

116TH CONGRESS  
2D SESSION

# S. 4561

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2020

Mr. PETERS (for himself, Mr. MANCHIN, Ms. KLOBUCHAR, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To clarify and increase the restrictions on political activities that are applicable to the members of the Board of Governors of the United States Postal Service, 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 Post-  
5 master General Act”.

1 **SEC. 2. LIMITATIONS ON POLITICAL ACTIVITIES OF UNITED**  
2 **STATES POSTAL SERVICE OFFICERS.**

3 (a) HATCH ACT OFFICER APPLICABILITY.—

4 (1) IN GENERAL.—Section 410 of title 39,  
5 United States Code, is amended by adding at the  
6 end the following:

7 “(e) HATCH ACT OFFICER APPLICABILITY.—For the  
8 purposes of applying subchapter III of chapter 73 of title  
9 5, and any regulations thereunder, to the Postal Service  
10 pursuant to subsection (b)(1) of this section, the following  
11 are deemed to be employees of the Postal Service:

12 “(1) The Postmaster General.

13 “(2) The Deputy Postmaster General.

14 “(3) Any individual holding a position in the  
15 Postal Service to which the individual was appointed  
16 by the President, by and with the advice and consent  
17 of the Senate, including a Governor appointed under  
18 section 202 of this title.”.

19 (2) FURTHER RESTRICTED EMPLOYEES.—Sec-  
20 tion 7323(b)(2)(B) of title 5, United States Code, is  
21 amended—

22 (A) in clause (i), by striking “or” at the  
23 end;

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

26 (C) by adding at the end the following:

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

3           (b) POLITICAL ACTIVITIES OF BOARD MEMBERS.—

4           Section 202 of title 39, United States Code, is amended—

5           (1) in subsection (c)—

6           (A) by striking “The Governors shall” and  
7           inserting “(1) The Governors shall”; and

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

9           “(2) The Governors may appoint as the Postmaster  
10          General only an individual who has not held a political  
11          position at any time during the 4-year period ending on  
12          the date on which the individual is so appointed.”;

13          (2) in subsection (d)—

14          (A) by striking “The Governors and the  
15          Postmaster General shall” and inserting “(1)  
16          The Governors and the Postmaster General  
17          shall”; and

18          (B) by adding at the end the following:

19          “(2) The Governors and the Postmaster General may  
20          appoint as the Deputy Postmaster General only an indi-  
21          vidual who has not held a political position at any time  
22          during the 4-year period ending on the date on which the  
23          individual is so appointed.”; and

24          (3) by adding at the end the following:

1       “(f) POLITICAL POSITIONS AND ACTIVITIES PROHIB-  
 2 ITED.—While serving as a member of the Board, an indi-  
 3 vidual may not—

4           “(1) hold a political position; or

5           “(2) solicit funds for—

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

8           or

9               “(B) a Federal, State, or local political  
 10 party.

11       “(g) DEFINITIONS.—For purposes of this section—

12           “(1) the term ‘hold a political position’  
 13 means—

14               “(A) to hold Federal, State, or local elect-  
 15 ed office;

16               “(B) to file paperwork to be a candidate  
 17 for election for a Federal, State, or local elected  
 18 office; or

19               “(C) to be an officer, director, or employee  
 20 of a Federal, State, or local political party; and

21           “(2) the term ‘political party’ has the meaning  
 22 given the term in section 301 of the Federal Elec-  
 23 tion Campaign Act of 1971 (52 U.S.C. 30101).”.

24       “(c) SEVERABILITY.—If any provision of this Act, an  
 25 amendment made by this Act, or the application of such

1 a provision or amendment to any person or circumstance  
2 is held to be unconstitutional, the remaining provisions of  
3 and amendments made by this Act, and the application  
4 of the provision or amendment to any other person or cir-  
5 cumstance, shall not be affected thereby.

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