



November 3, 2020

Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street N.W.
Mail Stop 4T21
Washington, DC 20548

Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C Street N.W.
Washington, DC 20240

Re: Request for Investigation of the Department of the Interior's Potentially Illegal Use of Appropriated Funds to Promote President Trump

Dear Messrs. Dodaro and Greenblatt:

Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests an investigation of the Department of the Interior's ("Interior") repeated misuse of government resources to aggrandize President Donald J. Trump amid the ongoing presidential campaign, both through a series of taxpayer-funded promotional videos and a concerted effort to promote the President on official Twitter accounts. These actions appear to violate a provision of appropriations law forbidding the use of federal funds "for publicity or propaganda purposes within the United States not heretofore authorized by Congress";¹ the Antideficiency Act, 31 U.S.C. § 1341; and the Purpose Statute, 31 U.S.C. § 1301. We therefore urge the U.S. Government Accountability Office ("GAO") and Interior's Office of Inspector General to promptly investigate this matter to determine if Interior officials have abused or mismanaged federal funds, and, if so, to take any appropriate corrective action.²

Factual Background

In the months leading up to the 2020 presidential election, Interior officials have repeatedly used government resources to aggrandize President Trump, the Trump Administration, and the Interior Department under the President's leadership. These actions have included two promotional videos produced and disseminated at taxpayer expense, and a concerted effort, by Secretary of the Interior David Bernhardt and others, to promote the President on official agency Twitter accounts. As part of this Twitter campaign, Interior officials

¹ Consolidated Appropriations Act, 2020, Pub. L. 116-93, div. C, title VII, § 718, 133 Stat. 2317, 2488 (Dec. 20, 2019).

² Because many of these actions also appear to violate the Hatch Act, we have copied Special Counsel Henry Kerner on this letter.

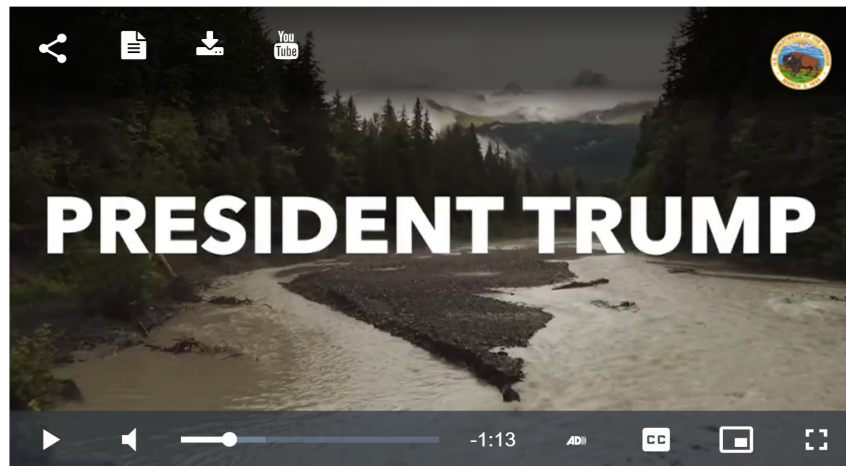
have reportedly taken the extraordinary step of issuing an agencywide *directive* requiring staff to tweet pro-Trump content and tag the President’s @realDonaldTrump Twitter account—a non-official account that the President has long used for partisan political purposes, including to promote his reelection campaign.

I. August 2020 Trump Promotional Video

In August 2020, Interior released a video entitled “Protecting our National Parks, Public Lands for Future Generations,” posting it to Interior’s official YouTube, Facebook, and Instagram pages on August 5,³ and Interior’s website on August 6.⁴

As CREW has previously explained, the video serves no legitimate government purpose whatsoever.⁵ It does not advertise a specific national park or monument, encourage Americans to visit national parks, describe an agency program, ask the public to take action, or contain educational material. All the video does is promote President Trump.

