

What should be Disclosed

The subject of disclosure has at the very heart of the Lobbyists Registration Act. The fundamental principle underlying the original Act sought to balance the need for transparency with the need for open access to government and administrative agencies. This was accomplished by requiring Tier I and Tier II lobbyists to disclose only information deemed necessary to reveal who was lobbying for whom and Tier I lobbyists to disclose the subject matter.

It is worth stressing that the Lobbyists Registration Act clearly opts for disclosure over regulation as a means of dealing with lobbying at the federal level. At least one witness emphasized that disclosure is preferable as being the most viable approach for controlling "excess" in efforts to influence public policy — an observation with which the Committee is in full agreement.

In the course of our hearings, the Committee heard from several witnesses who felt that the current disclosure requirements were sufficient and argued that they should not be extended. Comments were expressed that were those amendments required, the Registry would become overwhelmed from the perspective of many of these witnesses, more stringent enforcement of the existing rules was required. Of those who suggested the status quo, only a few stated that they found present requirements burdensome or unnecessary.

Others have however argued that the Act's disclosure requirements are insufficient and some witnesses spoke in favor of extending current disclosure requirements.

The Committee asked a number of questions deemed to be mandatory by witnesses in an attempt to determine whether improvements were necessary and if so, how they might be achieved.

A. SUBJECT MATTER REPORTING

1. How the Current System Works

An important goal of the Lobbyists Registration Act is to provide disclosure of the names of lobbyists who are paid to represent before public office holders. The present Act requires this disclosure in the form of a disclosure report. The lobbyist registers for the Act and discloses the names of the public office holders who represent the interests of several clients on a variety of issues. The Lobbyists Registration Act requires that subject matter disclosure be provided to the public when reporting.

The 22 areas of concern listed in broad subject matter categories below a subject matter disclosure report, each of which is assigned a numerical code to facilitate registration. In addition, the lobbyist is required to report on six types of activities which specify the purpose of their communication with office holders with respect to any one of the 22 subject matter categories. These activities are given alphabetical codes for the purposes of registration. The 22 subject matter categories within the purpose