

Department of the Army
Headquarters, United States Army
Training and Doctrine Command
Fort Monroe, Virginia 23651-1047

***TRADOC Regulation 27-4**

14 July 2006

Legal Services
TRADOC Government Ethics Program

Summary. This regulation implements Office of Government Ethics (OGE) and Department of Defense (DOD) policy by prescribing procedures and guidance for the effective administration of the U.S. Army Training and Doctrine Command (TRADOC) Government Ethics Program.

Applicability. This regulation applies to Headquarters, TRADOC, and to all TRADOC commands, centers, schools, and activities.

Supplementation. Supplementation (directing an action or setting a policy) of this regulation is not authorized. Local implementing guidance and procedures may be published. Local commanders may provide additional implementing guidance to carry out the requirements outlined in TRADOC Regulation (TR) 27-4 in the form of a memorandum or other document.

Suggested Improvements. The proponent of this regulation is the TRADOC Staff Judge Advocate. Send comments and suggested improvements on Department of the Army (DA) Form 2028, (Recommended Changes to Publications and Blank Forms) through channels to Commander, TRADOC, ATTN: ATJA, 11 Bernard Road, Fort Monroe, VA 23651-1007. Suggested improvements may also be submitted using DA Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal).

Availability. This publication is available on the TRADOC Homepage at <http://www.tradoc.army.mil>.

Contents		
	Paragraph	Page
Chapter 1		
Introduction		
Purpose.....	1-1	2
References.....	1-2	2
Explanation of abbreviations	1-3	2
Responsibilities	1-4	2
Chapter 2		
Ethics Program Administration		
General--Appointment of Ethics Counselors.....	2-1	2
Ethics Counselor responsibilities	2-2	3

***The regulation supersedes TRADOC Regulation 27-4, 27 June 2001.**

Contents (cont)

	Paragraph	Page
HQ, TRADOC ethics program administrator	2-3	4
Financial disclosure	2-4	4
Gifts to visiting TRADOC general officers	2-5	6
Acceptance of travel-related gifts and benefits within TRADOC	2-6	6
Face-to-Face Annual Ethics Training	2-7	7
 Appendixes		
A. References.....		7
B. Selected Ethics Resources and Guidance.....		10
 Glossary		 13

**Chapter 1
Introduction**

1-1. Purpose. To establish policy, procedures, and guidance for the effective administration of the TRADOC Government Ethics Program. The TRADOC ethics program will ensure command-wide compliance with these ethical requirements.

1-2. References. Appendix A contains the required and related publications and forms.

1-3. Explanation of abbreviations. Abbreviations used in this regulation are contained in the glossary.

1-4. Responsibilities. TRADOC commands, centers, schools, activities, and staff elements will ensure that the policies of this regulation are implemented in their organizations.

**Chapter 2
Ethics Program Administration**

2-1. General--Appointment of Ethics Counselors. All TRADOC personnel must comply with the Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch 5 CFR § 2635.101; the Joint Ethics Regulation (JER), DOD 5500.7-R; and all other applicable statutory and regulatory ethical requirements.

a. Headquarters (HQ) TRADOC Staff Judge Advocate (SJA). Pursuant to a delegation by the U.S. Army Designated Agency Ethics Official, The Judge Advocate General re-delegated to the TRADOC SJA authority as the TRADOC Ethics Counselor.

b. HQ TRADOC. By memorandums of appointment, the TRADOC SJA will further appoint HQ TRADOC personnel to serve as ethics counselors for the HQ TRADOC ethics program.

c. TRADOC Commands. By memorandums of appointment, the TRADOC SJA will also appoint senior legal officers (e.g., SJAs, Post Judge Advocates) at TRADOC Commands as ethics counselors to administer their ethics programs at their respective installations, centers, schools, or activities.

(1) Senior legal officers at TRADOC Commands may appoint ethics counselors, as needed, to assist with the execution of their ethics program, mission, and functions. Senior legal officers will make these appointments by memorandum that will set out the authority re-delegated. One copy of the appointment memorandum will be furnished to the appointed ethics counselor, one copy will be retained in the local ethics files, and another copy will be sent to HQ TRADOC Office of the SJA.

(2) Senior ethics counselors will ensure their organizations have an effective ethics program in place, all training and reporting requirements are met, and all missions and functions are accomplished within an ethical environment.

