

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. PASCRELL OF NEW JERSEY

Add at the end of section 1002 the following:

1 (c) CRIMINAL PENALTY.—

2 (1) IN GENERAL.—Subchapter III of chapter
3 73 of title 5, United States Code, is amended by
4 adding after section 7326 the following:

5 **“§ 7328. Criminal penalty for Hatch Act violations**

6 “(a) IN GENERAL.—Any person who knowingly vio-
7 lates section 7323 or 7324 shall be fined \$50,000 (not-
8 withstanding section 3571(e) of title 18), or imprisoned
9 for not more than 1 year, or both. Notwithstanding section
10 3571(e) of title 18, for each violation after the first, the
11 fine applicable under this section shall be double the
12 amount of the fine assessed for the previous violation.

13 “(b) ATTORNEY FEES.—A court may assess against
14 the United States reasonable attorney fees and other liti-
15 gation costs reasonably incurred in any case under this
16 section in which an employee has established, by a prepon-
17 derance of the evidence, that a superior ordered or other-
18 wise coerced the employee into taking any act that re-
19 sulted in a violation of such section 7323 or 7324.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions of such subchapter is amended by inserting
3 after the item relating to section 7326 the following:

“7328. Criminal penalty for Hatch Act violations.”.

4 (3) TRAINING.—After an individual’s first viola-
5 tion of section 7323 or 7324 of title 5, United
6 States Code, such individual shall be provided train-
7 ing by the employing agency on how to avoid subse-
8 quent violations of either such section.

Insert after section 1002 the following:

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

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

13 “(d)(1) With respect to any investigation of an alle-
14 gation of prohibited activity under subsection (a)(1)
15 against a political employee, not later than 14 days after
16 the Special Counsel makes a final determination under
17 such investigation with respect to whether a violation oc-
18 curred, the Special Counsel shall—

19 “(A) publish, on the Office of Special Counsel’s
20 website, such determination and a report on that de-
21 termination; and

22 “(B) submit such report to the Committee on
23 Oversight and Reform of the House of Representa-

1 tives and the Committee on Homeland Security and
2 Governmental Affairs of the Senate.

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

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

11 “(B) Any position in the executive branch of
12 the Government of a confidential or policy-deter-
13 mining character under schedule C of subpart C of
14 part 213 of title 5, Code of Federal Regulations.

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

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

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

1 **SEC. 1004. CLARIFICATION ON CANDIDATES VISITING FED-**
2 **ERAL PROPERTY.**

3 (a) IN GENERAL.—Section 7323 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(d) Nothing in this section or section 7324 shall be
7 construed to prohibit an employee from allowing a Mem-
8 ber of Congress or any other elected official from visiting
9 Federal facilities for an official purpose, including receiv-
10 ing briefings, tours, or other official information.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
12 Such section 7323 is further amended—

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

15 (2) in subsection (c)—

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

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

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

22 (a) IN GENERAL.—Subchapter III of chapter 73 of
23 title 5, United States Code, as amended by section
24 1002(c), is further amended by redesignating section 7326
25 as section 7327 and by inserting after section 7325 the
26 following:

1 **“§ 7326. Limitations on political activity of president**
2 **and vice president while on White House**
3 **grounds**

4 “Notwithstanding section 7322(1), the prohibitions
5 on political activity under section 7323(a) and section
6 7324 shall apply to the President and Vice President while
7 the President and Vice President are on or in any part
8 of the White House and White House grounds that is reg-
9 ularly used in the discharge of official duties.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 of such subchapter, as amended by section 1002(c), is
12 fruther amended by striking the item relating to section
13 7326 and inserting the following:

“7326. Limitations on political activity of President and Vice President while
on Federal property
“7327. Penalties”.

14 **SEC. 1006. GRANTING THE OFFICE OF SPECIAL COUNSEL**
15 **RULEMAKING AUTHORITY.**

16 Notwithstanding any other law, rule, or regulation,
17 the Office of Special Counsel shall have exclusive authority
18 to promulgate regulations with respect to authority grant-
19 ed to the Office under the Hatch Act.

20 **SEC. 1007. GREATER ACCOUNTABILITY FOR POLITICAL AP-**
21 **POINTEES.**

22 Section 1204(c) of title 5, United States Code, is
23 amended by adding at the end the following: “Notwith-
24 standing the previous sentences, in the case of contumacy

1 or failure by an individual to obey a subpoena issued under
2 subsection (b)(2)(A) or section 1214(b) with respect to an
3 investigation into any violation of section 7323 or 7324,
4 the Board may issue an order requiring that individual
5 to appear at any designated place to testify or to produce
6 documentary or other evidence.”.”.

7 **SEC. 1008. INVESTIGATING FORMER POLITICAL EMPLOY-**
8 **EES.**

9 Notwithstanding any other provision of law, the Of-
10 fice of Special Counsel may continue an investigation of
11 a violation of section 7323 or 7324 of title 5, United
12 States Code, of an individual who is a former employee
13 but only if such investigation commenced while the indi-
14 vidual was an employee. In this section, the term “em-
15 ployee” has the meaning given that term in section
16 7322(1) of such title.

17 **SEC. 1009. GAO REVIEW OF REIMBURSABLE POLITICAL**
18 **EVENTS.**

19 Not later than 60 days after the date of enactment
20 of this Act, the Comptroller General shall submit to Con-
21 gress a report on reimbursable political events held at the
22 White House or on the White House grounds during the
23 period beginning on January 1, 1997, and ending on the
24 date of enactment of this Act. Such report shall include
25 the following:

1 (1) Whether, during such period, the require-
2 ments in annual appropriations Acts with respect to
3 reimbursable political events have been followed, in-
4 cluding the requirements under the heading “Execu-
5 tive Residence At the White House—Reimbursable
6 Expenses” in division D of Public Law 116–6.

7 (2) An assessment of what constitutes a polit-
8 ical event during such period.

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

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

14 (5) Recommendations for Congress on—

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

17 (B) how to assess whether administrations
18 are following such requirements and how to
19 hold administrations accountable if such re-
20 quirements are not followed.

