

Union Calendar No. 462

116TH CONGRESS
2^D SESSION

H. R. 8109

[Report No. 116-564]

To clarify and increase the restrictions on political activities that are applicable to the members of the Postal Service Board of Governors, including the Postmaster General and the Deputy Postmaster General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2020

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on Oversight and Reform

OCTOBER 27, 2020

Additional sponsors: Ms. NORTON, Ms. SPEIER, Mr. DEFazio, Mr. GOMEZ, Mr. LYNCH, Mr. CLAY, Mr. CONNOLLY, Mrs. LAWRENCE, Ms. PRESSLEY, Ms. WASSERMAN SCHULTZ, Mr. SARBANES, Ms. PORTER, Ms. OCASIO-CORTEZ, Mr. MFUME, Mr. KHANNA, Mr. COOPER, Mr. LOWENTHAL, Mrs. HAYES, Mr. HIGGINS of New York, Ms. WILSON of Florida, Mr. MEEKS, and Mrs. DEMINGS

OCTOBER 27, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on August 25, 2020]

A BILL

To clarify and increase the restrictions on political activities that are applicable to the members of the Postal Service Board of Governors, including the Postmaster General and the Deputy Postmaster General, 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 “Nonpartisan Postmaster*
5 *General Act of 2020”.*

6 **SECTION 2. POSTAL SERVICE OFFICERS’ POLITICAL ACTIVI-**
7 **TIES LIMITED.**

8 *(a) HATCH ACT OFFICER APPLICABILITY.—*

9 *(1) IN GENERAL.—Section 410 of title 39,*
10 *United States Code, is amended by adding at the end*
11 *the following new subsection:*

12 *“(e) For the purposes of applying subchapter III of*
13 *chapter 73 of title 5, and any regulations thereunder, to*
14 *the Postal Service pursuant to subsection (b)(1), the fol-*
15 *lowing are deemed to be employees of the Postal Service:*

16 *“(1) The Postmaster General.*

17 *“(2) The Deputy Postmaster General.*

18 *“(3) Any individual holding a position in the*
19 *Postal Service to which such individual was ap-*
20 *pointed by the President, by and with the advice and*
21 *consent of the Senate, including a Governor ap-*
22 *pointed under section 202.”.*

23 *(2) FURTHER RESTRICTED EMPLOYEES.—Sec-*
24 *tion 7323(b)(2)(B) of title 5, United States Code, is*
25 *amended—*

1 (A) in clause (i)(XIV), by striking “or” at
2 the end;

3 (B) in clause (ii), by striking the period at
4 the end and inserting “; and” ; and

5 (C) by adding at the end the following new
6 clause:

7 “(iii) a person holding a position described in
8 section 410(e) of title 39.”.

9 (b) *POLITICAL ACTIVITIES OF BOARD MEMBERS.*—
10 Section 202 of title 39, United States Code, is amended by
11 adding at the end the following new subsections:

12 “(f) While serving as a member of the Board, an indi-
13 vidual may not—

14 “(1) hold a political position; or

15 “(2) solicit funds for—

16 “(A) the campaign of a candidate for elec-
17 tion for a Federal, State, or local elected office;
18 or

19 “(B) a Federal, State, or local political
20 party (as defined in the Federal Election Cam-
21 paign Act of 1971 (52 U.S.C. 30101 et seq.)).

22 “(g) For purposes of this section, an individual holds
23 a political position if such individual—

24 “(1) holds Federal, State, or local elected office;

1 “(2) files paperwork to be a candidate for elec-
2 tion for a Federal, State, or local elected office; or

3 “(3) is an officer, director, or employee of a Fed-
4 eral, State, or local political party (as defined in sub-
5 section (f)(2)(B)).”.

6 (c) *SEVERABILITY*.—If any provision of this Act, an
7 amendment made by this Act, or the application of such
8 provision or amendment to any person or circumstance is
9 held to be unconstitutional, the remainder of this Act, the
10 amendments made by this Act, and the application of the
11 provisions of such to any person or circumstance shall not
12 be affected thereby.

13 **SEC. 3. FINANCIAL DISCLOSURES REQUIRED PRIOR TO AS-**
14 **SUMING DUTIES OF POSTMASTER GENERAL**
15 **OR DEPUTY POSTMASTER GENERAL.**

16 *The Ethics in Government Act of 1978 (5 U.S.C. App)*
17 *is amended—*

18 (1) *in section 101(a)—*

19 (A) *by striking “(a) Within” and inserting*
20 *“(a)(1) Within”; and*

21 (B) *by adding at the end the following:*

22 “(2)(A) *An individual proposed pursuant to section*
23 *202 of title 39, United States Code, to assume the position*
24 *of Postmaster General or Deputy Postmaster General shall*

1 *file the report required by paragraph (1) before assuming*
2 *such position.*

3 “(B) *An individual proposed for such a position may*
4 *not carry out any duty of the position until the report sub-*
5 *mitted by the individual pursuant to subparagraph (A) is*
6 *reviewed and signed by the Director of the Office of Govern-*
7 *ment Ethics under section 106(b)(1), and any action taken*
8 *by that individual in the performance of any function or*
9 *duty of the applicable position before the date on which such*
10 *signature occurs shall have no force or effect.”; and*

11 (2) *in section 103(b)—*

12 (A) *by striking “(b) The President” and in-*
13 *serting “(b)(1) The President”; and*

14 (B) *by adding at the end the following:*

15 “(2) *Notwithstanding subsection (a), an individual*
16 *proposed pursuant to section 202 of title 39, United States*
17 *Code, to assume the position of Postmaster General or Dep-*
18 *uty Postmaster General shall file the report required under*
19 *section 101(a) with the Director of the Office of Government*
20 *Ethics.”.*

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