



Auto Safety Group • Congress Watch • Energy Program • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

The Honorable Nancy P. Pelosi
Speaker of the House
United States House of Representatives
Washington, DC 20515

The Honorable Harry M. Reid
Senate Majority Leader
United States Senate
Washington, DC 20515

February 8, 2007

Dear Madame Speaker and Majority Leader Reid:

Public Citizen heartily applauds both of you for your leadership in enacting muscular new reforms and rules changes in response to recent congressional scandals.

We support your plans to complete legislation to clean up Washington and curb the influence of lobbyists and corporate special interests. We urge the House to enact, and the Senate to continue to support, improved disclosure by lobbyists and enhanced revolving door restrictions as part of these measures.

We also urge the continued investigation of an independent ethics enforcement process for Congress, in the form of an Office of Public Integrity. There is currently very little enforcement of lobbyists' infractions by the Clerk of the House and Secretary of the Senate, which contributes to an atmosphere in which violations become all too routine.

Moreover, Congress should clarify lobbyists' reporting obligations. The current, very vague disclosure rules result in confusion for both lobbyists and the public. For example, our research has uncovered ambiguities in the reporting format for lobbyists that could lead an observer to conclude that a former government official may have broken the law.

A recent case in point is as follows. The firm of McKenna, Long and Aldridge began registering former Sen. Zell Miller (D-Ga.) as a lobbyist on behalf of clients as early as September 2005, less than a year after Miller left Congress.

McKenna disclosed in its end-of-the-year 2005 report that it was paid \$60,000 by Lockheed Aeronautical Systems to lobby the House, Senate and the Department of Defense. Miller was prohibited from directly lobbying either the House or Senate during his first year after leaving the Congress. For Miller's activity to have been legal, he would have needed to engage in lobbying *activities* directed at influencing the House or Senate, stopping short of making lobbying *contacts*, or

have had to limit his lobbying activity to influencing the Department of Defense. The form, however, allows for no such distinction.

In the same year, McKenna disclosed that Miller and two other associates at the firm were involved in lobbying the House, Senate and Department of Defense for another client on vaguely defined “DoD environmental issues.” The form does not clarify which lobbyists contacted which agencies or chambers. Furthermore, if McKenna had listed two specific environmental issues upon which members of the firm lobbied on behalf of the client, Hercules Inc., readers of the form would not have had the means to discern which lobbyist worked on which issues.

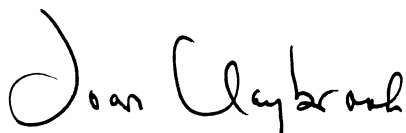
A casual observer reading these forms could easily conclude that Miller lobbied his former colleagues in his first year after leaving the Senate, a violation of the law. An expert reader would have no way of determining whether Miller broke the law. In either case, the extent of Miller’s influence and involvement, and the legality of his conduct, remains unclear.

Congress should act to remedy the problem by:

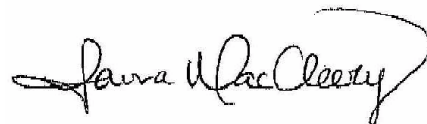
- Requiring enforcement of lobbying disclosure rules by enacting an Office of Public Integrity;
- Eliminating the loophole that currently permits “covered officials” who are banned from making lobbying *contacts* with former colleagues to engage in lobbying *activities* as defined by the Lobbying Disclosure Act, as the Senate-passed bill would accomplish;
- Improving the lobbying disclosure forms to require identification of the issue each lobbyist has pursued, the agency each individual contacted and whether his or her work included lobbying *contacts* or merely lobbying *activities*.

We also urge the House and Senate leadership to continue their support for disclosure of “bundled” fundraising activity by lobbyists under the Lobbying Disclosure Act, and to enact in the House new disclosure rules for “Astroturf” lobbying firms.

Sincerely,



Joan Claybrook,
President
Public Citizen



Laura MacCleery
Director
Public Citizen’s Congress Watch