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HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 1 October 1982

Immediate Action INTERIM CHANGE

Memo

AR 600-50
Interim Change
No. 101
Expires 1 October 1984

Personnel -- General Standards of Conduct for Department of the Army Personnel

Justification. This interim change implements Executive Order No. 12383 (Amendments to the Manual for Courts-Martial, United States, 1969 (Revised edition)) which provides guidance for the proper disposition of offenses involving drugs and controlled substances committed on or after 1 October 1982, and provides guidance on processing such offenses committed prior to 1 October 1982.

Expiration. This interim change expires 2 years from date of publication and will be destroyed at that time unless sooner rescinded or superseded by a permanent change.

1. AR 600-50, 15 August 1982 (effective 15 September 1982) is changed as follows:

Pages 6-1 and 6-2. Paragraph 6-2 is changed as follows:

Effective 1 October 1982, paragraph 6-2a(7) is rescinded, except that it will continue to be effective as to offenses subject to its provisions that were committed prior to 1 October 1982.

2. Post this change per DA Pam 310-13.

3. File this interim change in front of the publication.

(DAJA-ALG)

By order of the Secretary of the Army:

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ARMY REGULATION }
No. 600-50 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 15 August 1982

PERSONNEL—GENERAL

STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY
PERSONNEL

Effective 15 September 1982

This revision implements the conflicts of interest provisions of Department of Defense Directive (DOD Dir) 5500.7, and the financial disclosure provisions of the Ethics in Government Act of 1978 (Public Law (PL) 95-521, as amended (5 USC app I, sec 201 et seq.)); makes chapters 1 and 2 of this regulation applicable under certain circumstances to enlisted personnel of the US Army Reserve (USAR) and Army National Guard of the United States (ARNGUS); eliminates the requirement that personnel attest in writing that they have received initial standards of conduct briefings; adds a requirement for an entry in personnel records of initial standards of conduct briefings; expands the methods by which standards of conduct refresher training may be conducted; provides substantive guidance for use in identifying conflicts and apparent conflicts of interest; broadens the coverage of a prohibition concerning commercial solicitation to those junior in rank, grade, or position; explains the prohibitions concerning receipt of honoraria; provides for limitations on negotiation for employment; provides for a report concerning the acceptance of gratuities to the proponent of this regulation; defines "nominal value" for gifts by personnel to superiors; prohibits presentation of mementos to senior DA officials conducting visits to field locations; establishes alternatives for use in resolving conflicts or apparent conflicts of interest; deletes from the filing requirement for Confidential Statements of Affiliation and Financial Interests (DD Forms 1555) those personnel required to file Financial Disclosure Reports (Standard Forms 278); eliminates the requirement for an annual statistical report concerning DD Form 1555; establishes procedures for submission, processing, and filing of Financial Disclosure Reports; clarifies postemployment restrictions applicable under the Ethics in Government Act of 1978, as amended, and prior statutes; provides for administrative proceedings for postemployment violations; and expands the explanation of several conflict of interest statutes.

Local supplementation of this regulation is permitted, but is not required. If supplements are issued, HQDA agencies and major Army commands will furnish one copy of each to HQDA (DAJA-ALG), WASH DC 20310; other commands will furnish one copy of each to the next higher headquarters.

The word "he" used in this regulation represents both the masculine and feminine genders, unless otherwise specifically stated.

Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

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*This regulation supersedes AR 600-50, 20 October 1977, and rescinds RCS CSGPA-1480.

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CHAPTER 1

STANDARDS OF CONDUCT

1-1. Purpose. This regulation—

a. Prescribes standards of conduct required of all DA personnel, regardless of assignment, to avoid conflicts and the appearance of conflicts between private interests and official duties.

b. Implements—

(1) Executive Order 11222, May 8, 1965, (app H), prescribing standards of ethical conduct for Government officers and employees;

(2) DOD Dir 5500.7;

(3) Chapters 734, 735, and 737, Federal Personnel Manual (FPM), Employee Responsibility and Conduct, supplemented by Civilian Personnel Regulation (CPR) 700 (735.1, 735.2 and 735.3);

(4) The Ethics in Government Act of 1978 (PL 95-521, as amended);

(5) Part 734 and 737, title 5, Code of Federal Regulations (CFR).

c. Includes standards of conduct based on other conflict of interest laws.

1-2. Applicability. *a.* This regulation applies to all DA personnel, military and civilian (including those employed by nonappropriated fund instrumentalities (NAFIs)). Chapters 4 and 5 and portions of chapter 2 apply to retired DA personnel.

b. Chapters 1 and 2 of this regulation also apply to all officers and enlisted personnel of the USAR, and of the ARNGUS when they are performing Federal duties or engaging in any activity directly related to the performance of a Federal duty or function.

c. Penalties for violations of these standards apply to military and civilian personnel and include the full range of statutory and regulatory sanctions.

1-3. References. Related publications are listed in appendix A.

1-4. Report forms. The forms below may be obtained from the sources cited.

a. DD Form 1357 (Statement of Employment (Regular Retired Officers)) (app B) is stocked and issued by the US Army Finance and Accounting Center (USAFAC), ATTN: FINCM-T, Indianapolis, IN 46249.

b. DD Form 1555 (Confidential Statement of Affiliations and Financial Interests) (app C) is available through normal publications supply channels.

c. Standard Form 278 (Financial Disclosure Report) (app D) is available through publication supply channels from the US Army AG Publications Center, Baltimore, MD.

d. DA Form 4971-R (Certificate of Preliminary Review of SF 278) (app E) will be reproduced locally, on 8½ × 11 inch paper, printed head to head.

e. DD Form 1787 (Report of DOD and Defense Related Employment as Required by Public Law 91-121) (app F) is available as prescribed in AR 600-47.

DA Form 4971-R, fold-in pages, to be found at the end of regular size pages.

1-5. General policy on proper conduct of official activities. *a.* DA personnel will become familiar with the scope, authority for, and the limitations of the activities for which they are responsible. Further, DA personnel will gain a working knowledge of appropriate statutory prohibitions on standards of conduct. A digest of these provisions is at appendix G.

b. Government service or employment, as a public trust, requires that DA personnel place loyalty to country, ethical principles, and law above private gain and other interests. DA personnel will not make or recommend any expenditure of funds to take or recommend any action known or believed to be in violation of US laws,

Executive orders, or applicable directives, instructions, or regulations.

c. If the propriety of a proposed action or decision in terms of the regulation or law is doubtful, DA personnel will consult legal counsel or, if appropriate, the Standards of Conduct Counselor or the Deputy Standards of Conduct Counselor (DSCC) for guidance. This will insure the proper and lawful conduct of DA programs.

d. DA personnel will strictly adhere to the DA program of equal opportunity regardless of race, color, religion, sex, age, marital status, physical handicap or national origin, in accordance with AR 600-21 and CPR 713.

e. DA personnel will avoid any action, whether or not specifically prohibited by this regulation, that might result in or reasonably be expected to create the appearance of—

- (1) Using public office for private gain.
- (2) Giving preferential treatment to any person or entity.
- (3) Impeding Government efficiency or economy.
- (4) Losing independence or impartiality.
- (5) Making a Government decision outside official channels.
- (6) Affecting adversely the confidence of the public in the integrity of the Government.

1-6. Explanation of abbreviations and terms. Abbreviations and special terms used in this regulation are explained in the glossary.

1-7. Information to personnel. a. All DA personnel, except enlisted personnel not required to file DD Form 1555, will be offered a copy of this regulation and will be given an oral standards of conduct briefing not later than 7 days after initial employment, assumption of duties, or entry on active duty. Enlisted personnel not required to file the statement will be given standards of conduct briefings. These briefings may be given at the same time as the explanations required by 10 USC 937 and other statutes or regulations.

- (1) The US Army Training and Doctrine Command (TRADOC) or the appropriate service

school will conduct initial briefings for military personnel. The employing management/supervisory official will brief new civilian personnel. An entry will be made on DA Form 2-1 (Personnel Qualification Record—Part II) to show military personnel have received the initial briefing. For civilian personnel, an entry will be made on the civilian personnel orientation checklist after the initial briefing. This requirement is not retroactive.

(2) These briefings will be conducted in such a way as to make DA personnel aware of the standards of conduct that apply to their prospective duties. Appropriate methods may include—

- (a) An orientation packet directed to all pertinent standards of conduct documents.
- (b) An explanation of sections of the Standards of Conduct regulation rather than simple notice of their existence.

(c) An information summary of the standards designed to alert personnel to potential conflicts and areas in which they should seek advice.

b. All DA personnel will be reminded at least semiannually of their duty to comply with required standards of conduct. This may be accomplished through notices printed in command bulletins, letters, or similar publications of wide dissemination. Copies of this regulation will be provided upon request and may be circulated in reading files. Commanders or supervisors must be able to show by some written method (training schedule, memorandum, etc.) that the semiannual requirement has been met.

c. Training films may be used as part of the initial briefing or the semiannual review.

1-8. Display of the Code of Ethics for Government Service. PL 96-303 requires the Army to display copies of the Code of Ethics for Government Service (app I) in appropriate areas of Federally owned or leased office space. Army activities must display the Code at all military installations and other facilities where at least 20 persons are regularly employed as civilian employees. The Code may be displayed in lobbies, conference rooms, reception areas, auditoriums, cafeterias, and other high traffic areas.

CHAPTER 2

CONFLICTS OF INTEREST AND GENERAL PROHIBITIONS

2-1. **Conflicts of interest.** *a. General.* DA personnel should place loyalty to country, ethical principles, and law above private gain and other interests. The performance of their duties should be in keeping with the highest tradition of the military service and civilian service to the US Government.

b. Affiliations and financial interests. In performing their duties and responsibilities, DA personnel must avoid engaging in any personal business or professional activity, or having or retaining any direct or indirect financial interest, that places them in a position in which there is a conflict or the appearance of a conflict between their private interests and the public interests of the United States as it relates to their duties and responsibilities as DA personnel. For the purpose of this prohibition, the private interests of a spouse, dependent child, and any household members are treated as private interests of DA personnel.

c. Avoiding actual or apparent conflicts of interest. Direct or indirect financial interest in a defense-related contractor, in any amount and in any form (e.g., common or preferred stock, bonds, options), may give rise to an impermissible actual or apparent conflict of interest. Outside employment or other outside activity, either with or without compensation, may also create a conflict or the appearance of a conflict of interest. Examples of circumstances or situations that may result in actual or apparent conflicts of interest with regard to financial holdings and outside activities are given below. These examples are not all-inclusive.

(1) A person is responsible for major policy issues that significantly affect the operations of the Army, DOD, or the executive branch and has a financial interest in a defense contractor who may be affected by such operations. (*Example:* An officer is a member of the Select Committee (SELCOM), Program Guidance and Review Committee, General Staff Council, or Army Staff Council, and owns stock in corpora-

tion X, a possible subcontractor for a new weapon system.)

(2) A person occupies a key sensitive position in the Army, is involved routinely and extensively with official decisions involving or affecting Army contractors, and has a financial interest in a contractor who may be affected by such decisions. (*Example:* An officer is a member of the Budget Review Committee, in-process review groups, preliminary review groups, Army System Acquisition Review Council, or other council that exerts substantial influence on the Army materiel acquisition process and owns corporate bonds in corporation Y, a DOD contractor specializing in target acquisition systems.)

(3) A person commands an organization and has a direct or indirect financial interest in an entity doing business with the organization; or a person is a staff officer who is required to deal with or make recommendations that may affect entities in which he or she has a direct or indirect financial interest. (*Example 1:* An installation or unit commander owns stock in corporation Y whose subsidiary, corporation Z, provides spare parts to the installation or unit through a local dealer under a basic ordering agreement. Even though the commander does not participate in the ordering spare parts, subordinates acting under his or her authority are taking actions that appear to benefit his or her financial interests. *Example 2:* An officer with primary staff responsibility for subject area other than procurement (e.g., Director of Readiness) who owns stock in DOD contractors is required by job description to maintain liaison with defense-related contractors who may be affected by decisions reached within the command. *Example 3:* An individual occupies a position as Head of Contracting Activity or functions as a principal staff assistant for procurement activities and owns stock in corporation X or its subsidiary that does or attempts to do business with that organization or its subordinate organizations.)

(4) A person is involved through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, in official matters in which the person, a spouse, a dependent child, or member of the household has a direct or indirect financial interest. (*Example:* An officer recommends level of supply for item X. His or her spouse owns stock in a subcontractor known to be involved in manufacture of item X.)

(5) A person occupies a senior position having substantial responsibility and influence and has financial interests in entities involved in his or her area of expertise. (*Example:* An officer who functions as the Army expert and point of contact for matters in a particular subject area (e.g., CG, US Army Communications Command (USACC)) has holdings in a DOD contractor that specializes in contracts on a certain particular subject (e.g., communications and electronics material). Although the contractor may not be doing business with the Army, an appearance of conflicting interests exists by virtue of the potential for personal and substantial participation by recommendation, advice, investigation or otherwise in matters that may affect the contractor and benefit the financial holdings of the person.)

(6) A person appears to have divided loyalties between the duties of an official position and outside activities on behalf of a corporation (*Example:* An officer who approves or is otherwise involved in DA recommendation concerning Servicemen's Group Life Insurance (SGLI) serves on the board of directors for a tax exempt association that provides life insurance for its members.) (See *i* below.)

d. Using "inside information." DA personnel will not engage in any personal business or professional activity, or enter into any financial transaction, that involves or appears to involve the direct or indirect use of "inside information" to further a private gain for themselves or others.

e. Using official positions. DA Personnel are prohibited from using their official positions to induce, coerce, or in any way influence any person, including subordinates, to provide any un-

authorized benefits, financial or otherwise, to themselves or others.

f. Unauthorized release of acquisition information. All DA personnel will refrain from releasing to an individual or business concern or its representatives any knowledge such persons may possess or have acquired in any way concerning proposed acquisition or purchases by any contracting activity of DA. Military personnel are governed by the similar prohibition contained in paragraph 6-2a(3). Such information will be released to all potential contractors as nearly simultaneously as possible. These releases will be made only through duly designated agencies, so that one potential source of supply may not be given an advantage over another. Such information will be provided in accordance with existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

g. Unauthorized statements or commitments with respect to award of contracts. Only contracting officers and their duly authorized representatives acting within their authority are authorized to commit the Government with respect to award of contracts. Unauthorized discussion and commitments may place DA in the position of not acting in good faith. Unauthorized personnel will refrain from making any commitment or promise relating to award of contracts and will make no representation that would be construed as such a commitment. Army personnel will never advise a business representative that an attempt will be made to influence another person or agency to give preferential treatment to his or her concern in the award of future contracts. Persons requesting preferential treatment will be informed by official letter that DA contracts are awarded only in accordance with established contracting procedures.

h. Membership in associations. DA personnel who are members or officers of non-Government associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official Government positions. (See AR 1-210 and AR 1-211.) (See also *c*(6) above.)

i. Commercial dealings and other solicitation. To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, DA personnel, except special Government employees, will not make personal commercial solicitations or sales to DOD personnel who are junior in rank, grade or position at any time, on or off duty. "Personal commercial solicitation" refers to those situations where DA personnel are employed as a sales agent on commission or salary, or conduct business, and have contact with prospective purchasers concerning the commodity, real or intangible, that is being offered for sale.

(1) This prohibition includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services. (See also AR 210-7 and AR 210-10.)

(2) This prohibition does not apply to the sale or lease, by a person, of a privately owned former residence; nor does it apply to the sale of personal property not held for commercial or business purposes. It also does not apply to the off-duty employment of DA personnel or their spouses as employees in retail stores or other situations not including personal commercial solicitation.

(3) For civilian personnel this prohibition applies only with regard to personnel under their supervision at any level.

(4) Personal commercial solicitation (or other commercial dealings) between military personnel and the spouses of their military superiors at any level (e.g., spouses of commanders, supervisors, instructors, etc.) may also give rise to the appearance of preferential treatment or the improper use of rank or position for personal gain and may undermine discipline, morale, or authority. Such activities generally are to be avoided. Commanders and supervisors of such military personnel will counsel those involved or take other action, as appropriate, if the commercial activities—

(a) Cause actual or perceived partiality or unfairness;

(b) Involve the actual or apparent use of rank or position for personal gain; or

(c) Can otherwise be expected to undermine discipline, morale, or authority.

j. Assignment of Reserves for training. DA personnel who assign Reserves for training will not assign them to duties in which they will obtain information that they or their private sector employers could use to gain unfair advantage over civilian competitors.

k. Prohibited selling by retired Regular military officers. Legal limitations on sales by retired Regular military officers to any component of the DOD, Coast Guard, National Oceanic and Atmospheric Administration, or Public Health Service are listed in appendix G.

l. Dealing with present or former military or civilian personnel. DA personnel will not knowingly deal, on behalf of the Government, with present or former military or civilian personnel of the Government whose participation in the transaction violates a statute, regulation, or policy as set forth in chapter 5.

m. Honoraria. DA personnel may not accept honoraria for official activities. They may not suggest charitable contributions in place of honoraria. (See 18 USC 209). Even when acting in a personal rather than official capacity, there are restrictions. DA personnel are prohibited by the Federal Election Campaign Act Amendments of 1976 (PL 94-283) from accepting an honorarium of more than \$2,000 (excluding expenses for travel and subsistence, agents' fees, or commissions) for any appearance, speech or article. The acceptance of honoraria by DA personnel from groups doing business with or whose interests are reasonably likely to be affected by an agency presents the potential for a conflict of interest or the appearance of a conflict of interest. Before accepting any honorarium DA personnel should consult their DSCC. This will enable the DSCC to examine the relationship between DA and the group, person, or organization offering the honorarium. (See para 2-6e.) Personnel required to file a SF 278 (app D) must report honoraria received. (See para 4-3.)

n. Negotiating for employment. DA personnel may not participate personally or substantially in any particular matter in which, to their

knowledge, an organization with which they are negotiating for employment, or have any arrangement concerning prospective employment, has a financial interest (See 18 USC 208.) "Negotiating" includes any actions by prospectively departing DA personnel that could be construed as solicitation for employment with an entity with which such personnel may be required to deal in the course of official duties. (Such actions including sending letters, resumes, or making telephone inquiries.) It also includes offers of employment by a prospective employer. These offers could be solicited or unsolicited. Disqualification normally is required when DA personnel pursue negotiations or arrangements for employment. (See para 2-11g.)