2-2 Ethics Counselor responsibilities. All ethics counselors will have the responsibilities set out in JER 1-412, elsewhere in the JER, and as re-delegated and authorized in their individual appointment memorandums. All ethics counselors may:

a. Issue written opinions to current and former DOD employees concerning the applicability of Procurement Integrity Act (41 United States Code (U.S.C.) § 423) restrictions on disclosing and obtaining contractor bid, or proposal information or source selection information and other post-Government employment restrictions.

b. Issue other written ethics opinions to current and former DOD employees concerning limitations on outside employment and affiliations (5 CFR § 2636.103) and other standards of ethical conduct issues (5 CFR § 2635.107).

c. Act as reviewing officials for Standard Form (SF) 278 (Executive Branch Personnel Public Financial Disclosure Reports) and OGE Form 450 (Executive Branch Confidential Financial Disclosure Report) for filers within their respective organizations.

d. Require and receive information from, and coordinate with, Inspectors General, personnel offices, and administrative offices to accomplish the functions set out in DOD 5500.7-R, subsections 1-412 through 1-416.

e. 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 conflict of interest analysis (41 CFR § 304-1-5).

f. Provide necessary notices and instructions to filers of Public Financial Disclosure Reports and Confidential Financial Disclosure Reports (DOD 5500.7-R, subsections 7-202 and 7-302, respectively).

g. Authorize training material in accordance with (IAW) DOD 5500.7-R, subsection 11-200, to accomplish the JER training mission.

h. File all required reports with HQ TRADOC and/or DA Standards of Conduct Office (SOCO) (see app B, para B-4).

2-3. HQ TRADOC ethics program administrator. The senior civilian ethics attorney-advisor in the Administrative Law Division, TRADOC Office of the SJA, serves as the ethics program administrator for HQ TRADOC.

2-4. Financial disclosure. TRADOC supervisors (and ethics counselors) must be keenly aware of potential conflicts of interest which may prevent their subordinates from impartially performing official duties (see OGE Rules Regarding Avoidance of Conflicting Financial Interest and 18 U.S.C. § 208). To this end, certain TRADOC employees must file confidential financial disclosure reports OGE Form 450 or public financial disclosure reports SF 278.

a. Confidential financial disclosure reporting OGE Form 450.

(1) Required filers. A TRADOC employee, in the grade of GS-15 or the rank of Colonel or below, must file a confidential financial disclosure report (OGE Form 450) if their supervisor determines that the employee meets the criteria of DOD 5500.7-R, subsection 7-300. All affected supervisors and TRADOC ethics counselors will ensure that these covered positions are reviewed annually to limit the number of filers IAW Secretary of the Army (SA) Exclusion Policy.

(2) Date of filing. All TRADOC OGE Form 450 annual filers will submit their report no later than (NLT) 15 February each year for the period covering the preceding calendar year (1 January through 31 December, with the exception of the 2007 filing which covers 1 October 2005 through 31 December 2006). New TRADOC employees who are required to file a confidential financial disclosure report, or current employees who have assumed a new duty position that requires them to file a report, will do so NLT 30 days after assuming the covered position. This OGE Form 450 new entrant report will cover the 12-month period immediately prior to assumption of the position. TRADOC ethics counselors will ensure that a system is in place to identify and track these new entrants. TRADOC ethics counselors may grant extensions of these deadlines IAW DOD 5500.7-R, subsection 7-303c.

(3) Optional form use. TRADOC annual filers may choose to file OGE Form 450-A instead of the OGE Form 450, if they have acquired no new interests during the fiscal year. They must attach a copy of their previously filed OGE Form 450. Note that every fourth year, beginning in the year 2000, annual filers may not file the OGE Form 450-A. Rather, they must file the full OGE Form 450.

(4) Form retention. Each confidential financial disclosure report will be retained for a period of 6 years, and then destroyed. However, reports may be retained longer than 6 years if needed for an investigation or an ethics enforcement action.

(5) Special Government Employees and Reservists. Special Government Employees and reservists must file **prior** to assuming duties. Although the review time is still 60 days, supervisor's and ethics counselor's review should be conducted as soon as possible to realize the benefit of requiring filing prior to assuming duties. Special Government Employees also file new entrant reports on their anniversary or reappointment date. (See JER section 7-303(a)(2)).

(6) Reports to HQ TRADOC. TRADOC ethics counselors will ensure that their Command files the Annual Confidential Financial Disclosure Consolidated Status Report with the HQ, TRADOC SJA NLT 22 February each year. There is no format for this report. It may be filed by memorandum or electronically at ATJA@monroe.army.mil. It must contain the following information: total number of persons required to file an annual OGE Form 450; number of individuals who have filed as of 17 February; names and positions of those individuals who have not filed as of 15 February; and reason these individuals have not filed. Finally, it must include the status of any written requests for filing extensions and anticipated date of the late filing.

b. Public financial disclosure reporting SF 278.

