



Department of Defense

DIRECTIVE

NUMBER 5500.7

August 30, 1993

Certified Current as of November 21, 2003

Incorporating Change 1, November 2, 1994

GC, DoD

SUBJECT: Standards of Conduct

- References: (a) DoD Directive 5500.7, subject as above, May 6, 1987 (hereby canceled)
- (b) DoD Directive 5500.2, "Policies Governing Participation of Department of Defense Components and Personnel in Activities of Private Associations," August 4, 1972 (hereby canceled)
 - (c) DoD Directive 5120.47, "DoD Ethics Council," September 5, 1989 (hereby canceled)
 - (d) Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," April 12, 1989, as amended
 - (e) through (u), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a), replaces references (b) and (c), and implements references (d) through (r). The "18 U.S.C. 208(b) Waiver" section of reference (a) has been retained at 32 C.F.R. 40.1 (reference (s)) and reprinted in Appendix D of DoD 5500.7-R (reference (t)).

1.2. Cancels DD Form 1357, "Statement of Employment - Regular Retired Officers," March 1987, and DD Form 1555, "Confidential Statement of Affiliations and Financial Interests," March 1987. The Office of Government Ethics' (OGE) SF 450, "Confidential Financial Disclosure Report," July 1992, replaces DD Form 1555.

1.3. Authorizes the publication of reference (t), in accordance with DoD 5025.1-M (reference (u)), which prescribes standards of conduct required of all DoD employees; establishes criteria and procedures for filing DD Form 1787, "Report of DoD and Defense Related Employment," SF 450, and SF 278, "Public Financial Disclosure

Report," January 1991, required of certain present and former DoD employees; provides ethics training guidance; and sets general responsibilities and enforcement procedures.

2. APPLICABILITY AND SCOPE

2.1. This Directive and the JER (reference (t)) apply to the Office of the Secretary of Defense; the Military Departments; the Chairman of the Joint Chiefs of Staff and the Joint Staff; the Unified and Specified Commands; the Office of the Inspector General of the Department of Defense; the Uniformed Services University of the Health Sciences; the Defense Agencies; the DoD Field Activities; the Combined Commands and Agencies; and the Special Activities, including nonappropriated fund instrumentalities (hereafter referred to collectively as the "DoD Components"). The chapters of reference (t) entitled "Financial and Employment Disclosure," "Post-Government Service Employment," and "Seeking Other Employment" also apply, as specified, to certain former employees of the DoD Components in accordance with specified statutes. The chapter of reference (t) entitled "Financial and Employment Disclosure," has provisions that apply to individuals who are not DoD employees such as detailees and nominees to DoD positions.

2.1.1. Although OGE regulations, reprinted in reference (t), do not apply to enlisted members of the Department of Defense, the provisions of 5 C.F.R. 2634 (reference (m)), 5 C.F.R. 2635 (reference (n)), 5 C.F.R. 2638 (reference (q)), and 5 C.F.R. 2641 (reference (r)) are determined to be appropriate for enlisted members and are hereby made applicable to enlisted members as if the terms "employee" and "special Government employee," as used in those OGE regulations, include enlisted members to the same extent that military officers are included within the meaning of those terms.

2.1.2. Certain criminal statutes referenced in reference (t) and 18 U.S.C. 203, 205, 207, 208, 209, and 218 (reference (h)) do not apply to enlisted members; however, provisions similar to those of Sections 208 and 209 of reference (h) apply to enlisted members. See subsection 1-300.b.(1) of reference (t).

2.2. Penalties for violation of the standards and rules of conduct prescribed in reference (t) include the full range of statutory and regulatory sanctions for DoD employees.

2.2.1. The prohibitions and requirements printed in bold italics in reference (t) are general orders and apply to all military members without further implementation. Violations may result in prosecution under the UCMJ (reference (g)), as well as adverse administrative action and other adverse action authorized by the United States Code or Federal regulations.

2.2.2. DoD employees on assignment to another Executive Agency for more than 30 days are subject to the regulations of that Agency that supplement reference (n) and have been approved by the OGE.

