

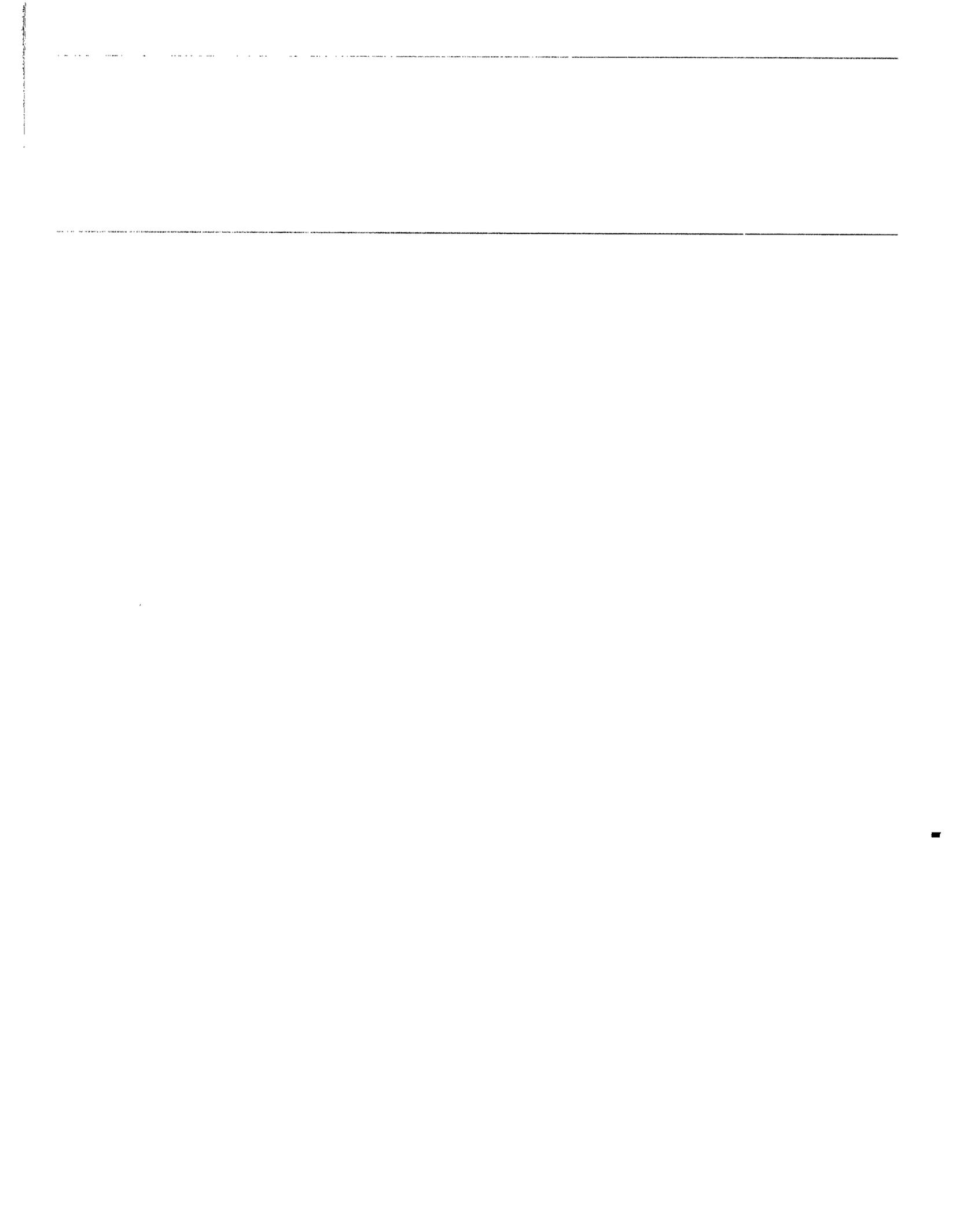
May 1993

ALLEGED LOBBYING ACTIVITIES

Office for Substance Abuse Prevention



149020



Office of the General Counsel

B-248812.2

May 4, 1993

Congressional Requesters

This report responds to your multiple requests that we investigate alleged lobbying activities of the Office for Substance Abuse Prevention (OSAP) within the Department of Health and Human Services (HHS). We received a request dated May 22, 1992, signed by 109 Members of the House of Representatives, and 6 essentially similar requests from other individual Members. All requesters are listed in appendix II.

We agreed with staff of Representatives David Dreier and Ralph Hall, representing the requesters, to investigate allegations that OSAP or its grantees used appropriated funds for direct or indirect lobbying of Members of Congress in violation of law. The alleged lobbying involved (1) items in OSAP's publication, Prevention Pipeline; (2) the Activist's Guide: 1990 National Alcohol & Other Drug Related Birth Defects Awareness Week issued jointly by OSAP and the National Council on Alcoholism and Drug Dependence; (3) a case study and its companion video, prepared by the Advocacy Institute, concerning a campaign to raise California's excise tax on alcohol; and (4) activities during two conferences, Alcohol Policy VIII, funded in large part by an OSAP grant, and Healthy People/Healthy Environments, sponsored by HHS with OSAP taking a significant role. We also agreed to report on an allegation that OSAP officials violated lobbying restrictions by sponsoring or encouraging attempts to terminate our investigation.

OSAP, like other federal agencies, is prohibited by law from using appropriated funds for "publicity or propaganda purposes, for the preparation, distribution, or use of [information] designed to support or defeat legislation pending before the Congress. . . ." Recipients of federal grants are subject to a similar restriction on their use of grant funds.