Indeed, the words “PRESIDENT TRUMP” in all caps are the first words to appear in the video:



The video proceeds to tout President Trump’s purported achievement of “call[ing] on Congress to protect our national parks and federal lands for our children and grandchildren,” without identifying the legislation being referenced. This text is followed by a series of press quotes praising the unidentified “legislation” in hyperbolic terms, calling it the “‘holy grail’ of conservation legislation,” and the “legislation of a generation,” and the “single greatest commitment...” President Trump is shown saluting while standing in front of Mount Rushmore,

³ <https://youtu.be/he1DMsqEi6I>;
<https://www.facebook.com/watch/?v=759596168193731&extid=stkwawqzZ8h2dyvY>;
<https://www.instagram.com/p/CDhUPLMBKDM/>.

⁴ <https://www.doi.gov/video/protecting-our-national-parks-public-lands-future-generations>.

⁵ See Walter Shaub, *Trump Propaganda Video Featuring the National Park Service Violates the Law*, CREW, Aug. 24, 2020, <https://www.citizensforethics.org/national-park-service-trump-propaganda-video/>.

as well as speaking in front a large crowd assembled at the Lincoln Memorial. Also shown are shots of First Lady Melania Trump hugging children, accompanied by the text “for our children.” The video concludes with a dramatic shot of fighter jets flying over the Lincoln Memorial, followed by a picture of Interior’s official seal.

On some platforms, the video is accompanied by the following caption praising the President:

President Trump has solved the riddle that has bedeviled previous presidents and Congress for decades, putting forth an unprecedented conservation funding proposal and calling on Congress to get it done for the American people. His call to action and sustained support to see it through until its passage resulted in a bipartisan crescendo in Congress with relatively swift action by both the Senate and House.⁶

An Interior spokesman asserted that the agency’s ethics office and legal counsel approved the video,⁷ but the agency has released no legal opinion or analysis explaining the basis for that approval.

II. October 2020 Trump Promotional Video

On October 27, 2020—just seven days before the presidential election—Interior released another promotional video for President Trump, entitled “President Trump’s Conservation Record” on some platforms, and “Trump Administration Conservation Record” on others. The agency posted the video to Interior’s official YouTube, Facebook, and Instagram pages,⁸ as well as Secretary David Bernhardt’s official Twitter account.⁹ The video, which has reached nearly a half-million views on Twitter alone, touts the “Trump Administration’s conservation record.” It includes several shots of the President and a series of quotes—none of which are attributed to any source—heaping praise on the Trump Administration’s actions. It closes with footage of the President stating, “We’re here today to celebrate our incredible record of natural [sic] conservation and environmental protection over the last four years. We’ve been working very hard to . . . re-commit ourselves to preserving the awesome majesty of God’s great creation.” The closing shot, as in the August video, shows Interior’s official seal.

In tweeting the video, Secretary Bernhardt tagged President Trump’s @realDonaldTrump Twitter account and wrote:

⁶ <https://youtu.be/he1DMsqEi6I>.

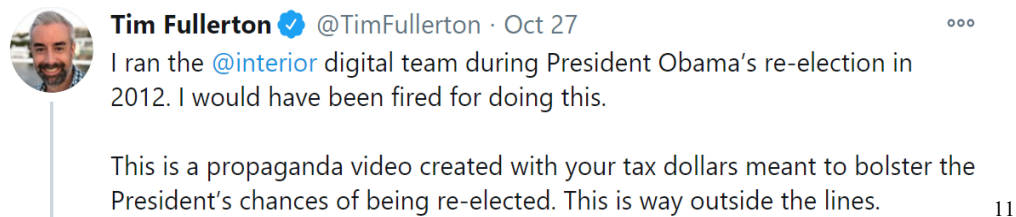
⁷ Rebecca Beitsch, *Park Service under fire for role in GOP convention*, *The Hill*, Aug. 27, 2020, <https://thehill.com/policy/energy-environment/513856-park-service-under-fire-for-role-in-gop-convention>.

⁸ <https://www.youtube.com/watch?v=VLECgKY7PSA>; <https://www.facebook.com/USInterior/videos/2400115553629426>; <https://www.instagram.com/p/CG3OX18Bq8K/>.

