



THE CURTAILING LOBBYISTS AND EMPOWERING AMERICANS FOR A NEW (CLEAN) POLITICS ACT OF 2018

POLICY SUMMARY

Overview: Updates and amends the Lobbying Disclosure Act of 1995 to ban lobbyists from soliciting, “bundling” or arranging large amounts of campaign contributions to candidates for Congress and to close longstanding lobbyist registration gaps and loopholes.

1) Reforms Lobbying Registration Process

Current Law: Under current law, a lobbyist is defined as an individual who makes two or more lobbying contacts for a client over a two-year period and who spends more than 20 percent of his or her time within a quarter serving the particular client.

Proposed Change: The bill would require lobbyists to register if they make one or more lobbying contacts for a client over a two-year period regardless of whether the lobbyist spends more than 20 percent of his or her time serving the particular client.

Background: In a 2011 report, a bipartisan task force of the American Bar Association concluded that the 20 percent time requirement rendered the current law “significantly under-inclusive.” It highlighted an example of how a partner in a firm could make several lobbying contacts but spend less than 20 percent of his or her time serving a particular client.



DEMOCRACY REFORM TASK FORCE

REP. JOHN SARBANES, CHAIR

2) Requires Individuals Who Provide Strategic Advice in Support of Lobbying Activity to Register

Current Law: Under current law, trade associations and companies routinely hire outside consultants to provide strategic advice as part of their lobbying activities. Yet, because these outside consultants aren't directly contacting government officials, they are not captured by the current lobbying registration requirements.

Proposed Change: This bill would require individuals who provide paid strategic advice in support of a lobbying contact with a government official to register as lobbyists even if they don't directly make the contact.

Background: Recently, several companies hired President Trump's former lawyer, Michael Cohen, to obtain advice in lobbying the Trump Administration. Even though Mr. Cohen was hired to provide services similar to that of a lobbyist – namely, offering strategic political and policy advice to further the companies' lobbying activities – he avoided registering as a lobbyist under current law.

3) Prohibits Lobbyists from Soliciting or Providing Large Amounts of Campaign Contributions to Congressional Candidates

Current Law: Under current law, a lobbyist is permitted to solicit, "bundle" or arrange large amounts of multiple campaign contributions for a candidate for federal office. Lobbyists often leverage their ability and capacity to provide large amounts of campaign contributions to maximize their access and influence in the legislative process.



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Proposed Change: This bill would prohibit lobbyists from soliciting, “bundling” or providing campaign contributions above a total equal to an individual’s campaign contribution limit (\$2,700 per election). This would end lobbyists’ ability to circumvent their campaign contribution limit to gain improper access and influence Congress to advance the positions of their clients.

Background: With the rise of campaign spending, candidates for federal office have increasingly come to rely on lobbyists to bundle or arrange significant sums of campaign cash. Too often, many in the modern-day lobbying industry have abused this fundraising tactic to maximize their influence and advance the interests of their clients. While all Americans have the right to petition their government, as granted by the First Amendment, that right has been perverted by the deployment of bundled or arranged campaign contributions, which advantage professional lobbyists capable of gathering large sums quickly.

4) Prohibits Solicitations of Campaign Contributions from Lobbyists When Congress is in Session

Current Law: Under current law, there are no limitations on when a Senator or a member of Congress can solicit campaign contributions.

Proposed Change: The bill would prohibit members of Congress, Senators, and candidates for Congress or the Senate from soliciting campaign contributions from lobbyists when their respective bodies are in session. Congress is not considered to be in session if it has adjourned or recessed for at least 10 days.

Background: When Congress is in session, Senators and members of Congress should be focused on the business of the Congress – not fundraising from lobbyists who have business before the Congress.



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5) Closes Lobbying Disclosure Act Loophole that Allows Foreign Agents to Avoid Greater Scrutiny

Current Law: Under current law, foreign agents can avoid registration under and compliance with the Foreign Agent Registration Act (FARA) by registering under the Lobbying Disclosure Act of 1995, provided the agent has engaged in at least some lobbying activities.

Proposed Law: Close this loophole, precluding foreign agents from avoiding compliance with FARA.