AMENDMENT TO RULES COMMITTEE PRINT 117-20

OFFERED BY MR. PASCRELL OF NEW JERSEY

Add at the end of section 1002 the following:

(c) CRIMINAL PENALTY.—

(1) IN GENERAL.—Subchapter III of chapter 73 of title 5, United States Code, is amended by adding after section 7326 the following:

“§ 7328. Criminal penalty for Hatch Act violations

“(a) IN GENERAL.—Any person who knowingly violates section 7323 or 7324 shall be fined $50,000 (notwithstanding section 3571(e) of title 18), or imprisoned for not more than 1 year, or both. Notwithstanding section 3571(e) of title 18, for each violation after the first, the fine applicable under this section shall be double the amount of the fine assessed for the previous violation.

“(b) ATTORNEY FEES.—A court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which an employee has established, by a preponderance of the evidence, that a superior ordered or otherwise coerced the employee into taking any act that resulted in a violation of such section 7323 or 7324.”
The table of sections of such subchapter is amended by inserting after the item relating to section 7326 the following:

“7328. Criminal penalty for Hatch Act violations.”

(3) TRAINING.—After an individual’s first violation of section 7323 or 7324 of title 5, United States Code, such individual shall be provided training by the employing agency on how to avoid subsequent violations of either such section.

Insert after section 1002 the following:

SEC. 1003. DISCLOSURE OF HATCH ACT INVESTIGATIONS FOR CERTAIN POLITICAL EMPLOYEES.

Section 1216 of title 5, United States Code, is amended by adding at the end the following:

“(d)(1) With respect to any investigation of an allegation of prohibited activity under subsection (a)(1) against a political employee, not later than 14 days after the Special Counsel makes a final determination under such investigation with respect to whether a violation occurred, the Special Counsel shall—

“(A) publish, on the Office of Special Counsel’s website, such determination and a report on that determination; and

“(B) submit such report to the Committee on Oversight and Reform of the House of Representa-
tives and the Committee on Homeland Security and
Governmental Affairs of the Senate.

“(2) In this subsection, the term ‘political employee’
means any individual occupying any of the following posi-
tions in the executive branch of Government (including an
individual carrying out the duties of a position described
in paragraph (1) in an acting capacity):

“(A) Any position required to be filled by an
appointment by the President by and with the advice
and consent of the Senate.

“(B) Any position in the executive branch of
the Government of a confidential or policy-deter-
mining character under schedule C of subpart C of

“(C) Any position in or under the Executive Of-
lice of the President.

“(D) Any position in or under the Office of the
Vice President.

“(E) Any position in the Senior Executive Serv-
ice that is not a career appointee, a limited term ap-
pointee, or a limited emergency appointee (as those
terms are defined in section 3132(a)).”.

SEC. 1004. CLARIFICATION ON CANDIDATES VISITING FEDERAL PROPERTY.

(a) In General.—Section 7323 of title 5, United States Code, is amended by adding at the end the following:

“(d) Nothing in this section or section 7324 shall be construed to prohibit an employee from allowing a Member of Congress or any other elected official from visiting Federal facilities for an official purpose, including receiving briefings, tours, or other official information.”.

(b) Technical and Conforming Amendments.—

Such section 7323 is further amended—

(1) in subsection (a)(1), by striking “his” and inserting “the employee’s”; and

(2) in subsection (c)—

(A) by striking “he” and inserting “the employee”; and

(B) by striking “his” and inserting “the employee’s”.

SEC. 1005. APPLYING HATCH ACT TO PRESIDENT AND VICE PRESIDENT WHILE ON FEDERAL PROPERTY.

(a) In General.—Subchapter III of chapter 73 of title 5, United States Code, as amended by section 1002(c), is further amended by redesignating section 7326 as section 7327 and by inserting after section 7325 the following:
§ 7326. Limitations on political activity of president and vice president while on White House grounds

“Notwithstanding section 7322(1), the prohibitions on political activity under section 7323(a) and section 7324 shall apply to the President and Vice President while the President and Vice President are on or in any part of the White House and White House grounds that is regularly used in the discharge of official duties.”.

(b) Clerical Amendment.—The table of sections of such subchapter, as amended by section 1002(c), is further amended by striking the item relating to section 7326 and inserting the following:

“7326. Limitations on political activity of President and Vice President while on Federal property

“7327. Penalties”.

SEC. 1006. GRANTING THE OFFICE OF SPECIAL COUNSEL RULEMAKING AUTHORITY.

Notwithstanding any other law, rule, or regulation, the Office of Special Counsel shall have exclusive authority to promulgate regulations with respect to authority granted to the Office under the Hatch Act.

SEC. 1007. GREATER ACCOUNTABILITY FOR POLITICAL APPOINTEES.

Section 1204(c) of title 5, United States Code, is amended by adding at the end the following: “Notwithstanding the previous sentences, in the case of contumacy
or failure by an individual to obey a subpoena issued under
subsection (b)(2)(A) or section 1214(b) with respect to an
investigation into any violation of section 7323 or 7324,
the Board may issue an order requiring that individual
to appear at any designated place to testify or to produce
documentary or other evidence.”.”.

SEC. 1008. INVESTIGATING FORMER POLITICAL EMPLOY-
EES.

Notwithstanding any other provision of law, the Of-

fice of Special Counsel may continue an investigation of
a violation of section 7323 or 7324 of title 5, United
States Code, of an individual who is a former employee
but only if such investigation commenced while the indi-
vidual was an employee. In this section, the term “em-

ployee” has the meaning given that term in section
7322(1) of such title.

SEC. 1009. GAO REVIEW OF REIMBURSABLE POLITICAL
EVENTS.

Not later than 60 days after the date of enactment
of this Act, the Comptroller General shall submit to Con-
gress a report on reimbursable political events held at the
White House or on the White House grounds during the
period beginning on January 1, 1997, and ending on the
date of enactment of this Act. Such report shall include
the following:
(1) Whether, during such period, the requirements in annual appropriations Acts with respect to reimbursable political events have been followed, including the requirements under the heading “Executive Residence At the White House—Reimbursable Expenses” in division D of Public Law 116–6.

(2) An assessment of what constitutes a political event during such period.

(3) Whether an event that was not classified as a political event during such period should have been classified as such an event.

(4) A review of any payment made by a political entity under the terms of such requirements.

(5) Recommendations for Congress on—

(A) a definition for the term “political event”; and

(B) how to assess whether administrations are following such requirements and how to hold administrations accountable if such requirements are not followed.