



PROGRAM FOR PUBLIC CONSULTATION
SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND

GOVERNMENT REFORM

Lobbying Restrictions & Former Presidents

A Survey of American Voters

December 2017

Methodology

Online Probability-Based Panel provided by
Nielsen Scarborough

Fielded: September 7 - October 3, 2017

Total Sample: 2,482 registered voters

Margin of Error: 2.0%

Lobbying Restrictions

LOBBYING CONGRESS

Because former Members of Congress and Executive Branch officials (such as those in the Department of Defense or the US Treasury) are very familiar with how government works and have strong personal connections throughout government, they can often work as lobbyists after they leave office. Currently, there are some limits on how soon a former government official can lobby the government after leaving office.

A set of proposed bills in Congress extends the period former Members of Congress and Executive Branch officials must wait after they leave office before they can work as lobbyists.

Under current law, before they can lobby Congress:

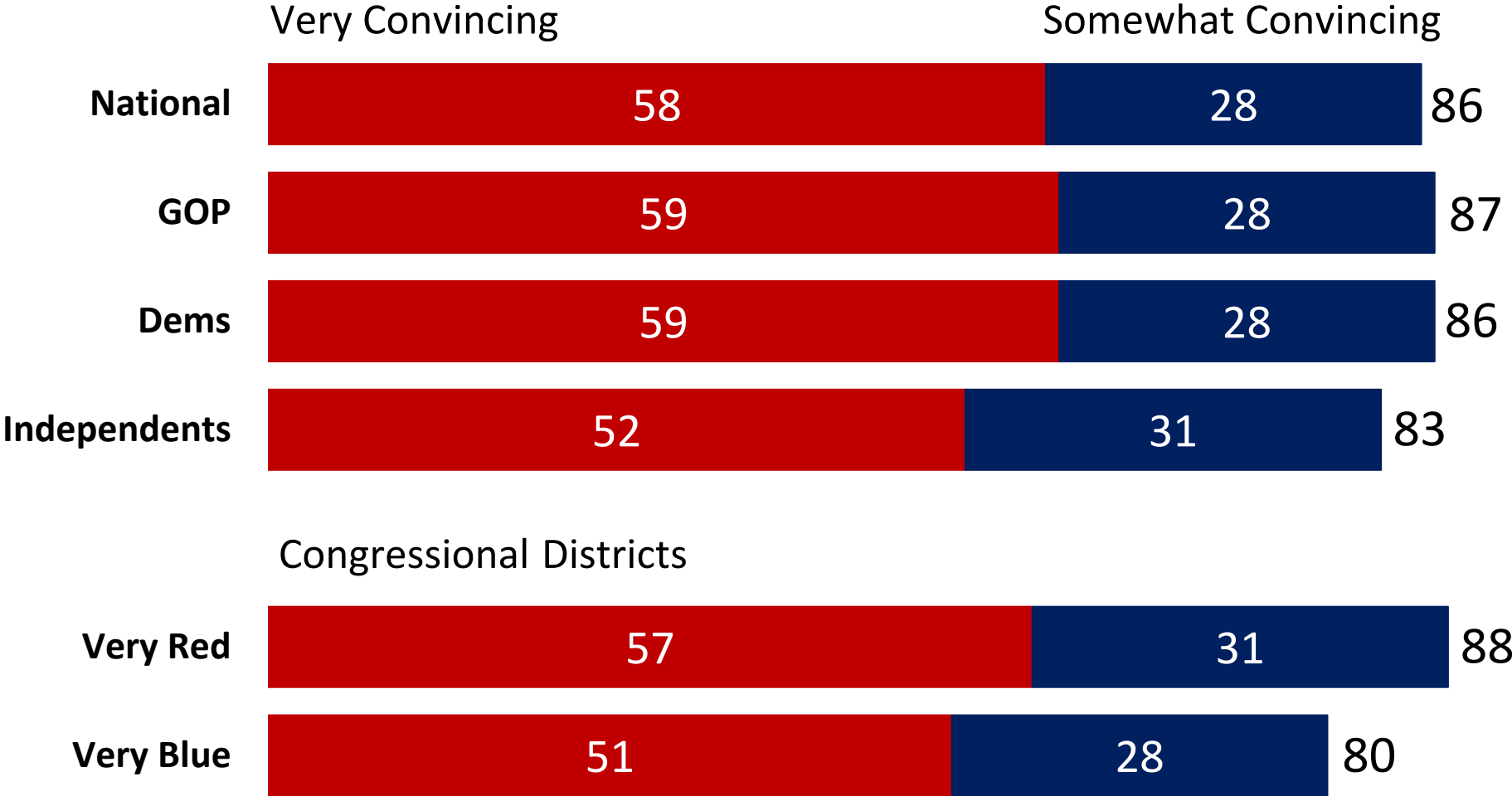
- former House members must wait one year
- former Senators must wait two years
- senior Congressional staffers in both houses must wait one year

In addition, senior Executive Branch officials are prohibited from lobbying the agency they were part of for 1-2 years, depending on how senior they were.

Argument in Favor: Extending Waiting Period Before Lobbying Congress

Members of Congress and senior staff who have recently left have unique personal relationships, access and insider knowledge, so the special interests that hire them get an unfair advantage in working the system. It is fine for special interests to communicate their views to Congress and the administration, just like regular citizens, but they should not be able to buy greater influence by hiring what are essentially super-lobbyists.

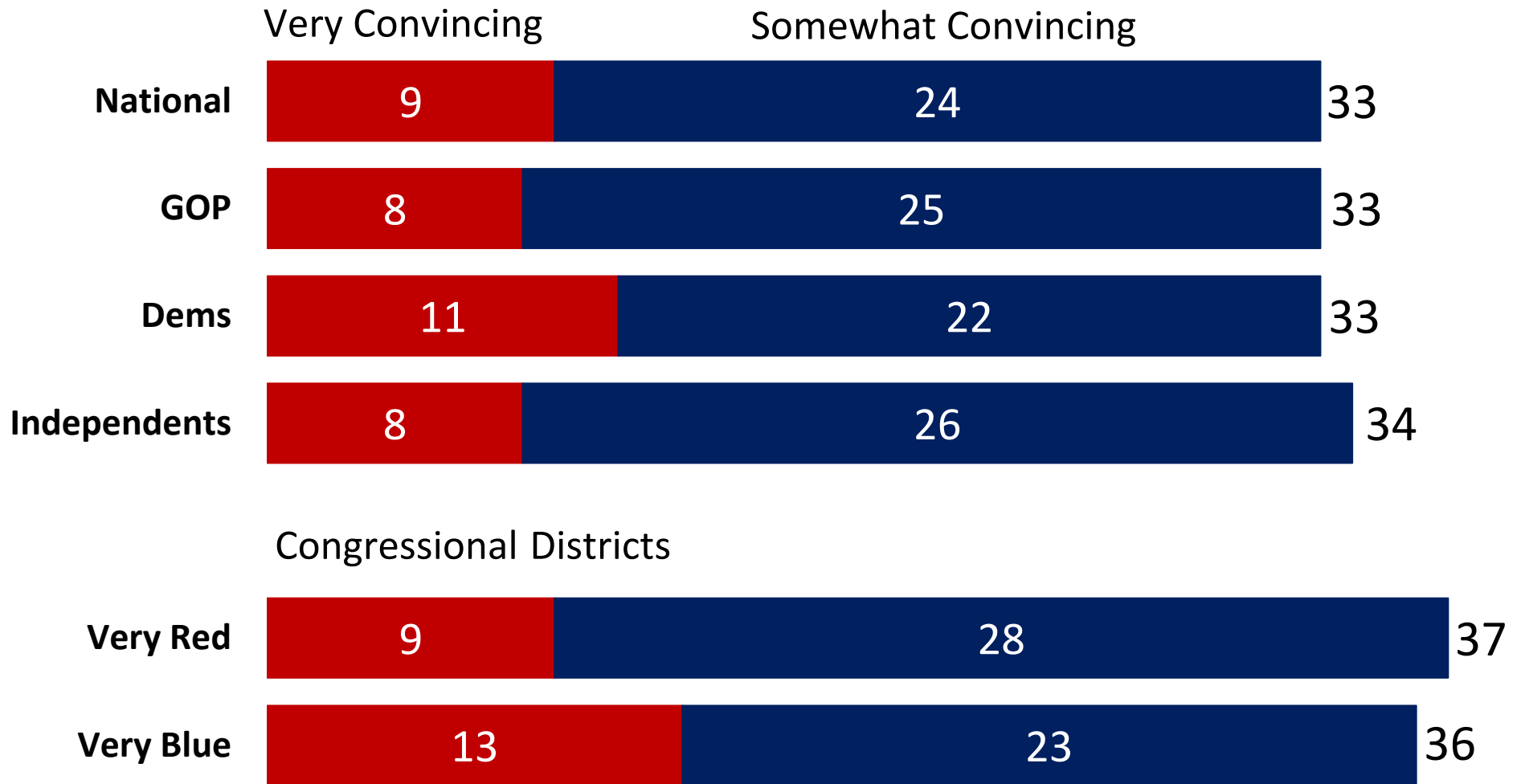
Argument in Favor: Extending Waiting Period Before Lobbying Congress



Argument Against: Extending Waiting Period Before Lobbying Congress

Telling former officials they cannot lobby in favor of a cause they believe in violates their First Amendment rights to freedom of speech. They should have the right to speak with current government officials and share their views or expertise that sheds light on various policy options. This rule also limits the freedom of expression for people who want to hire a former official to help get their voice heard in government. We should enhance the people's ability to petition their government, not put greater limits on it.