2-2. Gratuities. *a. General.* The acceptance of gratuities by DA personnel or members of their families, from those who have or seek business with the DOD and from those whose business interests are affected by DOD functions, cannot be condoned. Such acceptance, no matter how innocently tendered or received may be a source of embarrassment to DA, may affect the objective judgment of the DOD personnel involved; and may impair public confidence in the integrity of the Government.

b. General prohibition. Except as provided in c below, DA personnel and their families will not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from, or on behalf of, any source that—

(1) Is engaged in or seeks business or financial relations of any sort with any DOD component.

(2) Conducts operations or activities that are either regulated by a DOD component or significantly affected by DOD decision, or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duties of DOD personnel.

★ *c. Limited exceptions.* The general prohibition in b above does not apply to the following:

(1) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the ap-

propriate supervisor with the advice of the Standards of Conduct Counselor or appropriate DSCC.

(2) The acceptance of unsolicited advertising or promotional items that are less than \$5 in retail value.

(3) Trophies, entertainment, prizes, or awards for public service or achievement in an individual unofficial capacity, or given in games or contests that—

(a) Do not relate to official duties and are clearly open to the public generally, or

(b) Are officially approved for DOD personnel participation.

(4) Benefits available to the public (such as university scholarships covered by AR 621-7) and free exhibitions by Defense contractors at public trade fairs.

(5) Discounts or concessions extended Army-wide and realistically available to all DA personnel.

(6) Participation by DA personnel in civic and community activities when any relationship with Defense contractors is remote; for example, participation in a Little League or Combined Federal Campaign luncheon that is subsidized by a Defense contractor.

(7) Activities engaged in by officials of the Army and officers in command, or their representatives, with local civic or military leaders as part of authorized Army community relations programs in the United States and overseas. (See AR 360-61.)

(8) The participation of DA personnel in widely attended gatherings of mutual interest to Government and industry, sponsored or hosted by industrial, technical, and professional associations (not by individual contractors) provided that they have been approved in accordance with DOD Instruction 5410.20.

(9) Situations in which participation by DA personnel at public ceremonial activities of mutual interest to industry, local communities, and the Army serves the interests of the Government; and acceptance of the invitation is approved by the HQDA Staff agency head, or MACOM, division, or installation commander

with the advice of the appropriate DSCC. (See para 2-9 and AR 360-61.)

(10) Contractor-provided transportation, meals or overnight accommodations in connection with official business when arrangements for Government or commercial transportation, meals, or accommodations are clearly impracticable. In such cases, the person will report the circumstances in writing to his or her superior as soon as possible.

(11) Attendance at promotional vendor training sessions when—

(a) The vendor's products or systems are provided under contract to DOD, and

(b) The training is to make use of these products or systems by DOD personnel easier.

(12) Attendance or participation in gatherings, including social events such as receptions, that are hosted by foreign governments or international organizations. Acceptance of the invitation must be approved by the DA Staff agency head, MACOM, division, or installation commander with the advice of the DSCC. (See para 2-9.) Approval authority may be delegated to a general officer. This approval is not required if—

(a) Attendance or participation is authorized by other exceptions as in (7) above or (13) below, or

(b) The social event involves a routine or customary social exchange with officials of foreign governments (including military forces) in pursuance of official duties.

★ (13) Situations in which, in the sound judgment of the persons concerned or their superior, the Government's interest will be served by taking part in activities otherwise prohibited. In any such cases, the persons should consult with their superior and DSCC. They should prepare a written report of the circumstances, in advance, for HQDA(DAJA-ALG). When an advance report is not possible, a memorandum for record will be provided to the superior within 48 hours after the activity. A copy will be sent direct to HQDA(DAJA-ALG), WASH DC 20310 and the appropriate DSCC. The memorandum for record will identify the gratuity; state when, and from whom received; and state the justification for ac-

ceptance. Persons assigned to the Office of the Secretary of the Army will submit such report or memoranda to the Army General Counsel.

(14) Customary exchanges of gratuities between DA personnel and their friends and relatives and the friends and relatives of their spouse, minor children and members of their household. The circumstances must clearly indicate that it is the relationship, rather than the business of the person concerned, that is the motivating factor for the gratuity. It must also be clear that the gratuity is not paid for by any source described in *b* above.

d. Reimbursements. DA personnel or members of their families may not accept from any private source either personal reimbursement for expenses incident to official travel or in kind accommodations, subsistence, transportation, or services, except as indicated below. When acceptance is authorized, DA personnel or members of their families will not accept, either in kind or for cash reimbursement, benefits that are extravagant or excessive in nature. When accommodations, subsistence, or services in kind are furnished to DA personnel or members of their families by non-US Government sources, consistent with this paragraph, appropriate deductions will be reported and made in the travel, per diem, or other allowances payable.

(1) Persons who are to be speakers, panelists, project officers, or other bona fide participants in the activity attended may accept accommodations, subsistence, transportation, or services furnished in kind in connection with official travel, but only from sources other than those enumerated in *b* above. Such attendance must be authorized by the order-issuing authority as being in the best interest of the Government. Even when acceptance by DA personnel is authorized under this subparagraph, members of their families may not accept reimbursement, or accommodations, subsistence, transportation, or services furnished in kind, except when traveling under authorized invitation travel orders. (See Joint Travel Regulation (JTR), vol. 2, chap. 6.)

(2) Persons may accept travel, or reimbursement for travel expenses, from a foreign government as provided in AR 672-5-1.

(3) Persons may accept reimbursement if it is—

(a) Specifically authorized by 5 USC 4111 (certain tax exempt organizations) or other statutory authority and

(b) Approved by their superior or their sponsor's superior consistent with guidance from the Standards of Conduct Counselor or the DSCC.

(4) Any such reimbursement as stated in (3) above must be made to the Government by check payable to the Treasurer of the United States. Personnel will be reimbursed by the Government in accordance with applicable regulations.

e. Procedures for ROTC staff members receiving payments or other benefits offered by educational institutions are in AR 145-1 and AR 145-2.

f. Guidance in (1) through (5) below are proper guidelines when Government contractors provide training, orientation, and refresher courses to Government personnel. These courses range from executive orientation courses in which all expenses are borne by the contractor to annual seminars devoted to technical developments in which the only "gratuity" may be lectures given free of charge.

(1) When a course is given pursuant to a contractual undertaking with the Government, the course itself is not a gratuity. The furnishing of meals, lodging and transportation to the extent required by the contract is likewise not a gratuity. However, the furnishing of same, or of entertainment and the like, if not required by the contract, is a gratuity if appropriate charge therefor is not made to the individual. If lodging, meals, transportation, and the like are furnished as a part of a contract, travel and other expenses otherwise chargeable to the Government will be reduced according to applicable regulations.

(2) Attendance at tuition-free, nonacademic training or refresher courses, seminars, and the like offered by contractors (although not required to do so by the contract) may be authorized when attendance is clearly in the best interest of the Government, and provided the

contractor waives all claims against the Government for such training. In these cases the training or instruction itself will not be regarded as a reportable gratuity as required in *g* below.

(3) Selection of personnel to attend such courses will be made by the Government and not by the contractor. Invitations to persons to attend courses at the expense of the contractor may not be accepted.

(4) Authorized attendance at such courses will be considered official business, with payment of transportation and per diem as well as reimbursement for any tuition or other training expenses paid. Attendance will not be authorized if there is any doubt of the contractor's intention to impose appropriate charges for meals, lodging, and entertainment not required by contracts, as may be furnished in connection with the course.

(5) The guidance in (1) through (4) above amplifies the guidance in *a* through *d* above; the provisions thereof remain fully applicable to the conduct of those attending courses of any kind.

g. DA personnel who receive gratuities, or have gratuities received for them in circumstances that do not conform to the standards of this paragraph will promptly report the circumstances to their immediate superior for review and to the DSCC.

2-3. Prohibitions concerning gifts and donations. *a.* DA personnel will not solicit a contribution from other DOD personnel for a gift to an official superior, make a donation or a gift to an official superior, or accept a gift or donation from DOD subordinate personnel. This paragraph does not prohibit truly voluntary gifts or contributions of minimal value (or acceptance thereof) on special occasions such as marriage, transfer, illness, or retirement, if any gift acquired with such contributions will not exceed a nominal value. Gifts of nominal value are those of a sentimental nature, with little or no intrinsic value to one other than the recipient.

b. The presentation to or acceptance by senior DA personnel of mementos of any kind during visits to US installations or units is prohibited. This does not prohibit the presentation of me-

mentos to distinguished foreign visitors, when appropriate. (See AR 37-47.)

c. DA personnel will not act as a conduit to give to any foreign recipient any gift that has been provided by a private US citizen or business firm.

d. Guidance on the acceptance by DA personnel of gifts and mementos from foreign governments is in AR 672-5-1.

2-4. Use of Government facilities, property, and personnel. Government facilities, property, and work assistance will be used only for official Government business. This includes but is not limited to stationery, stenographic services, typing assistance, duplication and chauffeur services. DA personnel will not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than official purposes. These provisions do not prevent the limited use of Government facilities for approved activities to further authorized DOD community relations; however, the activities must not interfere with military missions or Government business.

2-5. Use of civilian and military titles in connection with a commercial enterprise. a. Civilian personnel may not use their civilian title or position in connection with any commercial enterprise or to endorse any commercial product. "Commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 USC 501). The foregoing does not prevent such personnel from publishing books or articles that identify them as authors by reference to the civilian title or position. Publication of such material must have been cleared under DOD procedures prescribed in AR 360-5.

b. Military personnel are governed by the prohibitions in paragraph 6-2a(5).—

c. Retired military personnel may use their military titles in connection with commercial enterprises provided they indicate their Reserve

or retired status. However, the use of military titles is prohibited if it in any way casts discredit on the Army or DOD, or gives the appearance of sponsorship, sanction, endorsement, or approval by the Army or DOD. In addition, oversea commanders may further restrict the use of titles, including use by retired military personnel and members of Reserve Components not on active duty, in an oversea area.

2-6. Outside employment and other activities of DA personnel. a. DA personnel will not engage in outside employment or other outside activity, with or without compensation, that—

(1) Interferes, or is not compatible, with the performance of their Government duties.

(2) May reasonably be expected to bring discredit upon the Government or DA.

(3) Is otherwise inconsistent with the requirements of this regulation. This includes the requirement to avoid actions that reasonably can be expected to create a conflict or the appearance of a conflict of interest.

b. No enlisted members of the armed forces on active duty may be ordered or permitted to leave their post to engage in a civilian pursuit or business, or a professional activity in civil life, for emolument, hire, or otherwise if the pursuit, business, or professional activity interferes with the customary or regular employment of local civilians in their art, trade, or profession. (See 10 USC 974.)

c. Off duty employment of military personnel by an entity involved in a strike is permissible if the person was on the payroll of the entity before the strike began and if the employment is otherwise in conformance with the provisions of this regulation. After a strike begins and while it continues, no military personnel may accept employment with the involved entity at the strike location.

d. DA personnel are encouraged to engage in teaching, lecturing, and writing. However, they will not, either with or without compensation, engage in activities that are dependent on information obtained as a result of their Government employment, except when—

(1) The information has been published or is generally available to the public; or

(2) It will be made generally available to the public and the Assistant Secretaries of the Army, heads of Army Staff (ARSTAF) agencies, or MACOM commanders give written authorization for the use of nonpublic information on the basis that the use is in the public interest. (See AR 360-5.)

e. Civilian presidential appointees will not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, when the subject matter—

(1) Is devoted substantially to DA responsibilities, programs, or operations; or

(2) Draws substantially on official material that has not become part of the body of public information.

2-7. Gambling, betting, and lotteries. DA personnel will not participate in any gambling activity, while on Government-owned, controlled, or leased property or otherwise while on duty for the Government. This includes lotteries, pools, games for money or property, or the sale or purchase of number slips or tickets. However, this paragraph does not prevent activities—

a. Necessitated by an employee's law enforcement duties;

b. Specifically approved by HQDA as an exception to AR 600-50. (See AR 600-29, AR 28-1, AR 210-1 and AR 230-60.); or

c. Otherwise authorized by law. For example, the Randolph-Sheppard Act and implementing regulations (Health and Human Services (HHS) publication "Vending Facility Program for the Blind on Federal and Other Property") authorize the sale of State lottery tickets at vending stands operated by the blind.

2-8. Indebtedness. DA personnel will pay their just financial obligations in a proper and timely manner, particularly those imposed by law (such as Federal, State, or local taxes) so that their indebtedness does not adversely affect the Government as their employer. If there is a dispute

between DA personnel and alleged creditors, AR 600-15 and chapter 735, CPR 700, as appropriate, apply.

2-9. Standards of conduct counselors. DA personnel will be advised on how to obtain additional clarification of the standards of conduct and conflicts of interest set forth in this regulation and related statutes. For this purpose, the Army General Counsel is designated as the Standards of Conduct Counselor for DA. He or she is responsible for proper coordination and final disposition of all matters relating to standards of conduct and conflicts of interest covered by this regulation, DD Form 1555, and SF 278. Heads of ARSTAF agencies and MACOM commanders will designate in writing one or more officers (not necessarily lawyers) in each DA agency, command, or installation to be DSCCs for the agency, command or installation. DSCCs will seek appropriate information, advice, and counsel from other DSCCs or the Standards of Conduct Counselor in the performance of their duties. Responsibilities of the Standards of Conduct Counselor and DSCCs include the following:

a. Advice and assistance to the entity concerned and its personnel. Except for simple repetitive cases, advice will be documented by means of written memoranda, telephone logs, etc., for future reference.

b. Properly review, including auditing, all standards of conduct problems.

c. Review DD Forms 1555 and SFs 278.

2-10. Reporting suspected violations. DA personnel who have information that causes them to believe that other DOD personnel have violated a statute or standard of conduct imposed by regulation should first bring the matter to the attention of those persons. If those persons are one's supervisors or the communication is not expected to remedy or does not appear to have remedied the problem, a report will be made to the immediate supervisor of those persons and to the Standards of Conduct Counselor or DSCC. Reports may also be made to the Inspector General (IG) in accordance with AR 20-1.

2-11. Resolution of a conflict or appearance of conflict of interest. *a.* When a real or apparent conflict of interest arises, the superior, in consultation with the Standards of Conduct Counselor or DSCC, will discuss the situation with the person concerned. If the conflict or appearance of conflict of interest persists and is not resolved as a result of discussion, the superior will consult the Standards of Conduct Counselor or the DSCC. The superior will prepare and give to the person concerned written notice that a conflict or apparent conflict exists and point out the reasons for the conflict. The notice will also request a written indorsement explaining the conflict or appearance of conflict.

b. On receiving the person's indorsement, the superior, if he or she concludes that the conflict or appearance of conflict is resolved, will forward the entire file with his or her indorsement to the Standards of Conduct Counselor or DSCC. The Counselor or DSCC will file all the correspondence if the superior's conclusion is accepted.

c. If either the superior or DSCC, after review of the employee's explanation, concludes that the conflict or appearance of conflict is not resolved, the superior at the next level will review the entire matter. If a conflict or appearance of conflict does exist, he or she will attempt to resolve it.

d. In any case arising at any echelon below HQDA level in which there is a conflict or appearance of conflict of interest that is not resolved, the commander will forward the entire file, with detailed information and recommendations, through command channels to The Judge Advocate General (TJAG), HQDA(DAJA-ALG), for resolution. Intermediate commands will attempt to resolve each case without forwarding it to HQDA. In any case arising at HQDA, the head of the ARSTAF agency will take the necessary action to resolve the conflict or appearance of conflict of interest. Unresolved cases will be forwarded to TAJG for resolution.

e. TJAG, HQDA, will forward to the Army General Counsel, any case involving a conflict or appearance of a conflict that is not resolved by him or her or at a lower level.

f. A conflict or apparent conflict of interest, either on review at the local level or after referral to HQDA, will be resolved promptly so that the conflict or appearance of conflict is ended. It will be resolved in accordance with applicable laws, Executives orders, and regulations. Resolution will be accomplished within 90 days after the written notice described in paragraph *a* above is issued or a shorter period as prescribed by appropriate authorities. One or more of the following steps will be used as appropriate:

- (1) Exemption under 18 USC 208(b).
- (2) Disqualification in accordance with *g* below.
- (3) Limitation of duties.
- (4) Divestiture.
- (5) Establishing a "qualified blind trust" within the meaning of the Ethics in Government Act of 1978.
- (6) Transfer or reassignment.
- (7) Resignation.
- (8) Other appropriate action as provided by statute or administrative procedure.

g. Disqualification procedures are stated below.

(1) Unless otherwise expressly authorized by action taken under 18 USC 207 or 208 (see *para j concerning nondisqualifying financial interests*), all DA personnel who have affiliations or financial interests that create conflicts or appearance of conflicts of interest with their official duties must disqualify themselves from any official activities that are related to those affiliations or interests or the entities involved. A formal disqualification must be sent to a person's superior and immediate subordinates when it appears reasonably possible that the person's official functions will affect the affiliations, interests, or entities involved. If such persons cannot adequately perform their official duties after such disqualification, they must divest or be removed from their position. The effectiveness of any disqualification will be evaluated periodically by a person's superior. (A sample disqualification statement is at app J.)

(2) For the purpose of this paragraph, the "Government official responsible for appoint-

ment to his position," under 18 USC 208b(1), for purposes of granting exemptions, will be a supervisor of the person concerned. This supervisor must be serving in the grade of colonel or above or GS-15 or above or be an installation commander. All cases involving determinations under 18 USC 208b(1) will be coordinated with the Standards of Conduct Counselor or the DSCC.

(3) When a superior thinks a subordinate may have a disqualifying interest, the superior will discuss the problem with the subordinate. If such an interest does exist, the superior will disqualify the subordinate for duty and responsibility in that particular matter.

(4) In cases of disqualification under this paragraph, the particular matter will be reassigned for decision and action to someone else

who is not subordinate to the disqualified person.

h. The order to divest will be in writing; indicate the specific interests and why they create a problem, and specify the time allowed for divestiture.

i. The immediate superior of the person, and other authorities as appropriate, will be informed in writing by the person involved when the necessary actions have been taken to resolve an identified conflict.

j. A conflict does not exist when DA personnel hold shares of a widely held, diversified mutual fund or regulated investment company. In accordance with the provisions of 18 USC 208b(2), such holdings are exempted as being too remote or inconsequential to affect the integrity of the services of Government personnel.

CHAPTER 3
STATEMENTS OF AFFILIATIONS AND FINANCIAL INTERESTS
(DD FORMS 1555)

3-1. DA personnel required to file statements.

a. If not required to file a Financial Report (SF 278) (app D) under the provisions of chapter 4, the following DA personnel are required to submit initial and annual Confidential Statements of Affiliations and Financial Interests (DD Forms 1555) (app C) unless they are expressly exempted.

