DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

JUL 20 2012

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Class Deviation – Prohibition of Collection of Political Information

The attached Director of Defense Procurement and Acquisition Policy (DPAP) memorandum (same subject, dated July 6, 2012) provides that contracting officers may not require any entity to submit political information as part of a solicitation or any contract action. Further, contracting officers are prohibited from using fiscal year 2012 funds to require or recommend the submission of political information. The definition of "political information" is provided in the attached memorandum.

This class deviation is effective immediately and remains in effect until incorporated into the FAR or DFARS or is otherwise rescinded. Accordingly, I am requesting that you advise contracting personnel under your cognizance of this class deviation implementing section 823 of the National Defense Authorization Act of 2012 (Public Law 112-81) and section 743 of the Consolidation Appropriations Act of 2012 (Public Law 112-74).

My point of contact for this deviation is Denise Randolph. She can be reached on (703) 614-9767 or via Denise.Randolph@navy.mil.

Elliott B. Branch

Elliott B. Branch
DASN(AP)

Attachment: As stated

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ACQUISITION,
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JUL - 6 2012

In reply refer to
DARS Tracking Number: 2012-O0010

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY (PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Class Deviation–Prohibition on Collection of Political Information

Effective immediately, contracting officers may not require any entity to submit political information as part of a solicitation or any contract action nor may they use fiscal year 2012 funds to require or recommend the submission of political information.

"Political information" means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for Federal office, party affiliation, and voting history. Each of the terms 'contribution', 'expenditure', 'independent expenditure', 'candidate', 'election', 'electioneering communication', and 'Federal office' has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.).

This deviation implements 10 U.S.C 2335, as added by section 823 of the National Defense Authorization Act of 2012 (Pub. L. 112-81), and it also implements section 743 of the Consolidated Appropriations Act of 2012 (Pub. L. 112-74).

This class deviation is effective upon signature, and remains in effect until it is incorporated in the FAR or DFARS or is otherwise rescinded. My point of contact is Dustin Pitsch, who may be reached at 571-372-6090, or dustin.pitsch@osd.mil.

Richard Ginman
Director, Defense Procurement
and Acquisition Policy