers of:***

***(a) Navy shore installations with 500 or more military personnel and civilian DoD employees (including foreign nationals and indirect hire personnel regularly attached, but excluding personnel attached for temporary duty); and***

***(b) All Army, Marine Corps, Air Force, and Space Force installations, bases, air stations or activities.***

***(2) SGEs, except the following categories of DoD SGEs:***

***(a) Physicians, dentists, and allied medical specialists engaged only in providing services to patients;***

***(b) Veterinarians providing only veterinary services;***

***(c) Lecturers participating only in educational activities;***

***(d) Chaplains performing only religious services;***

***(e) Individuals in the motion picture or television fields who are utilized only as narrators or actors in DoD productions;***

***(f) Reserve Component Members on active duty for less than 30 consecutive days during a calendar year who are not otherwise performing duties impacting the financial interests of NFEs; and,***

***(g) Members of selection panels for Reserve Officers' Training Corps candidates.***

***(3) DoD employees classified at GS/GM-15 or below under 5 U.S.C. § 5332 or a comparable pay scale under other authority and members of the Military Services appointed to a grade below the grade of O-7 as follows:***

***(a) When the supervisor or an Ethics Official determines that the official responsibilities of such DoD Personnel require them to participate personally and substantially through decision or exercise of significant judgment, and without substantial supervision and review, in taking an official action for contracting or procurement, administering or monitoring grants, subsidies, licenses or other Federally conferred financial or operational benefits, regulating or auditing any NFE, or other activities in which the final decision or action may have a direct and predictable financial impact on the interests of any NFE; or,***

***(b) Any DoD Personnel serving in a position in which their supervisor determines that the duties and responsibilities of the position require the individual to file such a report to avoid an actual or apparent conflict of interest and to carry out the purpose of any statute, E.O., or regulation applicable to or administered by that filer, even if the filer would otherwise not be required to file based on type of appointment.***

Example: A member of the Reserve Component who is expected to work less than 60 days during the year drills as a contract specialist for two weeks. Although they are not required to file a financial disclosure form as an SGE, they may be required to file because of their assigned duties.

***(4) HQEs who are not designated as SMs.***

***(5) Personnel participating in certain exchange programs, as required by authorizing statutes or implementing regulations and policies. For example, personnel assigned under the Intergovernmental Personnel Act.***

***(6) Contracting Officer Representatives or Contracting Officer Technical Representatives, when indicated in the contracting officer's designation letter. The Contracting Officer Representative or Contracting Officer Technical Representative will provide a copy of the designation letter to their local ethics office promptly upon receipt.***

***(7) Individuals who are formally detailed or temporarily promoted to positions described in subsection 6-300.a.(3) of the JER, above.***

b. Exclusion. DoD Personnel who are not assigned to contracting or procurement positions but have decision-making responsibilities regarding expenditures below the micro-purchase threshold are not required to file the OGE Form 450, provided that the cumulative total of all purchases made by that individual during the preceding calendar year is less than the simplified acquisition threshold. Agency Designees may require such personnel to file the OGE Form 450 if the Agency Designee determines that the individual's other duties warrant financial disclosure filing. The micro-purchase and simplified acquisition thresholds are defined in Part 2 of the Federal Acquisition Regulation (48 C.F.R., Chapter 1).

c. Authority to Require Filing. DoD Components will only require personnel to file where the criteria set forth in 5 C.F.R. § 2634.904 or this Chapter for filing the OGE Form 450 are met. DoD Components are not authorized to require all members of an organization to file an OGE Form 450, absent a finding by the DAEO that each member of the organization meets the filing criteria.

#### 6-301. Time of Filing.

##### a. New Entrant Reports.

(1) Filers transferring from one covered position to another are not required to file a New Entrant report. The filer must submit a copy of their most recent financial disclosure report to the supervisor and Ethics Official for the new position.

(2) Before any appointment or any renewal of an appointment to a covered position, an SGE must submit to their supervisor and Ethics Official an OGE Form 450 with information covering the 12 months immediately preceding the filing date. An SGE whose appointment exceeds one year must file a New Entrant report on or before each anniversary of their original appointment date. An SGE who fails to timely file the required OGE Form 450 is prohibited from performing any duties until the form is submitted.

b. Extension of Filing Deadline. When required by reason of national or family emergency, unusually pressing assignments, infirmity, or other good cause affecting a filer or class of filers, the DAEO may grant an extension of the filing deadline, not to exceed a total of 90 days. The DAEO may also grant an extension for good cause based upon administrative or technical issues outside of the filer's control that impact the filer's ability to submit a report, such as delays in notice to Ethics Officials of a new filer's appointment to a filing position or extended filing system outages.

(1) Filers requesting extensions must do so in writing. No request is required for:

(a) Extensions initiated by the DAEO based upon administrative or technical issues; and,

(b) Combat Zone Extensions granted pursuant to 5 C.F.R. § 2634.903(d)(2).

(2) Ethics Officials and Reviewing Officials must record all extensions in the electronic filing system and, where applicable, attach a copy of the extension request and approval, if applicable, to the report in the system or retain it in the filer's client file. For reports excepted from electronic filing, the request and the extension must be saved with the associated financial disclosure report.

6-302. Non-Compliance. The Head of the DoD Component will ensure appropriate action is taken, in accordance with applicable laws, regulations, or policies, against any filer who fails to file an OGE Form 450, willfully or negligently falsifies or fails to report required information or fails to comply with required remedial action.

## CHAPTER 7 – SEEKING AND POST-GOVERNMENT EMPLOYMENT

### SECTION 1. GUIDANCE FOR CURRENT AND FORMER DOD PERSONNEL

7-100. Consultation with Ethics Official. DoD Personnel who are leaving Federal service may obtain guidance from an Ethics Official on Federal and DoD ethics restrictions related to seeking employment and post-Government employment (PGE).

a. DoD Ethics Officials will inform any current or former DoD Personnel requesting advice related to seeking employment and PGE that DoD Ethics Officials represent the Federal Government. No attorney-client relationship or attorney-client privilege is established between the Ethics Official and DoD Personnel. Ethics Officials must inform current and former DoD Personnel that they have no attorney-client relationship and include this notice in any written opinion provided under paragraphs 7-100.b or Section 7-101, below.

b. Current and former DoD Personnel may request a written opinion on the applicability of PGE restrictions from the Ethics Official of the command or organization which they are leaving or have left.

c. Advice from an Ethics Official must be tailored and personal to current or former DoD Personnel and does not extend to anyone else, including their business, employer, or prospective employer. Current and former DoD Personnel may share a written PGE opinion from an Ethics Official with current or prospective employers.

d. Military personnel leaving Government service from a JDA may consult with an Ethics Official at the joint command or in their respective Military Service, provided the latter have sufficient information about the military member's, or former military member's, duties in that JDA to provide complete advice.

7-101. Advice on PGE Restrictions to Current and Former Members of the Military Services. In addition to other applicable laws and regulations, Ethics Officials advising current and former military members on PGE restrictions will specifically address:

a. Restrictions that apply during a period of terminal or transition leave before the member has left active Federal service; and,

b. The prohibition in the Emoluments Clause of the U.S. Constitution (Article I, Section 9, Clause 8) on receiving compensation from a foreign government or foreign government-controlled entity without prior approval from the Service Secretary and U.S. Secretary of State through the process established in 37 U.S.C. § 908 and applicable Military Service regulations.

7-102. Requirement to Obtain Written Advice for Certain Officials. PAS officials, military officers in the grade of O-7 and above, career members of the SES, non-career members of the SES, Schedule C employees, and officials subject to the restrictions of § 2104 of the Procurement Integrity Act (41 U.S.C. § 2104) must request a written PGE legal opinion from their Ethics Official if:

a. Within two years of leaving DoD service, the individual expects to receive compensation from a defense contractor; and,

b. Within the two-year period prior to their departure from DoD, the individual participated “personally” and “substantially” (as those terms are defined in 5 C.F.R. § 2641.201(i)) in an acquisition in excess of \$10M.

7-103. Ethics Officials’ Authority to Issue Written Opinions. Ethics Officials who have not been delegated specific authority in writing to issue written opinions required by this section and 48 C.F.R. § 3.104-6 must promptly forward the request to the DAEO.

7-104. Requirements for Requesting Written Advice.

a. Any request for a written PGE opinion must include a DD Form 2945, along with other relevant written information, to document the facts upon which Ethics Officials are relying in providing an opinion. Ethics Officials will provide a written opinion within 30 days of receiving a complete request.

b. Personnel subject to Section 847 of the FY 2008 NDAA must complete their request for a written legal opinion online, using the After Government Employment Advisory Repository, which includes an electronic version of the DD Form 2945.

c. A request that does not include specific information regarding the current or former DoD Personnel’s DoD duties, future employer, position, and duties to be performed is incomplete. The 30-day clock for completion of the written opinion will not start until the requestor submits a complete request.

7-105. Release of Post-Government Employment Opinions & Related Documents. Requests for the disclosure of PGE opinions and related documents, such as the DD Form 2945, warrant special consideration. PGE letters specifically disclaim any attorney-client relationship and are specifically intended for use by outside persons (e.g., prospective employers). PGE documents will likely contain non-public information about the individual, such as personally identifiable information and information concerning non-Federal employment. Therefore, Ethics Officials will carefully review PGE documents to ensure that any information required to be withheld under applicable privacy laws is appropriately redacted.

## SECTION 2. EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION

7-200. Exception to Restrictions of 18 U.S.C. § 207. The restrictions contained in 18 U.S.C. § 207(a), (c) and (d) do not apply to communications made solely to furnish “scientific and technological information,” as described in 5 C.F.R. § 2641.301(e)(2), provided the individual obtains authorization from the DoD to make such communications, as described in subparagraph 7-201.b of the JER.

7-201. Procedure for Obtaining Authorization. The following procedure applies to obtaining the authorization permitted under 18 U.S.C. § 207(j)(5) and 5 C.F.R. § 2641.301(e)(4):

a. Former DoD Personnel must submit a request for authorization, in writing, through the DoD Component ethics office, to the Head of the DoD Component.

b. The Head of the DoD Component may allow the requested communication when the Head of the DoD Component makes a written determination addressing the following considerations:

- (1) The individual has specialized scientific or technological qualifications;
- (2) The national interest of the U.S. would be served by such communication;
- (3) The individual has qualifications that are otherwise unavailable; and,
- (4) The Head of the DoD Component has consulted with an Ethics Official.

### SECTION 3. POST-GOVERNMENT EMPLOYMENT ANNUAL CERTIFICATION

7-300. Annual Certification. DoD Personnel who file the Public Financial Disclosure Report (OGE Form 278e) must certify annually that they are aware of and have not violated the disqualification and employment restrictions of 18 U.S.C. §§ 207 and 208, 41 U.S.C. §§ 2101-2107, Section 1045 of the FY 2018 NDAA (Public Law 115-404), and the Emoluments Clause restrictions on compensation from foreign governments. This certification is accomplished by signing the annual OGE Form 278e in the Integrity system.

