



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

September 30, 2026

The Honorable Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
Office of the Inspector General/MAIL STOP 0305
Attn: Office of Investigations - Hotline
245 Murray Lane SW
Washington, DC 20528-0305

Re: Potential violations of federal appropriations law related to campaign-like television advertising reportedly funded with DHS appropriations

Dear Inspector General Cuffari,

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the U.S. Department of Homeland Security’s Office of Inspector General (“DHS OIG”) investigate potential violations of federal appropriations laws and any other relevant violations of federal law related to the agency’s reported financing of “a set of controversial pro-Trump advertisements that recently began airing on television” with taxpayer funds.¹ The advertisements, which self-identify the funding source as the U.S. government, include some material that “is almost identical” to a video that then-candidate Trump posted on social media during his presidential campaign leading up to the 2024 election and do not specifically relate to DHS programs or its mission.² A framework of federal laws clearly prohibits the use of federal funds for partisan political messaging and propaganda. We urge your office to investigate the circumstances of these advertisements, including whether the funding and production of the advertisements comply with federal laws related to the use of federal funds for partisan political purposes.

I. Factual background

As the 2026 midterm elections approach in less than six weeks, a series of television ads, including one “similar to spots released earlier by the nonprofit arm of Trump’s political operation to promote his record in the midterms campaign” began airing on cable and

¹ Tarini Parti, Marianne LeVine & Michelle Hackman, *Homeland Security Money Financed Pro-Trump Television Ads*, Wall Street Journal (Sept. 29, 2026), <https://www.wsj.com/politics/policy/homeland-security-money-financed-pro-trump-television-ads-54ac33bb?st=XitHhi>.

² *Id.*

network television at the end of September.³ According to public reporting, President Trump “personally pushed for the ads” that were funded by U.S. Customs and Border Protection (“USCBP”) within DHS and which include the disclaimer “paid for by the U.S. government.”⁴ The administration is reportedly planning to run more similar ads in the coming weeks.⁵

USCBP “routinely runs television and radio advertisements discouraging foreigners from migrating to the U.S. and telling immigrants illegally in the country to self-deport.”⁶ However, the ads aired in the last week “center on themes that are broader than the agency’s typical focus on immigration.”⁷

One ad that has garnered significant attention reflects the broader emphasis of the messaging, without reference to DHS, any other agency or program. In that ad, President Trump delivers an audio narrative over video footage of himself, stating that, “This is the final battle. With you at my side, we will demolish the deep state. We will expel the warmongers from our government. We will drive out the globalists. We will cast out the communists, Marxists and fascists. We will throw off the sick political class that hates our country. We will rout the fake news media. And we will liberate America from these villains once and for all.”⁸ Another ad likewise focuses on President Trump, not CBP or even DHS programs, as it airs images of the president and a variety of “plugs for some of his priorities—such as cutting taxes and defending police officers” while “one message stays on the screen for fully half of the 30-second commercial: America will never be a communist country.”⁹ For the duration of the montage to President Trump, a song with the lyrics “Love me ... Love me ... Love me ...” plays in the background.¹⁰

Although the White House has described the ads as “educational” and “public-service announcements,”¹¹ the content of the ads is not directed at providing public information about a particular government program but instead promoting the president and his political agenda, including an ad that “is almost identical to a video that the president promoted on social media during his 2024 presidential campaign” in which he “vows to ‘throw off the sick political class that hates our country.’”¹² Another analysis described one ad as “consist[ing] of a supercut of Trump photos and videos interspersed with text of campaign slogans [...] featur[ing] snippets of Trump speeches.”¹³

³ Isaac Arnsdorf, *Trump ad airing with government funding despite law against ‘propaganda,’* Washington Post (Sept. 24, 2026), <https://www.washingtonpost.com/politics/2026/09/24/ad-boosting-trump-paid-by-taxpayers-airing-la-chicago/>.

⁴ *Supra*, Parti, et al. n.1.

⁵ Alex Isenstadt, *Scoop: Trump’s hand-picked, taxpayer-funded ads about to ramp up*, Axios (Sept. 29, 2026), <https://www.axios.com/2026/09/29/trump-ads-taxpayer-funds>.

⁶ *Supra*, Parti, et al. n.1.

⁷ *Supra*, Parti, et al. n.1.

⁸ @MediumBuying, X (Sept. 27, 2026, 10:32 a.m.), <https://x.com/MediumBuying/status/2104217573051060475>.