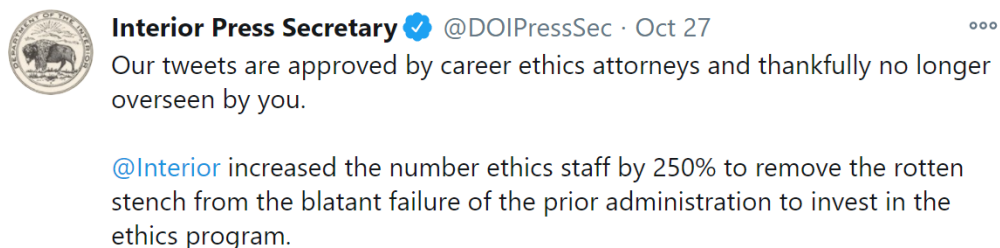
⁹ Secretary David Bernhardt (@SecBernhardt), Twitter, Oct. 27, 2020, <https://twitter.com/SecBernhardt/status/1321174874426167297?s=20>.



Comments on the video across social-media platforms show numerous individuals criticizing it as a taxpayer-funded campaign ad. Most notably, a former Interior official wrote:



Interior's Press Secretary provided a vitriolic, politically-charged response to Mr. Fullerton's message, tweeting from his official account:



¹⁰ *Id.*

¹¹ Tim Fullerton (@TimFullerton), Twitter, Oct. 27, 2020
<https://twitter.com/TimFullerton/status/1321227415302164480?s=20>.

¹² Interior Press Secretary (@DOIPressSec), Twitter, Oct. 27, 2020,
<https://twitter.com/DOIPressSec/status/1321240438725136385?s=20>.

In response to press inquiries, Interior confirmed “its ethics office signed off on the [October] video and Bernhardt’s tweet promoting it,” but, as with the August promotional video, declined to “provide copies of the written ethics guidance for the video or those governing their tweets.”¹³

III. Interior’s Promotion of President Trump on Official Twitter Accounts

In addition to the August and October promotional videos, Interior appears to have engaged in a concerted, agencywide effort to promote President Trump on official Twitter accounts in the months leading up to the election.

A. Agencywide Instruction to Promote President Trump and Tag His Non-Official @realDonaldTrump Twitter Account in Official Tweets

On October 21, 2020, a reporter disclosed a purportedly internal email from an official at the U.S. Geological Survey (“USGS”), an Interior component, describing a directive from Interior’s Office of Communications to “tweet about an op-ed” that cast the Trump Administration in a positive light, and to tag the President’s “@realDonaldTrump twitter handle.”¹⁴ The USGS official noted that this “was the second time we were told to use this handle,” and that he or she had “queried the legality of doing so under the Hatch Act and was given a clear and unambiguous ruling by the Office of the Solicitor” that it was legal. The official added that “Bureau leads have subsequently been told in clear terms by [the Office of Communications] that we should use [the President’s @realDonaldTrump Twitter] handle when requested.” The full email reads:

Subject: USGS Tweet of @realDonaldTrump handle

As you all know, late last week, we were asked by the Department’s Office of Communications (OCO) to tweet about an op-ed that was authored by Director Reilly and published in a third-party media outlet. We were specifically told to use the @realDonaldTrump twitter handle (the link being mention of the Trump Administration in the headline and body of the op-ed). This was the second time we were told to use this handle. The first time, I queried the legality of doing so under the Hatch Act and was given a clear and unambiguous ruling by the Office of the Solicitor. Bureau leads have subsequently been told in clear terms by OCO that we should use this handle when requested.

Not surprisingly, the tweet last week resulted in a significant backlash from both public and staff. At issue here is not whether the use of the handle violates the Hatch Act (and while we have been told it does not, I personally disagree with that ruling: the President started using this handle in 2009, long before he was elected, and has clearly used it for partisan purposes ever since. We are now in the midst of an election campaign). It is whether the public *perceives* it is a violation. The appearance of wrongdoing is as damaging as actual wrongdoing, even if we are technically within the law. We are supposed to be neutral in our science and the optics created by use of this handle casts doubt on that neutrality. I am hopeful that the backlash in regards to this tweet is sufficient to spark a new dialog that may result in alternative direction from the legal and communications officials in the Department. I have requested a joint call with both groups so we may discuss this openly and arrive at a sound decision.

In the meantime, thank you for the information you have provided on the Twitter response, response from staff, and your own personal thoughts on this matter. Regards,

15

¹³ Rebecca Beitsch, *Interior ‘propaganda’ video and tweets may violate ethics laws, experts say*, *The Hill*, <https://thehill.com/policy/energy-environment/523184-interior-propoganda-video-and-tweets-defending-it-may-violate>.

