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B-217896, Jul 25, 1985

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LOBBYING - FEDERAL EMPLOYEES DIGEST: IN GAO'S OPINION STATE DEPARTMENT OFFICIALS DID NOT VIOLATE THE ANTILOBBYING RESTRICTIONS CONTAINED IN 18 U.S.C. SEC. 1913 WHEN THEY ATTEMPTED TO ENGAGE IN EFFORTS TO CONVINCE MEMBERS OF THE CONGRESS TO OPPOSE SENATOR PROXMIRE'S PROPOSED SENSE OF THE CONGRESS CONCURRENT RESOLUTION IN OPPOSITION TO THE PROPOSED SALE OF A PLUTONIUM BASE MOX FUEL BY FRANCE. THEREFORE, GAO DOES NOT BELIEVE THE EVIDENCE IN THE CASE WARRANTS REFERRAL OF THE MATTER TO THE DEPARTMENT OF JUSTICE FOR PROSECUTION.

THE HONORABLE WILLIAM PROXMIRE: UNITED STATES SENATE

THIS IS IN RESPONSE TO YOUR MARCH 5, 1985 LETTER REQUESTING THIS OFFICE TO INVESTIGATE CERTAIN ACTIVITIES OF DEPARTMENT OF STATE OFFICIALS DESIGNED TO OPPOSE A DRAFT SENSE OF THE CONGRESS CONCURRENT RESOLUTION IN THE SENATE DEALING WITH THE DECISION BY FRANCE TO PROCEED WITH PLANS TO MARKET MOX FUEL-- A PLUTONIUM DERIVATIVE. YOU HAVE FURTHER REQUESTED US TO MAKE A PRELIMINARY DETERMINATION AS TO WHETHER THE INVESTIGATION RESULTED IN EVIDENCE INDICATING A VIOLATION OF THE ANTILOBBYING PENAL STATUTE, 18 U.S.C. SEC. 1913, SO AS TO WARRANT REFERRAL OF THE MATTER TO THE DEPARTMENT OF JUSTICE FOR PROSECUTION. YOUR LETTER DESCRIBING THE STATE DEPARTMENT ACTIVITIES HAS BEEN INCLUDED AS APPENDIX I. OUR INVESTIGATION FAILED TO UNCOVER ANY EVIDENCE TO WARRANT A REFERRAL OF THE MATTER TO THE DEPARTMENT OF JUSTICE.

UPON RECEIPT OF YOUR REQUEST, WE ASKED THE DEPARTMENT OF STATE TO PRESERVE ALL FILES, RECORDS, DOCUMENTS AND OTHER INFORMATION WHICH MIGHT HAVE A BEARING ON THAT DEPARTMENT'S ATTEMPT TO INFLUENCE THE PROPOSED LEGISLATION AT ISSUE. WE INTERVIEWED SEVERAL OFFICIALS INVOLVED IN THE MATTER AND EXAMINED RELEVANT FILES. THE FOLLOWING CHRONOLOGY SUMMARIZES THE "FACTUAL SITUATION," AS YOU REQUESTED.

FACTS

S. SALLIE MULLEN IS A GRADE GS-14 LEGISLATIVE COUNSEL UNDER RICHARD T. KENNEDY, AMBASSADOR-AT-LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE ON NON-PROLIFERATION POLICY AND NUCLEAR ENERGY AFFAIRS. HER POSITION DESCRIPTION INDICATES THAT SHE IS "*** TO MONITOR UPCOMING LEGISLATIVE ACTIVITY IN THE CONGRESS, (AND) BRIEF CONGRESSIONAL STAFF MEMBERS ON ADMINISTRATION POLICY ***." THUS, SHE TRACKS LEGISLATION THAT MIGHT PERTAIN TO THE DEPARTMENT'S NON-PROLIFERATION POLICY.

ON FEBRUARY 13, 1985, MS. MULLEN LEARNED OF THE EXISTENCE OF YOUR DRAFT MOX RESOLUTION FROM AMBASSADOR KENNEDY AND LORNA WATSON, AN OFFICIAL IN THE UNITED

STATES ARMS CONTROL AND DISARMAMENT AGENCY (ACDA). THAT SAME DAY, SHE CALLED TOM YOUNG, A STAFF PERSON FOR SENATOR BOSCHWITZ, TO DETERMINE THE CURRENT STATUS OF THE RESOLUTION.

