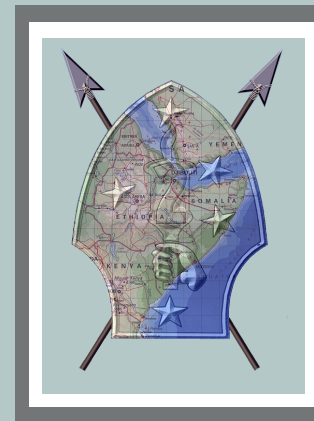


“Deployed service members occupy a special position of trust and responsibility to the American people and must emulate the highest standards . . . Use this handbook as a reference guide to facilitate key leader engagements, navigate partner building efforts, and accomplish other command functions in support of CJTF-HOA’s lines of effort.”

Major General William L. Zana
Commander, CJTF-HOA

2022

ETHICS



GUIDE

Your Ethics Counselors
CJTF-HOA Office of the Staff Judge Advocate
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COMBINED JOINT TASK FORCE –
HORN OF AFRICA

TABLE OF CONTENTS

Introduction	2
Principles of Ethical Conduct	3
SECDEF's 2021 Ethics Memo	4
Gifts – Overview	6
Gifts – Foreign Governments	8
Gifts – Between Employees	9
Official Travel via MILAIR	10
Official Travel via Commercial Air	12
Command Coins	14
Official Representation Funds	16
Political Activities While Deployed	18
Interacting with Contractors While Deployed	20
Use of Government Resources While Deployed	21




UNITED STATES AFRICA COMMAND
COMBINED JOINT TASK FORCE – HORN OF AFRICA
PSC 831 BOX 0012
FPO AE 09902

31 January 2022

MEMORANDUM FOR ALL PERSONNEL ATTACHED OR ASSIGNED TO COMBINED
JOINT TASK FORCE – HORN OF AFRICA

SUBJECT: 2022 CJTF-HOA Ethics Handbook

1. Deployed service members occupy a special position of trust and responsibility to the American people and must emulate the highest standards of ethical conduct and leadership.
2. I am issuing this handbook to provide a quick reference guide primarily for senior leaders, directors, action officers, and support staff attached or assigned to Combined Joint Task Force – Horn of Africa (CJTF-HOA). Use this handbook as a reference guide to facilitate key leader engagements, navigate partner building efforts, and accomplish other command functions in support of CJTF-HOA's lines of effort.
3. As members of the profession of arms, we are responsible for maintaining the highest ethical standards. By reviewing this guide and consulting your ethics counselor when issues arise, you will be well positioned to avoid even the appearance of an ethics violation.


WILLIAM L. ZANA
Major General, USA
Commander

INTRODUCTION

Ethical conduct is fundamental to public service. As members of the Profession of Arms, service members must uphold the highest ethical standards—both on and off duty—and exemplify the core values upon which our nation and armed forces were founded. Fulfilling this solemn obligation requires acute ethical awareness, loyalty to law, and accountability to ourselves, each other, and our chain of command.

This handbook was prepared by the Combined Joint Task Force – Horn of Africa (CJTF-HOA) Office of the Staff Judge Advocate (OSJA) to provide senior leaders, directors, action officers, and support staff with guidance on common deployed ethics issues. It summarizes key principles, regulations, and laws to clarify the contours of ethical conduct. It is not a substitute for legal advice from an ethics counselor. Accordingly, CJTF-HOA personnel are expected to contact OSJA for legal advice on specific ethics issues.

PRINCIPLES OF ETHICAL CONDUCT

Executive Order 12674, as amended by Executive Order 12731, established fourteen principles of ethics conduct. These principles are the bedrock of CJTF-HOA's ethics program and emphasize fidelity to law, selfless service, and responsible stewardship of government resources.

1. **Public service is a public trust**, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
2. Employees **shall not hold financial interests that conflict with the conscientious performance of duty**.
3. Employees **shall not engage in financial transactions using nonpublic government information** or allow the improper use of such information to further any private interest.
4. An employee **shall not solicit or accept any gift or other item of monetary value** from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees **shall put forth honest effort in the performance of their duties**.
6. Employees **shall make no unauthorized commitments** or promises of any kind purporting to bind the government.
7. Employees **shall not use public office for private gain**.
8. Employees **shall act impartially and not give preferential treatment** to any private organization or individual.
9. Employees **shall protect and conserve federal property** and shall not use it for other than authorized activities.
10. Employees **shall not engage in outside employment or activities**, including seeking or negotiating for employment, **that conflict with official government duties** and responsibilities.
11. Employees **shall disclose waste, fraud, abuse, and corruption** to appropriate authorities.
12. Employees **shall satisfy in good faith their obligations as citizens**, including all just financial obligations, especially those—such as federal, state, or local taxes—that are imposed by law.
13. Employees **shall adhere to all laws and regulations that provide equal opportunity for all Americans** regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees **shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards**. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Secretary of Defense Ethics Memorandum



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAR 01 2021

MEMORANDUM FOR ALL DEPARTMENT OF DEFENSE PERSONNEL

SUBJECT: Reaffirming Our Values and Ethical Conduct

As members of the Department of Defense 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 armed forces were founded.