We have interpreted these prohibitions as applying primarily to "grass roots" lobbying. Grass roots lobbying consists of appeals to members of the public suggesting that they contact their elected representatives to indicate their support for or opposition to pending legislation, or to urge those representatives to vote in a particular way.

We found no illegal lobbying by OSAP in its publications or any of its own activities. Violations of the prohibition against grass roots lobbying, however, occurred in connection with the two conferences. We found no

credible evidence for the allegation that government officials tried to have our investigation terminated.

The OSAP grantee that organized the Alcohol Policy VIII conference violated the statutory restriction by using grant funds to schedule and encourage grass roots lobbying at the conference. The grantee set aside time on the agenda for meeting with Members of Congress, and it was clear that this was to be for the purpose of lobbying for pending legislation. OSAP did not participate in planning or executing the lobbying.

Also, a violation took place at the Healthy People/Healthy Environments conference when speakers urged that the audience lobby Members of Congress in support of pending legislation. HHS, with OSAP participation, planned and financed this conference. Although HHS and OSAP neither planned nor had advance knowledge of the grass roots lobbying at this conference, appropriated funds were used for grass roots lobbying.

With respect to the specific allegations about Prevention Pipeline, none of the items published during the 2-year period we examined constituted grass roots lobbying either by OSAP or by a grantee using appropriated funds. OSAP publishes the Pipeline as part of its statutory duties to act as a clearinghouse for drug and alcohol abuse information, and to educate the public. One item in the Pipeline that was called to our attention alluded to grass roots lobbying being conducted, without OSAP funding, by a private organization.¹ In publishing the item in question, OSAP did not itself urge lobbying and cannot be held to have endorsed it.

The Activist's Guide referred to in the second allegation contains no suggestion of grass roots lobbying. The case study about the California excise tax campaign that is the subject of the third allegation, and a companion video, do not deal with federal legislation and therefore are not subject to the lobbying restriction.

A wine industry newsletter published an allegation that, at a meeting with private groups, OSAP encouraged a grass roots campaign to curtail or terminate this investigation. We found that no such meeting was held by OSAP. A meeting called by OSAP's parent agency appears to have been the one referred to in the newsletter, but participants in that meeting denied the newsletter's account, and the newsletter's anonymous source refused to talk with us.

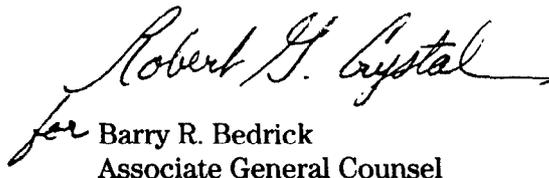
¹"Get Into the Advertising Act," vol. 3, no. 5 (Sept./Oct. 1990), p. 21.

We are recommending that OSAP recover improperly used grant funds from the grantee that organized the Alcohol Policy VIII conference; ensure that grantees agree not to use grant funds for grass roots lobbying; take steps to avoid being associated with such lobbying by grantees; and avoid the explicit mention in its publications of grass roots lobbying. We also recommend that HHS advise participants in government-sponsored conferences that such a conference is not an appropriate forum for grass roots lobbying.

We discussed the draft report's contents with cognizant HHS officials and incorporated their comments as appropriate.

Appendix I contains a more detailed discussion of the issues and quotes all relevant portions of OSAP and grantee publications. We retained copies of the full publications, as well as all other materials we examined, should you wish to see them.

If you have questions, please call me at (202) 512-5881. Other major contributors to this report are Robert Crystal, Assistant General Counsel; and Daniel Schwimer, Senior Attorney.


for Barry R. Bedrick
Associate General Counsel

Alleged “Grass Roots” Lobbying by the Office for Substance Abuse Prevention

Background

Office for Substance Abuse Prevention

The Office for Substance Abuse Prevention (OSAP), within the Department of Health and Human Services (HHS), was established as part of an effort “to provide strong federal leadership in establishing effective drug abuse prevention and education programs.” [See Preamble to P.L. 99-570, 100 Stat. 3207 (1986).] OSAP’s duties include developing effective drug and alcohol abuse literature, ensuring the widespread dissemination of prevention materials, providing assistance to communities to develop comprehensive strategies for substance abuse prevention, and preparing documentary films and public service announcements to educate the public concerning the dangers to health resulting from the consumption of alcohol and drugs. [42 U.S.C. § 290aa-6(b) (1988).]¹

The law requires OSAP to establish a clearinghouse for alcohol and drug abuse information. Among the functions of the clearinghouse are to disseminate information concerning (1) the health effects of alcohol and drug abuse and (2) successful alcohol and drug abuse education and prevention curricula. [42 U.S.C. § 290aa-7 (1988).]

Lobbying Restrictions

Federal law prohibits various activities by federal officials that are broadly characterized as “lobbying” or “publicity or propaganda.”² Since the early 1950s, appropriations acts have contained provisions prohibiting the use of appropriated funds for these activities. OSAP and its grantees have in recent years been subject to the following restriction:

“(a) No part of any appropriation contained in this Act shall be used, 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 film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

“(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to

¹OSAP was renamed the Center for Substance Abuse Prevention, effective October 1, 1992. (P. L. 102-321, 106 Stat. 323.) This report uses the abbreviation OSAP, reflecting the name the agency was known by during the period covered.