ON FEBRUARY 14 AND 15, SHE DISCUSSED THE RESOLUTION WITH ARCH W. ROBERTS, JR. STAFF CONSULTANT, HOUSE FOREIGN AFFAIRS COMMITTEE, JEFF PRYCE OF REPRESENTATIVE MARKEY'S STAFF AND DOUG WALLER OF YOUR STAFF. ON FEBRUARY 15, MS. MULLEN ALSO SENT A MEMORANDUM TO FREDERICK F. MCGOLDRICK, DIRECTOR OF THE STATE DEPARTMENT'S OFFICE OF NON PROLIFERATION AND EXPORT POLICY, BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS (OES), WHICH WAS ENCLOSED WITH YOUR SUBMISSION AND IS INCLUDED AS APPENDIX II. THE MEMORANDUM, AMONG OTHER THINGS, REQUESTS MR. MCGOLDRICK TO DEVELOP "TALKING POINTS" FOR USE IN MAKING TELEPHONE CALLS TO CONGRESSIONAL MEMBERS TO GENERATE A "BACKLASH" AGAINST THE RESOLUTION.

DURING THE WEEK OF FEBRUARY 18, THE FIRST VERSION OF THE "TALKING POINTS" WAS CIRCULATED WITHIN THE DEPARTMENT FOR COMMENT. ALSO, DURING THAT PERIOD, MS. MULLEN SPOKE WITH DAVE SMITH WHO IS ON THE STAFF OF THE SENATE FOREIGN RELATIONS COMMITTEE ABOUT THE RESOLUTION, OF WHICH HE WAS ALREADY KNOWLEDGEABLE. HE SUGGESTED THAT SHE CONSIDER AN ADMINISTRATIVE BRIEFING FOR COMMITTEE MEMBERS AND STAFF.

DURING THE WEEK OF FEBRUARY 25, SHE DISCUSSED THE ADVISABILITY OF A BRIEFING WITH OFFICIALS IN ACDA AND OES. SUBSEQUENTLY, AMBASSADOR KENNEDY APPROVED THE BRIEFING AND DECIDED NOT TO DEVELOP A LIST OF CONGRESSIONAL MEMBERS FOR CALLS AS INDICATED IN THE MEMORANDUM TO MR. MCGOLDRICK, BUT TO CONTINUE CONTACTS WITH CONGRESSIONAL STAFF PERSONS REGARDING THIS ISSUE. THE STATED REASON FOR ABANDONING THE MEMBER LIST WAS THAT LITTLE PROGRESS WAS BEING MADE ON THE INTRODUCTION OF THE RESOLUTION AND THUS URGENT ACTION WAS NOT REQUIRED.

DURING MARCH, MS. MULLEN HAD SEVERAL CONTACTS WITH DAVE SMITH CONCERNING SCHEDULING AND RESCHEDULING THE BRIEFING, WHICH WAS POSTPONED TWICE BECAUSE OF OTHER MORE PRESSING ISSUES. DURING MARCH, SHE ALSO DISCUSSED THE RESOLUTION WITH JOHN HESS OF SENATOR MATHIAS'S STAFF AND LEN WEISS OF SENATOR GLENN'S STAFF.

AT THE END OF MARCH, EXPANDED TALKING POINTS (SEE APPENDIX III) WERE CIRCULATED WITHIN THE DEPARTMENT AND THE BRIEFING OF THE COMMITTEE AND STAFF PERSONS WAS RESCHEDULED FOR APRIL 11.

DISCUSSION

YOU ASKED US TO DETERMINE WHETHER THE PENAL STATUTE, 18 U.S.C. SEC. 1913, LOBBYING WITH APPROPRIATED MONEYS, WOULD BE APPLICABLE TO THE ABOVE DESCRIBED FACTUAL SITUATION. THAT STATUTE READS IN PERTINENT PART AS FOLLOWS:

