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

B-202569

April 27, 1981

The Honorable Gordon J. Humphrey
United States Senator

Dear Senator Humphrey:

Recently you forwarded us a letter from Mr. Benjamin C. Adams, Commissioner, Department of Employment Security, State of New Hampshire, and requested that we look into allegations by Mr. Adams that New Hampshire Legal Assistance was engaged in lobbying the State legislature, and that some of its employees were registered lobbyists.

We have reviewed this matter and have determined that New Hampshire Legal Assistance is a Federal fund recipient of the Legal Services Corporation (LSC) and provides legal assistance to eligible clients under the Federal Legal Assistance Program. Under the provisions of 42 U.S.C. § 2996 f(a)(5)(A), providers of legal assistance such as the New Hampshire Legal Assistance may use Federal funds for legislative representation before State legislatures where such representation is necessary with respect to a client's legal rights and responsibilities. However, as we interpret it, the statute requires that providers of legal services must have an eligible client whose interests are directly affected by the pending legislation as a prerequisite to engaging in legislative representation before legislative bodies. Another provision of the above-cited statute allows providers of legal services to engage in legislative representation before legislative bodies concerning matters affecting the LSC or the recipient. Since there is statutory authority for legal services providers such as the New Hampshire Legal Assistance to engage in lobbying activities under such circumstances, there is nothing improper about having certain of its employees registered as lobbyists with legislative bodies.

On the other hand, lobbying by legal services providers that is neither on behalf of an eligible client nor on a matter directly affecting the LSC or the recipient is prohibited by the above-cited statute and by appropriation restrictions. Mr. Adams did not describe the kind of legislative representation in which the New Hampshire Legal Assistance was engaged. Apparently, he assumed that any legislative representation by that group is prohibited by Federal Law, which is contrary to fact.

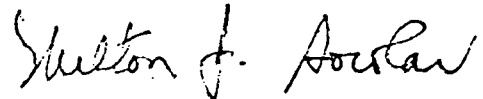
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[If] after reviewing the above information, Mr. Adams believes that the New Hampshire Legal Assistance is engaging in prohibited lobbying activities, we would be glad to examine any factual data he would care to present to determine whether a violation has occurred.]

We trust this information will be of assistance to you in responding to the concerns expressed by Mr. Adams.

Sincerely yours,



Milton J. Acker

Acting Comptroller General
of the United States