

## ANTI-LOBBYING RESTRICTIONS

STATUTES:	The Anti-lobbying Act, 18 U.S.C. § 1913; provisions in annual Appropriations Acts.
The Rule:	The Department may not use appropriated funds for activities designed to influence members of the public to contact Congress regarding any pending legislation or appropriation. The Anti-lobbying Act applies to <u>explicit</u> appeals to the public to contact Members of Congress. Moreover, <u>implicit</u> appeals that go beyond legitimate informational activities are not allowed.
Prohibited:	<p>The Anti-Lobbying Act specifically prohibits expenditures for any personal service, advertisement, letter, or other means designed to influence a Member on legislation. In other words, you cannot tell the public to “contact your representative or senator.”</p> <p>The appropriation act provision specifically prohibits the use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress.</p>
Permitted:	<p>Government officials may make direct communications with Members of Congress regarding pending legislation.</p> <p>Government officials may communicate with the public through public speeches, appearances, and published writing to support Administration positions regarding proposed legislation. Just do not say the “magic words.” The restriction does not apply to communications by Government officials regarding the ratification of treaties or the Senate confirmation of Presidential nominees.</p>
Advice:	The limits of these restrictions are not entirely clear. This office recommends that public officials not test the limits because, ultimately, explaining and fighting charges of violations detracts from the fundamental issue the public official is attempting to address.
Bottom Line:	No “grassroots” lobbying campaigns.

## DOS AND DON'T'S FOR THE ANTI-LOBBYING ACT

- Commerce officials sometimes get questions such as: AWhat do you want us to do@ and Awho in Congress is still on the fence?@
- In answering those questions you may:
  - tell them to work generally on behalf of the bill,
  - tell people to provide us input on their views on the bill, or
  - talk about what the President and this Administration is doing.
- You may not:
  - tell others to talk to their Congressperson or
  - tell others to organize people to lobby Congress.
- If you are asked AShould I talk to my Congressperson?@ you should:
  - respond by saying AI am here to talk about the impact of the President=s proposal.@ or
  - if forced, may say: AI am prohibited by law from answering that question.@
- In general, steer clear of asking for help getting a bill approved by Congress.

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