

## Office of the Secretary of Defense

## § 233.2

(e) *Civil liability remedies.* The provisions set forth in § 232.9(e) shall apply with respect to consumer credit extended on or after January 2, 2013.

### § 232.13 Compliance dates.

(a) *In general.* Except as provided in paragraph (c) of this section, a creditor must comply with the requirements of this part, as may be applicable, with respect to a consumer credit transaction or account for consumer credit consummated or established on or after October 3, 2016, not later than that date.

(b) *Safe harbors for identifying a covered borrower—(1) New safe harbors.* Section 232.5 shall apply October 3, 2016.

(2) *Prior safe harbor valid until general compliance date.* The provisions relating to the identification of a covered borrower set forth in § 232.5(a) of the regulation established by the Department and effective on October 1, 2007 (including the interpretation by the Department that provides an exception from the safe harbor for the creditor's knowledge that the applicant is a covered borrower) shall remain in effect until October 3, 2016.

(c) *Limited exemption for credit card account; reservation of authority—(1) In general.* Notwithstanding § 232.3(f)(1) and subject to paragraph (c)(2) of this section, until October 3, 2017, consumer credit does not mean credit extended in a credit card account under an open-end (not home-secured) consumer credit plan.

(2) *Authority to issue an order to extend exemption.* The Secretary, or an official of the Department duly authorized by the Secretary, may, by order, extend the expiration of the exemption set forth in paragraph (c)(1) of this section, until a date not later than October 3, 2018.

## PART 233—FEDERAL VOTING ASSISTANCE PROGRAM (FVAP)

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AUTHORITY: E.O. 12642; 10 U.S.C. 1566a; 52 U.S.C. 20506; 52 U.S.C. Ch. 203.

SOURCE: 77 FR 57487, Sept. 18, 2012, unless otherwise noted.

### § 233.1 Purpose.

This part:

(a) Establishes policy and assigns responsibilities for the FVAP in accordance with Executive Order 12642 and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. Ch. 203.

(b) Establishes policy and assigns responsibilities for the development and implementation of installation voter assistance (IVA) offices in accordance with 10 U.S.C. 1566a.

(c) Establishes policy and assigns responsibilities for the development and implementation, jointly with each State, of procedures for persons to apply to register to vote at recruitment offices of the Military Services in accordance with 52 U.S.C. 20506.

[77 FR 57487, Sept. 18, 2012, as amended at 84 FR 59722, Nov. 6, 2019]

### § 233.2 Applicability.

This part applies to:

(a) The Office of the Secretary of Defense, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the “DoD Components”).

(b) The Commissioned Corps of the Public Health Service (PHS), under agreement with the Department of Health and Human Services, and the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), under agreement with the Department of Commerce, and the United States Maritime Administration (MARAD) under agreement with the Department of Transportation. The term “uniformed services” refers to the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and

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their Reserve Components, as well as the Commissioned Corps of the PHS and the NOAA.

(c) Other Federal Executive departments and agencies with employees assigned outside the United States that provide assistance to the FVAP under 52 U.S.C. 20301(c). Recommended procedures for these departments and agencies are contained in § 233.6(c) of this part.

(d) United States Postal Service pursuant to 52 U.S.C. 20304(b)(2) and (4).

[77 FR 57487, Sept. 18, 2012, as amended at 84 FR 59722, Nov. 6, 2019; 85 FR 13047, Mar. 6, 2020]

#### § 233.3 Definitions.

Terms used in this part are defined in DoD Dictionary of Military Terms (available at <http://www.jcs.mil/Doctrine>) and this section. These terms and their definitions are for the purpose of this part.

*Eligible voter.* Any of the following:

(1) *Absent uniformed services voter:*

(i) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote.

(ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.

(iii) A spouse or dependent of a member referred to in the first two sentences of this definition who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(2) *Overseas voter:*

(i) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved;

(ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(iii) A person who resides outside of the United States and (but for such residence) would be qualified to vote in the last place in which the person was

domiciled before leaving the United States.

*Federal office.* The offices of President or Vice President; Presidential Elector; or of Senator or Representative in; or Delegate or Resident Commissioner to Congress.

