

## Chapter 1 : Lobbying in the United States - Wikipedia

*The Lobbying Disclosure Act, regulation, or other action of and tax-exempt organizations such as trade associations that calculate their lobbying expenses for.*

Overview[ edit ] Political scientist Thomas R. Dye once said that politics is about battling over scarce governmental resources: And the battling for influence has happened in every organized society since the beginning of civilization, whether it was Ancient Athens , Florence during the time of the Medici , Late Imperial China , or the present-day United States. If voting is a general way for a public to control a government, lobbying is a more specific, targeted effort, focused on a narrower set of issues. Painting by Liborio Proserpi. The term lobby has etymological roots in the physical structure of the British Parliament, in which there was an intermediary covered room outside the main hall. People pushing an agenda would try to meet with members of Parliament in this room, and they came to be known, by metonymy , as lobbyists, although one account in suggested that the application of the word "lobby" is American and that the term is not used as much in Britain. In this sense, anybody who tries to influence any political position can be thought of as "lobbying", and sometimes the term is used in this loose sense. A person who writes a letter to a congressperson, or even questions a candidate at a political meeting, could be construed as being a lobbyist. Lobbyists are intermediaries between client organizations and lawmakers: Others work for advocacy groups , trade associations , companies, and state and local governments. Lobbyists can be one type of government official, such as a governor of a state, who presses officials in Washington for specific legislation. An estimate from reported that more than 15, federal lobbyists were based in Washington, DC ; [13] another estimate from suggested that the count of registered lobbyists who have actually lobbied was closer to 12, For example, in , Taiwanese officials hired American senator-turned-lobbyist Bob Dole to set up a controversial phone call between president-elect Donald Trump and Taiwanese President Tsai Ing-Wen. Generally, lobbyists focus on trying to persuade decision-makers: Congress, executive branch agencies such as the Treasury Department and the Securities and Exchange Commission , [25] the Supreme Court, [26] and state governments including governors. Federal agencies have been targeted by lobbyists since they write industry-specific rules; accordingly, interest groups spend "massive sums of money" trying to persuade them to make so-called "carve-outs" or try to block specific provisions from being enacted. Federal agencies such as the State Department make rules such as giving aid money to countries such as Egypt , and in one example, an Egyptian-American businessman named Kais Menoufy organized a lobby to try to halt U. For example, in the Roe v. Wade decision, it ruled on the legality of abortion. A variety of forces use lobbying tactics to pressure the court to overturn this decision. An example is a former school superintendent who has been lobbying state legislatures in California, Michigan and Nevada to overhaul teacher evaluations, and trying to end the "Last In, First Out" teacher hiring processes; according to one report, Michelle Rhee is becoming a "political force. There is lobbying activity at the county [34] and municipal levels, especially in larger cities and populous counties. For example, officials within the city government of Chicago called aldermen became lobbyists after serving in municipal government, following a one-year period required by city ethics rules to abstain from lobbying. Pro bono publico clients offer activities to meet and socialize with local legislators at events like fundraisers and awards ceremonies. Single issue versus multiple issue lobbying[ edit ] Lobbies which push for a single issue have grown in importance during the past twenty years, according to one source. If a corporation wishes to change public policy, or to influence legislation which impacts its success as a business, it may use lobbying as a "primary avenue" for this purpose. Outside lobbying, or sometimes indirect lobbying, includes attempts by interest group leaders to mobilize citizens outside the policymaking community, perhaps by public relations methods or advertising , to prompt them to pressure public officials within the policymaking community. History of lobbying in the United States The Federalist Papers , in which Framers Madison, Hamilton and Jay strove to sway public opinion, could be considered according to current usage as an outside lobbying effort. The Constitution was crafted in part to solve the problem of special interests, today usually represented by lobbies, by having these factions compete. James Madison identified a faction as "a number of