"SEC. 1913. LOBBYING WITH APPROPRIATED MONEYS

"NO PART OF THE MONEY APPROPRIATED BY ANY ENACTMENT OF THE CONGRESS SHALL, IN THE ABSENCE OF EXPRESS AUTHORIZATION BY CONGRESS, BE USED DIRECTLY OR INDIRECTLY TO PAY FOR ANY PERSONAL SERVICE, ADVERTISEMENT, TELEGRAM, TELEPHONE, LETTER, PRINTED OR WRITTEN MATTER, OR OTHER DEVICE, INTENDED OR DESIGNED TO INFLUENCE IN ANY MANNER A MEMBER OF CONGRESS, TO FAVOR OR OPPOSE, BY VOTE OR OTHERWISE, ANY LEGISLATION OR APPROPRIATION BY CONGRESS WHETHER BEFORE OR AFTER THE INTRODUCTION OF ANY BILL OR RESOLUTION PROPOSING SUCH LEGISLATION OR APPROPRIATION; BUT THIS SHALL NOT PREVENT OFFICERS OR EMPLOYEES OF THE UNITED

STATES OR OF ITS DEPARTMENTS OR AGENCIES FROM COMMUNICATING TO MEMBERS OF CONGRESS ON THE REQUEST OF ANY MEMBER OR TO CONGRESS, THROUGH THE PROPER OFFICIAL CHANNELS, REQUESTS FOR LEGISLATION OR APPROPRIATIONS WHICH THEY DEEM NECESSARY FOR THE EFFICIENT CONDUCT OF THE PUBLIC BUSINESS."

TO OUR KNOWLEDGE, THERE HAS NEVER BEEN A PROSECUTION UNDER THIS STATUTE. MOREOVER, A REVIEW OF THE CASE LAW INDICATES THAT ONLY A FEW FEDERAL COURT DECISIONS HAVE CITED THE STATUTE. SEE FOR EXAMPLE, NATIONAL ASSOCIATION FOR COMMUNITY DEVELOPMENT V. HODGSON, 356 F.SUPP. 1399 (D.D.C. 1973) WHERE THE COURT DENIED A MOTION TO DISMISS A CAUSE OF ACTION BROUGHT TO ENFORCE 18 U.S.C. SEC. 1913 AND AMERICAN PUBLIC GAS ASSOCIATION V. FEDERAL ENERGY ADMINISTRATION, 408 F.SUPP. 640 (D.D.C. 1976) AND AMERICAN TRUCKING ASSOCIATION V. DEPARTMENT OF TRANSPORTATION, 492 F.SUPP. 566 (D.D.C. 1980), WHERE THE COURT DENIED INJUNCTIONS AGAINST THESE AGENCIES DISTRIBUTING PUBLICATIONS FAVORING DEREGULATION OF THE INDUSTRIES REPRESENTED BY THE PLAINTIFF ASSOCIATIONS.

SINCE 18 U.S.C. SEC. 1913 IS A CRIMINAL STATUTE, ITS INTERPRETATION AND ENFORCEMENT IS THE RESPONSIBILITY OF THE DEPARTMENT OF JUSTICE. IN 1978, THE ATTORNEY GENERAL REQUESTED HIS LEGAL COUNSEL TO RENDER AN OPINION ON THE PROPRIETY OF COMMENTS BY JUDICIAL OFFICERS ON LEGISLATION DIRECTLY AFFECTING THE JUDICIARY IN LIGHT OF THE RESTRICTIONS CONTAINED IN 18 U.S.C. SEC. 1913. THE MEMORANDUM OPINION FOR THE ATTORNEY GENERAL (APPLICABILITY OF ANTI-LOBBYING STATUTE (18 U.S.C. SEC. 1913) - FEDERAL JUDGES, 2 OPS O.L.C. 30, 31 (1978)) STATED THAT:

"*** THE LIMITED LEGISLATIVE HISTORY DEMONSTRATES THAT ITS ENACTMENT WAS SPURRED BY A SINGLE, PARTICULARLY EGREGIOUS INSTANCE OF OFFICIAL ABUSE -- THE USE OF FEDERAL FUNDS TO PAY FOR TELEGRAMS URGING SELECTED CITIZENS TO CONTACT THEIR CONGRESSIONAL REPRESENTATIVES IN SUPPORT OF LEGISLATION OF INTEREST TO THE INSTIGATING AGENCY. SEE 58 CONG. REC. 403 (1919). THE PROVISION WAS INTENDED TO BAR THE USE OF OFFICIAL FUNDS TO UNDERWRITE AGENCY PUBLIC RELATIONS CAMPAIGNS URGING THE PUBLIC TO PRESSURE CONGRESS IN SUPPORT OF AGENCY VIEWS.