*Installation voter assistance (IVA) offices.* The office designated by the installation commander, pursuant to 10 U.S.C. 1556a, to provide voter assistance to military personnel, voting-age military dependents, Government employees, contractors, and other civilian U.S. citizens with access to the installation. IVA offices also serve as voter registration agencies pursuant to 52 U.S.C. 20506(a)(2).

*Installation voter assistance officer (IVAO).* An individual responsible for voting assistance coordination at the installation level.

*Recruitment offices of the Military Services.* Any office of a military service open to the public and engaged in the recruitment of persons for appointment or enlistment in an Active Component of the Military Services. This does not include Army National Guard and Air National Guard recruiting offices.

*State.* A State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

*State election.* Any non-Federal election held solely, or in part, for selecting, nominating, or electing any candidate for any State office, such as Governor, Lieutenant Governor, State Attorney General, or State Legislator, or on issues of Statewide interest.

*Uniformed services.* The Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

*Voter registration agency.* An office designated pursuant to 52 U.S.C. 20506 to perform voter registration activities. Pursuant to 52 U.S.C. 20506(c), a recruitment office of the Military Services is considered to be a voter registration agency. All IVA offices are also designated as voter registration agencies pursuant to 52 U.S.C. 20506(a)(2).

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*Voting assistance officer (VAO).* An individual responsible for voting assistance.

[77 FR 57487, Sept. 18, 2012, as amended at 84 FR 59722, Nov. 6, 2019]

### § 233.4 Policy.

It is DoD policy that:

(a) The FVAP shall ensure that eligible voters receive, pursuant to 52 U.S.C. 20301(b)(5), information about registration and voting procedures and materials pertaining to scheduled elections, including dates, offices, constitutional amendments, and other ballot proposals.

(b) The right of U.S. citizens to vote is a fundamental right that is afforded protection by the U.S. Constitution. Every eligible voter shall:

(1) Be given an opportunity to register and vote in any election for which he or she is eligible.

(2) Be able to vote in person or by absentee.

(c) All persons assisting in the voting process shall take all necessary steps to prevent discrimination, fraud, intimidation or coercion, and unfair registration and voting assistance procedures. This includes, but is not limited to, preventing actions such as:

(1) Using military authority to influence the vote of any other member of the uniformed services or to require any member to march to any polling place or place of voting as proscribed by 18 U.S.C. 592, 18 U.S.C. 593, and 18 U.S.C. 609. This subsection does not, in any way, prohibit free discussion about political issues or candidates for public office as stated in 18 U.S.C. 609.

(2) Polling any member of the uniformed services before or after he or she votes, as proscribed in 18 U.S.C. 596.

(d) The FVAP shall conduct official surveys authorized by 52 U.S.C. 20301 to report to the President and the Congress on the effectiveness of the assistance provided to eligible voters (including a separate statistical analysis of voter participation and a description of Federal-State cooperation).

(e) DoD personnel involved in assisting in the voter registration or absentee voting process shall use the names of persons applying or declining to register to vote only for voter registration

purposes and shall not release such information for any other purpose.

(f) Military or civilian personnel employed in recruitment offices of the Military Services shall be subject to the restrictions outlined in § 233.6(b) of this part.

(g) An installation commander may permit non-partisan voter registration activities on an installation by State and county officials, or groups recognized in accordance with section 501(c)(19) of the Internal Revenue Code, subject to all applicable military installation rules and regulations governing such activities on military installations.

[77 FR 57487, Sept. 18, 2012, as amended at 84 FR 59722, Nov. 6, 2019]

### § 233.5 Responsibilities.

(a) The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall:

(1) Execute the responsibilities of the Presidential designee in accordance with DoD Directive 5124.02 (available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/512402p.pdf>).

(2) Administer the FVAP in accordance with Executive Order 12642, 10 U.S.C. 1566a, 52 U.S.C. 20506; 52 U.S.C. Ch. 203.

(3) Coordinate and implement actions that may be necessary to discharge Federal responsibilities assigned in DoD Directive 5124.02, Executive Order 12642, 10 U.S.C. 1566, 52 U.S.C. 20506; 52 U.S.C. Ch. 203.

(4) Develop policy and procedures to implement DoD responsibilities under 52 U.S.C. 20506 (also known as the “National Voter Registration Act (NVRA)”).

