

8 January 2010

INFORMATION PAPER

SUBJECT: Guidance on the Anti-Lobbying Act (ALA), 18 U.S.C. § 1913

1. This paper provides guidance to Fort Belvoir personnel on the ALA, and other provisions of Federal law concerning lobbying activities.
2. The ALA is a criminal statute that prohibits the use of appropriated funds, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter or other device intended to unlawfully influence a Member of Congress in acting upon legislation. Violations of this law are punishable by up to one year confinement and a \$500.00 fine or both, plus removal from Federal employment.
3. The annual Defense Appropriations Act typically contains prohibitions on the use of appropriated funds. A provision prohibiting the use of funds for publicity or propaganda purposes has appeared in Appropriations Acts in some form since 1951. The Act provides that no appropriated funds shall be used to directly or indirectly influence Congressional action on legislation or appropriation matters pending before the Congress.
4. The General Accounting Office, the Department of Justice and the Office of the Judge Advocate General have interpreted the ALA and the Appropriations Act to prohibit large-scale publicity campaigns to generate citizen contacts with Congress on behalf of a position on legislation or appropriations. These provisions make it unlawful to use appropriated funds to encourage, pressure, or suggest that private citizens, citizens' groups, corporations, associations or other organizations contact or solicit Congress on a legislative matter. The ALA and Appropriations Act, however, do not prohibit direct contacts between DA officials and the Congress. Army officials may provide information to members of Congress or solicit Congressional support for a cleared legislative proposal. These provisions also do not prohibit speeches or other communications designed to inform the public generally about Army or Administration policies and proposals or to encourage general public support for Army or Administration positions.
5. The following are examples of conduct **prohibited** by the ALA and by the limitations contained in the Appropriations Act:
 - a. Distributing materials that suggest directly or indirectly that persons or organizations contact Members of Congress to support DA programs.
 - b. Suggesting in speeches or discussions with industry officials or private organization representatives that they activate employees or membership to contact Members of Congress.

c. Writing an article in an Army publication explicitly urging readers to contact Members of Congress to support pending legislation.

d. Conducting a grass roots lobbying effort to encourage communication with Congress, such as a program of courtesy telephone calls to organizations, private associations, or citizens encouraging them to lobby Congress for specific legislation or appropriations.

6. The following are examples of **permissible** activities if no direct or indirect lobbying is involved, i.e., no appeal is made to members of the public suggesting that they contact their elected representatives to indicate support of or opposition to legislative matters:

a. Discussing the merits of legislative proposals cleared by the Administration with members of private organizations, industry representatives or private citizens.

b. Commenting about specific legislative initiatives during meetings sponsored by private organizations, industry representatives or private citizens.

c. Sending letters on pending legislative proposals affecting the Army to members of the public, Civilian Aides to the Secretary and members of private organizations.

d. Distributing information and documents on current DA programs and initiatives to private organizations and citizens, retirees and members of the Guard, Reserves and Active Forces, as long as extra copies of the materials are not furnished.

e. Responding to specific requests for information from Members of Congress and staff members.

f. Expressing their agency's views regarding the merits or deficiencies of legislation (even is objective is to persuade the public to support agency's position) provided the public is not urged to contact Congress.

g. Reporting about and explaining agency activities and programs, justifying agency policies to the public and rebutting attacks on agency policies.

7. Army officials should coordinate contacts with members of Congress and Congressional staff with the Office of the chief of Legislative Liaison (OCLL), in accordance with Army Regulation 1-20. Official Army positions on appropriations matters and legislation must also be coordinated with OCLL and may be required to be cleared with the Office of the Secretary of Defense and the Office of Management and Budget.

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Approved by LTC Reid, SJA