



PERSONNEL AND  
READINESS

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OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000



DEC 18 2009

MEMORANDUM FOR: SECRETARY OF THE NAVY  
CHAIRMAN, JOINT CHIEFS OF STAFF  
COMMANDER, U.S. CENTRAL COMMAND

FROM: GAIL H. MCGINN, DEPUTY UNDER SECRETARY OF DEFENSE  
(PLANS)

SUBJECT: Exception to Policy, Commander Mark Kirk, USN

I approve an exception to paragraphs 6.6.4.3.1. and E5.1.2.1.1. of Department of Defense Instruction (DoDI) 1215.06 and to paragraph 6.3.2. of DoDI 1235.09 to allow Commander Mark Kirk to train in the U.S. Central Command Area of Responsibility from the date of this memorandum until January 5, 2009.

The Commander, U.S. Central Command, endorses the request from the Chief, CJ2, United States Forces-Afghanistan/International Security Forces, that Commander Kirk be activated for service within the U.S. Central Command Area of Responsibility, an imminent danger area, between December 15, 2009 to January 2, 2010. This request was not received in time to approve the requested dates.

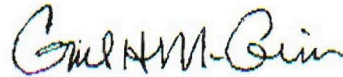
As a Member of Congress, Commander Kirk is a key employee as defined in paragraphs E2.1.3. and E2.1.4. of Department of Defense Directive (DoDD) 1200.7. Because he is a key employee, he has been transferred to the Standby Reserve (Active Status List) in accordance with paragraph 4.7. of DoDD 1200.7 and paragraph 6.3.1.2. of DoDI 1235.09.

Paragraph 6.6.4.3.1. of DoDI 1215.06 states that members of the Standby Reserve (Active Status List) may participate without pay in reserve component training for retirement points only, but may not do so in an imminent danger area. Paragraph E5.1.2.1.1. of DoDI 1215.06 and paragraph 6.3.2. of DoDI 1235.09 repeat this geographical limitation on training.

While serving as a Member of Congress under a call or order to active duty for 270 days or fewer, Commander Kirk may hold and exercise the functions of his office provided there is no interference with the performance of military duty. See paragraph 4.4.3. of DoDD 1344.10. He is still subject to the prohibitions of paragraph 4.1.2. of that same directive.



As a candidate for the vacant Senate seat in Illinois, Commander Kirk must complete the appropriate acknowledgement of limitations required for all candidates on active duty (DoDD 1344.10, paragraph 4.3.5.). Ordinarily this acknowledgement must be completed within 15 days of entering active duty. Because of the short period of active duty and concerns arising from his partisan political activities during his last two tours of active duty, Commander Kirk must complete this form prior to his entry on active duty. A copy of this counseling must be provided to me.



Gail H. McGinn  
Deputy Under Secretary of Defense (Plans)  
Performing the Duties of the  
Under Secretary of Defense  
(Personnel and Readiness)

**Kirk**



The Honorable Gail McGinn  
Deputy Under Secretary of Defense (Plans)  
Performing the Duties of the Under Secretary of Defense (Personnel and Readiness)  
4000 Defense Pentagon  
Washington, DC 20301-4000

Dear Secretary McGinn:

I understand that I am authorized to remain or to become a candidate or nominee for the civil office of [specifically identify the civil office] while on active duty. This is authorized by subparagraph 4.2.3. of DoD Directive (DoDD) 1344.10, "Political Activities by Members of the Armed Forces," because I am under a call or order to active duty for 270 days or fewer. I understand that I may remain a candidate or nominee only as long as my candidacy or nomination does not interfere with the performance of my military duty.

I have read and fully understand that DoDD 1344.10, paragraphs 4.2. and 4.3. severely limit my ability to participate as a nominee or candidate in the political process. I specifically understand that if I am granted permission to be a candidate or nominee or am not otherwise prohibited from becoming a candidate or nominee, I may not direct, control, endorse, or otherwise participate in campaign activities on my behalf (including behind-the-scene activities). Furthermore, I must:

- a. Take affirmative, documented efforts to inform those who work for me and those whom I control that I may not direct, control, manage, or otherwise participate in campaign activities on my own behalf.
- b. Take all reasonable efforts to prevent current or anticipated advertisements that I control from being publicly displayed or running in any media. This includes Web sites devoted to the nomination or candidacy. Such Web sites created before my entry on active duty must otherwise comply with subparagraph 4.3.1. and may not be updated or revised while I am on active duty. Furthermore, I understand that the Secretary concerned may direct that the Web site be removed.

I have read and understand the prohibitions found in DoDD 1344.10, paragraphs 4.2 and 4.3.

I understand that DoDI 1334.1, "Wearing of the Uniform," prohibits the wearing of a military uniform during or in connection with the furtherance of any political or commercial interests not otherwise prohibited or limited above.

*Finally, I understand that should I be elected to this civil office while on active duty, I will be subject to the policies concerning holding and exercising the function of civil office also found in DoDD 1344.10.*

Sincerely,



Mark Steven Kirk