

October 3, 2025  
Mr. Sheldon Shoemaker  
Deputy Inspector General  
Small Business Administration  
Office of Inspector General  
409 3rd St. SW, Suite 7150  
Washington, DC 20416

Dear Deputy Inspector General Shoemaker:

I am writing to formally complain about a violation of the Anti-Lobbying Act (18 U.S.C. § 1913) by officials at the Small Business Administration. This complaint requests that the SBA Office of Inspector General investigate the Agency'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 Small Business Administration—under the leadership of Administrator Kelly Loeffler—used both its official website and federal employee email systems to distribute explicitly partisan political communications that served no legitimate purpose in assisting small businesses. These communications violated federal restrictions on using government resources for partisan political activity. The SBA's official website prominently displayed a "Special Announcement" that stated:

---

Senate Democrats voted to block a clean federal funding bill (H.R. 5371), leading to a government shutdown that is preventing the U.S. Small Business Administration (SBA) from serving America's 36 million small businesses. Every day that Senate Democrats continue to oppose a clean funding bill, they are stopping an estimated 320 small businesses from accessing \$170 million in SBA-guaranteed funding... The agency is executing its Lapse Plan and as soon as the shutdown is over, we are prepared to immediately return to the record-breaking services we were providing under the leadership of the Trump Administration.

---

Additionally, according to widespread news reporting, the SBA systematically replaced employee out-of-office auto-reply messages with partisan content without the employees' knowledge or consent. These mandatory messages read:

---

I am out of office for the foreseeable future because Senate Democrats voted to block a clean federal funding bill (H.R. 5371), leading to a government shutdown

that is preventing the U.S. Small Business Administration (SBA) from serving America's 36 million small businesses.

---

These communications were distributed through taxpayer-funded government systems to assign political blame to "Senate Democrats" while crediting the "Trump Administration" with providing "record-breaking services." Rather than providing neutral information about which SBA programs would continue or how small businesses could access available services, the messages served purely partisan 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 SBA's partisan messaging violated this prohibition by using government resources—including the agency's official website infrastructure, government web servers, email systems, and federal employee time—to advance political positions that served no legitimate small business assistance function.

## Specific Violations

The SBA'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 both the SBA website and through systematic replacement of employee email auto-replies required the use of federal employee time, government web infrastructure, email systems, and other taxpayer-funded resources in violation of 18 U.S.C. § 1913.
2. **Grassroots Lobbying Activity:** By explicitly blaming "Senate Democrats" for blocking specific House legislation (H.R. 5371) while praising the "Trump Administration's record-breaking services," the messages were designed to influence public opinion about political matters rather than provide neutral information about SBA operations during the shutdown.
3. **Exceeding Authorized Appropriations:** The SBA 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

Administrator Kelly Loeffler bears ultimate responsibility for the content published on the SBA's official website and distributed through the agency's email systems. As the senior official overseeing the agency, she has authority over and responsibility for ensuring that SBA 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 SBA website and distributed through employee email systems.

## Request for Investigation

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

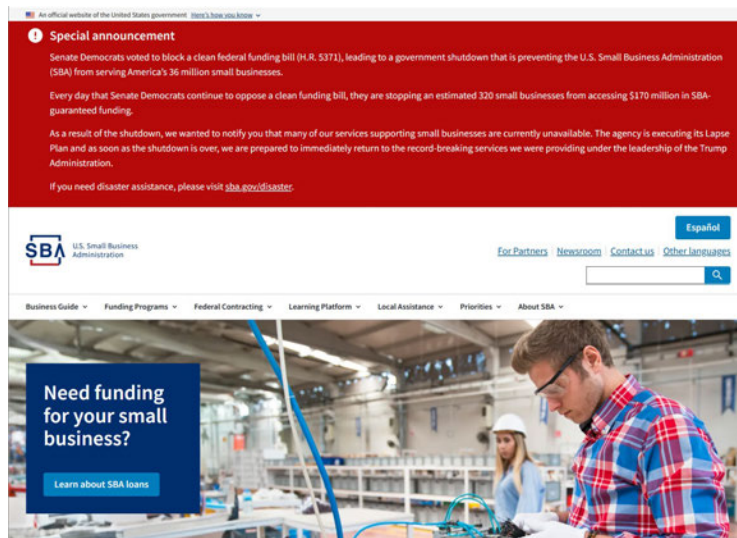
1. Determining who authorized the creation and publication of the partisan political messaging on both the SBA website and through employee email systems;
2. Identifying what federal resources were used to create, approve, and maintain this content;
3. Calculating the cost to taxpayers of the government resources used for partisan political purposes;
4. Reviewing SBA 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 Small Business Administration that uses taxpayer resources for legitimate small business assistance functions—supporting America's 36 million small businesses through loans, loan guarantees, and business development programs—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



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>

CNN, *Out-of-office messages blaming Democrats for shutdown sent on behalf of some federal workers without their consent*, (October 2, 2025): <https://www.cnn.com/2025/10/02/politics/federal-workers-government-shutdown-emails-partisan>

