

costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

(2) Paragraph (1) applies to an employee—

(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

(B) who is—

(i) an employee paid from an appropriation for the Executive Office of the President; or

(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

(Added Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1003.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7324, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525; Pub. L. 93-268, §4(a), Apr. 17, 1974, 88 Stat. 87, prohibited Executive agency employees and employees of the District of Columbia from influencing elections or taking part in political campaigns, prior to the general revision of this subchapter by Pub. L. 103-94.

§ 7325. Political activity permitted; employees residing in certain municipalities

The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323(a) and paragraph (2) of section 7323(b) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is—

(A) the District of Columbia;

(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

(C) a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

(Added Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1004; amended Pub. L. 104-93, title III, §308, Jan. 6, 1996, 109 Stat. 966; Pub. L. 112-230, §3(f), Dec. 28, 2012, 126 Stat. 1617.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7325, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96-54, §2(a)(44), Aug. 14, 1979, 93 Stat. 384, related to penalties, prior to the general revision of this subchapter by Pub. L. 103-94.

AMENDMENTS

2012—Par. (1). Pub. L. 112-230 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and”.

1996—Pub. L. 104-93 inserted “and paragraph (2) of section 7323(b)” after “section 7323(a)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-230 effective 30 days after Dec. 28, 2012, see section 5(a) of Pub. L. 112-230, set out as a note under section 1501 of this title.

§ 7326. Penalties

An employee or individual who violates section 7323 or 7324 shall be subject to—

(1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

(2) an assessment of a civil penalty not to exceed \$1,000; or

(3) any combination of the penalties described in paragraph (1) or (2).

(Added Pub. L. 112-230, §4, Dec. 28, 2012, 126 Stat. 1617; amended Pub. L. 115-91, div. A, title X, §1097(k)(1), Dec. 12, 2017, 131 Stat. 1626.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7326, added Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1004, related to penalties, prior to repeal by Pub. L. 112-230, §4, Dec. 28, 2012, 126 Stat. 1617.

Another prior section 7326, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526, authorized nonpartisan political activities, prior to the general revision of this subchapter by Pub. L. 103-94.

A prior section 7327, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96-54, §2(a)(14), (15), Aug. 14, 1979, 93 Stat. 382; Pub. L. 97-468, title VI, §615(b)(1)(E), Jan. 14, 1983, 96 Stat. 2578, related to permitted political activity in certain municipalities where employees reside, prior to the general revision of this subchapter by Pub. L. 103-94.

A prior section 7328, added Pub. L. 96-191, §8(e)(1), Feb. 15, 1980, 94 Stat. 33, exempted employees of the General Accounting Office from provisions of this subchapter, prior to the general revision of this subchapter by Pub. L. 103-94.

AMENDMENTS

2017—Pub. L. 115-91 amended section generally. Prior to amendment, text read as follows: “An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT; APPLICABILITY

Pub. L. 115-91, div. A, title X, §1097(k)(2), Dec. 12, 2017, 131 Stat. 1626, provided that: “The amendment made by paragraph (1) [amending this section] shall apply to any violation of section 7323 or 7324 of title 5, United States Code, occurring after the date of enactment of this Act [Dec. 12, 2017].”