## CHAPTER 8 – ENFORCEMENT AND REPORTING

### SECTION 1. ENFORCEMENT OF THE PROVISIONS OF THE JER

#### 8-100. Purpose and Penalties.

a. This Chapter sets out the requirements for reporting, investigation, and referral of suspected criminal and administrative violations of the JER. The goal of these requirements is to ensure that ethics-related laws and regulations are properly enforced, and that appropriate administrative or disciplinary action is taken. This Chapter does not address noncompliance with financial disclosure reporting requirements. Procedures for addressing noncompliance with financial disclosure reporting requirements are addressed in Chapter 6.

b. Penalties for violation of the rules incorporated in and prescribed by the JER include applicable criminal, civil, and administrative sanctions for current DoD Personnel, including punishment under the UCMJ for military members. Many of the statutes that regulate the post-Government employment activities of former or retired DoD Personnel also provide for specific criminal and administrative sanctions.

c. Military members subject to the UCMJ who violate the specific punitive provisions of the JER, as annotated by ***bold italicized*** font, may be subject to punitive action under Article 92 of the UCMJ.

d. For National Guard members who are subject to the JER but are not subject to Title 10 of the U.S.C. or other Federal statutes, regulations, or directives, the method of enforcement for the JER is the applicable State code of military justice or other applicable State statutes or regulations.

### SECTION 2. REPORTING PROCEDURES

#### 8-200. Reporting Suspected Violations.

a. Contractors or members of the public who suspect violations of the JER may make reports to the DoD IG Hotline at 800-424-9098, or via the DoD IG website at <https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/>.

b. DoD Personnel who receive information alleging a violation of the JER and who reasonably believe that a violation of the JER has occurred must report the allegation as soon as practicable. Reports may be anonymous and must be made to any of the following:

- (1) Individuals in their own chain of command or supervision;
- (2) Individuals in the chain of command or supervision of DoD Personnel suspected of violating the JER;
- (3) The Head of the DoD Organization;

(4) The Ethics Official responsible for advising the organization to which the reporting individual or suspected offender is assigned;

(5) The appropriate DoD Component IG;

(6) The appropriate DoD Component Insider Threat Program;

(7) The appropriate Defense Criminal Investigative Organization (DCIO); or,

(8) The DoD IG Hotline at 800-424-9098, or via the DoD IG website at <https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/>.

c. DoD Ethics Officials who receive information concerning a possible violation of Presidential Ethics Pledge commitments by a current or former political appointee will:

(1) Determine whether there is sufficient information that a violation may have occurred; and,

(2) Provide all relevant information and documentation to SOCO. SOCO will coordinate with the White House Counsel's office regarding the appropriate course of action.

#### 8-201. Investigating Suspected Violations.

a. Ethics Officials are advisors and should normally not be assigned to investigate suspected violations of the JER. DoD Components receiving credible information concerning a possible violation of the JER should, if appropriate and after consultation with an Ethics Official, convene an administrative inquiry or refer the suspected violation to the appropriate investigatory agency or office. Minor procedural violations of the JER may not typically warrant investigation. DoD investigators reviewing suspected violations of the JER will consult their organization or command's Ethics Official, as appropriate, to ensure correct legal interpretation of law, regulation, and policy.

b. DoD investigators requesting documents from Ethics Officials, including financial disclosure reports, will utilize appropriate OGE, DoD, or IG forms or templates.

c. Suspected violations of 18 U.S.C. §§ 203, 205, 207, 208 or 209 must be reported to the appropriate DCIO and the reporting individual's or offender's Ethics Official.

(1) The appropriate DCIO is responsible for investigating the alleged violation and notifying the Department of Justice (DOJ), through the applicable assistant U.S. Attorney, in accordance with DoDI 5505.02. Concurrently with its notification to the DOJ, the DCIO must notify the alleged offender's Ethics Official of such referrals.

(2) The Ethics Official must promptly report the following information to the respective DAEO, who will forward the information to SOCO concurrently with a report to the appropriate DCIO:

- (a) The name and position of the individual making the allegation, as appropriate;
- (b) The name and position of the alleged offender;
- (c) The suspected offense;
- (d) The facts and circumstances constituting the suspected offense; and,
- (d) The status of any action being taken.

(3) The Ethics Official must provide periodic updates, as appropriate, but no less frequently than every six months, to the respective DAEO, until a final determination is made.

d. Allegations of a violation of the JER by a senior official must be forwarded to the DoD IG, in accordance with DoDD 5505.06 (“Investigations of Allegations Against Senior DoD Officials”). The following personnel are senior officials for purposes of this reporting requirement: active duty, retired, Reserve, or National Guard military officers in grades O-7 and above; an officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the Military Department Secretary; a current or former member of the SES; a current or former DoD civilian employee whose position is deemed equivalent to that of a member of the SES (e.g., DISES, SL employee, and non-appropriated fund senior executive); and a current or former Presidential appointee.

e. Allegations of violations not falling into the categories described above or determined not to be under the DCIO’s investigative authority, must be forwarded to the reporting individual’s Ethics Official or the Ethics Official of the individual suspected of violating the JER. The Head of the DoD Component, in consultation with their Ethics Official, will determine whether the alleged violations will be investigated and the appropriate process for the investigation. For such alleged violations, the Ethics Official must report the following information to the respective DAEO as soon as practicable:

- (1) The name and position of the individual making the allegation, as appropriate;
- (2) The name and position of the alleged offender;
- (3) The suspected offense;
- (4) The facts and circumstances constituting the suspected offense; and,
- (5) The status of any action being taken.

8-202. Referral to DOJ or U.S. Attorney.

a. The referring office or organization will provide the respective DAEO with a copy of any referral of an ethics violation made to DOJ or the U.S. Attorney within five business days of making the referral. This includes referrals for violations of:

(1) The JER handled within the DoD Component's procurement fraud program, regardless of whether the OGE Form 202, "Notification of Conflict of Interest Referral" is required;

(2) The criminal conflict of interest laws, at 18 U.S.C. §§ 201-209;

(3) The Ethics in Government Act, at 5 U.S.C. Chapter 131;

(4) Federal ethics regulations, at 5 C.F.R. Chapter XVI, Subchapter B; and,

(5) DoD supplemental ethics regulations, at 5 C.F.R. Part 3601.

b. For referrals of violations of the conflict of interest statutes at 18 U.S.C. §§ 203, 205, 207, 208, or 209, the referring office or organization must include the OGE Form 202, "Notification of Conflict of Interest Referral," in the referral packet and must send a copy of the OGE Form 202 to the respective DAEO.

c. For purposes of this section, the "referring office or organization" is the entity actually communicating with and transmitting the matter to DOJ or the U.S. Attorney.

8-203. Financial Disclosure Noncompliance Reporting. Procedures for addressing noncompliance with financial disclosure reporting requirements are addressed in Chapter 6.

## CHAPTER 9 – TRAINING

### SECTION 1. GENERAL ETHICS TRAINING REQUIREMENTS

#### 9-100. Ethics Training, Generally.

- a. Overall responsibility for ethics training programs rests with the Head of each DoD Component, acting through their DAEO. The Head of the DoD Component must ensure adequate resources are available to implement the requirements of this Chapter.
- b. DoD DAEOs may establish additional requirements for their Component's ethics education program without a supplemental agency regulation, pursuant to section 5 C.F.R. § 2638.309. For example, DAEOs may require that DoD Personnel not covered by 5 C.F.R. §§ 2638.307 and 2638.308 receive annual ethics training.
- c. Training on the Standards of Ethical Conduct for Employees of the Executive Branch and related statutes, regulations, and policies must be developed or approved by an Ethics Official.
- d. Each DoD Component will maintain records of compliance with 5 C.F.R. Part 2638, Subpart C, including the method of training provided to covered employees.
- e. DAEOs will support DFO requests to provide initial ethics training (IET) to members of FACA committees and boards, consistent with DoDI 5105.04.

### SECTION 2. INITIAL ETHICS TRAINING FOR NEW DOD PERSONNEL

#### 9-200. Initial Ethics Training Deadlines.

- a. Within 30 days of appointment, all new DoD Personnel must receive IET, as described in 5 C.F.R. Part 2638, Subpart C. Ethics Officials may extend the 30-day IET deadline for good cause, provided that the extension deadline does not exceed three months from the employee's date of appointment.
- b. Notwithstanding the definition of "employee" at 5 C.F.R. § 2638.603, DAEOs of the Military Departments must ensure that newly enlisted members in the Active and Reserve Components and newly commissioned officers in the Reserve Components who are not otherwise subject to the requirements of paragraph 9-200 receive IET within 180 days of the first day of active service following enlistment or commissioning.

### SECTION 3. ANNUAL ETHICS TRAINING FOR DOD PERSONNEL

9-300. Annual Ethics Training Deadlines. All DoD Personnel required to complete Annual Ethics Training (AET) in accordance with 5 C.F.R. Part 2638, Subpart C, will do so by

November 30th of the calendar year in which the training is due. Ethics Officials may extend the AET deadline for good cause, provided that the extension deadline does not exceed the end of the calendar year in which the training is due.

9-301. Live/Leader-Led Training. DoD Components will, to the maximum extent practicable, offer live (in-person or virtual) AET training each calendar year. Senior leaders across DoD Components will, to the maximum extent practicable, lead or otherwise participate in these live training sessions.

9-302. Initial Ethics Training in Lieu of Annual Ethics Training. IET may satisfy the AET requirements when completed in the same calendar year provided that the IET otherwise meets applicable regulatory AET requirements.

9-303. Exceptions to Interactive Training Requirement of 5 C.F.R. Part 2638, Subpart C. For the following categories of DoD Personnel, the GC DoD has determined that it is impracticable to provide interactive training to each such individual every year. While interactive training is preferred, these individuals may be given written materials to satisfy the AET requirements.

- a. SGEs expected to work no more than 60 days in a calendar year; and,
- b. Officers in the Military Departments who serve on active duty for 60 or fewer consecutive days in a calendar year.

9-304. Required Content of Annual Ethics Training. AET topics must include, every year, a discussion or handout on the laws and regulations on conflict of interest disqualification, seeking employment, and PGE. This includes 18 U.S.C. §§ 207 and 208, 41 U.S.C. § 2101-2107, Section 1045 of the NDAA for FY18 (Public Law 115-404), Section 1117 of the NDAA for FY22 (Public Law No: 117-81), and the prohibition in the Emoluments Clause of the U.S. Constitution (Article I, Section 9, Clause 8) on receiving compensation from a foreign government or foreign government-controlled entity.

## SECTION 4. TRAINING FOR ETHICS OFFICIALS

9-400. Training Requirements for DoD Ethics Officials.

