



GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY
104 ARMY PENTAGON
WASHINGTON DC 20310-0104

SAGC

MAR 15 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Appointment of Deputy Designated Agency Ethics Officials

1. References.

- a. DoD 5500.07-R, Joint Ethics Regulation (JER), 17 November 2011
- b. HQDA General Order (GO) 2012-01, Assignment of Functions and Responsibilities within Headquarters, Department of the Army, 11 June 2012.
- c. Memorandum, HQDA, SAGC, 3 January 2007, subject: Designation of Deputy Designated Agency Ethics Officials and Delegation of Authority UP the Joint Ethics Regulation (JER), DoD 5500.7-R (hereby canceled).
- d. Memorandum, HQDA, SAGC, 16 April 2007, subject as above (hereby canceled).
- e. Memorandum, HQDA, SAGC, 15 April 2008, subject as above (hereby canceled).

2. Purpose. The purpose of this memorandum is to appoint Deputy Designated Agency Ethics Officials (DDAEOs) in accordance with Section 1-401 of reference a. This memorandum cancels references c, d, and e.

3. Designations.

a. As the Army's Designated Agency Ethics Official (DAEO), I am responsible for the administration of the Department of the Army's ethics program. I hereby appoint the Deputy General Counsel (Ethics & Fiscal) to serve as the Alternate DAEO pursuant to paragraph 1-203 of the Joint Ethics Regulation (JER), DoD 5500.07-R.

b. In accordance with section 1-401 of reference a, the JER, the following persons are appointed as DDAEOs:

- (1) Principal Deputy General Counsel (PDGC);
- (2) Deputy General Counsel (Ethics & Fiscal) (DGC(E&F)) ;
- (3) The Judge Advocate General (TJAG);
- (4) The Deputy Judge Advocate General (DJAG);

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(5) The Assistant Judge Advocate General for Military Law and Operations (AJAG/MLO);

(6) Chief, Administrative Law Division

(7) Chief Counsel, U.S. Army Corps of Engineers (USACE);

(8) Command Counsel, U.S. Army Materiel Command (AMC).

4. DDAEO Responsibilities and Authorities.

a. DDAEOs are responsible for overseeing and administering ethics program requirements within their respective and assigned organizations as listed in Annex A. Their duties include, but are not limited to: providing ethics advice within their respective organizations; maintaining, reviewing, and certifying financial disclosure reports (OGE Forms 278, 278-T, 450, and 450-A); granting filing extensions for filers of financial disclosure reports; and, subject to the terms of this memorandum, other functions assigned to the DAEO that are delegable under law and regulation. As DDAEOs, and subject to the terms of this memorandum, you are authorized to act on my behalf as the Army DAEO concerning any matter under 5 C.F.R. Parts 2634 through 2641 and Part 3601, and 41 U.S.C. § 2101-2107, or the JER that is not reserved by law or regulation to the DAEO. DDAEOs will keep my office appropriately informed of all ethics matters having import to the Department of the Army at large.

b. DDAEOs may designate in writing, Ethics Counselors in their respective organizations. Subject to limitations within this memorandum, a DDAEO may delegate any of his responsibilities not reserved by law or regulation to an ethics counselor. Appointed Ethics Counselors may provide ethics advice and support to current and former DoD employees within and without their respective organizations, unless otherwise limited in the appointment designation or this memorandum.

c. DDAEOs may delegate, in writing, the authority to certify OGE Forms 278 and 278-T, but only to designated Ethics Counselors within their immediate office, except as permitted in paragraph 7 below. No further delegation is authorized.

d. DDAEOs are the sole delegated authorities for waiving the late filing fee for OGE Form 278 and 278-T reports.

e. DDAEOs are the sole delegated authorities for approval of non-federal entities for purposes of co-sponsorship of conferences, seminars, and similar events pursuant to JER § 3-206.b(3).

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f. DDAEOs may provide the conflict of interest analysis and endorse Requests for Appointment or Renewal of Appointment of Expert or Consultant (block 14, DD Form 2292) for personnel appointed to Federal Advisory Committee Act boards within their respective organizations.

g. DDAEOs provide necessary coordination and concurrence, if appropriate, where acceptance of payment from a non-Federal source for travel expenses under 31 U.S.C. § 1353 requires a conflict of interest analysis (41 C.F.R. § 304-5.3).

h. DDAEOs report the use and disposition of foreign gifts, pursuant to 41 C.F.R. § 102-42.

