



October 1, 2025

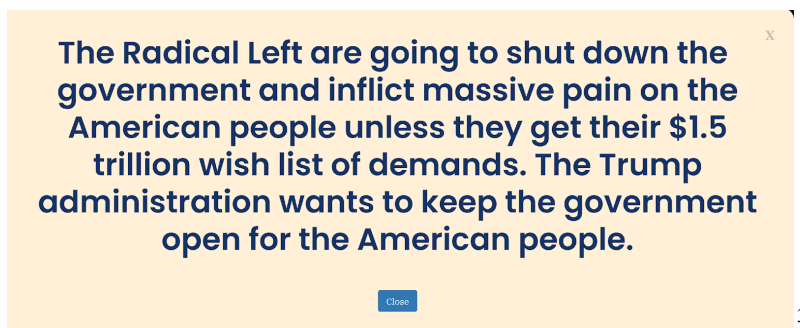
Hon. Gene Dodaro
Comptroller General
Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Comptroller General Dodaro:

Democracy Defenders Fund (DDF) writes to respectfully request that the Government Accountability Office (GAO) investigate whether employees of the U.S. Department of Housing and Urban Development (HUD),¹ including Secretary Scott Turner, violated the Anti-Deficiency Act, 31 U.S.C. § 1341(a)(1)(A), by posting purely partisan statements on HUD's website ahead of the current lapse in appropriations.²

Background

Visitors to the website of the U.S. Department of Housing and Urban Development yesterday were met not with information concerning housing assistance, community development, or fair housing and civil rights enforcement, but rather the below full-page pop-up:

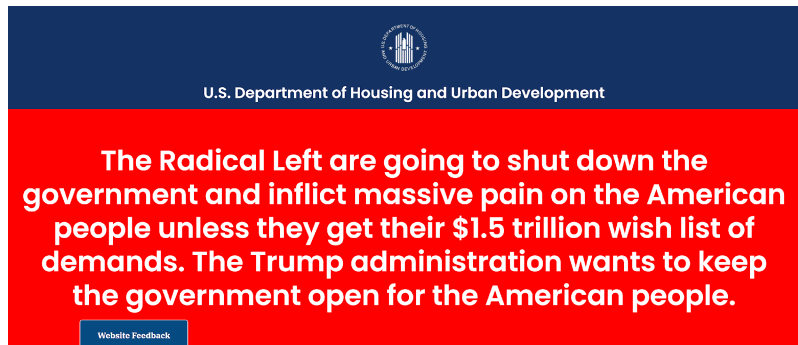


¹ DDF notes that a similar partisan banner appears on the website of the Department of Justice as of October 1, 2025. See www.justice.gov (last visited Oct. 1, 2025) (stating "Democrats have shut down the government").

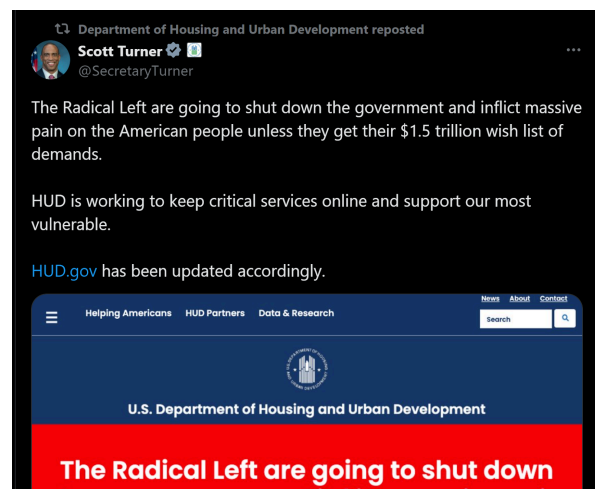
² In addition, HUD's statements fail to meet basic information quality standards imposed by the Information Quality Act and OMB implementing guidance, including guidelines signed by Russell Vought during President Trump's first term. Treasury and General Government Appropriations Act, 2001, Pub. L. No. 106-554, § 515(a) (2000) (as codified at 44 U.S.C. § 3516, note); GUIDELINES FOR ENSURING AND MAXIMIZING THE QUALITY, OBJECTIVITY, UTILITY, AND INTEGRITY OF INFORMATION DISSEMINATED BY FEDERAL AGENCIES, 67 FR 8452 (Feb. 22, 2002); OFF. MGMT & BUDGET, M-19-15, IMPROVING IMPLEMENTATION OF THE INFORMATION QUALITY ACT (April 24, 2019). As per OMB's guidance, all information disseminated by agencies must be "objective" which means "presented in an accurate, clear, complete, and unbiased manner, and as a matter of substance, is accurate, reliable, and unbiased." See GUIDELINES FOR ENSURING AND MAXIMIZING THE QUALITY, OBJECTIVITY, UTILITY, AND INTEGRITY OF INFORMATION DISSEMINATED BY FEDERAL AGENCIES § V(3)(a). HUD's statements fail to meet the objectivity standard.

