

## POLICY ALERT

### REVISED GUIDANCE ON THE LOBBYING DISCLOSURE ACT

The Clerk of the House of Representatives and the Secretary of the Senate have issued revised guidance on the Lobbying Disclosure Act (LDA) registration and reporting requirements. Highlights of the revised guidance follow.

#### LD-203 INDIVIDUAL LOBBYIST FILING OBLIGATIONS

The Honest Leadership and Open Government Act of 2007 requires lobbying registrants and individual lobbyists to file a semiannual report of certain contributions, along with a certification that the filer understands the gift and travel rules of both the House and the Senate. This report, known as the LD-203, is required by all individuals listed on any registrant LD-1 lobby registration or LD-2 quarterly report, regardless of whether they had no activity or were inactive during the period.

Individuals must register as a lobbyist when their activities comprise 20 percent of their time spent in lobbying activity in a quarter period and if they make two or more contacts. Registrants—and each of their lobbyists—who were active for all or any portion of the semiannual reporting period must file LD-203 reports detailing certain contributions.

If an individual was listed on an LD-1 lobby registration form in anticipation of crossing the registration threshold but did not, he or she is required to file the LD-203 report. Similarly, if an individual appears on a registrant's LD-2 report but was "inactive," i.e., had no activity for that quarter, that individual still has an obligation to file prior to the beginning of the next semiannual period.

An individual may discontinue filing LD-203 reports **only** when the following conditions are met:

- The individual is no longer expected to spend 20 percent of his or her time lobbying;  
**and**
- The individual has been terminated on line 23 of an LD-2 quarterly report before the start of the next semiannual period.

Filing an amended LD-1 or LD-2 report to erase a lobbyist listed on line 10 or 18 does not retroactively alleviate an individual's obligation to file an LD-203 semiannual report. To effectively terminate a lobbyist on a report, he or she must be listed on line 23 of an LD-2

quarterly report. Further, if an individual was not activated through the reporting system for a particular registrant, that individual still must file if his or her name appears on any registrant LD-1 or LD-2 reports. An individual who received a “failure to file” notice has an obligation to file.

**ADDITIONAL GUIDANCE FOR CONTRIBUTIONS REPORTED ON THE LD-203:**

- Contributions to state and local candidates and committees need not be disclosed unless the contribution is going to the federal account of the committee.
- A nonvoting board member does not control an organization if the position is honorary or ex officio.
- A charitable organization established before a person becomes a covered official is not considered to be “established by a covered official,” unless the person continues his or her relationship with the organization after becoming a covered official.
- When determining whether a covered official “finances” an organization, de minimis contributions by the covered official will not constitute financing unless the amounts, in proportion to the charity’s overall receipts, and other facts suggest otherwise.

The next LD-203 report is due July 30, 2009, covering activity for the January through June reporting period.

**CONTACT INFORMATION**

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