(1) Commanders and deputy commanders of major installations and activities (except general officers). For this purpose, major installations and activities are those authorized a commander in the grade of colonel or higher.

(2) DA personnel classified at GS-13 or above under 5 USC 5332 or at a comparable pay level under other authority, and members of the military, when the responsibilities of such personnel require them to exercise judgment in making a Government decision or in taking Government action in regard to activities in which the final decision or action may have a significant economic impact on the interests of any non-Federal entity.

(3) Special Government employees (as defined in the glossary), except as stated in paragraph 3-5.

b. Approval of the Office of Personnel Management (OPM) must be obtained to require other DA civilian personnel to file such statements.

3-2. Review of positions. *a.* All positions in the categories indicated in paragraph 3-1*a* will be reviewed annually by the appropriate supervisor.

(1) If, as a result of this review, a determination is made that incumbent of the position must file a DD Form 1555, he or she will be so informed. The requirement for such filing will be included in the appropriate document describing the duties and responsibilities of the position. The review may be accomplished at the time

that performance, efficiency, or effectiveness ratings are given, or incident to other currently prescribed annual reviews.

(2) A person who believes that he or she has been improperly required to file (or deleted from a filing requirement) may request a review of the decision through established grievance procedures of the Army. Grievances initiated by civilian employees will be processed under the procedures prescribed by FPM 771 and CPR 771.

b. The Secretary of the Army (SA) or his designee may determine that the submission of statements is not necessary for certain positions because of the remoteness of any impairment of the integrity of the Government and the degree of supervision and review of the incumbent's work. For purposes of this subparagraph, the SA delegates authority for such a determination (except in the case of the positions identified in para 3-1*a* (1)) to MACOM commanders and heads of ARSTAF agencies. Authority may not be further delegated.

3-3. Submission and review. *a.* Personnel in MACOMs or ARSTAF agencies required to file will submit their statements in accordance with instructions issued by the agency or command to which assigned.

b. Statements required pursuant to reviews by MACOM commanders or heads of ARSTAF agencies under paragraph 3-2*a* will be submitted to and filed with the DSCC of the MACOM or ARSTAF agency.

c. Army personnel assigned to the Office of the Secretary of Defense (OSD) or the Organization of the Joint Chiefs of Staff (OJCS) will submit their statements in accordance with instructions issued by the agency to which assigned.

d. Personnel of the unified commands will submit their statements through their supervisors

to the DSCC of the unified command. Commanders who have a dual responsibility as commanders of both joint commands and Army components will submit their statements through Army channels.

e. Army officers assigned to Army elements (excluding Army components listed in AR 10-5, chap. 3) of joint commands or activities outside primary staff agencies of DA will submit their statements in accordance with instructions issued by the agency or command to which assigned.

f. Before the commencement of service or assumption of duties and annually thereafter, as prescribed in paragraph 3-7, all statements will be reviewed and approved by the Standards of Conduct Counselor or DSCC and the immediate superior.

3-4. Excusable delay. When required by duty assignment or infirmity, a superior may grant an extension of time with the concurrence of the Standards of Conduct Counselor or DSCC. Any extension in excess of 30 days requires the concurrence of the Army General Counsel. Any late statement will include appropriate notation of any extension of time granted.

3-5. Special Government employees—DD Form 1555. *a.* For the definition "special Government employee," see the glossary.

b. Except as provided in *c* below, each special Government employee and each non-Federal member of any DOD or DA advisory committee who is not required to file a SF 278 will, before appointment, file a DD Form 1555 statement with the officer designated in paragraph 2-9.

c. Categories of special Government employees who are not required to file DD Forms 1555 unless specifically requested to do so are as follows:

(1) Physicians, dentists, and allied medical specialists engaged only in providing service to patients.

(2) Veterinarians providing only veterinary service.

(3) Lecturers participating in educational activities.

(4) Chaplains or clergymen performing only religious service.

(5) Individuals in the motion picture and television fields who are used only as narrators or actors in DOD productions.

(6) A special Government employee who is not a "consultant" or "expert" as defined in FPM 304.

(7) Reservists on active duty for less than 30 consecutive days during the calendar year.

3-6. Exemptions to specific appointees. The SA may grant an exemption to an appointee from the requirement of filing a statement upon a determination that such information is not relevant in view of the duties the appointee is to perform.

3-7. Annual statements. DD Forms 1555 will be filed by 31 October of each year for all affiliations and financial interests as of 30 September of that year. Even though no changes occur, a complete statement is required. Notwithstanding the filing of annual statements, DA personnel will at all times avoid acquiring a financial interest or affiliation or taking action that could result in a violation or apparent violation of the conflicts of interest provisions of 18 USC 208 or this regulation.

3-8. Interests of relatives of DA personnel. The interest of a spouse or minor child, or any member of one's household, will be reported in the same manner as an interest of the individual.

3-9. Information not known by DA personnel. DA personnel will request submission on their behalf of required information known only to other persons. The submission may be made with a request for confidentiality that will be honored even if it includes a limitation on disclosure to the DA personnel concerned.

3-10. Information not required to be submitted. DA personnel are not required to submit on a statement any information relating to the employee's connection with, or interest in, a pro-

fessional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or similar organization not conducted as a business for profit. For the purpose of this regulation, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government will be included in a person's statement.

3-11. Confidentiality of statements of DA personnel. Each DD Form 1555 will be held in confidence. DA may not disclose information from a statement except as the SA or the OPM may determine for good cause. "Good cause" includes a determination that the record or any part of the record must be released under the Freedom of Information Act (FOIA). Persons designated to review or process statements are responsible for maintaining the statements in confidence. They will not allow access to or disclosure from the

statements except to carry out the purpose of this regulation.

3-12. Effect of statements on other requirements. Submission of statements does not permit DA personnel to participate in matters in which their participation is prohibited by law, order, or regulation.

3-13. Processing DD Forms 1555. *a.* Each person required to file a DD Form 1555 will forward the completed statement to his or her immediate supervisor for review and approval. Conflicts and apparent conflicts will be resolved in accordance with paragraph 2-11. Statements will then be forwarded to the Standards of Conduct Counselor or DSCC for review and approval. If no appearance of a conflict of interest is present, the statement will be filed at the level.

b. Statements will be maintained in accordance with AR 340-18-4 for a period of 6 years from the date of filing.

CHAPTER 4

FINANCIAL DISCLOSURE REPORTS (SFs 278)

4-1. DA personnel required to file an SF 278 (covered positions). *a.* DA personnel listed below are required under circumstances shown in paragraph 4-3 to submit an SF 278 (Financial Disclosure Report) (app D). (This requirement is in accordance with the provisions of Title II, Ethics in Government Act of 1978, PL 95-521, as amended (5 USC app. I, sec. 201 *et seq.*)).

- (1) General officers.
- (2) Members of the Senior Executive Service (SES).
- (3) General Schedule (GS) employees, Grade 16 and above.
- (4) Those personnel (including special Government employees) whose rate of pay is fixed, other than under the GS, at a rate equal to or greater than the minimum rate of pay for GS-16.

(5) Employees in the excepted service in positions that are of a confidential or policy making character (Schedule C employees). This requirement does not apply to positions that have been excluded by the Director of the Office of Government Ethics.

b. Individuals required to file an SF 278 are not required to file a DD Form 1555.

4-2. Reporting responsibility. It is the responsibility of individuals occupying covered positions to file the required SF 278. In certain cases (see para 4-3a) HQDA will notify individuals of filing requirements. The requirement for filing SFs 278 for covered civilian positions will be specified in the job description or other document that describes the duties and responsibilities assigned to the position. Report forms (SFs 278) may be obtained directly, or through normal publication channels, from The Adjutant General Publication Center, 2800 Eastern Blvd, Baltimore, MD. The servicing Staff Judge Advocate (SJA), Civilian Personnel Officer (CPO), or DSCC should insure that the forms are available

in sufficient time to allow the reporting individual(s) to meet the required suspense dates.

4-3. Reports required. SFs 278 will be submitted in accordance with paragraph 4-5 under the circumstances shown below. Local submission dates may be adjusted by immediate supervisors as long as suspense dates to HQDA(DAAG-ZX) are met. The Designated Agency Ethics Official (DAEO) at HQDA may, for good cause shown, grant an extension of up to 45 days.

a. Nominations reports. Except as indicated in *e* below, a civilian nominated by the President to a position requiring senate confirmation will submit an SF 278 with Schedules A and D. The Army General Counsel will notify such persons when to submit the report. That office will attach a position description, review the report and forward a copy of it to the Office of Government Ethics (OGE), to arrive no later than 5 days after transmittal of the nomination to the Senate. Brigadier general designees and general officers are not required to file a nomination report with respect to their nomination for promotion to O-7 and above. However, brigadier generals will file assumption reports after promotion to O-7 and assumption of duties commensurate with their new grade in accordance with *b* below.

b. Assumption report. Except as indicated in *e* below, an individual will submit an SF 278 with Schedules A and D before assuming a covered position. This requirement does not apply if the individual has left another covered position within 30 days prior to assuming a new position, or already has filed with respect to nomination for the new position.

(1) A civilian position is assumed on the effective date of the civilian personnel action involved. A civilian temporarily occupying a covered position (i.e., without a formal civilian personnel action) will not be considered to have

assumed position for purposes of this filing requirement.

(2) A military officer below the grade of O-7 will not be considered to have assumed a general officer position unless frocked as a general officer.

(3) A newly appointed (or frocked) brigadier general will submit an assumption report within 30 days after assuming the duties of a general officer position.

(4) When an individual assumes duties in a covered position but is not required to submit a new report, the individual will review his or her financial interests with that organization's DSCC to insure that the change of duties will not affect continued compliance with applicable conflict of interest laws and regulations. Such a review will also be conducted if the individual acquires additional duties or assumes a new covered position during the period before the annual report is required to be filed. This review will include the most recent report filed by the individual plus information supplied informally by the individual as to any additional interests subsequently acquired or other significant changes.

c. Annual reports.

(1) An SF 278 with Schedule A, B, C, and D will be submitted by each person, including a special Government employee, who performs the duties of a covered position (para 4-1a) for more than 60 days during a calendar year. The report covering that calendar year will be submitted to the immediate supervisor in accordance with paragraph 4-5 below by 15 April of the next calendar year. The report will be reviewed and forwarded by the immediate supervisor to HQDA (DAAG-ZX) by 15 May. The report is exempted from information control by AR 335-15, paragraph 7-2g.

(2) When a person has filed an annual report, and subsequently either acquires additional duties or assumes a new covered position, the person will review his or her financial interests with that organization's DSCC to insure that the change of duties will not affect continued compliance with applicable conflict of interest laws and regulations. This review will include the most recent report filed by the person plus informa-

tion supplied informally by the person as to any additional interests subsequently acquired or other significant changes.

d. Termination reports. Except as indicated in *e*, below an SF 278 with Schedules A, B, C, and D will be submitted, in accordance with paragraph 4-5 below. The SF 278 will be submitted 15 days before the effective date of termination of employment unless the person has accepted employment in another covered position. The termination report will cover the portion of the present calendar year up to the date of termination and, if the annual report has not yet been filed, the preceding calendar year. Such reports must reach HQDA(DAAG-ZX) no later than 30 days after the last day of Federal employment.

e. Not more than 60 days in covered position.

(1) A person who is nominated to or assumes a covered position is not required to file a report if the appropriate appointing official (for civilian employees) or HQDA(DAPE-GO) (for USAR and ARNG general officers) determines, after consultation with the organization's DSCC, that such a person is not reasonably expected to perform the duties of the position for more than 60 days in the calendar year. However, if the person performs the duties of the office or position for more than 60 days in the calendar year, an assumption or nomination report will be filed within 15 days after the 61st day of duty.

(2) A person who does not actually perform the duties of a covered position for more than 60 days in the calendar year is not required to file a annual report or a termination report.

4-4. Contents of reports. Instructions for completing SFs 278 are included as part of the report forms. Additional guidance for personnel in covered positions is available from local DSCCs, SJAs, CPOs, or Command Counsel.

4-5. Submitting assumption, annual, and termination reports. *a.* DA personnel required to file will submit their SFs 278 through their DSCC (or persons fulfilling similar responsibilities in the agency to which assigned) to their immediate supervisor. Forms will not be submitted through command channels.

(1) DA personnel assigned to agencies and offices outside DOD will submit their SFs 278 to HQDA(DAAG-ZX), WASH, DC 20310, in compliance with the suspenses listed in paragraph 4-3. A copy of the official position description and a completed DA Form 4971-R will be included (see app E).

(2) DA personnel of the unified commands will submit their reports through their immediate superior to the DSCC (or persons fulfilling similar responsibilities) of the unified command for submission to HQDA(DAAG-ZX).

b. Agreements with any other DOD component or Government agency involving a loan of DA personnel in covered positions (para 4-1a) will contain a requirement that the other DOD component or Government agency will review any SF 278 submitted by the loaned individual, attach a copy of the official position description, complete a DA Form 4971-R, and forward the reports with all attachments to HQDA (DAAG-ZX) in compliance with the filing dates prescribed in paragraph 4-3. A statement will be included concerning the resolution of any conflict or apparent conflict of interest.

4-6. Preliminary review. a. *Deputy Standards of Conduct Counselor of reporting person.* The reporting person's DSCC will thoroughly review the SF 278, attach a copy of the official position description, and complete the applicable portions of the DA Form 4971-R (app E), to include listing (at item 2c and/or 2d in the DA Form 4971-R) those business entities in which an interest or affiliation has been reported that are doing business or attempting to do business with the reporting person's organization or activity. The SF 278, with all attachments, will then be forwarded to the reporting person's supervisor.

b. *Immediate supervisor of reporting person.* The reporting person's immediate supervisor will thoroughly review the reported financial interests as they relate to the person's duties. Conflicts or the appearance of conflicts will be resolved in accordance with paragraph 2-11 of this regulation and item 2d of the DA Form 4971-R. If the immediate supervisor is aware of any information that relates to a possible conflict

of interest, that information will be included. The immediate supervisor will complete the applicable portions of the DA Form 4971-R and forward the report, with all attachments, to his DSCC.

c. *Deputy Standards of Conduct Counselor of immediate supervisor.* The DSCC for the immediate supervisor of the reporting persons will conduct a thorough preliminary review of the reported financial interests and positions disclosed on the form; clarify and resolve discrepancies, conflicts, or apparent conflicts with the immediate supervisor in accordance with paragraph 2-11 of this regulation and item 2d of the DA Form 4971-R; complete the DA Form 4971-R; and forward the SF 278, with attachments (e.g., position description and completed DA Form 4971-R, to HQDA(DAAG-ZX), WASH DC 20310 in compliance with the suspenses listed in paragraph 4-3.

4-7. Review at Headquarters, Department of the Army. a. *Filing authority.* The official filing authority for all individuals occupying covered positions within the Department of the Army is The Adjutant General (DAAG-ZX). The date of receipt by HQDA(DAAG-ZX) will be noted on the SF 278 as required by law. Upon dating the report, HQDA(DAAG-ZX) will forward the SF 278 to the appropriate reviewing official for final review.

b. *Reviewing official.* The appropriate reviewing official will be determined by reference to appendix K (Designation of Reviewing Officials). When TJAG is the reviewing official, he will provide the General Counsel a copy of all correspondence referred to in e and f below. Review of an SF 278 is completed when the reviewing official has signed the SF 278, indicating that each item is completed and that the report discloses no unresolved conflict or appearance of a conflict of interest under applicable laws and regulations.

(Note: A list of circumstances or situations that have resulted in, or may result in noncompliance with applicable laws and regulations is listed at para 2-1c.)

c. *Permanent filing.* After signing the SF 278 the reviewing official will return it for permanent filing to HQDA(DAAG-ZX).

d. Additional information. If the reviewing official, after reviewing an SF 278, believes additional information is required to be submitted, the reporting individual will be notified of the additional information required and the date by which it must be submitted. Required information will be submitted by the reporting individual directly to the reviewing official.

e. Preliminary determination. If the reviewing official, after reviewing the SF 278, is of the opinion, on the basis of information submitted, that the reporting person is not in compliance with applicable laws and regulations, the following steps will be taken:

(1) The person will be notified in writing of the preliminary determination.

(2) The person will be afforded a reasonable opportunity for a written or oral response. Written responses will be forwarded direct to the reviewing official by the suspense date specified in the notice.

f. Compliance or referral. After considering the response provided by reporting person, the reviewing official will determine whether the person is in compliance with applicable laws and regulations.

(1) If the person is in compliance, the reviewing official will sign the SF 278. He or she will also send written notification of the determination to the person, including the addition of any comments written or attached to the SF 278 form.

(2) If the person is determined not to be in compliance, he or she will be notified in writing of that determination. After an opportunity for personal consultation, if practicable, the reviewing official will notify the person in writing of the remedial measures outlined in paragraph 2-11 that should be taken to bring the person into compliance. The notification will specify a date by which such measures must be taken.

(a) When the reviewing official determines that a reporting person has fully complied with the remedial measures, a notation to that effect will be made in the comment section of the SF 278. The reviewing official will then sign and date the SF 278 and send written notice of that action to the person.

(b) If steps assuring compliance with applicable laws and regulations are not taken by the date established, the reviewing official will report the matter to the SA for action. The OGE will also be notified.

4-8. Public disclosure. By law SFs 278 must be made available for public examination upon request, 15 days after the report is filed. Receipt of the report by HQDA(DAAG-ZX) constitutes official filing and establishes the date from which the 15 days will run. In most cases this means the reports are available to the public before review at HQDA is completed. Reporting persons are personally responsible for ensuring that their reports are accurate, complete, and timely.

4-9. Penalties. Compliance with the financial disclosure provisions will be enforced by administrative, civil, and/or criminal remedies, as appropriate.

a. Action within Department of the Army. The SA may take appropriate action, including change in assigned duties or adverse action, in accordance with applicable law or regulation, against any person who is reported under paragraph 4-7f(2) (b), who fails to file an SF 278, or who falsifies or fails to report information required to be reported.

b. Action by the Attorney General. The SA is required by the Ethics in Government Act of 1978 to refer to the Attorney General the name of any person the SA has reasonable cause to believe has willfully failed to file an SF 278 or has willfully falsified or failed to file information required to be reported. Such referral does not bar additional administrative or judicial enforcement. The Attorney General may bring a civil action in the US District Court against any person who knowingly and willfully falsifies or fails to file or report any required information. The court may assess a civil penalty not to exceed \$5,000. Knowing or willful falsification of information required to be filed may also result in criminal prosecution under 18 USC 1001 leading to a fine of not more than \$10,000, or imprisonment for not more than 5 years, or both.

c. Misuse of reports. The Attorney General may bring a civil action against a person who obtains or uses an SF 278 filed pursuant to the Ethics in Government Act for—

(1) Any unlawful purpose.

