

October 3, 2025
Ms. Juliet T. Hodgkins
Acting Inspector General
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, SW
Washington, DC 20201

Dear Acting Inspector General Hodgkins:

I am writing to formally complain about a violation of the Anti-Lobbying Act (18 U.S.C. § 1913) by officials at the Food and Drug Administration, a component of the Department of Health and Human Services. This complaint requests that the HHS Office of Inspector General investigate the FDA'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 Food and Drug Administration—under Commissioner Marty Makary's leadership—displayed explicitly partisan messaging on its official homepage that served no legitimate public health purpose. These communications violated federal restrictions on using government resources for partisan political activity. 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:

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.

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 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 FDA's partisan messaging violated this prohibition by using government resources—including the agency's official website infrastructure, government web servers, and federal employee time—to advance political positions that served no legitimate public health function.

Specific Violations

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

1. **Use of Appropriated Funds for Political Messaging:** The creation, approval, and display of partisan political content on the FDA website required the use of federal employee time, government web infrastructure, and other taxpayer-funded resources in violation of 18 U.S.C. § 1913.
2. **Grassroots Lobbying Activity:** By explicitly labeling the shutdown as "Democrat-led" while crediting the "Trump Administration" for working to reopen the government, the message was designed to influence public opinion about political matters rather than provide neutral information about FDA operations during the shutdown.
3. **Exceeding Authorized Appropriations:** The FDA has no congressional authorization to use appropriated funds for partisan political communications. Such expenditures exceed the agency's authorized appropriations and constitute improper obligations of federal funds.

Responsible Officials

Commissioner Marty Makary bears ultimate responsibility for the content published on the FDA's official website. As the senior official overseeing the agency, he has authority over and responsibility for ensuring that FDA communications comply with federal law, including the Anti-Lobbying Act.

Evidence

I have attached supporting documentation that details the partisan political messaging displayed on the FDA website.

Request for Investigation

I respectfully request that the HHS 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 publication of the partisan political messaging on the FDA website;
2. Identifying what federal resources were used to create, approve, and maintain this content;
3. Calculating the cost to taxpayers of the government resources used for partisan political purposes;
4. Reviewing FDA 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 Food and Drug Administration that uses taxpayer resources for legitimate public health functions—protecting public health and safety through regulation of food, drugs, and medical products—not advancing partisan political messaging at taxpayer expense.

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 >](#)

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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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- ✓ Consolidating fragmented adverse event databases
- ✓ Began releasing adverse event reports on daily basis
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