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STATEMENT OF CHAIRMAN DANIEL K. AKAKA

Nomination Hearing for Carolyn Lerner to serve as Special Counsel at the Office of Special Counsel

Hearing Senate Committee on Homeland Security and Governmental Affairs

Aloha and good morning. Today, the Committee on Homeland Security and Governmental Affairs meets to consider the nomination of Carolyn Lerner to serve as Special Counsel. I would like to extend a warm welcome to Ms. Lerner, and also welcome her family and friends who have joined us today for this nomination hearing.

Ms. Lerner attended the University of Michigan, where she was selected to be a Truman Scholar, and studied at the London School of Economics. She received her law degree from New York University, where she was awarded a Root-Tilden-Snow Scholarship.

After law school, Ms. Lerner clerked for a Federal judge and then began to practice law. In 1997, she became a founding partner at her law firm here in Washington, D.C., where she represents individuals, including Federal employees, in employment matters. Ms. Lerner is also a visiting professor at the George Washington University Law School. Ms. Lerner, I would like to congratulate you on your nomination. It is a pleasure to have such a well-qualified nominee before us today.

The Office of Special Counsel was created in 1978 as part of the Civil Service Reform Act. Although it may not be the most well known Federal agency, the Office of Special Counsel (OSC) serves a very important purpose, which is to safeguard the merit system by protecting Federal employees and applicants from prohibited personnel practices.

Our dedicated Federal employees are among this country's greatest assets. I believe that civil servants must be able to serve their country without undue influence or fear of discrimination or retaliation.

For almost a decade, I have worked to reform the protections for Federal whistleblowers. Enacting the Whistleblower Protection Enhancement Act – so that Federal employees may report waste, fraud, abuse, or illegal activity without fear of retaliation – is one of my top priorities this Congress.

Having a Special Counsel in office who understands the critical importance of Federal employee whistleblowers is a key aspect of restoring faith in whistleblower protections.

In addition, the Office of Special Counsel protects the employment rights of our veterans by enforcing the Uniformed Services Employment and Reemployment Act.

As a member of the Veterans' Affairs and Armed Services Committees - and as a veteran of World War II myself – I feel strongly that our service members' rights must be protected as they prepare to enter or

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return to the civilian workforce. This issue has become even more important in recent years with large numbers of veterans returning from overseas who want to continue their service in a civilian capacity. I understand that this essential office at OSC is understaffed. I hope you will focus attention on veterans' protections if you are confirmed.

Finally, the Office of Special Counsel is responsible for enforcing and providing advisory opinions on the Hatch Act. Because the presumptive penalty for violating the Hatch Act is removal from federal employment, OSC's advisory function is vital to helping employees understand what activity is permitted under the law.

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