

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

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COMDTINST 5370.7
14 APR 1988

COMMANDANT INSTRUCTION 5370.7

Subj: Standards Of Conduct; Lobbying Activities

Ref: (a) 18 U.S.C. 1913
(b) COMDTINST M5000.3 (SERIES), USCG REGULATIONS

1. PURPOSE. This Instruction implements the laws and regulations prohibiting lobbying activities and distinguishes lobbying activities from official and private communications with the Congress. The anti-lobbying provisions are intricate and should be carefully applied in individual cases. In cases of doubt, the provisions of this Instruction should be construed by a Legal Officer. This Instruction is applicable to military and civilian personnel.
2. DEFINITIONS FOR PURPOSES OF THIS INSTRUCTION:
 - a. "Lobbying" means attempting to influence the Congress or attempting to induce members of the public, special interest groups or private organizations to influence Congress by an unauthorized use of Government time, equipment or supplies.
 - b. "Government time" means time for which an active duty military member or civilian employee is being compensated with appropriated funds.
 - c. "Government equipment or supplies" means anything purchased or paid for with appropriate funds.

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2. d. "The public" includes active duty military members, civilian employees, Reservists (whether on active duty or not), Auxiliarists, private organizations, special interest groups, and the general public.
3. DISCUSSION. Reference (a) is a criminal statute commonly called the "Anti-Lobbying Act." It prohibits the unauthorized use of appropriated funds, to pay for any Government time, advertisement, telegram, letter, equipment or other device to influence to Congress in acting on legislation, before or after its introduction. Violations of the Anti-Lobbying Act are crimes which are punishable by imprisonment, fine, or both. Also, the statute provides for removal from office or employment of Government personnel. The Anti-lobbying Act does not prevent employees, officers and members of the Uniformed Services from communicating with Congress, through official channels and does not prevent or restrict members of the armed forces and employees from communicating with Members of Congress at their own expense.
 - a. Official Channels: No military member or civilian employee is authorized to use Government time, equipment or supplies to communicate with Congress except as authorized by reference (b) or by the Commandant.
 - b. "Grass Roots Lobbying": The use of Government time, equipment or supplies for the purpose of inducing the public or special interest groups to influence Congress is prohibited in accordance with these procedures. Examples of prohibited activities include using or authorizing the use of:
 - (1) Government phones, copying machines or other equipment to organize the public to contact Congress;
 - (2) Government supplies to be distributed and used by the public in their contacts with Congress; or
 - (3) Government penalty indicia envelopes, Coast Guard letterhead stationery, or the Government's internal mailing system to stimulate the public to contact Congress.
 - c. Official Representation: The restrictions on the use of appropriated funds for lobbying purposes do not prohibit military members and civilian employees from meeting with private organizations and specific interest groups in an

3. c. (cond't) official capacity of making public statements before such groups or organizations in an official capacity provided the purpose of the meeting of statement is not to organize or stimulate individuals to contact the Congress.
- d. Special Interest Groups and Private Organizations: The restrictions of lobbying do not prohibit personal membership in organizations such as veterans groups, the Reserve Officer's Association, the Chief Warrant Officer's Association, the Chief Petty Officer's Association, the Navy and other similar social, public service, fraternal and professional organizations.
- e. Examples of permitted activities:
 - (1) Releasing or furnishing to organizations and groups materials or information which is otherwise available to the public. The material may not suggest that the recipient contact Congress in support of particular legislative positions.
 - (2) Addressing and participating in meetings of organizations or groups, including the making of statements, provided the purpose of the meetings or statements is not for the purpose of inducing others to contact to the Congress.
 - (3) Making suggestions, responding to or raising particular inquiries, or discussing the merits of various legislative strategies and related matters with organizations and groups so long as an attempt is not made to induce any individual to contact the Congress.
- f. Examples of activities to avoid:
 - (1) Requesting that a group or organization ask its membership to contact Congress;
 - (2) Providing copies of Government materials or producing materials at Government expense to be distributed by such organizations to induce the public to attempt to influence Congress;
 - (3) Requesting an organization to prepare or distribute materials that suggest the recipients contact the Congress; or

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3. f. (4) Providing lists of persons who favor or oppose particular Government positions on legislative matters.
4. RESPONSIBILITIES. Every Coast Guard member and civilian employee is responsible for compliance with references (a) and (b) and with this instruction.
5. ACTION. Area and district commanders, commanders of maintenance and logistics commands, unit commanding officers and Commanders, CG Activities Europe shall:
 - a. Ensure that the Coast Guard personnel within their organizations or commands are familiar with the provisions of references (a) and (b) and this Instruction;
 - b. Arrange for informing all new personnel of the provisions of references (a) and (b) and this Instruction; and
 - c. Periodically utilize the opportunity afforded by staff meetings, training periods and indoctrination sessions to direct attention to the provisions of references (a) and (b) and this Instruction.

/s/ J. E. VORBACH
CHIEF COUNSEL