

United States Senate

WASHINGTON, DC 20510

May 1, 2018

Henry Kerner
Special Counsel
U.S. Office of the Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036

Dear Special Counsel Kerner,

We write to request the U.S. Office of the Special Counsel investigate whether Mick Mulvaney, Director of the Office of Management and Budget (OMB) and the Interim Director of the Consumer Financial Protection Bureau (CFPB), violated the Hatch Act.

On April 24, 2018, Interim Director Mulvaney gave the keynote address at the American Bankers Association's Government Relations Summit. In his official capacity as Interim Director of the CFPB, he suggested to 1,300 bankers and lobbyists that they increase their campaign donations as a way to influence lawmakers.¹ If the initial reporting by the *New York Times* is accurate, it raises troubling questions about whether his statements ran afoul of the Hatch Act (5 U.S. Code § 7323), which prohibits employees in the executive branch of the federal government from soliciting political contributions from any person.

Interim Director Mulvaney made his intent clear by his further comments that he "had a hierarchy in (his) office in Congress." Director Mulvaney explicitly stated, "If you're a lobbyist who never gave us money, I didn't talk to you. If you're a lobbyist who gave us money, I might talk to you."² He appears to have suggested to the audience of bankers and lobbyists that if they make political contributions, they will get policy changes that they seek.

These comments reinforce the American public's worst fears about a corrupt Washington establishment that sells access and is rigged for special interests with teams of lobbyists and deep pockets.

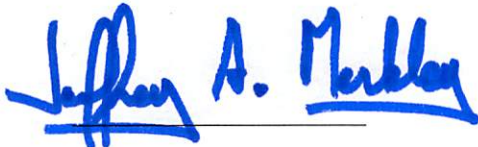
¹Thrush, Glenn, "Mulvaney, Watchdog Bureau's Leader, Advises Bankers on Ways to Curtail Agency," *The New York Times*, April 29, 2018. Accessed April 26, 2018. Available at: <https://www.nytimes.com/2018/04/24/us/mulvaney-consumer-financial-protection-bureau.html#story-continues-1>

² Ibid

Our "We the People" republic depends on public officials serving the public, not using their public trust to consolidate power or enrich themselves or their associates, which is exactly why the Hatch Act exists. As we see in countries across the globe, the abuse of public office undermines governments' legitimacy and representative democracy.

We respectfully request that the U.S. Office of Special Counsel conduct a thorough investigation of this matter. Thank you for your consideration and we look forward to your timely response.

Sincerely,



Jeffrey A. Merkley
United States Senator



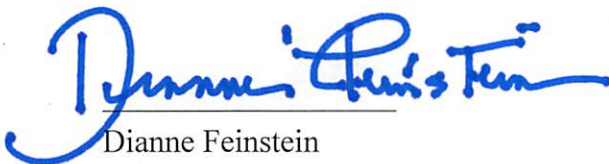
Sherrod Brown
United States Senator



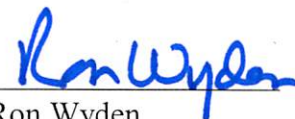
Catherine Cortez Masto
United States Senator



Bernard Sanders
United States Senator



Dianne Feinstein
United States Senator



Ron Wyden
United States Senator