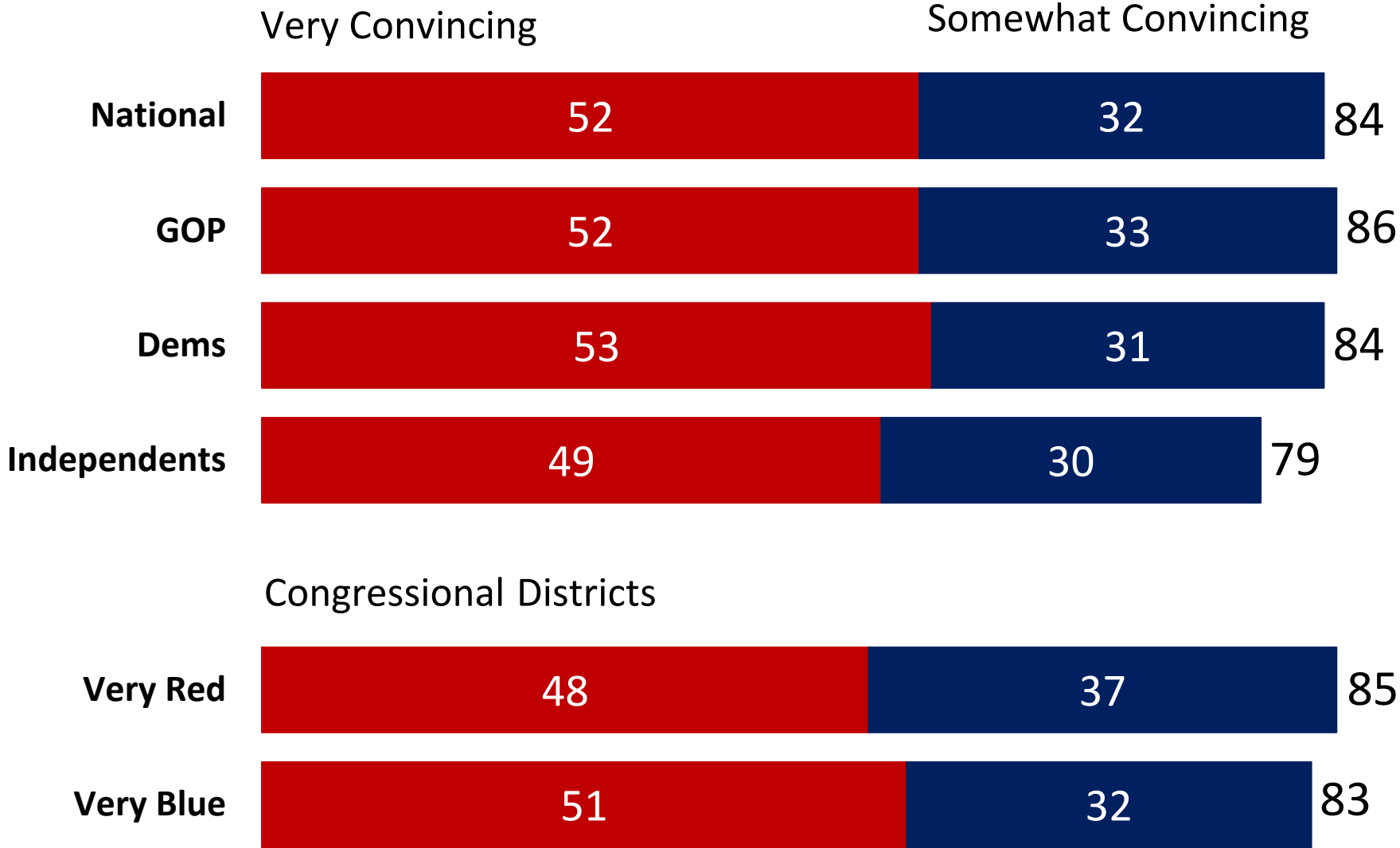
Argument Against: Extending Waiting Period Before Lobbying Congress



Argument in Favor: Extending Waiting Period Before Lobbying Congress

Working for the government should be something that people do as public service, not as a stepping stone for getting a high-paying job. It is also not right that people who have just come out of government get an unfair advantage over others. Furthermore, when people in government are enticed by high-paying lobbying jobs it creates constant turnover and an ongoing brain drain.

Argument in Favor: Extending Waiting Period Before Lobbying Congress

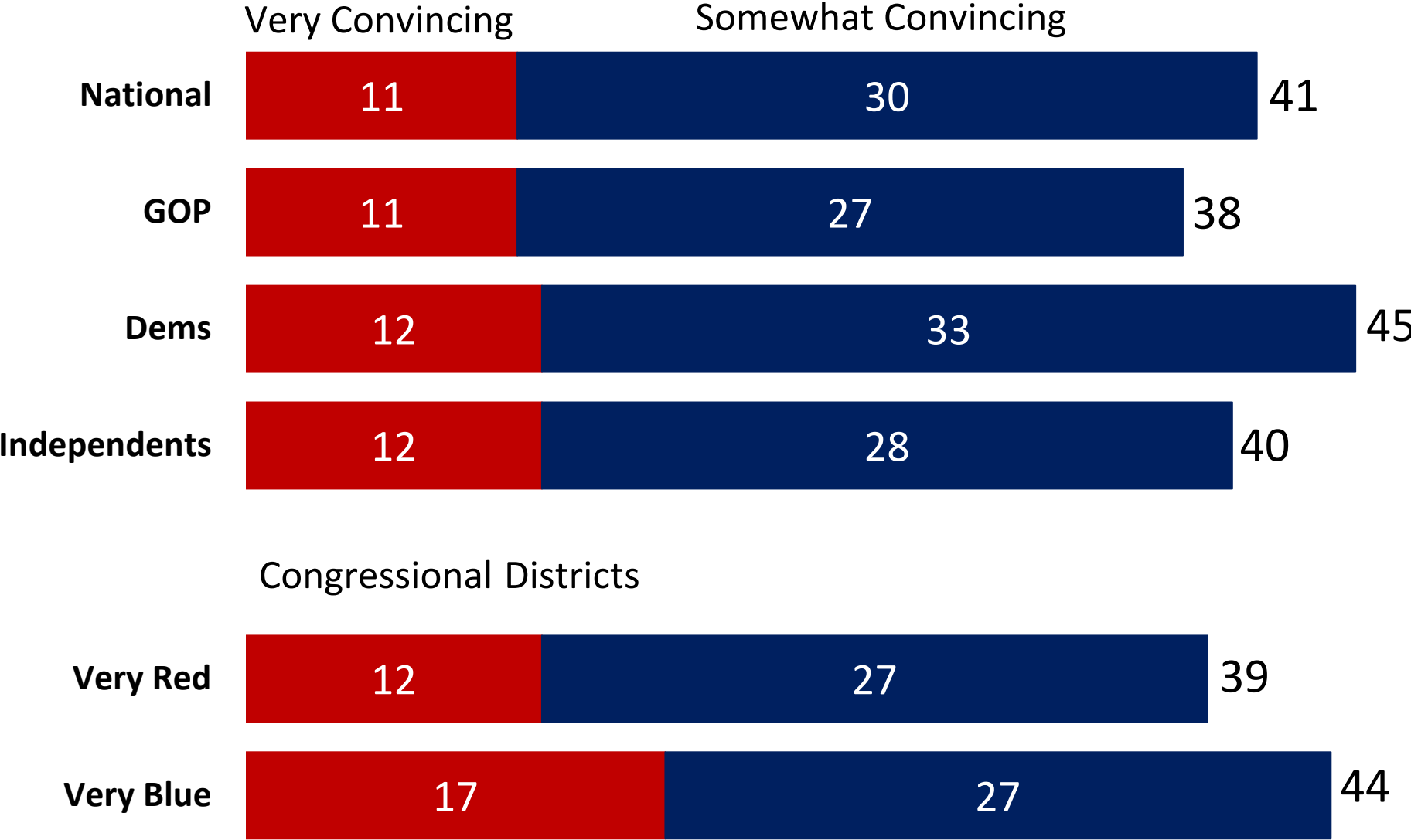


Argument Against: Extending Waiting Period Before Lobbying Congress

What if a former government official wants to lobby in support of legislation to help poor children or to seek a cure for cancer? They may be uniquely knowledgeable or passionate about a particular issue. Should they be prohibited from helping further good causes?

Knowing they would be prohibited from this kind of advocacy, perhaps indefinitely, could also have a chilling effect on talented people serving in government in the first place.

Argument Against: Extending Waiting Period Before Lobbying Congress

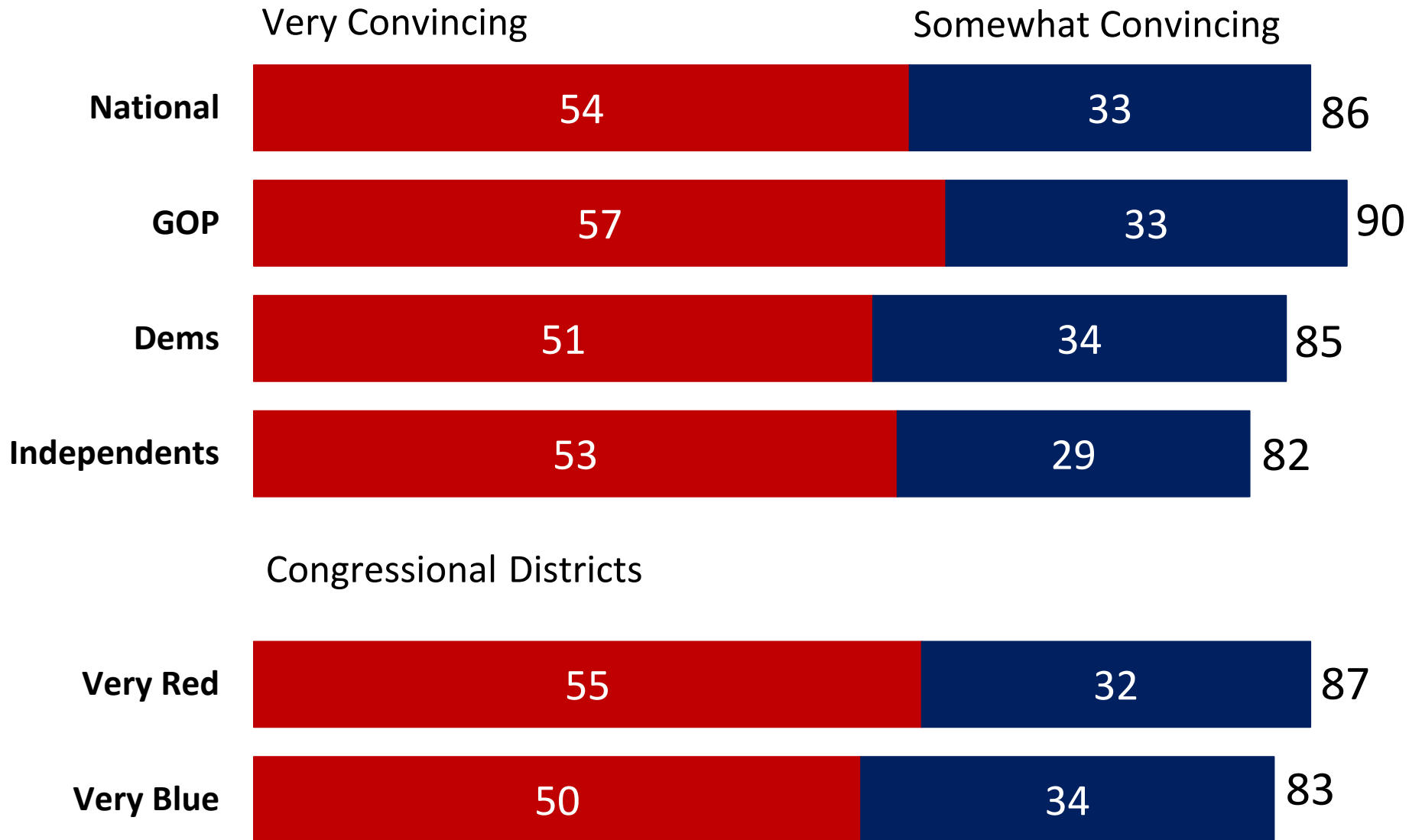


Argument in Favor: Extending Waiting Period Before Lobbying Congress

When people who work in government are thinking about leaving government or are concerned they might be voted out of office, they sometimes start thinking about the possibility of becoming a lobbyist because it can pay very well.