- a. Initial Training. All Ethics Officials except DAEOs and ADAEOs must complete at least six hours of training, as described in paragraph 9-400.c, within six months of being so designated. This initial training requirement is satisfied if the person has completed such training at any time previously in conjunction with actual or anticipated service in DoD as an Ethics Official. This initial training requirement does not apply to an Ethics Official who was properly designated as such prior to the publication of this JER under the authority of DoDD 5500.07. However, all Ethics Officials in the DoD must complete the annual training requirement discussed in paragraph 9-400.b.

b. Annual Training. Ethics Officials must complete at least one hour of training annually, consistent with the requirements of paragraph 9-400.c.

c. Content and Method of Training. The intent of the annual training requirement is to facilitate the ongoing professional development of DoD Ethics Officials. The training required by this section may be satisfied by completing any ethics/standards of conduct in-person, virtual, or pre-recorded course, other than annual ethics training offered to financial disclosure filers pursuant to 5 C.F.R. § 2638 Subpart C. The training requirement may also be satisfied by serving as an instructor for a class or course hosted by or delivered under the authority of any of the following:

- DoD Office of General Counsel;
- Offices of the General Counsel of the Military Departments;
- The Judge Advocates General of the Army, Navy or Air Force;
- The Staff Judge Advocate to the Commandant of the Marine Corps; or
- OGE.

With the prior approval of the DAEO, this requirement may also be satisfied by instructing a class or course hosted or delivered by another Federal agency or NFE, provided that the purpose is to train attorneys or other ethics and compliance personnel on Federal ethics laws and regulations. DAEOs may also establish formal self-study programs.

d. Certification of Training. DoD DAEOs may delegate management of this requirement to subordinate ethics offices. DAEOs will establish procedures for certifying compliance with this training requirement annually to the DAEO. This certification may be done in conjunction with reporting and compiling data for completion of the OGE Annual Agency Ethics Questionnaire.

e. Additional Requirements. This section sets forth minimum training requirements. DoD DAEOs may require additional training and certification for Ethics Officials under their responsibility.

## APPENDIX A – DEFINITIONS

Administrative Officer. Staff member responsible for tracking and supporting administrative requirements for personnel within a unit or office.

Agency Designee.

a. For any military officer in grade O-7 or above who is in command, the Chairman of the Joint Chiefs of Staff, the Military Service Chiefs, the Military Service Vice Chiefs, staff principals in the grade of O-9 or higher in a service headquarters organization, any head of a Defense agency or DoD field activity (as established by DoDD 5100.01), and any Presidential appointee requiring Senate confirmation, the Agency Designee is their Ethics Official.

b. For all other DoD Personnel, the Agency Designee is a commissioned military officer in the grade of O-4 or above, or a civilian employee in or above the grade of GS-13 or equivalent, who has been designated as a supervisor in the chain of command or supervision of the DoD Personnel concerned. This responsibility may not be further delegated. The Agency Designee must act in consultation with an Ethics Official.

Alternate Designated Agency Ethics Official (ADAEO). A DoD attorney appointed, in writing, to serve as the primary deputy to the DAEO in the administration of the agency's ethics program, direct the daily activities of the ethics program, and coordinate with OGE. The ADAEO must be a DoD attorney who has demonstrated the skills necessary to assist the DAEO in the administration of the agency's ethics program.

Deputy Designated Agency Ethics Official (DDAEO). A DoD attorney designated, in writing, by the DAEO or ADAEO to assist in carrying out the responsibilities of the ethics program.

Designated Agency Ethics Official (DAEO). A DoD attorney with the qualifications required in accordance with 5 C.F.R. § 2638.104(b), who is appointed in writing by the DAEO agency head when authorized by the OGE and the GC DoD to administer the provisions of the Ethics in Government Act (Title 5, United States Code, Chapter 131), DoDD 5500.07, and the JER. The GC DoD is the principal DoD DAEO, with authorities as established in DoDD 5145.01 and DoDD 5500.07.

DoD ADAEO. The Director of the DoD Standards of Conduct Office.

DoD Component. OSD; the Military Departments; the Joint Chiefs of Staff and the Joint Staff; the Unified Combatant Commands; Office of the IG of the DoD; the Defense Agencies; and the DoD Field Activities. Except that:

a. For purposes of the regulations in subpart B of 5 C.F.R. Part 2635, governing gifts from outside sources, and 5 C.F.R. § 2635.807, governing teaching, speaking and writing, "Component" is defined in 5 C.F.R. § 3601.102.

b. For purposes of the post-employment laws and regulations in 18 U.S.C. § 207(c) and 5 C.F.R. § 2641.204, respectively, “Component” is defined in Appendix B to 5 C.F.R. Part 2641.

DoD DAEO. The GC DoD. The principal DAEO for the DoD and DAEO for the DoD Remainder Agency.

DoD DAEO Agencies. DoD Remainder Agency and organizations listed in Chapter 1, Section 1.

DoD Personnel. Includes:

- a. Any DoD civilian official or employee, including SGE, of any DoD Component and any non-appropriated fund activity.
- b. Any active duty Regular or Reserve military commissioned and warrant officer.
- c. Any active duty enlisted Service member.
- d. Any Reserve or National Guard member on active duty under orders issued pursuant to title 10, U.S.C.
- e. Any Reserve or National Guard member while performing official duties or functions under the authority of either title 10 or title 32, U.S.C., or while engaged in any activity related to the performance of such duties or functions, including any time the member uses their Reserve or National Guard of the U.S. title or position, or any authority derived therefrom.
- f. Any faculty member in a civil service position or hired pursuant to title 10, U.S.C., and any student (including a cadet or midshipman) of an academy, college, university, or school of DoD.
- g. Consistent with labor agreements and international treaties and agreements, and host country laws, any foreign national working for a DoD Component, except those hired pursuant to a defense contract.

DoD Remainder Agency. Comprised of OSD and all DoD Components and organizations that are not designated as separate DAEO agencies in accordance with Paragraph 2.1.a.(5) of DoDD 5500.07.

Ethics Official. Includes:

- a. Any DAEO, ADAEO, or Deputy DAEO within the DoD.
- b. A DoD attorney designated in writing by the respective DAEO, or designee, to assist in carrying out the responsibilities of the ethics program. The appointing authority is responsible for ensuring that these individuals have the skills and expertise needed to perform their

assigned duties related to the ethics program and must provide appropriate training for this purpose. Ethics officials are subject to the direction of their DAEO with respect to the functions of the organization's ethics program and may not perform functions that are reserved exclusively to the DAEO, Alternate DAEO, or Deputy DAEO by Federal or DoD regulations and policy or by the terms of the ethics official's designation document.

c. Ethics Officials represent the U.S. Government and U.S. Government personnel who are acting in their official capacities. There is no attorney-client relationship between an Ethics Official and an individual in that individual's personal capacity. This does not prevent the U.S. Government from asserting the attorney-client privilege for communications between an Ethics Official and a client acting in an official capacity.

d. Unless a waiver has been granted by GC DoD, all DoD ethics officials must be licensed attorneys serving as such within the DoD Component issuing the ethics official designation. The term "ethics official" includes individuals previously referred to as "ethics counsel" or "ethics counselor."

Head of a DoD Component. For purposes of this document includes the heads of: OSD Components or Offices of OSD Principal Staff Assistants; the Military Departments; the Office of the Joint Chiefs of Staff and the Joint Staff; the Unified Combatant Commands; the Office of the IG of the DoD, the Defense Agencies and the DoD Field Activities, as listed in 10 U.S.C. § 111 and DoDD 5100.01 ("Functions of the Department of Defense and Its Major Components").

Head of a DoD Organization. A commander, commanding officer, or other military or civilian DoD official who exercises command authority or has overall responsibility for managing a command or organization within a DoD Component.

Non-Federal Entity (NFE). A self-sustaining non-Federal person or organization, established, operated, and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. It may be an incorporated or unincorporated person or organization that is not an agency or instrumentality of the Federal Government. NFEs may include elements of State, interstate, Native American, or local government, as well as private organizations. Other subsets of NFEs may include for-profit businesses, business industry organizations, veteran service organizations, nonprofit NFEs, Federally Funded Research and Development Centers, University Affiliated Research Centers, foundations, community-based or other non-governmental organizations that are not affiliated with a local, State, or Federal Government agency. This includes Federally-chartered organizations, such as Federal corporations, that are not made a part of the Federal Government by their authorizing statutes.

OGE Form 450. Unless specifically stated otherwise, throughout the JER, the term "OGE Form 450" includes any authorized alternative form approved by SOCO and OGE. Examples include the SD Form 830 and FDM submitted/generated forms.

Personal Commercial Solicitation. Personal contact, to include meetings, meals, or

telecommunications contact, for the purpose of seeking or engaging in private business or trade. This does not include off-duty employment of DoD Personnel employed in retail establishments. See DoDI 1344.07.

Reserve Components. As defined in 10 U.S.C. § 10101, excluding The Coast Guard Reserve, unless it is operating as a part of the U.S. Navy pursuant to 14 U.S.C. § 103.

Reviewing Officials. Ethics office staff assigned to conduct technical and/or substantive review of financial disclosure reports.

## APPENDIX B – ACRONYMS

ADAE0	Alternate Designated Agency Ethics Official
CFR	Code of Federal Regulations
DAEO	Designated Agency Ethics Official
DCIO	Defense Criminal Investigative Organization
DDAE0	Deputy Designated Agency Ethics Official
DFO	Designated Federal Officer
DISES	Defense Intelligence Senior Executive Service
DISL	Defense Intelligence Senior Level
DoDD	DoD Directive
DoDI	DoD Instruction
DOJ	U.S. Department of Justice
E.O.	Executive Order
FACA	Federal Advisory Committee Act
GC DoD	General Counsel of the Department of Defense
HQE	Highly Qualified Expert
IG	Inspector General
JDA	Joint Duty Assignment
JER	Joint Ethics Regulation
NDAA	National Defense Authorization Act
NFE	Non-Federal Entity
OGE	U.S. Office of Government Ethics
PAS	Presidentially appointed Senate confirmed official

PGE	Post-Government Employment
SES	Senior Executive Service
SGE	Special Government Employee
SL	Senior Level
SM	Senior Mentor
SOCO	DoD Standards of Conduct Office
ST	Scientific and Professional
UCMJ	Uniform Code of Military Justice
USC	U.S. Code

## APPENDIX C – REFERENCES

### United States Constitution

U.S. Const. art. I, § 9, cl. 8

### Executive Orders

Executive Order 12353, Charitable Fundraising, March 23, 1982

Executive Order 12674, Principles of Ethical Conduct for Government Officers and Employees, April 12, 1989

Executive Order 12731, Principles of Ethical Conduct for Government Officers and Employees, October 17, 1990

### United States Code

5 U.S.C., Chapter 131, Ethics in Government Act of 1978

5 U.S.C. §§ 3371-3376, Assignments to and From States (Intergovernmental Personnel Act (IPA) of 1970)

5 U.S.C. § 5332, The General Schedule

5 U.S.C. § 5536, Extra pay for extra services prohibited

5 U.S.C. § 7301, Presidential regulations, Note on “Limitation on gratuities at naval shipbuilding ceremonies”

5 U.S.C., Appendix, Federal Advisory Committee Act

10 U.S.C., Chapter 47, Uniform Code of Military Justice

10 U.S.C. § 101, Definitions

10 U.S.C. § 111, Executive department

10 U.S.C. § 1033(b), Participation in management of specified non-Federal entities: authorized activities - Designated entities

10 U.S.C. § 1589(b), Participation in management of specified non-Federal entities: authorized activities - Designated entities

