

GAO Report on Federal Lobbying Disclosure Act Compliance

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Election and Political Law

On March 29, the U.S. Government Accountability Office (“GAO”) released the results of its [annual report](#) on compliance with the federal Lobbying Disclosure Act (“LDA”). As in the past, the report is based on random audits of lobbyists’ filings and analysis of enforcement by the U.S. Attorney’s Office for the District of Columbia (“USAO”). Below, we examine the report’s data on enforcement, discuss common compliance issues, and identify key takeaways.

Enforcement Trends

The report contains several noteworthy facts regarding the enforcement of the LDA. First, the number of personnel assigned to LDA compliance at the USAO decreased between 2017 and 2018, notwithstanding an increase in new registrations during the same period. Additionally, USAO officials reported only one active settlement case in 2018 involving a “chronic offender” firm, while a majority of referrals to the USAO regarding non-compliance remain pending. The USAO seems to have a practice of working with registrants to resolve non-compliance issues rather than prosecuting cases.

The GAO data, which reflect the continuing, relatively lax enforcement of the LDA, draw an interesting contrast to the [increased enforcement](#) by the Department of Justice of lobbying activities under the Foreign Agents Registration Act (“FARA”).

Common Compliance Issues

The GAO found that there were significant rates of non-compliance in certain key areas:

- **Former Government Positions:** Nineteen percent of LD-2 reports did not properly disclose the lobbyists’ prior government work, as required by the statute. In advance of audits, the GAO searches public sources like LinkedIn to review work history of audited lobbyists to find unreported positions that it can ask about in the audit.
- **LD-203 Reports:** Thirty three percent of LD-203 reports were missing reportable political contributions.
- **LD-2 Reports:** Eight percent of lobbyists who filed new registrations did not file LD-2 reports for the quarter in which they first registered, as required by the statute.

Key Takeaways

This latest GAO report reflects that LDA enforcement remains very infrequent, with most Department of Justice LDA-related resources focused on helping registrants who fail to file

required reports to achieve full compliance. There are few signs at this point that the Department is turning its attention to detecting unregistered lobbying or examining closely the accuracy of reported information.

Both the GAO and the USAO clearly now search social media when reviewing LDA filings. This is a trend we have seen in other political law compliance regimes, and registrants should be mindful of information available online.

Covington & Burling LLP has extensive experience representing LDA registrants during GAO audits. Registrants seeking assistance in connection with audits or ongoing LDA compliance may contact any member of our Election and Political Law Group for advice.

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