

United States Senate
Washington, DC 20510

July 31, 2024

The Honorable Sandra D. Bruce
Inspector General
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Inspector General Bruce:

In July, U.S. Department of Education Secretary Miguel Cardona sent an official letter to student loan borrowers regarding the Biden-Harris administration's Saving on a Valuable Education (SAVE) plan. The letter, which was sent from an official Department email account, displayed the Secretary's name in the "from" line, and contained his handwritten signature, was overtly political and may violate Department policy and various federal laws.¹

In Secretary Cardona's letter, sent on a Department email system in his capacity as Secretary of Education, he explicitly attacks Republican elected officials multiple times. Secretary Cardona writes:

"In recent weeks, several federal courts have issued rulings in lawsuits brought by Republican elected officials who are siding with special interests and trying to block Americans from accessing all the benefits of the most affordable student loan repayment plan in history – the SAVE (Saving on a Valuable Education) Plan."

The Secretary continues by stating that he and the President will continue student loan debt transfers "no matter how many times Republican elected officials try to stop us."

Secretary Cardona's actions merit a formal investigation by your office. Accordingly, we are referring this matter to you to expeditiously investigate whether the Secretary violated the Hatch Act, Anti-Lobbying Act, Purpose Statute, Anti-

¹ In correspondence with congressional staff, Department of Education officials also confirmed that the letter underwent a "legal and leadership review," which suggests that the Secretary himself likely reviewed and consented to the use of his name in the communication.

Deficiency Act, other laws, or Department policy by using taxpayer dollars, Department resources, and his official time and position to aid the Biden-Harris administration’s election efforts and impugn elected officials from another political party.

As you know, the Hatch Act prohibits federal employees from “us[ing] [their] official authority or influence for the purpose of interfering with or affecting the result of an election.”² According to OSC guidance, this limitation on political activity includes “activity directed at the success or failure of a political party.”³ Likewise, the Anti-Lobbying Act prohibits the unauthorized use of taxpayer funds “to influence in any manner . . . an official of any government” to favor or oppose any law or policy.⁴ The Purpose Statute prohibits the use of appropriated funds on any object other than those “for which the appropriations were made except as otherwise provided by law.”⁵ Finally, the Anti-Deficiency Act prohibits the expenditure of unappropriated taxpayer dollars.⁶

Congress did not appropriate taxpayer dollars to the Department for the Secretary to characterize taxpayers as “special interests,” engage in partisan political activities, or impugn elected officials. Doing so is a clear misuse of congressionally appropriated funds and raises the possibility of Purpose Statute and Anti-Deficiency Act violations. Furthermore, given that this is a presidential election year, the repeated references to Republican *elected* officials suggest a call to action for the recipients of the letter—generally voters—to act against those officials either by voting against them at the polls or by contacting their elected representatives to voice opposition to their policy positions, raising the possibility of Hatch and Anti-Lobbying Act violations.

The Biden-Harris administration should not use taxpayer dollars for transparently political attacks on Republicans. As we are now in the midst of a presidential

² 5 U.S.C. § 7323.

³ *Federal Employee Hatch Act Information*, U.S. OFFICE OF SPECIAL COUNSEL, <https://osc.gov/Services/Pages/HatchAct-Federal.aspx#tabGroup12> (last visited July 22, 2024).

⁴ 18 U.S.C. § 1913.

⁵ 31 U.S.C. § 1301

⁶ 31 U.S.C. § 1341.

election, we appreciate your prompt attention to this matter and request interim updates on the status of your investigation.

Sincerely,



Ted Cruz
United States Senator



Thom Tillis
United States Senator



Bill Cassidy, M.D.
United States Senator