None of those values is new to us: honesty, integrity, character and selflessness all rank high on the list.

I know you treasure these values just as much as I do. I know you believe in them just as much as you believe in the oath you took – the promise you made – when you raised your right hand to serve. And I know I can count on you to conduct yourselves always in a manner that leaves no doubt of your fidelity.

That is the essence of ethical conduct. It is the work of making tangible our core values. It means demonstrating in real and meaningful ways the degree to which we take seriously our role as good stewards of the taxpayers' dollars and of their trust and confidence. And it means rededicating ourselves, constantly, to the privilege of being public servants.

I share President Biden's commitment to restoring and maintaining public trust in government.

But just as we cannot take our military might for granted, neither can we take ethical conduct for granted. We must practice and exercise ethical decision-making in the same manner and with the same alacrity that we practice and exercise other professional skills. It must become a daily task, a habit, if you will.

To that end, I offer here my expectations, for you and for me:

- All Department personnel, who are required to complete annual ethics training, shall do so no later than November 30 of this year. I expect leaders at every level to remain personally involved in leading this training.
- We will ensure the Department's financial and operational processes, reporting, systems, and data are accurate, reliable, and secure. As part of this commitment, we will continue to manage risks through the Risk Management and Internal Control Program.
- We will assess our work processes and the effectiveness of current internal controls in preventing fraud, waste, and abuse. And we will report and fix any problems we encounter along the way.



- Finally, we will make ethical decision-making an integral part of our daily conversations, meetings, and engagements. We must ask ourselves at every point in our processes and procedures: Is this the right thing to do...and are we going about it in the right way?

Every day and in all things, it is within our power to choose how we live up to our core values and the expectations of our fellow citizens. I know you share my commitment to making those choices in the most stringent – indeed, the most ethical – of ways.

As I said on my first day in office, I am proud to be on your team.

GIFTS – OVERVIEW

Key References:

DoD 5500.7-R, Joint Ethics Regulation (JER);
5 CFR § 2635; CJCS Guide 7210

Gifts Defined

A gift is broadly defined as anything of monetary value. This includes cash, meals, entertainment, travel, and services. Items of little intrinsic value such as a cup of coffee, modest refreshments that are not part of a meal, greeting cards, and paper certificates for presentation purposes do not constitute gifts. Additionally, benefits available to all service members do not constitute gifts.

The Basic Rule

You may not solicit or accept a gift that is given because of your official position or that is given to you by a “prohibited source,” unless the item is:

- (1) not considered to be a gift; or
- (2) falls within one of the exceptions to the basic rule.

A “**prohibited source**” is a person or entity that:

- (1) seeks official action by the government;
- (2) does business or seeks to do business with the government;
- (3) has activities that are regulated by the government; or
- (4) has interests that may be affected by you when you are doing your job.

All DoD contractors are prohibited sources!

Exceptions to the Basic Rule

There are nearly two dozen exceptions to the basic rule, several of which are summarized below. Contact CJTF-HOA OSJA for legal guidance on specific gifts.

- *The \$20/\$50 Rule:* allows you to accept gifts of \$20 or less on a single occasion, not more than \$50 per calendar year per source. The source is an entire organization, so you may not accept gifts exceeding \$50 just because different employees in the same organization pay for them.
- *Foreign Gifts:* Employees may accept a gift (or combination of gifts) of “minimal value,” i.e., having retail value in the United States at the time of acceptance currently of \$415 or less, tendered and received as a souvenir or mark of courtesy from a foreign government. Reference “Gifts – Foreign Governments” for further guidance.
- *Pre-existing Personal Relationships:* If the gift is motivated by a personal friendship or family relationship rather than your position with the government, you may accept it using the “family and friends” exception. You must objectively consider the history of the relationship and whether the friend personally pays for the gift. You can always decline the gift, pay market value, or follow the \$20/\$50 Rule if you are at all uncertain of the motivation.

