



United States
Department of
Agriculture

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Office of the
General Counsel

TO: ALL USDA EMPLOYEES

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Room 107-W
Washington, DC
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FROM: Tyler Clarkson
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SUBJECT: Important Political Activity Guidance Reminder (the Hatch Act)

As the national, state and local election seasons begin to move into higher gear, we are providing this timely reminder of the applicable statutory restrictions on political activity imposed by the Hatch Act (5 U.S.C. §§ 7321 - 7326).

The Hatch Act generally prohibits Federal employees from engaging in partisan political activities (those activities involving a political party or its candidates for elected office) while on duty, while in the Government workplace, while wearing an official uniform, or while using a government vehicle. **It is important to note that, under the Hatch Act, "political activity" is specifically defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political organization.** For example, messages specifically encouraging others to support or vote for or against a particular candidate or political party – if sent while on official duty or in the Federal workplace or while using one’s official USDA position title or authority -- would trespass on the Hatch Act’s prohibition against supporting the success or failure of a candidate or political party in one’s official capacity. In other words, if a USDA employee used their official government email to send a message which included words to the effect of “. . . and that is why you should vote for [or against] Candidate XYZ in the coming election” – that would constitute political activity contravening the restrictions imposed by the Hatch Act.

The Hatch Act also imposes a complete 24-hour a day ban against employees soliciting or accepting political campaign contributions to benefit a candidate, a political party or a partisan political organization. This means that the political campaign fundraising ban restricts Federal employees from soliciting or accepting partisan political donations at any time, even during one’s own personal time while off duty and outside of official duty hours.

Violations of the Hatch Act carry serious penalties, which may result in disciplinary action up to, and including, removal from Federal employment. Moreover, the U.S. Office of Special Counsel (OSC) recently issued a Hatch Act Advisory Opinion stating that OSC's Hatch Act enforcement authority does **not** cease if an employee leaves Federal Service. This is a new development and was triggered by an MSPB Administrative Law Judge (ALJ) ruling that the MSPB has jurisdiction over Hatch Act complaints filed against **former** employees. Based on that ALJ's ruling, OSC advised that it will no longer refrain from filing complaints at the MSPB alleging Hatch Act violations where the subject employee has left Federal service. **Remember, whenever you have an Ethics or Hatch Act question, you can, and should, always contact the USDA Office of Ethics.** You can easily locate the Office of Ethics advisors assigned to service your Mission Area or Staff Office at: www.usda.gov/ethics or call the Office of Ethics' Hatch Act Hotline at (202) 720-2251.

To remind USDA employees of our obligations under the Hatch Act, the USDA Office of Ethics is providing this **summary of the six most important Hatch Act requirements that every employee needs to know, if you choose to engage in partisan political activity:**

1) You must be off duty -- You can only engage in partisan political activity when you are off-duty and not in an official duty status. Some examples of when you are off duty would be those times when you are on annual leave, or before your official duty hours start, during your lunch break, or after your official duty hours end. This means that during work hours, whether you are working on-site, teleworking, or working remotely, if you are "on the clock" you cannot engage in partisan political activity of any kind. **Important note:** Even during those times when you are "off the clock" (such as while on a lunch break), you cannot engage in partisan political activity while you are in the Federal workplace (see below).

2) You must be off premises – This means that you may not engage in partisan political activity in buildings owned or leased by the Federal Government. No campaign buttons, campaign t-shirts, or posters **for political candidates** may be displayed by Federal employees in a government-owned building or leased office space. However, you may display a political bumper sticker on your personal car, even if it is parked in a government parking lot – but it is important to note that **if you use your car for official USDA purposes (e.g., to meet with stakeholders or entities that USDA regulates), you will need to remove or cover up the bumper sticker during those times.** Even when you are off site and off duty, you may not engage in partisan political activity while wearing an official government uniform, driving a government vehicle,¹ or while using government resources (such as laptop computers). And remember, you can never display a political bumper sticker on a government-owned vehicle.

¹ Senate Confirmed Presidential Appointees (PAS) serve in positions that continue outside normal duty hours and while away from normal duty posts. Because of this, the Hatch Act allows PAS officials a limited ability to engage in political activities while in a Federal building or government vehicle, provided that they adhere to the Hatch Act's restrictions against political fundraising and against using their government title in such activities. See, 5 C.F.R. Section 734.502. PAS appointees must also adhere to additional White House requirements.

3) Don't use your USDA position or job title to support a partisan political campaign –

You may not use or allow others to use your USDA position title or authority in conjunction with any partisan political activity. This means that if you are speaking at a political event after hours in your personal (unofficial) capacity, you cannot allow others to introduce you to the audience using your official USDA position or title. And even if you don't use your government job title, Federal employees cannot run in a partisan political campaign for elected office. Employees may run in completely non-partisan elections, but the rules can be nuanced, so employees are strongly advised to first contact the USDA Office of Ethics to seek guidance in advance of running in a non-partisan election.

4) There is a strict ban against any partisan political fundraising, including on Social Media --

You may never ask or solicit others to contribute to a political party or to candidates for elected office. This ban applies 24 hours a day, meaning that the fundraising ban applies both when you are on duty as well as when you are off duty. This means that you cannot host or co-host a partisan political fundraising event. You also cannot solicit political campaign donations either verbally or via written correspondence, e-mail, or on any social media platforms, including, but not limited to: Facebook, LinkedIn or Instagram. Also, you may not collect, accept, or receive political contributions on behalf of a partisan candidate or political party.

