

Laws Guiding CDC's Interactions with Congress

Federal employee interaction with Congress is limited by federal law. **Always engage CDC/W or FMO when contacted by a member of Congress or their staff** so we can work together to follow legal guidelines. In addition to legal considerations, CDC/W and FMO can provide assistance and information on other considerations to maximize the impact of CDC's interactions with Congress.

The Anti-Lobbying Act (18 USC Sec. 1913) provides the foundation for determining permitted and prohibited activities for executive branch employees. Based on these provisions, the Office of Legal Counsel for the Department of Justice has issued guidelines to help understand what types of activities are permitted and what types of activities are prohibited. These guidelines are summarized below. However, these guidelines are general in nature, and therefore are not substitutes for consulting the Office of General Counsel for specific advice. Often common sense will dictate what is appropriate and what is not. It is also important to remember that even if an activity is technically legal, the appearance of impropriety could still present problems for the agency. The language of the Anti-Lobbying Act can be viewed at <http://www4.law.cornell.edu/uscode/18/1913.html>.



Under the Anti-Lobbying Act, government employees **MAY**:

- Communicate with members of Congress and their staff in support of Administration or departmental positions.
- Communicate with the public through public speeches, appearances and published writings to support Administration positions—including using such public forums to call on the public to contact members of Congress in support of or opposition to legislation.
- Communicate privately with members of the public to inform them of Administration positions and to promote those provisions—as long as these communications do not consist of substantial “grass roots” lobbying campaigns. (See definition below)
- Communicate with Congress or the public urging support of Administration positions **on non-legislative or non-appropriations issues**, such as treaties and nominations.

Under the Anti-Lobbying Act, government employees **MAY NOT**:

- Engage in substantial “grass roots” lobbying campaigns of telegrams, letters and other forms of communication expressly asking recipients to contact members of

Congress in support of or opposition to legislation. "Substantial" was not defined in a recent opinion, but the 1919 legislative history cites an expenditure of \$7,500, which was roughly equivalent to \$50,000 in 1989.

For other types of communications or any questions, please contact CDC/W, FMO, or OGC.

The Department of Justice leaves it to other departments to determine what additional guidance is put in place, but suggests that agencies may wish to restrict officials from expressly urging citizens to contact Congress in support of or opposition to legislation. The Department of Justice also suggests that certain agencies may be additionally restricted as a result of "publicity or propaganda" provisions included in appropriations acts.

Other Restrictions

HHS has an additional restriction, established by a provision in Section 503(a) of the Department of Labor, Health and Human Services, Education and Related Appropriations Act of 1997, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, § 101(e), Pub. L. No. 104-208. This provision says that no appropriated funds (which would include salaries of HHS employees) "shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television or video presentation designed to support or defeat legislation pending before the Congress...or any State legislature," except in presentation to the respective bodies directly (such as in testimony as a witness in a hearing). This has been interpreted as a civil counterpart to the Anti-Lobbying Act, and as such, it also prohibits the "grass roots" lobbying activities described above.

More information on broader restrictions on political activity can be found at <http://intranet.cdc.gov/od/ethics/topics/political.htm>, and further ethics information can be found at <http://intranet.cdc.gov/od/ethics/>.

The Office of General Counsel also has useful resources at <http://intranet.cdc.gov/ogc/pages/resources.htm> and <http://intranet.cdc.gov/ogc/pdf/Legal%20BasicsNONOTESkocher070507.pdf>.