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B-76695 June 8, 1948

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Date: 1948-06-08

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Honorable John Tabar, Chairman, Committee on Appropriations, House of Representatives

My dear Mr. Chairman:

I have your letter of May 26, 1948, received in this Office June 1, requesting to be advised as to the availability of funds granted to the several States under the Labor-Federal Security appropriation acts for the fiscal years 1947 and 1948 for the payment by State Employment Security Agencies of telegraphic communications "obviously designed to influence legislation pending before the Congress." The letter quotes several examples of the type involved.

Section 201, Title 18, United States Code, provides as follows:

"No part of the money appropriated by any Act 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 and employees of the United States from communicating to Member 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."

"Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than 500 or by imprisonment for not more than one year, or both."

The appropriations "Grants to States for Public Employment Offices, United States Employment Service, Department of Labor" and "Grants to States for Unemployment Compensation Administration, Social Security Administration," as contained in the "Labor-Federal Security Appropriation Act, 1947," approved July 26, 1946, 60 Stat. 683, 694, and the "Labor-Federal Security Appropriation Act, 1948," approved July 8, 1947, Public Law 165, contain no express authorization for the use of the appropriations to pay for telegrams intended or designed to

influence a Member of Congress to favor or oppose legislation.

You state that officials of the Department of Labor have been questioned as to the propriety of expenditures of the nature h ere involved but that said officials contend that the "communications were dispatched in the interests of good government." However, the tenor of the quoted telegrams would leave little doubt but that they were designed to influence Members of Congress in the matter of legislation then pending. Under the circumstances, the use of the appropriations involved for payment indirectly of telegrams of the type quoted in your letter would appear to contravane the provisions of section 201, supra.

Sincerely yours,

Comptroller General of the United States