This can lead them to use their remaining time in office to do things beneficial to the interests that might hire them in the future. By removing the allure of high-paying lobbying jobs shortly after, government officials will not be tempted to do favors for future employers.

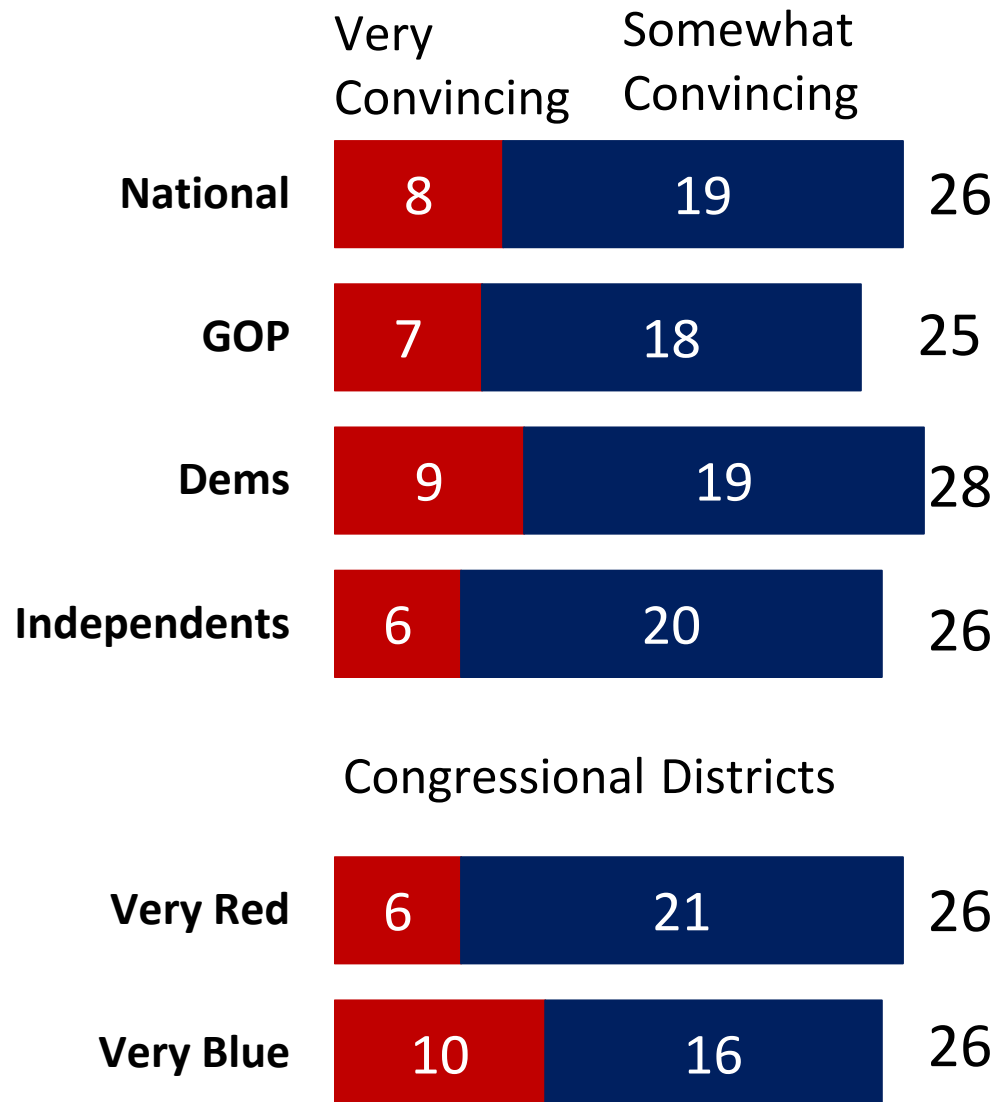
Argument in Favor: Extending Waiting Period Before Lobbying Congress



Argument Against: Extending Waiting Period Before Lobbying Congress

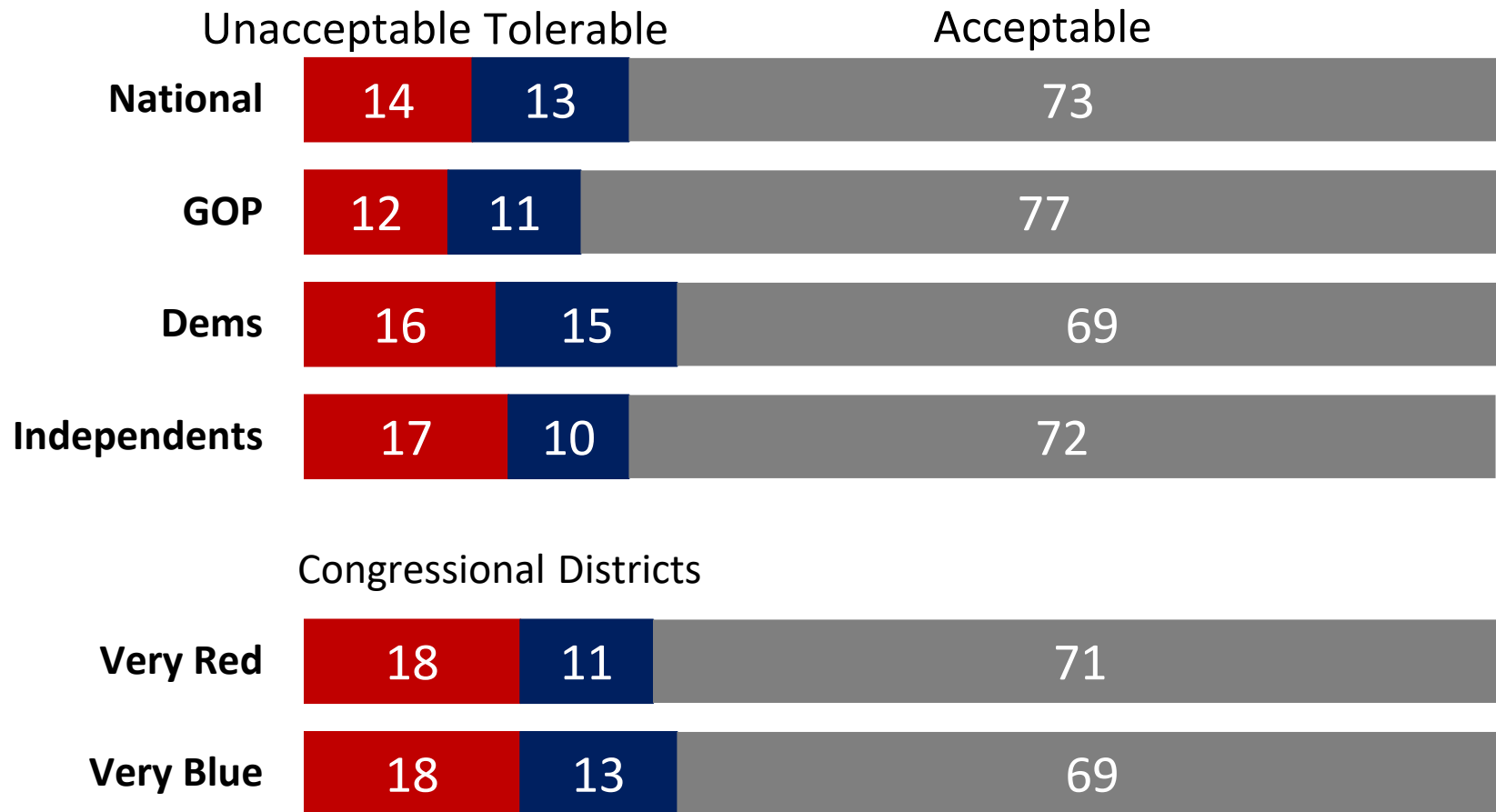
Working for the government is risky. An elected official may be voted out of office, or, in the case of a staffer, the elected official they work for may be voted out. There is nothing wrong with former government officials having lobbying as a fallback career option. If we cut off this option, it will discourage people from going into government for fear they may end up with highly limited career options.

Argument Against: Extending Waiting Period Before Lobbying Congress



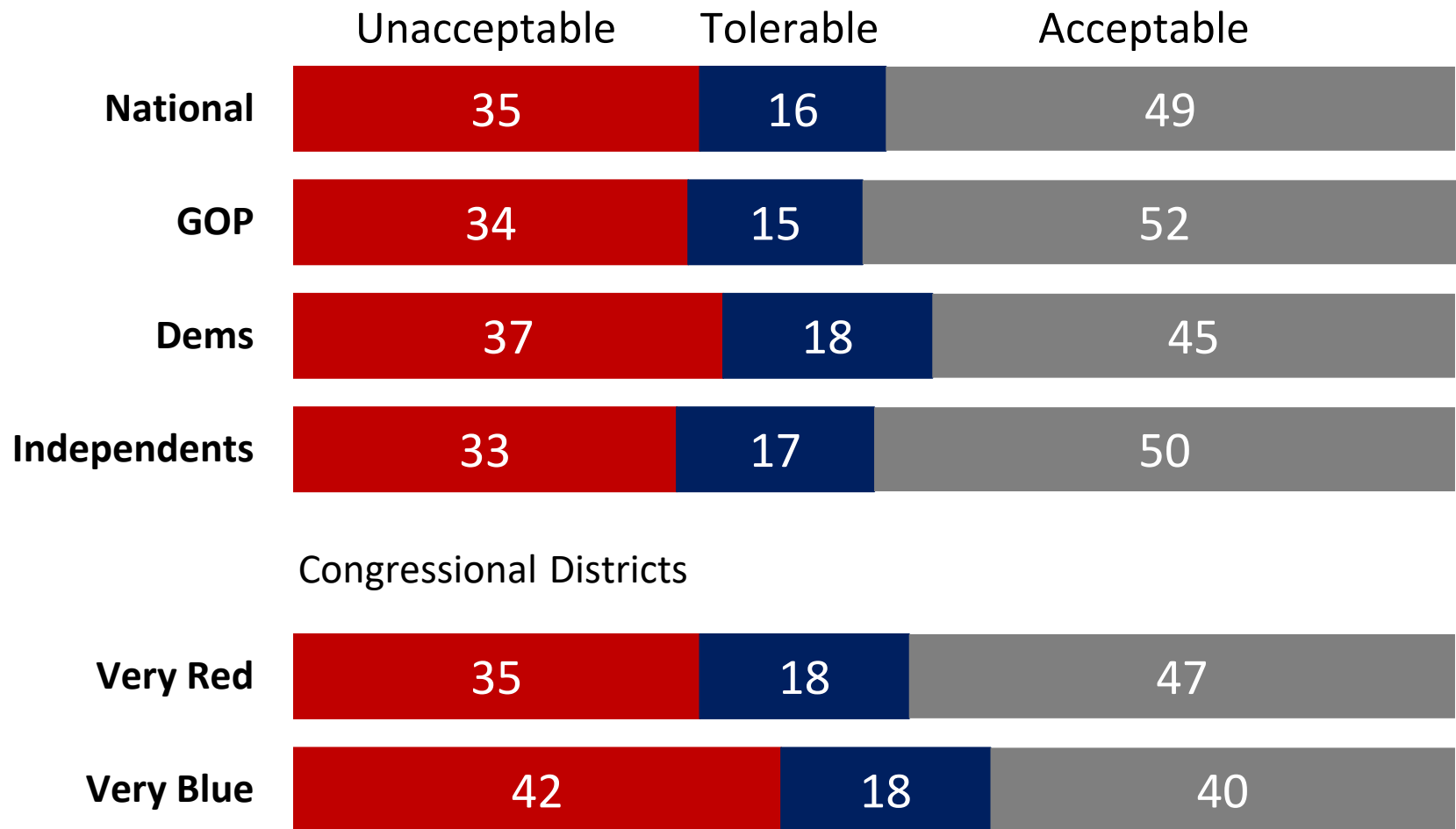
Assessment: Extending Waiting Period for Members of Congress to 5 Years

How acceptable it would be to you to extend the period former members of congress must wait before working as a lobbyist from 1-3 years to five years?



