

AMENDMENT TO RULES COMMITTEE PRINT 117-

20

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 \$5,000 (notwith-
8 standing section 3571(e) of title 18), or imprisoned for
9 not more than 5 years, 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) With respect to any investigation of an allega-
14 tion of prohibited activity under subsection (a)(1) against
15 a political employee, the Special Counsel shall publish, on
16 the Office of Special Counsel’s website, the Special Coun-
17 sel’s final determination under such investigation with re-
18 spect to whether a violation occurred. In this subsection,
19 the term ‘political employee’ means any individual occu-
20 pying any of the following positions in the executive
21 branch of Government (including an individual carrying
22 out the duties of a position described in paragraph (1)
23 in an acting capacity):

1 “(1) Any position required to be filled by an ap-
2 pointment by the President by and with the advice
3 and consent of the Senate.

4 “(2) Any position in the executive branch of the
5 Government of a confidential or policy-determining
6 character under schedule C of subpart C of part 213
7 of title 5, Code of Federal Regulations.

8 “(3) Any position in or under the Executive Of-
9 fice of the President.”.

10 **SEC. 1004. CLARIFICATION ON CANDIDATES VISITING FED-**
11 **ERAL PROPERTY.**

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

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

20 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
21 Such section 7323 is further amended—

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

24 (2) in subsection (c)—

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

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

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

7 (a) IN GENERAL.—Subchapter III of chapter 73 of
8 title 5, United States Code, as amended by section
9 1002(c), is further amended by redesignating section 7326
10 as section 7327 and by inserting after section 7325 the
11 following:

12 **“§ 7326. Limitations on political activity of president**
13 **and vice president while on Federal**
14 **property**

15 “Notwithstanding section 7322(1), the prohibitions
16 on political activity under section 7323(a) and section
17 7324 shall apply to the President and Vice President while
18 the President and Vice President are on Federal property.
19 In this section, the term ‘Federal property’ includes any
20 vehicle, building, or land owned or leased by the Federal
21 Government, including the White House and White House
22 grounds regularly used in the discharge of official duties.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 of such subchapter, as amended by section 1002(c), is

1 fruther amended by striking the item relating to section
2 7326 and inserting the following:

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

“7327. Penalties”.

3 **SEC. 1006. GRANTING THE OFFICE OF SPECIAL COUNSEL**
4 **RULEMAKING AUTHORITY.**

5 Notwithstanding any other law, rule, or regulation,
6 the Office of Special Counsel shall have exclusive authority
7 to promulgate regulations with respect to authority grant-
8 ed to the Office under the Hatch Act.

9 **SEC. 1007. GREATER ACCOUNTABILITY FOR POLITICAL AP-**
10 **POINTEES.**

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

20 **SEC. 1008. INVESTIGATING FORMER POLITICAL EMPLOY-**
21 **EES.**

22 Notwithstanding any other provision of law, the Of-
23 fice of Special Counsel may continue an investigation of
24 a violation of section 7323 or 7324 of title 5, United

1 States Code, of an individual who is a former employee
2 but only if such investigation commenced while the indi-
3 vidual was an employee. In this section, the term “em-
4 ployee” has the meaning given that term in section
5 7322(1) of such title.

6 **SEC. 1009. GAO REVIEW OF REIMBURSABLE POLITICAL**
7 **EVENTS.**

8 Not later than 60 days after the date of enactment
9 of this Act, the Comptroller General shall submit to Con-
10 gress a report on reimbursable political events held at the
11 White House or on the White House grounds during the
12 period beginning on January 1, 1997, and ending on the
13 date of enactment of this Act. Such report shall include
14 the following:

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

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

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

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

3 (5) Recommendations for Congress on—

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

6 (B) how to assess whether administrations
7 are following such requirements and how to
8 hold administrations accountable if such re-
9 quirements are not followed.