¹⁴ Adam Federman (@adamfederman), Twitter, Oct. 21, 2020, <https://twitter.com/adamfederman/status/1318907396358656000?s=20>.

¹⁵ *Id.*

A review of USGS's Twitter account shows the component did, in fact, tweet the favorable op-ed and tag the @realDonaldTrump account on October 16.



The instruction to tag the @realDonaldTrump Twitter account is particularly problematic because it is not President Trump's official White House account. Rather, it is a non-official account dating back to March 2009 that President Trump has long used for partisan political purposes, including to promote his reelection campaign.¹⁷ The account profile includes a link to the President's campaign website, [Vote.DonaldJTrump.com](https://www.vote.donaldjtrump.com), and tweets from the last week alone include several videos of the President speaking at campaign rallies, as well as partisan attacks on former Vice President Joe Biden, the President's opponent in the 2020 election.¹⁸ The account also has over 87.3 million followers.¹⁹ President Trump's official White House Twitter handle is @POTUS; that account is designated as a "US government account" by Twitter, includes a link to the White House website rather than the President's campaign website, and has 32 million followers.²⁰

B. Secretary Bernhardt's Repeated Pro-Trump Tweets Tagging and/or Retweeting the @realDonaldTrump Twitter Account

Perhaps the clearest evidence of Interior's concerted pro-Trump Twitter campaign are the tweets of the agency's top official, Secretary Bernhardt. As a threshold matter, Secretary

¹⁶ USGS (@USGS), Twitter, Oct. 16, 2020, <https://twitter.com/USGS/status/1317148492410871813?s=20>.

¹⁷ See Donald J. Trump (@realDonaldTrump), Twitter, <https://twitter.com/realDonaldTrump>.

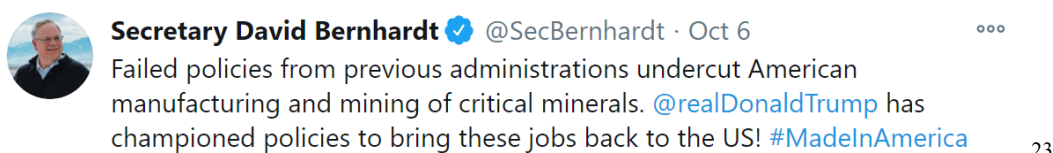
¹⁸ See *id.*

¹⁹ See *id.*

²⁰ See President Trump (POTUS), Twitter, <https://twitter.com/POTUS>.

Bernhardt's Twitter account is plainly an official account: his username and handle include his official title, and he routinely tweets from the account about government business.²¹ Tellingly, his profile description states that he is "[p]roudly serving" not the American people, but "@POTUS" as the "53rd Secretary of the @Interior."²²

In the months leading up to the 2020 election, Secretary Bernhardt has tweeted a steady stream of pro-Trump messages, in which he tags the President's @realDonaldTrump account (rather than his official White House account), heaps praise upon the purported achievements of President Trump, the Trump Administration, and Interior under President Trump's leadership, and attacks the "[f]ailed" efforts of previous administrations. His tweet of the October 27 promotional video mentioned above is one example. Another is this tweet from October 6:



In another tweet on September 15, Secretary Bernhardt praised the President's "unprecedented" "leadership" on an accord between Israel, the United Arab Emirates, and Bahrain—a foreign-policy matter with no discernible connection to Interior's mission.



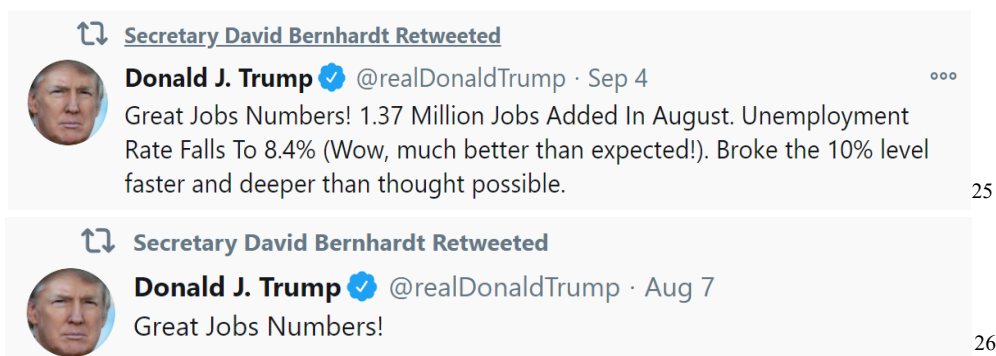
²¹ Secretary David Bernhardt (@SecBernhardt), Twitter, <https://twitter.com/SecBernhardt>.

