



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

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B-103987

NOVEMBER 13, 1979

The Honorable Charles E. Bennett
Chairman, Committee on Standards
of Official Conduct
House of Representatives

HSE3700



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Dear Mr. Chairman:

Subject: [Roles and Responsibilities of the
Congressional Offices under Title I
of the Ethics in Government Act of
1978] (FPCD-80-27)

GHS 3

On August 28, 1979, you requested that this office study the interface of your Committee's functions with that of the Clerk of the House as delineated by title I of the Ethics in Government Act of 1978. In addition, you asked that we comment on certain ambiguities and lack of instructions in the law as to the various administrative duties and responsibilities falling jointly and severally on the Committee and the Clerk of the House.

We have met with staff members of your Committee and the Office of the Clerk to discuss the nature of the interface problems and to identify those ambiguities in the law which affected the implementation of the disclosure requirements for the May 15, 1979, filing date.

While the 1978 act as originally passed may have been unclear with respect to certain duties and responsibilities of the Clerk and your Committee, we believe the technical amendments enacted by Public Law 96-19, dated June 13, 1979, clarified those duties and responsibilities. Among those matters that were clarified, section 103(f) of the act was amended to provide that the House Committee on Standards of Official Conduct of the House of Representatives shall develop reporting forms and may promulgate rules and regulations. Further review of the law indicates that your Committee is also responsible for:

--Rendering advisory opinions interpreting the statute.

--Reviewing reports to determine if they are filed in a timely manner, are complete, and are in proper form. In the event a determination is made that a report is not so filed, the Committee shall inform the reporting individual and direct him to take all necessary corrective action.

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- Granting reasonable extensions of time for filing financial disclosure reports.
- Waiving filing requirements for new employees if they are not expected to be employed for more than 60 days.
- Waiving any reporting requirement for individuals employed less than 130 days under certain circumstances.
- Granting a waiver for reporting gifts in unusual cases.
- Approving existing blind trust agreements and "qualified blind trusts" established according to the statute.

In addition, section 103 of the act also requires financial disclosure reports of House Members, employees, other designated employees, candidates, and new employees to be filed with the Clerk of the House. Under that section, the Clerk is responsible for forwarding to your Committee a copy of each report filed. For reports filed by Members and candidates, the Clerk is to also forward a copy to the State officer designated under 2 U.S.C. § 439. The Clerk is responsible for making all reports available for public inspection according to section 104. We find no provision in the act authorizing the Clerk to perform a substantive review of reports filed.

Staffs of your Committee and the Clerk of the House identified various issues which were believed to have resulted from ambiguities and lack of instruction in the act. The issues pertain to whether:

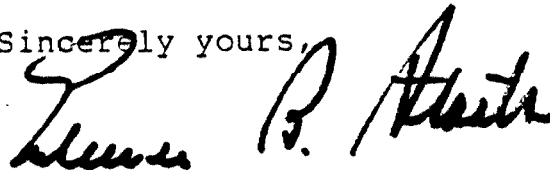
- The act requires employees who are designated as principal assistants to file financial disclosure reports during the filing calendar year, on or before the May 15 filing deadline, or the succeeding year.
- The act authorizes Members to designate one or more additional staff members as principal assistants if they already have an employee compensated at the annual rate of a GS-16 and whether they are subject to the statutory provisions of the law.

- The act is clear on who should file if a Member designates a principal assistant and subsequently hires someone at the GS-16 level.
- The act requires that the days-of-service (exceeding 60 days) threshold be continuous before an employee is required to file under the act's requirements.
- The act requires that the Clerk of the House retain a report filed, under title I of the act, for 7 days before sending a copy of the report to the Committee.
- The interpretation of the word "compensation" as used in the act includes annuities paid by the Government for past services and/or overtime pay for determining whether an individual meets the act's salary threshold requirement.
- The Committee or the Clerk's Office is responsible for notifying House Members, employees, other designated employees, candidates and new employees of their obligation to file and to distribute the necessary financial disclosure reports.
- The Committee or Clerk's Office is responsible for sending dunning letters to the above individuals who fail to file a financial disclosure report by the deadlines prescribed in the act.

We feel that the act authorizes your Committee to resolve any matters of a jurisdictional nature or which involve an interpretation of it's provisions, including coverage under the act. Therefore, since we believe that your Committee is responsible to administer and enforce the disclosure requirements, we conclude that the above matters are not for resolution by the General Accounting Office.

If you have any additional thoughts on this matter which you wish to discuss, please let me know.

Sincerely yours,



Comptroller General
of the United States