

CFR 40.1 and cross-referenced in Appendix B of 32 CFR part 84.

(b) 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.

(c) Authorizes the publication of DoD 5500.7-R² in accordance with DoD 5025.1-M³ 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.

[59 FR 13212, Mar. 21, 1994, as amended at 60 FR 20029, Apr. 24, 1995]

§ 83.2 Applicability and scope.

(a) This part and 32 CFR part 84 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 non-appropriated fund instrumentalities (hereafter referred to collectively as the "DoD Components"). The sections of 32 CFR part 84 entitled "Financial and Employment Disclosure," "Post-Government Service Employment," and "Seeking Other Employment" also apply, as specified, to certain former employees of DoD Components in accordance with specified statutes. The section of 32 CFR part 84 entitled "Financial and Employment Disclosure" has provisions

²Copies of the publication are available, at cost, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

³See footnote 2 to § 83.1(c).

that apply to individuals who are not DoD employees such as detailees and nominees to DoD positions.

(1) Although OGE regulations, cross-referenced in 32 CFR part 84, do not apply to enlisted members of the Department of Defense, the provisions of 5 CFR parts 2634, 2635, 2638, and 2641 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) Certain criminal statutes referenced in 32 CFR part 84 and 18 U.S.C. 203, 205, 207, 208, 209, and 218 do not apply to enlisted members; however, provisions similar to those of 18 U.S.C. 208 and 209 apply to enlisted members. See § 84.3(a)(1)(i) of 32 CFR part 84.

(b) Penalties for violation of the standards and rules of conduct prescribed in 32 CFR part 84 include the full range of statutory and regulatory sanctions for DoD employees.

(1) The prohibitions and requirements printed in 32 CFR part 84 that are marked as general orders apply to all military members without further implementation. Violations may result in prosecution under the Uniform Code of Military Justice (UCMJ) (10 U.S.C. 801-940), as well as adverse administrative action and other adverse action authorized by the United States Code or Federal regulations.

(2) DoD employees on assignment to another Executive Agency for more than 30 days are subject to 5 CFR part 2635 and the regulations of that agency that supplement 5 CFR part 2635 and have been approved by OGE.

(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 32 CFR part 84.

(4) In matters of ethics and standards of conduct, any inconsistencies among applicable regulations shall be resolved

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by the DoD Component Designated Agency Ethics Official (DAEO).

§ 83.3 Definitions.

Terms used in this part are defined in 32 CFR part 84.

§ 83.4 Policy.

(a) 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 32 CFR part 84.

(b) A violation of this part and 32 CFR part 84 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.

§ 83.5 Responsibilities.

(a) The General Counsel of the Department of Defense shall:

(1) Ensure that appropriate updates, modifications, additions and deletions are made to 32 CFR part 84.

(2) Have approval authority for DoD Component documents supplementing or implementing 32 CFR part 84.

(b) The Heads of the DoD Components shall ensure that:

(1) 32 CFR part 84 is followed within their DoD Components.

(2) No DoD Component documents supplementing or implementing 32 CFR part 84 are issued without the approval of the General Counsel of the Department of Defense.

(3) The DoD Component DAEO or designee distributes copies of 32 CFR part 84 throughout the DoD Component and makes such copies available for review by DoD employees in the offices of each local Ethics Counselor.

(4) The DoD Component DAEO or designee distributes updates, modifications, additions, and deletions for insertion in copies of 32 CFR part 84 throughout the DoD Component.

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

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(6) The DoD Component representative to the Ethics Oversight Committee assists in the development and upkeep of 32 CFR part 84, as needed, through the operation of that committee as a working group.

§ 83.6 Procedures.

32 CFR part 84 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.

PART 84—JOINT ETHICS REGULATION

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