

October 3, 2025
Ms. Heidi Semann
Acting Inspector General
US Department of Education
Office of Inspector General
400 Maryland Avenue, SW
Washington, DC 20202

Dear Acting Inspector General Semann:

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 Education. This complaint requests that the ED Office of Inspector General investigate the Department's use of appropriated federal funds to disseminate partisan political messaging during the September 30, 2025, government shutdown.

Background and Factual Allegations

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. These communications violated federal restrictions on using government resources for partisan political activity.

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 "Democrat Senators" while crediting House Republicans for passing H.R. 5371. Rather than providing neutral information about the shutdown's impact on educational services or student aid programs, the messages served purely partisan purposes.

The Department of Education's email systems serve critical functions for students, families, educators, and institutions seeking information about federal education programs, student financial aid, and educational policy. Using these taxpayer-funded communication platforms for partisan political messaging undermines the

Department's educational mission and violates federal restrictions on the use of government resources for political purposes.

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.

The Education Department'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 legitimate educational function.

Specific Violations

The Education Department'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 ED 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) while praising House passage of the bill, the messages were designed to influence public opinion about political matters rather than provide neutral information about ED operations during the shutdown.
3. **Exceeding Authorized Appropriations:** The Education Department 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 Linda McMahon bears ultimate responsibility for the content distributed through official Education Department communication systems. As the senior official overseeing the Department, she has authority over, and responsibility for, ensuring that ED 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 ED email accounts.



Request for Investigation

I respectfully request that the ED 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 ED 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 ED 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 Education that uses taxpayer resources for legitimate educational functions—serving students and families—not advancing partisan political messaging at taxpayer expense.


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