"THIS INTERPRETATION IS BOLSTERED BY THE INCLUSION IN THE MEASURE OF THE FOLLOWING SAVINGS CLAUSE:

*** BUT THIS SHALL NOT PREVENT OFFICERS OR EMPLOYEES OF THE UNITED STATES OR OF ITS DEPARTMENTS OR AGENCIES FROM COMMUNICATING TO MEMBERS OF CONGRESS ON THE REQUEST OF ANY MEMBER OR TO CONGRESS, THROUGH THE PROPER OFFICIAL CHANNELS, REQUESTS FOR LEGISLATION OR APPROPRIATIONS WHICH THEY DEEM NECESSARY FOR THE EFFICIENT CONDUCT OF THE PUBLIC BUSINESS.

"THE CLAUSE PROVIDES ASSURANCE THAT, IN KEEPING WITH WELL ESTABLISHED TRADITIONS OF ONGOING COMMUNICATION BETWEEN THE EXECUTIVE AND THE LEGISLATIVE BRANCHES (SEE N. SMALL, SOME PRESIDENTIAL INTERPRETATIONS OF THE PRESIDENCY, 164-166 (1970)), AND THE CONSTITUTIONAL PRINCIPLE OF SEPARATION OF POWERS, DIRECT COMMUNICATIONS BY 'OFFICERS OR EMPLOYEES OF THE UNITED STATES' TO CONGRESS WILL NOT BE DISTURBED. THE QUALIFICATION TO 'MEMBERS OF CONGRESS ON THE REQUEST OF ANY MEMBER OR TO CONGRESS' SEEMS DESIGNED MORE TO STRESS THE INDIVIDUAL MEMBER'S PREROGATIVE OF ADDRESSING COMMUNICATIONS TO NON-LEGISLATIVE BRANCH OFFICIALS THAN, BY VIRTUE OF THE APPARENT DICHOTOMY BETWEEN 'MEMBERS OF CONGRESS' AND 'CONGRESS,' TO LIMIT COMMUNICATIONS FROM SUCH OFFICIALS TO SITUATIONS IN WHICH THEY ADDRESS CONGRESS AS A WHOLE, OR IN WHICH REPLIES TO INDIVIDUAL MEMBERS OF CONGRESS HAVE BEEN AUTHORIZED BY A REPRESENTATIVE'S REQUEST.

"THE CLAUSE DOES INDICATE THAT SUCH COMMUNICATION IS TO TAKE PLACE 'THROUGH THE PROPER OFFICIAL CHANNELS.' STATEMENTS MADE IN THE COURSE OF THE CONGRESSIONAL DEBATE ON A PROPOSED, BUT UNSUCCESSFUL, AMENDMENT TO THE PROVISION SUGGEST THAT THIS LIMITATION WAS MEANT TO ASSURE THAT COMMUNICATIONS TO CONGRESS FROM NONLEGISLATIVE OFFICIALS BE CLEARED THROUGH 'THEIR SUPERIORS, OR WHOEVER IT MIGHT BE.' 58 CONG. REC. 425 (1919). IN EFFECT, THIS WOULD SCREEN OUT COMMUNICATIONS THAT DID NOT REPRESENT THE VIEWS OF THE AGENCY. AT THE SAME TIME, THE RIGHT OF OFFICERS AND EMPLOYEES TO PETITION CONGRESS IN THEIR INDIVIDUAL CAPACITIES, CODIFIED IN THE ACT OF AUGUST 24, 1912, CH. 389, SEC. 6 (37 STAT. 555; 5 U.S.C. SEC. 7102) WAS PRESERVED.

"THE THRUST OF THIS LANGUAGE IS TO RECOGNIZE THE DANGER OF ULTRA VIRES EXPRESSIONS OF INDIVIDUAL VIEWS IN THE GUISE OF OFFICIAL STATEMENTS. CONGRESS DID NOT DEFINE THE SCOPE OF THE TERM 'OFFICIAL CHANNELS'; RATHER, IT RECOGNIZED THE NEED FOR MONITORING THE OPINIONS EXPRESSED UNDER COLOR OF OFFICE IN ORDER TO INSURE A CONSISTENT AGENCY POSITION. ***"

