

THE WHITE HOUSE

WASHINGTON

May 2, 1995

MEMORANDUM FOR THE HEADS OF ALL AGENCIES AND DEPARTMENTS

FROM: ABNER J. MIKVA *ajm*
COUNSEL TO THE PRESIDENT

SUBJECT: Hatch Act Reform Amendment to 18 U.S.C. § 603

In 1993, Congress amended 18 U.S.C. § 603, the provision pertaining to political contributions by federal employees to their employer or employing authority. The original provision had been interpreted by the Department of Justice as potentially prohibiting all executive branch employees from making political contributions to the re-election campaign committee of an incumbent President. The effect of the Hatch Act Reform Amendments of 1993 on this provision, 18 U.S.C. § 603(c), is to provide that civilian executive branch employees are no longer prohibited from making a political contribution to the re-election campaign committee of an incumbent President.

While all civilian executive branch employees now are permitted to contribute voluntarily to the President's re-election campaign committee, their political activity, including the making of a contribution, continues to be governed by the limitations imposed in 5 U.S.C. §§ 7323 and 7324. Thus, for example, federal employees may not, in most circumstances, knowingly solicit, accept or receive a political contribution. In addition, civilian executive branch employees -- excluding most employees who are Senate confirmed or paid from appropriations for the Executive Office of the President -- may not engage in political activity while on duty or in a federal building.

Your cooperation in disseminating this advice is greatly appreciated.

cc: General Counsels