10 U.S.C. § 10101, Reserve components named

10 U.S.C. § 12601, Compensation: Reserve on active duty accepting from any person

14 U.S.C. § 103, Department in which the Coast Guard operates

18 U.S.C., Part I, Chapter 11, Bribery, graft, and conflicts of interest

20 U.S.C. § 107a, Federal and State responsibilities (Vending Facilities for Blind in Federal Buildings)

26 U.S.C. § 501, Exemption from tax on corporations, certain trusts, etc., subparagraphs (c)(3), (c)(19), and (c)(23)

31 U.S.C. § 1353, Acceptance of travel and related expenses from non-Federal sources

32 U.S.C., National Guard

32 U.S.C. § 101, Definitions

37 U.S.C. § 908, Employment of reserves and retired members by foreign governments

41 U.S.C. Chapter 21, Restrictions on Obtaining and Disclosing Certain Information

### Public Law

Public Law 110-181, National Defense Authorization Act for Fiscal Year 2008, Section 847, “Requirements for senior Department of Defense officials seeking employment with defense contractors”

Public Law 115-404, National Defense Authorization Act for Fiscal Year 2018, Section 1045, “Prohibition on lobbying activities with respect to the Department of Defense by certain officers of the Armed Forces and civilian employees of the Department following separation from military service or employment with the Department”

Public Law 117-81, National Defense Authorization Act for Fiscal Year 2022, Section 1117, “Enhancement of recusal for conflicts of personal interest requirements for Department of Defense officers and employees”

### Code of Federal Regulations

5 C.F.R. § 735.201, What are the restrictions on gambling?

5 C.F.R. Part 2634, Executive Branch Financial Disclosure, Qualified Trusts, and

## Certificates of Divestiture

5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch

5 C.F.R. Part 2638, Executive Branch Ethics Program

5 C.F.R. Part 2641, Post-Employment Conflict of Interest Restrictions

5 C.F.R. Part 3601, Supplemental Standards of Ethical Conduct for Employees of the Department of Defense

41 C.F.R. Chapter 102

41 C.F.R. Chapter 304

48 C.F.R., Chapter 1

## DoD Issuances

DoD Directive 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010, as amended

DoD Directive 5145.01, "General Counsel of the Department of Defense (GC DoD)," December 2, 2013, as amended

DoD Directive 5500.07, "Ethics and Standards of Conduct," May 15, 2024

DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 6, 2013, as amended

Directive-Type Memorandum 21-002, "Federal Advisory Committee Management Program Ethics Responsibilities," May 21, 2021, as amended

DoD Instruction 1000.15, "Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations," October 24, 2008

DoD Instruction 1315.09, "Utilization of Enlisted Aides (EAs) on Personal Staffs of General and Flag Officers (GO/FOs)," March 6, 2015, as amended

DoD Instruction 1344.07, "Personal Commercial Solicitation on DoD Installations," March 30, 2006

DoD Instruction 5410.19, Volumes 1-4, "Community Outreach Activities: Policy Overview and Evaluation Procedures," September 29, 2021

DoD Instruction 5105.04, “Department of Defense Federal Advisory Committee Management Program,” August 6, 2007

DoD Instruction 5505.02, “Criminal Investigations of Fraud Offenses,” August 29, 2013, as amended

DoD Conference Guidance, Version 4.0, June 26, 2016

Deputy Secretary of Defense Memorandum, “Revised Guidance on Senior Mentor Financial Disclosure Requirement,” November 12, 2010

### Forms

OGE Form 201, Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records

OGE Form 202, Notification of Conflict of Interest Referral

OGE Form 278e, Executive Branch Personnel Public Financial Disclosure Report

OGE Form 278-T, Executive Branch Personnel Public Financial Disclosure Report: Periodic Transaction Report

OGE Form 450, Confidential Financial Disclosure Report

SD Form 830, Office of the Secretary of Defense (OSD) Confidential Conflict-of-Interest Statement for OSD Advisory Committee Members

## APPENDIX D – SUMMARY OF CHANGES

*\*The below summary of changes uses DoD 5500.07-R, Change 7 (11/17/2011) as the baseline and explains what changes have been made to each paragraph as reflected in this updated JER. This summary of changes does not list every change made to the document, but rather highlights the most notable changes.*

### **Chapter 1 – General Information**

- Renamed chapter to “Responsibilities.”
- *1-100 – Single Source of Guidance.* Deleted. This new JER sets DoD policy but does not restate law or regulation.
- *1-101 – Disclaimer.* Deleted and moved to revised DoDD 5500.07, “Ethics and Standards of Conduct,” May 15, 2024.
- *Section 2 – Definitions.* Updated and moved to Appendix A.
- *1-300 – DoD Policy.* 1-300a and c-g deleted. 1-300(b) (applicability of OGE regulations) moved to 2-101. 1-300b(1) modified and moved to 5-201. 1-300b(1)(a) modified and moved to 5-101. 1-300b(1)(b) modified and moved to 5-203.
- *Section 4 – Responsibilities.* Responsibilities assigned to officials at the Deputy Assistant Secretary of Defense or Defense Agency or DoD Field Activity Director level or above have been modified and moved to DoDD 5500.07, “Ethics and Standards of Conduct,” May 15, 2024. Responsibilities assigned to all other officials have been moved to paragraphs 1-100 through 1-112.
- Added *Section 2* to address the punitive provisions of the JER and penalties for violation of these provisions.
- *1-500 – References.* Updated and moved to Appendix C.

### **Chapter 2 – Standards of Ethical Conduct**

- Renamed chapter to “Compliance Standards and Guidance.”
- *Section 1 – Office of Government Ethics Regulation.* The regulations at 5 C.F.R. Part 2635, Subpart B and 5 C.F.R. Part 3601 are no longer reprinted. Revised Section 2-100 now incorporates these regulations by reference. New paragraph 2-101 is added and retains the applicability to National Guard and enlisted personnel that was previously stated in JER 1-300(b).
- *Section 2 - 5 C.F.R., Part 3601, “Supplemental Standards of Ethical Conduct for Employees of the Department of Defense.”*
  - *2-200 – Purpose; 2-201 – Designation of Separate Agency Components, 2-202 – Additional Exceptions for Gifts from Outside Sources; 2-203 – Additional Limitations on Gifts Between DoD Employees; 2-206 – Prior Approval for Outside Employment and Business Activities; 2-207 – Disclaimer for Speeches and Writings Devoted to Agency Matters.* Deleted restatement of law or regulation.
  - *2-204 – Standard for Accomplishing Disqualification.* Moved to new Section 2 (Standards for Accomplishing Disqualification, Waiver, or Authorization to Prevent Conflicts of Interest and Ensure Impartiality). The new title and sub-paragraphs describe more specifically the circumstances when disqualification may be required.
  - *2-300(a) – Gifts from Foreign Governments.* Removed and the references added to

- the DoD Ethics Counselor Deskbook.
  - *2-301 – Use of Federal Government Resources.* Moved to new Section 3 (Use of Federal Government Resources). This section has been substantially re-written. Other directives address the use and monitoring of Government communications systems. Guidance on use of resources other than personnel has been retained. Misuse of personnel is now specifically addressed in paragraph 2-302.
- Added new Section 4 (Fundraising Activities and Membership Drives). Formerly addressed in Chapter 3 (Relations with Non-Federal Entities). Revised to state more clearly the limitations on fundraising activities and membership drives.
- Added new Section 5 (Other Guidance and Standards for DoD Personnel) to consolidate guidance and standards formerly in other sections or chapters.
  - New 2-501 (Gambling). Formerly in 2-302.
  - New 2-502 (Outside Employment and Activity). Formerly in 2-303.
  - New 2-503 (Use of Military Title by Retirees or Members of the Reserve Components). Formerly in 2-304.
  - New 2-504 (Commercial Dealings Involving DoD Personnel.). Combines former paragraphs 2-205 (Limitation on Solicited Sales) and 5-409 (Commercial Dealings Involving DoD Employees).
  - New 2-505 (Waiver of Application of the Prohibition on Acceptance of Gifts from Outside Sources for Enlisted Personnel, E-6 and below, for the Limited Purpose of Gift Acceptance from Charitable and Veterans Service Tax-Exempt Organizations). Provides authority to enlisted members in the grade of E-6 and below to accept certain gifts from charitable and veterans tax-exempt organizations based on memo from Secretary Hagel of May 16, 2013.
  - New 2-506 (Gifts in Connection with Ship Launch). Formerly in 2-300(b). Revised to comport with the statutory authority and is made punitive under the UCMJ.
  - New 2-507 (Prohibition on Facilitating or Engaging in Certain Communications). Requires Federal officials with knowledge of a former official’s post-Government employment restrictions to refrain from facilitating violations of those restrictions.
  - New 2-508 (Restrictions on Monetization of Name, Image, or Likeness Pertaining to Status as DoD Employee or Military Service Member). Restates and makes punitive aspects of the DoD’s social media policy at DoDI 5400.17, Change 1 (effective January 24, 2023)
- *2-400 – References.* Updated and moved to Appendix C.

**Chapter 3 – Activities with Non-Federal Entities**

- *3-100 – 5 C.F.R., Part 2636, “Limitations on Outside Earned Income, Employment and Affiliations for Certain Noncareer Employees.”* Deleted restatement of law or regulation.
- *3-200 – Attendance.* Paragraphs a and b were removed as restatements of law or regulation.
- *3-201 – Membership.* Moved to 3-100b(1). This new provision also provides significant additional guidance on the role and limitations that apply to an official liaison to a non-federal entity. Paragraph b was removed since it is a restatement of law or regulation.
- *3-202 – Management.* Moved to 3-100b(2). Modified 3-202a requirement for GC DoD

concurrence to concurrence by the cognizant DAEO, since the statute upon which this provision is based does not require GC DoD concurrence and moved it to 3-100b(2). The new 3-100b(2)(a) requires the Secretary concerned to ensure authorizations for individuals to be a part of management of a NFE in an official capacity are published in the Federal Register as required by law. 3-202(b) has been moved to 3-101 and the list of designated entities has been removed. Additionally, the authority previously held by the GC DoD to designate entities has been changed to the DoD ADAEO. Finally, a requirement to route requests for designations through SOCO has been added.

- *3-203 – Impartiality of Agency Designee and Travel-Approving Authority.* Deleted restatement of law or regulation.
- *3-204 – Impartiality of DoD Employees.* Deleted restatement of law or regulation.
- *3-205 – Remuneration.* Moved to 3-100a(3).
- *3-206 – Co-Sponsorship.* Deleted, as this section does not involve ethics. SOCO has notified DA&M of the removal of this provision and recommend that they issue appropriate guidance to fill any gaps.
- *3-207 – Participation in Conferences and Similar Events.* Deleted, as this section does not involve ethics policy. SOCO has notified DA&M of the removal of this provision and recommend that they issue appropriate guidance to fill any gaps.
- *3-208 – Distributing Information.* Deleted restatement of law or regulation.
- *3-209 - Endorsement.* Modified language and moved to 3-102d.
- *3-210 - Fundraising and Membership Drives.* Moved to 2-400.
- *3-211 – Logistical Support of Non-Federal Entity Events.* Deleted because similar guidance has been promulgated in DoDI 5410.19 (“Community Outreach Activities”). Replaced by 3-102.
- *3-212 – Relationships Governed by Other Authorities.* Deleted restatement of law or regulation.
- *3-300 – Participation.* Moved to 3-200. Paragraphs b-d were removed as restatements of law or regulation.
- *3-301 – Membership and Management.* Moved to 3-201.
- *3-302 – Impartiality of DoD Employees.* Deleted restatement of law or regulation.
- *3-303 – Use of Federal Government Resources.* Revised and moved to Chapter 2, Section 3.
- *3-304 – Prior Approval of Outside Employment and Business Activities.* Deleted restatement of law or regulation.
- *3-305 – Teaching, Speaking, and Writing.* Deleted restatement of law or regulation.
- *Section 4 – Personal Acceptance of Gifts from Non-Federal Entities.* Section deleted as it is a restatement of DoD Federal Management Regulation Volume 12, Chapter 34.
- *3-500 – References.* Updated and moved to Appendix C.