²² *Id.*

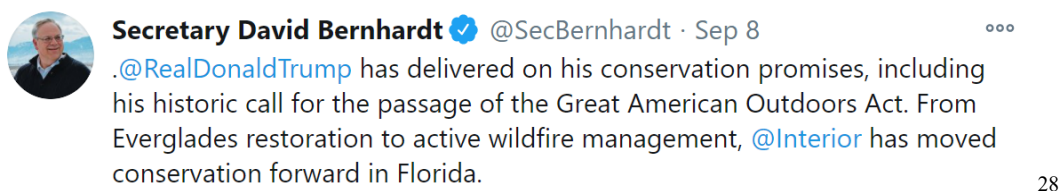
²³ Secretary David Bernhardt (@SecBernhardt), Twitter, Oct. 6, 2020, <https://twitter.com/SecBernhardt/status/1313549582748581888?s=20>.

²⁴ Secretary David Bernhardt (@SecBernhardt), Twitter, Sept. 15, 2020, <https://twitter.com/SecBernhardt/status/1305903298361335814?s=20>.

Similarly, on September 4 and August 7, Secretary Bernhardt retweeted messages from President Trump that simply touted the country's "Great Jobs Numbers," and lacked any information relating to Interior's mission.



In a September 8 tweet, Secretary Bernhardt commended the President for delivering on his "promises"—echoing an official Trump campaign slogan, "Promises Kept"²⁷—and highlighted specific administration actions relating to Florida, a perennial swing state in presidential elections.



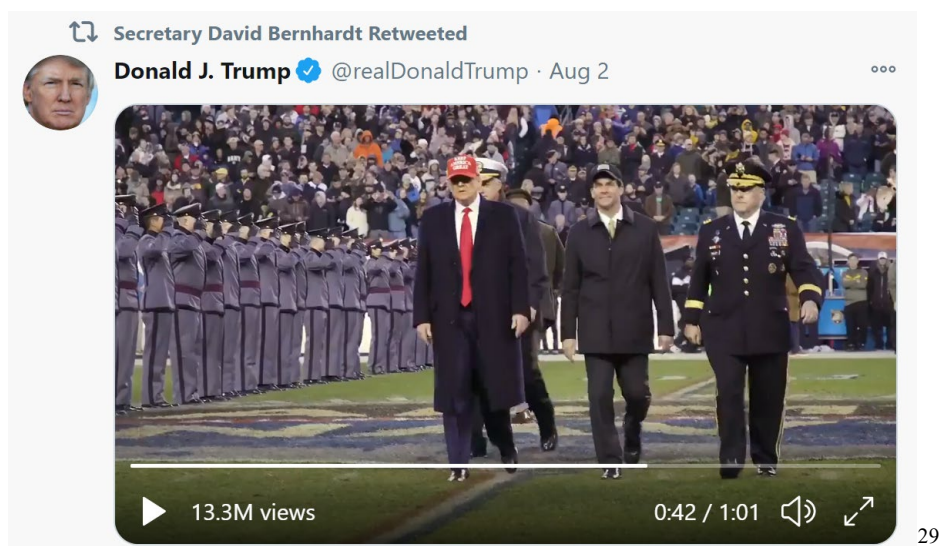
On August 2, Secretary Bernhardt retweeted a promotional video consisting of clips of President Trump at various events—including appearances at rallies, the Army-Navy football game (while wearing a Trump campaign hat), and with Kanye West—backed by dramatic music and audio of the President speaking. Again, the video simply promotes President Trump and has no connection to Interior's mission.

²⁵ Secretary David Bernhardt (@SecBernhardt), Twitter, Sept. 4, 2020, <https://twitter.com/realDonaldTrump/status/1301868845678952448?s=20>.