citizens, whether amounting to a minority or majority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community", [1] and Madison argued in Federalist No. There has been lobbying at every level of government, particularly in state governments [42] during the nineteenth century, but increasingly directed towards the federal government in the twentieth century. The last few decades have been marked by an exponential increase in lobbying activity and expenditures. These firms usually have some lawyers in them, and are often founded by former congressional staffers, legislators, or other politicians. Corporations[ edit ] Corporations which lobby actively tend to be few in number, large, and often sell to the government. Most corporations do not hire lobbyists. For example, aircraft manufacturer Boeing , which has sizeable defense contracts, pours "millions into lobbying": Of that sum, 53 percent went to Democrats. Like lawmakers, many lobbyists are lawyers, and the persons they are trying to influence have the duty of writing laws. Well-connected lobbyists work in Washington for years, know the issues, are highly skilled advocates, [60] and have cultivated close connections with members of Congress, regulators, specialists, and others. They understand strategy and have excellent communication skills; many are well suited to be able to choose which clients they would like to represent. When a client hires them to push a specific issue or agenda, they usually form coalitions to exert political pressure. As one lobbyist put it: Access is vital in lobbying. Here we had a hostile senator, whose staff was hostile, and we had to get in. Many lobbyists become campaign treasurers and fundraisers for congresspersons. This helps incumbent members cope with the substantial amounts of time required to raise money for reelection bids; one estimate was that congresspersons had to spend a third of their working hours on fundraising activity. At the same time, it is hard for outside observers to argue that a particular decision, such as hiring a former staffer into a lobbying position, was purely as a reward for some past political decision, since staffers often have valuable connections and policy experience needed by lobbying firms. Still, persuasion is a subtle business, requiring a deft touch, and carelessness can boomerang. A maxim in the industry is for lobbyists to be truthful with people they are trying to persuade; one lobbyist described it this way: As an indirect tactic, lobbyists can try to manipulate public opinion which, in turn, can sometimes exert pressure on congresspersons. Lobbying today generally requires mounting a coordinated campaign, using targeted blitzes of telephone calls, letters, emails to congressional lawmakers, marches down the Washington Mall , bus caravans, and such, and these are often put together by lobbyists who coordinate a variety of interest group leaders to unite behind a hopefully simple easy-to-grasp and persuasive message. These can be difficult and complex, take time to learn, require full disclosure, [60] and mistakes can land a lobbyist in serious legal trouble. Gifts for congresspersons and staffers can be problematic, since anything of sizeable value must be disclosed and generally such gifts are illegal. Lobbyist Gerald Cassidy encouraged other clients to give for causes dear to a particular client engaged in a current lobbying effort. This is essentially what happened in the Jack Abramoff Indian lobbying scandal. There was a concerned clientâ€”in this case, an Indian casino â€”worried about possible ill-effects of legislation on its gambling business; and there were lobbyists such as Jack Abramoff who knew how to exploit these fears. The lobbyists actively lobbied against their own casino-client as a way to ratchet up their fears of adverse legislation as well as stoke possible future contributions; the lobbyists committed other violations such as grossly overbilling their clients as well as violating rules about giving gifts to congresspersons. Numerous persons went to jail after the scandal. The following are factors which can make fraud a fairly easy-to-do activity: Evans, who was convicted of mail and wire fraud in in a case involving falsely creating a "fictitious legislative threat" against a client, and then billing the client to work against this supposed threat. On the state level, one study suggested that much of the lobbying activity targeted the offices of governors as well as state-level executive bureaucrats; state lobbying was an "intensely personal game" with face-to-face contact being required for important decisions. One study suggested this was particularly true for battles surrounding possible decisions by the Supreme Court which is considered as a "battleground for public policy" in which differing groups try to "etch their policy preferences into law". I had my clients understand that just as other clients who had nothing to do with them, would step up and give contributions to congressmen they needed to have some sway with, so similarly they needed to do the same. I went to every client I could, and rounded up every check we

could for him. January Learn how and when to remove this template message Since government has grown increasingly complex, having to deal with new technologies, the task of writing rules has become more complex. For example, after months of protesting by the Occupy Wall Street , one lobbying firm prepared a memo to its clients warning that Republicans may "turn on big banks, at least in public" which may have the effect of "altering the political ground for years to come. Leading Democratic party strategists have begun to openly discuss the benefits of embracing the growing and increasingly organized Occupy Wall Street OWS movement This would mean more than just short-term discomfort for Wall Street firms. If vilifying the leading companies of this sector is allowed to become an unchallenged centerpiece of a coordinated Democratic campaign, it has the potential to have very long-lasting political, policy and financial impacts on the companies in the center of the bullseye.