⁹ Matt Viser, *Trump’s Public Service Announcement: ‘Love Me,’* The Atlantic (Sept. 24, 2026), <https://www.theatlantic.com/politics/2026/09/trump-ad-white-house-psa/688778/>.

¹⁰ *Id.*

¹¹ *Supra*, Parti, et al. n.1.

¹² *Supra*, Parti, et al. n.1.

¹³ *Supra*, Arnsdoff n3.

According to media reports, by the Sunday after the first ad appeared, “the ads had aired nearly 90 times across national television networks” and “extensively on local television stations, with 2,311 airings.”¹⁴ One report estimated that “\$1.4 million is behind the local ads” while a letter from Congress alleged “that it appeared DHS had dedicated \$20 million to the ads.”¹⁵

This latest misuse of appropriated funds is at least the second major misguided ad campaign to emerge from DHS, following “a more than \$200 million ad campaign that promoted then-Homeland Security Secretary Kristi Noem.”¹⁶ According to reports from an administration official, “the ad campaign, along with other ‘many unfortunate leadership failures’ [...] led to her firing.”¹⁷

II. Legal Analysis

A. Potential violations of the Antideficiency Act

The Antideficiency Act prohibits agencies from obligating or expending federal funds in excess of those appropriated by Congress.¹⁸ 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.”¹⁹ Violations of the Act can result in administrative and, in some cases, criminal penalties.²⁰

To the extent that DHS used appropriated funds in violation of specific appropriations prohibitions outlined below, it also may have violated the Antideficiency Act, and therefore would need to report the violations to the President and Congress, with a copy to the Comptroller General.²¹ The agency must also “determine the cost associated with the prohibited conduct and include the amount in its report of its Antideficiency Act violation.”²²

B. 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.”²³ 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.”²⁴ Rather, “an agency’s authority to use its

¹⁴ *Supra*, Parti, et al. n.1.

¹⁵ *Supra*, Parti, et al. n.1.

¹⁶ *Supra*, Parti, et al. n.1.

¹⁷ Rebecca Santana, *A \$220 million ad blitz and a public split with Trump mark the end of Kristi Noem’s DHS tenure*, AP (Mar. 6, 2026), <https://apnews.com/article/kristi-noem-border-immigration-kennedy-ad-campaign-bc1525f1d10a468c892d0cb5cf3907b0>.

¹⁸ 31 U.S.C. § 1341(a)(1)(A).

¹⁹ *Id.* § 1351.

²⁰ *See id.* §§ 1349, 1350.

²¹ *See* B-326944, at 26, Dec. 14, 2015, <https://www.gao.gov/assets/680/674163.pdf>.

²² *Id.*

²³ 31 U.S.C. § 1301(a).

²⁴ B-329373, at 4-5, July 26, 2018, <https://www.gao.gov/assets/700/693434.pdf>.

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."²⁵ In a recent case, the U.S. Government Accountability Office ("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."²⁶

The same is true here. Nothing in DHS's appropriation or enabling legislation appears to authorize it to tweet or disseminate material that simply promotes President Trump and the Trump administration.

C. Potential violations of the prohibition on use of appropriations for unauthorized "publicity or propaganda"

A government-wide provision of federal appropriations law, most recently appearing in the "Consolidated Appropriations Act, 2026" and carried forward by the "Continuing Appropriations and Extensions Act, 2027," 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 the Congress."²⁷

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."²⁸ It instead applies to "three categories of agency communications: (1) self-aggrandizement, (2) covert communications or propaganda, and (3) purely partisan activities."²⁹ At issue here are the first and third categories.

An agency's communications constitute "self-aggrandizement" where they "emphasize the importance of the agency or a particular person or program."³⁰ "For example, an agency would be prohibited from obligating or expending appropriated funds to issue a press release that attempted 'to persuade the public as to [its] importance . . . as a Government agency.'"³¹ Here, the DHS-funded advertisements outlined above do little more than "emphasize the importance of a particular person," President Trump. The advertisements simply promote the president's point of view on the progress of his agenda and achievements using repackaged campaign materials; they are devoid of any "information reasonably necessary to the proper administration of the laws for which [DHS] is responsible."

²⁵ *Id.* at 5.

