

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON 25, D. C.

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ACCOUNTING AND
TAX DIVISION

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The Comptroller General

Appropriated funds have been used to pay affiliation fees and individual entry fees, including a twenty-five cent charge for use in fighting adverse firearms legislation, to the Secretary of the Texas State Rifle Association for participation of various members of the Air Force in the Annual Texas Championship Rifle and Pistol Matches.

Section 1913 of Title 18, United States Code provides that no part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used to influence any legislation.

General Provision 532 of the Department of Defense Appropriation Act, 1958, Public Law 85-117 approved August 2, 1957, provides that such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel including the Reserve components and members of the Reserve Officers' Training Corps attending regional, national or international rifle matches.

Message dated May 16, 1958 from the Director of Personnel, Procurement and Training, Headquarters, United States Air Force, ALMAJCOM 775/58, states in Part I:

"Within current fund capabilities, you are authorized to use appropriated funds in connection with Air Force sponsored rifle and pistol competitions, to include (1) travel and per diem; (2) NRA registration fees and (3) payment of NRA referees and range officials.

Message dated August 14, 1958, ALMAJCOM 1107/58, relating to participation of Air Force personnel in regional, national and international rifle matches, states in part:

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*** Travel, per diem and other expenses directly related to participation by individuals and teams in subject matches will be charged to appropriations currently available which normally bear this type of expense."

It is further stated in message dated January 28, 1959, ALMAJCOM 389/59, that the term "regional" used in cited message 1107/58 is defined as a National Rifle Association sanctioned match.

The cited messages amplify the meaning of the appropriation act insofar as the Department of the Air Force is concerned since in the first message approval was specifically given for the payment of National Rifle Association registration fees. In the second message, further approval was given for other expenses directly related to participation by individuals and teams to be charged to appropriations currently available which normally bear this type of expense. The third message in defining "regional" to include National Rifle Association sanctioned matches, approved payment of expenses for all such matches.

Question is presented as to the propriety of the interpretation by the Department of the Air Force which permits payment of match registration and affiliation fees from appropriated funds as evidenced by vouchers 42311 and 42312, June 1958 accounts of M. F. Hinch, symbol B6407.

In the event it is determined that such expenses may be paid from appropriated moneys, further question is raised regarding the twenty-five cent charge included in the entry fees on both vouchers 42311 and 42312. The charge is described on page 4 of the Program of the Texas State Rifle Association, as a bill of rights fee to provide a fund for use in fighting adverse firearms legislation; on page 14 of the program, it is shown as a fund to protect the rights of firearms owners under the Bill of Rights; on page 31 of the program it is referred to as a fee to fight bad firearms legislation.

Should payment of the twenty-five cent fee be questioned in view of the provisions of 18 U. S. C. 1913 which prohibits the use of appropriated moneys to influence legislation?

(MAX A. NEUWIRTH

Max A. Neuwirth
Assistant Director

Enclosures

Program

Voucher 42311

Voucher 42312

ALMAJCOM Message 775/58

ALMAJCOM Message 1107/58

ALMAJCOM Message 389/59

B-1013-O.M.

JUN 17 1959

Director, Defense Accounting and Auditing Division

Returned. The terms of section 632 of the Department of Defense Appropriation Act, 1958, 71 Stat. 328, to which you refer, authorizes the use of appropriations contained therein for travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national or international rifle matches.

As the Air Force personnel were authorized to attend the Annual Texas Championship Rifle and Pistol Matches the registration and affiliation fees charged by the Texas State Rifle Association for participation in the matches may be regarded as a necessary expense of admittance or attendance thereat, and are chargeable against the Department's appropriations as a proper item of travel expense within the purview of the appropriation provision except, of course, as to any particular item of expense prohibited by some general statute. Your first question is answered accordingly.

E-13713-C.H.

Your second question goes to the propriety of the twenty-five cent charge included in the entry fees on vouchers 42711 and 42712, which charge is described in the Association's program as a bill of rights fee to provide a fund for use in fighting adverse firearms legislation.

Section 1913, Title 18, U. S. Code, cited in your submission, popularly known as the anti-lobbying statute, prohibits the use of Federal funds directly or indirectly for purposes of influencing in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress. Since appropriations contained in the Department of Defense Appropriation Act, 1958, contain no express authorization for the use thereof to pay expenses intended or designed to influence a Member of Congress to favor or oppose legislation, it follows that the twenty-five cent payment—to the extent that it is available for use in lobbying on Federal legislation—contravenes the provisions of said section 1913. See H-7665, June 8, 1948. However, in view of the small amount involved in the payment of this fee, no further question need be raised with respect thereto. Should it be ascertained in the course of audit that payment of this fee does not represent an independent transaction, the matter should be brought to attention of the Department.

Joseph Campbell

Comptroller General
of the United States

Attachments