

Semiannual LDA Report Due July 30; Form LD-203 Finally Available

July 2008

In a long-awaited action, the Secretary of the U.S. Senate and the Clerk of the U.S. House of Representatives made Lobbying Disclosure Act (LDA) Form LD-203 available on their website on June 30, 2008. This form is the vehicle through which registered federal lobbyists and their employers (such as corporations, trade associations, and lobbying firms) must file the semiannual disclosure report and certifications mandated by the Honest Leadership and Open Government Act (HLOGA) of 2007. These reports are due by July 30. The form and accompanying manual and other information are available [here](#).

Getting Started—Passwords and IDs

To begin the process for filing Form LD-203, a corporation, trade association or lobbying firm representative must use the entity's pre-existing LDA registrant ID and password to enter the LDA reporting system and verify the entity's individual lobbyists. The system can be accessed [here](#). The reporting system will then email the individual lobbyists and provide them with the opportunity to set their own unique passwords. Such passwords are necessary to electronically file the individual reports due from each registered lobbyist.

Capturing the Necessary Information

In order to accurately file Form LD-203 by the July 30 deadline, lobbyist employers and individual lobbyists will need to obtain and verify the necessary data. This data is divided into two parts. First, filers must ascertain reportable political contributions and disbursements related to covered officials in Congress and in the Executive Branch of the federal government. The Secretary and Clerk on May 29 updated their Lobbying Disclosure Act Guidance to

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provide a number of examples of reportable disbursements. Their interpretation is extremely broad and includes, for example, the cost of events (or the cost of attendance at events) where covered officials are speakers, honored guests, co-hosts, or featured on the invitation as "attendees." The Guidance can be found here. Second, filers must have a basis on which to certify truthfully that (a) they have not provided, requested, or directed a gift in violation of the Congressional gift rules; and (b) they have read and are familiar with the Congressional gift rules.

Such information gathering is fairly straightforward for individual registered lobbyists, involving a review of personal check registries and credit card receipts. Nonetheless, the statute also mandates reporting by any federal PAC "established or controlled" by a registered lobbyist. This means, per the Secretary's and Clerk's May 29 Guidance, that a registered lobbyist's Form LD-203 might, depending on his or her involvement, need to include contributions made by his or her employer's separate segregated fund or PAC, a trade association or other non-connected PAC, and/or a leadership PAC.

For corporations, trade associations, and lobbying firms, collecting the necessary information is less straightforward. The lobbyist employers must ensure that they have processes in place to capture all related corporate disbursements, including charitable contributions and reimbursements to employees for covered expenditures. The reportable expenditures may be voluminous and often emanate from parts of the organization far removed from the D.C. office or government affairs groups. The statute is intrusive and burdensome, and accurate information may take some time to identify and gather. For example, donations by the company through a regional plant to a local chamber of commerce for a dinner honoring the local Member of Congress would be reportable. The corporation or trade association also will need to report the required contributions made by its connected federal PAC. For the gift rule certifications, internal certifications up the chain of command and special language on reimbursement forms may be necessary in addition to code of conduct and policy changes and training.

When It All Comes Together—July 30

Form LD-203 must be filed by July 30 by all registered federal lobbyists and all "registrants" or employers of registered lobbyists like corporations, trade associations, and lobbying firms. Amendments may be made at any time.

This first semiannual report covers all activity between January 1 and June 30, 2008. According to the Secretary and Clerk, if a lobbyist or registrant was registered for any part of the covered semiannual period, he or she must file a Form LD-203 for that semiannual period. Moreover, the semiannual reports and certifications are subject to random audits conducted by the Government Accountability Office (GAO).