³ HUD.gov (Sep. 30, 2025).

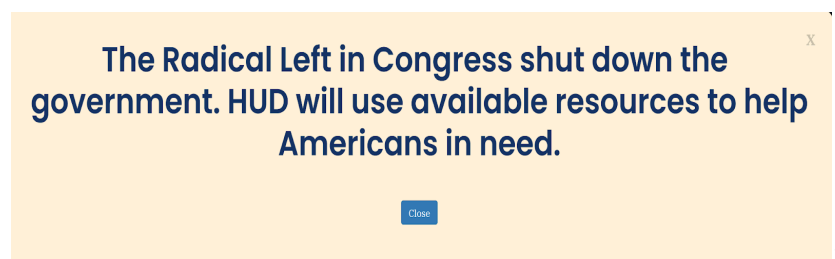
Closing the pop-up did not make the message go away. Rather, each HUD.gov landing page contained a similar full-page note:



HUD Secretary Turner also shared the message on his official X.com account, which was subsequently reposted by the official x.com account for HUD.



Following the lapse in appropriations that occurred on September 30 at midnight, HUD changed its pop-up and banner to read:



⁴ [HUD.gov](https://www.hud.gov) (Oct. 1, 2025).



Discussion

Congress has routinely established government-wide restrictions on the use of appropriated funds for “publicity or propaganda” through annual appropriations bills.⁵ For fiscal year 2025, Congress has provided that “[n]o part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.”⁶ This provision prohibits HUD from using appropriations for unauthorized publicity or propaganda purposes.

GAO has identified three classes of agency communications that are prohibited under publicity or propaganda limitation. These are “(1) covert communications, (2) self-aggrandizement, and (3) purely partisan activities.”⁷ GAO opinions explain that communications are considered purely partisan if “they are completely devoid of any connection with official functions and completely political in nature.”⁸

HUD’s “Radical Left” banners served no legitimate purpose related to official activities of HUD, provided no information concerning how HUD’s programs would be impacted by a shutdown, nor gave insight into steps that HUD will take in the event of a shutdown.⁹ Nor were the statements aimed at advocating for, or defending, any specific administration policies.¹⁰

⁵ See U.S. GOV’T ACCOUNTABILITY OFF., PRINCIPLES OF FEDERAL APPROPRIATIONS LAW FOURTH 3-293, 3-294 (4th Ed., 2017).

⁶ Further Consolidated Appropriations Act, 2025, Pub. L. 118-47, § 718, 138 Stat. 576 (Mar. 23, 2024), *as extended by* Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. 119-4, § 1101(a)(5), 139 Stat. 11 (Mar. 15, 2025).

⁷ U.S. GOV’T ACCOUNTABILITY OFF., B-320482, DEPARTMENT OF HEALTH AND HUMAN SERVICES--USE OF APPROPRIATED FUNDS FOR TECHNICAL ASSISTANCE AND TELEVISION ADVERTISEMENTS (Oct. 19, 2010).

⁸ *Id.*; U.S. GOV’T ACCOUNTABILITY OFF., B-304228, DEPARTMENT OF EDUCATION—NO CHILD LEFT BEHIND ACT VIDEO NEWS RELEASE AND MEDIA ANALYSIS (Sep. 30, 2005).

