

October 3, 2025

Mr. Michael C. Mikulka

Acting Deputy Inspector General, performing the duties of the Inspector General

Office of Inspector General

200 Constitution Avenue, NW

Room S-5502

Washington, DC 20210

Dear Acting Inspector General Mikulka:

I am writing to formally complain about a violation of the Anti-Lobbying Act (18 U.S.C. § 1913) by officials at the Department of Labor. This complaint requests that the DOL Office of Inspector General investigate the Department's use of appropriated federal funds to disseminate partisan political messaging during the government shutdown on September 30, 2025.

Background and Factual Allegations

During the government shutdown that began on September 30, 2025, the Department of Labor implemented partisan political messaging in official out-of-office email auto-replies sent from DOL employee accounts. These communications violated federal restrictions on using government resources for partisan political activity.

Instead of using standard neutral shutdown language, the Department—under Secretary Lori Chavez-DeRemer's leadership—replaced neutral communications with explicitly partisan messaging. According to widespread news reports, the Department-mandated auto-reply message stated:

Due to Democrat Senators blocking passage of H.R. 5371 in the Senate, appropriations have lapsed and I am currently in furlough status. I will respond to emails once government functions resume.

According to widespread news reports, this partisan message was automatically distributed from hundreds of DOL employee email accounts, including both furloughed and essential employees, using the Department's official email infrastructure. Rather than providing neutral information about the shutdown's impact on Labor Department services, the messages served purely partisan purposes by assigning blame to "Democrat Senators" while promoting specific House legislation (H.R. 5371).

The Department of Labor's email systems serve critical functions related to workplace safety, employment rights, and worker protections. Using these taxpayer-funded communication platforms for partisan political messaging undermines the Department's mission and violates federal restrictions on the use of government resources for partisan political activity.

Legal Violation

The Anti-Lobbying Act, codified at 18 U.S.C. § 1913, prohibits federal agencies from using appropriated funds for activities designed to influence members of Congress or to encourage the public to contact Congress about pending legislation. The statute specifically provides:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, rule, regulation, policy, or appropriation.

DOL's partisan messaging violated this prohibition by using government resources—including the Department's official email systems, government servers, and federal employee time—to advance political positions that served no official labor-related function.

Specific Violations

DOL's actions violated the Anti-Lobbying Act in the following ways:

1. **Use of Appropriated Funds for Political Messaging:** The creation, implementation, and distribution of partisan political content through hundreds of DOL employee email accounts required the use of federal employee time, government email infrastructure, and other taxpayer-funded resources in violation of 18 U.S.C. § 1913.
2. **Grassroots Lobbying Activity:** By explicitly blaming "Democrat Senators" for blocking specific House legislation (H.R. 5371), the messages were designed to influence public opinion about political matters rather than provide neutral information about DOL operations during the shutdown.
3. **Exceeding Authorized Appropriations:** DOL has no congressional authorization to use appropriated funds for partisan political communications. Such expenditures exceed the Department's authorized appropriations and constitute improper obligations of federal funds.

Responsible Officials

Secretary Lori Chavez-DeRemer bears ultimate responsibility for the content distributed through official DOL communication systems. As the senior official overseeing the Department, she has authority over and responsibility for ensuring that DOL communications comply with federal law, including the Anti-Lobbying Act.

Evidence

I have attached supporting documentation that details the partisan political messaging distributed through official DOL email accounts.

Request for Investigation

I respectfully request that the DOL Office of Inspector General conduct a thorough investigation into this apparent violation of the Anti-Lobbying Act, including:

1. Determining who authorized the creation and implementation of the partisan political messaging in DOL employee email auto-replies;
2. Identifying what federal resources were used to create, approve, and distribute this content;
3. Calculating the cost to taxpayers of the government resources used for partisan political purposes;



4. Reviewing DOL policies and procedures to determine how such violations occurred; and
5. Recommending appropriate remedial actions and disciplinary measures.

Thank you for your attention to this serious matter. The American people deserve a Department of Labor that uses taxpayer resources for legitimate functions—protecting American workers and enforcing labor laws—not advancing partisan political messaging at taxpayer expense.

Respectfully,
Omar H. Nouredin
Senior Vice President, Policy & Litigation
Common Cause

Exhibit A

Wired, *Government Workers Say Their Out-of-Office Replies Were Forcibly Changed to Blame Democrats for Shutdown*, (October 2, 2025): <https://www.wired.com/story/government-workers-say-their-out-of-office-replies-were-forcibly-changed-to-blame-democrats-for-shutdown/>

The New York Times, *Federal Agencies Use Official Websites to Blame Democrats for Shutdown*, (October 1, 2025): <https://www.nytimes.com/2025/10/01/us/politics/furlough-small-business-administration-emails.html>