(5) Grant or deny any hardship exemption waivers submitted by a State pursuant to 52 U.S.C. 20302(g) (after consultation with the Attorney General’s designee) and inform the State of the results of the waiver request.

(b) The Heads of the DoD Components and the Uniformed Services shall disseminate voting information and assist eligible voters, as required, in their respective organization, following the procedures in § 233.6(b) of this part.

[77 FR 57487, Sept. 18, 2012, as amended at 84 FR 59722, Nov. 6, 2019]

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### § 233.6 Procedures.

(a) *FVAP Procedures.* FVAP, shall:

(1) Manage, coordinate, and perform the Presidential designee's responsibilities pursuant to 52 U.S.C. Ch. 203.

(2) Encourage and assist States and other U.S. jurisdictions to adopt the mandatory and recommended provisions of 52 U.S.C. 20302 and ensure they are aware of the requirements of 52 U.S.C. Ch. 203.

(3) Establish and maintain contact with State election officials, State legislators, and with other State and local government officials to improve the absentee voting process for the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) citizens.

(4) Obtain, from each State, current voter registration and absentee voting information and disseminate it to other Federal Executive departments, agencies, DoD Components, and voters qualified to vote, pursuant to 52 U.S.C. 20301(b)(5).

(5) Establish and maintain a voting assistance program to assist all eligible voters as covered by 52 U.S.C. Ch. 203, and to assist those persons to vote.

(6) Establish and maintain an FVAP Web site that provides:

(i) Information to citizens on the voter registration and absentee voting process.

(ii) Information on the means of electronic transmission of election materials allowed by each State.

(iii) A method to assist citizens in the voter registration process and how to request an absentee ballot.

(iv) A list of State contact information in accordance with 52 U.S.C. 20302(e)(4).

(v) The ability to print a Standard Form (SF) 186, "Federal Write-In Absentee Ballot," and a list of all candidates in a Federal election.

(vi) A portal that hosts Service-specific information regarding voting assistance programs, including links to IVA offices; the contact information for voting assistance officers (installation, major command and commissioned units) within the DoD Component; procedures to order voting materials; and links to other Federal and State voting Web sites.

(vii) Absentee ballot data reported under 52 U.S.C. 20301(b)(6) and (b)(11) and 52 U.S.C. 20308.

(viii) Other information as deemed necessary by FVAP.

(7) Survey U.S. citizens including, but not limited to, uniformed services and their dependents as well as overseas U.S. civilians covered by 52 U.S.C. Ch. 203, voting assistance officers (VAOs), and election officials to gather necessary statistical information and prepare the reports to the President and the Congress required by 52 U.S.C. 20301(6) and 52 U.S.C. 20308.

(8) Prescribe the standard oath to be used with any document pursuant to 52 U.S.C. 20301(7).

(9) Coordinate with the Military Postal Service Agency, as addressed in DoD 4525.6-M (available at <http://www.dtic.mil/whs/directives/corres/pdf/452506m.pdf>), to implement measures to ensure a postmark or other proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea, and that voting materials are moved expeditiously to the maximum extent practicable by military postal authorities.

(10) Establish procedures, in consultation with the Attorney General, regarding hardship exemption waivers submitted by a State pursuant to 52 U.S.C. 20302(g).

(11) Prescribe the required voting program metrics to be used by the DoD Components and uniformed services to be used in evaluating their individual voting assistance programs, and report on compliance with those metrics. To the extent practicable, establish and maintain an online portal to collect and consolidate voting program metrics.

(12) In coordination with the Services, develop multiple types of training materials for use by IVA offices, IVAOs, UVAOs, and recruiters to provide voter registration and absentee ballot assistance and at recruitment offices of the Military Services to provide voter registration assistance. Conduct voting assistance training during even-numbered years worldwide.

(13) Maintain multiple lines of support for use by uniformed services and overseas voters, personnel assigned to recruitment offices of the Military

Services and State election officials to provide assistance outlined pursuant to 52 U.S.C. 20301.

(b) *DoD Component and Uniformed Services Procedures.* The DoD Components and the uniformed services shall:

(1) Establish IVA offices on each military installation and maintain an updated list of IVA offices, including location, address, hours of operation, phone number and email address, published on the Service voting assistance Web site. At the discretion of the installation commander, satellite offices may be established under the primary IVA office.