Approach to Gifts

Gifts are complicated and can raise unforeseen ethics issues. The legal analysis for particular gifts turns on a number of factors including the donor’s identity, purpose of the gift exchange, any prior/pre-existing relationship of the parties, the nature of the gift, etc. To avoid an inadvertent ethics issue, it is never inappropriate—and frequently prudent—to decline gifts, including items of value from foreign governments, contractors, and other outside sources.

There are two common approaches to gifts:

- *Decline all gifts:* some leaders have a policy of declining all gifts, even if they can accept the gift under one of the exceptions to the basic rule. For example, a senior leader may refuse a \$10 gift from a DoD contractor to avoid appearance issues or any questions regarding their impartiality.
- *Temporarily accept pending legal review:* accept a gift that appears to be legally permissible until a legal review can be obtained from an ethics counselor. This approach avoids having to memorize and apply the ethics rules or decline the gift in the donor’s presence. This approach is intended for physical, tangible gifts that can be returned, if necessary. Consult key staff elements and CJTF-HOA OSJA for invites to an official meeting or engagement from a foreign government.

~ Consider Declining Permissible Gifts ~

*“Every employee has a fundamental responsibility to the United States and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. An employee’s actions should promote the public’s trust . . . For this reason, **employees should consider declining otherwise permissible gifts if they believe that a reasonable person with knowledge of the relevant facts would question the employee’s integrity or impartiality as a result of accepting the gift.**”*

5 CFR § 2635.201(b)(1)

Management of Gifts

To avoid an inadvertent ethics violation or scrutiny during an investigation, it is imperative that you obtain a gift legal review and record it in a “gift log” for auditing purposes. The gift log will answer the 5Ws (Who, What, When, Where, & Why) as well as the valuation and legal recommendation.

Example of a Gift Log:

Date	Description	Given By	Value	Category	Legal Review	Disposition
1 Jan 22	Decorative wooden gift box	Djiboutian embassy	\$35	Non-Federal Entity	May accept as a foreign gift less than \$415	Keep – personal use or display in command

GIFTS – FOREIGN GOVERNMENTS

Key References:

5 USC § 7342, DODD 1005.13, Gifts & Decorations
from Foreign Governments

Overview

Foreign gifts are frequently received by CJTF-HOA personnel during key leader and partner engagements. While you may not solicit gifts from foreign governments, you may accept a gift—or combination of gifts—of “minimal value,” that is, having market value in the United States of \$415 or less at the time of acceptance, tendered and received as a souvenir or mark of courtesy from a foreign government. “Minimum value” is established by General Services Administration and adjusted every three years based on the Consumer Price Index.

Family Gifts

A gift from the spouse of a foreign official is automatically deemed a gift from the foreign government. Additionally, a gift to your spouse is deemed a gift to you, and therefore, the gift rules still apply to the item.

Calculating Minimal Value

You must aggregate the value of gifts at the same presentation from the same source, for example, the same level of government (e.g., city, state, provincial, national, etc.). If more than one gift is given from the same source at the same presentation, they are considered a single gift and the aggregate value must be used to determine whether the gift exceeds minimal value. However, gifts received at separate presentations, even on the same day or from the same foreign official, are considered separate gifts.

Exceeding Minimal Value

If the gift exceeds the minimal value and returning it would adversely affect relations with the foreign government, consult with your ethics counselor. Generally, your options are:

1. “Purchase” the gift by paying the U.S. government the appraised value of the gift and then you may personally retain it;
2. Accept the gift on behalf of the U.S. as government property, typically by displaying it in an office area or on other government property; or
3. Send the gift to the GSA who can take physical custody of the gift. This is a viable option when you receive a gift over the minimal value that you do not want to purchase but the gift is unsuitable for display as government property. This includes expensive personal gifts such as watches, pens, and jewelry.

Your legal counselor can advise and assist you with the various disposition options.

Gifts of Travel

DoD employees may accept foreign government gifts of travel (even if it exceeds “minimal value”) when it is entirely outside the United States. Each service component has procedures for reviewing and accepting travel on behalf of the United States. Accordingly, consult your ethics counselor for specific guidance before accepting travel gifts from foreign governments or entities.

GIFTS – BETWEEN EMPLOYEES

Key References:

5 USC § 7351; 5 CFR § 2635

Overview

In the deployed environment, service members frequently inquire regarding the exchange of gifts for special occasions such as birthdays, holidays, and redeployments. As a general rule, you may not give a gift to or contribute to a gift for your official superior. You also may not solicit a contribution from another employee for a gift for either you or that employee’s official superior. Finally, you may not accept a gift from someone who is paid less than you unless that person is not your subordinate and a pre-existing personal relationship justifies the gift.