⁹ See U.S. GOV’T ACCOUNTABILITY OFF., B-332531, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES—OBLIGATIONS FOR COMMUNICATION SERVICES (Nov. 16, 2023) (explaining that “[p]roviding information to the public concerning official responsibilities, even when it expresses a certain viewpoint, is not purely partisan”);

U.S. GOV’T ACCOUNTABILITY OFF., B-330107, U.S. ENVIRONMENTAL PROTECTION AGENCY—APPLICATION OF A PUBLICITY OR PROPAGANDA PROVISION TO AN EPA TWEET (Oct. 3, 2019) (explaining that the ban does not prevent an agency from being able to “inform the public of its policies, to justify its policies, and to rebut attacks on its policies”).

¹⁰ See U.S. GOV’T ACCOUNTABILITY OFF., B-329199, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES--APPLICATION OF ANTI-LOBBYING AND PUBLICITY OR PROPAGANDA PROVISIONS (Sep. 25, 2018) (noting that “the role of the President’s

HUD's messages were not policy or issue critiques nor did they simply contain some "political tone."¹¹ Rather, HUD's statements—emblazoned in a full page pop-up and covering the entire screen of the landing page on HUD's website—appear to have been provided for the sole purpose of making clear to any person visiting HUD's website that "the Radical Left" should be blamed for a shutdown. The same day that HUD displayed its shutdown message, President Trump repeatedly used the phrase "radical left" to rail against members of the Democratic party during his speech at Quantico.¹² In this light, HUD's statements appear so "political in nature" and so "devoid of any connection with official functions"¹³ as to suggest that there was "no use for such information except for partisan, political party purposes."¹⁴

Because purely partisan propaganda is one of the forms of restricted communications, an agency cannot use appropriated funds—including appropriations allocated for salaries and expenses—to publish such materials.¹⁵ Any appropriated funding used by an employee to make or authorize partisan communications "exceed[s] an amount available in an appropriation," thereby violating the Antideficiency Act.¹⁶ Violation of the Antideficiency Act is a serious matter and can be the basis of administrative discipline and, when done willfully, criminal sanction.¹⁷ In addition, all such violations must be reported to the President, Congress, and your office.¹⁸

Conclusion

Visitors to HUD's website are seeking vital services, including help with homelessness, housing choice vouchers, and homeownership. These services should be provided on a non-partisan basis, not obscured behind a digital wall of partisan demagoguery. Unfortunately, that is exactly what any visitor to HUD's website encountered on the eve of another avoidable government shutdown. Because HUD has no authority to produce purely partisan messages, like the one that continues to emblazon their website as of October 1, 2025, DDF requests your office investigate whether there was a violation of the appropriations laws including the Anti-Deficiency Act.

cabinet and the agencies that the cabinet members lead necessarily involves advocacy and defense of Administration policies").

¹¹ See U.S. GOV'T ACCOUNTABILITY OFF., B-302504, MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003-USE OF APPROPRIATED FUNDS FOR FLYER AND PRINT AND TELEVISION ADVERTISEMENTS (Mar. 10, 2004) (stating that statements need not be "totally free of political tone").

¹² Donald J. Trump, President of the United States, Address to Military Leadership in Quantico, Virginia (Sep. 30, 2025), <https://rollcall.com/factbase/trump/transcript/donald-trump-speech-department-of-defense-leaders-quantico-september-30-2025/> (referring to the Biden Administration as "radical left lunatics" and to cities run by "radical left Democrats").

¹³ U.S. GOV'T ACCOUNTABILITY OFF., B-302504, MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003-USE OF APPROPRIATED FUNDS FLYER AND PRINT AND TELEVISION ADVERTISEMENTS (Mar. 10, 2004).

¹⁴ U.S. GOV'T ACCOUNTABILITY OFF., B-304228, DEPARTMENT OF EDUCATION--NO CHILD LEFT BEHIND ACT VIDEO NEWS RELEASE AND MEDIA ANALYSIS (Sep. 30, 2005).

¹⁵ See 31 U.S.C. 1301(a) (Purpose Statute) ("Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law").

¹⁶ 31 U.S.C. § 1341(a)(1)(A).

¹⁷ 31 U.S.C. §§ 1349(a), 1350.

¹⁸ 31 U.S.C. § 1351.

Sincerely,

/s/

Ambassador Norman Eisen (ret.)
Executive Chair and Founder
Democracy Defenders Fund

/s/

Virginia Canter
Ethics and Anticorruption Chief Counsel and Director
Democracy Defenders Fund

/s/

Chris Swartz
Senior Ethics Counsel
Democracy Defenders Fund