

## **NEW Amended Guidance Related to the FEDERAL LD-203 Contribution Report**

All,

On Monday, Michael Trunzo alerted you to information that our office needs to collect for a new federal semi-annual report of lobbying contributions. **Note:** SUNY Community colleges and contract colleges do not need to respond to this request.

On Wednesday, July 14, 2008, the Clerk of the House and Secretary of the Senate released **NEW amended guidance related to the LD-203 contribution report**. The good news is that this new guidance dramatically reduces the scope of the required disclosures.

*For those campuses that have already responded, I will adjust your responses accordingly.* For those campuses still preparing a response please note that the guidance makes the following changes:

- Disclosure is not required in most circumstances where a lobbyist or registrant merely purchases a table at an event or a registration fee for a conference where a congressional member or other covered official is honored. Under the guidance issued today, "the purchase of a table or ticket to another entity's event, in and of itself, is not sufficient to be considered paying the "cost of an event."
- Disclosure is not required when a trade association holds a breakfast at which a congressional member or other covered officials speak to the association as part of a Washington "fly-in," absent circumstances where the speaker is in some way recognized for his or her support of the group or its legislative agenda.
- Disclosure is not required when a congressional member or other covered official serves as an honorary co-host for a charity event or gala. The guidance notes that passive allowance of [congressional members'] names as "co-hosts," in and of itself, is not sufficient to be considered "honored or recognized."
- Disclosure is still required for an event where a congressional member receives an award -- even if the overall purpose of the event is to raise funds for charity or another organization.

This guidance is a significant departure from the earlier guidance. The full guidance may be found at <http://lobbyingdisclosure.house.gov>. A red-lined version of the guidance is attached.



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-203\_Guidance.pdf

The new guidance also changes our earlier statement regarding events simply featuring a covered elected or federal agency official. Speakers at such events, including graduations, conferences, and seminars, in most cases now, DO NOT, need to be rewarded unless there was some type of honor or special recognition bestowed on the speaker. For example, under the revised guidance, SUNY DOES NOT need to report expenses affiliated with inviting Sen. Schumer to address the participants in SUNY Days in DC. Since he was not honored at the event, we do not need to report this. However, if we had presented him with an award, the event would need to be reported.

This is a new and complicated process for all of us. I encourage you to call me with any questions as you prepare your response. Again, it is not our intention to burden you with paperwork and reporting requirements, however, we believe that this is the most efficient method for SUNY to comply with the Honest Leadership and Open Government Act of 2007 (HLOGA).

We will host another session for SUNY campus-based federal relations representatives on the new federal reporting requirements at the SUNY Federal Relations Summit in Albany, NY on September 15-16.

Thank you for your assistance in filing timely and complete reports.

Liz

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**Sent:** Monday, July 14, 2008 3:59 PM

All,

Thank you for recently completing the federal quarterly lobbying expense report for your campus for the second quarter of 2008. I am writing to you for additional information from your campus regarding the new federal semi-annual report of contributions. **Please respond with the attached document completed by Friday, July 25.**

Guidance for this new report was published by the Clerk of the House and the Secretary of the Senate on June 30, 2008. Liz Clark, with assistance from SUNY's Office of the Counsel and Akin Gump, prepared the attached documents to assist campuses, and SUNY, in complying with the new required report.

SUNY community colleges and contract colleges do not need to respond to this request.

As of 2008, the Honest Leadership and Open Government Act of 2007 requires SUNY to file new semi-annual reports disclosing any institutional contributions made by SUNY to members of the Federal Legislative and Executive branches of government and certain organizations associated with them. These new LD-203 reports must be filed in addition to SUNY's quarterly reports of federal lobbying activities. Attached are questions and answers intended to provide guidance on what must be reported on the LD-203 form. Detailed guidance provided by the House Clerk and Senate Secretary can be found here: <http://lobbyingdisclosure.house.gov/>.

~~The examples provided in the guidance infer, and we have been advised, that events simply featuring a covered elected or federal agency official as a speaker must also be reported including graduations, conferences, and seminars. For example, our office must report any expenses affiliated with inviting Sen. Schumer to address the participants in SUNY Days in DC. While he was not honored at the event, the guidance implies that this activity must be reported.~~

SUNY files one report on behalf of the system, which reflects institutional contributions. Please note that some individuals affiliated with SUNY must also file personal LD-203 reports. Those individuals have already been contacted directly by Liz Clark.

In addition to informing you about these new requirements, we are asking you to share this message with Deans, Directors and Department Heads. Activity by University employees as private citizens does not need to be reported to SUNY. However, activities by University employees, on behalf of the University, must be reported in this new semi-annual report of contributions, as well as in the quarterly report of activities and expenses.

A response form for your report to SUNY is attached as a separate document. You are responsible for collecting any reportable information from your campus community and including it in the response form.

Please contact Liz Clark in the SUNY Washington Office with any questions:

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It is not our intention to burden you with paperwork and reporting requirements, however, we believe that this is the most efficient method for SUNY to comply with the Honest Leadership and Open Government Act of 2007 (HLOGA). Thank you for your assistance in filing accurate, timely and complete reports.



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