

It's May 2010. Do You Know If Your Federal Lobbying Disclosure Filings Are Up to Date?

Making quarterly filings under the Lobbying Disclosure Act (LDA) is the legal obligation of every company or organization that employs an in-house lobbyist. Occasionally, a company gets it wrong and violates the LDA, demonstrating for everyone else of the importance of ensuring that their LDA filings are up to date.

Most recently, a May 10, 2010 story in the Capitol Hill publication *Politico* reported that the national maritime labor union, the American Maritime Officers, has filed inaccurate lobbying reports for the last nine years. Specifically:

“... [T]he union reported lobbying the same 16 outdated —and, in many cases, dead — pieces of legislation that it initially reported lobbying in 1999 and 2000. On a form it filed Jan. 20, covering the fourth quarter of 2009, the union updated its contact names, expense amounts, lobbyist names and filing methods but still stated the union was lobbying the 111th Congress on the same legislation from a decade ago.”^[1]

Mistakes like this can be costly. Those who knowingly violate the LDA can be punished with a civil fine of up to \$200,000 and, if the violation is found to be “corrupt,” violators can face up to five years in prison. In addition, the current political atmosphere in Washington has engendered greater scrutiny of LDA filings by the media and nonprofits devoted to government transparency, such as the Center for Public Integrity, which produces its own investigative journalism.^[2] When completing the forms, every company or other organization with a registered lobbyist should assume that any inaccuracy, omission, or misleading statement will be discovered and emphasized in the media.

If you employ in-house federal lobbyists, take a moment to review the most recent LDA quarterly report to confirm that the following items are accurate and updated:

- The name and contact information for the company’s LDA contact;
- Estimated quarterly lobbying expenses, including outside lobbyists and lobbying contributions to industry organizations;
- The names of the company’s lobbyist(s) and any prior covered official positions in the Congress or the Executive Branch;
- The issue(s) on which the company is lobbying; and
- The agencies and branches of government contacted by the lobbyist(s).

Orrick’s lawyers in the Public Strategies and Crisis Practice help clients manage issues at the intersection of law and investigations, public policy and media, including compliance with the Lobbying Disclosure Act and Foreign Agents Registration Act. For more information, please contact [Joshua Galper](#), [Adam Goldberg](#), or [John Pitts](#).

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[1] Josh Israel & Aaron Mehta, *Union Violates Lobbying Disclosure Act*, *Politico*, May 10, 2010, available at <http://www.politico.com/news/stories/0510/36981.html>

[2] About the Center for Public Integrity, available at <http://www.publicintegrity.org/about/>