

Congress of the United States
House of Representatives
Washington, DC 20515–0502

July 17, 2024

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

The Honorable Shelley Finlayson
Acting Director
Office of Government Ethics
250 E Street, SW., Suite 750
Washington, DC 20024

The Honorable Fara Damelin
Inspector General
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Special Counsel Kerner, Acting Director Finlayson, and Inspector General Damelin:

We respectfully request that the Office of Special Counsel, Office of Government Ethics, and Office of the Inspector General of the Federal Communications Commission (FCC) investigate possible ethics violations by Federal Communications Commissioner Brendan Carr. We are concerned that Commissioner Carr may be misusing his official position as an executive-level employee of the FCC to craft and advance a political playbook to influence the presidential election in favor of Donald Trump, in violation of the Hatch Act (5 U.S.C. §§ 7321-7326) and the Standards of Ethical Conduct for Employees of the Executive Branch (5 U.S.C. § 2635).

In April 2023, a network of former Trump officials and archconservative organizations came together under the leadership of the Heritage Foundation to produce the 2025 Presidential Transition Project (Project 2025) with the self-declared “goal of shaping policy decisions among presidential candidates.”¹ Project 2025 lays out a detailed roadmap for a conservative presidential administration to consolidate power in the presidency and gut checks and balances. The President of the Heritage Foundation, Kevin Roberts, claims that Project 2025 is “institutionalizing Trumpism.”² Paul Dans, the Director of Project 2025 and Trump’s former Director of the Office of Management and Budget (OMB), also noted during the Republican primary that his affiliates expect and “and hope” that Trump will ultimately end up in office again.³

¹ The Heritage Foundation, “Project 2025 Publishes Comprehensive Policy Guide, ‘Mandate for Leadership: The Conservative Promise,’” April 21, 2023, <https://www.heritage.org/press/project-2025-publishes-comprehensive-policy-guide-mandate-leadership-the-conservative-promise>.

² Lulu Garcia-Navarro, “Inside the Heritage Foundation’s Plans for ‘Institutionalizing Trumpism,’” *New York Times*, January 21, 2024, <https://www.nytimes.com/2024/01/21/magazine/heritage-foundation-kevin-roberts.html>.

³ Shelby Talcott, “The Heritage Foundation Recruits an Army to Build a Trump Presidency Playbook,” *Semafor*, February 20, 2024, <https://www.semafor.com/article/02/20/2024/heritage-recruits-an-army-to-build-a-trump-presidency-playbook>.

It is alarming that Commissioner Carr was one of many Trump appointees to participate in this endeavor. Although federal employees may certainly express their private opinions or engage in political activity in their personal capacity, they may not do so in their official capacity.⁴ Despite this requirement, Commissioner Carr used his official title to author the chapter of Project 2025 about the FCC.⁵

The Misuse of Position Rule clearly prohibits federal employees from using their government positions, titles, or authority to sign letters, write op-eds, speak in their personal capacity, or—as it were—draft the blueprint for archconservatives to take over their agency.⁶ Nevertheless, Project 2025 unambiguously identifies Commissioner Carr as the sole author of the chapter about the FCC, referring to him as “FCC Commissioner Brendan Carr.”⁷ Commissioner Carr’s official title is included again in the authors section, which describes him as “the senior Republican on the Federal Communications Commission.”⁸

This potential misuse of title raises serious questions about Commissioner Carr’s commitment to keeping his private political activities separate from his official duties. Therefore, we ask the relevant authorities to determine to what extent Commissioner Carr violated the Misuse of Position Rule or leveraged his government office in other ways to enhance his personal standing or advance the private and political interests of Project 2025. This includes any efforts to give an appearance of government sanction to Project 2025, favor partisan allies, utilize information learned by virtue of his position, accept gifts or compensation for writing about the FCC, or misuse official time and government property to contribute to Project 2025.⁹

To verify if Commissioner Carr assented to the use of his official title or otherwise violated the Standards of Conduct, we ask you to question him, review his ethics disclosures, and request access to his government devices and correspondence with any Project 2025 affiliates.

Additionally, we urge the Office of Special Counsel to determine if Commissioner Carr violated the Hatch Act, which prohibits federal employees from “using their official authority or influence to interfere with or affect the result of an election by, for example, using their official titles or positions while engaged in political activity.”¹⁰

While there is no Hatch Act prohibition against Commissioner Carr engaging in political activity in his personal capacity, he may not use his government title, office, or computer nor may he rely

⁴ 5 U.S.C. §§ 2635.702, 7323(a) and 7324(a).

⁵ The Heritage Foundation, *Project 2025: Mandate for Leadership*, April 2023, https://archive.org/details/2025_MandateForLeadership_FULL.

