



LSC RULES:

45 CFR § 1612.5

RESTRICTIONS ON LOBBYING
AND CERTAIN OTHER
ACTIVITIES

45 CFR § 1612.6

PERMISSIBLE ACTIVITIES USING
NON-LSC FUNDS

LSC Funding & Regulatory Advocacy

Legal Services Corporation (LSC) funded organizations can legally engage in many forms of regulatory advocacy. LSC-funded entities, and their executive directors, will want to ask both what they can do legally and what they feel comfortable doing, taking all the facts and circumstances into account.

For further guidance, contact [Christopher Buerger](#) at the National Legal Aid & Defender Association (NLADA).

Do		Do Not
<i>Using LSC Funds</i>	<i>Using Non-LSC Funds</i>	<i>Using Any Funds</i>
<ul style="list-style-type: none"> ✓ Communicate with government agencies to seek information or clarification about their work, including proposed rules.¹ ✓ Educate agency staff about client communities.² ✓ Advocate changes in “agency practices”³ to respond to the needs of client communities.⁴ 	<ul style="list-style-type: none"> ✓ Comment on public rulemakings.⁵ ✓ Respond to a government official or agency’s written request, directed to you and not solicited by you, for testimony, analysis, or participation in negotiated rulemaking.⁶ ✓ You may state your support or opposition to a rule if that is within the scope of the written request or request for comment.⁷ 	<ul style="list-style-type: none"> ✗ State what government agencies should do or what decisions they should make,⁸ unless within the scope of a public rulemaking or a written request using non-LSC funds. ✗ Attempt to influence the passage or defeat of rules or regulations, beyond responding to a public rulemaking or a written request using non-LSC funds. ✗ Solicit requests for testimony, analysis, or participation in negotiated rulemaking from the government.⁹

¹ 45 CFR § 1612.5(c)(2).

² [Restrictions on Lobbying and Other Activities](#), Program Letter, 2013 Program Letter 13-5 (December 3).

³ Agency practices are an undefined catch-all for work outside of the enumerated prohibitions in the LSC statutes.

⁴ CHRISTOPHER BUERGER, [WHAT CAN AND CANNOT BE DONE: REPRESENTATION OF CLIENTS BY LSC-FUNDED PROGRAMS](#), 4 (2018).

⁵ 45 CFR §§ 1612.2 (defining public rulemaking), 1612.6(e) (discussing ability to comment).

⁶ 45 CFR § 1612.6(a-c).

⁷ 45 C.F.R. § 1612.6; [Restrictions on Lobbying and Other Activities](#), Program Letter, 2013 Program Letter 13-5 at 6 (December 3) (“[T]he ‘response to request’ exception permits a recipient to offer views and recommend action on pending or proposed policy if such communications fall within the parameters of the information requested.”)

⁸ [Part 1612 Lobbying Activities, Advisory Opinion](#), 2014 L.S.C.005 (June 9).

⁹ 45 CFR § 1612.6(a-c).