(1) Required filers. All TRADOC general officers and Senior Executive Service (SES) personnel will file a Public Financial Disclosure Report in accordance with DOD 5500.7-R subsection 7-200a.

(2) Date of filing. New entrant SF 278 filers, TRADOC general officers, and SES personnel who have never filed an SF 278, will do so NLT 30 days after assuming their new position and/or new rank/grade. Thereafter, these new entrants will file annually. Annual SF 278 filers will file their report with DA SOCO NLT 15 May each year for the preceding calendar year. Ethics counselors will set internal Command suspense dates to assure reviewed and final 278s filed by personnel within their command reach DA SOCO by 15 May. Termination SF 278 filers will file a termination report NLT 30 days after being placed on the retirement rolls. TRADOC ethics counselors may grant extensions to these deadlines IAW DOD 5500.7-R subsection 7-203e.

(3) Financial Disclosure Management (FDM) Report Filing and Reviewing Procedures

(a) The FDM system is an automated method for filing SF 278s and is mandated by the SA. (Information about the FDM system can be found at <https://www.fdm.army.mil/Homepage.html>.)

(b) Required filers will electronically prepare, submit, and digitally sign their SF 278 and their Annual Post-Government Employment Restrictions Notification and Acknowledgement using FDM.

(c) Report reviewers and ethics officials will use FDM's review and approval features to complete electronic processing of the report.

(4) Reviewers. TRADOC ethics counselors will ensure that all SF 278s filed by personnel within their Command are reviewed. Filers and ethics counselors are encouraged to forward

such reports as early as possible to ensure efficient processing and timely transmittal to DA SOCO.

c. Ethics training plan. TRADOC ethics counselors will ensure that an effective written ethics training plan is in place containing the criteria listed in the Agency's written plan for annual ethics training per 5 CFR 2638.706. This plan will be prepared annually (NLT 31 December) to cover the next calendar year. The plan will be maintained in the local ethics files and available for inspection.

2-5. Gifts to visiting TRADOC general officers. TRADOC general officers often visit and conduct official business at TRADOC commands, centers, schools, and activities to which they are not assigned. Periodically, visited commands present gifts to these general officers after speeches, luncheons, or other official ceremonies. Due to the large number of these visits, gifts to these visiting officers, regardless of value, should not be presented. However, this does not discourage gifts based on a personal relationship, in recognition of retirement or due to other events, which terminate a senior subordinate relationship or the visiting officer's service within TRADOC.

2-6. Acceptance of travel-related gifts and benefits within TRADOC.

a. Authority. TRADOC employees may accept travel-related gifts and benefits from non-Federal entities in certain limited circumstances.

b. Circumstances of acceptance.

(1) 31 U.S.C. § 1353. TRADOC may accept certain pre-approved travel-related gifts and benefits pursuant to 31 U.S.C. § 1353, DOD 5500.7-R, Chapter 4, SA Travel Policy, and HQ, TR 37-2. Individual travelers shall report, in writing, acceptance of such gifts and benefits exceeding \$250.00 per event. The report will be filed with their ethics counselor within 30 days of completion of the travel. Each ethics counselor will ensure that acceptance of travel-related gifts is reported directly to DA SOCO semiannually using SF 326. This report may be filed electronically at soco@hqda.army.mil. Reports for gifts received during the period 1 April to 30 September must be received at DA SOCO NLT 1 November. Reports of gifts received between 1 October and 31 March are due NLT 1 May. See Table B-1 for when reports of gifts are due to HQ TRADOC. A copy of this report will be simultaneously forwarded to HQ TRADOC Office of the SJA at atja@monroe.army.mil.

(2) Widely attended gatherings. HQ TRADOC employees may accept unsolicited gifts of free attendance and other benefits at widely attended gatherings IAW the exception set out in the CFR at 5 CFR 2635.204(g). The appropriate approval authority must make a determination that such acceptance is in HQ TRADOC interest (see HQ TRADOC Delegation of Private Organization Meeting Authority).