#### **Chapter 4 – Travel Benefits**

- Renamed chapter to “Procedures for Accepting Gifts of Travel Pursuant to 31 U.S.C. § 1353.”
- Revised entire chapter to focus solely on 31 U.S.C. § 1353 and the process for accepting and reporting gifts under this authority.
- *4-400 – References.* Updated and moved to Appendix C.

### **Chapter 5 – Conflicts of Interest**

- Renamed chapter to “Conflicts of Interest Policy for Enlisted, Reserve, and Title 32 National Guard Members.”
- 5-100 – “*Interpretation of 18 U.S.C. 209*”. Deleted restatement of law or regulation.
- 5-200 – 5 C.F.R. 2640, “*Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208*”. Deleted restatement of law or regulation.
- 5-300 – *Conflicts and Appearance of Conflicts Under 18 U.S.C. 208*. Deleted restatement of law or regulation.
- 5-301 – *Applicability to Enlistees and National Guard Members*. Renumbered as 5-100. Updated paragraph title and contents to address 18 U.S.C. § 208 applicability to active duty and reserve component officers and enlisted members, as well as Title 32 National Guard members. Modified language regarding applicability of 18 U.S.C. § 208 to Title 32 National Guard Members and enlisted members of the Military Services. Moved to separate paragraph, 5-101, prohibition on personal and substantial participation.
- 5-302 – *Waiver of 18 U.S.C. 208(a)*. Deleted restatement of law or regulation.
- 5-303 - *Resolution of Conflicts*. Renumbered as 5-102. Modified language.
- 5-400 – *Bribery of Public Officials and Witnesses*. Deleted restatement of law or regulation.
- 5-401 - *Compensation to Officers and Others in Matters affecting the Government*. Deleted restatement of law or regulation.
- 5-402 - *Contracts with DoD Employees*. Deleted restatement of law or regulation.
- 5-403 – *Representation of Others*. Deleted restatement of law or regulation.
- 5-404 – *Compensation From Other Sources*. Renumbered as 5-202. Updated paragraph title to address 18 U.S.C. § 209 applicability to Title 32 National Guard Members and enlisted members of the Armed Forces. Moved to separate paragraph, (5-203, prohibition on income supplementation.
- 5-405 – *Additional Pay or Allowances*. Moved to 5-204.
- 5-406 – *Interference with Military Duties*. Deleted restatement of law or regulation.
- 5-407 – *Civil Office Prohibition*. Deleted. Civil office prohibition is addressed in DoDD 1344.10 (“Political Activities by Members of the Armed Forces”).
- 5-408 – *Assignment of Reserves for Training*. Renumbered as 5-205. Modified language.
- 5-409 – *Commercial Dealings Involving DoD Employees*. Combined with 2-205 (Limitation on Solicited Sales) and renumbered as 2-504.
- 5-410 - *Related Rules*. Deleted restatement of law and OGE regulation.
- 5-500 – *References*. Updated and moved to Appendix C.

### **Chapter 6 – Political Activities**

- Chapter deleted. See DoDD 1442.11, “Political Activity Rules for DoD Political Appointees,” November 8, 2021.

### **Chapter 7 – Financial and Employment Disclosure**

- Renumbered as new Chapter 6.
- General Changes: Updates to reflect electronic filing requirements, terminology, and processes. Consolidates under Section 1 policies and procedures that are common to all

financial disclosure reports such that only policies and procedures that differ between OGE 450 and OGE 278 filing appear separately under the appropriate section. Eliminates re-statements of law and OGE regulations.

- 7-100 – 5 C.F.R. 2634, "*Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture*". Deleted restatement of OGE regulation and added electronic filing requirements.
- 7-200 - *Individuals Required to File*. Retained and updated listing of those categories of filers either unique to DoD/IC or otherwise not listed in the CFR. Moved HR support to 7-101.
- 7-201 – *Information on Covered Positions*. Moved to new 6-101 and added administrative officer responsibilities.
- 7-202 – *Notification of Requirement to File*. Moved to new 6-202 and updated.
- 7-203 – *Time of Filing*. Moved to new 6-201, updated, and removed restatement of law/regulation.
- 7-204 – *Content of Report*. Moved to new 6-103, updated and removed restatement of law/regulation.
- 7-205-*Chain of Submission*. Deleted to remove restatement of law/regulation and remainder is obsolete with electronic filing workflows.
- 7-206- *Review*. Updated and removed restatement of law/regulation. Moved general review requirements to new 6-104 and OGE 278 special reviewing requirements to new 6-202.
- 7-207- *Disposition*. Deleted – obsolete with electronic filing.
- 7-208 – *Public Availability of Reports*. Removed restatement of law. Added new 6-204 clarifying requirements for OGE Form 201 requests for release of reports.
- 7-209 – *Penalties*. Removed restatement of law. Moved DoD specific requirements to new 6-203.
- 7 300 - *Individuals Required to File*. Removed obsolete provisions and restatements of law/regulation. Retained and updated DoD specific lists establishing “covered positions” requiring filing and exclusions for positions that might otherwise require filing.
- 7-301 – *Information on Covered Positions*. Updated and moved to new 6-101.
- 7-302 – *Notification of Requirement to File*. Updated and moved to new 6-202.
- 7-303 - *Time of Filing*. Moved to new 6-201, updated, and removed restatement of law/regulation.
- 7-304 - *Content of Report*. Moved to new 6-103, updated and removed restatement of law/regulation.
- 7-305 - *Chain of Submission*. Deleted – obsolete with electronic filing.
- 7-306 – *Review*. Updated and removed restatement of law/regulation. Moved to new 6-104.
- 7-307 – *Disposition*. Deleted – restatement of regulation.
- 7-308 – *Privacy Act*. Deleted – restatement of regulation.
- 7-309 – *Status Reports*. Deleted – obsolete with electronic filing.
- 7-310 – *Penalties*. Deleted – restatement of regulation.
- 7-400 – *References*. Updated and moved to Appendix C.

### **Chapter 8 – Seeking Other Employment**

- Combined with Chapter 9.
- Renumbered as new Chapter 7.
- Renamed chapter to “Seeking and Post-Government Employment.”
- *8-100 – Office of Government Ethics Regulation.* Deleted restatement of law or regulation.
- *8-200 – Negotiating for Employment.* Deleted restatement of law or regulation. Punitive section regarding the provision similar to 18 U.S.C. § 208 moved to 5-101.
- *8-201 – Penalties.* Deleted restatement of law or regulation.
- *Section 3 – Procurement Integrity - (41 U.S.C. 2103-2107).* Deleted restatement of law or regulation.
- *8-400 – Annual Certification.* Moved to 7-300.
- *8-500 – Appearances.* Deleted.
- *8-501 – Written Guidance.* Moved to 7-100.
- *8-600 – References.* Updated and moved to Appendix C.

### **Chapter 9 – Post-Government Service Employment**

- Combined with Chapter 8.
- Renumbered as new Chapter 7.
- Renamed chapter to “Seeking and Post-Government Employment.”
- *9-100 – 5 C.F.R. 2637, "Regulations Concerning Post-Employment Conflict of Interest."* Deleted restatement of law or regulation.
- *9-200 – 5 C.F.R. 2641, "Post-Employment Conflict of Interest Restrictions."* Deleted restatement of law or regulation.
- *9-300 – Exceptions to Restrictions of 18 U.S.C. 207.* Moved to 7-200 and 7-201.
- *9-400 – Written Advice.* Moved to 7-101 and 7-102.
- *9-401 – Delegation of Authority.* Moved to 1-107 and definition of “Ethics Official” in Appendix A.
- *9-402 – Guidance for Departing DoD Employees.* Moved to 7-100.
- *9-500 – Statutory and related prohibitions, restrictions, and requirements.* Deleted restatement of law or regulation.
- *9-600 – Restrictions on Federal Government Employment.* Deleted restatement of law or regulation.
- *9-601 – Foreign Employment Restrictions.* Deleted restatement of law or regulation.
- *9-700 – Executive Order 13490.* Deleted restatement of Executive Order.
- *9-800 – General Rule.* Moved to 2-507.
- *9-801 – Terminal Leave.* Deleted restatement of law or regulation.
- *9-900 – References.* Updated and moved to Appendix C.
- Restructured the remaining paragraphs into three sections:
  - Guidance for current and former DoD personnel
  - Exception for Scientific or Technological Information
  - Post Government Employment and Annual Certification

### **Chapter 10 – Enforcement**

- Renumbered as new Chapter 8.
- Renamed chapter to reflect the contents of the revised chapter. Revised chapter is titled “Enforcement and Reporting.”
- *10-100 – Penalties*. Renumbered to 8-100. Added new subparagraph a, laying out the purpose of the chapter.
- *10-200 – Reporting Suspected Violations*. Renumbered to 8-200. Added guidance for contractors or members of the public who want to report suspected JER violations. Clarified obligation and reporting channels for DoD personnel to report allegations of JER violations.
- *10-201 – Receipt of Report*. Renumbered to 8-201. Clarified the roles and responsibilities of the organizations and individuals involved in investigating reports of JER violations.
- *10-202 – Violations of 41 U.S.C. 2103, 2104*. Renumbered to 8-202. Clarifies the referral process and reporting requirements associated with referrals of ethics violations to the DoJ.
- *10-300 – References*. Updated and moved to Appendix C.

### **Chapter 11 – Training**

- Renumbered as new Chapter 9. Significantly revised to:
  - Clarify responsibilities.
  - Establish DoD specific training deadlines consistent with SecDef ethics messages. These deadlines create a “grace period” between the DoD deadline and the regulatory deadline to minimize non-compliance with Federal regulations.
  - Establish preference for live/leader-led ethics training consistent with SecDef messaging.
  - Create minimum training requirements for those serving as Ethics Officials.
- *11-500 – References*. Updated and moved to Appendix C.

### **Chapter 12 – Ethical Conduct**

- *Section 1 – Executive Order 12674*. Deleted.
- *Section 2 – Executive Order 13490*. Deleted.
- *Section 3 – DoD Human Goals*. Deleted.
- *Section 4 – Ethical Values*. Updated and moved to DoD Ethics Counselor Deskbook.
- *Section 5 – Ethical Decision-Making*. Updated and DoD Ethics Counselor Deskbook.
- *Section 6 – References*. Updated and moved to Appendix C.

