

July 25, 2018

Dear Representative (Senator):

Our organizations strongly urge you to support and cosponsor the “Curtailling Lobbyists and Empowering Americans for a New (CLEAN) Politics Act (CLEAN Politics Act)” introduced today by Rep. John Sarbanes (D-MD) and Senator Michael Bennet (D-CO).

The legislation would close major loopholes in the Lobbying Disclosure Act (LDA) and would ban lobbyists from providing or arranging campaign contributions for members of Congress and congressional candidates beyond a lobbyist’s individual contribution limit.

Under the LDA, the threshold to require individuals to register to lobby is too high. It requires a compensated individual to make two or more lobbying contacts and spend at least 20% of their time lobbying for a client in order to have to register and report as lobbyist. This allows an untold number of individuals to serve as active paid lobbyists for their employers or clients without having to register and report as lobbyists.

Under the legislation introduced today the 20% requirement is dropped and a compensated individual must register as a lobbyist if they make one or more lobbying contacts for an employer or client with a Member or congressional staffer.

Another key problem with the LDA is that it does not require former Members and others who provide strategic advice on influencing Members, but do not directly contact Members, to register. The legislation would close this loophole by requiring individuals who provide strategic advice in support of a lobbying contact made by someone else to register under the LDA, regardless of whether they have made any direct lobbying contacts.

Lobbyists are in the business of influencing Congressional action or inaction. Campaign contributions by the lobbyists serve as an arm of their lobbying activities. Their contributions to a Member combined with the contributions they “bundle” or arrange for the Member provide lobbyists with access and undue influence with the Member.

The CLEAN Politics Act recognizes the damage that political money provided by lobbyists does to the ability of Congress to represent all citizens. The Act restricts the total amount of money a lobbyist can give and bundle or arrange for a Member or congressional candidate to the \$2,700 individual contribution limit on the amount a lobbyist can contribute to a Member or candidate. This restriction bans lobbyists from providing or arranging large amounts of money for a candidate and from gaining access and undue influence as a result.

The CLEAN Politics Act also bans members of Congress and congressional candidates from soliciting campaign contributions from lobbyists while Congress is in session. This provision is designed to limit solicitations by Members from lobbyists and to ensure that Members are not

soliciting contributions from lobbyists in proximity to making decisions that affect the interests being pursued by the lobbyists.

Finally, the legislation closes a loophole in the Foreign Agent Registration Act (FARA) by eliminating a provision in current law that allows foreign agents to avoid registering as foreign agents under FARA if they register under the LDA.

The Constitution provides citizens with the right to petition their government, which includes the right to petition through lobbyists. However, this does not include the right of lobbyists to operate in secret or to use the financial power of campaign contributions to buy access and undue influence with public officials.

As the bipartisan Task Force on Federal Lobbying Laws of the American Bar Association (ABA) found in its report, “Lobbying Law in the Spotlight”:

The interplay of lobbying and the political money machine inevitably creates the potential for special interest influence and governmental decisions based on inappropriate criteria. In order to dampen the risks of corruption and the appearance of corruption inherent in this situation, the Task Force favors measures that would largely separate these two spheres of political activity.

Citizens overwhelmingly object to the role that lobbyists play today in Washington. It is a cause for grave concern that elected officials may be succumbing to improper financial influences in determining with whom they meet and surrendering their best independent judgment on public decisions that impact the American people.

Former Congressman Mick Mulvaney laid these transactional relationships bare when he said “we had a hierarchy in my office in Congress. If you were a lobbyist who never gave us money, I didn’t talk to you. If you were a lobbyist who gave us money, I might talk to you.”

As the ABA Task Force report stated:

[A] self-reinforcing cycle of mutual financial dependency has become a deeply troubling source of corruption in our government. . . . public awareness of this interplay has contributed to an appearance of corruption and, thus, to widespread mistrust of the legislature.

We strongly urge you to respond to the deep concerns of the American people about the undue influence of lobbyists in Washington by supporting and cosponsoring the CLEAN Politics Act.

Signers of the letter include:

Democracy 21  
 Center for American Progress  
 American Oversight  
 Campaign for Accountability  
 Common Cause  
 CREW  
 End Citizens United

Every Voice

National LGBTQ Task Force Action Fund

Norman Eisen, former chief White House ethics lawyer, 2009-2011

Public Citizen

Sunlight Foundation

Voices for Progress