(i) The IVA office will provide voter assistance to military personnel, their dependents, civilian Federal employees, and all qualified voters who have access to such installation offices. IVA offices shall also serve as voter registration agencies under 52 U.S.C. 20506(a)(2).

(ii) The IVA office shall be established within the installation headquarters organization reporting directly to the installation commander, even if geographically located in another office.

(iii) The IVA office should be located in a well-advertised, fixed location, consistent throughout the Service, and should be physically co-located with an existing office that receives extensive visits by Service personnel, family members, and DoD civilians. The IVA office shall be staffed during the hours the installation office is open with trained personnel to provide direct assistance in registration and voting procedures, including the assistance required under 52 U.S.C. 20506(a)(4).

(iv) The IVA office shall:

(A) Be included in the administrative in-processing and out-processing activities required of reporting and detaching personnel.

(B) Ensure that members of a uniformed service, their voting-age dependents, and overseas DoD civilians are provided proper voting assistance at the IVA office, including the opportunity to update their voter registration information through the submission of a revised SF 76, "Federal Post Card Application (FPCA)" or National Mail Voter Registration Form.

(C) Ensure that voting assistance is provided to all personnel, military and civilian, reporting for duty on the installation, detaching from duty, deploying, and returning from deployment of 6 months or longer.

(1) SF 76s shall be used to notify local election officials of the change of mailing address for absentee ballot delivery purposes.

(D) Provide written information on voter registration and absentee ballot procedures. This can be met by providing the applicant with the SF 76, SF 186, (if applicable), or the National Mail Voter Registration Form, the attached instructions for those forms, and the State-specific instructions from the Voting Assistance Guide (available at <http://www.fvap.gov>) for absent uniformed services voters, voting-age dependent voters, and overseas civilians. Citizens may also be provided with all of the necessary resources including, but not limited to, access to a computer system connected to the Internet, a printer, and a scanner to use the FPCA wizard available at the FVAP Web site, [www.fvap.gov](http://www.fvap.gov).

(1) SF 76 and SF 186 (if applicable) shall be provided to absent uniformed services personnel and their family members (within and outside of the United States) and to Federal civilian employees and other U.S. citizens who have access to an IVA office outside the United States.

(2) The National Mail Voter Registration Form shall be provided to Federal civilian employees and other U.S. citizens who have access to the IVA office within the United States, and to uniformed services voters who currently reside in their voting districts.

(E) Provide direct assistance to individuals in completing the forms necessary to register to vote, update their voter registration information, and request absentee ballots.

(F) Collect from the voter and transmit the completed SF 76 or National Mail Voter Registration Form for the applicant, within 5 calendar days, to the appropriate local election office.

(2) To the greatest extent practicable, ensure voters who are eligible to cast absentee ballots on DoD facilities are able to do so in a private and independent manner.

(3) Ensure all personnel assigned to recruitment offices are informed of the policies in this part and are trained to provide voter registration assistance. Ensure the recruitment offices of the Military Services:

(i) Provide each prospective enlistee with the National Mail Voter Registration Form, available at <https://www.eac.gov/voters/register-and-vote-in-your-state/>, and DD Form 2645, Voter Registration Information Form, available at <http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2645.pdf>, unless the applicant, in writing, declines to register to vote.

(ii) Distribute the National Mail Voter Registration Form to each eligible citizen and provide assistance in completing the form unless the applicant refuses such assistance.

(iii) Provide each eligible citizen or prospective enlistee who does not decline to register to vote the same degree of assistance for the completion of the National Mail Voter Registration Form as is provided by the office for the completion of its own forms, e.g., the application for enlistment, unless the person refuses such assistance.

(iv) Transmit all completed registration applications within 5 calendar days to the appropriate State election officials.

(v) Maintain statistical information and records on voter registration assistance provided by recruitment offices in the format prescribed by the FVAP, for a period of 2 years, in accordance with 52 U.S.C. 20507(i).

(4) Revise all voting assistance program instructions and procedures to incorporate the provisions of this part.

(5) Establish a DoD Component-wide means to communicate effectively with and expeditiously disseminate voting information to Commanders, VAOs, and uniformed services and overseas DoD civilian members of the DoD Component and their voting age dependents. This communication effort should be coordinated with the FVAP.