²The word “lobbying” is not generally used in the laws that are generally referred to as prohibiting lobbying with appropriated funds. Although the word appears in the caption of 18 U.S.C. § 1913, discussed in footnote 3, it is not in the text of the law.

any activity designed to influence legislation or appropriations pending before the Congress."

[Section 509, Department of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1992, P.L. 102-170, 105 Stat. 1107, 1141 (1991).] (The same language has appeared in each of the annual appropriations for the period covered by this report.)³

In interpreting provisions similar to section 509, we have recognized consistently that every federal agency has a legitimate interest in communicating with the public and the Congress regarding its policies and activities, and that the law does not prevent such communication. (B-212235, Nov. 17, 1983.) This would be especially true where an agency has a statutory mandate, as does OSAP, to educate the public through the dissemination of information.

Section 509 prohibits expenditures for "grass roots lobbying," that is, for direct appeals to members of the public, suggesting that they contact their elected representatives and urge those representatives to support or oppose pending legislation, or to vote in a particular manner. [56 Comp. Gen. 889 (1977).] Congress did not intend, in passing section 509 and similar measures, to preclude all expressions by agency officials of views on pending legislation or to prevent agency officials from urging Members of Congress to adopt the agency's legislative agenda. In fact, section 509 explicitly acknowledges the propriety of "normal and recognized executive-legislative relationships." (Id.)

Scope and Methodology

In doing our work, we reviewed items in OSAP's publication, Prevention Pipeline, including one in the September/October 1990 issue describing the activist's guide published by the National Coalition on Alcohol Advertising and Family Education; the Activist's Guide issued jointly by OSAP and the National Council on Alcoholism and Drug Dependence; a case study, Taking Initiative: The 1990 Citizen's Movement to Raise California's Alcohol Excise Taxes to Save Lives;⁴ and remarks at two government-sponsored conferences, Alcohol Policy VIII and Healthy People/Healthy Environments. We read all the materials in which text

³Under section 1913 of Title 18, U.S.C., the use of appropriations by federal officials to influence Members of Congress to favor or oppose legislation is a crime. Enforcement of criminal provisions is vested in the Department of Justice, and we therefore do not discuss the application of section 1913. However, we understand that Justice interprets section 1913 as covering essentially the same conduct prohibited by the appropriation act restrictions.

⁴The Advocacy Institute (July 1992).

constituting illegal lobbying was said to appear. In the case of Prevention Pipeline, we read not only the items specifically complained of but all editions during a surrounding 2-year period. In connection with the two conferences at which lobbying allegedly took place, we read the conference brochures, agendas, and transcripts of excerpts from speeches, and we spoke with people who attended. We viewed the video, Dogs of War: Raising Alcohol Taxes in California,⁵ which is a companion to the Taking Initiative case study.

We reviewed minutes of OSAP meetings as well as other agency documents. We interviewed some of those who made the allegations, and representatives of the grantees and organizations that were the subjects of some of the allegations. We analyzed OSAP's responses to our questions on the legal issues, and we discussed our findings with officials of OSAP and of other organizations within HHS.

In connection with the charge that OSAP sponsored or encouraged attempts to terminate this investigation, we tried to speak with the anonymous source of the allegation, but that person was not willing to talk with us. However, we interviewed everyone identified as having been at the meeting that we believe was the one referred to in the allegation, at which government officials were alleged to have encouraged efforts to terminate this investigation.

Principal Findings

OSAP did not violate the law restricting use of appropriated funds for lobbying in its publications or in any of its own activities. However, an OSAP grantee violated the lobbying restriction in connection with the Alcohol Policy VIII conference. Also, grass roots lobbying took place at the Healthy People/Healthy Environments conference, funded by HHS, although without any prior knowledge or complicity by either OSAP or HHS. We found no evidence to support the allegation that OSAP tried to terminate this investigation. We discuss in the following section each of the allegations, beginning with the two conferences.

OSAP Violated Lobbying Restrictions at Alcohol Policy VIII Conference

On March 25-27, 1992, Alcohol Policy VIII, one in a series of national conferences on local, state, and national alcohol problem prevention policy, was held in Washington, D.C., sponsored by the National Association for Public Health Policy (NAPHP). The total conference budget was approximately \$79,000, of which \$49,000 was funded by a grant from

⁵The Advocacy Institute (July 1992).

Appendix I
Alleged "Grass Roots" Lobbying by the
Office for Substance Abuse Prevention

OSAP. NAPHP said the grant was used to pay for coordination and logistical support.

We found no violation by OSAP of the anti-lobbying restriction in connection with this conference. However, the grantee, NAPHP, violated the restriction applicable to recipients of federal funds by planning for and using the conference as a forum for grass roots lobbying.

The organizers of Alcohol Policy VIII planned grass roots lobbying as an element of the conference. Dr. Michael J. Stoil, a representative of the Washington Area Council on Alcoholism and Drug Abuse (WACADA), attended both a November 1991 meeting to plan the agenda for Alcohol Policy VIII and the conference itself. Dr. Stoil told us that the agenda discussed at the November meeting included a speech by Representative Joseph Kennedy III, a sponsor of a pending alcohol advertising bill.

Participants in the meeting also discussed scheduling the best time for those attending the conference "to meet with their congressional representatives and for a Congressional Reception to be held on the Hill." In context, it seems clear that the meetings with Members were in order to lobby for the passage of the advertising bill.