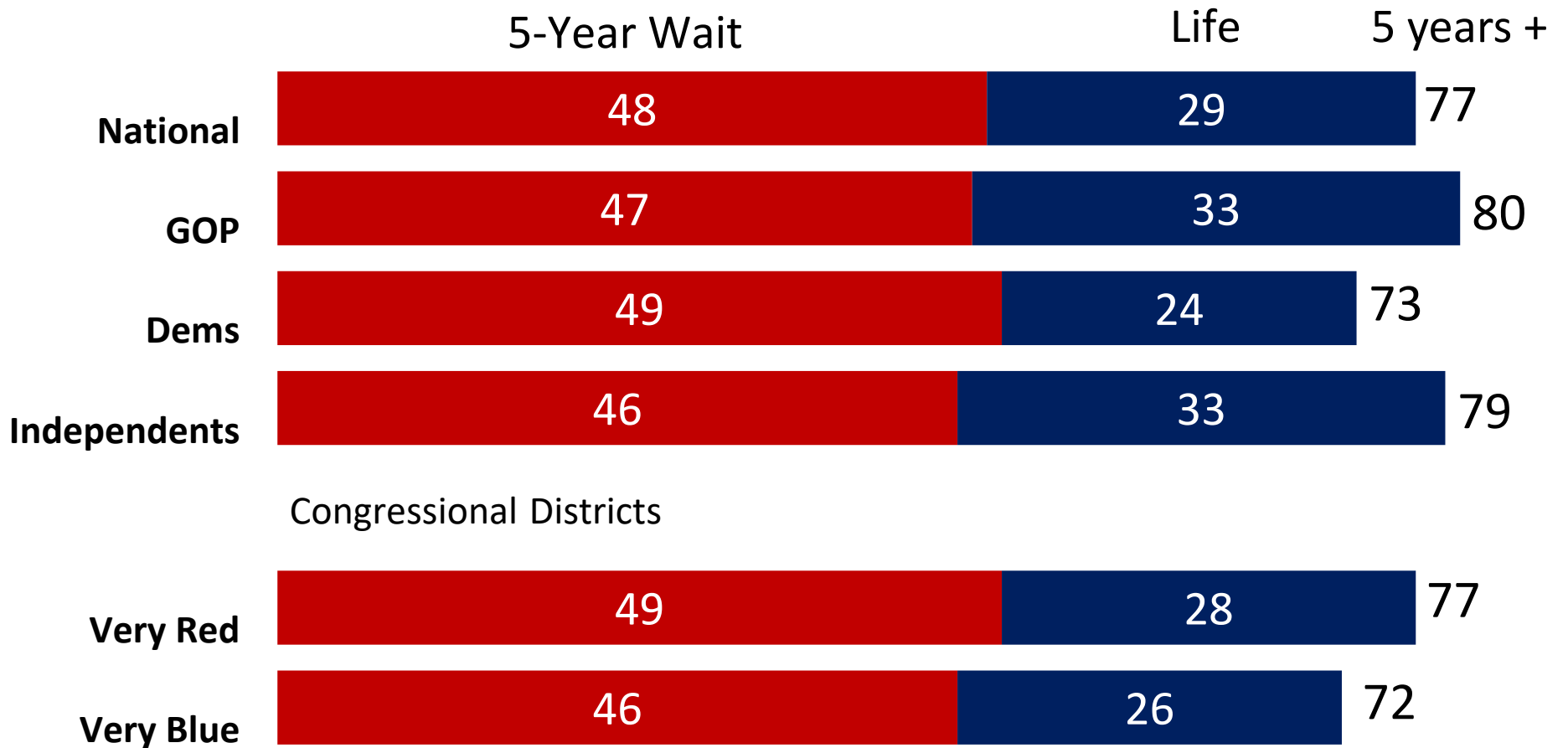
Assessment: Lifetime Ban on Lobbying Congress

How acceptable it would be for you to go further and prohibit former Members of Congress from working as a lobbyist for the rest of their life?



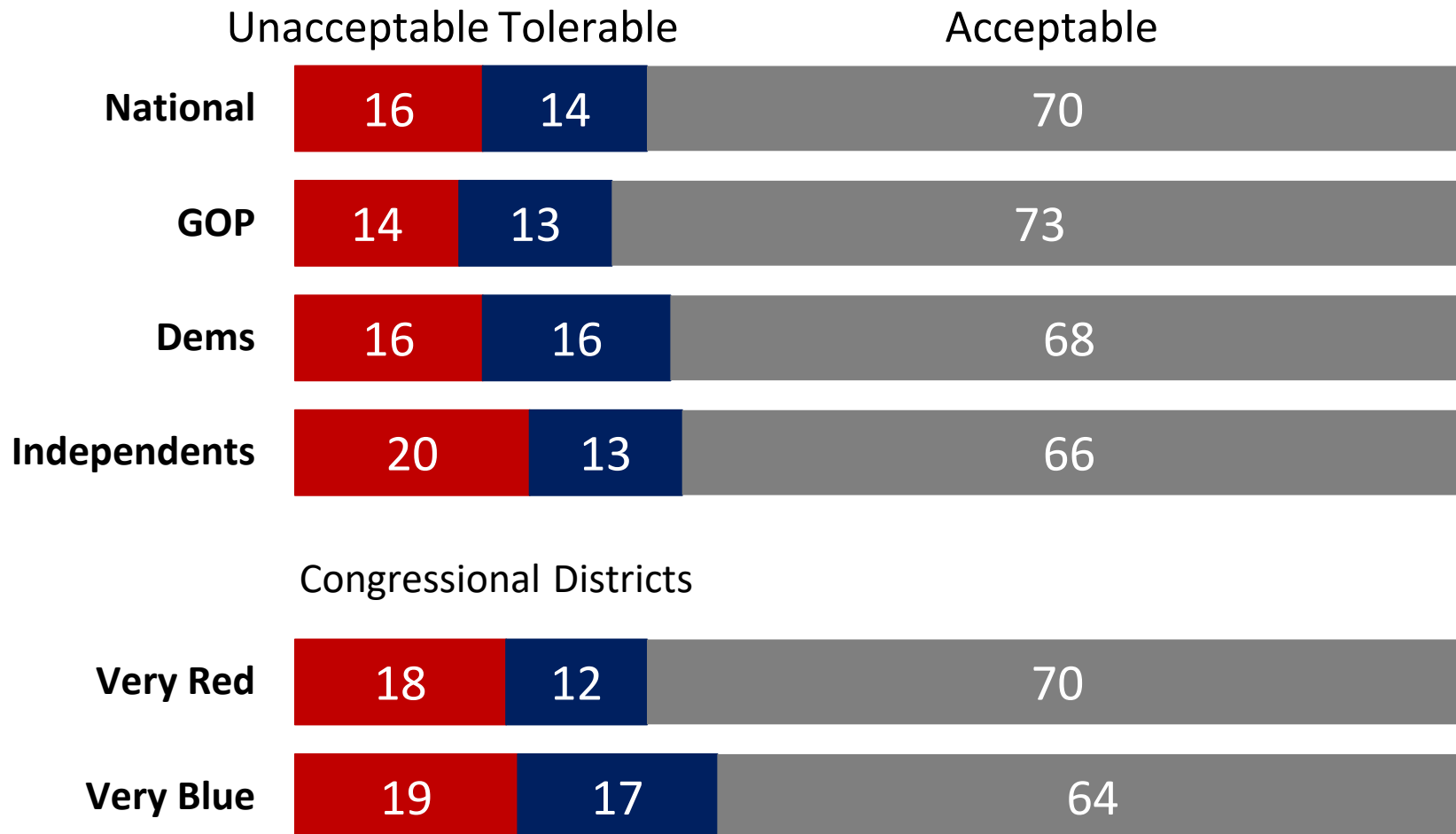
Final Recommendation: Extending Waiting Period Before Lobbying Congress

Which would you recommend the most when it comes to former Members of Congress working as a lobbyist:



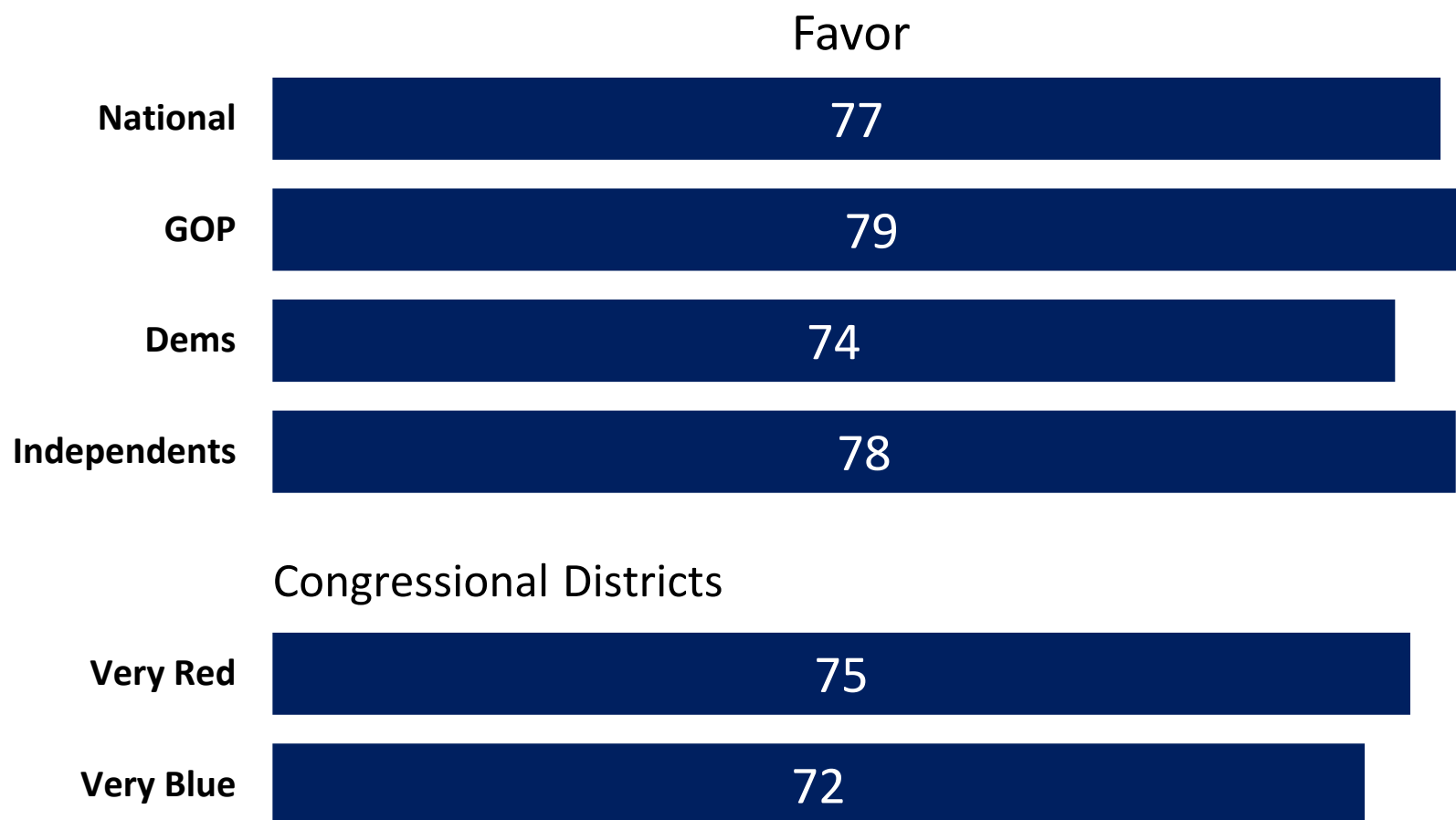
Assessment: Extending Waiting Period for Senior Congressional Staffers