(2) Any commercial purpose, other than by news and communications media for dissemination to the general public.

(3) Determining or establishing the credit rating of any individual.

(4) Use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The court in which such action is brought may assess against such person a penalty in any amount, not to exceed \$5,000. This is in addition to any other legal remedy available.

CHAPTER 5

LAWS GOVERNING FORMER GOVERNMENT EMPLOYEES

5-1. Former officers or employees. *a.* The term "former officer or employee" includes the following:

- (1) Full-time civilian officers or employees who have left Government service;
- (2) Special Government employees who have left Government service;
- (3) Retired officers released from active duty.
- (4) Reserve officers released from active duty.

b. It does not include enlisted personnel.

5-2. Enforcement responsibility. *a.* Each officer and employee, upon ending service with the US Army, is obligated to review the post employment restrictions imposed by law and regulation and determine those that apply to future employment and dealings with the agencies of the Federal Government. This chapter and appendix G summarize the laws and regulations that apply to persons who have already left the Government or will do so in the future.

b. Persons ending service with the US Army will be furnished a copy of this regulation for review during their outprocessing. Personnel who request additional advice will be referred to the local DSCC or legal office as applicable. Such advice may be provided before or during the outprocessing.

c. Administrative enforcement procedures are set forth in paragraph 5-7 below.

5-3. Postemployment restrictions. *a. Employment of retired DA personnel.* No Federal law or regulation precludes retired or former civilian or military personnel from being employed by a domestic corporation or concern doing business with the Government. General professional knowledge acquired while in Government service generally may be used in connection with the employment. However, activities are prohibited

that reasonably give the appearance of making unfair use of prior Government employment and affiliations. The statutory post employment restrictions are not intended to discourage the movement of employees to and from positions in industry, research institutions, and universities. Instead, only certain acts that are detrimental to public confidence in the Government are prohibited. See appendix G for a digest of laws relating to conflict of interest.

b. Permanent bar. The target of these restrictions is the former officer or employee who participates in a particular matter while employed by the Government and later "switches sides" by representing another person on the same matter. The restrictions are directed at regulating representational activities, whether or not such activities include personal appearances by physical presence before the Government, and communications made with intent to influence. This includes promotional and contract representations, whether by personal appearance or by oral or written communication.

(1) All former officers or employees are permanently prohibited from knowingly representing anyone other than the United States in connection with a particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the individual participated personally and substantially for the Government (18 USC 207(a)).

(2) In addition to the restriction in (1) above, former officers or employees who terminate Government service after 1 July 1979 are prohibited from making oral or written communications on behalf of persons other than the United States with an intent to influence particular matters in which the United States is a party or has a direct and substantial interest and in which the individual participated personally and substantially for the Government (18 USC 207(b)(i) as amended).

c. Two-year bar on representing.

(1) Former officers or employees who terminate Government service on or after 1 July 1979 are subject to a restriction which lasts for 2 years after termination of service. Such persons may not act as agent or attorney or otherwise represent others in formal or informal appearances before the Government in connection with particular matters which were pending under the former employee's official responsibility during the final year of service. This restriction includes oral or written communications as described in *b(2)* above.

(2) "Official responsibility" includes the direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government actions (18 USC 202(b)). Ordinarily, the scope of an employee's official responsibility is determined by reference to the pertinent statute, regulation, Executive Order, job description, or delegation of authority.

5-4. Additional restrictions pertaining to "senior employees."

a. Senior employees and designated positions. A senior employee means a civilian employee at the executive level, or a 3- or 4-star general. It also means other persons holding positions which have been designated as senior employee positions by the Director, Office of Government Ethics. To be eligible to be designated, a position must involve significant decision-making or supervisory responsibility and be at a basic rate of pay of GS-17 or above or within the SES. In the case of military members, the position must be held by active duty officers at grades O-7 or O-8.

b. Two-year bar on assisting in representing by personal presence. For 2 years after leaving Government, a former senior employee may not assist in the representation of another person by personal presence at an appearance before the Government on any particular matter in which he or she personally and substantially participated while in Government. While such employees could, for example, work on a contract with which they were involved while in Government,

they may not render assistance while in attendance at any meeting, negotiations, or proceedings with the Government. (See 18 USC 207(b) (ii), as amended.)

c. One-year bar on attempts to influence former agency. For 1 year after leaving Government service a former senior employee may not represent another person or himself or herself in attempting to influence his or her former agency in any matter pending before, or of substantial interest to, such agency. This provision does not require that the former employee have had any prior involvement in the particular matter. The prohibition does not apply to communications made by a former senior employee who is an elected official or employee of a State or local government, acting on behalf of such Government, or to communications on behalf of a degree-granting institution of higher learning, or nonprofit hospitals or medical institutions by a former senior employee who is principally employed by such institutions or medical organizations. It also does not apply to purely social or informational communications, responses to requests from the former agency, or to expressions of personal views when the former senior employee has no pecuniary interest. The provision results in a 1 year "cooling off" period to prevent the possible use of personal influence based on past Government affiliations to facilitate the transaction of business. (See 18 USC 207(c), as amended.)

5-5. Consultation exception to postemployment restrictions. The postemployment restrictions outlined in paragraph 5-3 do not apply to communications made solely for the purpose of furnishing scientific or technological information in accordance with the following procedures.

a. The office receiving the contact or communication will be advised by the former officer or employee, or by the organization represented by that individual, of the prior employment status of that individual and the general subject matter to be communicated. Notice will be given in advance of any communication, if possible, to the DSCC (see para 2-9) for the office to which the communication is to be directed.

b. The subject matter of the communication

must be limited to scientific and technological exchanges. These may include discussions of feasibility, risk, cost, and speed of implementation.

c. The office receiving the communication or participating in the discussions must maintain copies of the written communications and written summaries of any discussions for a period of 5 years.

5-6. Exemption for persons with special qualifications in a technical discipline. Upon application by the person concerned, the SA, in consultation with the Under Secretary of Defense for Research and Development and with the Director, OGE, may grant an exception to the postemployment restrictions outlined in paragraphs 5-3 and 5-4 if the following conditions below are met.

a. Written applications for an exception will be submitted directly to HQDA(SARDA), WASH DC 20310. Justification submitted with the application will include—Evidence that the person has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications; and, that the national interests will be served by participation of the former officer or employee. The Assistant Secretary of the Army (Research, Development, and Acquisition) will forward the application through the Army General Counsel to the SA, together with a recommendation on whether to approve the application and the basis for that recommendation. If the application for an exception is approved, the SA will publish appropriate certification in the Federal Register.

b. The use of this exemption will be limited to instances in which the former Government employee's involvement is needed on so continuous and comprehensive a basis that compliance with the procedures adopted for the communication of technical information (para 5-5) or other actions to isolate the former Government employee from other aspects of the matter, would be burdensome and impractical.

5-7. Postemployment violations and administrative enforcement proceedings. a. *Basic pro-*

cedures. The administrative enforcement of restrictions on postemployment activities will be accomplished in accordance with DOD Dir. 5500.7, 5 CFR 737.27 (OPM Regulation, "Post-employment Conflict of Interest"), and chapter 5 of this regulation.

b. *Delegation.* The Army General Counsel will have authority to administer these provisions within the DA. TJAG is delegated general authority to conduct the administrative enforcement functions described in this paragraph. However, the Army General Counsel may reserve authority to act in any case by so notifying TJAG in writing.

c. *Receipt of information concerning former DA personnel.* If an officer or employee of DA has reason to believe or receives information that a former officer or employee has violated 18 USC 207(a), (b), or (c), or implementing regulations he or she will promptly forward a written report to the IG, HQDA(DAIG-ZB), WASH, DC 20310. The report will not be forwarded through command channels. Other persons having information of such violations may make a report to any DA personnel. The privacy of former officers or employees will be protected by adequately safeguarding information concerning allegations made prior to a determination of sufficient cause to initiate an administrative disciplinary hearing.

d. *Actions by the Inspector General.* Upon receipt of a report alleging violations of 18 USC 207(a), (b), or (c), or implementing regulations, The IG will immediately provide a copy of the allegations to the TJAG and the Army General Counsel. The IG will have a preliminary investigation conducted into the basis of the allegations. A memorandum will be prepared and forwarded to TJAG and, upon request, to the Army General Counsel.

e. *Initiation of administrative disciplinary hearing.* Whenever TJAG (or the Army General Counsel in cases in which he has reserved authority to act) has determined, after appropriate review, that there is reasonable cause exists to believe that a former officer or employee has violated 18 USC 207(a), (b), or (c), or implementing regulations, an administrative discipli-

nary proceeding may be initiated. The former officer or employee is then provided with notice as defined in *g* below.

f. Report to the Department of Justice. On receipt of information regarding a possible violation of 18 USC 207 (a), (b), (c), or implementing regulations, and after determining that such information is not frivolous, the Army General Counsel (in those cases in which he or she has reserved authority to act) or TJAG through the General Counsel will provide such information to the SA with appropriate comments. The SA will evaluate the information and forward it, along with any comments or agency regulations, to the Director, OGE, and to the Criminal Division, Department of Justice (DOJ). The Army General Counsel will coordinate any investigation or administrative action with DOJ.

g. Notice of hearing.

(1) TJAG or the Army General Counsel (in those cases in which he or she has reserved authority to act) will provide a former officer or employee with notice of not less than 20 calendar days of an intention to institute a proceeding and an opportunity for hearing.

(2) Notice must include—

(a) A statement of allegations, and the basis thereof, sufficiently detailed to enable the former officer or employee to prepare an adequate defense.

(b) Notice of the right to a hearing.

(c) Procedure for requesting a hearing.

h. Hearing examiner. The presiding official will be a person to whom TJAG or the Army General Counsel (in those cases in which he or she has reserved authority to act) has delegated authority in writing, to make an initial decision. (This person will hereafter be referred to as "examiner.")

(1) An examiner will be an attorney with not less than 5 years of experience subsequent to admission to the bar.

(2) An examiner will be impartial. (A person who has participated in any manner in the decision to initiate the proceedings may not serve as an examiner in those proceedings.)

i. Time, date, and place of hearing.

(1) The hearing will be held at a reasonable time, date, and place.

(2) The date of the hearing will be specified by the examiner with due regard to the former officer or employee's need for adequate time to prepare a defense properly and a need to resolve expeditiously allegations that may be damaging to his or her reputation.

j. Hearing rights. The subject of the hearing will have the rights below:

(1) Represent himself or herself or be represented by counsel.

(2) Introduce and examine witnesses and submit evidence.

(3) Confront and cross-examine adverse witnesses.

(4) Stipulate as to facts not in issue.

(5) Present oral argument.

(6) Receive a transcript or a recording of the proceedings upon request.

k. Burden of proof. The DA has the burden of proof. A violation is established only by substantial evidence.

l. Decision.

(1) The examiner will—

(a) Make a determination which is based exclusively on matters of record in the proceedings.

(b) Set forth in a written decision all findings of fact and conclusions of law relevant to the matters at issue.

(c) Provide the SA (Attn: Army General Counsel), TJAG, and the subject of the hearing a copy of the written decision.

(2) Within 20 days following receipt of a decision either party may appeal the decision to the SA. The SA will base his or her decision on such appeal solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues.

(3) If the SA modifies or reverses the initial decision, such findings of fact and conclusions of law as are different from those of the hearing examiner will be specified in writing.

(4) The decision will inform any person found in violation of 18 USC 207 (a), (b), (c), or implementing regulations of his or her right to seek judicial review of the administrative determination.

m. Administrative sanctions. The SA will take appropriate action in the case of a person found in violation of 18 USC 207(a), (b), or (c), or implementing regulations. This action may be taken based upon a final administrative decision, or a failure to request a hearing after receiving adequate notice. This action may include—

(1) Prohibiting the person from making, on behalf of any other person except the United States, any formal or informal appearance before, or, with the intent to influence, any oral or written communication to the DA on any matter of business for a period not to exceed 5 years. This may be enforced by directing officers and employees of the DA to refuse to participate in any such appearance or to accept any such communication.

(2) Taking other appropriate disciplinary action.

n. Judicial review. Any person against whom the Secretary of the Army imposes an administrative sanction may seek judicial review of the administrative determination.

5-8. Retired Regular Army officers. *a. Prohibitions.* Appendix G contains a digest of laws relating to conflicts of interest. Many of these are applicable to retired Regular Army (RA) officers; in other words, as an officer whose employment has ceased, he or she may not—

(1) Engage in the prohibited activities listed in paragraph 5-3 (18 USC 207).

(2) At any time, assist in prosecuting a claim against the United States if he or she worked on that claim while on active duty (18 USC 283).

(3) Within 2 years after retirement, assist in prosecuting a claim which involves the Department in whose service he holds a retired status (18 USC 283).

(4) At any time, sell anything other than his or her own services to the Department in whose service he or she holds a retired status (18 USC

283). This permanent restriction extends to sales to NAF activities that are under the joint control of the Army and some other agency. An example of such an activity is the Army and Air Force Exchange Service.

(5) Within 3 years after retirement, sell supplies or war materials to any agency, (including NAF activities) of DOD, the Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service. (See USC 801(c), as amended 9 October 1962; PL 87-777.) (See also the definition of "selling" in the glossary.)

(6) Accept any present, employment, office, title, or employment from any foreign government without the consent of the Congress. (See art 1, sec 9, cl 8 of the US Constitution.) Requests for approval of employment by a foreign government should be processed according to AR 600-291. The penalty for a violation is loss of retired pay. This prohibition does not apply to employment by international agencies such as the United Nations.

b. Required statement of employment. Each retired RA officer will file a DD Form 1357 (app B) with the Cdr, USAFAC, FIN-CM, Indianapolis, IN 46249 within 30 days after retirement. DD Form 1357 will be revised within 30 days after the information in the previous statement has ceased to be accurate. If the DD Form 1357 discloses that the retiree is employed by a DOD contractor, it will be reviewed by the Commanding General, USAFAC, to insure compliance with applicable laws and regulations.

5-9. Employment in DOD. The Dual Compensation Act of 1964 prohibits the employment of any retired member of the Armed Forces in the DOD (including NAFIs) within 180 days following retirement (5 USC 3326), unless—

a. The appointment is authorized by the Secretary of a military department and, if appropriate, by the OPM;

b. The minimum rate of basic pay for the position has been increased under 5 USC 5305; or

c. A state of national emergency exists.

5-10. Report of DOD and defense-related employment. *a.* Requirements for reporting defense-related employment are specified in AR 600-47. The report (DD Form 1787 (Report of DOD and Defense Related Employment as Required by PL 91-121)) is required by certain former and retired military officers, former civilian officers and employees of DOD presently employed by defense contractors, and former civilian officers and employees of Defense contractors presently employed by DOD. Failure to file DD Form 1787 is punishable by a maximum of 6 months' imprisonment, or a fine of not more than \$1,000, or both.

b. These reporting requirements are in addition to—

(1) The reports required from retired RA officers (see para 5-8*b* as to DD Form 1357).

(2) The Confidential Statement of Affiliations and Financial Interests (DD Form 1555) required of certain DA personnel by chapter 3.

(3) The Financial Disclosure Reports (SFs 278) required of certain DA personnel by chapter 4 of this regulation.

CHAPTER 6

OTHER SPECIFIC ACTIVITIES PROHIBITED TO MILITARY PERSONNEL

6-1. Introduction. This chapter lists several specific activities prohibited to military personnel, including activities in connection with non-appropriated funds. Violation of the provisions of this chapter provides a basis for disciplinary action under the Uniform Code of Military Justice (UCMJ) for personnel subject to its provisions. The enumeration in this chapter is not intended to preclude prosecution of military personnel under the UCMJ for violations of other chapters of this regulation when such prosecution is appropriate.

6-2. Prohibited acts. a. Military personnel. The acts listed below are prohibited to all military personnel. Each act contrary to this paragraph will be considered a separate offense.

(1) *Receipt of anything of value.* Military personnel will not ask, demand, exact, solicit, seek, accept, receive, or agree to receive anything of value for themselves or for any other person or entity in return for—

(a) Being influenced in the performance of any official act.

(b) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, including nonappropriated funds.

(c) Being induced to do or to omit to do any act in violation of official duty.

(2) *Personal commercial solicitation or sales.* Military personnel will not make personal commercial solicitation or sales to DOD personnel junior in rank, grade, or position at any time, on or off duty. (See para 2-1i.)

(3) *Release of information concerning proposed acquisition or purchases by contracting activities.* Except as otherwise provided by law or regulation, and in the necessary discharge of official duties, military personnel will not release or divulge to any person or any business concern or its representatives information concerning

proposed acquisitions or purchases by a contracting activity of the US Government or a NAFI.

(4) *Use of Government property.* Military personnel will not use, or allow the use of, Government property of any kind, including property leased to the Government, for other than official activities (see para 2-4).

(5) *Use of military title or position by military personnel.* Except as authorized by law or regulation, military personnel will not use their military title or position in connection with any commercial enterprises or in endorsing any commercial product. For the purpose of this subparagraph, "commercial enterprise" includes any organization other than a nonprofit or charitable organization exempt from Federal income taxation because it comes within the provisions of subsections (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 USC 501). (See para 2-5 and AR 360-5.)

(6) *Use of military title by retired military personnel and member of Reserve Components.* All retired military personnel and all members of Reserve Components, not on active duty, may use their military titles in connection with commercial enterprises. Such use of military titles will in no way cast discredit on the military services or DOD. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by DOD. The DA may restrict retired personnel and members of Reserve Components, not on active duty, from using their military titles in connection with public appearances in oversea areas.

(7) *Dangerous drugs.*

(a) Except as authorized by regulations or other competent authority, military personnel will not use, possess, sell, transfer, or introduce into any military unit, base, station, post, ship,

or aircraft any dangerous drug. The term "dangerous drug" means a nonnarcotic drug that is habit-forming or has a potential for abuse because of its stimulant, depressant, or hallucinogenic effect as determined by the Attorney General of the United States as defined in 21 USC 801 *et seq.*, and includes but is not limited to: Amphetamines, barbiturates, lysergic acid diethylamide (LSD), mescaline, 4-methyl-2 demethoxyamphetamine (STP), psilocybin, psilocyn, phencyclidine (PCP) and dimethyl-triptamine (DMT).

(b) As a matter of policy, a military person who violates (a) above will be charged only under Article 92, UCMJ, and not under any other provision of the UCMJ.

