



U.S. OFFICE OF SPECIAL COUNSEL
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JUL 8 1996

This letter is in response to the information that you forwarded to our Office concerning possible violations of the Hatch Act. According to your letter, a U.S. Customs employee has raised questions about a Customs Directive which discusses how employees may make contributions to political action committees (PAC) through salary allotments. The employee feels that the Directive encourages and gives the impression that employees must contribute to the National Treasury Employees Union PAC.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) generally permit most federal employees to actively participate in partisan political management and partisan political campaigns. Employees are prohibited from participating in political activities while on duty or in a government building. 5 U.S.C. § 7324(a)(1)&(2).

Prior to passage of the Hatch Act Reform Amendments federal employees were prohibited from using the federal salary allocation system for PAC contributions. Shortly after passage of the Reform Amendments, the Office of Legal Counsel (OLC) at the Department of Justice was asked to address the issue of salary allotments in light of the Reform Amendments. In an opinion issued in February of 1995, OLC concluded that employees would not violate the Hatch Act by using the salary allotment system to contribute to a PAC as long as they completed the forms necessary for implementing the allotment program when they were off duty and outside of their federal office building. The Directive issued by Customs is merely explaining this change in policy and does not violate any provisions of the Hatch Act. Please call me at (202) 653-9001 if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael G. Lawrence". The signature is written in dark ink and has a long, sweeping underline that extends to the right.

Michael G. Lawrence
Director of Legislative
and Public Affairs