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United States Senate
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
WASHINGTON, DC 20510-6125
WEBSITE: <https://commerce.senate.gov>

October 15, 2025

The Honorable Jamieson Greer
Acting Special Counsel
United States Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, DC 20036-4505

Mr. Greer:

I am formally notifying the Office of Special Counsel (OSC) that Department of Homeland Security (DHS) Secretary Kristi Noem is airing a partisan video message—on televisions in public airports across the country—in which she erroneously blames “Democrats in Congress” for the current government shutdown’s impact on airport “operations” and for Transportation Security Administration (TSA) employees “working without pay.”¹ This message is not just false; it appears to violate the prohibitions contained in the Hatch Act. As the independent agency responsible for enforcing the Hatch Act, I urge you to investigate this matter immediately.

Recent reports indicate DHS is using taxpayer dollars and federal assets to produce and air a video message featuring Secretary Noem, in her official capacity, making political attacks against Democratic Members of Congress. Specifically, while standing in front of a large American flag alongside the DHS insignia, Secretary Noem delivers the following message to the millions of Americans who fly each day:

Democrats in Congress refuse to fund the federal government. And because of this, many of our operations are impacted and most of our TSA employees are working without pay. We will continue to do all that we can to avoid delays that will impact your travel. And our hope is that Democrats will soon recognize the importance of opening the government.²

¹ Muntean, Pete, and Aaron Cooper, “Video of Kristi Noem blaming Democrats for shutdown rolling out at TSA security checkpoints across the country”, *CNN*, (Oct. 9, 2025); <https://www.cnn.com/2025/10/09/us/kristi-noem-tsa-video>.

² *Id.*

As you know, the Hatch Act restricts federal executive branch employees, including Cabinet Secretaries,³ from engaging in “political activity”—that is, “activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group”—while “on duty” or “while wearing a uniform or official insignia identifying the office or position of the employee.”⁴ When viewed in its totality, Secretary Noem’s video can only be reasonably interpreted as a partisan message intended to misleadingly malign the Trump Administration’s political opponents, convince Americans to blame “Democrats in Congress” for the ongoing government shutdown, and influence their future votes—all while omitting the fact that Republicans currently control the White House, U.S. Senate, and U.S. House of Representatives.⁵

Recognizing Secretary Noem’s video contains political messaging and likely violates the law, multiple airports are refusing to air it.⁶ For example, a spokesperson for the Port of Seattle stated the Seattle-Tacoma International Airport would not play Secretary Noem’s video “due to the political nature of the content,” while a spokesperson for the Port of Portland explained, “we did not consent to playing the video in its current form, as we believe the Hatch Act clearly prohibits use of public assets for political purposes and messaging.”⁷

This is not the only instance where Trump Administration officials have disregarded the Hatch Act to try to place political blame on Democrats for the government shutdown, instead of working with Democrats to reopen the government and protect millions of Americans from skyrocketing health care insurance costs.⁸ And this alarming pattern of misconduct only builds on the first Trump Administration’s brazen disregard for federal ethics laws like the Hatch Act—which, if left unchecked, your office appropriately warned will “erode the principal foundation of our democratic system—the rule of law.”⁹

³ 5 U.S.C. § 7322(1).

⁴ 5 U.S.C. § 7324; *see also* 5 C.F.R. §§ 734.101, 734.306.

⁵ On multiple occasions, Senate Republicans have voted against a proposal that would immediately reopen the government. *See* S. 2882 “Continuing Appropriations and Extensions and Other Matters Act, 2026.”

⁶ Lotz, Avery, “No fly zone: Airports ground Kristi Noem’s government shutdown video”, *Axios*, (Oct. 14, 2025); <https://www.axios.com/2025/10/14/government-shutdown-noem-video-tsa-airports>.

⁷ *Id.*

⁸ Swenson, Ali, “The blame is on at federal agencies, where political messages fault Democrats for the shutdown”, *The Associate Press News*, (Oct. 2, 2025); <https://apnews.com/article/trump-shutdown-blame-agencies-websites-hatch-act-ff5dab4e9a3a74af0c94fd9b184d9311>.

⁹ Report, “Report of Prohibited Political Activity Under the Hatch Act OSC File Nos. HA-19-0631 & HA-19-3395 (Kellyanne Conway)”, *U.S. Office of Special Counsel*, (May 30, 2019); [https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Kellyanne%20Conway%20\(HA-19-0631%20%26%20HA-19-3395\).pdf?csf=1&e=aMNhry](https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity.%20Kellyanne%20Conway%20(HA-19-0631%20%26%20HA-19-3395).pdf?csf=1&e=aMNhry).

The Senate Committee on Commerce, Science, and Transportation has oversight and legislative jurisdiction over the TSA and a constitutional responsibility to ensure taxpayer dollars are not being misused for partisan political purposes. No one is above the law.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Maria Cantwell". The signature is fluid and cursive, with the first name "Maria" and last name "Cantwell" clearly distinguishable.

Maria Cantwell
Ranking Member

Cc: Kristi Noem, Department of Homeland Security

Cc: Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General