

From: [Cheryl L. Kane-Piasecki](#)
To: [Agency Wide](#)
Subject: FW: OSC Clarifies its Hatch Act Role in Light of Republican National Convention
Date: Wednesday, August 26, 2020 4:53:14 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

All—

Below is a recent press release from the Office of Special Counsel in which they clarify their role.

Best,

Cheryl

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From: Hatchact Update [mailto:00000002b1f8701b-dmarc-request@LISTSERV.OSC.GOV]

Sent: Wednesday, August 26, 2020 3:18 PM

To: HATCHACT@LISTSERV.OSC.GOV

Subject: OSC Clarifies its Hatch Act Role in Light of Republican National Convention

Below please find a press release the U.S. Office of Special Counsel issued earlier today.

U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Clarifies its Hatch Act Role in Light of Republican National Convention

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./August 26, 2020 – In light of significant media interest in the Hatch Act over the last several days, and specifically its application to the Republican National Convention, the U.S. Office of Special Counsel (OSC) today released the following information to clarify its role.

OSC has jurisdiction to enforce the Hatch Act, a civil administrative law that limits the political activities of federal executive branch employees. But the law expressly does not apply to the President or the Vice President. OSC also has no statutory authority to enforce or advise on criminal provisions derived from the Hatch Act and found in title 18 of the U.S. Code—including 18 U.S.C. § 610. That task belongs solely to the U.S. Department of Justice.

Under longstanding regulations governing the Hatch Act, there are

certain areas of the White House where the Hatch Act does not prohibit federal employees from engaging in political activity. The West Lawn and Rose Garden are two such areas. Therefore, covered federal employees would not necessarily violate the Hatch Act merely by attending political events in those areas.

Special Counsel Henry J. Kerner: “Under the Hatch Act, OSC is charged with encouraging compliance with the law through its robust training and advisory functions. OSC’s role does not include grandstanding or holding press conferences about potential violations that may or may not occur. Ultimately, officials and employees choose whether to comply with the law. Once they make that choice, it is OSC’s statutory role to receive complaints, investigate alleged Hatch Act violations, and determine which ones warrant prosecution. Through this statutory scheme, OSC holds officials and employees accountable when they don’t comply with the law. OSC takes its job seriously and in recent months has increased the number of Hatch Act Unit staff to respond to the growing number of complaints typically received during election years. OSC will continue to vigorously and even-handedly enforce the Hatch Act, consistent with its statutory authorities.”

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.

Please do not send a reply e-mail message to the above-listed address as it is not monitored. However, if you have any Hatch Act related questions, feel free to contact the Hatch Act Unit at 202-804-7002 or send an e-mail to Hatchact@osc.gov.

To unsubscribe from the HATCHACT list, click the following link:
<http://listserv.osc.gov/scripts/wa-OSC.exe?SUBED1=HATCHACT&A=1>

From: [Elizabeth D. Horton](#)
To: [Agency Wide: News Clippings](#)
Subject: Legislative Update for Wednesday, August 26, 2020
Date: Wednesday, August 26, 2020 1:15:12 PM

The Senate and House are not in session. Legislative and Related News

Forbes and *Roll Call* report that the House Foreign Affairs Committee announced a probe into a pre-recorded speech by Secretary of State Mike Pompeo to the Republican National Convention amid claims that it's an ethics violation. [Pompeo Under House Investigation For Israel-Based RNC Speech Over Ethics Concerns \(Forbes\); Democrats say Pompeo's speech to RNC is unethical, hypocritical, and possibly illegal \(Roll Call\)](#)

Chicago Tribune reports that U.S. Rep. Mike Quigley announced that he's among a group of lawmakers introducing the Reducing Nefarious Crimes Act to increase penalties for violating the Hatch Act, which prohibits executive branch employees from using their official roles for campaign purposes. [The Spin: U.S. Reps. Quigley, Schakowsky call for stricter penalties for violating ethics rules as Trump prepares to make campaign speech on White House Lawn](#)

Bloomberg Law reports that some lawmakers have raised concerns about the arrangement by which Moncef Slaoui, a top adviser to the Trump administration's Operation Warp Speed Covid-19 vaccine project, is working under a contract with the Health and Human Services Department with a third-party contractor. [Democrats Raise Flag Over Vaccine Adviser's Conflict of Interest](#)

Executive Branch Ethics and Related News

Multiple outlets report on ethics and Hatch Act concerns raised by the Republican National Convention. [Trump aides 'take pride' in violating ethics laws because it upsets the media at no cost to them, reports say \(Business Insider\); Focus on Trump's official White House actions as part of Republican convention programming raises Hatch Act concerns \(The Washington Post\); Trump is going out of his way to blow off the Hatch Act this week \(The Washington Post\); Trump breaks with precedent on second night of convention \(The Hill\); Chris Wallace: Barrier between GOP convention, White House 'completely blown away' \(The Hill\); Special Counsel ripped for 'standing by silently' while the Trumps use White House for RNC Convention \(Raw Story\); MSNBC's Joy Reid Chides RNC, Trump for Using White House: 'These Are Not Monarchs' \(Newsweek\); Ethics Concerns Raised as Trump Uses White House as Convention Prop \(VOA News\); Trump's convention breaks norms — and possibly the Hatch Act \(MarketWatch\); Meadows dismisses Hatch Act concerns at RNC: 'Nobody outside of the Beltway really cares' \(Politico\)](#)

Multiple outlets report that President Trump announced that he would formally nominate acting Homeland Security Secretary Chad Wolf to serve permanently in the role, days after the U.S. Government Accountability Office ruled that Wolf had been named acting secretary illegally. [Trump Announces Intent To Nominate Wolf As DHS Secretary \(Government Executive\); Trump to nominate Chad Wolf as Homeland Security secretary \(Roll Call\); Trump announces plan to nominate Chad Wolf as secretary of Homeland Security \(Politico\); Trump to nominate Chad Wolf to be DHS secretary, nearly 10 months after appointing him to acting role \(The Washington Post\)](#)

Multiple outlets report that the top FBI agent in Los Angeles departed this month in the wake of a U.S. Justice Department Inspector General's report that found he was responsible for violations of federal ethics requirements and FBI policies by holding a meeting with his management team in an exclusive club at Dodger Stadium and allowing them to indulge in the free buffet. [FBI boss gone from L.A. after watchdog finds top agents got exclusive Dodgers playoff seats \(Los Angeles Times\); FBI L.A. chief reassigned amid flap over agents' meeting at Dodgers playoff game \(Politico\); Head of FBI's L.A. Office Quietly Reassigned After Ethics Violations at Dodgers Stadium \(Ticklethewire.com\)](#)

Huffington Post reports that one of President Trump's newest appointees to the board overseeing the

U.S. Postal Service has extensive business ties to a global investment firm that rents giant warehouses to the USPS and to most of its top competitors. [A Trump Pick To Oversee The Postal Service Has Extensive Ties To A USPS Contractor](#)

The Hill reports that a succession order keeping the head of the Bureau of Land Management in his job after his nomination was withdrawn is the latest example of how political appointees are shutting out career officials and, according to critics, skirts the Constitution by failing to get Senate confirmation. [Pendley order leaving himself in charge of BLM sidesteps top career official](#)

Federal Agency and Related News

Government Executive reports on new research that found that displaying family photos in the workplace cuts down on employee fraud and other unethical behavior. [Family Photos at Work Curb Fraud and Unethical Activity](#)

Next Scheduled Recess:

House: Aug. 3 - Sept. 8

Senate: Aug. 8 - Sept. 8

