April 1, 2016

Office of the General Counsel

TO: Officials-in-Charge of Headquarters Offices
    Directors, NASA Field Installations
    Director, Jet Propulsion Laboratory

FROM: Designated Agency Ethics Official

SUBJECT: Guidelines for Political Speech at NASA Facilities

In light of the upcoming Presidential election and a recent Federal Hatch Act Advisory from the Office of Special Counsel, I am updating the guidelines for formal and casual communication at NASA facilities. This guidance addresses activities relating to Federal state, and local political campaigns of candidates in partisan elections, including Presidential Candidates. This guidance supersedes all previous guidance on this subject.

The Hatch Act, 5 U.S.C. §§ 7321-7326, regulates the political activity of Federal executive branch employees. Although the Act permits most covered Federal employees to actively participate in partisan political management and partisan political campaigns, covered NASA employees still are subject to certain prohibitions related to their participation in partisan activities. Two such prohibitions are that NASA employees may not: (1) use their official authority or influence for the purpose of affecting the results of an election or (2) engage in political activity while on duty; in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency of instrumentality thereof; while wearing a uniform or other similar item that identifies NASA as the employing agency; or using a government vehicle. 5 U.S.C. §§ 7323(a)(1) and 7324. Political activity is defined as “an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.” 5 CFR §734.101.

This activity includes, but is not limited to communication via campaigning, distributing literature, wearing political paraphernalia, and public and private speech while on duty, in uniform, or in any room or building occupied the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency of instrumentality thereof.

1. Whether the political figure is a “candidate.” Hatch Act regulations define “candidate” as “an individual who seeks nomination or election to any elective office whether or not the person in elected. An individual is deemed to be a candidate if the individual has received
political contributions or has made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual’s nomination or election.” 5 CFR § 734.101.

2. **Whether vestments are of a candidate or political party.** Clothing, buttons, patches, and other festooning associated with an individual candidate or political party shall not be worn while on duty, in uniform, or in any room or building occupied the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency of instrumentality thereof. This includes but is not limited to: the name of individual candidates; logos; mascots, including donkeys and elephants; and the colors including but not limited to: red, blue, gold, and green. During the political season the colored version of NASA logo or “meatball” shall not be used due to the unbalanced use of red and blue.

3. **Whether language is of a candidate or political party.** Printed, electronic, written, and spoken language associated with an individual candidate or political party shall not be used in public or private while on duty, in uniform, or in any room or building occupied the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency of instrumentality thereof. When terms or their homophones are used casually or technically a synonym shall be substituted. For example: use “port/starboard” instead of “left/right,” “travel smoothly” instead of “cruise,” “combust” instead of “burn,” “trustworthy” instead of “trusted,” and “exceedingly large” instead of “huge.” Also, “make,” “great,” and “again” cannot be used adjacently but must be separated by at least 4 other words and references to hand or finger size is prohibited.

Please ensure that your legislative and public affairs officers coordinate with the Chief Counsel’s office on all questions of language and wardrobe choices.

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cc:
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