

- (4) Engage in political activity while on duty;
- (5) Engage in political activity while in any Federal workplace;
- (6) Engage in political activity while wearing an official uniform or displaying official insignia identifying the office or position of the DoD employee;
- (7) Engage in political activity while using a Government owned or leased vehicle;
- (8) Solicit political contributions from the general public;
- (9) Be a candidate for public office in partisan elections;
- (10) Wear political buttons on duty;
- (11) Contribute to the political campaign of another Federal Government employee who is in the DoD employee's chain of command or supervision or who is the employing authority, including the political campaign to re-elect the President or Vice President.
- (e) *DoD employees residing in designated localities.* Notwithstanding the prohibitions of paragraph (c) of this section, a DoD employee (except those DoD employees listed in paragraph (b)(3) of this section) who resides in a municipality or political subdivision, either in the immediate vicinity of the District of Columbia or in which the majority of voters are employed by the Federal Government, as designated by OPM under 5 CFR 733.102(d) may:
  - (1) Run as an independent candidate for election to a partisan political office in an election for local office of the municipality or political subdivision provided the candidacy for, and service in, the partisan political office shall not result in neglect of, or interference with, the performance of the duties of the DoD employee or create an actual or apparent conflict of interest; and
  - (2) Accept or receive political contributions in connection with a local election of the municipality or political subdivision provided the DoD employee does not solicit political contributions from the general public.
- (f) *Political recommendations.*
  - (1) The restrictions of 5 U.S.C. 3303 apply to all personnel actions described in 5 U.S.C. 2302(a)(2)(A) (i) through (x) for individuals in or applicants to the following DoD positions:
    - (i) Competitive service employees;
    - (ii) Career appointees in the Senior Executive Service; and
    - (iii) Excepted service employees other than one who is appointed by the President or whose position has been determined to be of confidential, policy-determining, policy-making, or policy-advocating character.
  - (2) Each personnel action with respect to a DoD employee or applicant, as

- described in paragraph (c)(1) of this section, shall be taken without regard to any recommendation or statement, oral or written, made by the following types of individuals:
  - (i) Members of Congress or Congressional employees;
  - (ii) Elected officials of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;
  - (iii) Officials of political parties; or
  - (iv) Other individuals or organizations making such recommendations or statements on the basis of the party affiliations of the DoD employee or applicant recommended.
- (3) DoD employees may solicit, accept, and consider any statement with respect to a DoD employee or applicant described in paragraph (c)(1) of this section if the statement meets one of the following conditions:
  - (i) It is pursuant to a request or requirement of the DoD Component and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the DoD employee or applicant;
  - (ii) It relates solely to the character and residence of the DoD employee or applicant;
  - (iii) It is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the DoD employee or applicant meets suitability or security standards;
  - (iv) It is furnished by a former employer of the DoD employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such DoD employee or applicant during employment with such former employer; or
  - (v) It is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.
- (4) DoD Component Heads are required by 5 CFR 300.801 to ensure that DoD employees and applicants described in paragraph (c)(1) of this section are notified of the provisions of 5 U.S.C. 3303.
- 10. Section 84.21 is amended in paragraph (a)(1)(iv) after the first time the word "or" appears by adding "civilian DoD employees under other pay systems" and by revising the heading and paragraph (g)(2)(iv) to read as follows:

**§ 84.21 Public financial disclosure report (SF 278).**

- \* \* \* \* \*
- (g) \* \* \*
- (2) \* \* \*
- (iv) If the Ethics Counselor agrees with the supervisor's evaluation that no item violates, or appears to violate, applicable laws or regulations, then:
  - (A) The Ethics Counselor shall annotate the report or attach an endorsement stating that no conflicts of interest under applicable laws or regulations exist, and forward it to the appropriate DoD Component DAEO or designee; and
  - (B) If there are no financial interests in non-Federal entities doing or seeking business with DoD reported on the SF 278, the Ethics Counselor may issue a memorandum with the SF 278 to the appropriate DoD Component DAEO or designee.

\* \* \* \* \*

11. In § 84.22, paragraph (a)(2) introductory text is redesignated as paragraph (a)(2)(i) and paragraph (a)(2)(ii) is added to read as follows:

**§ 84.22 Confidential financial disclosure report (SF 450).**

- \* \* \* \* \*
- (a) \* \* \*
- (2) \* \* \*
- (ii) DoD employees who are not employed in contracting or procurement and who have decision making responsibilities regarding expenditures of less than \$2,500 per purchase and less than \$25,000 cumulatively per year are excluded from the requirement to file the SF 450. However, Agency Designees may require such DoD employees, in individual cases, to file the SF 450. Such DoD employees remain subject to conflict of interest statutes and regulations.

\* \* \* \* \*

12. Section 84.23 is amended in paragraph (a) introductory text by removing "August 1989" and paragraphs (d)(1) and (d)(2) are revised to read as follows:

**§ 84.23 Report on DoD and defense related employment (DD form 1787).**

- \* \* \* \* \*
- (d) \* \* \*
- (1) After the Ethics Counselor signs and dates the report, the Ethics Counselor shall send the original to the entire DoD Component DAEO or designee, who shall forward it, together with all other such reports that were received during the previous calendar year, to SOCO not later than March 15.
- (2) The DoD Component DAEO or designee shall ensure that appropriate data from each DD Form 1787 is