



October 17, 2025

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

Dear Comptroller General Dodaro:

On October 9, 2025, travelers from around the world were met with a remarkable video as they moved through security lines at our nation's airports. The video, played at Transportation Security Administration checkpoints before captive audiences, showed Kristi Noem, Secretary of the Department of Homeland Security (DHS), explaining:

*It is TSA's top priority to make sure that you have the most pleasant and efficient airport experience as possible while we keep you safe. However, 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 can impact your travel and our hope is that Democrats will soon recognize the importance of opening the Government.*¹

The video, apparently recorded during the government's current lapse of appropriations, provides no useful information to travelers. Besides the initial banal platitudes, the only apparent basis for the video is to misleadingly shift blame for the shutdown to President Trump's political opponents. This type of political pandering serves no legitimate government purpose. In fact, Noem's video appears to have more in common with the propaganda messages coming from the telescreens in George Orwell's *1984* than it does with the common TSA public service announcements reminding travelers of federal airport security rules.

Kristi Noem's statements also fall neatly within an unmistakable pattern of high-level Trump Administration officials utilizing government resources to denigrate political opponents with misleading propaganda during the current lapse of appropriations. DHS alone has put out several press releases on its website calling the lapse the "Democrats' government shutdown"²

¹ Pete Muntean & 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 Press Release, Department of Homeland Security, *During Democrats Government Shutdown, ICE Law Enforcement Officers Are Risking Their Lives Without Pay to Arrest the Worst of the Worst* (Oct. 15, 2025), <https://www.dhs.gov/news/2025/10/15/during-democrats-government-shutdown-ice-law-enforcement-officers-are-risking-their-lives>; Press Release, Department of Homeland Security, *Despite Democrats' Government Shut Down, ICE Arrests Continue Over Holiday Weekend* (Oct. 14, 2025), <https://www.dhs.gov/news/2025/10/14/despite-democrats-government-shut-down-ice-arrests-continue-over-holiday-weekend>.

and posted and reposted politicized social media content.³ Numerous other agencies have engaged in similar activity, from blazing their websites with invective against “the Radical Left”⁴ to surreptitiously replacing employees’ out of office messages with new messages that blame Democrats for the shutdown.⁵

As your office has previously said, “[i]t is axiomatic that funds appropriated to carry out a particular program would not be available for political purposes.”⁶ Yearly appropriations acts have long explicitly prohibited the utilization of taxpayer dollars for “publicity or propaganda” including purely partisan propaganda.⁷ Kristi Noem's video is the exact type of communication for which there is “no use . . . except for partisan, political party purposes.”⁸ As a result, under normal budgetary conditions, the production of this type of partisan political video would be prohibited.

But these are not normal budgetary conditions. DHS’s appropriations have lapsed. As a result, pursuant to the Antideficiency Act, no DHS official is authorized to “involve [the United States] in a contract or obligation for the payment of money before an appropriation is made unless authorized by law” or to “accept voluntary services . . . except for emergencies involving the safety of human life or the protection of property.”⁹ As explained in numerous opinions by the Department of Justice’s Office of Legal Counsel, this means that during a lapse in appropriations, an agency is generally “restrict[ed from] employing the services of employees to perform government functions beyond authorized levels to emergency situations.”¹⁰ Although other exceptions exist, they are narrow. For example, OLC has provided that agency personnel may undertake activities that are “necessary to the discharge of the President's constitutional duties and powers” or that are necessary to carry out an activity that is otherwise permitted to continue, such as “check writing and distributing functions necessary to disburse the social security benefits that operate under indefinite appropriations.”¹¹

³ Department of Homeland Security (@DHSgov), [x.com](https://x.com/DHSgov/status/1978598212047933872) (Oct 15, 2025, 7:05 PM) <https://x.com/DHSgov/status/1978598212047933872>; Secretary Kristi Noem (@Sec_Noem), [x.com](https://x.com/Sec_Noem/status/1977853423077785601) (Oct 13, 2025, 5:46 PM) https://x.com/Sec_Noem/status/1977853423077785601.

