

117TH CONGRESS
1ST SESSION

H. R. 6062

To amend title 5, United States Code, to strengthen and enhance enforcement and penalties of the Hatch Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. CONNOLLY, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title 5, United States Code, to strengthen and enhance enforcement and penalties of the Hatch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hatch Act Account-
5 ability Act”.

1 **SEC. 2. STRENGTHENING HATCH ACT ENFORCEMENT AND**
2 **PENALTIES AGAINST POLITICAL AP-**
3 **POINTEES.**

4 (a) INVESTIGATIONS BY OFFICE OF SPECIAL COUN-
5 SEL.—Section 1216 of title 5, United States Code, is
6 amended—

7 (1) in subsection (c), by striking “(1),”; and

8 (2) by adding at the end the following:

9 “(d)(1) In addition to the authority otherwise pro-
10 vided in this chapter, the Special Counsel—

11 “(A) shall conduct an investigation with respect
12 to any allegation concerning political activity prohib-
13 ited under subchapter III of chapter 73 (relating to
14 political activities by Federal employees); and

15 “(B) may, regardless of whether the Special
16 Counsel has received an allegation, conduct any in-
17 vestigation as the Special Counsel considers nec-
18 essary concerning political activity prohibited under
19 such subchapter.

20 “(2) With respect to any investigation under para-
21 graph (1) of this subsection, the Special Counsel may seek
22 corrective action under section 1214 and disciplinary ac-
23 tion under section 1215 in the same way as if a prohibited
24 personnel practice were involved.

25 “(e)(1) Notwithstanding subsection (b) of section
26 1215, consistent with paragraph (3) of this subsection, if

1 after an investigation under subsection (d)(1) the Special
2 Counsel determines that a political appointee has violated
3 section 7323 or 7324, the Special Counsel may present
4 a complaint to the Merit Systems Protection Board under
5 the process provided in section 1215, against such political
6 appointee.

7 “(2) Notwithstanding section 7326, a final order of
8 the Board on a complaint of a violation of section 7323
9 or 7324 by a political appointee may impose an assess-
10 ment of a civil penalty not to exceed \$50,000.

11 “(3) The Special Counsel may not present a com-
12 plaint under paragraph (1) of this subsection—

13 “(A) unless no disciplinary action or civil pen-
14 alty has been taken or assessed, respectively, against
15 the political appointee pursuant to section 7326; and

16 “(B) until on or after the date that is 90 days
17 after the date that the complaint regarding the polit-
18 ical appointee was presented to the President under
19 section 1215(b), notwithstanding whether the Presi-
20 dent submits a written statement pursuant to para-
21 graph (4) of this subsection.

22 “(4)(A) Not later than 90 days after receiving from
23 the Special Counsel a complaint recommending discipli-
24 nary action under section 1215(b) with respect to a polit-
25 ical appointee for a violation of section 7323 or 7324, the

1 President shall provide a written statement to the Special
2 Counsel on whether the President imposed the rec-
3 ommended disciplinary action, imposed another form of
4 disciplinary action and the nature of that disciplinary ac-
5 tion, or took no disciplinary action against the political
6 appointee.

7 “(B) Not later than 14 days after receiving a written
8 statement under subparagraph (A) of this paragraph—

9 “(i) the Special Counsel shall submit the writ-
10 ten statement to the Committee on Oversight and
11 Reform of the House of Representatives and the
12 Committee on Homeland Security and Governmental
13 Affairs of the Senate; and

14 “(ii) publish the written statement on the public
15 website of the Office of Special Counsel.

16 “(5) Not later than 14 days after the date that the
17 Special Counsel determines a political appointee has vio-
18 lated section 7323 or 7324, the Special Counsel shall—

19 “(A) submit a report on the investigation into
20 such political appointee, and any communications
21 sent from the Special Counsel to the President rec-
22 ommending discipline of such political appointee, to
23 the Committee on Oversight and Reform of the
24 House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the
2 Senate; and

3 “(B) publish the report and such communica-
4 tions on the public website of the Office of Special
5 Counsel.

6 “(6) In this subsection, the term ‘political appointee’
7 means any individual, other than the President and the
8 Vice-President, employed or holding office—

9 “(A) in the Executive Office of the President,
10 the Office of the Vice President, and any other office
11 of the White House, but not including any career
12 employee; or

13 “(B) in a confidential, policy-making, policy-de-
14 termining, or policy-advocating position appointed by
15 the President, by and with the advice and consent
16 of the Senate (other than an individual in the For-
17 eign Service of the United States).”.

18 (b) CLARIFICATION ON APPLICATION OF HATCH ACT
19 TO EOP AND OVP EMPLOYEES.—Section 7322(1)(A) of
20 title 5, United States Code, is amended by inserting after
21 “Executive agency” the following: “, including the Execu-
22 tive Office of the President, the Office of the Vice Presi-
23 dent, and any other office of the White House,”.

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