(c) As a matter of policy, the unauthorized use, possession, sale, transfer, or introduction into a military unit, base, station, post, ship, or aircraft of marijuana or any narcotic drug by military personnel is chargeable only as a violation of Article 134, UCMJ. The term "marijuana" used in this paragraph is defined in 21 USC 802(15) (1970). The term "narcotic drug" as used in this section is defined in 21 USC 802(16) (1970) and includes but is not limited to heroin, cocaine, codeine, methadone, morphine, and opium.

b. Enlisted personnel.

(1) An enlisted member occupying a position of trust and responsibility, as designated below, will not—

(a) Except as otherwise authorized by law, act as attorney or agent for anyone, with or without compensation, before any court, Gov-

ernment agency or officer in connection with any contract, claim, controversy, or any matter in which the United States is a party or has an interest.

(b) Participate in his or her official capacity through decision, approval, disapproval, recommendation, advice, or otherwise in any contract, claim, controversy, or any other matter in which he or she, or his or her spouse, minor child, partner, organization in which he or she is serving as officer, director, trustee, partner or employee, or any person or organization with whom he or she is negotiating or has an arrangement concerning prospective employment, has a financial interest.

(c) Receive any salary, or supplementation of his or her Government salary, from a private source as a compensation for his or her services to the Government.

(2) The following positions are designated as positions of trust and responsibility for the purposes of this paragraph:

(a) Contracting officers.

(b) Contracting officers' representatives.

(c) Ordering officers.

(d) Purchasing agents.

(e) Persons otherwise involved in procurement and related functions for appropriated and nonappropriated fund activities.

c. Officer personnel. In addition to the acts enumerated in *a* above, officer personnel are subject to the provisions of chapter 11, title 18, United States Code. Violation of any of the provisions may be a violation of Article 133 or 134, UCMJ.

APPENDIX A RELATED PUBLICATIONS

- AR 1-210 (Participation in Activities of Private Associations)
- AR 1-211 (Attendance of Military Personnel at Private Organization Meetings.)
- AR 10-5 (Department of the Army)
- AR 28-1 (Army Morale Support Activities)
- AR 37-47 (Contingency Funds of the Secretary of the Army)
- AR 145-1 (Senior ROTC Program: Organization, Administration, and Training)
- AR 145-2 (Junior Program and National Defense Cadet Corps: Organization, Administration, Operation, and Support)
- AR 210-1 (Private Organizations on Department of the Army Installations)
- AR 210-7 (Commercial Solicitation on Army Installations)
- AR 210-10 (Administration)
- AR 230-60 (The Management and Administration of the US Army Club System)
- AR 335-15 (Management Information Control System)
- AR 340-18-4 (Maintenance and Disposition of Legal and Information Functional Files)
- AR 360-5 (Public Information)
- AR 360-61 (Community Relations)
- AR 600-15 (Indebtedness of Military Personnel)
- AR 600-21 (Equal Opportunity Program in the Army)
- AR 600-29 (Fund-Raising Within the Department of the Army)
- AR 600-47 (Reporting Procedures on Defense Related Employment)
- AR 600-291 (Foreign Government Employment)
- AR 621-7 (Acceptance of Fellowships, Scholarships, or Grants)
- AR 624-100 (Promotion of Officers on Active Duty)
- AR 672-5-1 (Military Awards)
- CPR 713 (Equal Employment Opportunity)
- CPR 771 (Appeals and Grievance Procedure)
- FPM 304 (Employment of Experts and Consultants)
- FPM 771 (Appeals and Grievance Procedure)

Joint Travel Regulation, Volume 2, Chapter 6

DODI 5410.20-I (Public Affairs Relations with Business and Nongovernmental Organizations Representing Business)

DODD 5500.7 (Standards of Conduct)

APPENDIX B

STATEMENT OF EMPLOYMENT (Regular Retired Officers)	
DATA REQUIRED BY THE PRIVACY ACT	
AUTHORITY:	37 U.S.C. 801 (c) and 5 U.S.C. 5532
PRINCIPAL PURPOSES:	Information is required from retired regular officers to enable Department of Defense personnel to determine whether such officers are engaged in activities prohibited by law or regulation, including those that could result in the loss of retired pay or a reduction in retired pay due to other Federal employment.
ROUTINE USES:	The information supplied on this form is forwarded to the Military Department in which the individual holds a retired status and is appropriately reviewed to assure compliance with applicable statutes and regulations.
DISCLOSURE:	Disclosure of the requested information is voluntary in the sense that no criminal penalties will follow from failure to file. However, the information requested by this form is required to enable the Department of Defense to implement 37 U.S.C. 801 (c) and 5 U.S.C. 5532. If the information is not provided, further investigation will ensue which may lead to the withholding of retired pay and the referral of the matter to the Comptroller General of the United States or other Federal agencies.
1. I am a regular retired officer of the <u>US Army</u> , and was retired on <u>21 December 1980</u> <small>(Department) (Date)</small>	
2. I <input checked="" type="checkbox"/> am <input type="checkbox"/> am not employed. (If employed, or self employed, complete the rest of this item, if more than one employer, list complete information for each employer on a separate sheet)	
a. My employer's name and address is FORD AEROSPACE, 2700 Skyline Blvd. Palo Alto, CA 80010	
b. My employer sells, or offers for sale, to agencies (including nonappropriated fund activities) of the Department of Defense, the Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service, the following types of products or services: WEAPON SYSTEMS	
3. If item 2.b is answered in the affirmative, complete this item:	
a. My position title is CONSULTANT	
b. My duties are, briefly (a complete description of your job, a copy of your employment contract, or any other pertinent information, may be attached) TO DETERMINE THE WEAPON SYSTEMS NEEDED BY THE ARMY IN THE FUTURE.	
c. My duties include one or more of the following activities in regard to an agency specified in item 2.b. (1) signing a bid, proposal, or contract, (2) negotiating a contract, (3) contacting an officer or employee of the agency for the purpose of (i) obtaining or negotiating contracts, (ii) negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or (iii) settling disputes concerning performance of a contract, or (4) any other liaison activity with a view toward the ultimate consummation of a sale even though the actual contract therefor is subsequently negotiated by another person. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If answered in the affirmative, attach explanatory details)	
4. I have received a copy of DoD Directive 5500.7 or the regulation issued by my department implementing that Directive.	
5. I will file a new Statement of Employment within 30 days after the information in this Statement has ceased to be accurate. I understand that if I have been retired for less than three years and have been employed by a defense contractor, I might also be subject to the requirement to file a Report of DoD and Defense Related Employment (DD Form 1787) pursuant to 50 USC 1436 and DoD Directive 7700.15.	
SIGNATURE	DATE
NAME (Typed or printed)	FILE/SSN
JOHN A. SMITH	15 January 1981
	123-45-6789

7. INTERESTS IN REAL PROPERTY. List your interests in real property other than personal residence you occupy. Note any DoD contractor relationship, present or prospective, regarding acquisition or present status. If none, write "NONE".				
NATURE OF INTEREST <small>(Ownership, mortgage, lien, investment, trust, etc.)</small>	TYPE OF PROPERTY <small>(Residence, hotel, apartment, farm, undeveloped land, etc.)</small>	ADDRESS		
OWNER	APARTMENT BLDG	400 Texas Blvd., Killeen, TX		
8. INFORMATION REQUESTED FROM OTHER PERSONS. If any information is to be supplied by other persons (e.g., trustee, attorney, accountant, relative), indicate name and address of such person, date on which you requested information, and subject matter involved. If none, write "NONE".				
NAME AND ADDRESS	DATE OF REQUEST	SUBJECT MATTER		
NONE				
PART II - ADDITIONAL INFORMATION TO BE FURNISHED ONLY BY "SPECIAL GOVERNMENT EMPLOYEES" <small>(Temporary or part-time "advisors or consultants" as prescribed in Section III C of DoD Dir 3500.7 or implementing regulation)</small>				
9. ESTIMATE THE NUMBER OF DAYS ON WHICH SERVICES ARE EXPECTED TO BE PERFORMED				
a. WITH EMPLOYING DOD COMPONENT	b. WITH OTHER FEDERAL AGENCIES	c. SUM OF a AND b		
d. NUMBER OF DAYS WORKED FOR DOD DURING THE 365 DAYS PRECEDING DATE OF CURRENT APPOINTMENT	e. NUMBER OF DAYS WORKED FOR EMPLOYING DOD COMPONENT DURING THE 365 DAYS PRECEDING DATE OF CURRENT APPOINTMENT			
10. FEDERAL GOVERNMENT EMPLOYMENT. List all other DoD Components and Federal agencies in which you are presently employed. If none, write "NONE".				
COMPONENT OR AGENCY AND LOCATION	TITLE OR KIND OF POSITION	APPOINTMENT PERIOD		ESTIMATED NUMBER OF DAYS
		From	To	
I certify that the statements I have made are true, complete and correct to the best of my knowledge and belief, and that I have read and understand the contents of DoD Directive 3500.7 as implemented by my employing DoD Component's regulation.				
SIGNATURE		DATE		
SUPERVISOR'S EVALUATION <small>(For Sections 3 or Unit Dir 3500.7 or implementing regulation)</small>				
I have reviewed the above statement in light of the present and prospective duties of the individual to ensure that both actual and apparent conflicts of interest are avoided. My evaluation is:				
<input type="checkbox"/> No affiliation/financial interests reported.				
<input type="checkbox"/> Reported affiliation/financial interests are unrelated to assigned or prospective duties, and no conflicts appear to exist.				
<input checked="" type="checkbox"/> Assigned duties require participation in matters involving or which may involve the following reported affiliation/financial interests. This conflict or apparent conflict will be resolved by: <input type="checkbox"/> Change in assigned duties. <input type="checkbox"/> Divestiture of the interests and relief of incumbent from all related duties pending divestiture. <input checked="" type="checkbox"/> Disqualification. <input type="checkbox"/> Other (explain): A copy of my advice is attached. Notice of completed corrective action will follow.				
<input type="checkbox"/> The following reported affiliation/financial interests are related to assigned or prospective duties, but have been determined by the appropriate appointing official to be not so substantial as to affect the integrity of the individual's services. A copy of that formal determination and rationale is attached.				
<input type="checkbox"/> The prospective employee's duties will require participation in matters involving the following reported affiliation/financial interests, and the appointment cannot be consummated until divestiture of these interests is completed.				
SIGNATURE OF SUPERVISOR		PRINT OR TYPE NAME AND TITLE		DATE
		LYNN C. OTIS, MG, CS		1 July 1981
STANDARDS OF CONDUCT COUNSELLOR/DEPUTY COUNSELLOR REVIEW <small>(For Sections 3 of Unit Dir 3500.7 or implementing regulation)</small>				
As a duly designated counsellor (or Deputy Counsellor), I have examined the foregoing Statement and Evaluation:				
<input checked="" type="checkbox"/> I concur with the supervisor's evaluation.				
<input type="checkbox"/> I do not concur with the supervisor's evaluation and recommend the following action:				
SIGNATURE		DATE		
(DSCC)		2 July 1981		

APPENDIX D

Executive Personnel Financial Disclosure Report

Instructions for Completing SF 278

Privacy Act Statement

The Ethics in Government Act of 1978, Public Law 95-521, requires the reporting of this information. This information will be reviewed by Government officials to determine compliance with the intent of the Act and may be disclosed upon request to any requesting person pursuant to section 205 of the Act or as otherwise authorized by law. You may inspect applications for review of your own form upon request. Knowing or willful failure to file or report information required to be reported by section 202 of the Act (or falsification) may subject you to a civil penalty of not more than \$5,000 and to disciplinary action by your employing agency or other appropriate authority. Knowing or willful falsification of information required to be filed by section 202 of the Act may also subject you to criminal prosecution under 18 U.S.C. §1001, leading to a fine of not more than \$10,000 or imprisonment for not more than five years or both.

I. Introduction

Scope of Disclosure

A reporting individual is required to include in addition to his or her separate financial information, information concerning his or her spouse and dependent children in some sections of this report. The extent of the reporting requirement is explained in each section of these instructions. Incumbents (in positions described in section II(c) of these instructions) are generally required to report information with respect to the previous calendar year. Nominees, candidates, and new entrants (to positions described in section II(c)) and those filing termination reports, generally report information for the previous calendar year and the current calendar year until at least 31 days before the date of filing.

However, no report is required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation. In addition, no report is required with respect to any income or obligations of an individual arising from the dissolution of a marriage or the permanent separation from a spouse.

Dependent Child

The term "dependent child" means a son, daughter, stepson, or stepdaughter of a reporting individual and who is either: (i) unmarried, under age 21, and is living in the household of the reporting individual, or (ii) a "dependent" of the reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954.

Definition of "Value"

"Value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

Category of Amount

Reportable financial interests are disclosed either by exact amount or by category of amount, depending on the interest as shown in the form. A reporting individual may, but is not required to, indicate an exact amount where the form provides for a category of amount or value.

II. Who Must File

- Candidates for nomination or election to the office of President or Vice President.
- Presidential nominees to positions requiring the advice and consent of the Senate, other than those nominated for judicial office or for appointment to a rank in the uniformed services at a pay grade of 0-6 or below.
- The following newly elected or appointed officials:
 - The President;
 - The Vice President;
 - Officers and employees (including special government employees, as defined in 18 U.S.C. §202) whose positions are classified at GS-16 or above of the General Schedule, or whose basic rate of pay (excluding "step" increases) under other pay

schedules is equal to or greater than the rate for GS-16 (step 1).

—Members of the uniformed services whose pay grade is 0-7 or above; Officers or employees in any other position determined by the Director of the Office of Government Ethics to be of equal classification to GS-16.

Administrative law judges;

Employees in the excepted service in positions which are of a confidential or policy-making character, unless their positions have been excluded by the Director of the Office of Government Ethics.

—The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the U.S. Postal Service and officers or employees of the U.S. Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16 (step 1), and

—The Director of the Office of Government Ethics and each designated agency ethics official.

- Officials in a position described in section II(c) of these instructions if they have served 61 days or more during the preceding calendar year.

III. When to File

- Within 30 days after becoming a candidate for nomination or election to the office of President or Vice President or by May 15 of that calendar year, whichever is later, and on or before May 15 of each succeeding year that such an individual continues to be a candidate on such date.
- Within 5 days after the transmittal by the President to the Senate of the nomination of an individual referred to in section II(b) of these instructions.
- Within 30 days after assuming a position described in section II(c) unless such an individual has left another position described in section II(c) within 30 days prior to assuming the new position, or has already filed a report with respect to nomination for the new position (section I(k)) or as a candidate for the position (section I(k)).
- No later than May 15 annually, in the case of those in a position described in section II(c), in the event such an individual terminates

employment, and does not accept another position described in section II(c), the report must be filed no later than the 30th day after termination, covering:

- The preceding calendar year if the annual May 15 report has not been filed, and
- The portion of the present calendar year up to the date of termination.

IV. Where to File

- Candidates for President and Vice President, with the Federal Election Commission.
- The President and Vice President, with the Office of Government Ethics.
- Members of a uniformed service, with the Service Secretary concerned.
- All others, with the designated agency ethics official at the agency in which the individual is employed or in which he or she will serve.
- In the case of individuals appointed by the President with the concurrence of the Senate, see 5 CFR §734.604(c) for expedited procedure.

V. General Instructions

- This form consists of the front page and four schedules. All schedules are to be completed by the reporting individual, if you have no information to report in a section you should enter "None". A report is considered incomplete if any section is left blank. Schedule A combines a report of income items (other than from employment by the United States Government) with the disclosure of property interests. Schedule B deals with transactions in property or other assets. Schedule C relates to gifts and reimbursements. Schedule D relates to liabilities and employment relationships. After completing the first page and each of the schedules (including extra sheets of any schedule where continuation pages are required), consecutively number all pages.
- The information to be disclosed is only that which the Ethics in Government Act of 1978 and 5 CFR Part 734 specifically require. Reporting individuals may, however, include in any section of the form such additional information, over and above the Act's requirements, as they may wish to disclose for purposes of clarification.

OFFICE OF PERSONNEL MANAGEMENT

- c. Combine on one form the information applicable to yourself, your spouse and dependent children, or if more convenient use separate schedules to report the required information applicable to family members. You may, if you desire, distinguish any entry for a family member by preceding the entry with an (S) if it is for a spouse or a (DC) if it pertains to a dependent child in the column provided.
- d. Definitions of the various terms used in these instructions and detailed information as to what is required to be disclosed is contained in 5 CFR Part 134.

Schedule A

Earned and Other Non-Investment Income

Items to Report

Report the identity of the source and amount of non-investment income exceeding \$100 received from any one source, other than the United States Government. This income includes fees, commissions, compensation for personal services, pensions, etc.

The source, but not the amount, of your spouse's non-investment income exceeding \$1,000 from any one source must also be reported.

Incumbents in positions described in section III(c) of these instructions report all income items for the preceding calendar year. Nominees, candidates, and new entrants to positions described in section II(c) (and those filing termination reports) report all income items for the preceding calendar year and the current calendar year until at least thirty days of the date of filing. (Omit the preceding calendar year in the case of a termination report, if a previous annual filing has covered that year.)

What to Show on the Form

- HONORARIA**—Means payment of money or anything of value to you or your spouse for an appearance, speech, or article. For each honorarium you received in excess of \$100 show the identity of the source, the date and net amount. List each honorarium separately. For example, if you received \$1,400 for a speech before the Chicago Civic Club on

March 19, 1978 of which \$200 was actually spent for round trip travel and \$200 went to the agent who made the speaking arrangement, show under IDENTIFICATION "Chicago Civic Club 18 Orleans Ave. Chicago Ill." under TYPE specify "Honoraria" under AMOUNT "\$1,000" and under DATE "3/19/78". If the same item of income was received under the same circumstances by your spouse, who is self-employed as a marketing consultant, you would enter under IDENTIFICATION "speech by spouse who is a marketing consultant" for an equivalent statement of your spouse's net honorarium from any source was less than \$1,000, nothing would be reported.

Honoraria received and donated to charity must be reported, but a notation explaining that fact may be included in reporting such items.

- OTHER INCOME**—Income, exclusive of honoraria, received from non-investment sources including fees, commissions, income from personal services, pensions, etc. Report the identity of the source and give the amount of such income. For example, if you earned \$450 teaching at a law school, show under IDENTIFICATION "John Jones, Law School, Rockville, MD." under TYPE specify "Salary" and under AMOUNT "\$450". Exclude income totaling less than \$100 from any one source. For example, if you earned \$75 for teaching in one law school and \$150 from teaching at another school, report only the \$150 amount.