Extending the period a senior Congressional staffer would have to wait before working as a lobbyist from the current one year to two years.



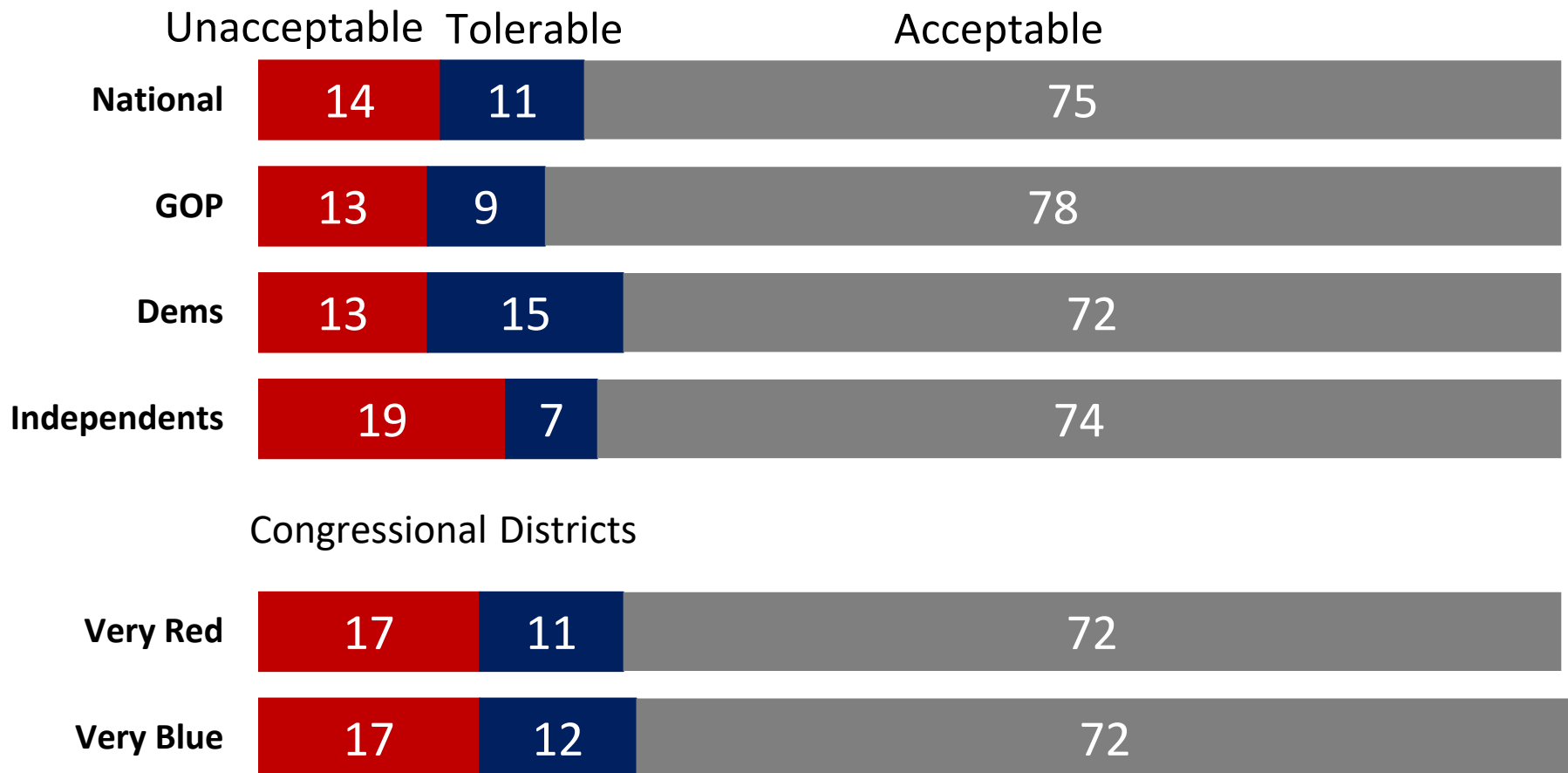
Final Recommendation: Extending Waiting Period for Senior Congressional Staffers

Extending the waiting period before lobbying from one to two years



Assessment: Extending Waiting Period for Executive Branch Officials

How acceptable it would be to you to extend the period a senior Executive Branch official would have to wait before lobbying the agency they worked for from 1-2 years to five years?

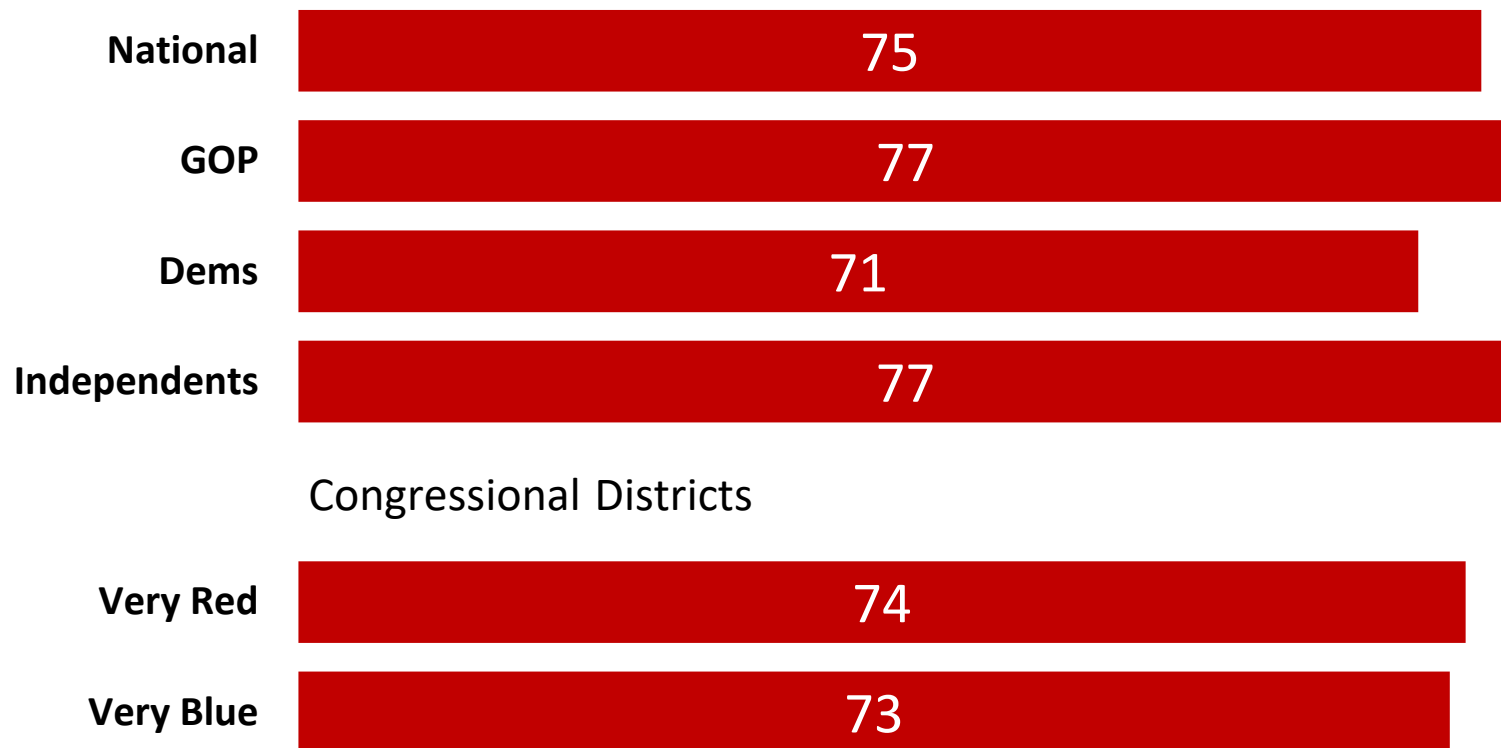


Recommendation: Extending Waiting Period for Executive Branch Officials

Which would you recommend the most when it comes to senior Executive Branch officials lobbying the agency they worked for?

Adopting the proposal to extend the waiting period before lobbying to five years for all senior Executive Branch officials

Favor



LOBBYING FOREIGN GOVERNMENTS

Another debate is about former senior Executive Branch officials lobbying on behalf of a foreign government.