⁶ Office of Government Ethics, “Standards of Ethical Conduct,” [https://www.oge.gov/web/oge.nsf/0/86D5B4F72AF0FBCB852585B6005A1A22/\\$FILE/Standards%20of%20Ethical%20Conduct%20508.pdf](https://www.oge.gov/web/oge.nsf/0/86D5B4F72AF0FBCB852585B6005A1A22/$FILE/Standards%20of%20Ethical%20Conduct%20508.pdf). Based in 5 U.S.C. § 2635 Subpart G.

⁷ Heritage Foundation, *Project 2025*, p. 825. See the full chapter at pp. 845-857. The Author’s Note at the end of Commissioner Carr’s chapter states that “the author alone assumes responsibility for the content of this chapter, and no views expressed herein should be attributed to any other individual,” making clear that Commissioner Carr is solely responsible for this chapter.

⁸ *Ibid.*, 15.

⁹ Office of Government Ethics, “Standards of Ethical Conduct.”

¹⁰ Office of Special Counsel, “Federal Employee Hatch Act Information,” <https://osc.gov/Services/Pages/HatchAct-Federal.aspx#tabGroup12>.

on the official time and resources of other federal employees. As to the secondary question of whether contributing to Project 2025 constitutes political activity, there is ample evidence that Project 2025 is a partisan effort to support a conservative candidate and influence the election.

Project 2025 speaks openly about supporting the “next conservative President.” Inasmuch as the conservative party is the Republican Party, it would not be a stretch to say that Project 2025 supports the Republican Party and the election of a new GOP President.

For instance, the landing page for the playbook states that Project 2025 is “building now for a conservative victory.”¹¹ It reads further: “The time is short, and conservatives need a plan. The project will create a playbook of actions to be taken in the first 180 days of the new Administration to bring quick relief to Americans suffering from the Left’s devastating policies.”¹² The group’s mission statement declares: “It is not enough for conservatives to win elections. If we are going to rescue the country from the grip of the radical Left, we need both a governing agenda and the right people in place, ready to carry this agenda out on day one of the next conservative administration.” It adds: “The project is the effort of a broad coalition of conservative organizations that have come together to ensure a successful administration begins in January 2025. With the right conservative policy recommendations and properly vetted and trained personnel to implement them, we will take back our government.”¹³

In addition to its blatant support for the Republican Party, Project 2025 openly touts its ties to candidate Trump. The entire leadership team of Project 2025 served in Trump’s White House, and most of its authors are former Trump aides and officials who are likely to serve in any future potential Trump administration. That includes Russ Vought, a self-described Christian Nationalist who authored part of Project 2025 and served as Trump’s Director of the Office of Management and Budget (OMB).¹⁴ Earlier this year, the Trump Campaign and the Republican National Committee (RNC) also named Vought as the Policy Director of the RNC committee crafting the party platform.¹⁵ The Trump Campaign’s National Press Secretary, Karoline Leavitt, also appeared in a Heritage Foundation video alongside other former Trump administration staffers to promote Project 2025’s training program for potential future political appointees.¹⁶ Earlier this year, John McEntee – a former director of the White House Presidential Personnel Office for Trump and a senior advisor for Project 2025 – told *The Daily Wire* that the Trump Campaign and Project 2025 would “integrate a lot of our work” after the summer.¹⁷

¹¹ Heritage Foundation, “Project 2025,” <https://www.project2025.org/>.

¹² *Ibid.*

¹³ Heritage Foundation, “About Project 2025,” <https://www.project2025.org/about/about-project-2025/>.

¹⁴ Beth Reinhard, “Trump Loyalist Pushes ‘post-Constitutional’ Vision for Second Term,” *Washington Post*, June 8, 2024, <https://www.washingtonpost.com/politics/2024/06/08/russ-vought-trump-second-term-radical-constitutional/>.

¹⁵ *Ibid.* See Republican National Committee, “RNC, Trump Campaign Announce Leadership for 2024 Republican National Convention’s Platform Committee,” <https://gop.com/press-release/rnc-trump-campaign-announce-leadership-for-2024-republican-national-conventions-platform-committee/>.

¹⁶ Patrick Svitek, “Trump Tries to Distance Himself From Project 2025 Plan,” *Washington Post*, July 6, 2024, <https://www.washingtonpost.com/politics/2024/07/05/trump-project-2025-disavowal/>. See also Heritage Foundation, “Project 2025 Presidential Administration Academy” (Video), <https://www.youtube.com/watch?v=ITw6SNI3SR4>.

¹⁷ Adriana Gomez Licon, “Biden Assails Project 2025, Trump Denies Knowing About It | AP News,” AP News, July 7, 2024, <https://apnews.com/article/trump-project-2025-biden-9d372469033d23e1e3aef5cf0470a2e6>.

