

112TH CONGRESS
2D SESSION

S. 2170

To amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2012

Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hatch Act Moderniza-
3 tion Act of 2012”.

4 **SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE**
5 **CANDIDATES FOR ELECTIVE OFFICE.**

6 (a) IN GENERAL.—Section 1502(a) of title 5, United
7 States Code, is amended—

8 (1) in paragraph (1), by adding “or” after the
9 semicolon;

10 (2) in paragraph (2), by striking “purposes; or”
11 and inserting “purposes.”; and

12 (3) by striking paragraph (3).

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) REFERENCE TO STATE AND LOCAL OFFI-
15 CIALS.—Section 1502 of title 5, United States Code,
16 is amended by striking subsection (c).

17 (2) NONPARTISAN CANDIDACIES.—

18 (A) IN GENERAL.—Section 1503 of title 5,
19 United States Code, is repealed.

20 (B) TABLE OF SECTIONS.—The table of
21 sections for chapter 15 of title 5, United States
22 Code, is amended by striking the item relating
23 to section 1503.

1 **SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO**
2 **STATE AND LOCAL EMPLOYEES.**

3 (a) STATE OR LOCAL AGENCY.—Section 1501(2) of
4 title 5, United States Code, is amended by inserting “,
5 or the District of Columbia, or an agency or department
6 thereof” before the semicolon.

7 (b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Sec-
8 tion 1501(4) of title 5, United States Code, is amended
9 by striking subparagraph (B) and inserting the following:

10 “(B) an individual employed by an edu-
11 cational or research institution, establishment,
12 agency, or system which is supported in whole
13 or in part by—

14 “(i) a State or political subdivision
15 thereof;

16 “(ii) the District of Columbia; or

17 “(iii) a recognized religious, philan-
18 thropic, or cultural organization.”.

19 (c) MERIT SYSTEMS PROTECTION BOARD ORDERS.—
20 Section 1506(a)(2) of title 5, United States Code, is
21 amended by inserting “(or in the case of the District of
22 Columbia, in the District of Columbia)” after “the same
23 State”.

24 (d) PROVISIONS RELATING TO FEDERAL EMPLOYEES
25 MADE INAPPLICABLE.—Section 7322(1) of title 5, United
26 States Code, is amended—

1 (1) in subparagraph (A), by adding “or” at the
2 end;

3 (2) in subparagraph (B), by striking “or” at
4 the end;

5 (3) by striking subparagraph (C); and

6 (4) by striking “services;” and inserting “serv-
7 ices or an individual employed or holding office in
8 the government of the District of Columbia;”.

9 **SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.**

10 Chapter 73 of title 5, United States Code, is amended
11 by striking section 7326 and inserting the following:

12 **“§ 7326. Penalties**

13 “An employee or individual who violates section 7323
14 or 7324 shall be subject to removal, reduction in grade,
15 debarment from Federal employment for a period not to
16 exceed 5 years, suspension, reprimand, or an assessment
17 of a civil penalty not to exceed \$1,000.”.

18 **SEC. 5. EFFECTIVE DATE.**

19 (a) IN GENERAL.—This Act and the amendments
20 made by this Act shall take effect 30 days after the date
21 of enactment of this Act.

22 (b) APPLICABILITY RULE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendment made by section 4 shall

1 apply with respect to any violation occurring before,
2 on, or after the effective date of this Act.

3 (2) EXCEPTION.—The amendment made by
4 section 4 shall not apply with respect to an alleged
5 violation if, before the effective date of this Act—

6 (A) the Special Counsel has presented a
7 complaint for disciplinary action, under section
8 1215 of title 5, United States Code, with re-
9 spect to the alleged violation; or

10 (B) the employee alleged to have com-
11 mitted the violation has entered into a signed
12 settlement agreement with the Special Counsel
13 with respect to the alleged violation.

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