



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

DAJA-ZA

29 MAR 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Appointment of Ethics Counselors and Delegation of Authority

1. References:

a. Memorandum, SAGC, 11 February 2022, subject: Appointment of Deputy Designated Agency Ethics Officials.

b. Memorandum, OTJAG, 12 September 2019, subject: Appointment of Ethics Counselors and Delegation of Authority (hereby canceled).

c. Memorandum, SAGC, 6 March 2020, subject: Reporting Disciplinary Actions Based on Violations of Ethics Provisions.

2. The purpose of this memorandum is to appoint Ethics Counselors and to delegate authority, in accordance with DoD 5500.07-R, Joint Ethics Regulation (JER) 1-212. This memorandum supersedes prior appointments.

3. Pursuant to my appointment as a Deputy Designated Agency Ethics Official (Deputy DAEO) and the delegation of authority by the Army Designated Agency Ethics Official (DAEO) (reference a), I hereby appoint the following officials as Ethics Counselors for their respective installations, activities, and commands, and I grant them the authority to redelegate, unless otherwise noted:

Judge Advocate, U.S. Army Europe and Africa
Judge Advocate, U.S. Forces Korea
Staff Judge Advocate, Eighth U.S. Army
Staff Judge Advocate, U.S. Army Forces Command
Staff Judge Advocate, U.S. Army Training and Doctrine Command
Staff Judge Advocate, U.S. Army Futures Command
Staff Judge Advocate, U.S. Army Central
Staff Judge Advocate, Southern European Task Force
Staff Judge Advocate, U.S. Army Pacific
Staff Judge Advocate, U.S. Army North
Staff Judge Advocate, U.S. Army South
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
Staff Judge Advocate, U.S. Army Medical Command

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Staff Judge Advocate, U.S. Army Military District of Washington
Staff Judge Advocate, U.S. Military Academy
Staff Judge Advocate, U.S. Army Intelligence and Security Command
Staff Judge Advocate, U.S. Army Network Enterprise Technology Command
Staff Judge Advocate, U.S. Army Reserve Command
Staff Judge Advocate, First Army
Staff Judge Advocate, I Corps
Staff Judge Advocate, III Corps
Staff Judge Advocate, V Corps
Staff Judge Advocate, XVIII Airborne Corps
Staff Judge Advocate, Combined Arms Center and Fort Leavenworth
Staff Judge Advocate, U.S. Military Entrance Processing Command
Chief Counsel, National Guard Bureau
Chief Counsel, U.S. Army Test and Evaluation Command
Chief Counsel, U.S. Army Combat Capabilities Development Command
Commander, U.S. Army Legal Services Agency
Commander, U.S. Army Claims Service
Commander, The Judge Advocate General's Legal Center and School
Command Judge Advocate, U.S. Army Combat Readiness Center
Command Judge Advocate, U.S. Army Disciplinary Barracks
Command Judge Advocate, U.S. Army Human Resources Command
Command Judge Advocate, U.S. Army War College

4. I hereby redelegate to the officials listed above in paragraph 3 the following authorities, unless otherwise noted:

a. To oversee and administer ethics program requirements within their respective and assigned organizations (JER 1-212, 1-401k, 1-404a, 1-404b, and 1-404c).

b. To appoint Ethics Counselors within their respective and assigned organizations (JER 1-212), to include subordinate organizations, with the authority to redelegate unless otherwise noted.

c. To issue written opinions to current and former military members and civilian employees concerning the applicability of 18 U.S.C. §§ 203, 205, 207, 208, and 209; 41 U.S.C. § 2101 *et seq.*; Section 847 of Public Law 110-181 (the National Defense Authorization Act for FY 2008); Section 1045 of the National Defense Authorization Act for FY 2018; and other post-Government employment restrictions (5 C.F.R. § 2635.601 *et seq.*; JER 1-401c and d; JER 9-500 *et seq.*).

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

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

f. To act as reviewing officials for Public Financial Disclosure Reports (OGE 278e and 278-T). The authority to certify these reports is delegated to specified officials only, as set forth in paragraph 5, below.

g. To take all necessary actions to assist delegated reviewing officials in accomplishing the functions set forth in JER 7-206c.

h. To grant up to two filing extensions of 45 days each for filers of the OGE 278e, where warranted (JER 7-203e).

i. To grant filing extensions for filers of the OGE 278-T, where warranted, not to exceed 90 days.

j. To act as reviewing and certifying officials for Confidential Financial Disclosure Reports (OGE 450).

k. To grant filing extensions for filers of the OGE 450, where warranted, not to exceed 90 days (JER 7-303c).

l. To provide the conflicts of interest analysis, review of OGE 450s, and sign Block 14, DD Forms 2292, Request for Appointment of Renewal of Appointment of Consultant or Expert, for personnel appointed to Federal Advisory Committee Act boards within their respective organizations.

m. 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 the JER, 1-412 through 1-415.

n. 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. § 304 and JER 4-101c).

o. To prepare and submit Semiannual Reports of Payments from Non-Federal Sources for travel expenses under 31 U.S.C. § 1353 through ethics counselor channels to the Administrative Law Division, OTJAG.

p. To develop and authorize ethics training materials, to include all mandated ethics training (JER 11-200).