²⁶ Secretary David Bernhardt (@SecBernhardt), Twitter, Aug 7, 2020, <https://twitter.com/realDonaldTrump/status/1291732831102803968?s=20>.

²⁷ Promises Made, Promises Kept!, President Donald J. Trump Accomplishments, <https://www.promiseskept.com/>.

²⁸ Secretary David Bernhardt (@SecBernhardt), Twitter, Sept. 8, 2020, <https://twitter.com/SecBernhardt/status/1303409301915152392?s=20>.



On October 22, Secretary Bernhardt tweeted that President Trump was “way ahead” of Senator Kamala Harris—a declared candidate for Vice President running against President Trump—on supporting firefighters.



These are just a handful of Secretary Bernhardt’s most egregious Trump-aggrandizing tweets. A review of his Twitter feed reveals several other tweets, particularly from August through October, heaping praise on the “historic” and “unprecedented” actions of the “@realDonaldTrump,” the “@realDonaldTrump Administration,” and Interior’s actions “under his admin.”³¹

²⁹ Secretary David Bernhardt (@SecBernhardt), Twitter, Aug. 2, 2020, <https://twitter.com/realDonaldTrump/status/1290097359204913152?s=20>.

³⁰ Secretary David Bernhardt (@SecBernhardt), Twitter, Aug. 2, 2020, <https://twitter.com/SecBernhardt/status/1319339570597539840?s=20>.

³¹ See Secretary David Bernhardt (@SecBernhardt), Twitter, <https://twitter.com/SecBernhardt/>.

Legal Analysis

I. Potential Violations of Section 718’s Prohibition on Unauthorized “Publicity or Propaganda”

Section 718 is a government-wide provision of federal appropriations law, most recently appearing in the “Consolidated Appropriations Act, 2020,” which provides 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.”³²

According to GAO, the prohibition on publicity or propaganda is “not applicable to the dissemination to the general public, or to particular inquirers, of information reasonably necessary to the proper administration of the laws for which an agency is responsible.”³³ It instead applies to “three categories of agency communications: (1) self-aggrandizement, (2) covert communications or propaganda, and (3) purely partisan activities.”³⁴ At issue here are the first and third categories.

A. Self-Aggrandizement or Puffery

“[O]ne of the main targets of the publicity or propaganda prohibition is one in which the ‘obvious purpose is self-aggrandizement or puffery.’”³⁵ An agency’s communications constitute “self-aggrandizement” where they “emphasize the importance of the agency or a particular person or program.”³⁶ “For example, an agency would be prohibited from expending appropriated funds to issue a press release that attempted ‘to persuade the public as to [its] importance . . . as a Government agency.’”³⁷

Here, the actions of Interior outlined above do little more than “emphasize the importance” of a “particular person”—President Trump—and the Interior Department under President Trump’s leadership. Both the August and October promotional videos simply promote the President and his vaguely-described achievements on “conservation” amid his ongoing presidential campaign; they are devoid of any “information reasonably necessary to the proper administration of the laws for which [Interior] is responsible.”

Specifically, the August video touts President Trump as the leader who “called on Congress” to pass certain “legislation,” and shows several shots of the President, the First Lady, and some fighter jets, set against dramatic music. The video conveys no substantive information tied to Interior’s mission. In fact, it fails to even identify the “legislation” being referenced, let alone offer any particulars as to what that legislation might accomplish, or how Interior plans to

³² Pub. L. 116-93, div. C, title VII, § 718, 133 Stat. 2317, 2488 (Dec. 20, 2019).

³³ B-330107, at 3, Oct. 3, 2019, <https://www.gao.gov/assets/710/701928.pdf>.

³⁴ *Id.*

³⁵ B-302504, at 7, Mar. 10, 2004, <https://www.gao.gov/assets/380/370969.pdf>.

³⁶ B-330107, at 3, Oct. 3, 2019.

³⁷ B-302504, at 7-8, Mar. 10, 2004.

implement it. The caption for the video, moreover, is the very definition of aggrandizement, insofar as it credits the President alone for “solv[ing] the riddle that has bedeviled previous presidents and Congress for decades.”

