

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

July 12, 2022

The Honorable Henry Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW
Suite 218
Washington, D.C. 20036-4505

Dear Mr. Kerner,

We are writing to request information related to the investigation conducted by the Office of Special Counsel (OSC) into the Hatch Act violation of Department of Energy (DOE) Secretary Jennifer Granholm.¹ The Secretary used her cabinet-level position to improperly advocate for Democratic candidates.² Just as troubling, OSC determined that the Secretary did not have sufficient Hatch Act training.³ Given the well documented ethical lapses by the Secretary, we have further questions about the Biden Administration's commitment to ethical standards by senior-level political appointees.⁴

The Hatch Act prohibits federal employees from engaging in certain types of political activities.⁵ In particular, it prohibits federal employees from using their official authority or influence for the purpose of interfering with or affecting the results of an election.⁶ During an October 6, 2021 interview with *Marie Claire* magazine, the Secretary used her government position to implore listeners to vote for candidates of the Democratic party.⁷ The Secretary stated, at one point, that "I am using Democrats as a substitute for the policies that you believe in, the policies that you would like to see happen."⁸ OSC only issued a warning because it found the Secretary had not received significant training on the Hatch Act, concluding that it was not a

¹ Letter from Erica S. Hamrick, Deputy Chief, Hatch Act Unit, U.S. Office of Special Counsel, to Kendra Arnold, Executive Director, Foundation for Accountability & Civic Trust (Jun. 9, 2022).

² *Id.*

³ *Id.*

⁴ Letter from Ralph Norman, Ranking Member, Subcomm. on Env't, H. Comm. on Oversight & Reform, to Jennifer Granholm, Sec'y, Dep't of Energy (May 12, 2021); Letter from Ralph Norman, Ranking Member, Subcomm. on Env't, H. Comm. on Oversight & Reform, et al., to Jennifer Granholm, Sec'y, Dep't of Energy (Feb. 14, 2022).

⁵ 5 U.S.C. § 7323.

⁶ *Id.*

⁷ Hamrick Letter, *supra* note 1.

⁸ *Id.*

Special Counsel Kerner

July 12, 2022

Page 2 of 2

“knowing violation.”⁹ This is concerning since the Secretary has a history of skirting ethics laws and raises questions about whether cabinet-level officials are receiving appropriate training about ethical obligations.¹⁰

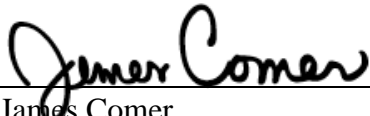
In light of OSC’s reported findings, please produce the following documents as soon as possible, but no later than July 26, 2022:

All documents, including emails, related to any OSC investigation into Department of Energy Secretary Jennifer Granholm’s Hatch Act violation which reportedly occurred on October 6, 2021 during an interview with *Marie Claire* magazine.

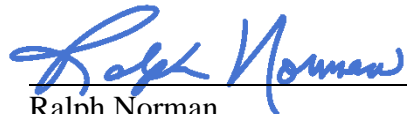
In addition, please make arrangements by July 19, 2022, to brief Republican Committee staff on this matter.

To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation in this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Ralph Norman
Ranking Member
Subcommittee on the Environment

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Ro Khanna, Chairman
Subcommittee on the Environment

⁹ *Id.*

¹⁰ See Letters from Committee Republicans, *supra* note 4.