

# First Quarterly LDA Report Due April 21: Preparation Is Imperative

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March 2008

In the past, many corporations and trade associations approached Lobbying Disclosure Act (LDA) reporting deadlines in a helter-skelter fashion, often seeking information and data from lobbyists at the last minute. While this may have been sufficient in the past, the possibility of criminal penalties, increased enforcement, and audits as a result of the Honest Leadership and Open Government Act (HLOGA) is causing more organizations to take a systematic approach to compliance. Such an approach ensures greater accuracy and allows organizations to analyze the impact of the LDA on their operations.

The deadline for the first report is approaching, but there still is sufficient time to develop a comprehensive program for lobbying and gift rule compliance. The quarterly period covered by the first LDA report does not end until March 31, 2008, and the report is not due until 21 days later—on April 21, 2008. In brief, those filing this report (or "registrants" in LDA parlance) must report the following information:

- The names of in-house lobbyists making lobbying contacts during the quarter;
- The identity of the bills and issues lobbied; and
- Total lobbying expenditures.

In addition, unless the U.S. District Court for the District of Columbia enjoins its application (see related article on page 2), registrants also will need to report the identity of affiliated organizations. This will be an extremely sensitive issue for many trade associations, coalitions, and other multifaceted lobbying vehicles.

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Finally, any newly registered in-house lobbyist will need to disclose any covered legislative and executive branch positions he or she has held in the past 20 years.

A systematic approach and analysis of lobbying operations can affect every aspect of the information reported in the quarterly report.

A systematic approach to the first quarterly lobbying report also helps an organization prepare for subsequent quarterly reports and the new semiannual reports that are first due on July 30, 2008. For the semiannual reports, corporations, trade associations, and lobbying firms will need to have information on the types of politically-related and politician-related expenditures the entity has made (not just here in Washington) as well as the adequacy of gift compliance by the organization.

Every individual federal lobbyist and every organization that employs a federal lobbyist will on July 30 be required to certify that they have not provided a gift or travel to a Member of Congress or Congressional staffer that is prohibited by the Congressional gift rules. For organizations to accurately respond, they will need to seek similar responses or certifications from those employees and officers who interact with Members and staffers. For the employees and officers to certify correctly, they will need to know and understand the gift rules (the subject of an additional certification) and be guided by corporate policies and internal controls. Ultimately, training and direction beget understanding that evolves into compliance from top to bottom.

As can be seen, last-minute patches and after-the-fact clean up will not necessarily accomplish much in the new LDA regime except for increased risk of false certifications, penalties, and a public relations nightmare. Planning and the investment of time and resources now, however, can pay off with relaxation and piece of mind on reporting days and beyond.