### **Appendix A – Digest of Laws**

- *Section 1 – DoD-Specific Statutes*. Deleted.
- *Section 2 – Other Laws Related to Standards of Ethical Conduct*. Deleted.

APPENDIX E – SUMMARY OF CHANGES OF PUNITIVE PARAGRAPHS PURSUANT TO  
THE UNIFORM CODE OF MILITARY JUSTICE, APPROVED ON 27 APRIL 2024

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
		2-100	<b><i><u>Standards of Ethical Conduct for Employees of the Executive Branch.</u></i></b> <b><i>DoD Personnel must comply with the “Standards of Ethical Conduct for Employees of the Executive Branch” at 5 C.F.R. Part 2635, the “Supplemental Standards of Ethical Conduct for Employees of the Department of Defense” at 5 C.F.R. Part 3601, and the JER.</i></b>	In the DoD 5500.7-R, Change 7, there is no reference to OGE regulations nor DoD supplemental regulation being punitive. By incorporating these regulations by reference, any proscriptive language within those regulations would be included and violations can be punished.
2-203a-b	<u>Additional Limitations on Gifts Between DoD Employees.</u> ... <b><i>a. <u>Gifts From a Group That Includes a Subordinate.</u></i></b> <b><i>Regardless of the number of DoD employees contributing to a gift or gifts on a special, infrequent occasion as permitted by 5 C.F.R. 2635.304(c)(1) (Reference (a)) in subsection 2-100 of this Regulation, a DoD employee may not accept a gift or gifts from a donating group if the market value exceeds an aggregate of \$300 and if the DoD employee knows or has reason to know that any member of the donating group is his subordinate.</i></b>	5 C.F.R. § 3601.104	<u>Additional limitations on gifts between employees.</u> The following limitations apply to gifts from groups of employees that include a subordinate and to voluntary contributions to gifts for superiors permitted under 5 CFR 2635.304(c)(1): (a) <i>Gifts from a group that includes a subordinate.</i> Regardless of the number of employees contributing to a gift on a special, infrequent occasion as permitted by 5 CFR 2635.304(c)(1), an employee may not accept a gift or gifts, including indirectly within the meaning of 5 CFR 2635.203(f), from a donating group if the aggregate market value exceeds the minimal value, as established by 5 U.S.C. 7342(a)(5), and if the employee knows or has reason to know that any member of the donating group is a subordinate.	The issue of gifts from groups that include subordinates is now addressed in DoD’s Supplemental Regulation on Standards of Ethical Conduct for Employees of the DoD. 5 C.F.R. Part 3601 is made punitive by paragraph 2-100 of the new JER.

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p>...</p> <p><b><i>b. <u>Voluntary Contribution.</u> For purposes of 5 C.F.R. 2635.304(c)(1), (Reference (a)) in subsection 2-100 of this Regulation, the nominal amount of a voluntary contribution that a DoD employee may solicit from another DoD employee for a group gift to the contributing DoD employee’s superior for any special, infrequent occasion shall not exceed \$10. A voluntary contribution of a nominal amount for food, refreshments and entertainment for the superior, the personal guests of the superior and other attendees at an event to mark the occasion for which a group gift is given may be solicited as a separate, voluntary contribution not subject to the \$10 limit.</i></b></p>		<p>(1) The cost of items excluded from the definition of a gift by 5 CFR 2635.203(b) and the cost of food, refreshments, and entertainment provided to mark the occasion for which the gift is given shall not be included in determining whether the value of a gift or gifts exceeds the aggregate minimal value limit.</p> <p>(2) The value of a gift or gifts from two or more donating groups will be aggregated and will be considered to be from a single donating group if the employee who is offered the gift knows or has reason to know that an individual who is his or her subordinate is a member of more than one of the donating groups.</p> <p>(b) <i>Voluntary contribution.</i> For purposes of 5 CFR 2635.304(c)(1), the nominal amount of a voluntary contribution that an employee may solicit from another employee for a group gift to the contributory employee’s superior for any special, infrequent occasion will not exceed \$10. A voluntary contribution of a nominal amount for food, refreshments, and entertainment at an event to mark the occasion for which a group gift is given may be solicited as a separate, voluntary contribution not subject to the \$10 limit.</p>	
2-204a-c	<p><u>Standards for Accomplishing Disqualification.</u> See 5 C.F.R. 3601.105.</p> <p>a. <u>Disqualifying Financial Interests.</u> <i>A DoD employee who is required, in accordance with 5 C.F.R. 2635.402(c) (Reference (a)) in subsection 2-100 of this Regulation, to disqualify himself from participation in</i></p>			<p>JER paragraphs 204a-c have been deleted.</p> <p>First, paragraph 2-204’s reference to 5 C.F.R. § 3601.105 has been removed from the regulation and is now obsolete.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><i>a particular matter to which he has been assigned shall, notwithstanding the guidance in 5 C.F.R. 2635.402(c)(1) and (2) (Reference (a)) in subsection 2-100 of this Regulation, provide written notice of disqualification to his supervisor upon determining that he will not participate in the matter.</i></p> <p><i>b. <u>Disqualification to Ensure Impartiality.</u> A DoD employee who is required, in accordance with 5 C.F.R. 2635.502(e) (Reference (a)) in subsection 2-100 of this Regulation, to disqualify himself from participation in a particular matter involving specific parties to which he has been assigned shall, notwithstanding the guidance in 5 C.F.R. 2635.502(e)(1) and (2) (Reference (a)) in subsection 2-100 of this Regulation, provide written notice of disqualification to his supervisor upon determining that he will not participate in the matter.</i></p> <p><i>c. <u>Disqualification From Matter Effecting Prospective Employees.</u> A DoD employee who is required, in accordance with 5 C.F.R. 2635.604(a) (Reference (a)) in subsection 2-100 of this Regulation, to disqualify himself from participation in a particular matter to which</i></p>			<p>Second, OGE proscribes government-wide standards (in 5 C.F.R. Part 2635), which require oral notification of disqualification. These standards, which sufficiently protect DoD interests, are made punitive by paragraph 2-100 of the new JER.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><i>he has been assigned shall, notwithstanding the guidance in 5 C.F.R. 2635.604(b) and (c) (Reference (a)) in subsection 2-100 of this Regulation, provide written notice of disqualification to his supervisor upon determining that he will not participate in the matter.</i></p>			
2-205	<p><u>Limitation on Solicited Sales.</u> See 5 C.F.R. 3601.106. <i>A DoD employee shall not knowingly solicit or make solicited sales to DoD personnel who are junior in rank, grade or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the sale or lease of a DoD employee's noncommercial personal or real property or commercial sales solicited and made in a retail establishment during off-duty employment. The posting of an advertisement in accordance with Federal building management policies does not constitute solicitation for purposes of this section.</i></p>	2-504	<p><b><u>Commercial Dealings Involving DoD Personnel.</u></b> <i>DoD Personnel may not knowingly solicit or make solicited sales to DoD Personnel who are junior in rank, grade, or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the unsolicited sale or lease of an individual's non-commercial personal or real property or commercial sales and arm's length transactions solicited or made in a retail establishment or online market and made in a retail establishment during off-duty employment. The posting of an advertisement in accordance with Federal Government building management policies does not constitute solicitation for purposes of this subsection.</i></p> <p><i>a. This prohibition includes the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services.</i></p> <p><i>b. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. In both cases, however, a solicitation is necessary</i></p>	<p>No major edits to this paragraph. Clarified language of this restriction and combined with restriction on commercial dealings involving DoD Personnel. Deleted obsolete reference to 5 C.F.R. 3601.106.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<i>for a violation to occur. While the standard prohibits a more senior DoD official from making a solicited sale to a junior or to their family, sales made because a junior approaches the senior DoD official and requests the sale to be made are not prohibited, absent coercion or intimidation by the senior DoD official.</i>	
2-207	<p><u>Disclaimer for Speeches and Writings Devoted to Agency Matters.</u> See 5 C.F.R. 3601.108. <i>A DoD employee who uses or permits the use of his military grade or who includes or permits the inclusion of his title or position as one of several biographical details given to identify himself in connection with teaching, speaking or writing, in accordance with 5 C.F.R. 2635.807(b) (Reference (a)) in subsection 2-100 of this Regulation, shall make a disclaimer if the subject of the teaching, speaking or writing deals in significant part with any ongoing or announced policy, program or operation of the DoD employee's Agency, as defined in section 3601.102, subsection 2-201 of this Regulation, above, and the DoD employee has not been authorized by appropriate Agency authority to present that material as the Agency's position.</i></p>			<p>5 C.F.R. § 3601.105 addresses use of title and disclaimer requirements for teaching, speaking, and writing in a personal capacity related to official duties.</p> <p>5 C.F.R. Part 3601 is made punitive by paragraph 2-100 of the new JER.</p>
2-301a-b	<p><u>Use of Federal Government Resources.</u></p>	2-300, & 2-302	<p>2-300. <i><u>Use of Federal Government Resources.</u> DoD Personnel may use Federal Government resources,</i></p>	<p>No major edits to this paragraph.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p>a. <u>Communication Systems</u>. <i>Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.</i></p> <p>...</p> <p>(3) <i>In accordance with applicable laws and regulations, use of Federal Government communications systems may be monitored. See DoD Instruction 8560.01 (Reference (j)). DoD employees shall use Federal Government communications systems with the understanding that such use serves as consent to monitoring of any type of use, including incidental and personal uses, whether authorized or unauthorized.</i></p> <p>...</p> <p>(4) <i>Most Federal Government communications systems are not secure. DoD employees shall not transmit classified information over any communication system unless it is transmitted using approved security procedures and practices (e.g., encryption, secure networks, secure</i></p>		<p><i>including personnel, equipment, and property, for official purposes only, except as otherwise permitted in the JER or other applicable authority.</i></p> <p>2-302. <u>Misuse of Personnel</u>. <i>DoD Personnel, such as administrative staff, clerks, and military aides, may not be used to support the unofficial activity of other DoD Personnel whether in support of an individual or a Non-Federal Entity (NFE), nor for any other non-Federal purpose, except as otherwise provided in the JER or other applicable authority.</i></p>	<p>Clarified language of this restriction.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p>workstations). In addition, DoD employees shall not release access information, such as passwords, to anyone unless specifically authorized to do so by the Agency Designee.</p> <p>...</p> <p>b. <u>Other Federal Government Resources.</u></p> <p><i>... Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only, except as follows: . . . .</i></p>			
2-302	<p><u>Gambling.</u></p> <p>a. While on Government-owned or leased property or on duty for the Government (for military members, this means, in this context, present for duty), an employee shall not conduct or participate in any gambling activity, including operating a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket. See 5 C.F.R. 735.201 (Reference (m)). This section does not preclude activities:</p> <p>(1) Activities necessitated by an employee's official duties;</p> <p>(2) Occurring under section 7 of Executive Order 12353 and similar agency-</p>	2-501	<p><b><u>Gambling.</u> DoD Personnel must comply with 5 C.F.R. § 735.201, which prohibits gambling activities with Government equipment, on Government property, or while on duty, except as necessitated by official duties or allowed under section 7 of E.O. 12353.</b></p>	<p>No major edits to this paragraph. Clarified language of this restriction.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><b>approved activities (charitable fundraising)</b>  <b>(3) Private wagers among DoD employees if based on a personal relationship and transacted entirely within assigned Federal Government living quarters and within the limitations of local laws; or</b>  <b>(4) Purchases of lottery tickets authorized by any State from blind vendors licensed to operate vending facilities in accordance with 20 U.S.C. 107a(5) (Reference (n)).</b></p>			
2-300	<p><u>Gifts</u>  ...  <b>b. Ship Launch and Similar Ceremonies.</b> Unless the gift is otherwise acceptable under an exception in 5 C.F.R. 2635, Subpart B (Reference (a)) in subsection 2-100 of this Regulation, a DoD employee may not accept gifts in connection with a ceremony to mark the completion of a milestone in shipbuilding, aircraft completion, or similar vehicle launch or roll-out unless attendance is official and is approved by the head of the DoD Component command or organization and the gifts are limited to the following (see 5 U.S.C. 7301 note (Reference (e))):</p> <p>(1) Attendance at appropriate functions incident to the ceremony, such as a dinner preceding the ceremony and</p>	2-506	<p><b><u>Gifts in Connection with Ship Launch.</u> Unless acceptance is otherwise authorized under 5 C.F.R. 2635, Subpart B or appropriate statutory or regulatory authority, DoD Personnel may not accept any tangible item of value as a gift or memento in connection with a ceremony to mark the completion of a milestone in shipbuilding.</b></p>	<p>Previous JER incorrectly included aircraft completion and similar vehicle launch or roll-out. The applicable statute only permits gift acceptance to mark the completion of a milestone in shipbuilding.</p> <p>Additionally, made punitive for consistency with the punitive nature of the other gift rules.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p>reception following it, and related food, hospitality and entertainment, as long as the function and related benefits are not lavish, excessive, or extravagant;</p> <p>(2) Tangible gifts or mementos in connection with the ceremony to DoD employees, their spouses, and their dependent children, who are official participants in the ceremony, as long as the aggregate retail value does not exceed \$100 per family and the cost is not borne by the Federal Government. When such gifts exceed the \$100 limit, the recipient shall pursue one of the following alternatives:</p> <p>(a) Return the gift to the donor;</p> <p>(b) Retain the gift after reimbursing the donor the full value of the gift; or</p> <p>(c) Forward the gift to the appropriate DoD Component official for disposition as a gift to the Federal Government in accordance with statute. See 10 U.S.C. 2601 (Reference (g)).</p>			
		2-507	<p><b><u>Prohibition on Facilitating or Engaging in Certain Communications.</u> DoD personnel who have actual knowledge that a former Federal official is prohibited by Federal statute or regulation from communicating with or appearing before certain Federal</b></p>	<p>Added and made punitive this new provision to improve public perception and maintain the integrity of the</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<i>officials or organizations on behalf of a NFE, may not facilitate such communication or appearance.</i>	acquisition process.
3-209	<u>Endorsement.</u> <i>Endorsement of a non-Federal entity, event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities and titles, positions, or organization names may not be used to suggest official endorsement or preferential treatment of any non-Federal entity except those listed in subsection 3-210., below.</i>	2-508, 3-102d, & 3-200b	<p>2-508. <u>Restrictions on Monetization of Name, Image, or Likeness Pertaining to Status as DoD Employee or Military Service Member.</u> <i>DoD Personnel are prohibited from using their official position or public office for personal financial gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the DoD Personnel is affiliated in a non-governmental capacity.</i></p> <p>a. <u>Use of Official Position or Public Office.</u> <i>The use of one’s official position or public office includes the use of any reference to one’s status, name, image, or likeness as a DoD employee or member of the uniformed services. This includes the use of official titles, photographs that display a connection to one’s status as DoD Personnel (e.g., a photograph while in uniform or while wearing an identifying device such as a lanyard or lapel pin); and the personal use of DoD protected symbols or other imagery.</i></p> <p>b. <u>Endorsement.</u> <i>DoD Personnel are prohibited from using their official position to either affirmatively endorse a NFE, product, service, or enterprise, or by implying DoD endorsement through the individual’s unauthorized use of their official position or public office.</i></p>	This paragraph maintains endorsement restrictions, but goes a step further to make punitive DoDI 5400.17 (Official Use of Social Media for Public Affairs Purposes), paragraph 6.1d(1).