Here is the current situation:

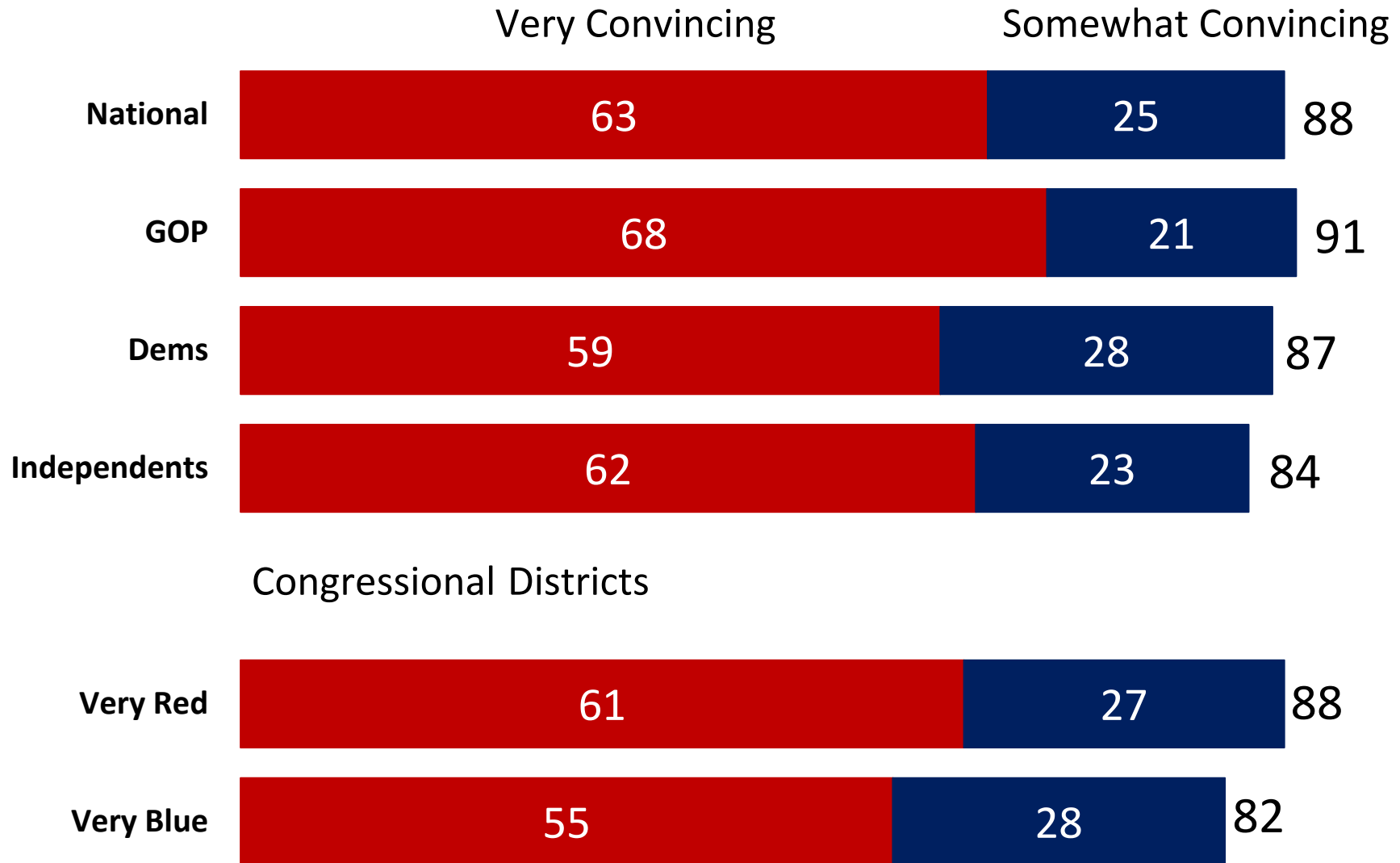
- Americans can act as lobbyists for foreign governments, provided they register and report their activities to the US government.
- Former senior Executive Branch officials are prohibited from lobbying their former agency for 1-2 years after they leave office, whether for a foreign or domestic client, but face no restrictions after that time period.
- The Trump administration has required that to be part of the current administration Executive Branch officials must pledge never to lobby for a foreign government after they leave office, but no law prohibits them from doing so and this would not necessarily apply to future administrations.

There is a proposed bill in Congress that would prohibit former senior Executive Branch officials from any lobbying on behalf of a foreign government for the rest of their life.

Argument in Favor: Former Executive Branch Officials Lobbying Foreign Governments

Foreign governments should not be allowed to hire former senior Executive Branch officials who have unique knowledge, connections and influence to advance the interests of the foreign power. Those foreign entities may have interests that are at odds with the interests of the US government and they should not have inside access.

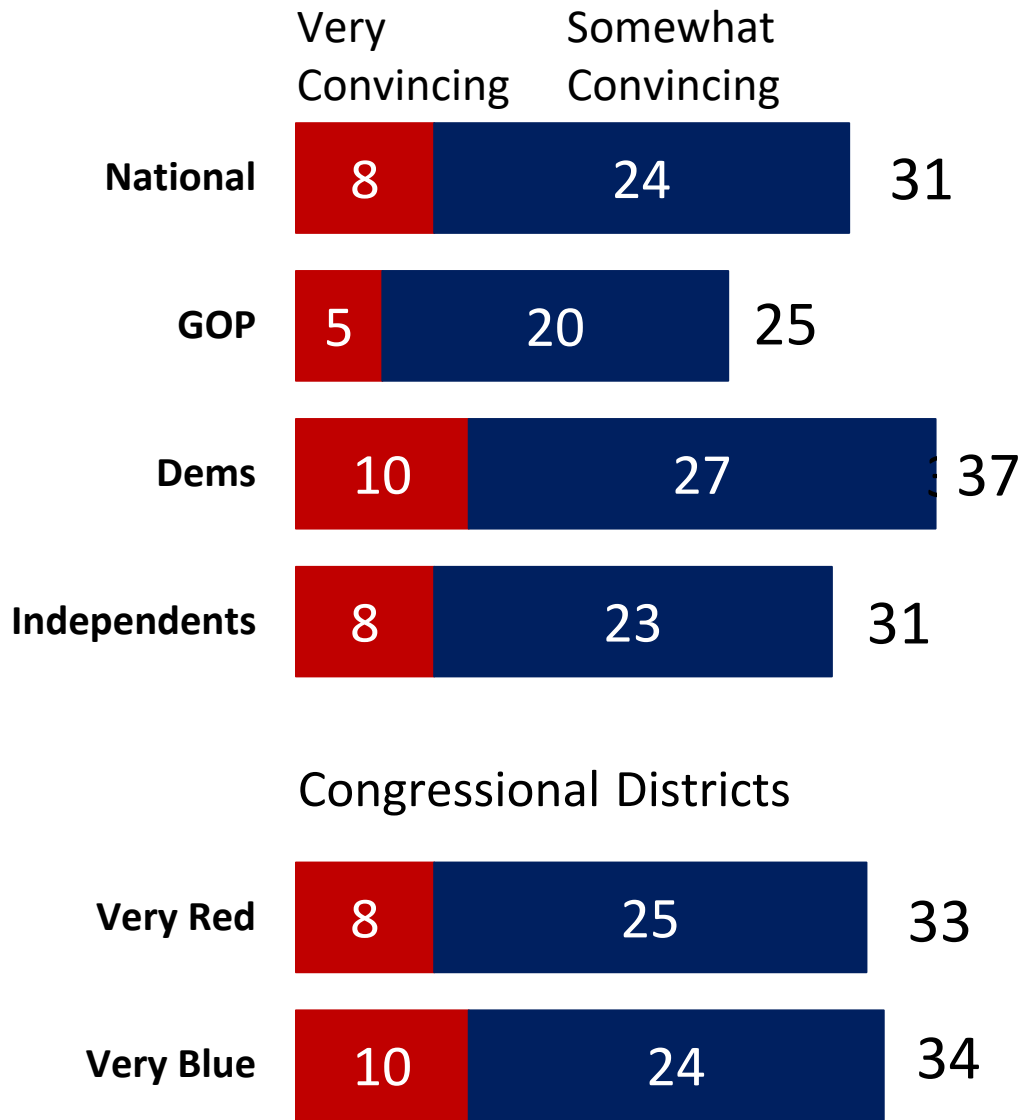
Argument in Favor: Former Executive Branch Officials Lobbying Foreign Governments



Argument Against: Former Executive Branch Officials Lobbying Foreign Governments

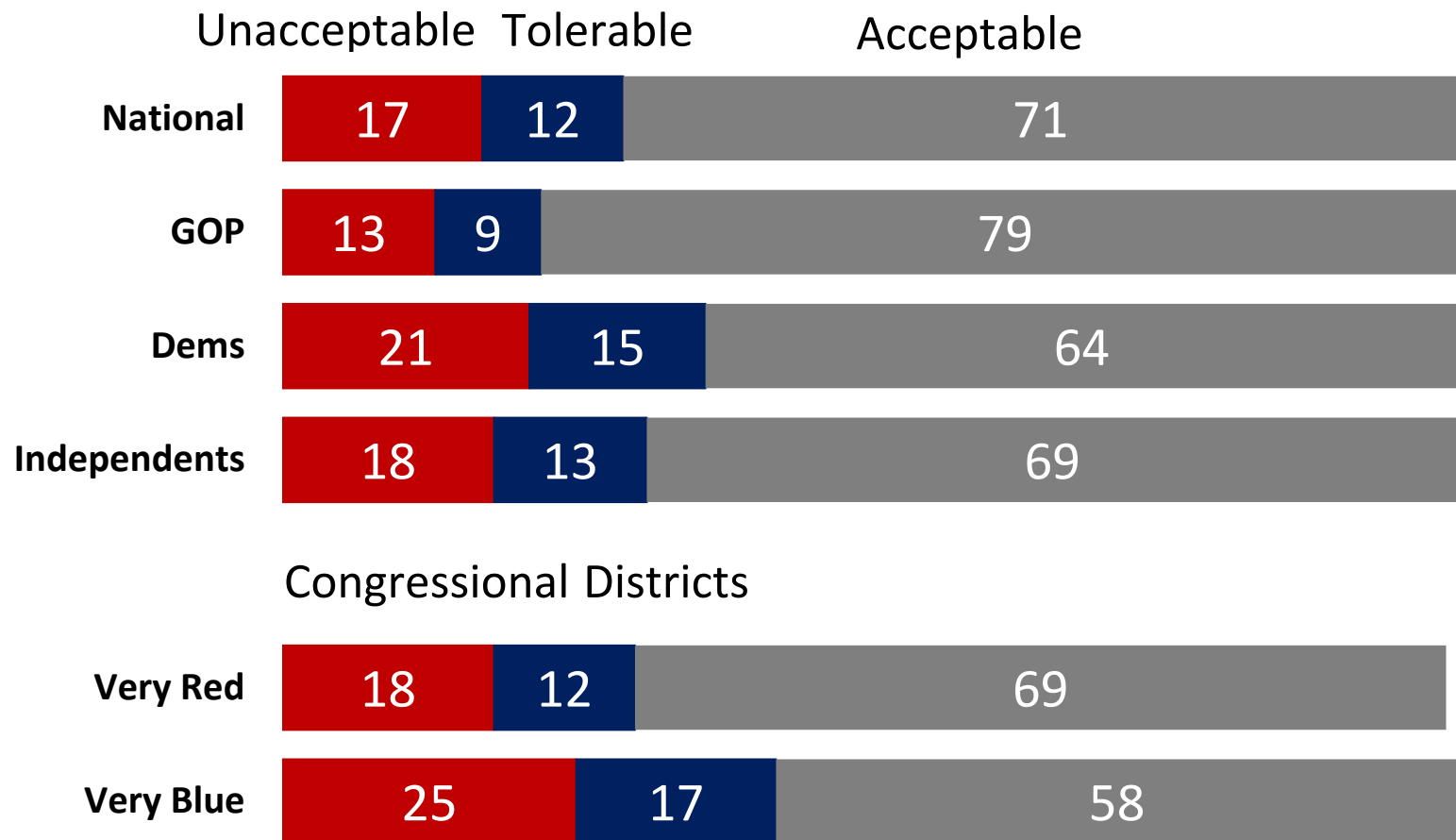
Singling out and permanently prohibiting former senior Executive Branch officials from lobbying for foreign governments is discriminatory and violates the principles of free speech. It won't protect against a foreign government's bad intentions because it can always hire another lobbyist. And it is also not necessary: or government is not going to do something that is contrary to our interests because a former Executive Branch official makes a case.