²⁶ *Id.*

²⁷ Pub. L. 119-75, § 718, 140 Stat. at 495 (Feb. 3, 2026), <https://www.congress.gov/119/plaws/publ75/PLAW-119publ75.pdf>; P.L. 119-103, § 101, 140 Stat. at 988 (Sept. 2, 2026), <https://www.congress.gov/119/plaws/publ103/PLAW-119publ103.pdf>.

²⁸ B-330107, at 3, Oct. 3, 2019, <https://www.gao.gov/assets/710/701928.pdf>.

²⁹ *Id.* (GAO 330107)

³⁰ *Id.* at 3.

³¹ B-302504, at 7-8, Mar. 10, 2004, <https://www.gao.gov/assets/380/370969.pdf>.

“Engaging in a purely political activity . . . is not a proper use of appropriated funds.”³² Thus, appropriated funds cannot be used to benefit one political party,³³ including “in a general propaganda effort designed to aid a political . . . candidate[].”³⁴ “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.”³⁵ The creation and distribution of these ads in the lead-up to the 2026 midterm elections, reflects the president’s previously stated intentions to sway the outcome of the elections by campaigning with his party’s candidates during which he “has repeatedly told his supporters to vote as if he were [on the ballot].”³⁶ The advertisement’s statements, without expressly stating favor for Republican candidates or disfavor for Democratic candidates, clearly reissue campaign rhetoric that he used to promote his preferred election outcomes in 2024.

III. Areas for investigation

Although President Trump is not a candidate for election and the ads underlying this complaint do not expressly name particular electoral outcomes, those circumstances are not elements of the GAO’s purely partisan standard. The partisan messaging and propaganda in these ads is unmistakable, especially considering that the content of at least one ad apparently includes footage used during the president’s previous campaign and has been repackaged in the current lead-up to the midterm elections which the president has been outspoken about motivating his supporters to vote for his preferred candidates. CREW asks DHS OIG to use its authority to investigate the agency’s provision of funding and any other role supporting the creation or distribution of these ads to determine whether the agency or its officials violated appropriations, elections or ethics laws.

Specifically, we urge DHS OIG to investigate and provide public notice of their findings regarding the following questions:

1. How were these ads funded by the agency and what was the specific appropriation or appropriations charged?
2. Was DHS the sole source of funding for the ads?
3. What is the total amount of appropriated funds used on this project, including the cost to facilitate these actions?³⁷
4. Did any agency officials consult with agency counsel on appropriations and ethics laws, and what advice was provided regarding the agency’s use of funds for this purpose?
5. Were any White House officials or other agencies involved in the funding, creation or distribution of these ads?

³² B-304228, at 9, Sept. 30, 2005, <https://www.gao.gov/decisions/appro/304228.pdf>.

³³ *Id.* at 11 (holding that “there were no appropriations available for analyzing the media and public’s opinion concerning the Republican Party’s (or any other political party’s) commitment to education”).

³⁴ 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.”).

³⁵ B-331262, at 4, June 17, 2020, <https://www.gao.gov/assets/710/707666.pdf>.

³⁶ *Supra*, Arnsdoff n3.

³⁷ See, e.g., *Neguse v. U.S. Immigr. & Customs Enf’t*, 822 F. Supp. 3d 86, 106 (D.D.C. 2026) (explaining in the context of another appropriations rider that it was proper to consider costs such as the “paper[] or buildings” used to facilitate the actions).

6. Did any DHS officials object to the agency's role in these ads and were any employees overruled or retaliated against?
7. Did any communications related to these ads include discussion about the midterm elections generally, specific election outcomes or the impact the ads could have on these elections?

IV. Conclusion

Since these ads began airing last week, public outcry at the use of taxpayer dollars to fund messaging that repackages campaign propaganda reflects the impropriety of this use of federal appropriations. Opposition has arisen regardless of political leanings and affiliation, with members of Congress and the public in each of the major political parties agreeing that this type of spending has no place in federal agencies, which are subject to a range of laws intended to maintain the government's neutrality in partisan politics. The U.S. Treasury is funded by hardworking Americans' tax dollars and its appropriations must be used for government programs that will improve the lives of those Americans rather than being spent to promote a political campaign agenda that favors those already in power. A prompt and thorough investigation of the agency's role in these ads will ensure that the public can trust the agency's stewardship of these funds.

CREW greatly appreciates your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D.K. Sherman', followed by a long horizontal flourish.

Donald K. Sherman
President and Chief Executive Officer