## Chapter 2 : Spotlight on Trade Associations | Federal Trade Commission

*Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.*

Guide to Antitrust Laws Spotlight on Trade Associations Most trade association activities are procompetitive or competitively neutral. For example, a trade association may help establish industry standards that protect the public or allow components from different manufacturers to operate together. The association also may represent its members before legislatures or government agencies, providing valuable information to inform government decisions. When these activities are done with adequate safeguards, they need not pose an antitrust risk. But forming a trade association does not shield joint activities from antitrust scrutiny: Dealings among competitors that violate the law would still violate the law even if they were done through a trade association. For instance, it is illegal to use a trade association to control or suggest prices of members. It is illegal to use information-sharing programs, or standardized contracts, operating hours, accounting, safety codes, or transportation methods, as a disguised means of fixing prices. One area for concern is exchanging price or other sensitive business data among competitors, whether within a trade or professional association or other industry group. Any data exchange or statistical reporting that includes current prices, or information that identifies data from individual competitors, can raise antitrust concerns if it encourages more uniform prices than otherwise would exist. In general, information reporting cost or data other than price, and historical data rather than current or future data, is less likely to raise antitrust concerns. Dissemination of aggregated data managed by an independent third party also raises fewer concerns. The FTC and DOJ have developed guidelines, known as the Statements of Antitrust Enforcement Policy in Health Care , for health care providers sharing price and cost data, and the principles in these guidelines are broadly applicable to other industries as well. The DOJ has also issued numerous business review letters relating to proposed information exchanges by various trade associations. It is my job to collect information on competitors from public sources, such as trade journals, securities filings, and press releases. I circulate my report throughout the company. Is this a problem? Your company may collect price or other competitive information from public sources. I am a regional sales manager and I regularly get calls from an industry consultant. In addition, employees should be careful when sharing information they could not otherwise share with competitors through intermediaries such as a financial analyst or even a supplier. The bylaws of our trade association require my company to provide sales data. What should I do? Many trade associations maintain industry statistics and share the aggregated data with members. Collection of historical data by an independent third party, such as a trade association, that is then shared or reported on an aggregated basis is unlikely to raise competitive issues. Other factors can also reduce the antitrust risk. For instance, the Statements of Antitrust Enforcement Policy in Health Care set out a "safety zone" for data exchanges:

## Chapter 3 : Lobbying - Wikipedia

*Lobbying runs deep in Washington. Every day, thousands of law firms, associations and advocacy groups seek to exert influence over policymaking away from the glare of presidential and.*