Who is an Official Superior?

Your immediate supervisor, anyone who has responsibility for your official performance evaluation, and anyone above your supervisor in the chain of command, whether at the same location or elsewhere.

Exception for Occasional Gifts

Unsolicited gifts may be given on an occasional, non-routine basis, including traditional gift-giving occasions such as birthdays and annual holidays. As applied to the deployed environment, this includes modest food/refreshments shared in the office as well as birthday cards and other non-cash items with a value of \$10 or less per occasion.

Exception for Special/Infrequent Occasions

Supervisors may accept a gift (appropriate to the occasion) from a subordinate on a “special, infrequent occasion.” This includes:

1. Personally significant life events such as marriage, serious illness, death of a family member, and the birth or adoption of a child; and
2. Termination of the official superior/subordinate relationship (e.g., PCS, redeployment, or retirement).

This exception does not include enlisted or officer promotions where the rule is still no gifts to supervisors.

Group Gifts

Group gifts on special, infrequent occasions are limited to \$300 in value per donating group. Solicitation for group gifts must be completely voluntary and may not exceed \$10.00 per person. A donating group is comprised of all contributors to that group gift. If one employee contributes to two or more donating groups, then the value of the gifts from groups with a common contributor are aggregated for the purposes of the \$300 limit. Contractors cannot contribute to group gifts.

Family Gifts

A gift from the spouse of a foreign official is deemed a gift from the foreign government. Additionally, a gift to one’s spouse is deemed a gift to you, and therefore, the gift rules still apply to the item.

OFFICIAL TRAVEL VIA MILAIR

Key References:

OMB Cir A-126; DoDD 4500.56; DoDI 4515.13;
CCDR's Delegation Memo, 30 Jan 20

Tier Travelers

DoDD 4500.56 establishes 4 "tiers" of DoD travelers for MILAIR

- Tier One: "Required use" travelers for all travel (official and unofficial):
 - o Secretary of Defense & Deputy Secretary of Defense
 - o Chairman of the Joint Chiefs of Staff (CJCS)
 - o Vice CJCS (unofficial travel only when acting as Chairman of the Joint Chiefs of Staff)
- Tier Two: "Required use" travelers for official travel only:
 - o Secretaries of the Military Departments
 - o Chiefs of the Military Services
 - o Commanders of Combatant Commands (AFRICOM Commander)
- Tier Three:
 - o Service element (Air Force, Army, Navy, etc.) Major Commanders
- Tier Four:
 - o Deputy Commanders of the Combatant Commands (Tier Two when designated in writing as the acting CCDR by the Secretary of Defense)
 - o Under Secretary of Defense (Comptroller)/Chief Financial Officer
 - o Under Secretary of Defense for Personnel and Readiness

Non-Tier Travelers

Non-tier travelers may use MILAIR for other official travel on case-by-case basis:

- Neither COMAIR nor airlift services (C-130 ring routes/C-12 channel runs) offer reasonably available flights
- COMAIR is deemed available to effectively fulfill mission requirements and able to meet traveler's departure and arrival requirements in a 24-hour period unless:
 - o Highly unusual circumstances present a clear and present danger
 - o An emergency exists
 - o MILAIR is more cost effective than COMAIR and/or chartered air
 - o Other "*compelling operational considerations*" make COMAIR unacceptable

Essential Requirements

MILAIR requestors must:

- Determine and document whether commercial service is reasonably available.
- Determine that commercial service is not reasonably available, the traveler must clearly demonstrate that a valid official reason for the use of government aircraft exists, other than mere convenience.
- Cite scheduling requirements and why they cannot be changed, whether secure communications are required, whether weapons are required, whether COMAIR is not permitted (ex: Somalia), or other such appropriate factors.
- For cost comparisons, scheduling agencies must use detailed cost data as required and compare it to the costs submitted by the requestor. In determining the commercial costs, the cost of rental cars, the cost of lodging and meals if the party must remain overnight, and other such appropriate factors may be considered.
- All requests for the use of government aircraft for other official travel must be signed by the senior traveler. This signature may not be delegated.