The same is true of the October video, which Interior released just *seven days* before the 2020 election. The video merely touts the Trump Administration’s supposedly “historic” conservation achievements, without citing any sources for the series of laudatory quotes displayed. It serves no informational function other than bragging about the administration’s alleged conservation record. The video’s “obvious purpose” is “self-aggrandizement or puffery” designed to boost President Trump and his administration in the days leading up to the election.

Interior’s ongoing Twitter campaign to promote President Trump and the Trump Administration likewise qualifies as prohibited aggrandizement and puffery. Other than aggrandizement, there is no conceivable explanation for Interior’s reported agencywide directive that agency personnel tweet pro-Trump content and tag the President’s @realDonaldTrump Twitter handle—a non-official account that the President routinely uses to promote his reelection campaign—when instructed. Not only is this unauthorized publicity or propaganda, it is *coerced* publicity or propaganda by agency leadership. Such a directive plainly implicates the policy concerns motivating Section 718’s prohibition—*i.e.*, preventing federal agencies from being transformed into propaganda ministries funded by American taxpayers.

Secretary Bernhardt’s own pro-Trump Twitter campaign through his official account is equally improper. As noted, many of his tweets simply praise the President’s “unprecedented” and “historic” “leadership” without even attempting to draw any link to Interior’s mission (*e.g.*, his retweets of the President’s messages touting “Great Jobs Numbers!” and the video of the President appearing at various events unrelated to the Interior Department). And in some cases, the Secretary’s tweets concern matters—such as the Middle East accord—that have no discernible connection to the agency’s work, let alone any connection articulated in the Secretary’s tweets. Even those tweets with some link to an Interior function or activity appear to serve no informational purpose other than propping up the President amid the ongoing presidential campaign.

The Secretary’s tweets do not reflect the communications of a public official seeking to serve the public, but those of a devotee expressing fealty to his leader. If he were a private citizen, the Secretary could freely express such views in his own capacity. But as Secretary of the Interior, Bernhardt is prohibited from doing so in his official capacity, on the taxpayers’ dime.

B. Purely Partisan Communications

“Engaging in a purely political activity . . . is not a proper use of appropriated funds.”³⁸ Thus, appropriated funds cannot be used “in a general propaganda effort designed to aid a

³⁸ B-304228, at 9, Sept. 30, 2005, <https://www.gao.gov/decisions/appro/304228.pdf>.

political . . . candidate[.]”³⁹ “Communications are purely partisan in nature if they are entirely political and are completely devoid of any connection to the official business of the agency.”⁴⁰

When viewed collectively, Interior’s communications here reflect a “general propaganda effort designed to aid” President Trump’s reelection. While Interior has not explicitly told the public to vote for President Trump in the 2020 election, its multi-faceted efforts to prop up President Trump in the months and days leading to the 2020 reelection—through taxpayer-funded promotional videos and a concerted campaign through official agency Twitter accounts—cross the line from legitimate agency activity to impermissible political propaganda. Indeed, Interior’s communications, and specifically Secretary Bernhardt’s tweets, have frequently lacked any connection to the “official business of the agency.” And the agency’s repeated attacks on the “failings” of prior administrations, and the Obama Administration in particular, plainly smack of politics.

Interior’s reported agencywide directive to tag the @realDonaldTrump Twitter account, and the numerous tweets tagging that account by Secretary Bernhardt and other agency officials, likewise appear to be purely political actions. As noted, the @realDonaldTrump account is a non-official account predating the President’s time in the White House. The President routinely uses the account for partisan political purposes and to promote his reelection campaign, and the account links directly to the President’s campaign website. Thus, tagging the account is by itself a partisan political act, particularly where the agency had the option to tag the President’s official @POTUS account.

The purely political nature of Interior’s actions is made even clearer when placed in context of how the agency typically uses its social media accounts. Interior’s Instagram account, for example, consists almost exclusively of majestic, artful pictures of American landscapes and wildlife—that is, with the exception of the Trump promotional videos from August and October.⁴¹ This departure from normal practice is telling.

Finally, the purely political nature of Interior’s actions is highlighted by the public response to its promotional videos and tweets, with scores of citizens decrying the agency’s use of taxpayer funds on campaign ads for the President. The American public, to be certain, knows a political ad when they see it.