If your spouse has earned income in excess of \$1,000 from any one source identify the source but show nothing under amount. If your spouse is self-employed in a business or profession, for example as a practicing psychologist who earned \$10,500 during the year, you need only show under IDENTIFICATION "practicing psychologist."

Investment Income

Items of investment income are reported on the same line of Schedule A as the related property interest or other asset from which such income is derived. Note that some property interests or other assets will not have a related income item.

Items to Report

Report the identity and category of value of any investment income received by you (or by your spouse or dependent child) or which accrued to your benefit (or to your spouse or dependent child) during the preceding calendar year in the case of incumbents in positions described in section II(c) or the preceding calendar year and the current calendar year until at least thirty days of the date of filing in the case of nominees, new entrants, and candidates to such positions (and in the case of termination reports) (omit the preceding calendar year in the case of a termination report, if a previous annual filing has covered that year). Exclude items of income totaling under \$100 from any one source.

Investment income includes, but is not limited to, income derived from dealings in property interest, rents, royalties, dividends, annuities, income from endowment contracts, income from discharge (forgiveness) of debts owed by you, your distributive share of partnership or joint venture income, and income from an interest in an estate or trust. Do not show the exact dollar amount of the income, except in the case of "other investment income" (item 6 below). In all other cases, indicate the category of amount of the item reported.

For your spouse or dependent child, report any investment income which they received or realized from any of the sources enumerated in the following items 1 through 6, provided the income derives from a property interest or asset which is being reported in Schedule A under the rules discussed below under that heading. Also report any income from a trust which is a qualified or excepted trust (the assets of which need not be disclosed). Report both the identification and the category of value of any such income they received during the calendar year.

What to Show on the Form

- DIVIDENDS**—Show the category of the amount you, your spouse or dependent children received as dividends from investment sources including common and preferred securities, endowment contracts, and pension and annuity funds. Show the identity of the source and the category of amount for each item exceeding \$100 in value from any one source.

When identifying the source of a corporate stock dividend, you may abbreviate the

corporate name. For example, if cash dividends of \$950 were received for shares of common stock of International Business Machines, show under IDENTIFICATION "... "IBM common", and in the CATEGORY OF AMOUNT column indicate the appropriate category.

- RENTS AND ROYALTIES**—Show income received by you, your spouse or dependent children as rental or lease payments for occupancy or use of personal or real property in which you (your spouse or dependent child) have an interest. In addition, show payments received from such interests as copyrights, royalties, inventions, patents, and mineral leases or other interests.

Identify the source of such income and show the category of amount. For example, if you received \$2,000 as rental income from an apartment building in Miami, Florida, show under IDENTIFICATION "... "apartment building rent, at 5802 Biscayne Blvd., Miami, Florida", and under CATEGORY OF AMOUNT indicate the appropriate category.

- INTEREST**—Identify the source and the category of amount of any interest earned or received by you, your spouse or dependent child as income from these investment holdings: bills and notes, loans, promissory notes, and annuity funds, bonds, and other securities. For example, if you earned \$300 interest during the calendar year on a Savings Certificate with Federal Savings and Loan, show under IDENTIFICATION "... "Federal Savings and Loan (Baltimore, MD) —Savings Certificate", and under CATEGORY OF AMOUNT indicate the appropriate category.

- CAPITAL GAINS**—Report income from capital gains received or realized by you, your spouse or dependent children from sales or exchanges of property, business interests, partnership interests or shared ownership investment interests. Identify the source and show the category of amount of the gain. An example of an entry under IDENTIFICATION might be "sold for long-term capital gain one-third interest in 100-acre dairy farm in Hamilton County, Iowa".

- TRUST INCOME**—Report the category of amount and the identity of any income of \$100 or more received from any trust. A reporting individual need not identify the

source from which the trust received the income when the trust is (i) a "qualified blind trust" or "qualified diversified trust", or (ii) an "excepted trust", one which was not created directly by, and about which no knowledge of holdings or source of income of the trust is possessed by, the reporting individual, spouse or dependent child. See subpart D of 5 CFR Part 734.

Whenever you are required to identify the source of trust income, either for yourself or for a spouse or child, it is not enough simply to say "John Jones Trust". The investment holdings of the trust and the income derived from each holding must be identified, if known, to the same extent as if held directly. If the trust qualifies as a qualified trust or an excepted trust, the assets of which need not be reported, under IDENTIFICATION, show only the identity of the trust including the date the trust was created, and the classification of the trust interest as a "qualified blind trust", "qualified diversified trust", or "excepted trust", and show the category of amount of the income realized.

6. **OTHER INVESTMENT INCOME**—Report any items of investment income exceeding \$100 which are not described above, such as income from business interests, property dealings, annuities, an estate, or a distributive share of a partnership or joint business venture's income. To identify the source of OTHER INVESTMENT INCOME, either for yourself, your spouse, or a dependent child, briefly characterize, under IDENTIFICATION, the nature of the business or investment interest, and when applicable, the location; for example, "...one-third ownership in a retail furniture store at 1010 Grand Ave., Chicago, IL." Show under CATEGORY OF AMOUNT the exact amount of income which was received or realized during the calendar year.

Property Interests and Assets

Report these items on the same line as any related income item (if any).

Items to Report

The identity and category of valuation of any interest in property (real or personal) held by you, your spouse or a dependent child, in a trade or business, or for investment or the pro-

duction of income which has a fair market value which exceeds \$1,000 as of the close of the reportable period. Exclude your personal residence and any personal liability owed to you, your spouse or dependent child by a relative. Exclude also any deposits aggregating \$5,000 or less in a personal savings account in a single financial institution. Report all such interests held at any time during the preceding calendar year in the case of an incumbent in a position described in Section II(c) of these instructions, or at any time during the preceding calendar year and the current calendar year, if at least thirty days before the date of filing in the case of a nominee, new entrant, or candidate to such a position. In the case of filing in the case of termination reports, (Omit the preceding calendar year in the case of a termination report, if a previous annual filing has covered that year.) A personal savings account includes a "certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union or similar institution." With respect to assets of a spouse or a dependent child, do not report items:

- i. which the reporting individual identifies, represent the spouse or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of,
- ii. which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and
- iii. from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

The non-inclusion in the report of assets of a spouse or dependent child certified to meet the tests above is indicated by checking the "YES" box in the portion of Schedule A which relates to this certification.

What to Show on the Form

Identify the property interest under IDENTIFICATION and then show the applicable valuation under VALUATION OF ASSETS. Only the category of valuation, rather than the actual value of the property interest or asset, must be shown.

Valuation Method

The statute provides several methods for determining valuation. In the column printed on the form for Valuation Method indicate which

method you used. This may be done by entering the applicable letter code symbol for that option as follows:

- Option A—any good faith estimate of the value of the property if the exact value is unknown or not easily obtainable;
- Option B—value based upon a recent appraisal of the property interest;
- Option C—the date of purchase and the purchase price of your interest;
- Option D—the assessed value of the property for tax purposes adjusted to reflect current market value if the tax assessment is computed at less than 100% of current value (if Opt. or D is used, describe the manner in which you adjusted the assessed value);
- Option E—the year-end book value of non-publicly traded stock, or the year-end exchange value of corporate stocks, or the face value of corporate bonds, or comparable securities;
- Option F—the net worth of your interest (as in a business partnership or other jointly held business interest);
- Option G—the equity value of your interest (as in a solely owned business or commercial enterprise); and
- Option H—actual value (e.g., savings accounts) or any recognized indication of value (such as last sale on a stock exchange).

For assets such as stocks, bonds, and securities, report any holdings by you, your spouse or dependent child from one source totaling more than \$1,000 in value. Identify the holding and show the category of valuation. When identifying shares of publicly traded stocks, the name of the corporation may be abbreviated. If you have stock interests, through an investment trust or mutual fund, and the holdings of the trust or fund are a matter of public record, you may—instead of identifying the fund's share holdings—identify your interest by simply giving the name of the trust or mutual fund. If you hold different types of securities of the same corporation (e.g., bonds and stocks of "X" corporation), these holdings should be considered as being from the same source for purposes of determining whether the aggregate value of the interest is below or above the \$1,000 value.

To report interests in a business, a partnership, or joint venture, or the ownership of property held for investment or the production of in-

come, identify the character of your ownership interest, and the nature and location of the business or interest. Thus, in the case of non-publicly traded securities, show the nature and address of the business (in addition to its name). Show the valuation method option by which the value of the interest was determined and show, under VALUATION OF ASSETS, the applicable value. For example, the entry for a holding of farm land might show, under IDENTIFICATION, "...sole ownership of 100 acres of unimproved dairy farm land on Rura, Route #1 at Pine Bluff, Madison County, Wisconsin." Give the code symbol for the valuation method option used to determine the property's value and such additional information as the valuation option requires. For example, if the code for Option C was shown in the above case, an additional entry under IDENTIFICATION might appear as "purchased in 1965 for \$500 per acre."

In the case of personal property such as antique collections and related holdings, the Office of Government Ethics deems intermittent sales from such a collection or holdings to demonstrate that they are held for investment or the production of income.

A personal residence should not be reported as a property interest because it is not held for investment or production of income. However, if you hold residential property which is used for investment or income purposes, such as a summer home rented during parts of the year, you would report that interest in this section.

Also, with respect to trusts in which a beneficial interest in principal or income is held, report trust interests and trust assets which had a value in excess of \$1,000. Reporting individuals need not report the identity of assets of a trust of which they are the beneficiary if the interest is:

- i. a "qualified blind trust" or "qualified diversified trust"; or
- ii. an excepted trust, one which—
 - A was not created by them, or their spouses or dependent children, and
 - B the holding or sources of income of which they, their spouses and dependent children, have no knowledge.

In such cases, in lieu of disclosing the source and assets of the trust, a reporting individual should show under IDENTIFICATION the identity of the trust including the date the trust was created, and the classification of the trust interest as a "qualified blind trust", a qualified di-

verified trust or an excepted trust. Although a reporting individual need not report the identity of the assets of a qualified or excepted trust, the category of amount of the trust income, if it exceeded \$100, must be reported.

It is not necessary to identify those assets of a trust, of which a spouse or dependent child is a beneficiary:

- i which the reporting individual certifies represent the spouse or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of;
- ii which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual; and
- iii from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

The investment holdings of a trust, except one described above, must be identified, for example, under IDENTIFICATION OF ASSETS, as a trust held by First National Bank (Boston, MA) consisting of 100 stock U.S. Treasury certificates and Dallas Municipal bonds, might be shown under VALUATION OF ASSETS. Show the applicable value of each trust asset.

Schedule B

Purchases, Sales, and Exchanges Items to Report

Give a brief description, the date, and the category of amount of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000 after the net property, stocks, bonds, commodities, futures, and other forms of securities. Purchases, sales, and exchanges are reportable only by acquirers in positions described in section 2512. This requirement is not applicable in the case of nominees, new entrants, and intermediaries in such positions. In the case of termination reports, such transactions are reportable for the preceding calendar year (unless covered by a previous annual filing) and the current calendar year until the date of filing. Report any transaction by you, your spouse or dependent child unless you intend the personal and benefit of you or your spouse, or it was a sale of stock

of your spouse or child with respect to property which you certify on Schedule A represents the sole financial interest or responsibility of the spouse or child, and about which you have no knowledge and which is not related to your income, assets, or activities, and concerning which you do not derive nor expect to derive any financial or economic benefit.

Report any transactions of a business or commercial enterprise in which you, your spouse or dependent child have a direct proprietary or general partnership interest.

What to Show on the Form

Under identification of property, identify the property or securities involved in the purchase, sale, or exchange, and give the date of the transaction. For example, under IDENTIFICATION OF PROPERTY: (GME, common stock, 1000 TYPE 1 TRADE AT CORP., check for 1000 shares, and 100 shares of common GATE, 1000 shares of AMSTON) with the appropriate value of the property involved in the transaction.

Schedule C

Gifts and Reimbursements Items to Report

Gifts and reimbursements are reportable only by occupants in positions described in section 2512. This requirement is not applicable in the case of nominees, new entrants, and intermediaries in such positions.

Report gifts received by you, your spouse or dependent child during the preceding calendar year. In the case of termination reports, such items are reportable if received during the preceding calendar year unless covered by a previous annual filing or a termination report. A gift is any transfer of property, real or personal, of money or a thing of value, unless a consideration of equal or greater value is received by the donor. Exclude these items:

- i Gifts having a value of \$15 or less.
 - ii Gifts received from relatives.
 - iii Bequests and inheritances of any kind.
- iv Reimbursements of expenses aggregated during the preceding calendar year.

v Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government.

vi Food and beverages consumed at banquets, receptions, or similar events.

vii Gifts of food, lodging, transportation and entertainment aggregating less than \$250 in value received from any one source during the preceding calendar year (for purposes of the \$250 aggregation in this exclusion items with a fair market value of \$15 or less need not be counted).

viii Gifts other than transportation, lodging, food, or entertainment aggregating less than \$100 in value received from any one source (for purposes of the \$100 aggregation in this exclusion, you need not count any items with a fair market value of \$35 or less, nor any item for which, in an unusual case, a publicly available request for waiver was granted).

ix Gifts given to a spouse or dependent child during independent of their relationship to the reporting individual.

x Gift items in the nature of communications to the reporting individual's office, such as subscriptions to newspapers and periodicals, and

xi Gifts of a gift to the donor's personal expenses as defined in CFR 25.2512-6(b) and

xii Gifts and reimbursements received during non-Federal employment periods.

Report also reimbursements of expenses aggregating \$250 or more in value that were received by you or your spouse.

What to Show on the Form

i TRANSPORTATION, LODGING, FOOD, ENTERTAINMENT - Report the identity of the source, a brief description, and the approximate value of gifts of transportation, lodging, food or entertainment aggregating \$250 or more from any one source which were received by you, your spouse or dependent child and which do not fall within any of the categories of exclusions enumerated above. To reach a \$250 aggregation you determine whether any one or combination of the components within this gift category received from one source (transportation, lodging, food, and entertainment) amounts to \$250 or more in value. For example, if you spent a weekend at a hunting lodge owned by Am

Coal Corporation, and you received lodging fairly valued at \$150, food at \$100, and entertainment at \$125, the aggregate value of the gift is \$375. A gift of this nature—hospitality at a lodge owned by a corporation rather than an individual—would not qualify as a "personal hospitality" exclusion. To report this gift you would show, under SOURCE... "AmCoal Corp., 1210 North St., Chicago, IL," under BRIEF DESCRIPTION... "lodging, food, and entertainment as a guest at hunting lodge owned by AmCoal"; and under VALUE... "\$375."

2 OTHER GIFTS—Report the identity of the source, a brief description, and the value of gifts other than transportation, lodging, food or entertainment aggregating \$100 or more in value from any one source other than excluded gifts which you, your spouse or dependent child received during the calendar year. Thus, if you and your spouse each receive a \$60 statue from the same donor, the gift has a value of more than \$100, and it must be reported. To report the gift, identify the source, briefly describe the items, and show the value. In the case of the statues, report on the form under SOURCE... "Artifact Co., 153 Utah St., Omaha, NE," and under BRIEF DESCRIPTION... "two porcelain statues." Under VALUE... "\$120" would be shown.

3 REIMBURSEMENTS—Report the source and the approximate value of any reimbursements except those from the United States Government; aggregating \$250 or more which you, your spouse or dependent child received from any one source. For example, if you were reimbursed \$400 for travel and lodging expenses in connection with a speech you made for the State Realtors Association, you would report this item on the form by showing under SOURCE... "State Realtors Assoc., 45 Bridge St., Denver, CO" under BRIEF DESCRIPTION... "Travel expenses for speech made in Denver" and under VALUE... "\$400" would be shown. If your spouse made this speech and received the reimbursement totally independent of a relationship to you, no information for this item need be reported.

Schedule D

Liabilities

Items to Report

Identify and give the category of amount of the liabilities which you, your spouse or dependent child owed to any creditor, other than a relative, which exceeded \$10,000 at any time during the reportable period, except:

- i. a mortgage secured by real property which is the personal residence of you or your spouse,
 - ii. a loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item,
 - iii. a revolving charge account the outstanding liability of which did not exceed \$10,000 as of the close of the preceding calendar year, and
 - iv. any liability of your spouse or dependent child which you certify represents the sole financial interest or responsibility of the spouse or child, and about which you have no knowledge, and which is not related to your income, assets, or activities, and concerning which you neither derive nor expect to derive any financial or economic benefit.
- In the case of incumbents in positions described in section II(c) report all liabilities owed at any time during the preceding calendar year. In the case of nominees, new entrants, and candidates to such positions report all liabilities owed at any time during the preceding year and the current calendar year until at least thirty days before the date of filing (until the date of filing in the case of termination reports). Omit

the preceding calendar year in the case of a termination report, if a previous annual filing has covered that year. Include any business liabilities for which you, your spouse or dependent child are under legal obligation, such as those of a partnership or other business or commercial enterprise, in which your participation or ownership interest extends to personal liability for its debts.

What to Show on the Form

Under TYPE OF LIABILITY, briefly indicate the nature of the liability, and the identity of any property or asset which secures it. For example, under NAME AND ADDRESS OF CREDITOR, "Fidelity Trust Co., 5330 Main St., Akron, OH", and under TYPE OF LIABILITY, "8%, 6-mo. promissory note of \$5,000 secured by ITT common stock" might be entered. Under CATEGORY OF AMOUNT, show the highest amount owed during the reportable period.

Positions Held

Items to Report

In the case of nominees, new entrants, and candidates to positions described in section II(c), report in this section all positions you held during the preceding two calendar years and the current calendar year at any time until the date of filing. In the case of incumbents in such positions and termination reports, report all positions held at any time during the preceding calendar year and the current calendar year until the date of filing. In addition, in all cases report any positions you currently hold as an officer, director, trustee, partner, proprietor, representative, employee or consultant of (i) any corporation, company, firm, partnership, trust, or other business enterprise, (ii) any non-profit

organization, (iii) any labor organization, (iv) any educational institution, or (v) other institution other than the United States Government. Exclude positions held in (A) any religious, (B) social, (C) fraternal, or (D) political entity, and (E) any positions solely of an honorary nature. No report is required regarding any positions held by your spouse or dependent child.

What to Show on the Form

Under POSITION HELD, give the title or other brief functional description of the position.