2.2.3. In addition to details within the Federal Government, details of civilian DoD employees (except temporary or non-career employees who may not be so detailed) may be made to State and local governments, institutions of higher education, and certain other agencies. Civilian DoD employees detailed outside the Federal Government remain subject to reference (t).

2.2.4. In matters of ethics and standards of conduct, any inconsistencies among applicable regulations shall be resolved by the DoD Component Designated Agency Ethics Official (DAEO).

3. DEFINITIONS

Terms used in this Directive are defined in reference (t).

4. POLICY

4.1. The Department of Defense shall have a single source of standards of ethical conduct and ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training embodied in reference (t).

4.2. A violation of this Directive and reference (t) does not create any right or benefit, substantive or procedural, enforceable at law by any person against the United States, its agencies, its officers or employees, or any other person.

5. RESPONSIBILITIES

5.1. The General Counsel of the Department of Defense shall:

5.1.1. Ensure that appropriate updates, modifications, additions and deletions are made to reference (t).

5.1.2. Have approval authority for DoD Component documents supplementing or implementing reference (t).

5.2. The Heads of the DoD Components shall ensure that:

5.2.1. Reference (t) is followed within their DoD Components.

5.2.2. No DoD Component documents supplementing or implementing reference are issued without the approval of the General Counsel of the Department of Defense.

5.2.3. The DoD Component DAEO or designee distributes copies of reference (t) throughout the DoD Component and makes such copies available for review by DoD employees in the offices of each local Ethics Counselor.

5.2.4. The DoD Component DAEO or designee distributes updates, modifications, additions, and deletions for insertion in copies of reference (t) throughout the DoD Component.

5.2.5. The DoD Component DAEO resolves inconsistencies among the regulations of applicable Executive Agencies, as appropriate, for DoD employees of the DoD Component.

5.2.6. The DoD Component representative to the Ethics Oversight Committee assists in the development and upkeep of reference (t), as needed, through the operation of that committee as a working group.

6. PROCEDURES

The JER (reference (t)) shall be a product of a coordinated effort by the General Counsel of the Department of Defense and the DoD Component DAEOs and designees through the Ethics Oversight Committee.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. In the interest of uniformity and efficiency, there shall be no subordinate implementing regulations to this Directive or to reference (t). Supplemental instructions may be issued by the DoD Components only with the approval of the General Counsel of the Department of Defense.

A handwritten signature in black ink, appearing to read "J. A. Spivey". The signature is stylized with a large, looped initial "J" and "A".

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Public Law 95-521, "Ethics in Government Act of 1978," October 26, 1978, as amended
- (f) Section 4111 of title 5, United States Code
- (g) Sections 801-940 (UCMJ), 2397, 2397a, and 2397b of title 10, United States Code
- (h) Sections 203, 205, 207, 208, 209, and 218 of title 18, United States Code
- (i) Section 1353 of title 31, United States Code
- (j) Section 423 of title 41, United States Code
- (k) Federal Acquisition Regulation, Part 3.104-6, current edition
- (l) Title 5, Code of Federal Regulations, Part 733, "Political Activities of Federal Employees," current edition
- (m) Title 5, Code of Federal Regulations, Part 2634, "Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees," current edition
- (n) Title 5, Code of Federal Regulations, Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," current edition
- (o) Title 5, Code of Federal Regulations, Part 2636, "Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments to Charities in Lieu of Honoraria," current edition
- (p) Title 5, Code of Federal Regulations, Part 2637, "Regulations Concerning Post-Employment Conflict of Interest," current edition
- (q) Title 5, Code of Federal Regulations, Part 2638, "Office of Government Ethics and Executive Agency Ethics Program Responsibilities," current edition
- (r) Title 5, Code of Federal Regulations, Part 2641, "Post Employment Conflict of Interest Restrictions," current edition
- (s) Title 32, Code of Federal Regulations, Part 40, "Standards of Conduct," current edition
- (t) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 30, 1993
- (u) DoD 5025.1-M, "DoD Directives System Procedures," *August, 1994*