

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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August 21, 2025

The Honorable Kristi Noem
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Dear Secretary Noem:

Recent reports raise serious concerns about Mr. Corey Lewandowski's role at the Department of Homeland Security (DHS) as a Special Government Employee (SGE).¹ Under federal law, SGEs may not serve more than 130 days in any 365-day period; yet, credible accounts indicate Mr. Lewandowski may have exceeded this limit by failing to accurately record all of his workdays.² At the same time, he appears to be exercising broad decision-making authority—including over hiring and firing, Federal Emergency Management Agency (FEMA) grant approvals, and departmental operations—that far exceeds the intended scope of an SGE which, by nature, is in a temporary, advisory position.³ Such actions raise serious legal and ethical concerns, threaten public trust, and undermine accountability at one of our nation's most critical agencies.

An SGE is statutorily defined as an officer or employee appointed to perform temporary duties not exceeding 130 days during any 365-day period.⁴ The Office of Government Ethics (OGE) makes clear that every day an SGE performs any work for the government counts toward

¹ *How Corey Lewandowski Became Kristi Noem's Gatekeeper at DHS*, Wall Street Journal (Aug. 7, 2025) (online at www.wsj.com/politics/policy/how-corey-lewandowski-became-kristi-noems-gatekeeper-at-dhs-6c08d996); *How Corey Lewandowski's Power at the Department of Homeland Security Keeps Growing*, CNN (Aug. 5, 2025) (online at www.cnn.com/2025/08/05/politics/corey-lewandowski-growing-power-dhs); *White House, DHS Probe Lewandowski's Work Amid Day Limit Concerns*, Axios (Aug. 14, 2025) (online at www.axios.com/2025/08/14/white-house-dhs-lewandowski-noem).

² *Id.*; *Summary of the Rules on Special Government Employees*, U.S. Department of Justice (online at www.justice.gov/jmd/ethics/summary-government-ethics-rules-special-government-employees) (accessed Aug. 14, 2025); Office of Government Ethics, DO-00-003 (Feb. 15, 2000) (online at [www.oge.gov/web/oge.nsf/Legal%20Docs/5E9A1888068E7CDE852585BA005BED9D/\\$FILE/DO-00-003-2.pdf](https://www.oge.gov/web/oge.nsf/Legal%20Docs/5E9A1888068E7CDE852585BA005BED9D/$FILE/DO-00-003-2.pdf)) (accessed Aug. 14, 2025).

³ *How Corey Lewandowski Became Kristi Noem's Gatekeeper at DHS*, Wall Street Journal (Aug. 7, 2025) (online at www.wsj.com/politics/policy/how-corey-lewandowski-became-kristi-noems-gatekeeper-at-dhs-6c08d996).

⁴ 18 U.S.C. § 202(a).

this limit.⁵ Exceeding the threshold requires reclassification and additional ethics obligations, including stricter conflict-of-interest rules and, in some cases, public financial disclosure.⁶ These safeguards are designed to ensure that SGEs provide temporary expertise without wielding permanent authority over government functions.

Mr. Lewandowski's reported role at DHS far outsteps the bounds of an SGE. Mr. Lewandowski has allegedly avoided "clocking in" for some of his workdays, taking measures such as undercounting his work hours, working from home, and avoiding swiping his badge to access government buildings.⁷ These reports raise the possibility that he has already surpassed the statutory limit. The White House Counsel's Office and DHS legal staff have reportedly initiated reviews to determine whether his service complies with the law.⁸ Yet, while this review is pending, Mr. Lewandowski is reportedly acting as your "gatekeeper" and *de facto* chief of staff, controlling access to you, managing DHS operations, influencing FEMA grant decisions, and exercising the power to dismiss employees despite no clear authority to do so.⁹ He has also reportedly overruled decisions made by the Deputy Secretary, further illustrating the breadth of his operational control and the extent to which he is functioning beyond an advisory role.¹⁰

It is deeply concerning that DHS may be allowing a temporary appointee to function as a senior executive without proper appointment, ethics restrictions, transparency or oversight.¹¹ Multiple officials have expressed concern that his influence over personnel and funding decisions is both far-reaching and unchecked, with one noting that staff fear crossing him because of his perceived authority to fire them.¹² Such a concentration of power in a temporary role undermines the statutory purpose of the SGE designation and raises the risk of conflicts of interest.¹³

⁵ Office of Government Ethics, DO-00-003 (Feb. 15, 2000) (online at [www.oge.gov/web/oge.nsf/Legal%20Docs/5E9A1888068E7CDE852585BA005BED9D/\\$FILE/DO-00-003-2.pdf](http://www.oge.gov/web/oge.nsf/Legal%20Docs/5E9A1888068E7CDE852585BA005BED9D/$FILE/DO-00-003-2.pdf)) (accessed Aug. 14, 2025).

