

UNITED STATES GENERAL ACCOUNTING OFFICE
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STATEMENT OF
ELMER B. STAATS, COMPTROLLER GENERAL
OF THE UNITED STATES
BEFORE THE
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
HOUSE OF REPRESENTATIVES
ON
H.R. 5259, 92 CONGRESS
The proposed Legislative Activities Disclosure Act

Mr. Chairman and Members of the Committee:

We appreciate the opportunity to appear before your Committee to give you our views and answer your questions on H.R. 5259.

The current law, the Federal Regulation of Lobbying Act was enacted in 1946 and was designed to require public disclosure of certain activities of those persons engaged in lobbying. Using criminal sanctions to effect compliance, that Act sought disclosure of lobbying activities by imposing certain record keeping, registration, and reporting requirements upon persons within its purview. The Act lodged administrative responsibility with the Clerk of the House of Representatives and the Secretary of the

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Senate. According to a report of your Committee, House Report No. 91-1803, the current law has, without exception, been described as a thoroughly deficient law. In addressing this deficiency, your Committee has drafted and presented H.R. 5259 as a tentative measure for discussion purposes against which concerned persons could evaluate and present their positions.

Under H.R. 5259, the Federal Regulation of Lobbying Act would be repealed and replaced with a broader measure to be under the administration of the Comptroller General of the United States. In reporting on earlier measures that would have simply transferred responsibility for the administration of the Federal Regulation of Lobbying Act from the Secretary of the Senate and Clerk of the House of Representatives to the Comptroller General, we have advised that we would interpose no objection to such transfer so long as our Office performed its role as an agency of the Congress. We note that under the administration section of H.R. 5259, section 11, rules and regulations proposed for promulgation by the Comptroller General are to be presented to two named Committees of the Congress for review and that, if neither Committee disapproves such rules and regulations within a stated period they shall take effect. In providing for legislative rather than judicial or administrative review of proposed rules and regulations we view this provision as manifesting a clear intention that all duties to be performed by the Comptroller General under H.R. 5259 shall be performed by him as an agent for the Congress. Accordingly, and while we would not seek responsibility for the administration of the proposed Act, we will accept such responsibility if the Congress desires.

In order to carry out my responsibilities under this bill, it is envisioned that I would have need for authority to employ one staff member at a level not to exceed level IV of the Federal Executive Salary Schedule. While reserving to myself all final authority, I would delegate to this person maximum discretion to handle overall administration and to design, draft and enforce regulations. Such person would also have authority to communicate with the appropriate committees and persons effected. It is anticipated that the mode of operation would primarily be on a complaint basis.

Section 11 provides the authority for the promulgation of needful rules and regulations. These rules and regulations are required to be published in the Federal Register and interested persons are given thirty days to submit comments thereon after publication. At the expiration of this thirty-day period, the Comptroller General is required to forward comments received with the text of the proposed rules and regulations within sixty days to your Committee and to the Senate Committee on Rules and Administration. If neither Committee by majority vote disapproves within thirty legislative days, the rules and regulations take effect.

Presumably, during the sixty-day period which follows the thirty days of publication, the Comptroller General will--if he finds himself in agreement with any of the comments received--have authority to revise the published rules and regulations. However, the bill does not specifically so provide and we feel that section 11 needs clarification to specifically provide this authority. The Comptroller General would submit the comments received and the rules and regulations with such revisions as he may provide for committee approval.

Section 16 authorizes the appropriation to the Comptroller General of such sums as may be necessary to carry out his responsibilities under the Act. While we are not prepared at this time to offer any meaningful estimate of man hours translated into dollar amounts because meaningful estimates must be based on an experience factor after several months operation, it is assumed that the administration of this Act will probably require some increase in my staff and appropriation.

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Mr. Chairman, this completes my prepared statement. I will be happy to answer any questions and to provide additional information as desired.