Etymology[ edit ] In a report carried by the BBC , an OED lexicographer has shown that "lobbying" finds its roots in the gathering of Members of Parliament and peers in the hallways "lobbies" of the UK Houses of Parliament before and after parliamentary debates where members of the public can meet their representatives. Lobby groups may concentrate their efforts on the legislatures, where laws are created, but may also use the judicial branch to advance their causes. The National Association for the Advancement of Colored People , for example, filed suits in state and federal courts in the s to challenge segregation laws. Their efforts resulted in the Supreme Court declaring such laws unconstitutional. They may use a legal device known as amicus curiae , literally "friend of the court," briefs to try to influence court cases. Briefs are written documents filed with a court, typically by parties to a lawsuit. Amici curiae briefs are briefs filed by people or groups who are not parties to a suit. These briefs are entered into the court records, and give additional background on the matter being decided upon. Advocacy groups use these briefs both to share their expertise and to promote their positions. The lobbying industry is affected by the revolving door concept, a movement of personnel between roles as legislators and regulators and the industries affected by the legislation and regulation, as the main asset for a lobbyist is contacts with and influence on government officials. This industrial climate is attractive for ex-government officials. It can also mean substantial monetary rewards for the lobbying firms and government projects and contracts in the hundreds of millions for those they represent. What was once the preserve of big multinational companies and at a more local level, property developers, for example Urban Taskforce Australia , has morphed into an industry that would employ more than 10, people and represent every facet of human endeavour. In , Marc Galle, Chairman of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, was appointed to submit proposals for a Code of conduct and a register of lobbyists. Today lobbying in the European Union is an integral and important part of decision-making in the EU. From year to year lobbying regulation in the EU is constantly improving and the number of lobbyists are increases [21]. Some 2, special interest groups had a permanent office in Brussels. Their distribution was roughly as follows: These potential conflicts of interest could be avoided if a stronger ethics framework would be established at the EU level, including an independent ethics body and longer cooling-off periods for MEPs. There is no regulated access to the French institutions and no register specific to France, but there is one for the European Union [27] where French lobbyists can register themselves. Also, there is no rule at all for consultation of interest groups by the Parliament and the Government. Nevertheless, a recent parliamentary initiative motion for a resolution has been launched by several MPs so as to establish a register for representatives of interest groups and lobbyists who intend to lobby the MPs.

**Chapter 4 : Lobbyist Regulation and Regulations | Rules and Restrictions**

*Associations and Lobbying Regulation: A Guide for Non-Profit Organizations (Associations and government) [Chamber of Commerce of the United States of America.*

However, the regulation remains inadequately detailed and incomprehensive. The current system does not provide sufficient transparency of all lobbying contacts and makes insufficient use of information technology and its potential to facilitate better supervision and control over lobbying, despite the development of a new way to publish data online. In addition, the bureaucracy of reporting on lobbying contacts by lobbied persons is vast, and difficult to follow given that lobbying activities are not pro-actively disclosed in a machine-readable format. While a Register of Lobbyists and a reporting system exists, a lack of transparency in all stages of decision-making processes remains in the preparation of legislation. Lobbying cannot be effectively regulated without tackling issues of political financing. Due to the strong connections between political parties and the private sector, there is insufficient transparency and supervision of political parties and election campaign financing. Furthermore, unbalanced and ad-hoc expert and advisory groups hinder the participation of the public in decision-making processes; and there is also inadequate information on the members of these groups. This enables excessive influence of political elites and interest groups on the shape of public policies and agenda. As a result, most lobbying in Slovenia continues to take place in the shadows, and the majority of lobbying contacts remain unreported. Beside the national level, there are also significant risks at the local level, since at this level civil servants and public officials do not report on lobbying contacts. Indirect lobbying is also problematic with the abuse of media to influence the decision-makers and public opinion, resulting in a negative impact on decision-making, as well as financial consequences for the public purse. Given the opacity of transparency, there is an even greater importance for robust integrity measures, guiding the behaviour of both lobbyists and lobbied in their interactions, and reinforced by strong training, oversight and sanctions. While self-regulation of lobbying groups could fill some of the gaps in the inadequate government system of regulation by promoting responsible lobbying, it is currently insufficiently developed. Ex-officials frequently conduct various lobbying activities during the moratorium either directly, or through advising those who will seek to exert influence. There is no active debate on ethical and transparent lobbying as the lobbying profession is not well developed and other interest groups do not identify themselves as lobbyists either because they do not want to or because they use legal loopholes to cover their lobbying intentions. Despite a certain number of positive developments, the overall situation in regulating the relationship between the government and third parties is inadequate. The risk of undue influence is high, as is that of policy and institutional capture for private ends. There is a need for further education, empowerment and training of civil servants, public officials, journalists, professional and non-professional lobbyists, as well as the general public, in order to achieve transparent and ethical lobbying in Slovenia. This needs to be underpinned by regulatory reforms, as well as a greater measure of political leadership and will. Recommendations In order to improve regulation of lobbying in Slovenia, Transparency International Slovenia recommends: Changes to legal regulations are necessary in order to achieve satisfactory transparency and oversight of lobbying in practice. The government and the Commission for the Prevention of Corruption CPC must prepare a thorough assessment of the effects, advantages and weaknesses of the present lobbying regulations. The government and the CPC should include lobbying measures in the national anti-corruption strategy and action plan, with detailed measures to be taken by respective ministries and public institutions against illegal lobbying, and to ensure adequate control and follow up mechanisms. The government must ensure a comprehensive lobbying regulation through a dedicated stand-alone law. The government in cooperation with public institutions must implement and ensure effective mechanisms to guarantee greater transparency for professional, non-professional lobbyists and representatives of civil society, trade unions and interest associations. All public employees should report on all lobbying contacts including representatives of civil society, trade unions and other interest associations in a unified and adjusted electronic form, to ease civil servants of the administrative burdens and prevent illegal lobbying and enable control over external

