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# ***Welcome & Ethics Program Management***

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DoD Office of General Counsel**

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**UNCLASSIFIED**



# Ethical Conduct Starts with Values

*What are our values?*

## PREAMBLE

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

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

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

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

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

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

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

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

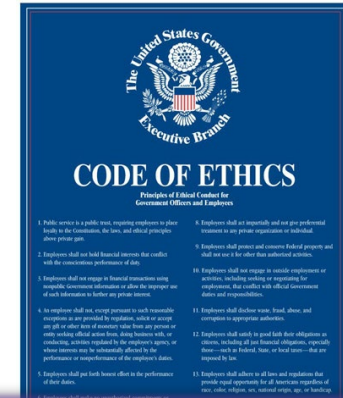
\* Joint Ethics Regulation,  
May 15, 2024



# Written Standards

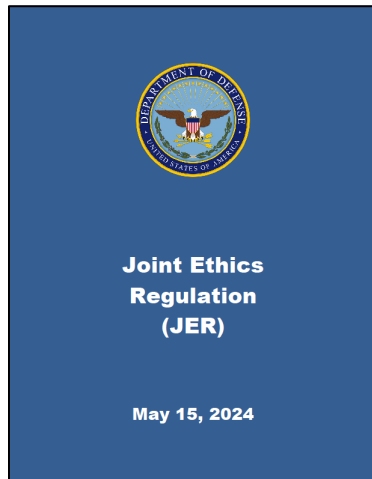
## 4 Pillars in the U.S. DoD

- 18 U.S.C. 201-209
- 5 C.F.R. part 2635
- 5 C.F.R. part 3601
- DoDD 5500.07
- DoD Joint Ethics Regulation (JER) (*Updated May 2024*)



## Other References

- Ethics in Government Act of 1978, 5 U.S.C. §§ Ch. 131
- EO 12674 & 5 CFR 2635.101, "Principles of Ethical Conduct for Government Officers and Employees"
- Procurement Integrity, 41 U.S.C. §§ 2101 - 2107
- Principles of Federal Appropriation Law (GAO Redbook)
- Joint Travel Regulation (JTR)





# Ethics Officials Play a Critical Role



# Know the Terminology & Authorities

- Designated Agency Ethics Official (DAEO)
  - DoD General Counsel + 16 others
  - Programmatic responsibilities.
- Alternate DAEO
- Deputy DAEOs
  - Designated in letter or instruction by DAEO or ADAEO
- Other Ethics Officials
  - Designated by instruction or DAEO/ ADAEO/ DDAEO.
  - Over 3,000 in DoD
- Agency Designee (JER 1-202)
  - GC/SJA to O-7 or above in command or civilian PAS official
    - *Take away: The lawyer is not always the agency designee.*
  - First commissioned officer or GS-11 or higher supervisor
- Anyone providing ethics advice or certifying financial disclosure reports must have written ethics official designation.



# DAEO Components w/in DoD

In addition to the Office of the Secretary of Defense DAEO Agency (also known as the “DoD Remainder Agency”) there are 16 other separate DAEO components in DoD:

Department of the Army  
Department of the Navy  
Department of the Air Force  
Armed Services Board of Contract Appeals  
Defense Commissary Agency  
Defense Finance and Accounting Service  
Defense Intelligence Agency  
Defense Security Service

Defense Contract Audit Agency  
Defense Information Systems Agency  
Defense Logistics Agency  
Defense Threat Reduction Agency  
DoD Office of the Inspector General  
National Geospatial Intelligence Agency  
National Security Agency  
Uniformed Services University of the  
Health Sciences



# Deputy DAEO Organizations

Under the OSD DAEO Agency there are currently 28 subordinate components (Deputy DAEOs):

Army-Air Force Exchange Service  
Defense Advanced Research Projects  
Agency  
Defense Acquisition University  
Defense Contract Management Agency  
Defense Health Agency  
Defense Human Resources Activity  
Defense Media Activity  
Defense POW/MIA Accounting Agency  
Defense Security Cooperation Agency  
Defense Technology Security Agency  
DoD Education Activity  
Missile Defense Agency  
National Defense University  
National Reconnaissance Office

Washington Headquarters Services  
White House Military Office  
  
Joint Chiefs of Staff  
Africa Command  
Central Command  
European Command  
Northern Command  
Indo-Pacific Command  
Southern Command  
Space Command  
Special Operations Command  
Strategic Command  
Transportation Command  
Cyber Command



# Your Role: Compliance Ethics

- Facilitate, track, and report completion of ethics requirements, such as:
  - Ethics Training
  - Financial Disclosure
  - 31 U.S.C. § 1353 Travel Reports
- Provide data for:
  - OGE Annual Ethics Program Questionnaire
  - OGE or DAEO Program Reviews
- Waivers and Authorizations to Participate in Particular Matters
- Issuing Ethics Opinions