⁶ Summary of the Rules on Special Government Employees, U.S. Department of Justice (online at www.justice.gov/jmd/ethics/summary-government-ethics-rules-special-government-employees) (accessed Aug. 14, 2025).

⁷ *White House, DHS Probe Lewandowski's Work Amid Day Limit Concerns*, Axios (Aug. 14, 2025) (online at www.axios.com/2025/08/14/white-house-dhs-lewandowski-noem).

⁸ *Id.*

⁹ *How Corey Lewandowski Became Kristi Noem's Gatekeeper at DHS*, Wall Street Journal (Aug. 7, 2025) (online at www.wsj.com/politics/policy/how-corey-lewandowski-became-kristi-noems-gatekeeper-at-dhs-6c08d996); *How Corey Lewandowski's Power at the Department of Homeland Security Keeps Growing*, CNN (Aug. 5, 2025) (online at www.cnn.com/2025/08/05/politics/corey-lewandowski-growing-power-dhs).

¹⁰ *How Corey Lewandowski's Power at the Department of Homeland Security Keeps Growing*, CNN (Aug. 5, 2025) (online at www.cnn.com/2025/08/05/politics/corey-lewandowski-growing-power-dhs).

¹¹ *Id.*

¹² *How Corey Lewandowski Became Kristi Noem's Gatekeeper at DHS*, Wall Street Journal (Aug. 7, 2025) (online at www.wsj.com/politics/policy/how-corey-lewandowski-became-kristi-noems-gatekeeper-at-dhs-6c08d996).

¹³ *Id.*

Federal ethics rules governing SGEs are intended to prevent exactly this type of overreach. The 130-day limit exists to preserve the temporary, advisory nature of such appointments and to ensure that individuals with significant operational authority are properly appointed, vetted, and subject to full ethics requirements.¹⁴ Allowing an SGE to exceed these limits or to direct the day-to-day operations of DHS erodes transparency, accountability, and public confidence in the Department's leadership.

Public officials and federal employees—including SGEs—incur criminal liability under 18 U.S.C. § 205 when they act “as an agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest,” including the selection, handling, or cancellation of a federal contract.¹⁵ SGEs are likewise bound to comply with the *Standards of Ethical Conduct for Employees of the Executive Branch*, which prohibits the use of public office for private gain, whether it be for themselves or friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.¹⁶

To ensure that Congress can perform its constitutional oversight responsibilities and protect the integrity of DHS, we request that you provide the following documents and information by September 4, 2025:

1. A complete accounting of Mr. Lewandowski's service days at DHS since his appointment, including all timekeeping records, calendars, logs, log-in metadata for all DHS devices used by Mr. Lewandowski, records of his entry and exit from DHS facilities, remote working agreements, and all other documentation reflecting his work for the Department;
2. An assessment of whether Mr. Lewandowski has exceeded the 130-day statutory limit in any rolling 365-day period, including the dates and total number of days served if applicable;
3. Any reviews, analyses, or determinations conducted by DHS to evaluate whether Mr. Lewandowski should be reclassified from SGE to a different status, and the results of any such reviews;
4. All documents and communications regarding Mr. Lewandowski's role in personnel decisions, including hiring and firing, or other executive functions;
5. All documents and communications regarding Mr. Lewandowski's role in grant-making decisions in FEMA grant approvals, operational direction, or other

¹⁴ Summary of the Rules on Special Government Employees, U.S. Department of Justice (online at www.justice.gov/jmd/ethics/summary-government-ethics-rules-special-government-employees) (accessed Aug. 14, 2025).

¹⁵ 18 USC § 205(a)(2); 18 USC § 205(h).

¹⁶ 5 C.F.R. § 2635.702.

executive functions, including decisions around prioritization of payments to the state of Missouri in March 2025, and the commonwealth of Virginia in April 2025;

6. All documents and communications between Mr. Lewandowski and any lobbying firm, registered lobbyist, or government contracting consultant, and a description of the relationship Mr. Lewandowski maintains with any such firm or individual or any member, employee, or principal of such a firm;
7. All documents and communications with DHS or OGE ethics officials regarding Mr. Lewandowski's role, day-count compliance, and adherence to conflict-of-interest and financial disclosure requirements; and
8. Any plans, policies, or safeguards DHS has in place to ensure SGEs comply with statutory day limits, remain within the advisory scope of their positions, and meet all applicable ethical requirements.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. The Committee may use the results of this investigation to inform legislative solutions to clarify the classification, role and duties, and time restrictions for special government employees under 18 U.S.C. § 202. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,



Robert Garcia
Ranking Member

cc: The Honorable James Comer, Chairman