5. Deputy General Counsel (Ethics & Fiscal) (DGC(E&F)).

The DGC(E&F) is the primary assistant for ethics and standards of conduct matters and is responsible for the day-to-day management of the Army's ethics program. The DGC(E&F) will serve as the primary point of contact for the Department of Defense Standards of Conduct Office, the Office of Government Ethics (OGE), and other government agencies on matters related to government ethics, except as specified in subparagraph 7 below. Responsibilities of the DGC(E&F) include, but are not limited to:

a. Oversight of the Army's Public Financial Disclosure program. The DGC(E&F) will conduct periodic reviews of Army organizations' Public Financial Disclosure programs. The DGC(E&F) retains the authority to certify any Army OGE 278 or 278-T when prudent and/or necessary.

b. Certifying, by letter, the ethics position of the Department of the Army to the Senate Committee on Armed Services with respect to officers nominated to the grade of Lieutenant General or General. The OGE Form 278 and other documents pertaining to the nomination of those officers will be submitted through the Office of the General Counsel;

c. Overseeing the day-to-day operation and development of Financial Disclosure Management (FDM), the Army's secure, online program for preparation and electronic filing of financial disclosure reports and the After Government Employment Advice Repository (AGEAR).

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6. The Judge Advocate General (TJAG).

TJAG is responsible for preparing and submitting the Army's semi-annual report to OGE regarding the acceptance of payment from a non-Federal source for travel expenses pursuant to 31 U.S.C. § 1353.

7. Public Financial Disclosure Reports.

a. I hereby delegate to the following individuals the authority to certify the OGE Form 278 and OGE 278-T reports of personnel assigned to their respective organizations:

Staff Judge Advocate, Headquarters, U.S. Army Forces Command
Staff Judge Advocate, Headquarters, U.S. Army Training and Doctrine Command
Judge Advocate, Headquarters, U.S. Army Europe and 7th Army
Staff Judge Advocate, Third U.S. Army/U.S. Army Central
Staff Judge Advocate, Headquarters, U.S. Army North
Staff Judge Advocate, Headquarters, U.S. Army Pacific
Staff Judge Advocate, U.S. Army Special Operations Command
Staff Judge Advocate, U.S. Army Space and Missile Defense Command
Staff Judge Advocate, U.S. Army Cyber Command
Judge Advocate, U.S. Forces Korea/Eighth U.S. Army
Staff Judge Advocate, Headquarters, U.S. Army Medical Command
Staff Judge Advocate, U.S. Military Academy
Staff Judge Advocate, Headquarters, U.S. Army Reserve Command
Staff Judge Advocate, Installation Management Command
Chief Counsel, National Guard Bureau

b. The officials in Para. 7.a. above may further delegate, in writing, OGE Form 278 and 278-T certification authority, but only to designated Ethics Counselors who are assigned to the delegatee's immediate office and who are in the grade of O-4 or above, if military, or GS-13 or higher (or equivalent), if a civilian employee. No further delegation is authorized.

c. The certifying office is responsible for public posting of OGE 278s and 278-Ts on OMB's website, MAX.gov, to comply with the STOCK Act.

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8. Responsibility for Subordinate Organizations.

a. As mentioned above, DDAEOs are responsible for overseeing and administering ethics program requirements within their respective and assigned organizations. Annex A provides a list of organizations for which the respective DDAEOs have ethics responsibility.

b. With respect to direct reporting units and organizations that fall under the authority of an office within the Army Secretariat, it is my intent that ethics responsibilities remain with the legal office that performs other legal functions for that organization.

9. Restrictions. No DDAEO may participate as an officer or director of any prohibited source unless authorized by the DAEO or, in the absence of a DAEO, the Alternate DAEO.



