

[4820-35]

PART 1608—PROHIBITED POLITICAL ACTIVITIES

Amendments to the Regulations

AGENCY: Legal Services Corporation.

ACTION: Final regulation.

SUMMARY: Section 7(a) of the Legal Services Corporation Act Amendments of 1977, Pub. L. 95-222, applies the current provisions of the Hatch Act, relating to the political activities of State and local employees, to staff attorneys, as well as Corporation employees. Other, more restrictive, provisions of the LSC Act, affecting the political activities of staff attorneys on their own time, were repealed. The revisions of part 1608 reflect these changes.

EFFECTIVE DATE: August 28, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

SUPPLEMENTARY INFORMATION:

The amendment to this regulation was published for comment on March 17, 1978 (43 FR 11241). Following is the complete regulation, as amended. The Comment on this regulation that appeared in the June 23, 1976 (41 FR 25900) final publication of part 1608 remains in effect.

Accordingly, 45 CFR part 1608 is revised to read as follows:

PART 1608—PROHIBITED POLITICAL ACTIVITIES

- Sec.
- 1608.1 Purpose.
- 1608.2 Definition.
- 1608.3 Prohibitions applicable to the Corporation and to recipients.
- 1608.4 Prohibitions applicable to all employees.
- 1608.5 Prohibitions applicable to Corporation employees and staff attorneys.
- 1608.6 Prohibitions applicable to attorneys and to staff attorneys.
- 1608.7 Attorney-client relationship.
- 1608.8 Enforcement.

Authority.—Secs. 1001(b), 1005(b)(2), 1006(b)(3), 1006(b)(5)(B), 1006(d)(3), 1006(d)(4), 1006(e)(1), 1006(e)(2), 1007(a)(6), 1007(b)(2); 42 U.S.C. 2996(b), 2996(b)(2), 2996(c)(3), 2996(c)(5)(B), 2996(d)(3), 2996(d)(4), 2996(e)(1), 2996(e)(2), 2996(a)(6), 2996(b)(2).

§ 1608.1 Purpose.

This part is designed to insure that the Corporation's resources will be used to provide high quality legal assistance and not to support or promote political activities or interests. The part should be construed and applied so as to further this purpose without infringing upon the constitutional rights of employees or the professional responsibilities of attorneys to their clients.

§ 1608.2 Definition.

"Legal assistance activities," as used in this part, means any activity.

(a) Carried out during an employee's working hours;

(b) Using resources provided by the Corporation or by a recipient; or

(c) That, in fact, provides legal advice, or representation to an eligible client.

§ 1608.3 Prohibitions applicable to the Corporation and to recipients.

(a) Neither the Corporation nor any recipient shall use any political test or qualification in making any decision, taking any action, or performing any function under the act.

(b) Neither the Corporation nor any recipient shall contribute or make available Corporation funds, or any personnel or equipment

(1) To any political party or association;

(2) To the campaign of any candidate for public or party office; or

(3) For use in advocating or opposing any ballot measure, initiative, or referendum.

§ 1608.4 Prohibitions applicable to all employees.

(a) No employee shall intentionally identify the Corporation or a recipient with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office.

(b) No employee shall use any Corporation funds for activities prohibited to attorneys under section 1608.6; nor shall an employee intentionally identify or encourage others to identify the Corporation or a recipient with such activities.

§ 1608.5 Prohibitions applicable to Corporation employees and to staff attorneys.

While employed under the act, no Corporation employee and no staff attorney shall, at any time,

(a) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, whether partisan or nonpartisan;

(b) Directly or indirectly coerce, attempt to coerce, command or advise an employee of the Corporation or of any

recipient to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes; or

(c) Be a candidate for partisan elective public office.

§ 1608.6 Prohibitions applicable to attorneys and to staff attorneys.

While engaged in legal assistance activities supported under the act, no attorney shall engage in

(1) Any political activity,

(2) Any activity to provide voters with transportation to the polls, or to provide similar assistance in connection with an election, or

(3) Any voter registration activity.

§ 1608.7 Attorney-client relationship.

Nothing in this Part is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

§ 1608.8 Enforcement.

This part shall be enforced according to the procedures set forth in § 1612.5.

Alice Daniel,
General Counsel,
Legal Services Corporation.

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