Compensation in Excess of \$5,000 Paid by One Source

Items to Report

In the case of new entrants, nominees, and candidates to positions described in section II(c); but not in the case of incumbents in such positions and termination reports, report the nature of the duties performed or services rendered for any person (other than the United States Government) from whom you received compensation in excess of \$5,000 in any of the two preceding calendar years. This reporting requirement is not applicable in the case of candidates for President or Vice-President. Exclude (i) information to the extent that it is considered confidential as a result of a privileged relationship established by law, or (ii) information about persons for whom services were provided by a firm or an association of which you were a member, partner or employee unless you were directly involved in the provision of the services. No report is required regarding compensation paid to your spouse or a dependent child.

What to Show on the Form

Under SOURCE, give the name and address of the person to whom services were provided, for example, "Anglo Bahrain Bank (Zurich, Switzerland) and Newark Real Estate Co (Newark, NJ)" and under BRIEF DESCRIPTION, give the title or other brief functional description of the services rendered, for example, "tax matters researched for above firms while an associate with Quinn & Ouspensky."

Relations With Other Employers

Items to Report

All reporting individuals shall provide information regarding any agreements or arrangements concerning (i) future employment, (ii) a leave of absence during your period of Government service, (iii) continuation of payments by a former employer (including a former affiliation with a law firm) other than the United States Government; and (iv) continuing participation in an employee welfare or benefit plan maintained by a former employer.

What to Show on the Form

Under DATE, show the date of any such agreement or arrangement. Under PARTIES, show the name of the organization, or entity, and (if applicable) the name and title of the official, corporate officer or principal person responsible for carrying out the terms of the agreement or arrangement. No report is required regarding any agreement or arrangement entered into by a spouse or dependent child.

FINANCIAL DISCLOSURE REPORT

<input type="checkbox"/> Termination Report <input checked="" type="checkbox"/> Candidate		NOTE All schedules must be filed. Enter "None" in areas or across schedules where appropriate.	
Name SMITH		First Name and Middle Initial JOHN A.	
Position ASST. TO DCSRDA		Department or Agency (If Applicable) U S ARMY	
Address (Street, City, State and Zip Code) Pentagon, Wash., D C 20310		Date of Appointment, Campaign Election or Nomination (Mo., Day, Year) 1 January 1979	Date of Filing (Month, Day, Year) 31 January 1981
		Room Number 3E460	795-4000
Do You Intend to Create a Qualifying Business Corporation?		Do You Intend to Create a Qualifying Partnership?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do You Hold (or Have You Held) Any Other Positions (Federal, State, or Local) Held?			
N/A			
Signature of Reporting Individual <i>John A. Smith</i>		Date 15 January 1981	
Signature of Designated Agency Ethics Officer/Reviewing Official SIGNED/THE JUDGE ADVOCATE GENERAL.		Date 20 January 1981	
(If additional information is required, use the reverse side of this sheet.)			
(Check box if comments are continued on the reverse side.)			

SF 276-1 (Annual Disclosure Report)
(Rev. 6/71)

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number	4	Schedule	C
Reporting Individual's Name SMITH, JOHN A.			
Agency Use Only			
Date (if any) (Month Day Year)			

I - Lodging, Transportation, Food and Entertainment - List each source totaling \$250 or more in value			Value
Ser#	Source (Name and Address)	Brief Description	
	MOOSE LODGE, MUSCOGEE, OK	FRATERNAL SOCIETY	\$750.00
S	" " " "	" "	\$750.00

II - All Other Gifts - List each source totaling \$100 or more in value			Value
Ser#	Source (Name and Address)	Brief Description	
	NONE		

III - Reimbursements - List each source totaling \$250 or more in value			Value
Ser#	Source (Name and Address)	Brief Description	
	NONE		

SF 276—Financial Disclosure Report
(Rev. 6/81)

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name SMITH, JOHN A.		Agency Use Only Date of Filing: Month Day Year		Page Number 5	Subpage 6
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LIABILITIES

S or DC	Name and Address of Creditor	Type of Liability (e.g., promissory note, margin account) Give date, interest rate and, if applicable, term	Category of Liability (Check)				
			Value to \$10,000	Value to \$25,000	Value to \$50,000	Value to \$100,000	Over \$100,000
	1st Federal Savings Bank, Arlington, VA	Mortgage, 1 Sept 1979, 10 3/4%, 30 yr.			X		

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	When Held: Start	When Held: End
Association of Graduates, West Point, NY	Educational/Alumni	Treasurer	1 Jun 1980	Present

DISBURSEMENTS OR RECEIPTS OF CASH PAID BY ONE SOURCE This section is applicable only in the case of nominees and non-officials.

Source (Name and Address)	Brief Description of Disburse
NONE	

TERMS OF ANY AGREEMENT OR ARRANGEMENT

NONE	

APPENDIX E

15 August 1982

CERTIFICATE OF PRELIMINARY REVIEW OF SF 278 For use of this form, see AR 600-50; the proponent agency is The Judge Advocate General.			
EACH REVIEWER CHECK APPROPRIATE BLOCKS	REPORTING INDIVIDUAL'S DSCC	REPORTING INDIVIDUAL'S SUPERVISOR	SUPERVISOR'S DSCC
1. I have thoroughly reviewed the attached Financial Disclosure Report (SF 278), dated _____, with any attachments, submitted by: _____ the reporting individual. My review considered the reported financial interests/affiliations in light of the reporting individual's duties (past, present, or prospective, as applicable) to determine the presence of both actual and apparent conflicts of interests.			
2. On the basis of my review, I have determined that: <ul style="list-style-type: none"> a. The form is administratively correct. <ul style="list-style-type: none"> (1) All information related to official matters (e.g., title of position, date of appointment or termination, etc.) is correct; (2) All items appear complete (i.e., there is an entry or the word "None" in every section), (3) All required schedules are completed (i.e., schedules A, B, C, and D are completed for annual and termination Reports, schedules A and D are completed for nomination and assumption Reports); and (4) The reported information is consistent (e.g., an investment asset reported in schedule B as having been purchased or sold during the reporting period normally should be listed in schedule A as well). b. A position description, in sufficient detail to accomplish a meaningful review, and other pertinent documents are attached to the Financial Disclosure Report. c. No conflict or appearance of conflict exists. This determination is based on the fact that: <ul style="list-style-type: none"> (1) No financial interests/affiliations have been reported; (2) No business entities in which a financial interest/affiliation has been reported do or attempt to do business, in their own name or through wholly owned or controlled subsidiaries, with any organization/activity within which the reporting individual performs duties or exercises official influence; or (3) Although the following business entities in which a financial interest/affiliation has been reported do or attempt to do business with an organization/activity within which the reporting individual performs duties or exercises official influence, the duties of the reporting individual are completely unrelated to matters involving these business entities (list these business entities here*): 			
*The reporting individual's DSCC will determine which, if any, of the entities are doing business with the reporting individual's organization/activity and list those entities here and/or in para 2d in the space provided. If the reporting individual's supervisor or the supervisor's DSCC is aware of the additional entities, he or she should also list them.			

E-1

AR 600-50

EACH REVIEWER CHECK APPROPRIATE BLOCKS (CONT'D)	REPORTING INDIVIDUAL'S DSCC	REPORTING INDIVIDUAL'S SUPERVISOR	SUPERVISOR'S DSCC
<p>d. A conflict or appearance of conflict exists because duties require the reporting individual's participation in matters involving, or which reasonably appear to involve, the following reported financial interests/affiliations (List these business entities here):</p> <p>This conflict or appearance of conflict (has been) (will be) resolved by:</p> <p>(1) Formal disqualification (copy attached).</p> <p>(2) Change or limitation of duties without reassignment.</p> <p>(3) Divestiture of the interest (or termination of the affiliation) and disqualification, if necessary, pending such divestiture (or termination of the affiliation).</p> <p>(4) Transfer, reassignment, or resignation.</p> <p>(5) Exemption under 18 U.S.C. 208(b). Reported interests have properly been determined by the reporting individual's immediate supervisor (paragraph 2-ig, AR 600-50) not to be so substantial as to affect the integrity of the Individual's service. A comprehensive determination and finding is attached.</p> <p>(6) Establishment of a qualified blind trust IAW the Ethics in Government Act. (Because this does not resolve the conflict or appearance of conflict for some time. One or more of the alternatives above must be used in the interim.)</p>			
<p>3. Additional comments to expedite final review at Headquarters, Department of the Army, are attached. (If none, do not check this block.)</p>			
<p>4. Based on the results of my review (and corrective action taken, if necessary), I have determined that: except as noted above, the information contained in this Financial Disclosure Report discloses no conflict of interest under applicable laws and regulations.</p>			
<p>_____ (Rank, name, title, organization and telephone number of the Deputy Standards of Conduct Counselor of Reporting Individual)</p>			
<p>_____ (Date and signature of Deputy Standards of Conduct Counselor of Reporting Individual)</p>			
<p>_____ (Rank, name, title, organization and telephone number of Reporting Individual's Supervisor)</p>			
<p>_____ (Date and signature of Immediate Supervisor of Reporting Individual)</p>			
<p>_____ (Rank, name, title, organization and telephone number of Deputy Standards of Conduct Counselor of Immediate Supervisor)</p>			
<p>_____ (Date and signature of Deputy Standards of Conduct Counselor of Immediate Supervisor)</p>			

APPENDIX F

REPORT OF DOD AND DEFENSE RELATED EMPLOYMENT AS REQUIRED BY PUBLIC LAW 91-121		OMB Approval No. 0704-0047
1. NAME (Last, First, Middle)	2. CURRENT HOME ADDRESS (Street, City, State, Zip)	3. SOCIAL SECURITY NO.
SMITH, JOHN A.	1400 Glebe Road, Arlington, VA 22857	123-45-6789
4. REPORTING CATEGORY (Check appropriate box and enter in space provided the military grade, civilian grade or annual DoD salary.)		
A <input checked="" type="checkbox"/> RETIRED MILITARY OFFICER - MAJ, LT, CDR OR ABOVE <u>MG</u>		
B <input type="checkbox"/> FORMER MILITARY OFFICER - MAJ, LT, CDR OR ABOVE _____		
C <input type="checkbox"/> FORMER CIVILIAN EMPLOYEE WHOSE SALARY WAS EQUAL TO OR ABOVE MINIMUM GS-13 DURING THREE YEARS PRECEDING TERMINATION OF SERVICE WITH DOD _____		
D <input type="checkbox"/> FORMER EMPLOYEE OF OR CONSULTANT TO DEFENSE CONTRACTOR WHO DURING LAST FISCAL YEAR WAS EMPLOYED BY DOD AT SALARY EQUAL TO OR ABOVE MINIMUM GS-13 SALARY _____		
<i>Items 5 thru 10 apply to reporting category A, B and C ONLY</i>		
5. NAME AND ADDRESS OF DEFENSE CONTRACTOR EMPLOYER(S)		
FORD AEROSPACE, 2700 Skyline Blvd. Palo Alto, CA 80010		
6. DATES OF ACCEPTANCE OF EMPLOYMENT WITH DEFENSE CONTRACTOR EMPLOYER(S) (If more than one employer, list each separately.)		
1 January 1981		
7. DATE OF SEPARATION FROM ACTIVE DUTY OR TERMINATION OF DOD EMPLOYMENT		
31 December 1980		
8. NAME IN DETAIL OF LAST AGENCY OF DOD BY WHICH EMPLOYED		
U.S. ARMY		
9. POSITION TITLE(S) AND BRIEF DESCRIPTION(S) OF WORK PERFORMED DURING LAST THREE YEARS OF YOUR SERVICE WITH DOD		
ASST. TO DEPUTY CHIEF OF STAFF FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.		
10. POSITION TITLE(S) AND BRIEF DESCRIPTION(S) OF WORK PERFORMED FOR DEFENSE CONTRACTOR EMPLOYER(S)		
CONSULTANT ON DEFENSE CONTRACTS		
<i>Items 11 thru 16 apply to reporting category D ONLY</i>		
11. NAME IN DETAIL OF DEPARTMENT OF DEFENSE AGENCY BY WHICH EMPLOYED AT ANY TIME DURING THE LAST FISCAL YEAR		
12. DATE ACCEPTED DOD EMPLOYMENT		
13. POSITION TITLE(S) AND BRIEF DESCRIPTION(S) OF DUTIES WITH DEPARTMENT OF DEFENSE EMPLOYER DURING LAST FISCAL YEAR		
14. NAME(S) OF DEFENSE CONTRACTOR(S) BY WHOM YOU WERE EMPLOYED OR WHOM YOU SERVED AS A CONSULTANT OR OTHERWISE		
15. INCLUSIVE DATES OF EMPLOYMENT BY OR SERVICE WITH DEFENSE CONTRACTOR EMPLOYER(S)		
16. POSITION TITLE(S) AND BRIEF DESCRIPTION(S) OF WORK PERFORMED FOR DEFENSE CONTRACTOR(S)		
17. CERTIFY THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF		
_____ SIGNATURE		

(If additional space is required, attach a continuation sheet.)

DD FORM 1787

APPENDIX G

DIGEST OF CONFLICT OF INTEREST LAWS

Conflict of Interest Laws. *Note:* The statutes digested in this appendix are subject to changing administrative and judicial interpretation. Before acting or failing to act because of these statutes, DA personnel are encouraged to consult legal counsel.

I. 18 USC 203

Subsection (a) prohibits officers or Government employees from directly or indirectly receiving, agreeing to receive, or seeking any compensation for services rendered or to be rendered before any department or agency in connection with any contract, claim, controversy or particular matter in which the United States is a party or has a direct and substantial interest. The purpose of this section is to reach any situation, including those where there is not intent to be corrupted or to provide preferential treatment, in which the judgment or efficiency of a Government agent might be influenced because of payments or gifts made by reason of the position occupied to that official in a manner otherwise than provided by law.

Subsection (b) makes it unlawful to offer or pay compensation, the solicitation or receipt of which is barred by subsection (a).

II. 18 USC 205

A. This section prohibits Government personnel from acting as agent or attorney for anyone else before a department, agency, or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

B. The following exemptions are allowed:

1. Section 205 does not prevent Government personnel from giving testimony under oath or making statements required to be made under penalty of perjury or contempt or from representing another person, without compensation, in a disciplinary, loyalty, or other personnel administration proceedings.

2. Section 205 also authorizes a limit waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his own parents, spouse, or child, or a person or estate he serves as a fiduciary. The waiver is available only if approved by the official making appointments to the position. In no event does the waiver extend to his representation of any such person in matters in which he has participated personally and substantially or which, even in the absence of such participation, are the subject of his official responsibility.

3. Finally, section 205 gives the head of a department or agency the authority to allow a special Government employee to represent his regular employer or other outside organization in the performance

of work under a Government grant or contract, if the department or agency head certifies and publishes in the Federal Register, that the national interest requires such representation.

III. 18 USC 208

A. Subsection (a) requires executive branch personnel to refrain from personal and substantial participation as Government personnel through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise in any particular matter in which, to their knowledge, they, their spouses, minor children, or partners have financial interest or in which business or nonprofit organizations with which such personnel are connected or are seeking employment have financial interests.

B. Subsection (b) permits agencies to grant an ad hoc exemption in writing from subsection (a) if the outside financial interest is deemed in advance not substantial enough to affect the integrity of Government services. Categories of financial interests may also be made nondisqualifying by a general regulation published in the Federal Register. Shares of a widely held, diversified mutual fund or regulated investment company have been exempted as being too remote or inconsequential to affect the integrity of the services of Government personnel.

IV. 18 USC 209

Subsection (a) prevents executive branch personnel from receiving, and anyone from paying them, any salary or supplementation of salary from a private source as compensation for their Government service. Subsection (b) permits participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer. Subsection (c) exempts special Government employees and anyone serving the Government without compensation. Subsection (d) exempts contributions, awards, or other expenses under the Government Employees Training Act (5 USC 2301-2319).

V. 18 USC 207. APPLICABLE TO FORMER DOD PERSONNEL.

The prohibitions contained in 18 USC 207 are set forth in chapter 5.

VI. SUMMARY OF LAWS PARTICULARLY APPLICABLE TO RETIRED REGULAR OFFICERS

A. Prohibited Activities

1. Claims. A retired Regular officer of the Armed Forces may not, within two years of retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the Military Department in whose service he holds a retired status or if such claim involves any subject matter with which he was directly connected while on active duty (see 18 USC 283).

2. Selling.

a. A retired Regular officer is prohibited, at all times from representing any person in the sale of anything to the Government

through the Military Department in whose service he holds a retired status (see 18 USC 281).

b. Payment may not be made from any appropriation, for a period of three years after his name is placed on that list, to an officer on a retired list of the Regular Army, the Regular Navy, the Regular Air Force, the Regular Marine Corps, the Regular Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service, who is engaged for himself or others in selling, or contracting or negotiating to sell, supplies or war materials to an agency of the Department of Defense, the Coast Guard, the National Oceanic and Atmospheric Administration, or the Public Health Service. (See 37 USC 801(c) as amended, October 9, 1962, PL 87-777, formerly 5 USC 59(c)).

c. For the purpose of this statute, "selling" means:

- (1) Signing a bid, proposal, or contract;
- (2) Negotiating a contract;
- (3) Contacting an officer or employe of any of the foregoing departments or agencies for the purpose of:
 - (a) Obtaining or negotiating contracts;
 - (b) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of contract; or
 - (c) Settling disputes concerning performance of a contract; or
- (4) Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.

B. Employment

Neither these statutes nor this regulation preclude a retired Regular officer from accepting employment with a domestic private industry solely because his employer is a contractor with the Government.

Laws Applicable to DOD Personnel

There are legal prohibitions concerning the following activities which may subject present and former DOD personnel to criminal or other penalties:

- A. Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 USC 201).
- B. Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel know of the actual commission of the crime (see 18 USC 4).
- C. Conspiring with one or more persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object or the conspiracy (see 18 USC 371).
- D. Lobbying with appropriated funds (see 18 USC 1913).
- E. Disloyalty and striking (see 5 USC 7311, 18 USC 1918).