Argument Against: Former Executive Branch Officials Lobbying Foreign Governments



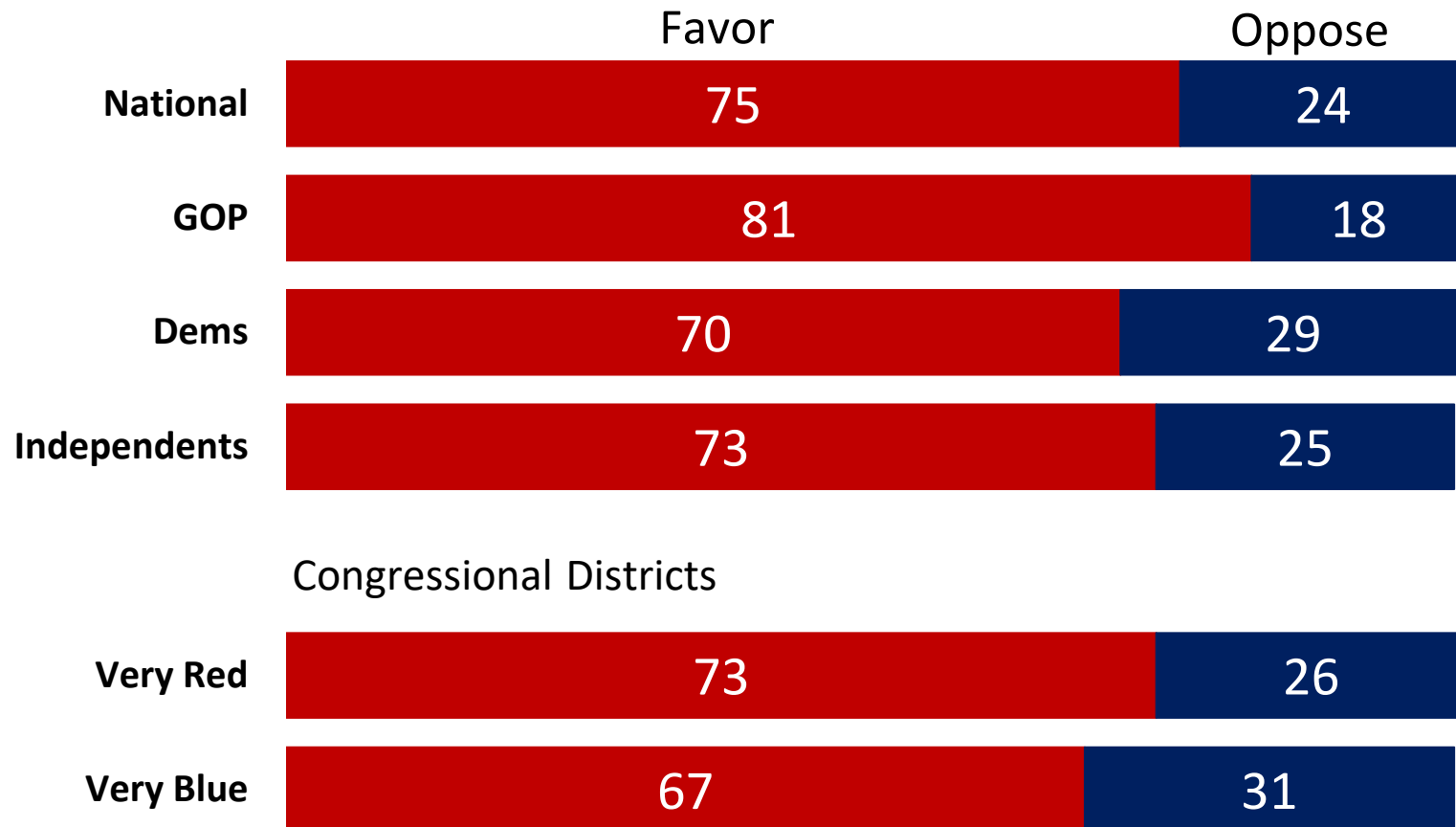
Assessment: Former Executive Branch Officials Lobbying Foreign Governments

How acceptable would it be to you if former senior Executive Branch officials were prohibited from any lobbying on behalf of a foreign government, for the rest of their life?



Recommendation: Former Executive Branch Officials Lobbying Foreign Governments

So would you recommend you Member of Congress vote in favor of or against a proposal to prohibit former senior Executive Branch officials from lobbying on behalf of a foreign government, for the rest of their life?



Former Presidents

Methodology

Online Probability-Based Panel provided by
Nielsen Scarborough

Fielded: September 22 - October 17, 2017

Total Sample: 2,589 registered voters

Margin of Error: 1.9%

Another bill in Congress seeks to eliminate the financial support that US Presidents get after they leave office.

As you may know, under current law going back some decades, when US presidents leave office, they are given financial support to cover the ongoing costs associated with the activities of being a former president, such as public speaking and consulting with current government officials. These costs include having an office, having a staff, and travel. In 2017, the government will spend a total of about \$4 million for this purpose in support of the four living former presidents.

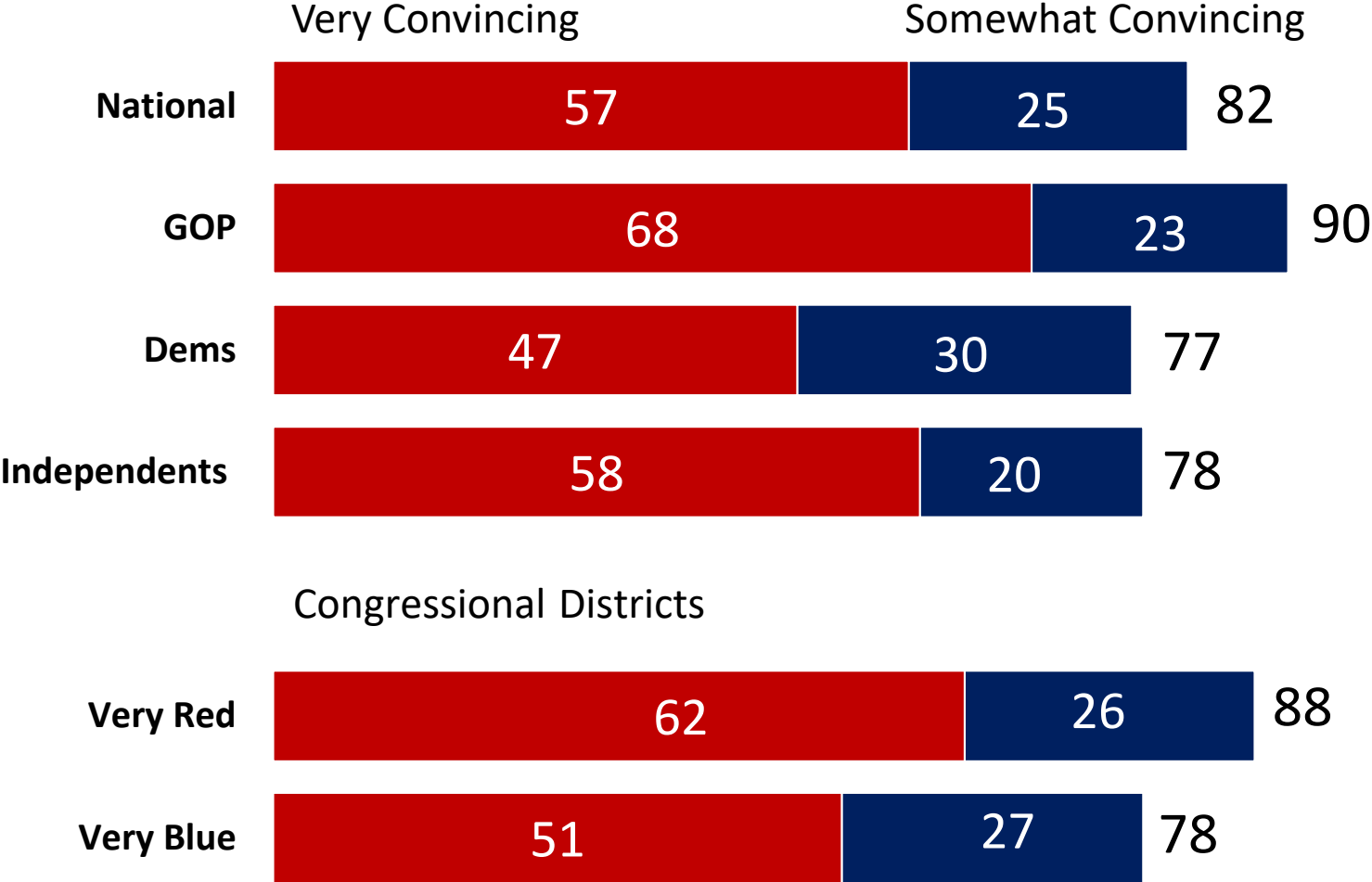
Currently, there is a proposed bill in Congress that would eliminate this support for former presidents' office space, staff and travel. It would not affect support for Secret Service protection or the president's pension.

Argument in Favor: Former Presidents

It no longer makes sense to spend US taxpayer funds on former presidents' office space, staff and travel. While financial support for former presidents might have been appropriate in the past, in the modern era, former presidents can earn very large fees—millions of dollars—from public speaking and book deals.

Furthermore, some of the activities of former presidents involve politics, such as supporting a candidate. It makes sense to continue to provide them Secret Service protection as well as their pensions—which are over \$200,000—but it no longer makes sense to spend US taxpayer funds on more than that.

