



Department of Defense

DIRECTIVE

NUMBER 5500.07
November 29, 2007

GC, DoD

SUBJECT: Standards of Conduct

- References:
- (a) DoD Directive 5500.7, subject as above, August 30, 1993 (hereby canceled)
 - (b) DoD 5500.7-R, "Joint Ethics Regulation," current version
 - (c) Title 5, Code of Federal Regulations, parts 733, 2634-2638, 2640-2641, and 3601 and Chapter XVI, Subchapter B
 - (d) Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," April 12, 1989, as amended
 - (e) through (m), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues Reference (a) to update policy and responsibilities for the DoD ethics program.
- 1.2. Continues to authorize Reference (b) and part 3601 of Reference (c).
- 1.3. Implements Chapter XVI, Subchapter B, and part 733 of Reference (c); Reference (d); Public Law 95-521 (Reference (e)); sections 3326 and 3374 of title 5, United States Code (U.S.C.) (Reference (f)); sections 801-940 (commonly known and hereafter referred to as the "Uniform Code of Military Justice (UCMJ)") and section 1060 of title 10, U.S.C. (Reference (g)); sections 202, 203, 205, 207-209, and 219 of title 18, U.S.C. (Reference (h)); section 1353 of title 31, U.S.C. (Reference (i)); section 908 of title 37, U.S.C. (Reference (j)); section 423 of title 41, U.S.C. (Reference (k)); part 3.104-6 of the Federal Acquisition Regulation (Reference (l)); and chapter 304 of title 41, Code of Federal Regulations (Reference (m)).

2. APPLICABILITY AND SCOPE

- 2.1. This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the

DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

2.2. The applicability and scope of Reference (b) are set forth below.

2.2.1. Section 2 of Chapter 7 of Reference (b), “Public Financial Disclosure Report (SF-278),” applies to certain former DoD personnel in accordance with Reference (e).

2.2.2. Chapter 9 of Reference (b), “Post-Government Service Employment,” applies to former DoD personnel in accordance with References (h) and (k).

2.2.3. Reference (b) applies in whole to individuals nominated or assigned (detailed or appointed) to DoD positions in accordance with section 3374 of Reference (f) or similar other authorities.

2.2.4. Although sections 208 and 209 of Reference (h) do not apply to “Title 32 National Guard Members” (as defined in subsection 1-233 of Reference (b)), or enlisted members of the Military Departments, the following provisions do apply to them.

2.2.4.1. Except as approved by the “DoD Agency” “Designated Agency Ethics Official (DAEO) or Designee” (as these terms are defined in subsections 1-201, 1-206, and 1-208 of Reference (b)), Title 32 National Guard Members and enlisted members of the Military Departments, including enlisted special Government employees (SGEs) (as that term is defined in subsection 1-232 of Reference (b)) shall not participate personally and substantially as part of their official DoD duties in any particular matter in which, to their knowledge, they, their spouses, minor children, partners, entities in which they are serving as officers, directors, trustees, partners, or employees, or any entities with which they are negotiating or have an arrangement concerning prospective employment, have a financial interest.

2.2.4.2. Except as approved by the DoD Agency DAEO, Title 32 National Guard Members and enlisted members of the Military Departments, except enlisted SGEs, shall not receive any salary or contribution to or supplementation of their Federal Government salary as compensation for their service to the Federal Government from any entity other than the Federal Government or the treasury of any State, county, or municipality.

2.2.5. Although Chapter XVI, Subchapter B, and part 733 of Reference (c) and Reference (m) do not apply to Title 32 National Guard Members or enlisted members of the Military Departments, the following regulations are determined to be appropriate for them and are hereby made applicable to them as if the terms “employee” and “SGE,” as used therein, include them.

2.2.5.1. Parts 2634-2635, 2638, and 2640 of Reference (c).

2.2.5.2. Chapter 304 of Reference (m).

2.2.6. Penalties for violation of the standards of conduct prescribed in Reference (b) include statutory and regulatory sanctions, including judicial (criminal and civil) and administrative actions, for DoD civilian employees and members of the Military Departments.

