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# Congress of the United States

## House of Representatives

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### Opening Statement

#### Rep. Elijah E. Cummings, Ranking Member

#### Subcommittee on the Federal Workforce, U.S. Postal Service and Labor Policy

#### Hearing on "Hatch Act: Options for Reform"

May 16, 2012

Mr. Chairman, thank you for holding this hearing. In March, I introduced H.R. 4152, the Hatch Act Modernization Act of 2012, which is co-sponsored by every Democratic Member of the Subcommittee.

This bill provides immediate, common-sense, and non-controversial fixes to the Hatch Act. Specifically, it implements recommendations for immediate reform proposed by Special Counsel Carolyn Lerner.

First, the bill eliminates the restriction that prevents state and local government employees from running for political office. Currently, if a state or local government employee works on a program that receives any amount of federal funding, the Hatch Act prohibits that employee from running for office.

This restriction has led to a number of unjust results for public servants. For example, today we will hear from Jon Greiner, the former police chief for the City of Ogden, Utah, who was removed from his position because he ran for state senate. In another example, a Philadelphia transit cop was barred from running for his local school board because he works with an explosives detection dog paid for by a grant from the Department of Homeland Security.

These results make no sense. Even worse, the Office of Special Counsel reports that 45% of its caseload now involves enforcing this restriction, diverting resources from more critical issues.

The Hatch Act Modernization Act also implements a second recommendation made by the Special Counsel. It expands the range of penalties for Hatch Act violations. Right now, an employee who commits a Hatch Act violation—no matter how minor—must be fired unless the Merit Systems Protection Board unanimously votes to impose a lesser penalty. This bill makes it easier for the punishment to more appropriately fit the violation.

Finally, the bill includes a third provision to treat employees working for the District of Columbia as state and local government employees rather than as federal employees. This provision is based on legislation championed by Congresswoman Norton that passed the House by voice vote in the 111th Congress. We will hear today from the Attorney General of the District of Columbia that without this change, he will not be able to run for another term in 2014. That just does not make sense.

Mr. Chairman, this bill is simple, straightforward, and noncontroversial. Last June, at our first hearing on the Hatch Act, Chairman Issa said the Committee would consider Hatch Act legislation before the election. He said this:

The Oversight Committee is intending to author such legislation as may be necessary and will affect the next President. Necessarily, we will, in fact, work on a bipartisan basis to find any and all changes necessary to take effect upon the inauguration of the next President. Although this is 18 months and it seems like a long time, in political time it is very short.

The Chairman was right. That was nearly a year ago, and time is running out. Although I support additional efforts to improve the Hatch Act, H.R. 4152 includes common-sense fixes that the Special Counsel needs now, before the election. These provisions have widespread support, and we can pass them immediately.

Mr. Chairman, I hope we can work together to schedule a markup for May 31 when we return from the Memorial Day recess.

There are many public servants—police officers, social workers, and paramedics—who want to serve their country by holding public office. We should not make them wait any longer.

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