2-7. Face-to-Face Annual Ethics Training.

a. Authority. The SECARMY, by memorandum dated 27 December 2005, directed annual (calendar year) face-to-face ethics training for all military and civilian personnel and an additional hour of training for individuals involved in the acquisition process.

b. The Requirement. The senior legal officer is responsible for providing this training for everyone (all Soldiers and DA civilian employees/nonappropriated fund employees) at their location, regardless of what Army Command they belong to, and report that training to HQ TRADOC Office of the SJA. There are two exceptions to this rule.

(1) USAREC and Cadet Command (for personnel not assigned to Fort Monroe) will conduct their own training and report to HQ TRADOC Office of the SJA separately.

(2) Only report to HQ TRADOC Office of the SJA the numbers trained who are not otherwise being reported to HQDA by some other Army Command or organization. Any group not being reported must not be counted as part of the installation population reported to HQ TRADOC Office of the SJA (see below).

c. The Population. Report to HQ TRADOC Office of the SJA the installation population number (less the number of people that are reported through another Army Command and less any trainee population requiring training). (The only exception **not** to include the trainee population in the overall population is the Presidio of Monterey, which is in a training status for an extended period of time.)

d. The Reporting Requirement. Installation data is due to HQ TRADOC Office of the SJA NLT the 5th of the month and should cover the entire month of training. HQ TRADOC Office of the SJA maintains a monthly status report and submits a consolidated quarterly report to HQDA SOCO.

e. The Training Requirement. Only permanent party personnel receive face-to-face ethics training. Trainees will receive this training once they arrive at their permanent party duty stations, except for the Presidio of Monterey, as set out above.

Appendix A

References

Section I

Required Publications

DODD 4500.43
Operational Support Airlift (OSA)

DOD 4500.36-R
Management, Acquisition, and Use of Motor Vehicles

DOD 4515.13-R
Air Transportation Eligibility

TRADOC Reg 27-4

DOD 5500.7-R
Joint Ethics Regulation

DODI 1000.15
Private Organizations on DOD Installations

SA Travel Policy

SA 2006 Ethics Training Requirements

Title 18, U.S.C. § 208
Conflicting Financial Interests

31 U.S.C. § 1353
Acceptance of Travel and Related Expenses From Non-Federal Sources

41 U.S.C. § 423
Procurement Integrity Act

5 CFR § 2635.107
Standards of ethical conduct for employees of the executive branch - Ethics Advice

5 CFR § 2636.101
Limitations on Outside Earned Income, Employment and Affiliations for Certain Non-career Employees

5 CFR § 2638.706
Agency's Written Plan for Annual Ethics Training

41 CFR § 304-1-5
Payment of Travel Expenses from a Non-Federal Source

Joint Federal Travel Regulation (Uniformed Services)

Joint Travel Regulation (DOD Civilian Employees)

DOD Guidance on Innovative Readiness Training

Federal Acquisition Regulation (FAR)

Army Regulation (AR) 58-1
Management, Acquisition, and Use of Motor Vehicles

AR 95-1
Flight Regulations

AR 210-22

Private Organizations on Department of the Army Installations

TRADOC Reg 37-2

Temporary Duty Travel Policies and Procedures

TRADOC Reg 37-3

Government Travel Card Program

Section II

Related Publications

DoDD 4500.36

Management, Acquisition, and Use of Motor Vehicles

Defense Federal Acquisition Regulation Supplement (DFARS)

Army Federal Acquisition Regulation Supplement (AFARS)

Ethics Counselor's Deskbook 2005

Section III

Referenced Forms

SF 278

Executive Branch Personnel Public Financial Disclosure Report

SF 326

Semiannual Report of Payments Accepted from a Non-Federal Source

OGE Form 450

Executive Branch Confidential Financial Disclosure Report

OGE Form 450-A

Confidential Certificate of No New Interests (Executive Branch)

Appendix B

Selected Ethics Resources and Guidance

B-1. Duties of the ethics counselor. The duties and responsibilities of the government ethics counselor are detailed in DOD 5500.7-R, subsection 1-412. Further guidance is located in chapters A and P of the Ethics Counselor's Desk Book 2005 (See also, DOD SOCO website and U.S. Office of Government Ethics (USOGE website)).

B-2. Private organizations. TRADOC ethics counselors must be keenly aware of the numerous issues surrounding the activities of private organizations on DOD Installations. The current regulatory guidance on these activities is contained in DODI 1000.15, and AR 210-22. (Also see the Ethics Counselor's Desk Book 2005, and DOD 5500.7-R, chap 3).

