



American League of Lobbyists

Statement of Principles

on the

1995 Lobbying Disclosure Act

Adopted by the ALL Board August 4, 2005

At its August 4 Board of Directors meeting, the American League of Lobbyists (ALL) adopted five principles intended to:

- (i) Guide its efforts to help clarify the current rules enacted as part of the 1995 Lobbying Disclosure Act (LDA).
- (ii) Shape its position on pending legislation in the House and Senate that would essentially rewrite the LDA, make it more restrictive on lobbyists and limit their ability to petition government officials on behalf of their clients.

ALL supports more sunshine in the legislative and political processes, but urges Congress to take a careful and thorough look at these issues before acting on pending legislation.

ALL believes many of the issues Congress is currently seeking to address through legislation can be resolved more effectively by means of simple rule changes within each Chamber.

Before imposing new regulations on the lobbying profession, ALL asks that Congress work with the profession to identify where change is needed and determine the most appropriate means to effect such change. ALL urges Congress to take into consideration the following principles.

Lobbying Disclosure Act Principles

1. Rules and Regulations Should Apply to All

- I. The American League of Lobbyists supports the requirement that all those involved in advocacy-related activities be held to the same standard.
- II. To achieve more transparency, regulations must be applied across the board to all those involved in advocacy activities of any kind that relates to the federal legislative and political processes.
- III. Current loopholes that exempt various groups from filing lobbying disclosure forms should be closed. The current system allows church groups, state and local governments, and public relations professionals to avoid disclosure under the LDA, even though their activities may be identical to professional lobbyists. It is inappropriate for different individuals or organizations to be held to different standards.
- IV. All those involved in advocacy activities should be required to comply with the standards set by the LDA. If the goal is to give the public a genuine, comprehensive understanding of how our processes work, then they need access to information on *all* advocacy activities, not only those performed by professional lobbyists.

2. Review and Enforcement

- I. The American League of Lobbyists supports a review and enforcement of the current Lobbying Disclosure Act by Congress.
- II. Before Congress imposes a new set of regulations with potential loopholes, ALL hope urges Congress to carefully review the current LDA to determine if and where problems may exist.
- III. If the current LDA is not being enforced, adding additional penalties and rules without proper enforcement will not have any real effect.

3. Uniform Electronic Filing System

- I. In an era of more openness, the American League of Lobbyists supports more transparency and urges both the House and Senate to create a uniform filing system that will make more transparency possible.
- II. Under the current electronic filing system, lobbyists must file two distinctly different LDA forms. By creating a single uniform filing system Congress will put an end to the most serious criticism levied against Congress and lobbyists – lack of transparency. A uniform system of filing would give the public access to all registered lobbyist filings in real time, which is not available under the current system. A uniform system of filing should not mean more frequent filings. Rather, it should mean greater real time access to the current semi-annual filings.
- III. The only way true transparency can be achieved is through a uniform system in the House and Senate for reporting semi-annual lobbying disclosure forms.

4. Full Online Disclosure

- I. The American League of Lobbyists supports full online disclosure of lobbying reports.
- II. The general public has come to believe that politicians and lobbyists deliberately seek to operate in a furtive and largely covert manner. This perception, whether right or wrong, has contributed in large measure to the antipathy and distrust that exists towards our system of government and those in the lobbying profession. In an effort to try and change this perception, ALL supports full online access to all lobbying disclosure forms.
- III. ALL supports the idea of making available to the general public all current lobbying disclosure forms. By doing so, we believe the public will have a better understanding of the role of the lobbying profession in our system of government and the value it brings to lawmakers and the overall legislative process.

5. Code of Ethics

- I. The American League of Lobbyists continues to support and advocate a code of ethics for our profession.
- II. ALL first promulgated a code of ethics in 1987, long before the current debate on lobbying ethics. This code affirms our commitment to the highest professional standards and makes a strong statement about the importance we assign to ethical practices in advocacy.
- III. It is our hope that Congress will carefully review the ALL code of ethics and use it as a model for others. If the objective behind the debate on the current LDA is to create greater transparency, broad adoption of the ALL code of ethics would represent major progress towards achieving that objective.
- IV. ALL will continue its efforts to make its code of ethics the standard for all lobbyists.

Conclusion:

Once again, the actions of a few isolated individuals have subjected the lobbying profession to renewed attacks and call into question the valuable role lobbying and public advocacy have played in our country's legislative process from its earliest days.

ALL remains committed to doing all it can to promote good government and strengthen the public's trust in the legislative process. We hope our five principles will serve as a starting point for Congress as it begins to debate the LDA.

ALL is prepared to work with Congress should the need arise to bring about changes to current disclosure rules and requirements. As a profession, we are in the best position to help Congress if there are problems and changes are needed.

Using these five principles as a foundation, ALL will begin promoting its ideas to the public and Congress to foster a new and better understanding of our profession and its importance for our legislative and political processes, regardless of party or issue.

Appendix: ALL Code of Ethics
Approved by the ALL Board February 28, 2000

The ALL Code of Ethics is utilized as a model by various organizations and serves to strengthen our image and enhance our role as a vital and respected link in the democratic process.

