



Highlights of [GAO-08-1099](#), a report to congressional committees

Why GAO Did This Study

The Honest Leadership and Open Government Act (HLOGA) of 2007 amends the Lobbying Disclosure Act of 1995 by doubling the frequency of lobbyists' reporting and increasing criminal and civil penalties. This is GAO's first report in response to the Act's requirement for GAO to annually (1) determine the extent to which lobbyists can demonstrate compliance with the Act by providing support for information on their registrations and reports, (2) describe challenges identified by lobbyists to complying with the Act, and (3) identify the process for referring cases to the Department of Justice and the resources and authorities available to effectively enforce the Act. GAO reviewed a random sample of 100 reports filed by lobbyists during the first quarter of calendar year 2008. This methodology allowed GAO to generalize to the population of 17,801 reports filed. GAO also met with lobbyists regarding their filings and with Department of Justice officials regarding resources and authorities.

What GAO Recommends

GAO recommends that the United States Attorney for the District of Columbia complete efforts to develop a structured approach to focus limited resources on lobbyists who continually fail to file as required or otherwise fail to comply with the Act. The United States Attorney for the District of Columbia concurred with GAO's recommendation.

To view the full product, including the scope and methodology, click on [GAO-08-1099](#). For more information, contact George Stalcup at (202) 512-9490 or stalcupg@gao.gov.

LOBBYING DISCLOSURE

Observations on Lobbyists' Compliance with New Disclosure Requirements

What GAO Found

GAO estimates that lobbyists could provide accurate supporting information—in either written or verbal form—on income or expenses for at least 95 percent of all first quarter reports filed requiring this information. The legislation and guidance do not contain requirements for lobbyists to create or maintain documentation in support of the registrations or reports they file. Nonetheless, lobbyists were able to provide written or oral support for all required elements of individual reports GAO examined. However, the extent to which lobbyists could provide written documentation varied for different aspects of the reports. GAO estimates that lobbyists have written documentation to support income or expenses for approximately 91 percent of first quarter reports that required this information. In contrast, for a separate element listing the person who acted as a lobbyist, GAO estimates that lobbyists have written documentation for 35 percent of reports that required this information. Also, the majority of lobbyists newly registered with the Secretary of the Senate and Clerk of the House in the first quarter of 2008 also filed required disclosure reports for the period. However, for about 7 percent of the registrants, GAO could not identify a clear, corresponding report on file for their lobbying activity, likely because a report was not filed or because of a mismatch of information in reports that were filed.

While a number of lobbyists felt that existing guidance for filing required registrations and reports was sufficient, others believed additional clarifications, such as on issue area activity codes and on how to report various pieces of information about their organizations and lobbying activity, were needed. Several lobbyists also expressed uncertainty about what constitutes reportable lobbying activity under the law and how much detail they needed to provide on the specific lobbying issues for each client. The Act included the sense of Congress that the lobbying community should create an organization to develop training and standards for lobbying. GAO's work reinforces that such an organization would be beneficial and could share best practices and provide training on the types of records to support filings and report annually on opportunities to clarify existing guidance.

The United States Attorney's Office for the District of Columbia assigns its resources for lobbying compliance issues based on competing priorities within the Office. The Office has five staff members, including a Deputy Chief, three assistant U.S. attorneys, and one investigator who perform lobbying non-compliance follow-up, among other duties. Officials from the Office told us they have sufficient civil and criminal statutory authorities to enforce the Act. The department's lobbying compliance workload has increased in recent years. However, it currently lacks a structured approach for targeting its resources to the most significant noncompliance cases. Such an approach will require the Office to track the referrals when they are made, record reasons for the referrals, record the actions taken to resolve them, and assess the results of actions taken. The Office has recently begun to redesign its computer database to more accurately track referrals received in past years to identify trends in past compliance matters.