(c) *Executive Department and Agency Procedures.* (1) Federal Executive departments and agencies, including, but not limited to, the Department of State, the Department of Commerce, and the Department of Health and Human Services, shall enter into agree-

ments with the Presidential designee to adopt regulations and procedures that conform to this part to the maximum extent practicable, consistent with their organizational missions. By doing so, the FVAP will be able to assist the Executive departments, agencies, and their voting constituencies to the maximum extent.

(2) The head of each Government department, agency, or other entity shall distribute balloting materials and develop a non-partisan program of information and education for all employees and family members pursuant to 52 U.S.C. 20301(c).

(i) The department or agency is responsible for providing voter assistance with assistance available from the FVAP.

(ii) Each department or agency with employees or family members covered by 52 U.S.C. 20301 shall designate an individual to coordinate and administer a voting assistance program for the department or agency to include, where practicable, the responsibilities in this part. The name, mailing address, email address, and telephone number of this individual shall be provided to the FVAP.

(iii) The Secretary of State shall designate a voting action officer at the Department of State headquarters to oversee the Department's program as well as a U.S. citizen at each U.S. embassy or consulate to assist, to the fullest extent practicable, other U.S. citizens residing outside of the United States who are eligible to vote. The Secretary of State shall provide annually, or as requested by the FVAP, estimates of the numbers of U.S. citizens currently residing in each country with an established embassy.

(iv) Each embassy and consulate should have sufficient quantities of materials to include SF 76s, and SF 186s, needed by U.S. citizens to register and vote. Embassies and consulates will also inform and educate U.S. citizens regarding their right to register and vote, and will publicize voter assistance programs.

(v) The Department of State's voting action officer shall coordinate with the FVAP, in the development and conduct of voting events, programs to inform and educate U.S. citizens outside of the

United States, and provision of voting information and resources for assistance.

(vi) Department of State and the Military Service voting action officers shall assist, as requested, installation, embassy and consulate VAOs with post-election surveys of U.S. civilians outside of the United States.

[77 FR 57487, Sept. 18, 2012, as amended at 84 FR 59722, Nov. 6, 2019; 85 FR 13047, Mar. 6, 2020]

## PART 234—CONDUCT ON THE PENTAGON RESERVATION

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AUTHORITY: 10 U.S.C. 131 and 2674(c).

SOURCE: 72 FR 29251, May 25, 2007, unless otherwise noted.

### § 234.1 Definitions.

As used in this part.

*Authorized person.* An employee or agent of the Pentagon Force Protection Agency, or any other Department of Defense employee or agent who has delegated authority to enforce the provisions of this part.

*Operator.* A person who operates, drives, controls, otherwise has charge of, or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

*Pentagon Reservation.* Area of land and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other re-

lated facilities are located. Pursuant to 10 U.S.C. 674, the Pentagon Reservation also includes the area of land known as Raven Rock Mountain Complex (“RRMC”), located in Adams County, Pennsylvania, and Site “C,” which is located in Washington County, Maryland, and other related facilities. The Pentagon Reservation shall include all roadways, walkways, waterways, and all areas designated for the parking of vehicles.

*Permit.* A written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

*Possession.* Exercising direct physical control or dominion, with or without ownership, over property.

*State law.* The applicable and nonconflicting laws, statutes, regulations, ordinances, and codes of the state(s) and other political subdivision(s) within whose exterior boundaries the Pentagon Reservation or a portion thereof is located.

*Traffic.* Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any road, path, street, or other thoroughfare for the purposes of travel.

*Vehicle.* Any vehicle that is self-propelled or designed for self-propulsion, any motorized vehicle, and any vehicle drawn by or designed to be drawn by a motor vehicle, including any device in, upon, or by which any person or property is or can be transported or drawn upon a highway, hallway, or pathway; to include any device moved by human or animal power, whether required to be licensed in any state or otherwise.

*Weapons.* Any loaded or unloaded pistol, rifle, shotgun, or other device which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant, by compressed gas, or by spring power; any bow and arrow, crossbow, blowgun, spear gun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles; any other weapon, device, instrument, material, or substance, animate or inanimate that is used for or is readily capable of, causing death or serious bodily injury, including any weapon the possession of which is prohibited under the laws of the state in