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H-154 THE CAPITOL

Office of the Clerk  
U.S. House of Representatives  
Washington, DC 20515-6601

May 26, 2020

The Honorable Zoe Lofgren  
Chairperson  
Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

The Honorable Rodney Davis  
Ranking Member  
Committee on House Administration  
1216 Longworth House Office Building  
Washington, DC 20515

Dear Chairperson Lofgren and Ranking Member Davis,

As required by Section 505 of House Resolution 756, agreed to by the House on March 10, 2020, I am attaching this initial report about the assignment of unique identifiers for reports filed by registered lobbyists.

If you or others on the committee have questions about this report, please do not hesitate to contact me.

Sincerely,



Clerk of the House

Enclosure

# Report: Assignment of Unique Identifiers for Reports Filed by Registered Lobbyists

As required by Section 505 of House Resolution 756, agreed to by the House on March 10, 2020, the Clerk of the House submits this initial report about the assignment of unique identifiers for reports filed by registered lobbyists.

## Background

Since the enactment of the Lobbying Disclosure Act of 1995, lobbying firms (Registrants) are required by law to disclose information about their lobbying activities on a quarterly basis. This includes identifying the following:

- their clients
- the work they've done on behalf of their clients
- the lobbyists that support each of their clients
- which legislation they have supported and opposed
- how much money was spent or earned as part of their lobbying activities.

In addition, both the Lobbying Firms and Lobbyists must disclose their lobbying contributions. That is, they must disclose all FECA, Honorary Expenses, Meeting Expenses, Presidential Library Expenses, and Presidential Inaugural Committee contributions they have made on a semi-annual basis. These disclosures are reviewed by the Clerk's Legislative Resource Center (LRC) and shared with the Senate on [Congress.gov](#) and the [Public Disclosure website](#).

The Lobbying Disclosures and Contributions Systems consist of several applications and services developed to aid in the submission, review, and public disclosure of reports that have been filed. The following applications and services were primarily built between 2006 and 2012 and are maintained by the Office of the Clerk today:

- **The Electronic Filing Web Applications:** This web application is used by Registrants and Lobbyists to file LD-1, LD-2, and LD-203 forms.
- **Form processing services:** These services verify and process filed forms by importing them into databases, sending a copy to the Senate, and making them available to the public if processed successfully.
- **LD/LC Administrative applications:** These applications are used by the LRC to review and approve filings, manage filer accounts, and assist filers when they have questions.
- **Public Search Application:** This application is used by the public to review filings submitted by Lobbying firms and Lobbyists.
- **LRC Public Workstations:** This is a separate application that assists users at the public terminals in LRC with reviewing LD and LC filings.
- **Lobbying Disclosure website:** An informative website that provides updates to guidance and links to the electronic filing apps for use by filers.

## **Timeline and Milestones of Lobby Disclosure System**

### **2003**

The electronic filing system initiative began at the request of the Committee on House Administration in 2003. After a lengthy feasibility study, a design based on Adobe electronic form with digital signature capability was selected and the development work outsourced to a contractor. The resulting system proved extremely flawed as the form was constantly breaking with every new version of Adobe Reader. In addition, the system did not scale with the required usage levels. While improvements were made both in the scalability and reliability, a new long-term solution was needed.

### **2005**

In early 2005 the Clerk's Legislative Computer Systems (LCS) division began exploring alternatives and identified a proprietary XML based technology known as PureEdge (XFDL), a technology determined to be extremely stable and secure. LCS began development to replace the e-filing system.

### **2006**

In 2006 the second iteration of the Lobbying Disclosure Electronic Filing System was deployed (with PureEdge/IBM Workplace forms) and it quickly proved to be a huge success. Extremely thorough requirements, a stable and well-planned design, great outreach to the filing community, and proper deployment planning led to its success. During its time in production, the system had processed over four hundred thousand forms with a near-zero failure rate. In addition, the number of complaints by filers were reduced drastically as well as the administrative overhead.

### **2008**

In 2008 LCS made modifications to the form to meet the requirements of the new Honest Leadership and Open Government Act (HLOGA) and moved to a more centralized server where a user files with Congress.gov, instead of once with the House and once with the Senate. HLOGA also called for an improved registration process and tracking of the estimated 15,000 individual lobbyists. The LD-203 form was created as a web-based (Microsoft.NET) forms application.

### **2010**

In the third quarter of 2010, we migrated the Apple MAC filers off of Adobe and into the web-based filing application for Lobbying Disclosure. There were about 250 Mac Registrants, and this solution was to allow them to file without using Adobe since the PureEdge solution didn't support Mac computers. This also served as a beta run for the form that would eventually replace the PureEdge (XFDL) forms.