Dr. Stoil said that at the planning meeting, no one questioned the need to schedule time for lobbying during the conference. He remembered that Robert Denniston, Director of OSAP's Division of Communication Programs, attended the planning meeting but did not remember whether Mr. Denniston was present for the entire session.

Consistent with the discussion described by Dr. Stoil, the organizers provided time on the Alcohol Policy VIII agenda for participants to meet with Members of Congress. The conference program for March 26 read as follows:

"3:00 P.M. Recess (to enable participants to meet with congressional representatives on Capitol Hill, facilitated by Center for Science in the Public Interest, National Council on Alcoholism and Drug Dependence and others)

"6:00 - 7:00 p.m. Congressional Reception"

Dr. Stoil attended the conference. He said that speakers urged members of the audience to contact Members of Congress in support of the pending alcohol advertising legislation. This is confirmed by excerpts from an

unofficial transcript of the proceedings. We provided OSAP officials with copies of the transcript, and they did not question its accuracy.

OSAP officials told us that the agenda item at Alcohol Policy VIII for meeting with congressional representatives was scheduled "without knowledge of, acquiescence in, or approval by OSAP," that OSAP was not represented on the agenda development committee, and that no one from OSAP was involved in planning the agenda or developing the conference.

We have confirmed the substance of OSAP's statements. Mr. Denniston, the OSAP official identified by Dr. Stoil as having been at the meeting at which the conference agenda was planned, said that he was there only for a few minutes, in order to coordinate logistics between NAPHP's Alcohol Policy VIII conference and the Healthy People/Healthy Environments conference that is discussed in the next section and that was scheduled to take place during the same period, also in Washington. His account is consistent with that of Dr. Stoil, who acknowledged that Mr. Denniston may not have been present throughout the meeting.

Mr. Denniston also said that he was not on the planning committee for Alcohol Policy VIII and had no knowledge of the planned agenda item for those attending the conference to meet with Members of Congress. Although the Acting Director of OSAP made brief opening remarks at the conference, no one from OSAP was on the agenda as a presenter or a moderator. Neither the transcript of remarks at the conference nor Dr. Stoil attributed any of the statements at the conference urging lobbying to OSAP officials.

While OSAP officials and employees did not encourage or participate in it, NAPHP's planning for and conducting of grass roots lobbying at this conference violated the anti-lobbying restriction. Grantees have an independent obligation under the law to avoid use of grant funds for grass roots lobbying. The appropriation act restriction (section 509(b)) expressly applies to the use by grantees of funds derived from appropriations "to pay the salary or expenses of any grant or contract recipient . . . related to any activity designed to influence legislation or appropriations pending before the Congress."⁶

We recognize that the OSAP grant covered approximately two-thirds of the conference cost and that the rest of the funding presumably came from

⁶The criminal prohibition in section 1913 of Title 18, U.S.C., does not apply to contract or grant recipients.

nonfederal sources. However, grass roots lobbying was an inextricable part of the planning process for the conference and of the events that took place. We believe that it would be strained and artificial to suggest that the prohibited activities were solely attributable to nonfederal funds.

Grantees are liable for funds not spent in accordance with law or grant requirements. OSAP should recover federal funds used by the grantee for expenses of grass roots lobbying in connection with the Alcohol Policy VIII conference.

Also, OSAP should institute controls to avoid funding activities of which grass roots lobbying is an element. OSAP's funding agreements with grantees should require that grants not be used for activities that involve grass roots lobbying, or to pay the salary or expenses of grantees' employees or agents while they engage in such activities. (OSAP currently requires grantees to certify that they have not used appropriated funds to engage in "lobbying," but, as used in the certification, that term does not include grass roots lobbying.)

Violations of Lobbying Restrictions Occurred at Healthy People/Healthy Environments Conference

The Healthy People/Healthy Environments conference was held in Washington, D.C. on March 23-25, 1992. The conference was convened by the Secretary of Health and Human Services and was called "the Secretary's National Conference on Alcohol-Related Injuries," although four other departments (Education, Housing and Urban Development, Labor, and Transportation) were also identified as sponsors. HHS funds were used to pay for the conference. (A major portion of the funding was from the appropriation for the Alcohol, Drug Abuse, and Mental Health Administration, the parent agency of OSAP.) The conference was attended by people representing federal and state governments as well as the private sector. OSAP personnel participated in the conference in several capacities: they served on steering committees and spoke at conference sessions.

A few speakers at the Healthy People/Healthy Environments conference reportedly engaged in grass roots lobbying—they encouraged participants to lobby Members of Congress in support of pending legislation. Unlike the grantee-organizers of Alcohol Policy VIII, government officials in charge of planning Healthy People/Healthy Environments did not authorize or encourage this action. The speakers who engaged in grass roots lobbying were not government employees, and we found no reason to believe that the conference sponsors knew in advance that the grass

roots lobbying would occur. Nevertheless, appropriated funds, subject to the lobbying restriction, were used for the conference, and grass roots lobbying did occur.

