

(b) *Members not on active duty.* (1) Allegations of paternity against members of the Armed Forces who are not on active duty shall be forwarded to the individual concerned in such manner as to ensure that the allegations are delivered to the addressee only. Military channels will be used when practicable.

(2) Communications from a judge of a civilian court, including a court summons or judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that the member not on active duty is the father of an illegitimate child shall receive a reply that such person is not on active duty. A copy of the communication and the reply will be forwarded to the named individual.

(3) When requested by a court, the last known address of inactive members may be furnished under the same conditions as set forth for former members under paragraph (c)(2) (i) and (ii) of this section.

(c) *Former members.* (1) In all cases of allegations of paternity against former members of the Armed Forces or communication from a judge of a civilian court, including a judicial summons or court order, concerning the adoption of an illegitimate child of former members of the Armed Forces who have been separated from the Military Services, i.e., those members now holding no military status whatsoever, the claimant or requester will be (i) informed of the date of discharge, and (ii) advised that the individual concerned is no longer a member of the Armed Forces in any capacity, and that the Military Departments assume no responsibility for the whereabouts of individuals no longer under their jurisdiction. The correspondence and all accompanying documentation shall be returned to the claimant or requester.

(2) In addition, the last known address of the former member will be furnished to the requester:

(i) If the request is supported by a certified copy of either:

(A) A judicial order or decree of paternity or support duly rendered against a former member by a United States or foreign court of competent jurisdiction; or

(B) A document which establishes that the former member has made an

official admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it; or

(C) A court summons, judicial order, or similar document of a court within the United States in a case concerning the adoption of an illegitimate child; wherein the former serviceman is alleged to be the father.

(ii) If the claimant, with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child.

PART 83—STANDARDS OF CONDUCT

Sec.

- 83.1 Purpose.
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- 83.3 Definitions.
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AUTHORITY: 5 U.S.C. 301, 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR part 2635.

SOURCE: 59 FR 13212, Mar. 21, 1994, unless otherwise noted.

§83.1 Purposes.

This part:

(a) Replaces DoD Directive 5120.47¹ and implements E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215; 5 U.S.C. App. (Ethics in Government Act of 1978); 5 U.S.C. 4111; 10 U.S.C. 801-940, 2397, 2397a, and 2397b; 18 U.S.C. 203, 205, 207, 208, 209 and 218; 31 U.S.C. 1353; 41 U.S.C. 423; 48 CFR 3.104-6; 5 CFR parts 733, 2634, 2635, 2636, 2637, 2638, and 2641. The "18 U.S.C. 208(b) Waiver" section of 32 CFR part 40 has been retained at 32

¹Copies of the replaced directive are available from the Directives Division, room 2A286, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

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