### **2014**

In the second quarter of the year, The Clerk's office met with the Senate and decided to move forward with disabling the IBM form and pushed forward with a six-month transition period that allowed filers the opportunity to get familiar with the new forms before being required to start using it. We began informing filers that the fourth quarter 2014 filing would be the last to accept the IBM forms and all users would need to transition to the web-based form.

### **2015**

In February 2015, we disabled the IBM forms and moved everyone to the (Microsoft .NET) web-based forms currently in use today.

## **Registrant and Lobbyist Identification Process Explained**

Registrant (lobbying firm) registration and reporting:

- Registrant applies for an ID and password from the Senate. The Senate Office of Public Records verifies the identity, issues a unique ID and password, and adds them to the Central server database maintained by the House.
- Registrant logs in and registers via the Lobbying Disclosure Web Filing System.
- The first registration filing is reviewed and approved by the Clerk's Office.
- Lobbying firm submits disclosure activities on a quarterly basis via the Lobbying Disclosure Web Filing System.
- Contribution Reports by lobbying firms (submitted semi-annually)
- Lobbying firms use the Lobbying Disclosure ID and password received from the Senate to file their Contributions reports.

Lobbyist registration and reporting:

- Registrants (lobbying firms) log into the LD-203 Contributions Web Application.
- Registrants request creation of an account for a new lobbyist.
- LRC at the Clerk's Office performs the following reviews:
  - Checks that lobbyist name appears on an LD-1 Registration or LD-2 Reporting form.
  - Checks for duplicate entries in the system. Is the lobbyist already registered?
  - Upon successful review lobbyist ID is approved and ready for use by the Lobbyist.
- Contribution Reports by lobbyists (submitted semi-annually)
  - Lobbyists need to log in with an ID and password generated by the LD-203 Contributions system.

## **Challenges to Maintaining Unique IDs in the Current System**

Each Lobbyist has a system-generated account ID. However, the current system relies on a less-than-fool-proof method of post processing of lobbyist information to determine whether a lobbyist being registered as new already exists in the system. Some of the challenges include

- There are roughly 20,000 registered lobbyists.
- Lobbyists change lobbying firms. Because current system relies on the lobbying firms to register lobbyists, duplicate lobbyist registrations are common.
- Many lobbyists work for multiple lobbying firms at the same time.
- Lobbyists change their names.
- Many lobbyists have common names.

We have implemented various processes and procedures to reduce the duplicative creation of a lobbyist account. However, the inherent nature of the current process means that a number of lobbyists in the database will have multiple IDs over time.

## **Potential Solution Path to Unique IDs**

So far, we have identified two potential solutions with different costs and benefits: 1) clean up the current database to reduce duplicative lobbyist entries and incrementally improve the validation process within the current system, and/or 2) overhaul the lobby disclosure system and the lobbyist validation process by integrating Personally Identifiable Information as part of the registration procedure.

### **Solution 1: Incrementally improve current database and validation/disclosure process**

Perform a feasibility study of improving the existing system to accommodate displaying IDs on LD-1, LD-2, and LD-203 forms viewed/downloaded by the public that includes the following steps:

- Review and determine the level of accuracy of Unique IDs in the current system.
- Review and determine the level of effort to include the Lobbyist IDs on the LD-203 reports in existing system.
- Review and determine the level of effort to include the Lobbyist IDs on the LD reports in existing system.
- Identify costs, resources, and time needed.

This first solution is to fine tune the current process, implement automation tools where possible, and reduce the number of duplicative lobbyist accounts in the system.

### **Solution 2: Overhaul the lobby disclosure system with PII data**

A second solution would be to completely overhaul the validation process by instituting PII data as part of the registration procedure (e.g., a lobbyist's identity would be validated against a PII data source such as their state issued driver's license or any other approved personal identification.) Such validation would go a long way to uniquely identifying each lobbyist and prevent duplicative records from being created.

## **Validation**

Any proposed solution would require 1) agreement between the Senate and House, 2) access to a PII (personal identification information) database, 3) significant changes to the current lobby disclosure system, 4) overall process workflow, and 5) extensive discussions on the pros and cons of greater use of PII and methods to ensure its protection.

- Research PII validation source data and integration options.
- Research modern methods for identifying unique IDs.
- Develop project plan, including state of the art protections for PII.

## **Discussions with the Senate**

We had our most-recent discussion with the Senate on May 13 to discuss the potential impact of Section 505. We reviewed the current Lobby Disclosure System, the underlying procedures for both the House and the Senate, and the potential impact on the jointly maintained Lobby Disclosure System. We reviewed and discussed the current House and Senate procedures for lobbyist verification and challenges associated with maintaining a database where each lobbyist has only one account. Follow-on meetings will be scheduled to discuss various short-term and long-term solutions.

We also would appreciate the Committee's input on these and other potential solutions.