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q. To provide ethics training, as required, to accomplish JER training requirements (JER 11-200). All ethics training of financial disclosure report filers will be promptly recorded in Financial Disclosure Management (FDM) or in other databases, as prescribed by the Administrative Law Division, OTJAG.

r. To perform pre-audits prior to a scheduled Program Review by the U.S. Office of Government Ethics.

s. To receive written notifications of post-Government employment negotiations or agreements and recusal statements in accordance with the Stop Trading on Congressional Knowledge (STOCK) Act.

t. To perform all tasks necessary to assist the DAEO and Deputy DAEOs in administering all aspects of the ethics program (e.g., JER 1-401c, d, e, i, and j).

5. The following officials are delegated the authority to certify OGE 278e and 278-T reports:

Judge Advocate, U.S. Army Europe and Africa
Judge Advocate, U.S. Forces Korea
Staff Judge Advocate, Eighth U.S. Army
Staff Judge Advocate, U.S. Army Forces Command
Staff Judge Advocate, U.S. Army Training and Doctrine Command
Staff Judge Advocate, U.S. Army Futures Command
Staff Judge Advocate, U.S. Army Central
Staff Judge Advocate, Southern European Task Force
Staff Judge Advocate, U.S. Army Pacific
Staff Judge Advocate, U.S. Army North
Staff Judge Advocate, U.S. Army South
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
Staff Judge Advocate, U.S. Army Medical Command
Staff Judge Advocate, U.S. Army Military District of Washington
Staff Judge Advocate, U.S. Military Academy
Staff Judge Advocate, U.S. Army Intelligence and Security Command
Staff Judge Advocate, U.S. Army Network Enterprise Technology
Command
Staff Judge Advocate, U.S. Army Reserve Command
Staff Judge Advocate, First Army
Staff Judge Advocate, I Corps
Staff Judge Advocate, III Corps
Staff Judge Advocate, V Corps
Staff Judge Advocate, XVIII Airborne Corps
Staff Judge Advocate, Combined Arms Center and Fort Leavenworth

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Chief Counsel, National Guard Bureau
Chief Counsel, U.S. Army Test and Evaluation Command
Chief Counsel, U.S. Army Combat Capabilities Development Command
Command Judge Advocate, U.S. Army Human Resources Command
Command Judge Advocate, U.S. Army War College

The above-listed officials may further delegate, in writing, OGE 278e and 278-T certification authority, but only to designated Ethics Counselors who are assigned to their 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. Ethics Counselors delegated OGE 278e and 278-T certification authority must have sufficient training and experience to carry out this responsibility. A Deputy DAEO is authorized to withhold OGE 278e and 278-T certification authority from a listed official.

6. The authority to grant waivers of the late filing fee for OGE 278e and 278-T reports is not delegated and is reserved solely to Deputy DAEOs. Requests for waivers of late filing fees must be submitted in writing to the Ethics, Legislation, and Government Information Practices (ELGIP) Branch, Administrative Law Division, OTJAG for review and will be forwarded to a Deputy DAEO for decision.

7. Deputy DAEOs are the sole delegated authorities for approval of non-Federal entities for the purposes of co-sponsorship of conferences, seminars, and similar events pursuant to JER 3-206b(3), except as permitted in paragraph 8 below. No further delegation is authorized.

8. The following officials are authorized to approve non-Federal entities for purposes of co-sponsorship of conferences, seminars, and similar events, pursuant to JER 3-206b(3):

Staff Judge Advocate, U.S. Army Forces Command
Staff Judge Advocate, U.S. Army Training and Doctrine Command
Staff Judge Advocate, U.S. Army Futures Command
Staff Judge Advocate, U.S. Army Medical Command
Staff Judge Advocate, U.S. Military Academy
Chief Counsel, National Guard Bureau

9. All designated Ethics Counselors are required to receive at least one ethics training annually. Such training may be sourced from the Army Office of the General Counsel, OTJAG, The Judge Advocate General's Legal Center and School, the DoD Standards of Conduct Office, the Office of Government Ethics, Continuing Legal Education sources (e.g. West LegalEd), or other Deputy DAEO approved sources.

10. Ethics Counselors are required to report instances of disciplinary action explicitly based, wholly or in part, on a violation of title 5, Code of Federal Regulations section 2635 or Part 3601; DoD 5500.07-R (JER); or one of the criminal conflict of interest

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statutes (18 U.S.C. section 203, 205, 208 or 209) to the Army Office of General Counsel (Ethics and Fiscal) no later than one week after the appropriate authority approves the disciplinary action. All reports are to be made through the Administrative Law Division, OTJAG. Disciplinary action includes removals, demotions, suspensions, written reprimands and their equivalent. This requirement does not modify the reporting requirements for suspected violations of the JER, Chapter 10. Refer otherwise to reference c for procedures regarding this requirement.

11. Ethics counselors serving in consolidated legal offices are authorized to provide ethics advice to U.S. Army Garrisons.

12. Installation ethics counselors may serve as ethics counselors for tenant organizations that do not have an embedded legal office. Ethics counselors that provide ethics advice to tenant organization personnel should coordinate their advice with the legal office for the tenant organization's higher headquarters, as appropriate.

13. Provide copies of your re-delegations to the ELGIP Branch, Administrative Law Division, OTJAG.



STUART W. RISCH
Lieutenant General, U.S. Army
The Judge Advocate General

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