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

SAGC-EF 24 April 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Appointment of Ethics Counselors Assigned to the Secretariat but Outside of Army Office of the General Counsel and Delegation of Authority

1. References.

a. Memorandum, HQDA, SAGC, 15 March 2013, subject: Appointment of Deputy Designated Agency Ethics Officials.

b. Memorandum, HQDA, SAGC, 7 May 2013, subject: Mandatory Recording of Annual Ethics Training Completion in FDM.

2. Pursuant to my appointment as a Deputy Designated Agency Ethics Official, dated 15 March 2013, I hereby appoint the following individuals assigned to Office of the Secretary (Secretariat) but outside of Army Office of the General Counsel (OGC), as Ethics Counselors for personnel assigned to their respective organizations within the Army Secretariat, effective this date, with the authority described below:

- Chief Counsel, U.S. Army Audit Agency
- Deputy Counsel, U.S. Army Audit Agency
- Chief Attorney and Legal Services Directorate, Office of the Administrative Assistant
- Legal Advisor, U.S. Army Inspector General Agency
- Deputy Legal Advisor, U.S. Army Inspector General Agency
- Senior Legal Advisor, Army Review Boards Agency
- Regional Counsel, Northern Regional Environmental & Energy Office
- Regional Counsel, Central Regional Environmental & Energy Office
- Regional Counsel, Southern Regional Environmental & Energy Office
- Regional Counsel, Western Regional Environmental & Energy Office

a. To issue written opinions to current and former employees of the Army Secretariat concerning the applicability of 18 U.S.C. §§ 203, 205, 207, 208, and 209; 41 U.S.C. § 2101 *et seq.* (the Act formerly referred to as the Procurement Integrity Act); Section 847 of Public Law 110-181 (the National Defense Authorization Act for FY 2008); and other post-Government employment restrictions (5 C.F.R. § 2635.601 *et seq.*; JER 1-401c and d; JER, § 9-500 *et seq.*);

b. To issue written ethics opinions to current and former employees of the Army Secretariat concerning limitations on outside employment, prohibitions against accepting honoraria, or other standards of ethical conduct issues (5 C.F. R. § 2635.107);

c. To provide necessary notices and instructions to filers of Public Financial Disclosure Reports (OGE Form 278 and 278-T) and Confidential Financial Disclosure Reports (OGE 450) (See JER, Chapter 7);

d. To act as reviewing officials for Public Financial Disclosure Reports (OGE Form 278 and 278-Ts). In exercising this authority, the above appointees may grant extensions to employees for annual and for new entrant filing of Public Financial Disclosure Reports (OGE 278s and OGE 278-Ts) for up to 45 days in accordance with JER, §7-203. This delegation does not extend to certifying Public Financial Reports (either OGE 278s or OGE 278-Ts), or to granting extensions beyond 45 days. All requests for extensions beyond 45 days will be forwarded to the undersigned with a recommendation regarding disposition. Delegation of certification authority for OGE 278s and 278-Ts will be by separate memorandum to selected ethics counselors within Army OGC;

e. To act as reviewing and certifying officials for Confidential Financial Disclosure Reports (OGE Form 450). In exercising this authority, the above appointees may grant extensions, where warranted, to no more than 90 days beyond the due date. (5 C.F.R. § 2634.903(d) JER, § 7-303c);

f. To require and receive information necessary to carry out the purposes of the JER from, and to coordinate and work with Inspectors General, personnel offices, and administrative offices to assist in accomplishing the functions set forth in JER, §§ 1-413 through 1-415;

g. To provide necessary coordination and concurrence, if appropriate, when the approval of the 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. Part 304 and JER 4-101c);

h. To provide ethics training, as required, to accomplish JER training requirements. (5 C.F.R. § 2638.704 et seq., JER § 11-200). The Secretariat training plan will be forwarded to the above appointees no later than 31 January of each year. Ethics counselors may develop training materials for use within their organizations, subject to the approval of the DDAEO. Training materials will be forwarded to this office for approval prior to use. Pursuant to Reference b, all ethics training of financial disclosure report filers will be recorded in FDM;

i. To receive written notifications of post-employment negotiations or agreements and recusal statements in accordance with the STOCK Act; and

j. To perform all tasks necessary to assist the Designated Agency Ethics Official and me in administering all aspects of the ethics program (e.g., JER, § 1-401c, d, e, i, and j).

3. This delegation of authority is limited to those organizational elements assigned to the Office of the Secretary of the Army (Secretariat); it does not extend to subordinate units that are not part of the Secretariat.

4. Ethics Counselors appointed in this memorandum may appoint additional Ethics Counselors within their respective organizations and re-delegate any authorities that have been delegated to them in this memorandum.

5. As mentioned above, the authority to certify Public Financial Disclosure Reports (OGE Form 278 and 278-Ts) is not included in this delegation. That authority will be delegated to selected individuals within Army OGC by separate delegation.

6. The authority to grant filing extensions of Public Financial Disclosure Reports (OGE Form 278 and 278-Ts) beyond 45 days is not delegated, and is reserved solely to me in my capacity as DDAEO. Additionally, the authority to grant waivers of the late filing fee for OGE Form 278 and 278-T reports is not delegated, and is reserved solely to me in my capacity as DDAEO. Requests for filing extensions beyond 45 days and requests for waivers of late filing fees must be forwarded to me for a decision, with your recommendation and rationale to support the recommendation.

7. This delegation supersedes all previous appointments of ethics counselors assigned to the Secretariat but outside of Army OGC.

Susan D. Tigner

SUSAN D. TIGNER
Deputy General Counsel
(Ethics & Fiscal)

DISTRIBUTION:
1- Individual
Ms. Joyce Maple
Mr. John Kent