

# Congress Issues New Lobbyist Disclosure Form and Instructions

On June 30, the Clerk of the U.S. House of Representatives and the Secretary of the U.S. Senate released the long-awaited LD-203 form, on which registered lobbying organizations and each registered lobbyist must disclose specified political contributions. On a semi-annual basis, lobbyists and lobbying organizations must disclose political, honorary, and presidential library contributions, as well contributions for certain official events. Moreover, registered organizations and individual lobbyists must certify that they have read and are familiar with the House and Senate gift and travel rules, and that they have not violated these rules.

The first semi-annual report is due July 30, 2008, and covers the six-month period beginning January 1 through June 30.

## Disclosures and Certifications Required on Semi-Annual Reports

Under the Honest Leadership and Open Government Act of 2007 (HLOGA), Congress amended the Lobbying Disclosure Act (LDA) to require registered lobbying organizations and lobbyists to file semi-annual reports, known as “LD-203 Contribution Reports.” These semi-annual reports are in addition to the quarterly reports of lobbying activities made by lobbyists on the “LD-2” forms.

Each registered lobbying organization and lobbyist must disclose the following in their LD-203 Contribution Reports:

- The name of each Federal candidate or officeholder, leadership political action committee (PAC), or political party committee, to whom aggregate contributions equal to or exceeding \$200 were made by the person or organization submitting the report and the date and the amount of such contribution.
- The date, recipient, and amount of funds contributed or disbursed during the semi-annual period by the person or organization, or by a political committee established or controlled by the reporting individual or organization, for the following (unless the recipient of the funds must separately report the contributions under the Federal Election Campaign Act):
  - an event to honor a legislative or executive branch official;
  - an entity that is named for or in recognition of a covered official;
  - an entity established, financed, maintained, or controlled by a covered official; or
  - the costs of a meeting, retreat, conference, or other similar event held by or in the name of a covered official.
- The name of each Presidential library foundation and Presidential inaugural committee to whom contributions equal to or exceeding \$200 were made by a person or organization required to report and the date of each contribution within the semi-annual period.

Although Congress has updated its guidance, some of these categories of reportable contributions remain ambiguous and will likely result in confusion and inconsistencies. In particular, what constitutes an event to honor an elected official is open to interpretation under the statute; the guidance appears to treat an event as “honoring” an elected official if that official has a speaking role at the event.

Registered lobbying organizations also must disclose the names of any PACs they operate. Registered organizations and lobbyists must certify that they understand and have complied with the House and Senate gift rules. Because of this certification requirement, lobbyists and organizations are required to submit the LD-203 even if they have no contributions to report.

## Lobbying Disclosure Act Enforcement

In addition to a civil penalty of up to \$200,000 for a knowing failure to comply with any provision of the LDA, including the semi-annual reporting requirement, anyone who “knowingly and corruptly” fails to comply with the law faces a penalty of up to \$200,000 and up to five years imprisonment. In addition, an intentionally fraudulent certification of compliance with the House and Senate gift and travel rules could result in criminal penalties for making false statements to the government.

Congress has charged the Government Accountability Office (GAO) with auditing compliance with the LDA. The GAO sent out its first audit notification letters to certain registered organizations and lobbyists in late May 2008. The GAO must make its initial audit report to Congress by September 30, 2008. Although the GAO does not itself have subpoena authority, it may refer non-cooperative registrants to Congress, which may make referrals to the Department of Justice.

## Resources and Further Reading

### [LD-203 disclosure form and instructions](#)

*Details regarding the LD-203 semi-annual reporting requirement and the House and Senate gift and travel rules can be readily accessed on the following websites:*

### [Lobbying Disclosure Act Guidance](#)

### [Rules of the House of Representatives](#)

### [Rules of the Senate](#)

## Contact Information

If you have any questions about the new semi-annual reporting requirement or other Lobbying Disclosure Act requirements, or if you require assistance with a GAO audit, please contact:

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