B-3. Government transportation and travel.

a. Use of government motor vehicles and air assets within TRADOC is limited to official purposes and shall be predicated on need, distance, and other conditions that justify their use (DoD 4500.36-R, ARs 58-1 and 95-1, and SA Policy for Travel by Department of the Army Officials, dated 7 Jan 05 (SA Travel Policy)).

b. Sources of policy guidance.

(1) Official use of non-tactical vehicles.

(a) DOD guidance: DODD 4500.36.

(b) Army guidance: SA Travel Policy and AR 58-1.

(c) Attendance at official ceremonies: SA Travel Policy and AR 58-1.

(d) Use during temporary duty: AR 58-1.

(e) Spouse use: SA Travel Policy and AR 58-1.

(2) Use of military air (MILAIR) assets.

(a) DOD guidance: DODD 4500.43 and DOD 4515.13-R.

(b) Army guidance: SA Travel Policy and AR 95-1.

(c) TRADOC guidance: TR 37-2.

(d) Invitational Travel Orders: JFTR/JTR, appendix E, and TR 37-2.

(e) Contractor use of MILAIR assets: JFTR/JTR appendix E; section 31.205-46, part 31, Federal Acquisition Regulation (FAR) 31.205-46; DOD 4515.13-R

(f) Air Travel Analysis Worksheet

(3) Benefits received during official travel.

(a) Travel coupons: JFTR; JTR; DOD 5500.7-R, chapter 4; and TR 37-2.

(b) Frequent flier miles: DOD 5500.7-R, chapter 4; and SA Travel Policy.

(c) Travel upgrades: DOD 5500.7-R, chapter 4.

(4) Use of government travel card: TR 37-3.

(5) Distribution of Morale, Welfare and Recreation tickets to major events. (See DA message, date time group: 120855Z MAR 01 subject: Distribution of Tickets to Major Events.)

B-4. Required reports. Each TRADOC ethics counselor will ensure the reports listed in table B-1 are transmitted to HQ, TRADOC and/or DA SOCO NLT the date specified.

**Table B-1
Required reports**

Report Title	Format	Nature	Due to HQ,TRADOC
Annual Confidential Financial Disclosure Status Report (OGE Form 450)	Memorandum or Electronic	Reports OGE Form 450 filers and those failing to file by 15 Feb	HQ, TRADOC NLT 22 Feb
Annual OGE Ethics Survey	Memorandum or Electronic	Reports Confidential/Public Disclosure Report filers, ethics training conducted, and enforcement actions	HQ, TRADOC NLT set annually based on DA SOCO suspense
Public Financial Disclosure Reports	SF 278	Reports general officer/SES financial disclosure filings	HQ, TRADOC NLT date set annually or NLT 15 May which ever is earlier
Fall 31 U.S.C. § 1353 (Covering period from 1 Apr to 30 Sep)	SF 326 Excel Spreadsheet	Details receipt of travel-related gifts and benefits from non-federal entities	HQ, TRADOC NLT 15 Oct
Spring 31 U.S.C. § 1353 (covering period from 1 Oct to 31 Mar)	SF 326 Excel Spreadsheet	Details receipt of travel-related gifts and benefits from non-federal entities	HQ, TRADOC NLT 15 Apr
Face-to-Face Annual Ethics Training	Memorandum or Electronic	Reports numbers of DA personnel who have received annual ethics training	HQ, TRADOC NLT the 5 th of each month
Acquisition Ethics Face-to-Face Training	Local record only completed by 31 Dec	Reports numbers of DA personnel who have received annual acquisition ethics training	None

Glossary

AFARS	Army Federal Acquisition Regulation Supplement
AR	Army Regulation
CFR	Code of Federal Regulations
DA	Department of the Army
DFARS	Defense Federal Acquisition Regulation Supplement
DOD	Department of Defense
DODI	Department of Defense Instruction
FAR	Federal Acquisition Regulation
FDM	Financial Disclosure Management
HQ	Headquarters
HQDA	Headquarters, Department of the Army
IAW	in accordance with
JER	Joint Ethics Regulation
JFTR	Joint Federal Travel Regulation
JTR	Joint Travel Regulation
MILAIR	military aircraft
NLT	no later than
OGE	Office of Government Ethics
SA	Secretary of the Army
SES	Senior Executive Service
SOCO	Standards of Conduct Office
SF	standard form
SJA	Staff Judge Advocate
TJAG	The Judge Advocate General
TR	TRADOC Regulation
TRADOC	Training and Doctrine Command
U.S.C.	United States Code
USOGE	U.S. Office of Government Ethics

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