Additionally, the leading pro-Trump Super PAC (MAGA Inc.) is running ads to promote “Trump’s Project 2025” with a website titled TrumpProject2025.com.¹⁸ Project 2025 also boasts that “the Trump administration relied heavily on Heritage’s “Mandate” for policy guidance, embracing nearly two-thirds of Heritage’s proposals within just one year in office.”¹⁹ And Trump campaign officials acknowledge that Project 2025 aligns well with their own “Agenda 47” program, which in some cases even cites the work of the Heritage Foundation.²⁰

For his part, Trump has said that he “needs” the Heritage Foundation to enact his agenda, and he has gone out of his way to praise its leaders.²¹ Earlier this year, Trump praised Roberts as “the highly respected president of the Heritage Foundation” and urged him to “keep going” and “get the word out.”²² Just a month later, Trump was shaking hands with Roberts in front of the National Religious Broadcasters and publicly praising him again, saying that the “Heritage Foundation president is somebody else doing an unbelievable job; he’s bringing it back at level it’s never seen.”²³ At the same event, Roberts laid out additional information about Project 2025 and declared: “We want no credit, we want the American people if President Trump is elected again, President Trump and his administration to take credit for that.”²⁴

Given the close ties between Project 2025, Trump, and his re-election campaign, it is deeply troubling that Commissioner Carr would use his official title and position to author part of the political playbook for a Republican presidential candidate. At the very least, it creates an appearance of impropriety.

For all the aforementioned reasons, we ask you to investigate and make a determination as to whether Commissioner Carr complied with the Hatch Act and other federal ethics laws and regulations. Since we are already deep into the presidential election season, we would appreciate your prompt attention to this matter, interim updates on the status of your investigation, and a briefing on your findings.

We trust you will coordinate appropriately with the Department of Justice to preserve the ability to prosecute any criminal Hatch Act violations. We also request that if during your investigation you encounter evidence of misconduct beyond your agency’s remit, you promptly refer it to the appropriate authority and notify us.

¹⁸ Media Matters Staff, “Project 2025 Advisor Says the Initiative Will ‘Integrate a Lot of Our Work’ With the Trump Campaign Later This Year,” Media Matters for America, April 22, 2024, <https://www.mediamatters.org/project-2025/project-2025-advisor-says-initiative-will-integrate-lot-our-work-trump-campaign-later>.

¹⁹ The Heritage Foundation, “Trump Administration Embraces Heritage Foundation Policy Recommendations,” <https://www.heritage.org/impact/trump-administration-embraces-heritage-foundation-policy-recommendations>.

²⁰ Michael Hirsh, “Inside the Next Republican Revolution,” *POLITICO*, September 19, 2023, <https://www.politico.com/news/magazine/2023/09/19/project-2025-trump-reagan-00115811>.

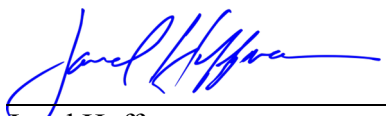
²¹ Rachel Dobkin, “Donald Trump’s Project 2025 Post Met With Skepticism,” *Newsweek*, July 6, 2024, <https://www.newsweek.com/donald-trump-project-2025-heritage-foundation-1921773>.

²² J.D. Wolf, “Trump Praised President of Project 2025 Parent Group by Name Twice This Year,” *Meidas Touch News*, July 5, 2024, <https://meidasnews.com/news/trump-praised-president-of-project-2025-parent-group-by-name-twice-this-year>.

²³ *Ibid.*

²⁴ Kate Plummer, “Donald Trump Allies’ Project 2025 Comments Resurface After He Denies Role,” *Newsweek*, July 6, 2024, <https://newsweek.com/project-2025-donald-trump-heritage-foundation-1921824>.

Sincerely,



Jared Huffman
Member of Congress



Ted W. Lieu
Member of Congress



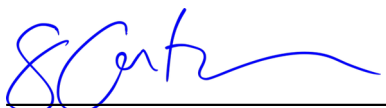
Henry C. "Hank" Johnson, Jr.
Member of Congress



Dan Goldman
Member of Congress



Ayanna Pressley
Member of Congress



Sean Casten
Member of Congress



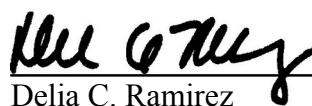
Pramila Jayapal
Member of Congress



Jasmine Crockett
Member of Congress



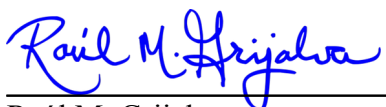
Barbara Lee
Member of Congress



Delia C. Ramirez
Member of Congress



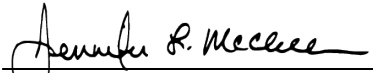
Nanette Diaz Barragán
Member of Congress



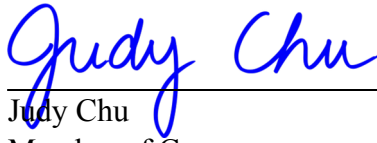
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