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<p><i>c. <b>Private Gain.</b> Private gain includes the receipt of compensation from a third party, to include revenue from advertising, sponsorships or sponsorship agreements, affiliate marketing agreements, or promotion of commercial ventures on personal social media accounts. This does not preclude DoD Personnel from engaging in compensated outside employment when permitted by applicable ethics and other regulations.</i></p> <p>3-102. <u>Support to Non-Federal Entities.</u> ... <i>DoD Personnel may not officially endorse or give preferential treatment (or appear to endorse or give preferential treatment) to any NFE, except as otherwise authorized by statute or regulation, consistent with the restrictions in 5 C.F.R. 2635, Subpart G.</i></p> <p>3-200. <u>Participation.</u> ... b. DoD Personnel may use military rank and Military Department or Service as part of an individual's name (e.g., Captain Smith, U.S. Navy) in connection with a personal activity, the same as other general terms of address such as Mr., Ms., or The Honorable. However, <i>use of military rank or reference to Military Department or Service is prohibited if it could in any way discredit DoD or give the appearance of DoD sponsorship, sanction, or endorsement.</i></p>	
3-303	<u>Use of Federal Government Resources.</u>	2-302	<u>Misuse of Personnel.</u> <i>DoD Personnel, such as administrative</i>	No major edits to this paragraph.

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p>...</p> <p>b. <u>Prohibited Uses</u>. <i>Because of the potential for significant cost to the Federal Government, and the potential for abuse, DoD employees, such as secretaries, clerks, and military aides, may not be used to support the unofficial activity of another DoD employee in support of non-Federal entities, nor for any other non-Federal purposes, except as provided in subsections 3-211 and 3-300.b. of this Regulation, above.</i></p>		<p><i>staff, clerks, and military aides, may not be used to support the unofficial activity of other DoD Personnel whether in support of an individual or a Non-Federal Entity (NFE), nor for any other non-Federal purpose, except as otherwise provided in the JER or other applicable authority.</i></p>	<p>Clarified language of this restriction.</p>
3-305	<p><u>Teaching, Speaking, and Writing</u>.</p> <p>a. <u>Disclaimer for Speeches and Writings Devoted to Agency Matters</u>. <i>A DoD employee who uses or permits the use of his military grade or who includes or permits the inclusion of his title or position as one of several biographical details given to identify himself in connection with teaching, speaking or writing, in accordance with 5 C.F.R. 2635.807(b)(1) (Reference (h)) in subsection 2-100 of this Regulation, shall make a disclaimer if the subject of the teaching, speaking or writing deals in significant part with any ongoing or announced policy, program or operation of the DoD employee's Agency, as</i></p>	5 C.F.R. § 3601.105	<p><u>Disclaimer for teaching, speaking, and writing in a personal capacity related to official duties</u>.</p> <p>An employee who uses or permits the use of his or her military rank or who includes or permits the inclusion of his or her title or position as one of several biographical details given to identify himself or herself in connection with teaching, speaking, or writing, in accordance with 5 CFR 2635.807(b), must make a disclaimer if the subject of the teaching, speaking, or writing deals in significant part with any ongoing or announced policy, program, or operation of the employee's agency, as defined in § 3601.102, and the employee has not been authorized by appropriate agency authority to present that material as the agency's position. The disclaimer must be made as follows:</p> <p>(a) The required disclaimer must expressly state that the views presented are those of the speaker or author and do not necessarily</p>	<p>5 C.F.R. § 3601.105 addresses use of title and disclaimer requirements for teaching, speaking, and writing in a personal capacity related to official duties.</p> <p>5 C.F.R. Part 3601 is made punitive by paragraph 2-100 of the new JER.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><i>defined in subsection 2-201 of this Regulation, and the DoD employee has not been authorized by appropriate Agency authority to present that material as the Agency's position.</i></p> <p><i>(1) The required disclaimer shall expressly state that the views presented are those of the speaker or author and do not necessarily represent the views of DoD or its Components.</i></p> <p><i>(2) Where a disclaimer is required for an article, book or other writing, the disclaimer shall be printed in a reasonably prominent position in the writing itself. Where a disclaimer is required for a speech or other oral presentation, the disclaimer may be given orally provided it is given at the beginning of the oral presentation.</i></p>		<p>represent the views of DoD or its components.</p> <p>(b) When a disclaimer is required for an article, book, or other writing, the disclaimer will be printed in a reasonably prominent position in the writing itself.</p> <p>(c) When a disclaimer is required for a speech or other oral presentation, the disclaimer may be given orally provided it is given at the beginning of the oral presentation.</p>	
5-301	<p><u>Applicability to Enlistees and National Guard Members.</u> The provisions of 18 U.S.C. 208 (Reference(c)) and related provisions of OGE regulations do not apply to "Title 32 National Guard Members" or enlisted members of the Uniformed Services. However, provisions similar to section 208 of Reference (c) do apply to enlisted members of the Uniformed Services and "Title 32 National Guard Members" as follows: <i>except as approved by the DoD Component DAEO or</i></p>	5-101	<p><b><i>Prohibition. Unless authorized in advance by the DAEO, a Title 32 National Guard member and an enlisted member of the Military Services, including an enlisted Reserve Component member, may not participate personally and substantially as part of their official DoD duties in any particular matter that will, to their knowledge, have a direct and predictable effect on their own financial interest, or the financial interests of:</i></b></p> <p><b><i>a. Their spouse, minor child, general partner, or entity in which they are serving as officer, director,</i></b></p>	No major edits to this paragraph. Clarified language of this restriction.

