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Opening Statement

**Rep. Stephen F. Lynch, Ranking Member
Subcommittee on Federal Workforce, U.S. Postal Service
and Labor Policy**

Hearing on "Hatch Act: Options for Reform"

May 16, 2012

Thank you, Mr. Chairman.

I'd like to also welcome our witnesses this morning and thank each of you for being here to help the Subcommittee with its work.

It's been nearly two decades since the Hatch Act was last amended and throughout this time period, we've witnessed significant legislative, workplace, and technological developments that collectively, have demonstrated a need for us to modernize this essential and landmark law. Accordingly, I welcome this opportunity to examine how we can best bring the Hatch Act up to date to reflect our contemporary federal workplace in a responsible and bipartisan manner that of course, always safeguards the integrity and purpose behind the Act.

The original Hatch Act of 1939 and its subsequent amendments, dating back to 1993, were together intended to curtail on-the-job politics in the federal workplace. The law, in and of itself, attempts to walk a fine line between affording maximum respect to the constitutionally-protected freedoms of speech and expression and the compelling need to eliminate political coercion and partisan influence throughout the federal civilian workforce. In other words, the Hatch Act helps to ensure that those government workers tasked with carrying out policies and programming, do exactly that, while putting their individual political views or perspectives aside.

As many of you have heard me state on several occasions, I truly believe that that the Federal government has one of the most dedicated and talented employee workforces anywhere in the world. The majority of our workers enter public service with an innate interest in doing right by their fellow citizens and making a positive difference on behalf of their country.

Nevertheless, there will always be a few bad actors that unfortunately use their official position to influence or advance a particular political agenda, party or partisan candidate. In those few cases, we fortunately have the provisions of the Hatch Act to rely upon and the Office of Special

Counsel and the Merit Systems Protection Board to carry out the duties and of enforcement and punishment, respectively.

As we prepare ourselves for another major Presidential election and campaign cycle, which in many ways is already well under way, I appreciate Special Counsel Carolyn Lerner's renewed focus on ways to enhance and modernize the Hatch Act. With the advent of smart phones, blogging and other social mediums and technologies, the federal work space is clearly no longer our "parents' workplace". To that end, it common sense that we would now be reexamining and possibly modernizing provisions of the Hatch Act.

In addition to updating the Hatch Act and its application on federal employees, the Office of Special Counsel has also put forth some reasonable suggestions for modifying the Hatch Act's reach into the political activities of government employees on the state and local level. I have heard dozens of instance involving state, county or municipal workers who are either prevented from pursuing elected office or in some cases even fired because he or she ran for political office, while being employed in a capacity that was in some way or another supported by federal dollars. Mr. Chairman, these reports are concerning and reflective of the need to promptly reexamine the Hatch Act in order to reduce the possibility of such unintended consequences.

That said, I urge our Subcommittee to move swiftly to consider H.R. 4152 - the Hatch Act Modernization Act of 2011, which was introduced by our Committee's Ranking Member, Mr. Cummings and is cosponsored by every Subcommittee Member on this side of the aisle. The bill will address a lot of the concerns being discussed here this morning. If there are additional Hatch Act related changes that the Majority would like to see tackled, than at a minimum, H.R. 4152 should serve as the starting point or vehicle for accomplishing those changes.

I, again, thank each of our witnesses for being here with us today and yield back the balance of my time.