Brad R. Carson
Designated Agency Ethics Official

Enclosure
Annex A

DISTRIBUTION:

Principal Deputy General Counsel
Deputy General Counsel (Ethics & Fiscal)
The Judge Advocate General
The Deputy Judge Advocate General
The Assistant Judge Advocate General for Military Law and Operations
Chief, Administrative Law Division
Chief Counsel, U.S. Army Corps of Engineers
Command Counsel, U.S. Army Materiel Command
Staff Judge Advocate, Headquarters, U.S. Army Forces Command
Staff Judge Advocate, Headquarters, U.S. Army Training and Doctrine Command
Judge Advocate, Headquarters, U.S. Army Europe and 7th Army
Staff Judge Advocate, Third U.S. Army/U.S. Army Central
Staff Judge Advocate, Headquarters, U.S. Army North
Staff Judge Advocate, Headquarters, U.S. Army Pacific
Staff Judge Advocate, U.S. Army Special Operations Command
Staff Judge Advocate, U.S. Army Space and Missile Defense Command

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Staff Judge Advocate, U.S. Army Cyber Command

Staff Judge Advocate, Headquarters, U.S. Army Medical Command

Judge Advocate, U.S. Forces Korea/Eighth U.S. Army

Staff Judge Advocate, U.S. Military Academy

Staff Judge Advocate, Headquarters, U.S. Army Reserve Command

Staff Judge Advocate, Installation Management Command

Chief Counsel, National Guard Bureau

ANNEX A

1. Deputy General Counsel (Ethics & Fiscal). The Deputy General Counsel (Ethics & Fiscal) is primarily responsible for providing ethics advice to the Army Secretariat. This responsibility is limited to those organizations and units located within the National Capital Region, unless otherwise noted below.

- Office of the Secretary of the Army
- Office of the Under Secretary of the Army
- Office of the Deputy Under Secretary of the Army
- Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology) (does not include PEOs, but includes the U.S. Army Acquisition Support Center)
- Office of the Assistant Secretary of the Army (Civil Works)
- Office of the Assistant Secretary of the Army (Financial Management & Comptroller)
- Office of the Assistant Secretary of the Army (Installations, Energy & Environment) (to include the Regional Environmental Offices)
- Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs) (to include the U.S. Army Review Boards Agency)
- Office of the General Counsel
- Office of the Administrative Assistant to the Secretary of the Army (to include the Chief Attorney, Legal Services Directorate, and Field Operating Agencies)
- Office of the Chief Information Officer (this does not include NETCOM)
- Office of The Inspector General (this does not include any subordinate office regardless of location)
- Office of the Auditor General
- Office of the Chief of Legislative Liaison
- Office of the Chief of Public Affairs (this does not include subordinate offices regardless of location, with the exception of its Los Angeles office)
- Office of the Director of Small Business Programs
- Executive Director, Army National Cemeteries Program

2. TJAG, DJAG, Assistant Judge Advocate General for Military Law and Operations, and Chief, Administrative Law Division. In addition to the Army Commands and Army Service Component Commands, the following organizations fall within the authority of the TJAG, DJAG, Assistant Judge Advocate General for Military Law and Operations, and Chief, Administrative Law Division.

- The Army Staff, as identified in GO 2012-01, 11 June 2012
- U.S. Army Network Enterprise Technology Command/9th Signal Command
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigation Command
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Military Academy

- U.S. Army Reserve Command
- National Guard Bureau
- U.S. Army Installation Management Command
- Elements of the Joint Program Executive Office for Chemical and Biological Defense headquartered at Fort Detrick, Maryland
- U.S. Disciplinary Barracks
- Asymmetric Warfare Group

3. Command Counsel, U.S. Army Materiel Command. In addition to the Major Subordinate Commands, the following organizations and their personnel fall under the authority of the Command Counsel, U.S. Army Materiel Command.

- Program Executive Office, Ammunition/Joint Munitions and Lethality Life Cycle Management Command
- Program Executive Office, Aviation
- Program Executive Office, Combat Support and Combat Service Support (CS&CSS)
- Program Executive Office, Command, Control, Communications & Tactical (C3T)
- Program Executive Office, Ground Combat Systems (GCS)
- Program Executive Office, Intelligence, Electronic Warfare & Sensors (IEW&S)
- Program Executive Office, Missiles and Space
- Program Executive Office, Simulation, Training, and Instrumentation (STRI)
- System of Systems Integration (SOSI) Directorate
- Program Executive Office, U.S. Army Chemical Materials Activity (CMA)
- Program Executive Office, Enterprise Information System (EIS)
- Joint Program Executive Office for Chemical and Biological Defense, with the exception of elements headquartered at Fort Detrick, MD
- Program Executive Office Assembled Chemical Weapons Alternatives (ACWA)
- PEO Soldier

4. Chief Counsel, U.S. Army Corps of Engineers. All U.S. Army Engineer Divisions, Districts, Centers and Laboratories fall under the authority of the Chief Counsel, U.S. Army Corps of Engineers.