*You are managing a compliance program!*





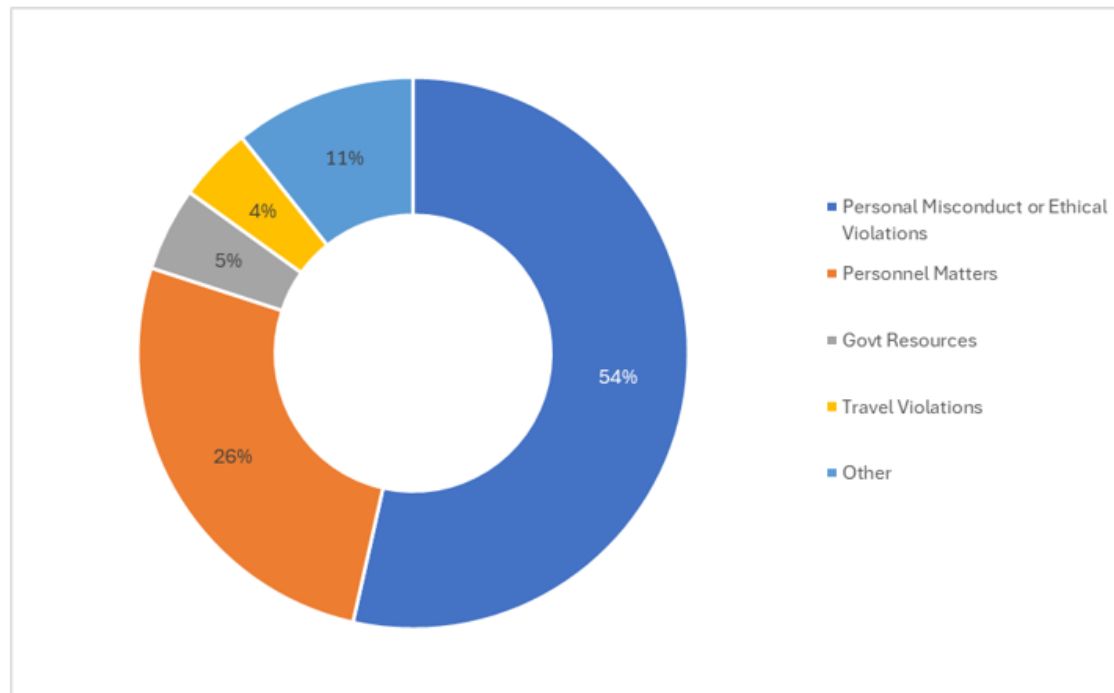
# Your Role: Counsel

- Issuing Ethics Opinions
- Stay on Top of Changes to Law & Policy
- Maintain Situational Awareness
  - Ongoing Hill, Media, Watchdog Interest in Ethics
  - Over 10 proposals by House / Senate last year, including:
    - Online posting of public reports
    - Congress access to confidential reports
    - Stock ownership restrictions
    - DoD IG Audit of Public Financial Disclosure Reports
    - Foreign government employment reporting requirement.
- Identify Risk



# Educate Clients on Consequences

## SUBSTANTIATED AND REPORTABLE ALLEGATIONS BY CATEGORY



This chart displays the breakdown of allegations recorded as substantiated or reportable from October 1, 2018, through June 30, 2024.



# Common Problem Areas

- GO/ FO/SES have distinctive opportunities and access, often without day-to-day oversight
- Problems often arise from:
  - Lack of understanding of the rules re:
  - Travel, including use of GOV
  - Gifts
  - Spousal opportunities
  - Relationships with non-Federal entities
  - Overly eager support staff. . . “aiming to please”
  - Contacts from former GO/FO/SES colleagues in new roles, e.g. with Defense contractors
- No white space on calendar increases risk
- Be mindful of optics; even if an action is legally permissible, it may not be advisable



# Make a Seat at the Table



- Relationships start from day one:
  - commander
  - support staff
- Be accessible and be present
- Exercise your privilege of direct access



# Study, Watch, Listen... Then Advise



Master the rules: Read and cite the rule, every time!

- Start with the statute and CFR, not the JER
- Knowing the rules allows you to find solutions

Understand clients and mission

- Be inquisitive. Is there anything else you should know?
- Frame your advice in context
- Offer workable solutions (but resist a “get to yes” mindset)





# Are You a Counsel or Just a Lawyer?

- Provide legal and prudential advice, but
  - always distinguish between the two
- Be clear about who owns the decision
- Be willing to stand by your advice
- Document the facts and your advice.
- Anticipate media, IG, or Hill questions

## Evaluate the Big Picture

- ✓ Is it legally sound?
- ✓ *Can* I do it?
- ✓ *Should* I do it?
- ✓ Is it *right for the government*?
- ✓ How will it be perceived?



# Ethics is a Team Sport!

- Peers, classmates
- ISIC SJA
- Commander, COS, Flag Aide, Flag Sec, Protocol, PA, other staff
- DDAEO
- MilDep Ethics Officials
- SOCO
  - [OSD.SOCO@MAIL.MIL](mailto:OSD.SOCO@MAIL.MIL)
- Ethics Counselor Coordinating Group
- SOCO Website:
  - <https://dodsoco.ogc.osd.mil/>
    - Advisories, Toolbox, Deskbook
- OGE Website
  - <https://www.oge.gov>
    - Advisories, Financial Disclosure
- OLC Opinions
  - <https://www.justice.gov/olc>







# Questions?



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