



United States  
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Agriculture

Office of the  
General  
Counsel

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MEMORANDUM FOR ALL EMPLOYEES OF THE FARM SERVICE AGENCY

FROM:

Marc L. Kesselman  
General Counsel

SUBJECT:

Anti-Lobbying Act and Related Restrictions

As most of you are aware, Federal law prohibits the direct or indirect use of appropriated funds by most Federal employees to lobby members of Congress, *i.e.*, to attempt to influence members of Congress to favor or oppose pending legislation or appropriations. Federal law also prohibits the use of appropriated funds for any campaign, including "grass roots lobbying," intended to influence members of Congress in connection with their carrying out of legislative responsibilities. The **only** Federal employees to whom these restrictions do not apply, and who may thus take positions intended to influence members of Congress, are those who are appointed by the President and whose appointments require confirmation by the Senate.

It has come to my attention that a group of Farm Service Agency (FSA) employees may have used Government-provided computers to urge other FSA employees to express their views to Congress respecting a provision of the House-passed farm bill legislation, and that they have done so during working hours.

The purpose of this memorandum is to remind all FSA employees that while you are free to exercise your First Amendment rights on your own time and during non-working hours, **you are prohibited from such lobbying activities during duty hours and from using Government equipment – including computers and telephones – in any such endeavor.** This prohibition applies not only to the act of directly contacting Members of Congress, but also to certain "grass roots" activities such as urging others to contact their elected representatives.

Please be aware of these rules when addressing legislative issues or responding to questions about such issues. If you have questions about the legal requirements that apply to you, the Office of Government Ethics provides a helpful website as does USDA's Office of Ethics at <http://www.usda-ethics.net/rules/index.htm>. Thank you very much for your attention to this reminder.