- F. Disclosure of classified information (see 18 USC 798, 50 USC 783); and disclosure of confidential information (see 18 USC 1905).
- G. Habitual use of intoxicants to excess (see 5 USC 7352).
- H. Misuse of a Government vehicle (see 31 USC 638a(c) (2)).
- I. Misuse of mailing privilege (see 18 USC 1719).
- J. Deceit in an examination or personnel action in connection with Government employment (see 18 USC 1917).
- K. Committing fraud or making false statements in a Government matter (see 18 USC 1001).
- L. Mutilating or destroying a public record (see 18 USC 2071).
- M. Counterfeiting and forging transportation requests (see 18 USC 508).
- N. Embezzlement of Government money or property (see 18 USC 641); failing to account for public money (see 18 USC 643); and embezzlement of the money or property of another person in the possession of an employee by reason of his Government employment (see 18 USC 654).
- O. Unauthorized use of documents relating to claims from or by the Government (see 18 USC 285).
- P. Certain political activities (see 5 USC 7321-7327 and 18 USC 602, 603, 607, and 608). These statutes apply to civilian employees; regulations govern military personnel.
- Q. Any person who is required to register under the Foreign Agents Registration Act of 1938 (see 18 USC 219) may not serve the Government as an officer or employee. The section does not apply to (1) reserves who are not on active duty or who are on active duty for training, or (2) a special Government employee in any case in which the department head certifies to the Attorney General that his or her employment by the United States Government is in the national interest.
- R. Soliciting contributions for gifts or giving gifts to superiors, or accepting gifts from subordinates (see 5 USC 7351). (Applies to civilian employees.)
- S. Acceptance of excessive honoraria (see 2 USC 441 (i)).
- T. Acceptance, without Congressional authority, of any present, emolument, office or title, or employment of any kind whatever, from any king, prince, or foreign state by any person holding any office of profit in or trust of the Federal Government, including all retired military officers and Regular enlisted personnel. (US Constitution, Art. I, Sec. 9., C1 8)

APPENDIX H

FOR RELEASE TO MONDAY A.M. PAPERS, MAY 10, 1965
Office of the White House Press Secretary
THE WHITE HOUSE
EXECUTIVE ORDER 11222
PRESCRIBING STANDARDS OF ETHICAL CONDUCT FOR
GOVERNMENT OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Part I—Policy

Sec. 101. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or advisor of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

Part II—Standards of Conduct

Sec. 201. (a) Except in accordance with regulations issued pursuant to subsection (b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which—

(1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;

(2) conducts operations or activities which are regulated by his agency; or

(3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Agency heads are authorized to issue regulations, coordinated and approved by the Civil Service Commission, implementing the provisions of subsection (a) of this section and to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees. For example, it may be appropriate to provide exceptions (1) governing obvious family or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of federal employees; (2) permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance; or (3) permitting acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans. This section shall be effective upon issuance of such regulations.

(c) It is the intent of this section that employees avoid any action,

whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of—

- (1) using public office for private gain;
- (2) giving preferential treatment to any organization or person;
- (3) impeding government efficiency or economy;
- (4) losing complete independence or impartiality of action;
- (5) making a government decision outside official channels; or
- (6) affecting adversely the confidence of the public in the integrity of the Government.

Sec. 202. An employee shall not engage in any outside employment, including teaching, lecturing, or writing, which might result in a conflict, or an apparent conflict, between the private interests of the employee and his official government duties and responsibilities, although such teaching, lecturing, and writing by employees are generally to be encouraged so long as the laws, the provisions of this order, and Civil Service Commission and agency regulations covering conflict of interest and outside employment are observed.

Sec. 203. Employees may not—

(a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or

(b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment. Aside from these restrictions, employees are free to engage in lawful financial transactions to the same extent as private citizens. Agencies may, however, further restrict such transactions in the light of the special circumstances of their individual missions.

Sec. 204. An employee shall not use Federal property of any kind for other than officially approved activities. He must protect and conserve all Federal property, including equipment and supplies, entrusted or issued to him.

Sec. 205. An employee shall not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

Sec. 206. An employee is expected to meet all just financial obligations, especially those—such as Federal, State, or local taxes—which are imposed by law.

Part III—Standards of Ethical Conduct for Special Government Employees

Sec. 301. This part applies to all “special Government employees” as defined in Section 202 of Title 18 of the United States Code, who are employed in the Executive Branch.

Sec. 302. A consultant, adviser or other special Government employee must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself

or other persons including particularly those with whom he has family, business, or financial ties.

Sec. 303. A consultant, adviser, or other special Government employee shall not use any inside information obtained as a result of his government service for private personal gain, either by direct action on his part or by counsel, recommendations or suggestions to others, including particularly those with whom he has family, business, or financial ties.

Sec. 304. An adviser, consultant, or other special Government employee shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business, or financial ties.

Sec. 305. An adviser, consultant, or other special Government employee shall not receive or solicit from persons having business with his agency anything of value as a gift, gratuity, loan or favor for himself or persons with whom he has family, business, or financial ties while employed by the government or in connection with his work with the government.

Sec. 306. Each agency shall, at the time of employment of a consultant, adviser, or other special Government employee require him to supply it with a statement of all other employment. The statement shall list the names of all the corporations, companies, firms, State or local government organizations, research organizations and educational or other institutions in which he is serving as employee, officer, member, owner, director, trustee, adviser, or consultant. In addition, it shall list such other financial information as the appointing department or agency shall decide is relevant in the light of the duties the appointee is to perform. The appointee may, but need not, be required to reveal precise amounts of investments. The statement shall be kept current throughout the period during which the employee is on the Government rolls.

Part IV—Reporting of Financial Interests

Sec. 401. (a) Not later than ninety days after the date of this order, the head of each agency, each Presidential appointee in the Executive Office of the President who is not subordinate to the head of an agency in that Office, and each full time member of a committee, board, or commission appointed by the President, shall submit to the Chairman of the Civil Service Commission a statement containing the following:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions—

(A) with which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant; or

(B) in which he has any continuing financial interests, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or

(C) in which he has any financial interest through the ownership of stocks, bonds, or other securities.

(2) A list of the names of his creditors, other than those to whom he

may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses.

(3) A list of his interest in real property or rights in lands, other than property which he occupies as a personal residence.

(b) Each person who enters upon duty after the date of this order in an office or position as to which a statement is required by this section shall submit such statement not later than thirty days after the date of his entrance on duty.

(c) Each statement required by this section shall be kept up to date by submission of amended statements of any changes in, or additions to, the information required to be included in the original statement, on a quarterly basis.

Sec. 402. The Civil Service Commission shall prescribe regulations, not inconsistent with this part, to require the submission of statements of financial interests by such employees, subordinate to the heads of agencies, as the Commission may designate. The Commission shall prescribe the form and content of such statements and the time or times and places for such submission.

Sec. 403. (a) The interest of a spouse, minor child, or other member of his immediate household shall be considered to be an interest of a person required to submit a statement by or pursuant to this part.

(b) In the event any information required to be included in a statement required by or pursuant to this part is not known to the person required to submit such statement but is known to other persons, the person concerned shall request such other persons to submit the required information on his behalf.

(c) This part shall not be construed to require the submission of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise.

Sec. 404. The Chairman of the Civil Service Commission shall report to the President information contained in the statements required by section 401 of this part which may indicate a conflict between the financial interests of the official concerned and the performance of his services for the Government. The Commission shall report, or by regulation require reporting, to the head of the agency concerned any information contained in statements submitted pursuant to regulations issued under section 402 of this part which may indicate a conflict between the financial interests of the officer or employee concerned and the performance of his services for the Government.

Sec. 405. The statements and amended statements required by or pursuant to this part shall be held in confidence, and no information as to the contents thereof shall be disclosed except as the Chairman of the Civil Service Commission or the head of the agency concerned may determine for good cause shown.

Sec. 406. The statements and amended statements required by or pursuant to this part shall be in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, regulation, or order. The submission of a statement or amended statements required by or pursuant to this part shall not be deemed to permit any person to participate in any matter in which the participation is prohibited by law, regulation, or order.

Part V—Delegating Authority of the President Under Sections 205 and 208 of Title 18 of the United States Code Relating to Conflicts of Interest

Sec. 501. As used in this part, “department” means an executive department, “agency” means an independent agency or establishment or a Government corporation, and “head of an agency” means, in the case of an agency headed by more than one person, the chairman or comparable member of such agency.

Sec. 502. There is delegated, in accordance with and to the extent prescribed in Sections 503 and 504 of this part, the authority of the President under sections 205 and 208(b) of Title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible.

Sec. 503. Insofar as the authority of the President referred to in section 502 extends to an appointee of the President subordinate to or subject to the Chairmanship of the head of a department or agency, it is delegated to such department or agency head.

Sec. 504. Insofar as the authority of the President referred to in section 502 extends to an appointee of the President who is within or attached to a department or agency for purposes of administration, it is delegated to the head of such department or agency.

Sec. 505. Notwithstanding any provision of the preceding sections of this part this part does not include a delegation of the authority of the President referred to in section 502 insofar as it extends to:

- (a) The head of any department or agency in the Executive Branch;
- (b) Presidential appointees in the Executive Office of the President who are not subordinate to the head of an agency in that Office; and
- (c) Presidential appointees to committees, boards, commissions, or similar groups established by the President.

Part VI—Providing for the Performance by the Civil Service Commission of Certain Authority Vested in the President by Section 1753 of the Revised Statutes

Sec. 601. The Civil Service Commission is designated and empowered to perform, without the approval, ratification, or other action of the President, so much of the authority vested in the President by section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) as relates to establishing regulations for the conduct of persons in the civil service.

Sec. 602. Regulations issued under the authority of section 601 shall be consistent with the standards of ethical conduct provided elsewhere in this order.

Part VII—General Provisions

Sec. 701. The Civil Service Commission is authorized and directed, in addition to responsibilities assigned elsewhere in this order—

(a) To issue appropriate regulations and instructions implementing Parts II, III, and IV of this order;

(b) To review agency regulations from time to time for conformance with this order; and

(c) To recommend to the President from time to time such revisions in this order as may appear necessary to ensure the maintenance of high ethical standards within the Executive Branch.

Sec. 702. Each agency head is hereby directed to supplement the standards provided by law, by this order, and by regulations of the Civil Service Commission with regulations of special applicability to the particular functions and activities of his agency. Each agency head is also directed to assure

(1) the widest possible distribution of regulations issued pursuant to this section, and

(2) the availability of counseling for those employees who request advice or interpretation.

Sec. 703. The following are hereby revoked:

(a) Executive Order No. 10930 of May 5, 1961.

(b) Executive Order No. 11125 of October 29, 1963.

(c) Section 2(a) of Executive Order No. 10530 of May 10, 1954.

(d) White House memorandum of July 20, 1961, on "Standards of Conduct for Civilian Employees."

(e) The President's Memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees." The effective date of this revocation shall be the date of issuance by the Civil Service Commission of regulations under section 701(a) of this order.

Sec. 704. All actions heretofore taken by the President or by his delegates in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President or by his delegates in respect to such matters, shall, except as they may be inconsistent with the provisions of this order or terminate by operation of law, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

Sec. 705. As issued in this order, and except as otherwise specifically provided herein, the term "agency" means any executive department, or any independent agency or any Government corporation; and the term "employee" means any officer or employee of an agency.

LYNDON B. JOHNSON

THE WHITE HOUSE,

May 8, 1965

APPENDIX I
CODE OF ETHICS FOR GOVERNMENT SERVICE

ANY PERSON IN GOVERNMENT SERVICE SHOULD:

I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

II. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.

III. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.

IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

VI. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

VII. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties.

VIII. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

IX. Expose corruption wherever discovered.

X. Uphold these principles, ever conscious that public office is a public trust.

APPENDIX J
SAMPLE DISQUALIFICATION STATEMENT
MEMORANDUM FOR IMMEDIATE SUPERIOR
IMMEDIATE SUBORDINATES

SUBJECT: Disqualification Statement

1. This is to notify you that I have financial interests in the following organizations and, pursuant to the provisions of AR 600-50, I am required to disqualify myself from official actions related to them:

(list applicable organizations)

2. Accordingly, I may not participate personally and substantially in any official actions affecting these organizations if that would create a conflict, or even the appearance of a conflict, with my official duties. My participation would be "personal" whether I act directly or through others. My participation would be "substantial" in any case in which my decision, approval, disapproval, recommendation, investigation, advice, or any other activity may contribute to or influence the official action affecting an organization in which I have an interest. My participation would create a conflict, or at least the appearance of one, whenever it appears reasonably possible that my official functions will affect the organization, whether by action on a particular matter affecting the specific organizations, or by actions involving policies, standards, objectives or other matters of general application which may substantially affect the organization.

3. Any such matters in our office should be handled without my knowledge or participation.

APPENDIX K

DESIGNATION OF REVIEWING OFFICIALS

The chart below reflects who the "reviewing official" is for individuals in the offices or agencies indicated below:

<i>Assignment of reporting individual</i>	<i>Reviewing official</i>
1. Office, Secretary of Defense (OSD)	Director for Personnel and Security, Washington Headquarters Services
2. Defense Nuclear Agency (DNA)	General Counsel, DNA
3. Defense Communications Agency (DCA)	General Counsel, DCA
4. Defense Mapping Agency (DMA)	General Counsel, DMA
5. Defense Logistics Agency (DLA)	General Counsel, DLA
6. Defense Intelligence Agency (DIA)	General Counsel, DIA
7. National Security Agency (NSA)	General Counsel, NSA
8. Organization, Joint Chiefs of Staff (OJCS)	Through OJCS Legal Adviser to Director For Personnel and Security, Washington Headquarters Services (OSD)
9. Combined Commands and Agencies	Director for Personnel and Security, Washington Headquarters Services (OSD)
10. Unified and Specified Commanders	Director for Personnel and Security, Washington Headquarters Services (OSD)
11. National Security Counsel	Director for Personnel and Security, Washington Headquarters Services (OSD)
12. Central Intelligence Agency (CIA)	General Counsel, CIA
13. National Aeronautics and Space Administration (NASA)	Director for Personnel and Security, Washington Headquarters Services (OSD)
14. American Battle Monuments Commission	Director for Personnel and Security, Washington Headquarters Services (OSD)

<i>Assignment of reporting individual</i>	<i>Reviewing official</i>
15. US Arms Control and Disarmament Agency	Director for Personnel and Security, Washington Headquarters Services (OSD)
16. Federal Emergency Management Agency	Director for Personnel and Security, Washington Headquarters Services (OSD)
17. Army Secretariat	Army General Counsel
18. Chief of Staff, US Army	Army General Counsel
19. Vice Chief of Staff, US Army	Army General Counsel
20. Director of the Army Staff	Army General Counsel
21. The Judge Advocate General, US Army	Army General Counsel
22. All other Army General Officers and Civilian Employees	The Judge Advocate General, US Army

GLOSSARY

Section I. ABBREVIATIONS

ARNG	Army National Guard
ARNGUS	Army National Guard of the United States
ARSTAF	Army Staff
CFR	Code of Federal Regulations
CPO	Civilian Personnel Office
CPR	Civilian Personnel Regulation
DA	Department of the Army
DAEO	Designated Agency Ethics Official
DIR	Directive
DOD	Department of Defense
DOJ	Department of Justice
DSCC	Deputy Standards of Conduct Counselor
FOIA	Freedom of Information Act
FPM	Federal Personnel Manual
GS	General Schedule
HHS	Health and Human Services
IG	Inspector General
JTR	Joint Travel Regulation
NAFI	Nonappropriated Fund Instrumentality
OGE	Office of Government Ethics
OJCS	Office of the Joint Chiefs of Staff
OPM	Office of Personnel Management
OSD	Office of the Secretary of Defense
PL	Public Law
RA	Regular Army
SA	Secretary of the Army
SES	Senior Executive Service
SGLI	Servicemen's Group Life Insurance
SJA	Staff Judge Advocate
TJAG	The Judge Advocate General

TRADOC	Training and Doctrine Command
UCMJ	Uniform Code of Military Justice
USACC	US Army Communications Command
USAFAC	US Army Finance and Accounting Center
USAR	United States Army Reserve
USC	United States Code

Section II. TERMS

DA personnel. All civilian officials and employees, including special Government employees, of DA (including nonappropriated fund instrumentalities) (NAFIs) and all active duty officers (commissioned and warrant), professors and cadets at the US Military Academy, and enlisted members of the Army. In chapters 1 and 2, the term also includes all officers and enlisted personnel of the Army Reserve (USAR), and of the Army National Guard of the United States (ARNGUS) when they are performing Federal duties or engaging in any activity directly related to the performance of a Federal duty or function.

Designated agency ethics official. The official (i.e., Army General Counsel) designated by the Secretary of the Army to administer the Standards of Conduct or the delegate (i.e., The Judge Advocate General) of such an official.

DOD personnel. All civilian officials and employees, including special Government employees, of all the offices, agencies, and departments in DOD (including NAFIs) and all active duty officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, and Marine Corps.

Former officers or employees.

a. This term includes—

(1) Full-time civilian officers or employees who have left Government service.

(2) Special Government employees who have left Government service.

(3) Retired officers released from active duty.

(4) Reserve officers released from active duty.

b. It does not include enlisted personnel.

Frocked. This term is generally limited to officers in the grades of O-6 and higher and refers to the act of officially wearing the rank insignia of a higher grade for prestige or other necessary purposes but without receiving the pay and allowances of the higher grade nor possessing the authority to perform functions of the higher grade that are required by law or regulation. (See AR 624-100, para 2-12.)

Gratuity. Any gift, favor, entertainment, hospitality, transportation, loan, or other tangible item, and any intangible benefits (for example discounts, passes, and promotional vendor training) given or extended to or on behalf of DOD personnel, their immediate families, or households for which fair market value is not paid by the recipient or the US Government.

Honorarium. A payment of money or anything of value by DA personnel as consideration for an appearance, speech, or article.

Inside information. Information that is—

a. Gained by DA personnel and former officers and employees while they are or were employed by their agency;

b. Of a privileged nature (i.e., received by the individual in the course of his or her official duties and not intended for public dissemination); and

c. The use of which would give the indi-

vidual or third party an unfair advantage in a commercial or some other activity.

MACOM commanders and major commanders.

Those commanders listed in AR 10-5; the Superintendent, US Military Academy; and the Commanding General, US Army Recruiting Command.

Military personnel. All officers (commissioned and warrant), professors, and cadets at the US Military Academy, and enlisted personnel of the Army on active duty.

Reserve officer. Includes both officers of the ARNGUS and the USAR.

Senior employees and designated positions. A civilian employee at the executive level, or a 3- or 4-star general. It also means other persons holding positions that have been

designated as senior employee positions by the Director, Office of Government Ethics.

Special Government employee. A person who is retained, designated, appointed, or employed to perform, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term also includes a Reserve officer while on active duty solely for training for any length of time, on who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

Standards of conduct counselor or deputy standards of conduct counselor. Those personnel designated to serve in the capacities described in paragraph 2-9. This term includes those persons performing similar duties in agencies outside DOD.

15 August 1982



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AR 600-50

The proponent agency of this regulation is the Office of The Judge Advocate General. You are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA(DAJA-ALG), WASH DC 20310.

By Order of the Secretary of the Army:

Official:

ROBERT M. JOYCE
Major General, United States Army
The Adjutant General

E. C. MEYER
General, United States Army
Chief of Staff

DISTRIBUTION:

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