We recognize that HHS and OSAP cannot control what invited speakers at a conference may choose to say. However, the Healthy People/Healthy Environments conference was directly sponsored and funded by the government. In those circumstances, we believe it is reasonable to adopt some controls at least to deter the use of the conference as a forum for grass roots lobbying. One such measure would be to provide guidance in advance to speakers, explaining that, because of legal restrictions on federal funds, grass roots lobbying is inappropriate.⁷

Items in Prevention Pipeline Did Not Violate Lobbying Restriction

We found no violation of the lobbying restriction in Prevention Pipeline. The primary purpose of Prevention Pipeline, published every other month by OSAP acting in its clearinghouse capacity, is to stimulate the exchange of information among national, state, and local prevention specialists. It offers discussions of new prevention materials, research findings, funding opportunities, conference proceedings, and the activities of community-based and national groups. Information for publication is submitted by readers, federal government agencies—particularly those within HHS—and national, state, and local organizations working to prevent alcohol and drug abuse.⁸

We found, in our review of all issues of Prevention Pipeline over a 2-year period, several items that discussed pending legislation and expressed the views of organizations on that legislation but made no appeal to members of the public suggesting that they contact their representatives in Congress to support or oppose the pending legislation. This kind of discussion is proper.

One item called to our attention by requesters, "Get Into the Advertising Act," in the September/October 1990 Pipeline, raised a question about

⁷OSAP currently requires that documents for grant-supported conferences include a disclaimer to the effect that government support does not imply endorsement of information presented at the conference. However, this requirement does not address government-sponsored conferences like Healthy People/Healthy Environments. In any event, we believe that something more than a disclaimer is warranted to advise participants that grass roots lobbying is inappropriate.

⁸For example, the Pipeline has published information submitted by the United Way, the Anheuser-Busch Companies, the Departments of Agriculture and Housing and Urban Development, the National Highway Traffic Safety Administration, the Responsible Beverage Service Council, the National Council on Alcoholism and Drug Dependence, Mothers Against Drunk Drivers, and the Center for Science and the Public Interest, among others.

compliance with the anti-lobbying restriction. However, we found that publication of the item did not violate the restriction.

The item reported that the National Coalition on Alcohol Advertising and Family Education—

“which has been strongly endorsing and lobbying for legislation requiring warning labels on alcoholic beverages, has now developed an activist’s guide for communities that want to help spread the message.”⁹

The item went on to say that the activist’s guide helps people “show their support in various ways, including writing to U.S. Senators to urge support.” The item did not refer to any specific legislation or indicate that any was then pending, nor did it expressly endorse the idea of writing to Members of Congress in support of legislation.

In fact, alcohol labeling legislation was pending before the Congress at that time, and the activist’s guide, What You Can Do to Support Health and Safety Warning Messages in Alcohol Ads, described in the item is largely concerned with promoting its enactment. Among the techniques the guide recommends for doing so is that people “write to your Senators and Representative to urge them to cosponsor” one of the pending bills.¹⁰

OSAP disseminates material from diverse sources without necessarily agreeing with the policies or practices of all those sources. OSAP could not perform its function as a clearinghouse if it published only information it approves of or that is consistent with its policies. In recognition of this, Prevention Pipeline includes the following disclaimer: “Publication of information and products does not imply endorsement by OSAP or the Federal Government.”

However, while satisfying its clearinghouse role, OSAP must also prevent use of appropriations for prohibited practices like lobbying. OSAP cannot be a pure conduit, without attention to the content of what it publishes, because the Pipeline is financed with appropriated funds. In order to avoid violation of the anti-lobbying restrictions, OSAP must exercise some control over the content of the Pipeline, beyond merely publishing a disclaimer.

⁹Vol. 3, no. 5, p. 21.

¹⁰The activist’s guide itself does not violate federal restrictions on lobbying because, according to OSAP, no federal funds or personnel were involved in producing or disseminating it.

OSAP acted properly in publishing the item describing the activist's guide. The Pipeline item did not identify specific legislation or directly urge readers to take any action. OSAP's clearinghouse function, and its responsibility to disseminate information about techniques for controlling alcohol abuse, support publication of information of the kind represented by the activist's guide. Telling the public that a private group is urging the enactment of labeling legislation, and that it has published a guide for those who wish to help in that effort, is consistent with these duties.

Yet, while OSAP did not expend appropriations for grass roots lobbying in this instance, OSAP should have been more sensitive to the controversial aspect of this item while compiling material for inclusion in the Pipeline. Readers could have been informed of the existence of the activist's guide without explicit reference to the part of it that suggested writing to Senators to urge support for a bill.

Activist's Guide Did Not Violate Lobbying Restriction

We found no violation of the law by OSAP relating to the publication titled Activist's Guide: 1990 National Alcohol & Other Drug-Related Birth Defects Awareness Week, issued jointly by the National Council on Alcoholism and Drug Dependence (NCADD) and OSAP. (This is not the same activist's guide discussed in the previous section in connection with the allegations about Prevention Pipeline.)

This publication (hereafter referred to as the NCADD Guide) was supported with federal funds. Its purpose is to educate the public on how to draw attention to the issue of alcohol and drug-related birth defects. It provides information and suggestions for building coalitions, obtaining funding, and using the media effectively. It also sets forth strategies to improve treatment of women and updates the status of state and local initiatives affecting pregnant women.

The NCADD Guide contains no suggestion that members of the public contact legislators concerning pending legislation, nor even any mention of pending legislation. The purpose of the NCADD Guide—promoting public awareness of alcohol-related birth defects—is consistent with OSAP's duties, which include "develop[ing] effective drug and alcohol abuse prevention literature" and educating the public concerning "the dangers to health resulting from the consumption of alcohol and drugs." [42 U.S.C. § 290aa-6(b) (1988).]

California Case Study and
Video Did Not Violate
Restriction

Neither the case study entitled Taking Initiative: The 1990 Citizens' Movement to Raise California Alcohol Excise Taxes to Save Lives nor its companion video, Dogs of War: Raising Alcohol Taxes in California, violated the anti-lobbying restrictions.

