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House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051

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April 13, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Issa:

I understand that the Committee is scheduled to hold a business meeting on Wednesday, April 18, 2011. I am writing to request that you include on the agenda for that meeting consideration of H.R. 4152, the Hatch Act Modernization Act of 2012.

Senator Akaka and I introduced the bipartisan Hatch Act Modernization Act of 2012 on March 7, 2012. The bill incorporates recommendations for reform made by Special Counsel Carolyn Lerner, including allowing state and local government employees to run for partisan elective office and providing the Merit Systems Protection Board with flexibility to issue a range of penalties for Hatch Act violations. The Office of Special Counsel issued a statement supporting this legislation:

"I applaud the bipartisan group of lawmakers for introducing this good government reform," said Special Counsel Carolyn Lerner. "Fixing this broken law will cost taxpayers nothing, and will demonstrate respect for the independence of state and local elections."¹

A number of editorials have been published urging passage of this bill. For example, *The York Dispatch* in Pennsylvania stated: "We urge our delegation to support these bills—and help clear the way for all of our civic-minded neighbors to serve if they wish."²

Similarly, an editorial in Salt Lake City's *Deseret News* stated:

¹ Office of Special Counsel, *OSC Applauds Introduction of Hatch Act Modernization Act of 2012* (Mar. 7, 2012) (online at www.osc.gov/documents/press/2012/pr12_06ha.pdf).

² *Change Broken Hatch Act*, *The York Dispatch* (Mar. 28, 2012).

Bills have been introduced both in the House and Senate to revise the act. Federal employees still would be prohibited from participating in partisan political activities, but state and local government employees would not. These reforms have the support of the Office of Special Counsel, which enforces the act, as well as politicians of both major parties. The idea is to keep people from abusing their federal positions for personal political gain. Instead, the act has become a “gotcha” tool for political opportunists. That needs to end.³

In addition, Michigan’s *Battle Creek Enquirer* published an editorial endorsing H.R. 4152:

It makes little sense to ban state and local government employees from serving their communities by being members of a school board, village council or other group. In most cases, such positions demand much time and effort with very little, if any, remuneration. If anything, we should be encouraging such public participation, not punishing it. The Hatch Act needs to be reformed to reflect that attitude.⁴

On February 7, 2012, you sent a letter to Special Counsel Carolyn Lerner expressing concern regarding the Office of Special Counsel’s investigation of an individual for campaigning for District Attorney while serving as an Assistant District Attorney.⁵ Under H.R. 4152, that individual could have run for office without violating the Hatch Act.

An *Associated Press* article published on March 24, 2012, reported that you support eliminating the Hatch Act’s prohibition on state and local employees running for partisan political office. The article stated:

In the House, the bill is sponsored by Rep. Elijah Cummings, D-Md., the top Democrat on the Oversight and Government Reform Committee. The panel’s chairman, Rep. Darrell Issa, R-Calif., favors the changes regarding state and local officials but wants a bigger bill, said a spokesman, Ali Ahmad.⁶

³ *Revise the Hatch Act*, Deseret News (Mar. 27, 2012) (online at www.deseretnews.com/article/765563274/Revise-the-Hatch-Act.html).

⁴ *Lifting the Hatch*, Battle Creek Enquirer (Apr. 5, 2012) (online at www.battlecreekenquirer.com/article/20120405/OPINION01/304050019).

⁵ Letter from Chairman Darrell E. Issa to Special Counsel Carolyn Lerner (Feb. 7, 2012).

⁶ *Lawmakers, US Agency Favor Hatch Act Changes*, Associated Press (Mar. 24, 2012) (online at www.google.com/hostednews/ap/article/ALeqM5gF-cb90eRMovA1iq6vDvJSmAAyLA?docId=de3910bc5c934c728a8538f0ce3e4011).

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It appears that there is widespread support for my legislation, and that the changes it would make are supported by you and many others. For these reasons, I request that you add it to the agenda for our next business meeting so that we can move this process forward expeditiously. Thank you for your consideration.

Sincerely,


Elijah E. Cummings
Ranking Member