Submitting Requests

MILAIR requestors must:

- Send via SIPRNet completed DD Form 2768 + OSJA 2768
- Necessary information:
 - o Departure Date + Return Date
 - o Purpose of the Mission
 - o Reason why travel is necessary on a particular date
 - o Reason MILAIR is only available option
 - o Unavailability of Channel Runs or Ring Routes
 - What are the closest ATOs that do not meet mission requirements?
 - o Reason COMAIR is unavailable or unfeasible
 - Ex: Armed Security required to travel (GENADMIN)
 - Ex: FCG restriction on COMAIR travel to Somalia
 - o Cost comparison
 - o Highest ranking person designated Senior Traveler
- Timing & Approval Level
 - o Email: africom.lemonnier.hoa-sja.mbx.ethics@mail.smil.mil
 - o Notify OSJA as soon as request is identified
 - o Do not wait to notify OSJA until the forms are complete
 - o Absent exigent circumstances, lead times:
 - 5 days for CJTF-HOA CG approval
 - * * 11 days for AFRICOM/CC approval * *

Best Practices

- Make a good faith effort to assess commercial travel or pre-scheduled channel runs/ring routes. Never start by assuming commercial air will not work or that "compelling operational considerations" exist when none are apparent. Begin with commercial air as the starting point and then turn to MILAIR if commercial air cannot work.
- Clearly articulate any scheduling conflicts. An illustration or calendar showing the opportunity cost of commercial air can be very persuasive in depicting the adverse impact commercial air on the underlying mission.
- Avoid late submissions at all costs and pre-coordinate with OSJA. If the request is not timely submitted, it can become an all or nothing proposition when earlier coordination would have allowed for modifications that could make commercial air feasible.
- Security concerns do not automatically justify use of MILAIR. An appropriate agency must explain and document specific security concerns, if any, posed by commercial air.

OFFICIAL TRAVEL VIA COMMERCIAL AIR

Key References:

DoDD 4500.09E, Enclosure 3; Joint Travel Regulations (JTR), Ch 2,
Travel and Transportation Allowances; Ch 3, TDY Travel, CCDR
Delegation Memo, 20 Jan 2020

What is Official Travel?

Official travel must be for a “bona fide official activity” and must be essentially for the furtherance of government business. It is not enough that official business is remotely or incidentally associated with a trip.

GTC Usage

Service members on official travel are required to use their government travel card to cover official travel expenses. Using a personal credit card in lieu of the government travel card simply to obtain favorable travel or other incentive benefits (e.g., points or rebates) is prohibited.

Reimbursement Rule

During TDY travel, personnel may not be reimbursed twice for the same travel expenses. For example, if a meal is provided to a service member during a TDY training at USAFRICOM HQ in Stuttgart, the service member may not then receive per diem for the same meal. Service members should carefully review travel vouchers in DTS to ensure compliance with the reimbursement rule.

What Belongs to the DoD?

Frequent flyer miles, airline and hotel promotions, etc., belong to service members if the same items are available to the public under the same terms and it can be accepted at no additional cost to the government. However, the government still owns the benefits in the following situation (i.e., the “involuntary bump” rule): A service member who is involuntarily bumped from a seat is considered to be “awaiting transportation” for per diem reimbursement. Accordingly, the government is responsible for reimbursing the traveler’s expenses and any additional compensation or benefits from the carrier belong to the government.

Default Rule

Government contract carriers must be used unless there is an applicable exception. DoD Inspector General (IG) and service component IG reports have made adverse findings on DoD personnel at all levels who failed to use the City-Pair/government contract carrier. Relatedly, service members must generally fly economy or coach class while on official travel. The most common exception—frequent flyer upgrades—is addressed below.

What Belongs to You?

While assigned to CJTF-HOA, consider the following as permissible personal benefits while on official travel via commercial air:

- Frequent flyer miles, upgrades, and access to carrier clubs or facilities may be retained when: (1) the same privileges or promotional items are available to the public under the same terms; and (2) the benefits can be accepted at no additional cost to the government.
- You are entitled to benefits resulting from a “voluntary bump” if the change to your flight plans will not cause a negative mission impact or incur additional expenses for the government.
- If accepting the voluntary “bump” will negatively impact the mission or your job performance, you may not accept it (or any associated benefits).
- You may receive on-the-spot upgrades when such upgrades are available to the public (or at least to all military members regardless of rank or grade).

Frequent Flyer Upgrades

Service members can use frequent flyer miles to upgrade to a premium class, provided there is no additional cost to the government. Service members cannot pick a non-government contract carrier solely for frequent flyer miles if it will cost the government additional money.

Upgrade Offers – Accept or Decline?

Service members can accept an airline’s unsolicited offer of a no-cost upgrade to a higher class of travel only if it is not based on the member’s military status or rank. Given public appearance concerns to the taxpayer, officers using a premium class should avoid traveling in uniform.