We recognize that prior GAO decisions have held that the ban on purely partisan activities does not extend to communications with “some political content,” so long as there is at least some “connection to the agency’s official business.”⁴² In those cases, however, GAO addressed isolated communications—such as a single agency tweet or press release—that seemingly were not part of any broader partisan political effort by agency leadership.⁴³ Here, by

³⁹ B-147578, Nov. 8, 1962, <https://www.gao.gov/products/405816#mt=e-report>; *see also* B-330107, at 3, Oct. 3, 2019 (“Agency communications that are designed to aid a political party or candidate are prohibited.”).

⁴⁰ B-331262, at 4, June 17, 2020, <https://www.gao.gov/assets/710/707666.pdf>.

⁴¹ *See* Department of the Interior (usinterior), Instagram, <https://www.instagram.com/usinterior/>.

⁴² B-330107, at 3-5, Oct. 3, 2019 (discussing prior GAO decisions on this issue).

⁴³ *See id.*

contrast, Interior officials appear to be engaged in an orchestrated campaign to promote the President and his reelection, in which they have, among other things, explicitly instructed agency staff to tag a non-official Twitter account that the President uses to promote his reelection campaign. We have uncovered no GAO decision addressing facts as egregious as those presented here.

II. Potential Violations of the Antideficiency Act

The Antideficiency Act prohibits using federal funds for purposes other than those authorized by Congress.⁴⁴ It requires agencies to “immediately” report such violations, along with “all relevant facts and a statement of actions taken,” to “the President and Congress,” and to transmit a copy of that report “to the Comptroller General.”⁴⁵ Violations of the Act can result in administrative and, in some cases, criminal penalties.⁴⁶

Insofar as Interior used appropriated funds in violation of Section 718’s specific prohibitions, it likewise violated the Antideficiency Act, and therefore must report the violations to the President and Congress, with a copy to the Comptroller General.⁴⁷ The agency must also “determine the cost associated with the prohibited conduct and include the amount in its report of its Antideficiency Act violation.”⁴⁸

III. Potential Violations of the Purpose Statute

The Purpose Statute provides “[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”⁴⁹ While appropriations laws often permit the dissemination of information “relevant to the agency and administration,” this does not mean that “agencies may use appropriated funds to communicate with the public about *any* issue, even one outside of its purview, just because it is important to the current administration.”⁵⁰ Rather, “an agency’s authority to use its appropriations to communicate with the public about any administration priority must be firmly rooted in the language of the appropriation or the agency’s enabling or authorizing legislation.”⁵¹ In a recent case, GAO found that the Department of Energy violated this rule when it tweeted about healthcare legislation, because the agency failed to show a “reasonable and logical relationship between tweeting about health care and the purposes of its Departmental Administration appropriation.”⁵²

⁴⁴ 31 U.S.C. § 1341(a)(1)(A).

⁴⁵ *Id.* § 1351.

⁴⁶ *See id.* §§, 1349, 1350.

⁴⁷ *See* B-326944, at 26, Dec 14, 2015, <https://www.gao.gov/assets/680/674163.pdf>.

⁴⁸ *Id.*

⁴⁹ 31 U.S.C. § 1301(a).

⁵⁰ B-329373, at 4-5, July 26, 2018, <https://www.gao.gov/assets/700/693434.pdf>.

⁵¹ *Id.* at 5.

⁵² *Id.*

The same is true here. Nothing in Interior's appropriation or enabling legislation appears to authorize it to tweet or disseminate material that simply endorses President Trump and the Trump Administration. That is particularly true with respect to Secretary Bernhardt's pro-Trump tweets on issues with no discernible connection to Interior's mission (such as the Middle East accord), as well as his retweets of the President's "Great Jobs Numbers!" tweets, and the video of the President appearing at various events unrelated to the Interior Department.

Conclusion

It is deeply troubling to see the Interior Department—one of our nation's most venerated, apolitical government bodies—transformed into a propaganda arm of President Trump and his reelection campaign, funded by the American taxpayers. Not only do these actions denigrate Interior's institutional credibility, they appear to be illegal. We therefore urge you to promptly investigate whether Interior officials have unlawfully abused or mismanaged federal funds and, if so, to take any appropriate corrective action.

Sincerely,



Noah Bookbinder
Executive Director



Nikhel Sus
Senior Counsel

cc: Henry Kerner, Special Counsel
U.S. Office of Special Counsel