



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

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In Reply Refer To:  
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To: All U.S. Fish and Wildlife Service Employees

From: **Deputy** Director

Subject: Prohibitions regarding Congressional Lobbying

It is essential that all U.S. Fish and Wildlife Service (Service) employees who communicate with Congress understand the prohibitions that are in place regarding lobbying.

The Service is subject to three different anti-lobbying statutes, including the Anti-Lobbying Act (18 U.S.C. 1913) and annual provisions in the Interior and Financial Services/General Government appropriations statutes.

18 U.S.C. 1913, as amended in 2002, is a statute with civil penalties that states, in part: “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, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation...” (emphasis supplied). In addition, the Financial Services/General Government Appropriations Act (Sec. 715, formerly 716) generally includes a prohibition on using appropriated funds to engage in grassroots efforts to influence the outcome of pending legislation. The annual Interior Appropriations Act (Sec. 401, formerly 302) is similar, but it is interpreted to cover not only explicit but also implicit appeals to the public to support or oppose pending legislation (see, e.g. Pub. L. 113-235).

For example, employees may not:

- Participate in activities or campaigns that are designed to generate support for or opposition to pending legislation. Both the content of what is said and the context of the activity are important in determining whether the activity violates the anti-lobbying statutes.
- Participate in events or programs specifically designed to promote public support for or opposition to pending legislation.
- Engage in a grassroots lobbying campaign involving expenditures for pamphlets, letters, and other forms of communications that directly or indirectly encourage the public to contact government officials in support for or opposition to pending legislation.

- Prepare or distribute letters, pamphlets, kits, booklets, publications, or television, radio, or film presentations or make verbal recommendations expressly asking anyone to contact government officials to support or oppose pending legislation.
- Initiate or coordinate meetings between members of the public and government officials to discuss proposed legislation.
- Provide members of the public with target lists of government officials for the purpose of seeking to influence their position on pending legislation.
- Request or recommend that a recipient further distribute materials regarding proposed legislation, or provide a large number of copies of such material for redistribution.

There are limited exceptions to the prohibition on lobbying in regard to materials cleared and submitted through official channels. Employees are cautioned not to make their own interpretations of the anti-lobbying statutes. If there is any question as to their applicability to communications with Congress, employees are encouraged to work with their Regional External Affairs office or the Service's Division of Congressional and Legislative Affairs (CLA) in Washington, D.C. to decide what is proper.

Of particular concern are comments on pending legislation, preparation of draft testimony, responses to congressional questions arising from hearings, and preparation of effect and capability statements requested by CLA or the Division of Budget, respectively. These materials should be prepared and reviewed in accordance with the existing surname process and not distributed outside the Service until finalized.

It is important that Service employees build and maintain relationships with Members of Congress and their staff at the local level and on Capitol Hill. However, to be truly effective in our relationships and communications with Congress, our efforts must be conducted in accordance with the law. If you have any questions, please contact CLA at (703) 358-2240, or your Regional External Affairs office.