USAFRICOM Policy – Premium & First-Class Travel

Only officers in the grade of O-8s and above (or civilian equivalent) can approve premium class/business class travel. USAFRICOM/CC delegated the approval authority to the AFRICOM J3 for senior travelers at the COCOM level. Business class approval authorities must get approval from the next higher approval authority to fly business class. First class travel can be approved only in the rarest of circumstances by USAFRICOM/CC or the USAFRICOM/DCOM.

COMMAND COINS

Key References:

31 U.S.C. § 1301; 10 U.S.C. § 1125; 5 U.S.C. § 4503; DoDI 7250.13;
DoDI 1400.25-V451; 5 C.F.R. § 2635.203(b)(2); CJCSI 7201.01B;
CJCS Guide 7210

Overview

Coins are a common means of recognizing achievement across CJTF-HOA. However, there are legal limits on purchasing and distributing coins. For example, many coins are purchased with appropriated funds and cannot be given to anyone for any purpose. The source of funds used to purchase a particular coin define how the coin may be used and limits those to whom it may be presented. All personnel who procure, manage, and distribute coins purchased with official funds need a working understanding of the following rules.

No Coins to Contractors

Contractors and other “prohibited sources” are not authorized command coins or any other DoD awards because they may tend to show an endorsement or favoritism. This is a blanket prohibition regardless of funding source (including personal funds). In lieu of command coins, recognition is limited to a letter or a certificate of appreciation to the individual or to the organization signed at the lowest applicable level of the command.

Personally Funded Coins

Service members may design and purchase their own coins with their own personal funds. An advantage of personally funded coins is that you can give them to virtually anyone (except contractors), including for entirely personal reasons. For example, colleagues, friends, family members, etc. You are not bound by restrictions noted below for coins purchased using other funding sources.

Operations & Maintenance Funded Coins

These coins may be given to a person or unit whose achievements make a significant contribution to the effectiveness and efficiency of CJTF-HOA. There is only one command coin purchased through Operations and Maintenance (O&M) for USAFRICOM and CJTF-HOA, respectively. These coins are used by senior leaders (i.e., Commanding General, Deputy Commanding General, and Command Senior Enlisted Leaders) to confer on service members and DoD civilian personnel only. As detailed below, these coins should be properly accounted for in a written record.

Official Representation Funds (ORF) Coins

Coins that are to be used strictly as official courtesy gifts—typically international counterparts—must be procured with ORF. Coins purchased with ORF may only be given to hosted official guests; they cannot be presented to U.S. service members or DoD civilian employees. Coins purchased with ORF must be logged by presentation date, location or event, recipient’s full name, grade or title, and official position. Be sure to coordinate with the USAFRICOM or CJTF-HOA’s Protocol Office, as appropriate for the occasion, early enough to obtain advance approval.

Official Coins – Other “Need to Know” Rules

- Limited Purchase Quantities: unless experiencing genuine lead time issues, purchasers should buy only the quantity of coins that will be needed in the current fiscal year (FY). Personnel risk a fiscal law violation by purchasing a large quantity of coins (say with year-end funds) that will not be needed until well into the next FY.
- Recordkeeping Encouraged: regardless of the funding source, it is a best practice to log the 5Ws (Who, What, When, Where, Why) for each individual coin. Not only is recordkeeping beneficial for auditing purposes, but it also justifies future purchases and mitigates the possibility of intermingling coins purchased with disparate funding sources.
- Personalization Generally Prohibited: personalizing is adding your name, signature, unique logos, or additional artistic designs. Unless using personally funded coins, official organizational/command coins should not be personalized. Organizational coins may include only the organizations name and the presenter’s position (e.g., Commanding General, CJTF-HOA).
- Other Limitations:
 - o Coins purchased with official funds cannot be used for resale.
 - o Coins purchased with official funds are not intended as “trading material.”
 - o Coins cannot be awarded to contractors regardless of the funding source.



OFFICIAL REPRESENTATION FUNDS

Key References:

DoDI 7250.13; CJCSI 7201.01B; ACI 7400.01A; CJCS Guide 7210

Purpose

Official representation funds (ORF) are appropriated funds generally subject to the same limitations as operations and maintenance (OMA) funds. ORF's purpose is to extend official courtesies on the DoD's behalf to guests of the U.S., which may include food and gifts. Not all commanders can extend these official courtesies and you should consult with protocol early and often when planning ORF events or expenses.

