

October 3, 2025
Hon. Gene Dodaro
Comptroller General
Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Comptroller General Dodaro:

Common Cause and I write to request that the Government Accountability Office investigate whether the Department of Education violated federal appropriations law by using government resources to disseminate partisan political messaging during the government shutdown on September 30, 2025.

Background

During the government shutdown that began on September 30, 2025, the Department of Education—under the leadership of Secretary Linda McMahon—replaced neutral out-of-office email auto-replies with explicitly partisan messaging sent from potentially hundreds of employee accounts throughout the Department.

According to widespread news reports, initially, ED staff were instructed to use neutral shutdown messaging for their auto-replies. However, the Department subsequently replaced these neutral messages with partisan content without informing or obtaining consent from employees. The new auto-reply read:

Thank you for contacting the press team. On September 19, 2025, the House of Representatives passed H.R. 5371, a clean continuing resolution. Unfortunately, Democrat Senators are blocking passage of H.R. 5371 in the Senate which has led to a lapse in appropriations. Due to the lapse in appropriations we are currently in furlough status. I will respond to emails once government functions resume.

This partisan messaging was automatically distributed from numerous Department employee email accounts, including through the Department's press office, using taxpayer-funded government systems to blame one political party while crediting another. Rather than providing neutral information about the shutdown's impact on educational services or student aid programs, the messages served purely partisan purposes.

Legal Analysis

Federal agencies are prohibited from using appropriated funds for "publicity or propaganda purposes" under annual appropriations acts. GAO has consistently determined that communications serving purely partisan political purposes constitute prohibited propaganda when funded with government resources.

The Education Department's replacement of neutral messaging with partisan content violated these restrictions by using the Department's official email infrastructure, government servers, and employee time to create and

automatically distribute political statements that served no legitimate educational purpose related to the Department's mission of ensuring access to education and promoting educational excellence.

Using government resources to systematically distribute partisan political messaging from hundreds of employee accounts violates the Anti-Deficiency Act by obligating appropriated funds for unauthorized purposes that exceed the Department's appropriated authority for legitimate operational communications.

Request for Investigation

We respectfully request that GAO investigate whether the Department of Education violated federal appropriations law by using government resources to replace neutral communications with partisan political messaging during the government shutdown. This investigation should examine the authorization and implementation of this department-wide partisan messaging campaign and determine what federal resources were improperly used for political rather than educational purposes.

The Department of Education should focus on serving students and families, not advancing partisan political messaging at taxpayer expense.

Thank you for your consideration of this matter.

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

Exhibit A

Automatic reply: Test



Press<Press@ed.gov>

To: Omar Nouredin



Fri 10/3/2025 12:48 AM

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Reply

Forward