We found nothing in the case study or video, both prepared by the Advocacy Institute, and funded by OSAP, to suggest that members of the public contact members of Congress with regard to any pending federal legislation. Both dealt with aspects of the Proposition 134 campaign in California. Proposition 134 was a state initiative to raise excise taxes on alcoholic beverages and to use the revenues for alcohol-related programs. The case study and video describe the process of getting Proposition 134 on the California ballot, the opposition from the alcohol industry, the media campaign for passage, and the political battle over enactment.

The case study and video do not constitute grass roots lobbying. They refer to legislation—Proposition 134 itself—but only at the state level. We have held that restrictions on grass roots lobbying like the one under discussion here do not apply to activities in connection with state legislation. (B-214455, Oct. 24, 1984; B-193545, Mar. 13, 1979; B-193545, Jan. 29, 1979.)

Allegations About
Attempts to Halt GAO's
Investigation of OSAP
Were Unfounded

We found no credible basis to conclude that OSAP or any other federal agency tried to halt this investigation. The only evidence for that charge comes from an anonymous account of a meeting said to have been held by OSAP. The source of the allegation would not talk with us. We found that a meeting did take place but that OSAP was not involved, and the allegations about the meeting were uniformly contradicted by everyone we identified as having been present.

Wine Business Insider, an industry newsletter, reported in July 1992 that soon after Members of Congress asked us to conduct this review, OSAP officials called a meeting to "launch a lobbying effort to stop the investigation."¹¹ Attributing the information to a source within HHS, the newsletter reported that representatives of "advocacy groups"—specifically the Advocacy Institute, the National Coalition to Prevent Impaired Driving (NCPID), and the Center for Science in the Public Interest (CSPI)—were at the meeting.

¹¹Vol. 2, nos. 11 and 12 (July 31, 1992), p. 1.

The newsletter reported that the following strategies were developed at the meeting: (1) OSAP would provide the advocacy groups with names and addresses of organizations receiving OSAP funding; (2) the groups would alert both their own members and OSAP grant recipients of the request for the GAO investigation; and (3) at OSAP's suggestion, the groups would draft letters to be sent by group members and others to Members of Congress, urging that the Members dissociate themselves from the request.

In addition, congressional staff provided us with a copy of a June 1992 publication issued by NCPID, one of the organizations alleged to have planned the campaign with OSAP to stop this investigation. The NCPID publication describes efforts by the National Beer Wholesalers Association to initiate a GAO investigation of OSAP and contains a sample letter to Members of Congress urging that they withdraw their names from the request to GAO, and a list of all Members who signed the request.

The appropriations act lobbying restriction is not applicable to this situation. It applies only to lobbying with respect to legislation pending before the Congress, not to efforts directed at affecting a GAO investigation. No such lobbying is alleged to have been discussed or to have taken place at the meeting.

We did not need to decide the related question of whether it would be a misuse of appropriated funds, apart from the lobbying restriction, for a federal agency to mount a campaign to thwart a congressionally requested GAO investigation, because we found no credible evidence that OSAP or any other agency did so. (As discussed in the following paragraph, we believe that the meeting referred to in the newsletter involved not OSAP but its parent agency.)

OSAP categorically denied the newsletter's allegations, stating that OSAP officials did not attend a meeting such as the one described in the newsletter and that no one within OSAP instigated or participated in the drafting of letters either to Members of Congress or to GAO. OSAP said that lists of OSAP grantees are public information, routinely given out, but that it did not provide any of these lists in order to derail this investigation or to start a letter writing campaign.

OSAP denied any prior involvement in or knowledge of the activities by NCPID and the Advocacy Institute in relation to this investigation. OSAP said that neither NCPID nor the Advocacy Institute had ever directly received an OSAP grant or contract; NCPID received small amounts of funds for travel

expenses to federal conferences and for technical assistance, and the Advocacy Institute received OSAP funds as a subcontractor on a few projects.¹²

We asked the staff of the Wine Business Insider to put us in touch with their source within HHS. A spokesperson for the newsletter informed us that they had urged, and would continue to urge, the source to come forward to GAO. However, the source has not done so and none of the available evidence supports the allegations in the newsletter of improper behavior by OSAP personnel or any other government officials.

We asked the groups identified in Wine Business Insider as having been represented at the meeting whether they knew of such a meeting. They corroborated OSAP's statement that they did not meet with OSAP, but they informed us of a meeting they had attended during the time in question with Dr. Elaine Johnson, the Acting Administrator of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), then the parent organization of OSAP.¹³

It seems likely that the meeting with ADAMHA is the one referred to in the newsletter. Dr. Johnson held the meeting, at her request, with representatives of NCPID, CSPI, NCADD, and the Legal Action Center on May 28, 1992, shortly after Members of Congress had requested this investigation, and this investigation was discussed.

Participants in the meeting uniformly contradicted the newsletter's account of what took place. We interviewed everyone we were able to identify as having attended the May 28 meeting. (We found no indication that anyone from OSAP was present.) All said that the purpose was to discuss the deteriorating relationship of ADAMHA and OSAP with the alcohol industry. Dr. Johnson was concerned about the alcohol industry's complaints that industry representatives were being excluded from conferences and were not communicating with agency officials. The discussion centered around ways for ADAMHA to communicate better with the industry, so that ADAMHA could more effectively carry out its mission.