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><i>designee, a “Title 32 National Guard member” and an enlisted member, including an enlisted special Government employee, shall not participate personally and substantially as part of his official DoD duties, in any particular matter in which he, his spouse, minor child, partner, entity in which he is serving as officer, director, trustee, partner or employee or any entity with which he is negotiating or has an arrangement concerning prospective employment, has a financial interest.</i></p>		<p><i>trustee, general partner or employee, or</i></p> <p><i>b. Any person or organization with which they are negotiating for or have an arrangement concerning prospective employment.</i></p>	
5-400	<p><u>Bribery of Public Officials and Witnesses.</u></p> <p><i>a. All DoD employees are prohibited from, directly or indirectly, giving, offering, promising, demanding, seeking, receiving, accepting, or agreeing to receive anything of value to influence any official act, to influence commission of fraud on the United States, to induce committing or omitting any act in violation of a lawful duty, or to influence testimony given before an individual or non-Federal entity authorized to hear evidence or take testimony. See 18 U.S.C. 201(b) (Reference (c)).</i></p> <p><i>b. DoD employees are also prohibited, except as provided by law for the proper discharge of official duties, from, directly or</i></p>	2-500	<p><u><b>Bribery of Public Officials and Witnesses.</b></u> <i>DoD Personnel must comply with 18 U.S.C. § 201, “Bribery of Public Officials and Witnesses.”</i></p>	<p>No major edits to this paragraph. Restatement of law replaced with/incorporated by reference.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><i>indirectly, giving, offering, promising, demanding, seeking, receiving, accepting, or agreeing to accept anything of value for or because of any official act performed or to be performed, or for or because of any testimony given or to be given before an individual or non-Federal entity authorized to hear evidence or take testimony.</i> See 18 U.S.C. 201(c) (Reference (c)).</p>			
5-404	<p><u>Compensation From Other Sources.</u>  a. The provisions of 18 U.S.C. 209 (Reference (c)) and related provisions of OGE regulations do not apply to enlisted members of the Uniformed Services or “Title 32 National Guard members.” However, provisions similar to section 209 of Reference (c) do apply to enlisted members of the Uniformed Services and “Title 32 National Guard Members” as follows:  a “Title 32 National Guard Member” and <i>an enlisted member, except an enlisted special Government employee, shall not receive any salary or supplementation of his Federal Government salary, from any entity other than the Federal Government or as may be contributed out of the treasury of any State, county, or municipality, for</i></p>	5-203	<p><b><i>Prohibition. Title 32 National Guard members and enlisted members of the Military Services, may not receive any salary or supplementation of their Federal Government salary from any source other than the Federal Government or as may be contributed out of the treasury of any State, county, or municipality, for their services to the Federal Government or as otherwise permitted by law. This prohibition applies to Reserve Component enlisted members in the same manner that 18 U.S.C. § 209 applies to Reserve Component officers under 18 U.S.C. § 202.</i></b></p>	<p>No major edits to this paragraph. Clarified language of this restriction.</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<i>his services to the Federal Government.</i>			
5-405	<u>Additional Pay or Allowances.</u> <i>DoD employees may not receive additional pay or allowances for disbursement of public money or for the performance of any other service or duty unless specifically authorized by law. See 5 U.S.C. 5536 (Reference (k)).</i>	5-204	<u>Prohibition on Extra Pay for Extra Services.</u> <i>DoD Personnel must comply with 5 U.S.C. § 5536, “Extra pay for extra services prohibited.”</i>	No major edits to this paragraph. Restatement of law replaced with/incorporated by reference.
5-409	<u>Commercial Dealings Involving DoD Employees.</u> <i>A DoD employee shall not knowingly solicit or make solicited sales to DoD personnel who are junior in rank, grade or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the sale or lease of a DoD employee’s noncommercial personal or real property or commercial sales solicited and made in a retail establishment during off-duty employment. The posting of an advertisement in accordance with Federal Government building management policies does not constitute solicitation for purposes of this subsection.</i>  <i>a. This prohibition includes the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services.</i>	2-504	<u>Commercial Dealings Involving DoD Personnel.</u> <i>DoD Personnel may not knowingly solicit or make solicited sales to DoD Personnel who are junior in rank, grade, or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the unsolicited sale or lease of an individual’s non-commercial personal or real property or commercial sales and arm’s length transactions solicited or made in a retail establishment or online market and made in a retail establishment during off-duty employment. The posting of an advertisement in accordance with Federal Government building management policies does not constitute solicitation for purposes of this subsection.</i>  <i>a. This prohibition includes the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services.</i>  <i>b. Both the act of soliciting and the act of selling as a result of soliciting</i>	No major edits to this paragraph. Clarified language of this restriction and combined with restriction on solicited sales.

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p><i>b. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. In both cases, however, a solicitation is necessary for a violation to occur. While the standard prohibits a senior DoD official from making a solicited sale to a junior or to the junior’s family, sales made because a junior approaches the senior DoD official and requests the sale to be made are not prohibited, absent coercion or intimidation by the senior DoD official.</i></p>		<p><i>are prohibited. In both cases, however, a solicitation is necessary for a violation to occur. While the standard prohibits a more senior DoD official from making a solicited sale to a junior or to their family, sales made because a junior approaches the senior DoD official and requests the sale to be made are not prohibited, absent coercion or intimidation by the senior DoD official.</i></p>	
8-200	<p><u>Negotiating for Employment.</u> See 5 C.F.R. 2635.603 (Reference (a)) in subsection 2-100 of this Regulation for provisions on conflicts of interest in employment negotiations under 18 U.S.C. 208 (Reference (b)). The provisions of 18 U.S.C. 208 (Reference (b)) and related provisions of OGE regulations do not apply to enlisted members of the Uniformed Services or “Title 32 National Guard Members.” However, provisions similar to section 208 of Reference (b) do apply to enlisted members of the Uniformed Services and “Title 32 National Guard Members,” as follows: <b>except as approved by the DoD Component DAEO, or designee, a “Title 32 National Guard Member” and</b></p>	5-101	<p><b><i>Prohibition.</i></b> <i>Unless authorized in advance by the DAEO, a Title 32 National Guard member and an enlisted member of the Military Services, including an enlisted Reserve Component member, may not participate personally and substantially as part of their official DoD duties in any particular matter that will, to their knowledge, have a direct and predictable effect on their own financial interest, or the financial interests of:</i></p> <p><i>a. Their spouse, minor child, general partner, or entity in which they are serving as officer, director, trustee, general partner or employee, or</i></p> <p><i>b. Any person or organization with which they are negotiating for or have an arrangement concerning prospective employment.</i></p>	No major edits to this paragraph. Clarified language of this restriction.

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
	<p>an <i>enlisted member, including an enlisted special Government employee, shall not participate personally and substantially as part of his official DoD duties, in any particular matter in which he, his spouse, minor child, partner, entity in which he is serving as officer, director, trustee, partner or employee or any entity with which he is negotiating or has an arrangement concerning prospective employment, has a financial interest.</i> See 18 U.S.C. 208 (Reference (b)), subsections 1-300(b)(1)(a) and 5-301 of this Regulation, and 5 C.F.R. 2635.603 (Reference (a)) in subsection 2-100 of this Regulation.</p>			
		6-200	<p><b><u>Individuals Required to File.</u></b> <i>The positions listed at 5 C.F.R. § 2634, Subpart B must file an OGE Form 278e.</i></p>	<p>The Ethics in Government Act provides for criminal penalties for civilian employees. Making this provision punitive under the UCMJ creates consistency.</p>
		6-201	<p><b><u>Time of Filing.</u></b>  <i>a. <u>New Entrant Reports for National Guard and Reserve Component Officers.</u> Any National Guard or Reserve Component officer in the rank of O-7 or above who has not previously filed an OGE Form 278, either in the course of their civilian employment or</i></p>	<p>The Ethics in Government Act provides for criminal penalties for civilian employees. Making this provision punitive under the UCMJ</p>

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<p><i>Guard/Reserve duties, must file a New Entrant report within 15 days after the 61st day of serving on active duty during any calendar year (see 10 U.S.C. § 101(d)(1) and 32 U.S.C. § 101(12)). For National Guard and Reserve Component officers, only service pursuant to orders issued under Title 10, U.S.C., is counted.</i></p> <p><i><u>b. Annual Reports for National Guard and Reserve Component Officers.</u> Any National Guard or Reserve Component officer in the grade of O-7 or above who has previously submitted a New Entrant OGE Form 278e and served on active duty for more than 60 days during the preceding calendar year must file an Annual OGE Form 278e. For National Guard and Reserve Component officers, only service pursuant to orders issued under Title 10, U.S.C., is counted.</i></p>	creates consistency.
		6-300	<p><b><u>Individuals Required to File.</u></b></p> <p><i>a. <u>Covered Positions.</u> For purposes of this section, unless required to file an OGE Form 278e or unless expressly exempted, the following individuals are in “covered positions” and are required by 5 C.F.R. 2634, Subpart I and the JER to file an OGE Form 450:</i></p> <p><i>(1) Commanding officers, heads and deputy heads, and executive officers of:</i></p> <p><i>(a) Navy shore installations with 500 or more military personnel and civilian DoD employees (including foreign nationals and indirect hire</i></p>	The Ethics in Government Act provides for criminal penalties for civilian employees. Making this provision punitive under the UCMJ creates consistency.

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<p><i>personnel regularly attached, but excluding personnel attached for temporary duty); and</i></p> <p><i>(b) All Army, Marine Corps, Air Force, and Space Force installations, bases, air stations or activities.</i></p> <p><i>(2) SGEs, except the following categories of DoD SGEs:</i></p> <p><i>(a) Physicians, dentists, and allied medical specialists engaged only in providing services to patients;</i></p> <p><i>(b) Veterinarians providing only veterinary services;</i></p> <p><i>(c) Lecturers participating only in educational activities;</i></p> <p><i>(d) Chaplains performing only religious services;</i></p> <p><i>(e) Individuals in the motion picture or television fields who are utilized only as narrators or actors in DoD productions;</i></p> <p><i>(f) Reserve Component Members on active duty for less than 30 consecutive days during a calendar year who are not otherwise performing duties impacting the financial interests of NFEs; and,</i></p> <p><i>(g) Members of selection panels for Reserve Officers' Training Corps candidates.</i></p> <p><i>(3) DoD employees classified at GS/GM-15 or below under 5 U.S.C. § 5332 or a comparable pay scale under other authority and members</i></p>	

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<p><i>of the Military Services appointed to a grade below the grade of O-7 as follows:</i></p> <p><i>(a) When the supervisor or an Ethics Official determines that the official responsibilities of such DoD Personnel require them to participate personally and substantially through decision or exercise of significant judgment, and without substantial supervision and review, in taking an official action for contracting or procurement, administering or monitoring grants, subsidies, licenses or other Federally conferred financial or operational benefits, regulating or auditing any NFE, or other activities in which the final decision or action may have a direct and predictable financial impact on the interests of any NFE; or,</i></p> <p><i>(b) Any DoD Personnel serving in a position in which their supervisor determines that the duties and responsibilities of the position require the individual to file such a report to avoid an actual or apparent conflict of interest and to carry out the purpose of any statute, E.O., or regulation applicable to or administered by that filer, even if the filer would otherwise not be required to file based on type of appointment.</i></p> <p><i>Example: A member of the Reserve Component who is expected to work less than 60 days during the year drills as a contract specialist for two weeks. Although they are not required to file a financial</i></p>	

Previous Reference (in DoD 5500.7-R, Change 7 (2011))	What it used to say...	New Reference (in Revised JER)	What it has changed to...	Why?
			<p><i>disclosure form as an SGE, they may be required to file because of their assigned duties.</i></p> <p><i>(4) HQEs who are not designated as SMs.</i></p> <p><i>(5) Personnel participating in certain exchange programs, as required by authorizing statutes or implementing regulations and policies. For example, personnel assigned under the Intergovernmental Personnel Act.</i></p> <p><i>(6) Contracting Officer Representatives or Contracting Officer Technical Representatives, when indicated in the contracting officer's designation letter. The Contracting Officer Representative or Contracting Officer Technical Representative will provide a copy of the designation letter to their local ethics office promptly upon receipt.</i></p> <p><i>(7) Individuals who are formally detailed or temporarily promoted to positions described in subsection 6-300.a.(3) of the JER, above.</i></p>	