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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

May 15, 2018

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

Dear Mr. Dodaro:

I write to request a legal opinion from the U.S. Government Accountability Office concerning whether the Environmental Protection Agency (EPA) violated the annual governmentwide statutory prohibition on the use of funds for publicity or propaganda and the Antideficiency Act when the U.S. EPA's official twitter account, @EPA, tweeted the following statement at 6 am on April 13, 2018:

“The Senate does its duty: Andrew Wheeler confirmed by Senate as deputy administrator of @EPA. The Democrats couldn't block the confirmation of environmental policy expert and former EPA staffer under both a Republican and a Democrat president.”

The Financial Services and General Government Appropriations Act, 2018, provides that agencies may not use appropriations for “publicity or propaganda purposes,” which includes prohibiting purely partisan communications.¹ See B-304228, Sept. 30, 2005, at 9. In my view, this tweet does not advance an information function of the EPA and is purely partisan in nature. While I recognize that EPA may have an interest in informing the public of Mr. Wheeler's Senate confirmation, EPA had already done that in a tweet at 1:45 pm on April 12, 2018, in which it stated:

“CONFIRMED! The U.S. Senate just voted to confirm Andrew Wheeler as the new Deputy Administrator of @EPA.”

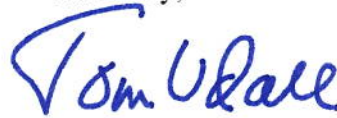
This partisan taunting was not only in poor taste, it may also have been an illegal use of taxpayer dollars. The appropriations law prohibiting federal agencies from spending on publicity and propaganda was enacted for a reason – to ensure that taxpayer dollars only support official

¹Pub. L. No. 115-141, Div. E, Tit. VII, § 715.

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activities, not political speech. As the Ranking Member on the Senate Appropriations Subcommittee overseeing EPA spending, I look forward to a final finding by GAO.

Sincerely,

A handwritten signature in blue ink that reads "Tom Udall". The signature is written in a cursive style with a large, sweeping initial "T".

Tom Udall
Ranking Member
Subcommittee on the Department of the
Interior, Environment, and Related
Agencies