¹²Congressional staff brought to our attention a letter from NCPID to Samuel K. Skinner, then Secretary of Transportation, urging that he bar the alcoholic beverage community from participation in a seat belt use campaign, and a letter from NCPID urging support of a pending bill to control alcohol advertising. These activities by NCPID were not financed by appropriated funds and therefore do not violate the appropriations act restriction.

¹³ADAMHA was reorganized and renamed the Substance Abuse and Mental Health Administration, effective Oct. 1, 1992. [P. L. 102-321, 106 Stat. 323 (1992).] We refer to it in this report as ADAMHA, as it was known during the period covered.

All the participants denied that the purpose or subject of the meeting was to launch a lobbying effort to stop this investigation. While admitting that the GAO investigation was discussed, they said that it was as an illustration of the deteriorated relations between ADAMHA and the industry.

Those who were present also denied that anyone provided the advocacy groups with names and addresses of organizations receiving OSAP funding, or that Dr. Johnson suggested that the advocacy groups draft sample letters to be sent to members of Congress urging that members remove their names from the request. The advocacy groups acknowledged that they alerted their members of the request for this investigation. NCPID, without using grant funds, encouraged its members to write to their representatives in Congress urging that they stop the investigation. However, the groups said that they took these actions on their own initiative, and we found no evidence to contradict that.

List of Requesters

The Honorable Bill Alexander
House of Representatives

The Honorable Wayne Allard
House of Representatives

The Honorable George Allen
House of Representatives

The Honorable Richard Arney
House of Representatives

The Honorable Richard Baker
House of Representatives

The Honorable Cass Ballenger
House of Representatives

The Honorable Doug Barnard
House of Representatives

The Honorable Bill Barrett
House of Representatives

The Honorable Herbert Bateman
House of Representatives

The Honorable Helen Bentley
House of Representatives

The Honorable Tom Bliley
House of Representatives

The Honorable Sherwood Boehlert
House of Representatives

The Honorable John Boehner
House of Representatives

The Honorable Bill K. Brewster
House of Representatives

The Honorable Jim Bunning
House of Representatives

The Honorable Albert Bustamante
House of Representatives

The Honorable Dave Camp
House of Representatives

The Honorable Rod Chandler
House of Representatives

The Honorable William Clay
House of Representatives

The Honorable Howard Coble
House of Representatives

The Honorable Larry Coughlin
House of Representatives

The Honorable Christopher Cox
House of Representatives

The Honorable Phil Crane
House of Representatives

The Honorable Duke Cunningham
House of Representatives

The Honorable George (Buddy) Darden
House of Representatives

The Honorable Peter DeFazio
House of Representatives

The Honorable Tom DeLay
House of Representatives

The Honorable Butler Derrick
House of Representatives

The Honorable Calvin Dooley
House of Representatives

The Honorable David Dreier
House of Representatives

The Honorable John Duncan
House of Representatives

The Honorable Chet Edwards
House of Representatives

The Honorable Bill Emerson
House of Representatives

The Honorable Lane Evans
House of Representatives

The Honorable Thomas Ewing
House of Representatives

The Honorable Jack Fields
House of Representatives

The Honorable Gary Franks
House of Representatives

The Honorable George Gekas
House of Representatives

The Honorable Pete Geren
House of Representatives

The Honorable Newt Gingrich
House of Representatives

The Honorable Fred Grandy
House of Representatives

The Honorable Steve Gunderson
House of Representatives

The Honorable Ralph Hall
House of Representatives

The Honorable Mel Hancock
House of Representatives

The Honorable Jim Hansen
House of Representatives

The Honorable Claude Harris
House of Representatives

The Honorable Charles Hatcher
House of Representatives

The Honorable James Hayes
House of Representatives

The Honorable Joel Hefley
House of Representatives

The Honorable Wally Herger
House of Representatives

The Honorable Dennis Hertel
House of Representatives

The Honorable Duncan Hunter
House of Representatives

The Honorable Henry Hyde
House of Representatives

The Honorable Andy Ireland
House of Representatives

The Honorable Craig James
House of Representatives

The Honorable Sam Johnson
House of Representatives

**Appendix II
List of Requesters**

**The Honorable Scott Klug
House of Representatives**

**The Honorable Jim Kolbe
House of Representatives**

**The Honorable Jon Kyl
House of Representatives**

**The Honorable Jerry Lewis
House of Representatives**

**The Honorable Jim Lightfoot
House of Representatives**

**The Honorable William Lipinski
House of Representatives**

**The Honorable Bob Livingston
House of Representatives**

**The Honorable Marilyn Lloyd
House of Representatives**

**The Honorable Bill Lowery
House of Representatives**

**The Honorable Ronald Machtley
House of Representatives**

**The Honorable Ron Marlenee
House of Representatives**

**The Honorable Matthew Martinez
House of Representatives**

**The Honorable Bill McCollum
House of Representatives**

**The Honorable Jim McCrery
House of Representatives**

**Appendix II
List of Requesters**

**The Honorable Bob McEwen
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**The Honorable Jim Nussle
House of Representatives**

**The Honorable Solomon R. Ortiz
House of Representatives**

**The Honorable Bill Orton
House of Representatives**

**The Honorable Ron Packard
House of Representatives**

**The Honorable Ed Pastor
House of Representatives**

**The Honorable Bill Paxon
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**The Honorable L.F. Payne
House of Representatives**