Eligibility

ORF events must be for an "authorized guest." These include:

- (1) civilian or military dignitaries and officials of foreign governments;
- (2) senior U.S. Government officials (Assistant Secretary equivalent or above); and
- (3) other distinguished and prominent citizens (may include retired or former civilian or military officials of the Department) who have made a substantial contribution to the DoD or U.S. more broadly.

NOTE: A limited number of DoD officials are eligible for official courtesies using ORF. Ref Enclosure 2, DoDI 7250.13

Key Event Limitations

Assuming you have a proper host (e.g., Commanding General, CJTF-HOA) for an "authorized guest," ensure the following:

- In parties <30 persons, at least 20% of invitees expected to attend should meet the authorized guest definition as honored or distinguished guests and members of their party.
- In parties ≥30 persons, at least 50% of invitees expected to attend should meet the authorized guest definition as honored or distinguished guests and members of their party.
- In **either event**, the remaining invitees may be DoD personnel and their spouses (if spouses of authorized guests are invited and expected to attend). The spouse expectation is less applicable to the deployed environment.

Key Event Example

Assume you are serving as an action officer to organize an annual partnership engagement symposium for CJTF-HOA. You have invited 70 individuals to attend the symposium and have received 30 RSVPs. Well over half of the invitees are "authorized guests." Provided the total number of expected attendees does not drop below 30 persons and at least half of the attendees are "authorized guests," you may consider this an ORF event for funding purposes.

Ethics violations commonly arise when action officers depart from reasonable assessments of the anticipated number of guests or their status as "authorized guests." For that reason, be vigilant for inflated attendance numbers and ensure you have reviewed a list reflecting each invitee.

Funding Gifts

It is permissible to use ORF to purchase gifts for authorized guests. Advance coordination with protocol is essential to timely and correctly process these requests.

~ Cautionary Note ~

"Balance policy objectives and the interests of the U.S. taxpayer and the perspectives of the general public and authorized guests. Socially acceptable mores of American society, the rank and position of the authorized guest—not the host—and the number of participants should also influence the level of expenditures for events, gifts, and mementos."

Army Regulation 37-47, 2-4(a)

POLITICAL ACTIVITIES WHILE DEPLOYED

Key References:

DoD 5500.07-R, JER, §3-211; DoDD 1344.10; 2018 OASD(PA)
DoD Public Affairs Guidance for Political Campaigns and
Elections, 26 Jun 2018; 5 C.F.R. §733,744; DoDI 1325.06

Overarching Policy

The DoD encourages service members to carry out rights, responsibilities, and obligations of U.S. citizenship. However, certain restrictions apply to service members while deployed or otherwise on active duty. As summarized below, these prohibitions from engaging in certain political activities are to: (1) maintain good order and discipline; (2) avoid conflicts of interest; and (3) avoid the appearance of improper endorsement of political matters by military members. Due to impacts on mission execution and to ensure the safety of service members, U.S. military installations are generally not appropriate forums for demonstrations, rallies, etc. *Greer v. Spock*, 424 U.S. 828 (1976).

Partisan vs. Nonpartisan

- Partisan activities: relate to candidates or issues representing national or state political parties. Candidacy for national or state office is partisan, even if the candidate is not affiliated with a national or state political party. Partisan activities are more restricted than nonpartisan activities.
- Nonpartisan activities: are not associated with a national or state political party but involve “stand alone” political issues (e.g., constitutional amendments, municipal ordinances, etc.).

Special Restriction Apply to Officers

It is a violation of Article 88, UCMJ for commissioned officers to use “contemptuous words” against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the Governor or legislature of any State, Commonwealth, or possession in which the member is on duty or present.

Permissible Activities

- While deployed in support of CJTF-HOA, service members retain the ability to:
- Join a political organization.
 - Contribute to candidates and causes.
 - Encourage others to exercise voting rights.
 - Sign legislative petitions or ballot initiatives.
 - Communicate with elected representatives.
 - Register, vote, and express personal opinions on political candidates and public issues.

Prohibited Activities

While deployed in support of CJTF-HOA, service members should be mindful of the following prohibitions:

- Display political flags on military installations.
- Solicit or fundraise for political activities in government facilities.
- Send political e-mails from a government computer system or use your official title in political correspondence.
- Participating in any demonstrations while on duty, in a foreign country, in uniform, when activities would breach law and order, or when violence is likely to result.
- Participating while in uniform, in any activity such as unofficial public speeches, interviews, rallies or any other public demonstration which may imply official sanction or support of the underlying cause.
- Speaking before a partisan political gathering—either virtually or in-person—that promotes a partisan political party, candidate, or cause.
- Actively advocating supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate illegal discrimination or those that advance, encourage, or advocate the use of force, violence, or criminal activity or otherwise advance efforts to deprive individuals of their civil rights.
- Use your official authority, government resources, or facilities to aid or assist political candidates or causes.
- Otherwise engage in any political activity that would imply DoD endorsement or support for the activity.

