Congress of the United States Washington, DC 20515

August 28, 2020

Stuart Bender Director Office of Ethics U.S. Department of Agriculture 1400 Independence Avenue, SW Washington, DC 20520

Dear Mr. Bender,

We write to draw your immediate attention to recent political statements made by U.S. Department of Agriculture (USDA) Secretary Sonny Perdue to promote President Donald Trump's re-election at an official government event.

On August 24, 2020, during an official government event in Mills River, North Carolina to announce an additional \$1 billion of taxpayer funds for USDA's Farmers to Families Food Box Program, Secretary Perdue publicly advocated for area residents to vote for President Trump. Specifically, while standing alongside President Trump, the Secretary stated, "Mr. President, as you saw those throngs of people lining both sides of the road from the airport all the way to Mills River here, those were those forgotten people that voted for you for 2016. And I've got better news for you: they and many others are gonna vote for you for four more years in 2020." We believe engaging in such political activity while acting in his official capacity is a blatant violation of federal law under the Hatch Act.

The Hatch Act prohibits the use of taxpayer money derived from the United States Treasury to pay for costs associated with political activity by executive branch employees. Federal regulations define "political activity" as "an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group." While the law gives some leeway for "mixed" travel, the law clearly states costs associated with the political components of a senior official's "mixed" trip shall not be paid for using taxpayer funds from the United States Treasury. Therefore, it is imperative the USDA Office of Ethics have a process in place to accurately track mixed travel to ascertain what portion of the costs associated with an official's travel must be reimbursed to taxpayers.

For this reason, we are seeking information on Departmental travel to ensure you are closely monitoring compliance with the Hatch Act and applicable laws and taking appropriate action when a violation occurs. We respectfully ask for responses to the following within 10 business days:

1. Does the Secretary's statement advocating for President Trump's re-election at an official event in Mills River, North Carolina on August 24, 2020, constitute a violation of the Hatch Act?

¹ 5 U.S.C. §7324 (b) (1)

² 5 C.F.R. §734.101

³ 5 U.S.C. §7324 (b)(1)

- 2. How does the Office of Ethics ensure compliance with the Hatch Act's restrictions on political travel?
- 3. How does the Department handle violations of the Hatch Act's travel restrictions?
- 4. What clearance and reporting processes and requirements have been established by the Office of the Secretary regarding official Departmental employee mixed travel that includes either personal or political activities?
- 5. What is the formula for apportioning costs incurred during travel that has both official and personal activities or official and political activities?
- 6. How does USDA ensure official travel is cost-effective, in accordance with federal law under 5 U.S.C. § 5733?
- 7. What is USDA's process for handling travel requests from other government officials or offices, including the White House, Congress, or a separate agency, on a procedural basis?
- 8. What official events have USDA Presidentially-appointed, Senate-confirmed (PAS) officials traveled to in 2019 and 2020, to date? Please identify the event(s), specifying those with mixed travel (personal or political), the USDA participants, the associated costs and a log of federal reimbursements.
- 9. What political events have USDA Presidentially-appointed, Senate-confirmed (PAS) officials traveled to in 2019 and 2020, to date? Please identify the event(s), specifying those with mixed travel (official or personal), the USDA participants, the associated costs and a log of federal reimbursements.

We appreciate your attention to this important matter.

Sincerely,

Marcia L. Fudge

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Member of Congress

James P. McGovern Member of Congress

Barbara Lee

Member of Congress

Rosa DeLauro Member of Congress

Cheri Bustos Member of Congress

Alma S. Adams, Ph.D. Member of Congress

cc: The Honorable Henry J. Kerner, U.S. Special Counsel