⁴ Shannon Bond, et al., *Trump Administration Uses Taxpayer Dollars to Blame Democrats for Government Shutdown*, NPR (Oct. 1, 2025), <https://www.npr.org/2025/09/30/nx-s1-5558393/government-shutdown-trump-ethics-hatch-act>.

⁵ Shannon Bond, *Federal Workers Sue the Education Department Over Partisan Shutdown Emails*, NPR (Oct. 5, 2025), <https://www.npr.org/2025/10/05/nx-s1-5563182/shutdown-lawsuit-education-department-partisan-messages>.

⁶ GOVERNMENT ACCOUNTABILITY OFFICE, PRINCIPLES OF FEDERAL APPROPRIATIONS 3-294 (4th Ed., 2017).

⁷ 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).

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

⁹ 31 U.S.C. §§ 1341(a)(1)- 1342. As described in the statute, “the term ‘emergencies involving the safety of human life or the protection of property’ does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.”

¹⁰ *See Government Operations in the Event of a Lapse in Appropriations*, Supp. Op. O.L.C. (Aug. 16, 1995), [1995-08-16-lapse-in-appropriations-2.pdf](https://www.olympia.oh.gov/sites/default/files/2025-08/1995-08-16-lapse-in-appropriations-2.pdf); *see also Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations*, 5 Op. O.L.C. 1 (1981); *Applicability of the Antideficiency Act Upon a Lapse in an Agency’s Appropriations*, 4A Op. O.L.C. 16 (1980).

¹¹ *Government Operations in the Event of a Lapse in Appropriations*, Supp. Op. O.L.C. (Aug. 16, 1995), [1995-08-16-lapse-in-appropriations-2.pdf](https://www.olympia.oh.gov/sites/default/files/2025-08/1995-08-16-lapse-in-appropriations-2.pdf).

Legitimate public affairs activities (including publications in the *Federal Register*), other than those that convey information related to emergency situations or the protection of public property, are already the type of activity that would not be permitted during a lapse in appropriations under the Antideficiency Act.¹² All the more so, it must be the case that preparing, scripting, producing, editing, and disseminating a video whose only purpose is partisan blame-shifting—an activity that would normally be precluded under normal circumstances—would violate the strict requirements of the Antideficiency Act.

DHS’s partisan actions during the current lapse in appropriations, signified most clearly by Secretary Noem’s TSA video, are characteristic of a broader pattern of this Administration’s willingness to produce partisan political propaganda on the taxpayer dime. American taxpayers should not be forced to listen to partisan messages while they are engaged in their constitutionally protected right to travel amongst the United States. Nor should they be forced to pay for such messages. Ultimately, utilizing government resources for partisan purposes undermines fiscal accountability and the rule of law. For this reason, Democracy Defenders Fund respectfully urges the Government Accountability Office to initiate a formal investigation into the production and dissemination of TSA’s video and DHS’s other partisan messaging.

/s/

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

/s/

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

/s/

Christopher Swartz
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¹² See 31 U.S.C. § 1342; U.S. GOV’T ACCOUNTABILITY OFF., B- 331091, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION—PUBLICATION OF FEDERAL REGISTER DURING THE FISCAL YEAR 2019 LAPSE IN APPROPRIATIONS (July 6, 2020); U.S. GOV’T ACCOUNTABILITY OFF., B-330775.1, U.S. DEPARTMENT OF THE INTERIOR—OPERATION OF THE OLD POST OFFICE OBSERVATION TOWER DURING THE FISCAL YEAR 2019 LAPSE IN APPROPRIATIONS (Oct. 1, 2020) (finding a very narrow exception that permitted employees National Park employees who were called back to deal with protection of property could perform non-excepted work during “intervals of time that the employee is not performing . . . excepted work”).