**The Honorable Collin Peterson
House of Representatives**

**The Honorable Owen Pickett
House of Representatives**

**The Honorable Arthur Ravenel
House of Representatives**

**The Honorable Richard Ray
House of Representatives**

**The Honorable John J. Rhodes
House of Representatives**

The Honorable Tom Ridge
House of Representatives

The Honorable Frank Riggs
House of Representatives

The Honorable Don Ritter
House of Representatives

The Honorable Tim Roemer
House of Representatives

The Honorable Dana Rohrbacher
House of Representatives

The Honorable Charlie Rose
House of Representatives

The Honorable J. Roy Rowland
House of Representatives

The Honorable Rick Santorum
House of Representatives

The Honorable Bill Sarpalius
House of Representatives

The Honorable Jim Saxton
House of Representatives

The Honorable Dan Schaefer
House of Representatives

The Honorable Steven Schiff
House of Representatives

The Honorable James Sensenbrenner
House of Representatives

The Honorable Bob Smith
House of Representatives

**Appendix II
List of Requesters**

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**The Honorable Harley Staggers
House of Representatives**

**The Honorable Bob Stump
House of Representatives**

**The Honorable Don Sundquist
House of Representatives**

**The Honorable Robin Tallon
House of Representatives**

**The Honorable Charles Taylor
House of Representatives**

**The Honorable Craig Thomas
House of Representatives**

**The Honorable William M. Thomas
House of Representatives**

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House of Representatives**

**The Honorable Guy Vander Jagt
House of Representatives**

**The Honorable Barbara Vucanovich
House of Representatives**

**The Honorable Vin Weber
House of Representatives**

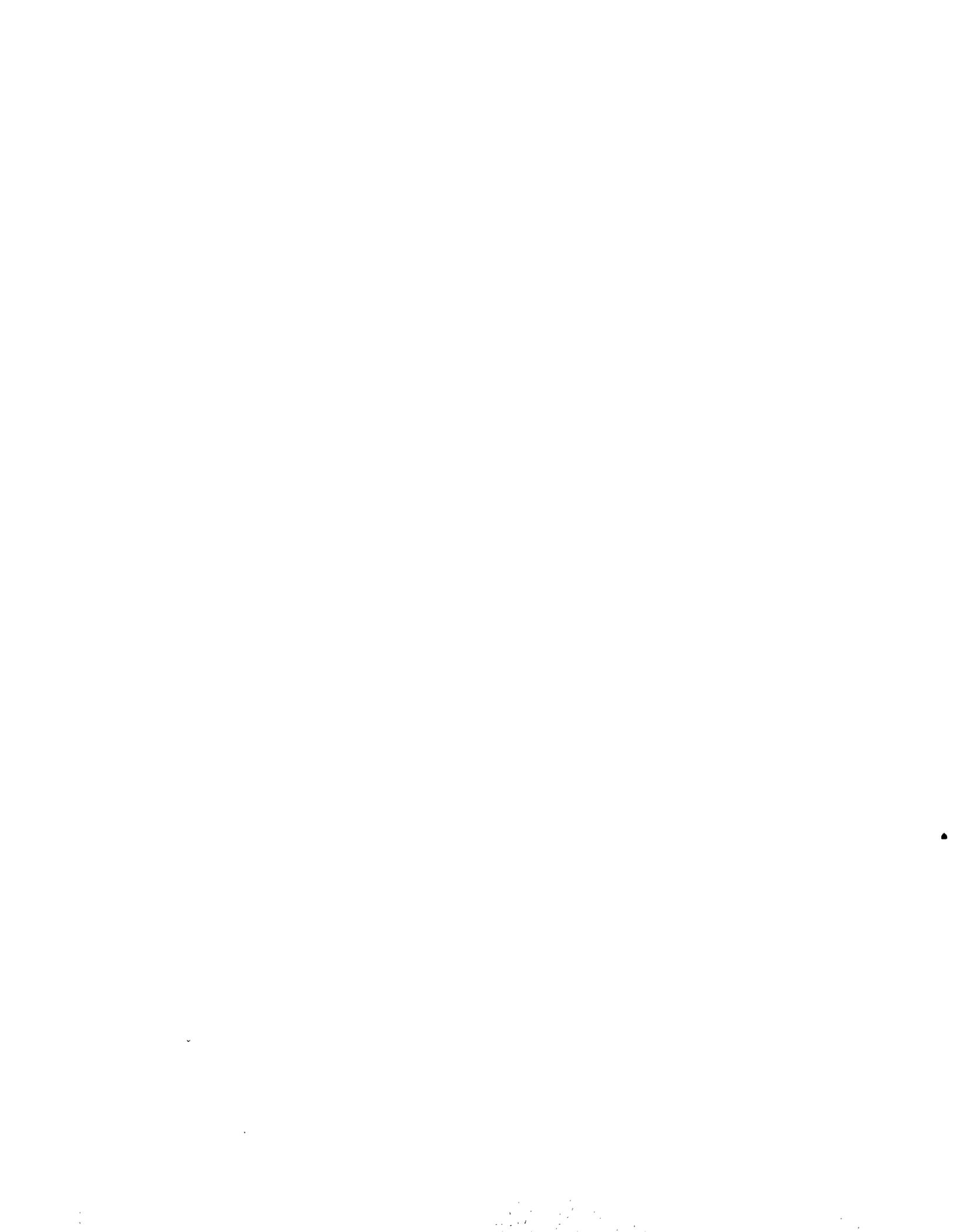
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