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Lobbying the Executive Branch: Current Practices and Options for Change - CRS Report

Jacob R. Straus

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Under the Lobbying Disclosure Act (LDA) of 1995, as amended, individuals are required to register with the Clerk of the House of Representatives and the Secretary of the Senate if they lobby either legislative or executive branch officials. In January 2009, Secretary of the Treasury Timothy Geithner placed further restrictions on the ability of lobbyists to contact executive branch officials responsible for dispersing Emergency Economic Stabilization Act (EESA, P.L. 110-243) funds. Subsequently, President Barack Obama and Peter Orszag, Director of the Office of Management and Budget (OMB), issued a series of memoranda between March and July 2009 that govern communication between federally registered lobbyists and executive branch employees administering American Recovery and Reinvestment Act of 2009 (P.L. 111-5) funds. Most recently, in June 2010, the White House directed executive agencies not to appoint federally registered lobbyists to federal advisory bodies and committees.

The Recovery and Reinvestment Act lobbying restrictions focus on both written and oral communications between lobbyists and executive branch officials. Pursuant to the President's memoranda, restrictions have been placed on certain kinds of oral and written interactions between "outside persons and entities" and executive branch officials responsible for Recovery Act fund disbursement. The President's memoranda require each agency to post summaries of oral and written contacts with lobbyists on dedicated agency websites. EESA regulations are virtually identical, but only apply to federally registered lobbyists.

This report outlines the development of registration requirements for lobbyists engaging executive branch officials since 1995. It also summarizes steps taken by the Obama Administration to limit and monitor lobbying of the executive branch; discusses the development and implementation of restrictions placed on lobbying for Recovery Act and EESA funds; examines the Obama Administration's decision to stop appointing lobbyists to federal advisory bodies and committees; considers third-party criticism of current executive branch lobbying policies; and provides options for possible modifications in current lobbying laws and practices.

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