5) No Use of Subordinates – If you are a supervisor, you may not solicit the participation of subordinates to engage in partisan political activities (for example, if you are attending a political rally, after work hours, you cannot ask a subordinate employee to attend with you).

6) “Further Restricted” Employees - Career Senior Executive Service (SES) employees and Administrative Law Judges (ALJ) are under further, and more stringent, restrictions under the Hatch Act. If you are a career SES or ALJ you are advised to consult first with the USDA Office of Ethics prior to engaging in any partisan political activities.

Questions? Remember, whenever you have an Ethics or Hatch Act question, you can, and should, always contact the USDA Office of Ethics. You can easily locate the Office of Ethics advisors assigned to service your Mission Area or Staff Office at: www.usda.gov/ethics or <https://www.usda.gov/about-usda/general-information/staff-offices/office-ethics/ethics-advisors> or call the Office of Ethics' Hatch Act Hotline at (202) 720-2251.

Further Resources are Available: For those wanting more information, **the next two pages contain contact information for Ethics Advisors at the USDA Office of Ethics as well as a list of long-distance Ethics and Hatch Act resources created by the USDA Office of Ethics** that are available on demand to assist employees in complying with these important requirements. Additionally, employees can also visit the U.S. Office of Special Counsel website for more information regarding the Hatch Act at www.osc.gov.

Ethics and Hatch Act Resources to Assist You

How to Get in Touch with the USDA Office of Ethics:

Employees of:	Contact:
Farm Production and Conservation Mission Area (FSA, NRCS, RMA, and FPAC Business Center)	Ethics-FPC@usda.gov
Food, Nutrition and Consumer Service Mission Area (FNS, CNPP)	Ethics-FNCS@usda.gov
Food Safety Mission Area (FSIS)	Ethics-FoodSafety@usda.gov
Marketing and Regulatory Programs Mission Area (AMS, APHIS & GIPSA)	Ethics-MRP@usda.gov
Natural Resources and Environment Mission Area (USFS)	Ethics-NRE@usda.gov
Research, Education and Economics Mission Area (ARS, NIFA, ERS, NASS)	Ethics-REE@usda.gov
Trade and Foreign Agricultural Affairs Mission Area (FAS)	Ethics-TFAA@usda.gov
Rural Development (RBCS, RHS & RUS)	Ethics-RD@usda.gov
Departmental Management, Staff Offices, Filers of Public Financial Disclosure Reports and Political Appointees	Daeo.ethics@usda.gov

Ethics Resources Available to You “On Demand” 24 Hours a Day:

To assist you in understanding the Ethics rules and complying with the Hatch Act’s requirements, the Office of Ethics has created several long-distance educational resources available to all USDA employees, on demand:

- 1) **The USDA Ethics Mobile Application (the USDA Ethics App):** The USDA Ethics App is available by searching “USDA Ethics” on any smartphone app store on either Apple or Android devices.
- 2) **USDA’s Ethics Web site:** Another resource is the USDA Ethics web site (search: “*USDA Office of Ethics*” on the web or go directly to the site at: www.usda.gov/ethics.) The “Rules of the Road” Section of the USDA Ethics website provides information on the Hatch Act rules governing political activity and the Ethics rules generally.

- 3) **Hatch Act Training Module on AgLearn** -- The Office of Ethics has created a new training module on the Hatch Act on USDA's AgLearn. This training can be found on AgLearn by searching "OGC-ETHICS-HATCH" in the AgLearn search function.
- 4) **The USDA-NASA Ethics Scenario-based Training Module** -- The Office of Ethics new animated Ethics Scenario-based Training Module (developed by USDA's Office of Ethics in partnership with NASA) features a section on the Hatch Act. You can access the USDA-NASA Ethics Training Module in one of two ways: (1) On AgLearn by searching "OGC-ETHICS-2026" in the search feature on AgLearn, and (2) on the USDA Ethics website at: <https://www.usda.gov/about-usda/general-information/staff-offices/office-ethics/training-2025>.
- 5) **Ethics and Hatch Act Videos**: The Office of Ethics has created 41 videos on a wide array of Ethics and Hatch Act topics. Employees can search the full playlist of videos by searching: "*USDA Office of Ethics Playlist*" on YouTube. Employees can view several short videos about the Hatch Act located on the Video Section of the USDA Ethics App as well as on USDA's official YouTube page. The following six Hatch Act videos, created by the USDA Office of Ethics, are available to you on demand 24 hours a day and can be viewed on your laptop, tablet, or smart phone. **These Hatch Act videos can be located on YouTube by searching "*USDA Office of Ethics Playlist*."**
 - 1) *The Hatch Act Illustrated and Explained.*
 - 2) *The Hatch Act Rules for USDA Employees.*
 - 3) *Hatch Act and Social Media.*
 - 4) *Hatch Act Rules for Further Restricted Employees (career-SES).*
 - 5) *Hatch Act Rules Feds Must Know Before Running for Elected Office*
 - 6) *Ethics Illustrated: Five Rules Every Federal Senior Executive (SES) Must Know*

As you can see, the USDA Office of Ethics has created numerous long-distance educational resources to assist Federal employees understand these important laws and adhere to these important rules. And as always, if you have an ethics or Hatch Act question, please contact the USDA Office of Ethics – we are here to help. You can readily locate the Office of Ethics advisors assigned to service your Mission Area or Staff Office at: www.usda.gov/ethics or <https://www.usda.gov/about-usda/general-information/staff-offices/office-ethics/ethics-advisors> or call the Office of Ethics' Hatch Act Hotline at (202) 720-2251.