

Preface to Fifth Edition

The legal environment for lobbyists changed rapidly and significantly in the two years preceding the 2009 publication of the Fourth Edition of *The Lobbying Manual*. The intervening years have been a period of adjustment and, eventually, stabilization. Lobbyists and the organizations that employ them have adjusted to the provisions of the Honest Leadership and Open Government Act (HLOGA) that increased the scope and frequency of Lobbying Disclosure Act reporting and added liability for compliance with congressional gift rules. Political appointees entering government have accepted the limitations the president placed on their service in his 2009 Executive Order on Ethics Commitments. Government employees leaving to take private employment with lobbying firms have digested the additional limitations they face in their new positions.

As we noted in the preface to the Fourth Edition, many of the 2008 reforms resulted from a recognition that three distinct areas of law—lobbying disclosure, congressional gift rules, and federal campaign finance law—often intersect when private entities interact with the government. No industry must handle this intersection more often, and with more care, than government relations professionals. And in the intervening time since the last edition of *The Lobbying Manual*, lobbying disclosure and gift laws have seen little change at the federal level, although the Department of Justice is now tracking closely, and reporting publicly, its LDA enforcement efforts. Campaign finance law in particular has been in a nearly constant state of flux. The Supreme Court began loosening restrictions on corporate political activity in its 2010 *Citizens United* decision, and that deregulatory trend has continued through another Supreme Court decision that invalidated certain contribution limits and, most recently, federal legislation that has increased significantly the monetary limits on contributions to national party committees.

One of our principal objectives when embarking on the production of this Fifth Edition was to add a more comprehensive discussion of that third leg of the stool: campaign finance law. This is an acknowledgment of the political reality, which is that almost every private organization that interacts with government, whether corporate or not, whether for-profit or nonprofit, will eventually bump up against the laws around private support of candidates. Knowing the laws that may constrain that activity is crucial to maintaining corporate goodwill and a reputation for winning on the merits.

Consistent with this goal, this Fifth Edition features several chapters with a focus on campaign finance. Chapter 23 provides the reader the basics of corporate involvement in federal electoral activity. Chapter 24 dives deeper into the sorts of advertising that are now permitted after the Supreme Court's 2010 *Citizens United* opinion. And Chapter 25 focuses on one of the fastest-growing areas of campaign finance regulation: pay-to-play laws.

For those private entities that may be looking to hire individuals with government experience (and for those individuals themselves), we have also added two chapters that address the revolving-door restrictions that President Obama implemented in his Executive Order on Ethics Commitments. These restrictions

were implemented too late for fulsome inclusion in the Fourth Edition, but as the administration comes to a close, many may find them useful.

Substantively, of course, *The Lobbying Manual* continues to focus on the basics of lobbying law. We have updated our chapter on the basics of the federal Lobbying Disclosure Act. We have added a chapter that addresses the semiannual LD-203 requirement of the federal LDA and another on the GAO's audit process. We included a new chapter that addresses the peculiar ethical restrictions that are unique to lawyers who lobby, and we added a new chapter to address the law of political intelligence. We conclude with a chapter—for those who might be looking for practical advice—on the fundamentals of building a government relations compliance program.

Some chapters of the Fourth Edition have been omitted from the Fifth, not because they are no longer relevant or useful but because, in the interest of constraining the size of the new edition, we decided to focus on the core legal issues of primary concern to lobbyists at the federal level in Washington. Those chapters that have been omitted from this volume will continue to be available to the public online, along with an online resource and updating service, at xxx.xxxxxx/xxxx.

As with previous editions, the Fifth Edition would not have been possible without substantial time commitments by all of the authors of the chapters included in this volume. As the editors, we extend our sincere appreciation for their efforts to make this book the comprehensive, readable, and practical treatment of the law that was our goal at the outset. Rebecca Gordon thanks in particular her colleagues at Perkins Coie, including the lawyers and others in the Political Law Group, and Julie Pambianco and Michael Kupka for their assistance.

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