THE DEPARTMENT OF JUSTICE INTERPRETATION HAS BEEN APPLIED THROUGHOUT THE EXECUTIVE BRANCH. FOR EXAMPLE, FRED F. FIELDING, COUNSEL TO THE PRESIDENT, DISSEMINATED A MEMORANDUM DATED FEBRUARY 23, 1981, TO MEMBERS OF THE WHITE HOUSE OFFICE STAFF REGARDING PERMISSIBLE AND PROHIBITED ACTIVITIES INVOLVING THE SOLICITATION OF SUPPORT OF THE ADMINISTRATION'S LEGISLATIVE PROGRAMS. THAT MEMORANDUM STATES IN PART:

"INTERPRETATIONS OF 18 U.S.C. SEC. 1913 BY THE DEPARTMENT OF JUSTICE MAKE IT CLEAR THAT AN EMPLOYEE OF THE EXECUTIVE BRANCH, WHILE ACTING IN HIS OR HER OFFICIAL CAPACITY, MAY COMMUNICATE WITH A MEMBER OF CONGRESS FOR THE PURPOSE OF PROVIDING INFORMATION OR SOLICITING THAT MEMBER'S SUPPORT FOR THE ADMINISTRATION'S POSITION ON MATTERS BEFORE CONGRESS, WHETHER OR NOT SUCH CONTACT IS INVITED AND WHETHER OR NOT SPECIFIC LEGISLATION IS PENDING. THUS, THE ORDINARY AND TRADITIONAL INTER ACTION BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES IS PERMITTED. LIKEWISE, IT IS NOT IMPROPER FOR AN EXECUTIVE BRANCH EMPLOYEE TO PROVIDE LEGITIMATE INFORMATIONAL BACKGROUND AND MATERIAL TO THE PUBLIC IN SUPPORT OF AN ADMINISTRATION POLICY EFFORT."

FROM THE MATERIAL QUOTED ABOVE, IT IS CLEAR THAT THE DEPARTMENT OF JUSTICE HAS INTERPRETED THE "OFFICIAL CHANNELS" EXCEPTION IN 18 U.S.C. SEC. 1913 AS PERMITTING FEDERAL JUDGES AND OFFICIALS OF THE EXECUTIVE BRANCH TO EXPEND APPROPRIATED FUNDS FOR THE PURPOSE OF CONTACTING CONGRESSIONAL MEMBERS AND THEIR STAFFS TO EXPRESS THEIR VIEWS ON LEGISLATIVE ISSUES. THERE DOES NOT APPEAR TO BE ANY RESTRICTION ON THE RANGE OF VIEWS THAT MAY BE EXPRESSED SO LONG AS THE VIEWS REPRESENT THE AGENCY'S OFFICIAL POSITION.

THE DEPARTMENT OF JUSTICE'S INTERPRETATION OF 18 U.S.C. SEC. 1913 INDICATES THAT OFFICIALS OF THE EXECUTIVE BRANCH ARE FREE TO EXERCISE THEIR PREROGATIVES TO EXPRESS THEIR VIEWS REGARDING THE MERITS OR DEFICIENCIES OF LEGISLATION. IN OUR VIEW, THIS INTERPRETATION WOULD PERMIT OFFICIALS OF THE DEPARTMENT OF STATE TO GATHER INFORMATION FROM CONGRESSIONAL SOURCES REGARDING THE STATUS OF PROPOSED LEGISLATION, AND ATTEMPT TO CONVINCE MEMBERS TO OPPOSE IT, WHEN IT WAS VIEWED AS BEING CONTRARY TO ADMINISTRATION POLICY. WE DO NOT BELIEVE THE ACTIVITIES OF THE STATE DEPARTMENT OFFICIALS IN OPPOSITION TO YOUR DRAFT CONCURRENT RESOLUTION CONSTITUTED VIOLATIONS OF 18 U.S.C. SEC. 1913 AS THAT STATUTE HAS BEEN INTERPRETED BY THE DEPARTMENT OF JUSTICE. ACCORDINGLY, IT IS OUR VIEW THAT THIS MATTER DOES NOT WARRANT REFERRAL TO THE DEPARTMENT OF JUSTICE FOR PROSECUTION.