influences. The government, the CPC and public institutions bound by legislation must implement effective control on illegal lobbying activities and implement sanctions for breaches of legislation. The government, ministries and public bodies must implement a comprehensive legislative footprint as an annex to each piece of new legislation, so that it is clear which interest groups have contributed to consultations on legal developments. Transparent functioning and financing of political parties must be established and effective control mechanisms need to be implemented in a timely manner. Legislation of financing of political parties and election campaigns needs to be amended in line with international standards, focusing on provisions governing transparency, supervision and sanctioning by the government, the Ministry of Interior and the Ministry of Public Administration. Common mechanisms for the effective supervision of financing of political parties and election campaigns needs to be implemented by the government. Political parties need to be included in the Public Information Access Act, as they are publicly financed, and access to information on political parties needs to be proactive. The political parties and institutions that control them must widen the accessibility of data in accordance with the standards of a representative democracy, transparency and the rule of law. Self-regulation policies and rules of lobbying need to be established. In addition to complying with the mandatory statutory rules, lobbying professionals and associations should establish and implement comprehensive mechanisms for self-regulation and control for the promotion of ethical behaviour. Codes of conduct, codes of ethics, rules of procedures and other relevant tools for transparency and ethics should be effectively implemented in a timely manner. Private sector companies must implement tools for self-regulation, which should be an integral part of their compliance mechanisms in order to ensure ethical and transparent lobbying. This should also apply for non-professional lobbyists and in situations where companies hire external professional lobbyists. Professional associations, civil society, trade unions, and other interest associations should implement mechanisms for self-regulation, such as codes of conduct, codes of ethics, rules of procedures and other relevant tools for transparency and ethics to achieve ethical and transparent lobbying. Develop a comprehensive ethics and transparency policy and awareness-raising programme and systematic training on lobbying for all stakeholders and include it in the national anti-corruption resolution, strategy and action plan. The CPC and the government should establish a working group of stakeholders state bodies, local communities, other relevant institutions in the public sector, professional and non-professional lobbyists, private sector, media, trade unions, CSOs, NGOs, interest groups and the public to develop and implement a strategy and prepare awareness-raising programmes, and include them in the national anti-corruption resolution, strategy and action plan. Private sector companies should take responsibility for implementing tools to ensure integrity in their lobbying activities, and should raise awareness within their organisations of the importance of transparent lobbying. State bodies and local communities need to take active measures in order to guarantee that non-profit organisations are able to provide lobbying services especially for socially excluded individuals and active citizens, allowing them to participate in the democratic consultation process, management and control of public affairs. Public institutions should provide awareness-raising activities for employees on a regular basis and training on existing lobbying measures, rules and values that need to be enhanced in the system of governance, internal controls and ethical infrastructure.

### Chapter 5 : Center for Ethics in Government | Governmental Ethics Issues

*overview | lobbyist regulation Lobbying is a citizens' right to speak freely, to affect decisions and petition the government is a crucial right, and an important part of the legislative process. This right has also created an industry whose numbers have increased dramatically.*