

LOBBYING GUIDELINES FOR FEDERAL EMPLOYEES

Federal employees, including Department of Veterans Affairs (VA) employees, are subject to regulations concerning contacts with Members of Congress and their staff. Regulations specific to VA employees are contained in VA Directive 8100, dated March 24, 1996. However, these regulations do not impose on VA employees a blanket prohibition on lobbying (i.e., conducting activities for the purpose of influencing a Member of Congress to favor or oppose legislation or appropriations). By following certain guidelines, federal employees may lobby for programs to which they are personally committed.

The First Amendment protects federal employees' right to lobby Congress and congressional staff and committees. However, **statements made during meetings or in correspondence must not be construed as official pronouncements of federal policy.** Therefore, federal employees must explicitly separate themselves from their federal capacity when lobbying. That is, they should identify themselves as concerned citizens presenting their personal views.

However, there is no need to conceal federal employment. Employees are welcome to identify their official federal capacities and to discuss their professional activities as long as they make it clear that they are speaking on behalf of themselves, or a non-governmental organization, and the views expressed are their own.

Appropriated funds may not be used, directly or indirectly, to pay for lobbying activities.

This means that anything paid for by the government, including federally compensated time, and federal resources (telephones, copiers, fax machines, email servers, paper, envelopes, postage, etc.) may not be used to support lobbying activities.

This also means that lobbying activities must be conducted during personal time.

Because full time federal employees are considered to be on federal time during regular working hours, federal employees must take annual leave to cover any time spent on lobbying activities conducted during regular working hours. After hours and weekends are personal time and may be spent on lobbying activities without taking leave. Personal funds as well as funds provided by non-governmental organizations may be used to support lobbying activities.

Educating Members of Congress and their staff about federal programs should not be confused with lobbying. However, FOVA urges caution and recommends following the above two guidelines and taking annual leave any time a federal employee interacts with Congress.

Taking part in the democratic process is personally satisfying and critical to the success of programs to which individuals are personally committed. For additional information and guidance, please contact your local federal ethics official.

DISCLAIMER: This information is provided for educational purposes only and is not intended to be legal advice. The Friends of VA Medical Care and Health Research (FOVA) coalition, its executive committee, and the organizations represented are not responsible or liable for the accuracy, completeness, legality, or reliability of the information presented above. FOVA has made every attempt to ensure the accuracy and reliability of the information provided above; however, it is provided "as is" without warranty of any kind.