DoD’s Emerging Extremism Policy

In December 2021, the DoD released a new instruction that establishes policies, responsibilities, and procedures for handling protest, extremist, and criminal gang activities by service members. Of particular note, the revised instruction prohibits active participation in extremist activities and clearly defines what is meant by the term extremist activities. Extremism includes:

- Advocating, engaging in, or supporting terrorism.
- Advocating or engaging in unlawful force or violence to achieve goals that are political, religious, discriminatory, or ideological in nature.
- Advocating widespread unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation.

INTERACTING WITH CONTRACTORS WHILE DEPLOYED

Key References:

10 USC § 2304; 41 USC § 423; DoD 5500.7-R; Federal Acquisition Regulation, Parts 3, 6, & 15; Deputy SECDEF Memo, Engaging with Industry, 2 May 2018; ACI 2000.02

Contractors in the Workplace

Contractors are not federal civil employees and are not subject to the same rules that apply to service members and civilian employees. Service members can lose sight of this distinction in a deployed setting where contractors frequently interface and engage with both military and civilian employees. Some important reminders when working with contractors include:

- Contractors are “prohibited sources” under the gift rules detailed earlier.
- Contractors may not contribute to group gifts for military or civilian personnel because they are not DoD employees.
- Contractors provide services to the government under a contract which governs their scope and hours of work.
- Contractors are not authorized DoD awards to avoid showing an endorsement or favoritism. See DoDI 1400.25-V451. This restriction includes command coins, regardless of the funding stream.
- Limit contact to avoid the appearance of impropriety or favoritism, including during off duty hours.

Senior Leader Meetings

While industry engagement is important, it must be done consistent with ethics rules and procurement regulations. Leaders are not required to accept every invitation for a contractor presentation, and it is appropriate to decline an offer for a contractor visit or brief when there is no apparent value to the command. You should consult with relevant stakeholders and your ethics counselor to assess the value of (and risks potentially incurred by) participating in activities with contractors.

Senior leaders such as directors should adopt the following best practices when engaging with contractors:

- Remain in “listen mode” to the greatest extent practicable
- Only provide information that has been publicly released to other contractors
- Never ask for additional information that may be viewed as a formal solicitation
- Never provide or direct VIP treatment or protocol support for visiting contractors
- Never hold one-on-one private meetings without other service members present

Role of the Contracting Officer

Federal contracts must be competed. Only contracting officers can conduct this process and ultimately bind the government. Be cognizant and respectful of their contracting role whenever interacting with contractors.

USE OF GOVERNMENT RESOURCES WHILE DEPLOYED

Key References:

5 CFR 2635; DOD 5500.7-R; ACI 8100.01

Essential Duty

Deployed service members have a duty to protect and conserve government property. This includes a duty not to use, or allow government property to be used, for non-official purposes. Supervisors must be particularly cognizant to ensure official time, authority, information, and resources are used for authorized, official purposes.

What are Government Resources?

Government resources include real and personal property, as well as intangible interests and services. Office supplies, mail and logistics support, computer and communication resources and technologies, vehicles and aircraft, time support staff, and cell phones all constitute government resources.

Test for Authorized Purposes

Authorized purposes can include limited personal use. In order to permit personal use of government resources such as information technology systems, you must determine the use:

- Will not adversely affect official duties
- Will be of reasonable duration and frequency
- Will ordinarily be used during your personal time
- Serves a legitimate public interest
- Does not adversely affect the government’s interests
- Creates no additional cost to the government
- Does not discredit the government

Legitimate public interests can include educating service members on the use of certain communications system, improving morale in deployed locations, enhancing professional skills of deployed service members, and preparing for a post-deployment transition from active duty (Title 10) to guard (Title 32) status.

Official Time

All service members are expected to put forth an honest effort in performing their military duties. Accordingly, official time should be used to perform official duties and official resources should be used for official purposes. For example, a government vehicle should not be used for personal purposes.

Subordinate Time

Deployed service members cannot encourage, direct, coerce, or request a subordinate to use official time to perform non-official activities. Examples of prohibited actions include:

- Requesting a subordinate to conduct or perform personal tasks for you
- Requiring a subordinate to complete your redeployment paperwork
- Releasing a subordinate from work to run your personal errands

