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NEWSLETTER

Terminating Federal Lobbyists, a Two-Step Method

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In the old days—the years preceding the Honest Leadership and Open Government Act of 2007 (HLOGA), it was pretty straightforward when a registrant under the Lobbying Disclosure Act (LDA), such as a corporation or trade association, needed to terminate an in-house federal lobbyist. With the advent of mandatory electronic filing and of Form LD-203, the semiannual gift certification and report required by HLOGA, however, the complete process has become a bit more complicated—in the technical sense. Below are some technical tips to ensure 100% compliance.

Form LD-2—Pretty Much the Same as Always

To terminate an employee lobbyist, a registrant simply must list the name of the employee on Line 23, which is on the last page of the quarterly report. This process was not changed as a result of HLOGA.

Form LD-203—New System, New Technical Issues

Unfortunately, the system for quarterly LDA reports, and the system for the semiannual LDA contribution and gift reports, Form LD-203, do not necessarily share all information. As a result, and in order to ensure that both systems have complete information about terminated lobbyists, a registrant should take the following steps in the Form LD-203 system, which can be accessed at http://lobbyingdisclosure.house.gov/ by selecting LD-203 Contributions in the blue menu bar.

Terminating an Existing Lobbyist. To properly terminate an employee lobbyist once the LD-2 Quarterly Lobby Report form has been submitted, the registrant must identify a terminated lobbyist as "inactive" in the LD-203 Contributions database. The following steps are necessary in order to do this:

- Access the Lobby Disclosure web page for the Office of the Clerk of the House.
- You will now be required to sign in to the **Lobby Contributions System**. You will need your **Senate ID** and the **password** you established previously.
- Once you have logged into the system, you will be presented with another menu bar—select **Manage Lobbyists** and complete the following four steps to properly inactivate a lobbyist:
- Select the **name of the lobbyist to be terminated**. Once the lobbyist has been selected, the lobbyist profile page will appear;
- Select "Inactive" in the **Account Status** section;
- Click in the box next to **Effective Date**. A calendar will appear; select as the termination date the date on which the employee ceased to be a lobbyist (often the last day of the quarter or day the employee left employment); and
- Click the Save button.
- You will now be returned to the **Manage Lobbyist** page. If you need to inactivate additional lobbyists, follow the steps outlined above. Once you have completed updating your lobbyist account, click **Sign Out** at the upper right corner on the **Manage Lobbyist** page, and all modifications will be uploaded into the Lobby Contributions System.

It is important to note that a lobbyist identified as active during any part of a Contribution Report semiannual period (January-June, or July-December) is still responsible for filing the corresponding Form LD-203.

In the January 2009 issue of *Election Law News*, we will discuss the steps involved in ensuring that new lobbyists are properly added and activated.

**Mr. Shriver is the Manager of the Legislative Services division of the Wiley Rein LLP law library and is responsible for executing the LDA filings made by Wiley Rein.*