

# LOBBYISTS WAILING ABOUT DELICIOUS HELL FOR LOBBYISTS

Remember how last Friday I was jumping up and down with glee at the delicious hell that Obama had set up to prevent lobbyists from gaming stimulus funds?

With this memo.

Sec. 3. Ensuring Transparency of Registered Lobbyist Communications.

(a) An executive department or agency official shall not consider the view of a lobbyist registered under the Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 et seq., concerning particular projects, applications, or applicants for funding under the Recovery Act unless such views are in writing.

(b) Upon the scheduling of, and again at the outset of, any oral communication (in-person or telephonic) with any person or entity concerning particular projects, applications, or applicants for funding under the Recovery Act, an executive department or agency official shall inquire whether any of the individuals or parties appearing or communicating concerning such particular project, application, or applicant is a lobbyist registered under the Lobbying Disclosure Act of 1995. If so, the lobbyist may not attend or participate in the telephonic or in-person contact, but may

submit a communication in writing.

(c) All written communications from a registered lobbyist concerning the commitment, obligation, or expenditure of funds under the Recovery Act for particular projects, applications, or applicants shall be posted publicly by the receiving agency or governmental entity on its recovery website within 3 business days after receipt of such communication.

[my emphasis]

Remember how I predicted big money would be finding ways to have employees avoid registering as lobbyists?

I like it (though I expect big money is already inventing a new way around registering as lobbyists).

Big money is so damned predictable.

The restrictions, which began taking effect unevenly this week, have angered lobbyists already upset with Obama's repeated shots at them for wielding too much influence. Critics charge it may be unconstitutional to bar certain people – registered lobbyists – from speaking to government officials.

"What disqualifies lobbyists from exercising their First Amendment rights?" said J. Keith Kennedy, a top lobbyist for the Washington firm Baker Donelson.

William Luneburg and Thomas Susman, co-authors of the American Bar Association's manual on lobbying laws, said they knew of no previous

administrations curtailing lobbyists' conversations with government officials.

[snip]

Since the prohibition applies to registered lobbyists, some firms are thinking about having some of their lobbyists rescind their registrations, which could let them pitch stimulus projects to government officials. That, though, would severely limit the time they could spend lobbying each year while undermining disclosure laws requiring registered lobbyists to publicly report their activities.

Read the whole thing. It'll really bring tears to your eyes.