U.S SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

August 1, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Administrator Mills has asked me to respond to the Committee's request regarding the political activities of Federal employees, including those at the U.S. Small Business Administration (SBA).

The Hatch Act directs that Federal employees should be able to "exercise fully, freely, and without fear of penalty ... their right to participate ... in the political processes of the Nation" and expressly permits employees to take an active part in political campaigns. 5 U.S.C. §§ 7321, 7323. We are concerned by the breadth of your request for information regarding SBA employees' political activities, which could have a chilling effect on legitimate political conduct protected by the Hatch Act and the First Amendment when there is no evidence of any misconduct on the part of any SBA employee.

In response to your letter, however, we would like to lay out the Agency's commitment to educating its employees on their Hatch Act obligations and the process for ensuring compliance with the Hatch Act. For example, since January 2009, SBA's Designated Agency Ethics Official (DAEO) has held six distinct Hatch Act briefings targeting various groups of SBA employees. In addition, the Office of Special Counsel's (OSC) Hatch Act Unit recently conducted a briefing on the Hatch Act for SBA's PASs (the SBA Administrator, the Deputy Administrator and the Chief Counsel for Advocacy) and their staffs. All of these briefings are in addition to the Hatch Act and ethics trainings that all new SF-278 filers receive in person within two weeks of their arrival at the Agency. SBA's DAEO supplements this training and the briefings with Hatch Act notices, memos, and guidance. We believe these efforts—along with SBA's rigorous, ongoing ethics compliance activities—help ensure proper compliance with the Hatch Act.

A similar response is being sent to Representative Cummings. For more information concerning this matter, please contact me at (202) 205-6335.

Sincerely,

Nicholas Coutsos
Assistant Administrator
Office of Congressional and Legislative Affairs