



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D. C. 20548

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DEC 27 1973 -

B-178648

The Honorable Torbert H. Macdonald, Chairman
Subcommittee on Communications and Power
Committee on Interstate and Foreign Commerce
House of Representatives

Dear Mr. Chairman:

This refers to your letters, dated October 12 and October 16, 1973, requesting that we determine whether certain materials you forwarded therewith are in violation of the law limiting the use of appropriated funds for publicity and propaganda purposes (section 603(a) of the Treasury, Postal Service, and General Government Appropriation Act, 1973, approved July 13, 1972, Pub. L. 92-351, 86 Stat. 471, and section 607(a) of the Treasury, Postal Service, and General Government Appropriation Act, 1974, approved October 30, 1973, Pub. L. 93-143, 87 Stat. 510), as interpreted in our letter report of September 21, 1973, to you. The materials in question are (1) a tape recording and accompanying transcript of a statement by the Secretary of Transportation and (2) a transcript (which evidently accompanied a segment of 16mm color sound motion picture film, not forwarded) of a statement by the Secretary of Housing and Urban Development (HUD). Both items were received within the past few months by a corporation comprising a television station and AM and FM radio stations. We have carefully considered the materials in question and we must conclude that they do not violate the cited statutory prohibitions concerning publicity and propaganda.

Section 603(a) of the act of July 13, 1972, which was discussed in our letter to you of September 21, and section 607(a) of the act of October 30, 1973, are identical and provide that:

"No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

For the reasons set forth in our September 21 letter to you, we consider that the above-quoted provision of law is violated only by a direct appeal addressed to the public which suggests or urges that they

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contact Members of Congress and indicate their support of, or opposition to, pending legislation. The statement by the Secretary of Transportation, although it discusses a pending bill which would deal with the problem of rail service for the Northeast, is essentially an exposition of the Administration's views on that bill and associated issues. It contains nothing which, in our opinion, could be understood as a direct appeal for members of the public to urge their elected representatives to vote in a particular manner. The statement by the Secretary of HUD also discusses proposed legislation but it too is, in essence, expository, and contains no suggestion that listeners should urge that a particular position on the legislation be taken by their representatives.

We have long held that, under existing law, the legitimate public information functions of an agency include exposition by officials of agency and administration policies and the legislative history of these statutory provisions shows that such legitimate public information functions are within the purview of such provisions of law. We believe that the materials you sent us fall within that category.

We trust that the foregoing information will be helpful to you.

Sincerely yours,

R. F. Keller

Deputy Comptroller General
of the United States