2.2.6.1. The provisions printed in bold italics in Reference (b) constitute lawful general orders or regulations within the meaning of Article 92 (section 892 of Reference (g)) of the UCMJ, are punitive, and apply without further implementation. In addition to prosecution by court-martial under the UCMJ, a violation may serve as a basis for adverse administrative action and other adverse action authorized by U.S.C. or Federal regulations. In addition, violation of any provision in Reference (b) may constitute the UCMJ offense of dereliction of duty or other applicable punitive articles.

2.2.6.2. Violation of any provision in Reference (b) by DoD civilian employees may result in appropriate criminal prosecution, civil judicial action, disciplinary or adverse administrative action, or other administrative action authorized by U.S.C. or Federal regulations.

3. DEFINITIONS

Terms used in this Directive are defined in Reference (b).

4. POLICY

It is DoD policy that:

4.1. DoD Agencies shall administer and maintain a comprehensive Agency ethics program, ensure compliance with References (b) through (m), and ensure that all organizations within their jurisdiction administer and maintain a comprehensive ethics program.

4.2. No DoD Agency shall issue directives, regulations, or other similar documents that implement, supplement, restrict, or modify this Directive or Reference (b) without approval of the General Counsel of the Department of Defense (GC, DoD).

4.3. DoD personnel shall perform their official duties lawfully and comply with the highest ethical standards.

4.4. Unless specifically prohibited, DoD personnel may delegate in writing any authority delegated or assigned to them in this Directive or in References (b) or (c).

4.5. A violation of this Directive or of References (b) or (c) 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.

4.6. Enlisted members of the Armed Forces, including Title 32 National Guard Members, shall be considered SGEs to the same extent that military officers are considered SGEs in accordance with section 202 of Reference (h).

5. RESPONSIBILITIES

5.1. The GC, DoD, shall:

5.1.1. Ensure that appropriate updates, modifications, additions, and deletions are made to Reference (b) and section 3601 of Reference (c).

5.1.2. Serve as the approval authority for DoD Agency documents issued pursuant to paragraph 4.2.

5.2. The Heads of the DoD Agencies shall:

5.2.1. Ensure that the Agency ethics program is maintained and that References (b) and (c) are followed within their Agencies.

5.2.2. Appoint the Agency DAEO and Alternate DAEO.

5.2.3. Ensure that the DoD Agency DAEO resolves any inconsistencies among applicable regulations in matters of ethics and standards of conduct.

5.2.4. Ensure that sufficient resources are provided for the DAEO to execute an effective Agency ethics program.

5.2.5. Ensure that the Agency (including all DoD Component commands or organizations, as this term is defined in subsection 1-219 of Reference (b)) does not issue directives, regulations, or other similar documents that implement, supplement, restrict, or modify this Directive or References (b) or (c) without the approval of the GC, DoD.

5.3. The Heads of DoD Component Commands or Organizations shall ensure that:

5.3.1. Position and billet descriptions of DoD Component command or organization personnel indicate whether financial disclosure report filing is required as a condition of employment, and if so, which report is required.

5.3.2. Ethics training is conducted as required within the DoD Component command or organization.

5.3.3. DoD Component command or organization personnel file required financial disclosure reports in a timely manner.

5.4. The General Counsel of each DoD Agency shall serve as the DoD Agency DAEO unless the Head of the Agency appoints another person.

6. EFFECTIVE DATE

This Directive is effective immediately.



Robert M. Gates

Enclosure

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) Sections 3326 and 3374 of title 5, United States Code
- (g) Sections 801-940 and 1060 of title 10, United States Code
- (h) Sections 202, 203, 205, 207-209, and 219 of title 18, United States Code
- (i) Section 1353 of title 31, United States Code
- (j) Section 908 of title 37, United States Code
- (k) Section 423 of title 41, United States Code
- (l) Federal Acquisition Regulation, subsection 3.104-6, "Disqualification," of part 3, "Improper Business Practices and Personal Conflicts of Interest," current edition
- (m) Title 41, Code of Federal Regulations, Chapter 304