(m) Relationship governed by other authorities. In addition to the provisions of this section, certain organizations have special relationships with the DoD or its employees specially recognized by law or by other directives. The organizations include:

### Footnotes 14 through 26 [Redesignated as 15 through 27].

- 5. Redesignate footnotes 14 through 26 as footnotes 15 through 27.
- 6. Section 84.10 is amended in paragraph (a)(2) introductory text by removing ", in accordance with FPM 252 and 630 12 and related DoD regulations," and footnote 12; by redesignating paragraph (a)(2)(ii) as paragraph (a)(2)(iii); by revising the first sentence in paragraph (b); by redesignating footnote 13 as footnote 12 in paragraph (g)(5); and by adding a new paragraph (a)(2)(ii) and revising paragraphs (a)(3) and (h)(3) to read as follows:

### §84.10 Personal participation in non-Federal entities.

(a) \* \* \*

(2) \* \* \*

(ii) The Agency can derive some benefit from the participation or preparation, such as expansion of professional expertise by DoD employees or improved public confidence derived from the professional recognition of the DoD

employee's competence;

(3) Community support activities. Agency designees may permit excused absences for reasonable periods of time for their DoD employees to voluntarily participate in community support activities that promote civic awareness and uncompensated public service such

as disaster relief events, blood donations, and voting and registering to

(b) \* \* \* Except for such service in the organizations listed in §84.9(k)(1), a DoD employee may not serve in a personal capacity as an officer, member of the Board of Directors, or in any other similar position in any non-Federal entity offered because of their DoD assignment or position. \* \* \*

(h) \* \* \*

(3) Honoraria. Compensation for a lecture, speech or writing may be restricted by the honoraria prohibition of 5 U.S.C. App. (Ethics in Government Act of 1978, sec 501); 5 CFR part 2636, and 5 CFR 2635.807. However, the U.S.

Office of Government Ethics, by memorandum dated February 2, 1994, 13 determined in accordance with a Department of Justice letter to the Director, Office of Government Ethics, 14 that the Department of Justice will not seek to impose penalties for violations of 5 U.S.C. App. (Ethics in Government Act of 1978, sec 501); with respect to receipt of honoraria between September 28, 1993 and the date on which the Supreme Court issues its decision on this matter.

### §84.16 [Amended]

7. Section 84.16 is amended by removing paragraph (j)(1), redesignating paragraphs (j)(2) through (j)(4) as paragraphs (j)(1) through (j)(3).

## §84.17 [Amended]

- 8. Section 84.17 is amended by removing "733" and adding in its place
- 9. Section 84.18 is revised to read as follows:

# §84.18 Political activities of civilian DoD employees.

(a) Policy.

(1) The policy governing the political activities of civilian DoD employees is derived from the Hatch Act Amendments, 5 U.S.C. 7321 through 7325. Guidance on the application of the Hatch Act Amendments is provided by the Hatch Act Hotline at the Office of Special Counsel at 1-(800) 854-2824.

(2) Primary enforcement responsibility under the Hatch Act Amendments lies with the Office of Special Counsel under 5 U.S.C. 1216(c); however, DoD Components have responsibility to investigate allegations of prohibited political activity by excepted service employees of the DoD Component.

(3) It is DoD policy to encourage civilian DoD employees and members of the Armed Forces to carry out the obligations of citizenship to the maximum extent possible consistent with the restrictions imposed by law and by this part.

(b) Permissible activities. Subject to paragraphs (b) and (c) of this section, civilian DoD employees may, in their personal capacities:

- (1) Be candidates for public office in nonpartisan elections;
- (2) Register and vote as they choose;
- Assist in voter registration drives;
- (4) Express opinions about candidates and issues;
- (5) Contribute money to political organizations;

- (6) Attend political fundraising functions:
- (7) Attend and be active at political rallies and meetings;
- (8) Join and be an active member of a political party or club;
  - (9) Sign nominating petitions;
- (10) Campaign for or against referendum questions, constitutional amendments, or municipal ordinances;
- (11) Campaign for or against candidates in partisan elections (see paragraph (b)(3) of this section);
- (12) Make campaign speeches for candidates in partisan elections (see paragraph (b)(3) of this section);
- (13) Distribute campaign literature in partisan elections (see paragraph (b)(3) of this section);
- (14) Hold office in political clubs or parties (see paragraph (b)(3) of this section).
  - (c) Limitations.
- (1) Military members are not covered by the Hatch Act Amendments, 5 U.S.C. 7321 through 7327. Political activities of Military members are covered in § 84.19.
- (2) Notwithstanding paragraph (a) of this section, as a matter of longstanding DoD policy, DoD employees who are appointed by the President, by and with the advice and consent of the Senate (e.g. the Secretary of Defense, the Secretaries of the Military Departments, etc.), and DoD employees who are appointed by the Secretary of Defense to non-career Senior Executive Service positions may not engage in activities that could be interpreted as associating the DoD with any partisan political cause or issue.
- (3) The following DoD employees (except for Presidential appointees who are confirmed by and with the consent of the Senate) are prohibited from engaging in the activities described in paragraphs (a)(11) through (a)(14) of this section:
- (i) Employees of the National Security Agency;
- (ii) Employees of the Defense Intelligence Agency;
- (iii) Career members of the senior executive service:
  - (iv) Administrative Law Judges; and (v) Contract appeals board members.(d) Prohibited activities. Civilian DoD
- employees may not:
  (1) Use official authority or influence
- for the purpose of interfering with or affecting the result of an election:
- (2) Collect political contributions unless both the collector and the donor are members of the same Federal labor organization or employee organization and the donor is not a subordinate;
- (3) Knowingly solicit or discourage the political activity of any person who has business with DoD;

<sup>13</sup> See footnote 2 to § 84.4(d)(7).

<sup>14</sup> See footnote 2 to § 84.4(d)(7).