Lobbying is an integral part of our nation's democratic process and is a constitutionally guaranteed right. Government officials are continuously making public policy decisions that affect the vital interests of individuals, corporations, labor organizations, religious groups, charitable institutions and other entities. Public officials need to receive factual information from affected interests and to know such parties' views in order to make informed policy judgments. In exercising their rights to try to influence public policy, interests often choose to employ professional representatives to monitor developments and advocate their positions, or to use lobbyists through their membership in trade associations and other membership organizations. Tens of thousands of men and women now are professional lobbyists and represent virtually every type of interest. With over 4,000 pieces of legislation introduced in the last Congress, members and staff must rely on input from a variety of experts on those issues.

To help preserve and advance public trust and confidence in our democratic institutions and the public policy advocacy process, professional lobbyists have a strong obligation to act always in the highest ethical and moral manner in their dealings with all parties. Lobbyists also have a duty to advance public understanding of the lobbying profession. The American League of Lobbyists, accordingly, has adopted the following "Code of Lobbying Ethics" to provide basic guidelines and standards for lobbyists' conduct. In general, this Code is intended to apply to independent lobbyists who are retained to represent third party clients' interests and to lobbyists employed on the staff of corporations, labor organizations, associations and other entities where their employer is in effect their "client." Lobbyists are strongly urged to comply with this Code and to seek always to practice the highest ethical conduct in their lobbying endeavors. Individual members of American League of Lobbyists affirm their commitment to abide by this code.

ARTICLE I - HONESTY & INTEGRITY

A lobbyist should conduct lobbying activities with honesty and integrity.

1.1. A lobbyist should be truthful in communicating with public officials and with other interested persons and should seek to provide factually correct, current and accurate information.

1.2. If a lobbyist determines that the lobbyist has provided a public official or other interested person with factually inaccurate information of a significant, relevant, and material nature, the lobbyist should promptly provide the factually accurate information to the interested person.

1.3. If a material change in factual information that the lobbyist provided previously to a public official causes the information to become inaccurate and the lobbyist knows the public official may still be relying upon the information, the lobbyist should provide accurate and updated information to the public official.

ARTICLE II - COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS & RULES

A lobbyist should seek to comply fully with all laws, regulations and rules applicable to the lobbyist.

2.1. A lobbyist should be familiar with laws, regulations and rules applicable to the lobbying profession and should not engage in any violation of such laws, regulations and rules.

2.2. A lobbyist should not cause a public official to violate any law, regulation or rule applicable to such public official.

ARTICLE III - PROFESSIONALISM

A lobbyist should conduct lobbying activities in a fair and professional manner.

3.1. A lobbyist should have a basic understanding of the legislative and governmental process and such specialized knowledge as is necessary to represent clients or an employer in a competent, professional manner.

3.2. A lobbyist should maintain the lobbyist's understanding of governmental processes and specialized knowledge through appropriate methods such as continuing study, seminars and similar sessions in order to represent clients or an employer in a competent, professional manner.

3.3. A lobbyist should treat others - both allies and adversaries - with respect and civility.

ARTICLE IV - CONFLICTS OF INTEREST

A lobbyist should not continue or undertake representations that may create conflicts of interest without the informed consent of the client or potential client involved.

4.1. A lobbyist should avoid advocating a position on an issue if the lobbyist is also representing another client on the same issue with a conflicting position.

4.2. If a lobbyist's work for one client on an issue may have a significant adverse impact on another client's interests, the lobbyist should inform and obtain consent from the other client whose interests may be affected of this fact even if the lobbyist is not representing the other client on the same issue.

4.3. A lobbyist should disclose all potential conflicts to the client or prospective client and discuss and resolve the conflict issues promptly.

4.4. A lobbyist should inform the client if any other person is receiving a direct or indirect referral or consulting fee from the lobbyist due to or in connection with the client's work and the amount of such fee or payment.

ARTICLE V - DUE DILIGENCE & BEST EFFORTS

A lobbyist should vigorously and diligently advance and advocate the client's or employer's interests.

5.1. A lobbyist should devote adequate time, attention, and resources to the client's or employer's interests.

5.2. A lobbyist should exercise loyalty to the client's or employer's interests.

5.3. A lobbyist should keep the client or employer informed regarding the work that the lobbyist is undertaking and, to the extent possible, should give the client the opportunity to choose between various options and strategies.

ARTICLE VI - COMPENSATION AND ENGAGEMENT TERMS

An independent lobbyist who is retained by a client should have a written agreement with the client regarding the terms and conditions for the lobbyist's services, including the amount of and basis for compensation.

ARTICLE VII - CONFIDENTIALITY

A lobbyist should maintain appropriate confidentiality of client or employer information.

7.1. A lobbyist should not disclose confidential information without the client's or employer's informed consent.

7.2. A lobbyist should not use confidential client information against the interests of a client or employer or for any purpose not contemplated by the engagement or terms of employment.

ARTICLE VIII - PUBLIC EDUCATION

A lobbyist should seek to ensure better public understanding and appreciation of the nature, legitimacy and necessity of lobbying in our democratic governmental process. This includes the First Amendment right to "petition the government for redress of grievances."

ARTICLE IX - DUTY TO GOVERNMENTAL INSTITUTIONS

In addition to fulfilling duties and responsibilities to the client or employer, a lobbyist should exhibit proper respect for the governmental institutions before which the lobbyist represents and advocates clients' interests.

9.1. A lobbyist should not act in any manner that will undermine public confidence and trust in the democratic governmental process.

9.2. A lobbyist should not act in a manner that shows disrespect for government institutions.

