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OSC Concludes Hatch Act Investigation of Secretary Sebelius

FOR IMMEDIATE RELEASE

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The Office of Special Counsel (OSC) sent findings to the President today from its investigation of complaints of prohibited political activity by Secretary of Health and Human Services Kathleen Sebelius. OSC concluded that Secretary Sebelius violated the Hatch Act when she made extemporaneous partisan remarks in a speech delivered in her official capacity on February 25, 2012. The Hatch Act prohibits federal employees from using their official authority or influence to affect the outcome of an election. A federal employee is permitted to make partisan remarks when speaking in their personal capacity, but not when using their official title or when speaking about agency business.

After the event, the Department of Health and Human Services (HHS) reclassified the trip from official to political and issued a statement to that effect. The Democratic National Committee reimbursed the U.S. Treasury for all costs and expenses associated with her travel to the event. OSC found no evidence that Secretary Sebelius made any other political statements in her official capacity.

The concluding step in OSC's investigation of a Hatch Act violation by an official who is appointed by the President and confirmed by the Senate (PAS) is to send the investigative report to the President, together with a response by the employee. The report and response are available on OSC's website, <http://www.osc.gov>.

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. For more information, please visit our website at www.osc.gov.