



June 11, 2003

Sandra R. Manning, CGFM  
Director  
Procurement and Grants Office

Dear Grantee,

Subject: Certain Restrictions on the Use of DHHS Funds

This letter serves to remind CDC grantees of certain restrictions on the use of Department of Health and Human Services (HHS) funds.

### **I. Lobbying of Federal or State Legislative Bodies**

The following laws govern lobbying activities with Federal funds:

18 USC 1913 which provides that no part of the money appropriated by Congress shall be used directly or indirectly to pay for any personal service, advertisement, printed matter or other device intended to influence a Member of Congress, a jurisdiction, or an official of any government to favor or oppose (by vote or otherwise) any legislation, law, ratification, policy or appropriation, unless such activity is directly authorized by Congress. This statute was recently amended, expanding the prohibition to include actions intended to influence non-Federal Government entities and to expand the subject of such prohibited influence from "legislation or appropriation" to "any legislation, law, ratification, policy or appropriation." The existing exception permitting officers and employees of the United States to make direct communications to a Member of Congress under certain circumstances was retained and expanded to include other Government officials. This exception was also expanded to permit Government employees to make any communication whose prohibition by the statute might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. The Department of Justice has not yet issued guidance on the scope of this exception.

The Department of Health and Human Services Appropriations Act, 2003 (Pub. L. No. 108-7) which provides that no part of CDC appropriated funds shall be used directly or indirectly, 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 Congress or any State legislature itself. This statute also prohibits the use of any appropriated funds to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

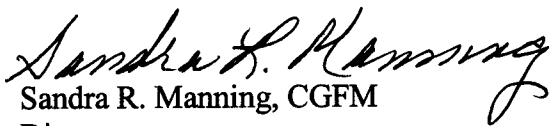
31 USC 1352 states that no funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the following Federal actions: (a) the awarding of any Federal contract; (b) the making of any Federal grant; (c) the making of any Federal loan; (d) the entering into of any cooperative agreement; or (e) the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

However, CDC grantees may engage in any lobbying activity on their own personal time as long as they are not using any Federal (appropriated) funds to do so, and are not lobbying in their role as a Federally funded grantee.

## **II. Gun Control**

The Department of Health and Human Services Appropriations Act, 2003 (Pub. L. No. 108-7) states that none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control.

Sincerely,



Sandra R. Manning, CGFM

Director

Procurement and Grants Office

cc: PGO Grants Specialists