WE SHOULD POINT OUT THAT OVER A PERIOD OF YEARS, OUR AGENCY HAS ALSO HAD MANY OCCASIONS TO INTERPRET QUITE SIMILAR LANGUAGE CONTAINED IN ANNUAL APPROPRIATION ACTS. MOST OF THE QUESTIONS WE RECEIVED CONCERNED A RECURRING ANTI-LOBBYING RESTRICTION THAT APPEARED IN EACH ANNUAL TREASURY, POSTAL SERVICES AND GENERAL GOVERNMENT APPROPRIATION ACT PRIOR TO FISCAL YEAR 1984, /1/ AND COVERED SUCH ACTIVITIES FUNDED BY "THIS OR ANY OTHER ACT." OUR INTERPRETATION OF THAT PROVISION WAS VIRTUALLY THE SAME AS THE DEPARTMENT OF JUSTICE'S INTERPRETATION OF 18 U.S.C. SEC. 1913. FROM THE LEGISLATIVE HISTORY, WE CONCLUDED THAT THE CONGRESS RECOGNIZED THAT EVERY FEDERAL AGENCY HAS A LEGITIMATE INTEREST IN COMMUNICATING WITH THE PUBLIC AND WITH CONGRESS REGARDING ITS POLICIES AND ACTIVITIES. THE "EVIL" IT SOUGHT TO STEM WAS "GRASS ROOTS" LOBBYING CAMPAIGNS AT THE TAXPAYERS' EXPENSE; I.E., LETTER WRITING OR MEDIA SOLICITATION OF SUPPORT FROM THE GENERAL PUBLIC OR NON GOVERNMENTAL SOURCES TO, IN TURN, URGE MEMBERS OF CONGRESS TO ADOPT A PARTICULAR POINT OF VIEW. 60 COMP.GEN. 423 (1981) AND 56 COMP.GEN. 889 (1977). ALTHOUGH NEITHER THE DEPARTMENT OF STATE'S INDIVIDUAL APPROPRIATION ACT NOR ANY OTHER APPROPRIATION ACT APPLICABLE TO STATE CONTAINS AN ANTILOBBYING RESTRICTION, IT IS LIKELY THAT WE WOULD NOT HAVE FOUND A VIOLATION BASED ON THE FACTS IN THE INSTANT CASE. IT MAY BE OF INTEREST TO YOU THAT LAST YEAR, THIS OFFICE ISSUED A REPORT OF A STUDY WE CONDUCTED TO DETERMINE THE ATTITUDES OF CONGRESSIONAL STAFF DIRECTORS AND SENIOR LEGISLATIVE LIAISON OFFICIALS IN FEDERAL AGENCIES ON WHETHER THE EXISTING RESTRICTIONS ON EXECUTIVE BRANCH LOBBYING SHOULD BE EXPANDED. (GENERAL ACCOUNTING OFFICE, NO STRONG INDICATION THAT RESTRICTIONS ON EXECUTIVE BRANCH LOBBYING SHOULD BE EXPANDED (B-129874) GAO/GGD-84-46, MARCH 20, 1984, (APPENDIX IV)). THE SURVEY OF THE ATTITUDES OF THESE OFFICIALS DID NOT REVEAL A CONSENSUS FOR ANY NEW STATUTORY ANTILOBBYING RESTRAINTS, BEYOND THOSE THAT WERE THEN IN EFFECT. HOWEVER, THE REPORT DID RECOMMEND THAT CONGRESS ENACT INTO PERMANENT LAW THE RESTRICTIONS ON INDIRECT OR "GRASS ROOTS" LOBBYING WHICH HAVE BEEN INCORPORATED INTO THE AFOREMENTIONED APPROPRIATION ACTS ON AN ANNUAL BASIS. THE RATIONALE FOR OUR RECOMMENDATION WAS TO ENSURE THAT THE RESTRICTIONS REMAIN IN EFFECT WHEN APPROPRIATION ACTS ARE NOT ENACTED ON A TIMELY BASIS OR WHEN AN AGENCY-WIDE RESTRICTION IS DROPPED FROM AN APPROPRIATION ACT ON A POINT OF ORDER.

/1/ DURING FLOOR DEBATE IN THE HOUSE ON THE FISCAL YEAR 1984 TREASURY, POSTAL SERVICES AND GENERAL GOVERNMENT APPROPRIATION ACT, A POINT OF ORDER WAS RAISED AGAINST THE ANTILOBBYING RESTRICTION WHICH CAUSED IT TO BE STRICKEN FROM THE BILL. SEE 129 CONG. REC. H8735, OCTOBER 27, 1983. THE STRICKEN PROVISION WAS NOT INCLUDED IN THE FISCAL YEAR 1985 BILL.