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# U.S. House of Representatives

## COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED FIFTEENTH CONGRESS

335 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

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July 19, 2018

The Honorable Henry Kerner  
 Special Counsel  
 U.S. Office of Special Counsel  
 1730 M Street NW  
 Washington, DC 20036

Dear Special Counsel Kerner:

I write to you to request that your office open an inquiry into whether Acting Secretary of Veterans' Affairs, Mr. Peter O'Rourke and his staff have violated the Hatch Act or other Title 5 prohibitions against removing, demoting, or reassigning employees for political reasons.

On July 18, 2018, the Washington Post reported that Mr. O'Rourke's office has been taking steps to purge or reassign staff perceived to be disloyal to this Administration.<sup>1</sup> The article reported that there are "more than a dozen career civil servants who have been moved from the leadership suite at VA headquarters and reassigned to lower-visibility roles. The employees served agency leaders, some dating back more than two decades, in crucial support roles that help a new secretary. None say they were given reasons for their reassignments."<sup>2</sup>

In recent weeks, Members of the House Committee on Veterans' Affairs have also received information that within the Office of the Secretary, including the offices of the Executive Secretary, Protocol Office, and the Centers for Women Veterans & Minority Veterans, career employees have been removed, demoted, or reassigned for political reasons, or they were resigned after being made aware of adverse personnel actions coming their way for political reasons.

At a July 17, 2018 hearing of the House Committee on Veterans' Affairs, Representative Esty asked Mr. O'Rourke whether any of these personnel changes have been made for cause, and Mr. O'Rourke responded that the changes were made for "organizational efficiency" and not for cause.<sup>3</sup> It is troubling that Mr. O'Rourke confirmed that the personnel changes were not for cause.

<sup>1</sup> *Trump loyalists at VA shuffling, purging employees before new secretary takes over*, The Washington Post (July 18, 2018).

<sup>2</sup> *Id.*


<sup>3</sup> *Hearing: The VA Accountability and Whistleblower Protection Act: One Year Later*, House Committee on Veterans' Affairs (July 17, 2018).

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As you know, 5 U.S.C. 2302(b) prohibits employment actions for political affiliations, and the Hatch Act generally prohibits certain categories of political activities for all covered employees.<sup>4</sup> As the Special Counsel, you have authority to review potential Title 5 violations. I therefore request that you review the personnel changes Mr. O'Rourke has overseen during his tenure as Acting Secretary for any potential violations of the Hatch Act as well as your recommendation for any disciplinary actions.

Thank you for your attention to this matter. Please contact Cathy Yu on my staff at (202) 225-6603 or [cathy.yu@mail.house.gov](mailto:cathy.yu@mail.house.gov) with any questions.

Sincerely,



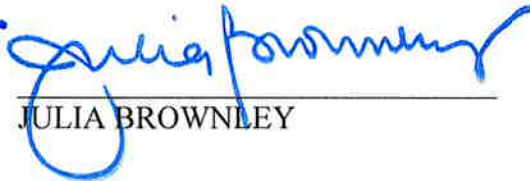
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<sup>4</sup> 5 U.S.C. §7321-7326.