

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 Food and Drug Administration violated federal appropriations law by using government resources to display partisan political messaging during the September 30, 2025, government shutdown.

### Background

During the government shutdown that began on September 30, 2025, the Food and Drug Administration—under Commissioner Marty Makary's leadership—displayed explicitly partisan messaging on its official homepage. Instead of providing neutral information about how the shutdown affected FDA operations or public health services, the agency's website prominently featured the following message:

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Mission-critical activities of FDA will continue during the Democrat-led government shutdown. Please use this site as a resource as the Trump Administration works to reopen the government for the American people.

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This partisan statement was displayed on the FDA's official website, using taxpayer-funded government platforms to blame the "Democrat-led government shutdown" while crediting the "Trump Administration" for working to reopen the government. Rather than informing the public about which FDA functions would continue during the shutdown or how to access essential public health services, the message served purely partisan political purposes.

The FDA's website serves as a critical resource for Americans seeking information about food safety, drug approvals, medical device regulations, and other essential public health matters. Using this official platform to disseminate partisan political messaging undermines the agency's public health mission and violates federal regulations prohibiting the use of government resources for political purposes.

### Legal Analysis

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

The FDA's partisan shutdown messaging violated these restrictions by using the agency's official website infrastructure, government web servers, and employee time to create and display political statements that

served no legitimate public health purpose related to the FDA's mission of protecting and promoting public health through regulation of food, drugs, and medical products.

Using government resources to display partisan political messaging on an official agency website violates the Anti-Deficiency Act by obligating appropriated funds for unauthorized purposes that exceed the agency's appropriated authority for legitimate operational communications about public health services.

Request for Investigation

We respectfully request that GAO investigate whether the Food and Drug Administration violated federal appropriations law by using government resources to create, authorize, and display partisan political messaging during the government shutdown. This investigation should examine the authorization and implementation of partisan website messaging and determine what federal resources were used for political purposes rather than public health.

The Food and Drug Administration should prioritize protecting public health and safety, rather than 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

An official website of the United States government [Here's how you know](#)

**FDA U.S. FOOD & DRUG ADMINISTRATION** Search Menu

Mission-critical activities of FDA will continue during the Democrat-led government shutdown. Please use this site as a resource as the Trump Administration works to reopen the government for the American people.

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- ✓ Removing petroleum-based food dyes from the U.S. food supply
- ✓ Facilitating new infant formula options without seed oils and heavy metals
- ✓ Scrutinizing chemicals in food supply, such as BHT, BHA, and phthalates
- ✓ Approved four new natural food dyes
- ✓ Stopping unnecessary animal testing
- ✓ Unleashing cell and gene therapies
- ✓ Launched FDA PreCheck to bring drug manufacturing back the U.S.
- ✓ Fixing opioid medication safety labels to accurately reflect risks
- ✓ Cracking down on misleading pharmaceutical advertisements
- ✓ Addressed conflicts of interest on FDA advisory committees
- ✓ Started publishing FDA rejection letters
- ✓ Banning Chinese gene editing of American cells and DNA
- ✓ Seized \$34 million worth of dangerous, illegal Chinese vapes
- ✓ Consolidating fragmented adverse event databases
- ✓ Began releasing adverse event reports on daily basis
- ✓ Completed first AI-assisted scientific review pilot

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Feedback