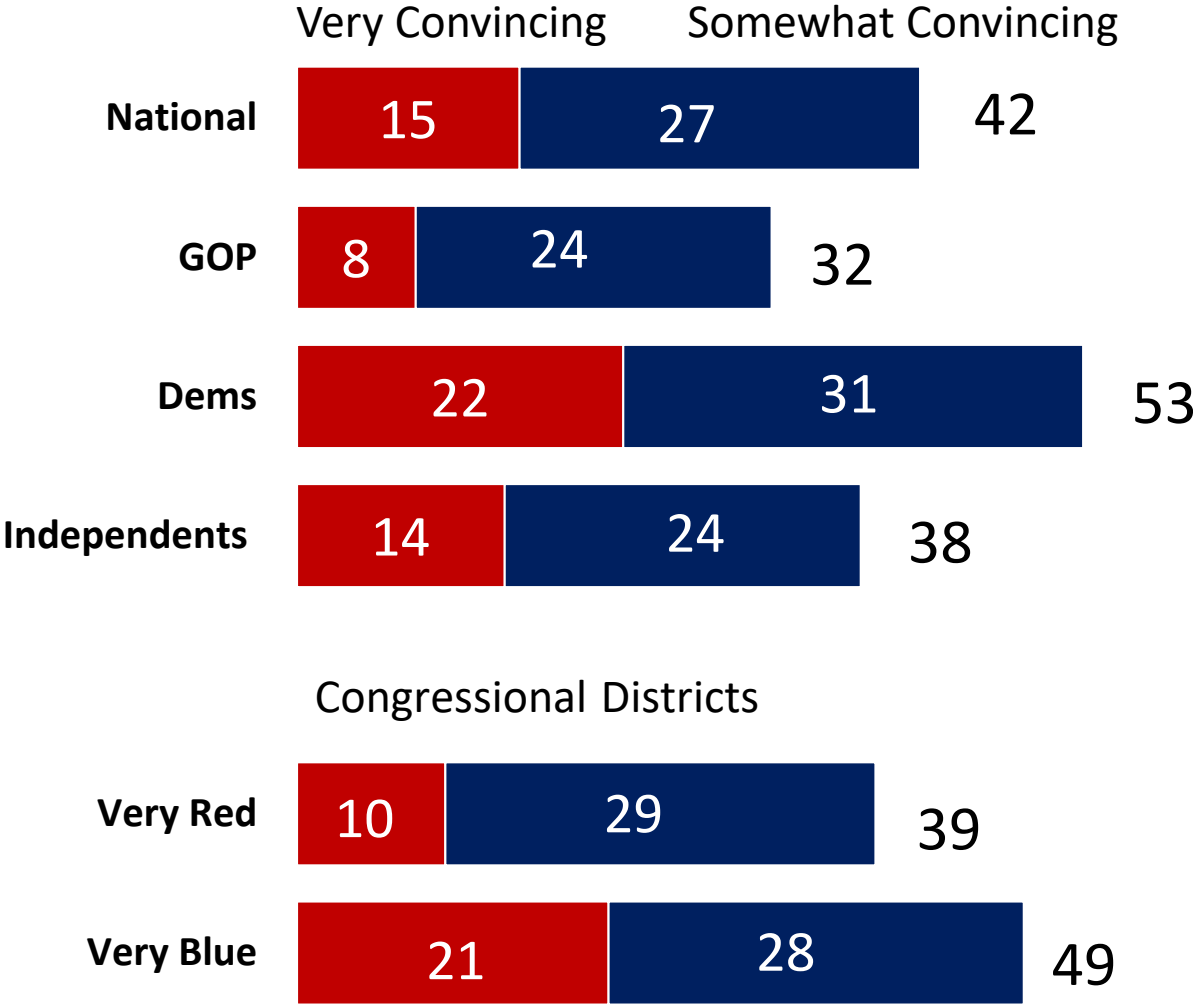
Argument in Favor: Former Presidents



Argument Against: Former Presidents

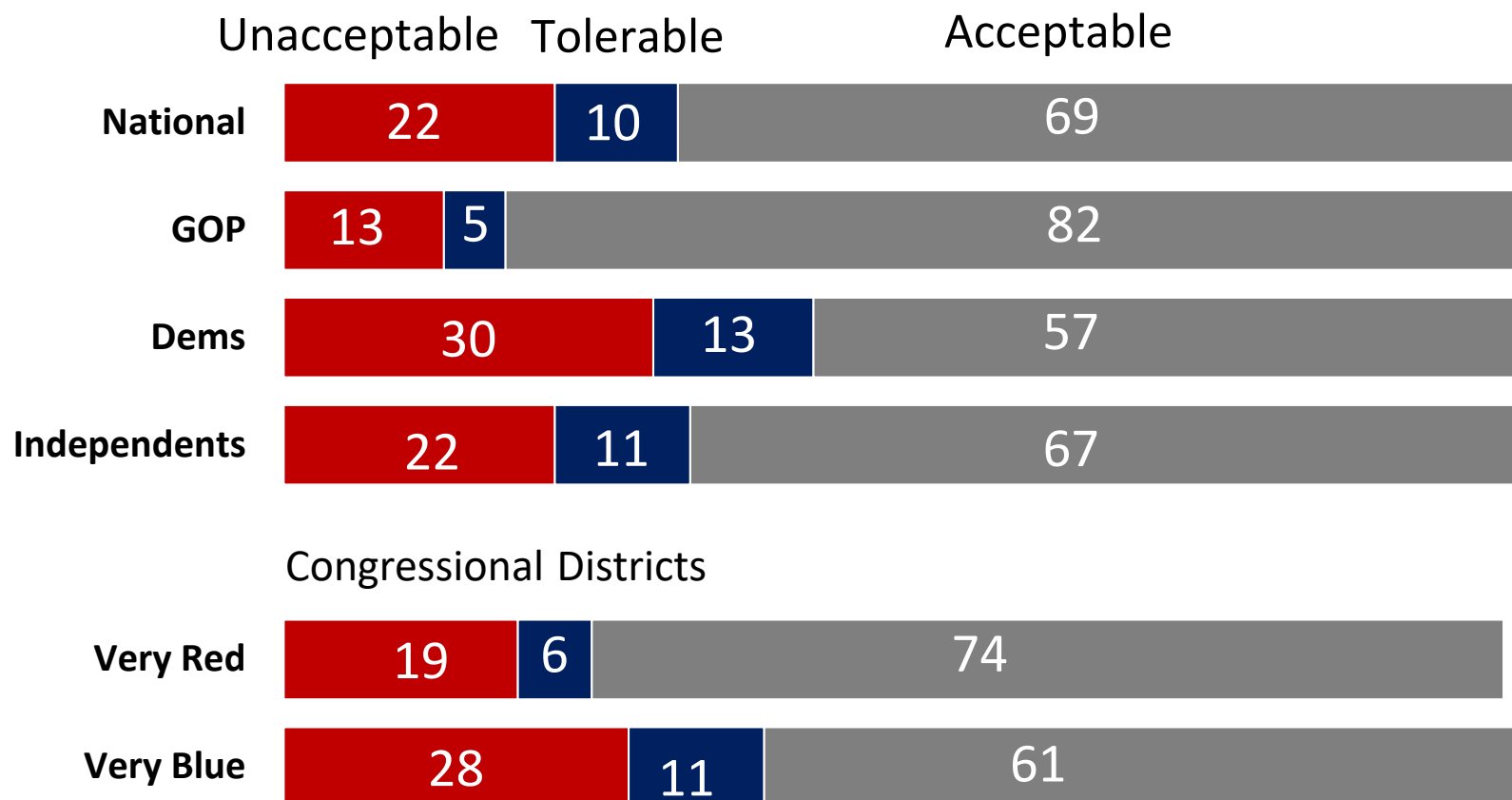
There are substantial expenses associated with fulfilling the role that Americans expect of their former presidents—advising current officials, representing the US abroad in key diplomatic events, and even negotiating with foreign governments. They also receive a tremendous amount of mail that they must answer. It is in the nation's interest for former presidents to continue to perform these vital functions, and it is unfair to make them pay for the associated costs out of their personal funds. It is also inappropriate to expect them to finance these important diplomatic and symbolic functions by soliciting book deals or speaking fees. We must maintain the dignity of the presidency.

Argument Against: Former Presidents



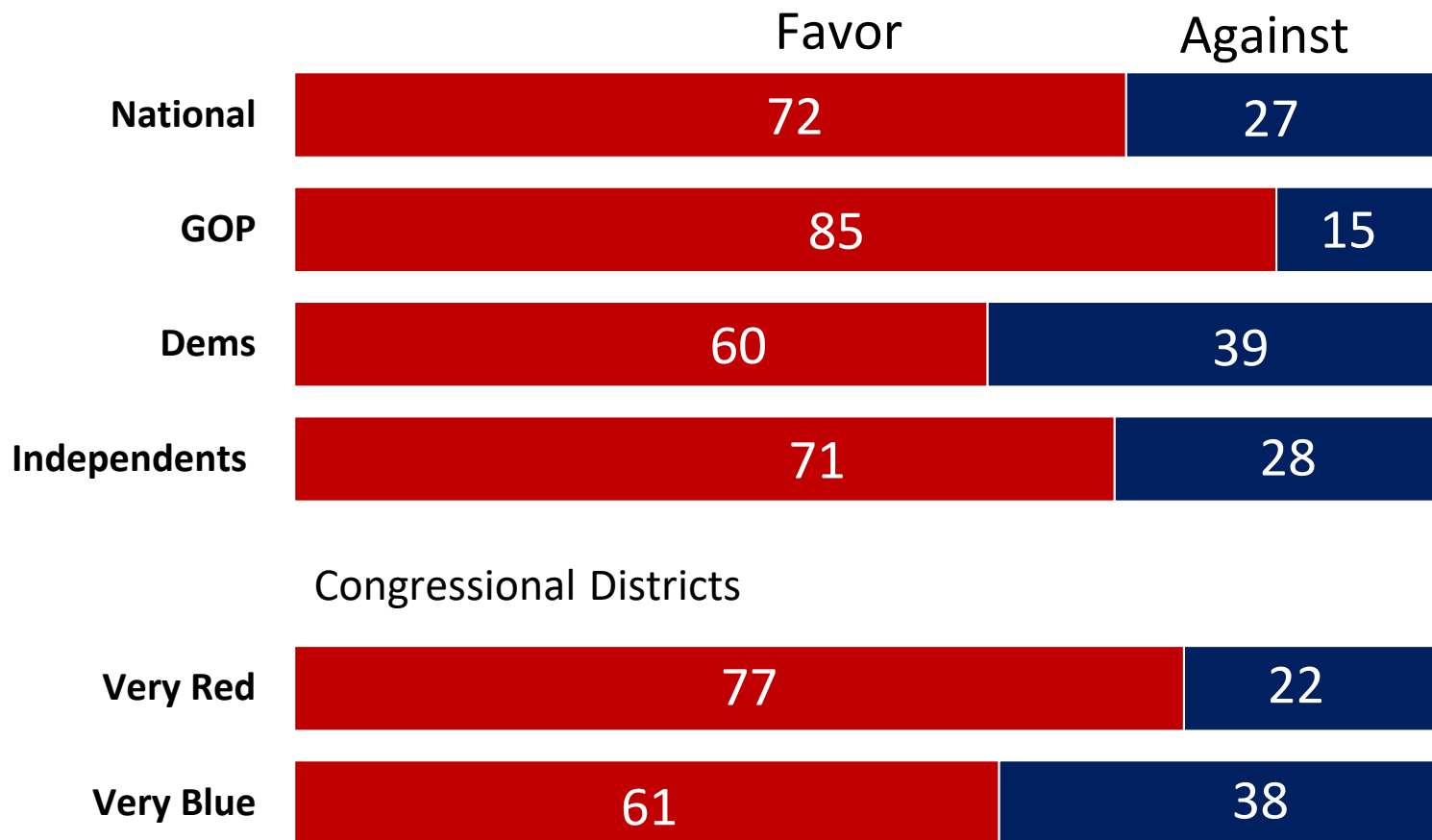
Assessment: Former Presidents

So, again, the proposal is to eliminate support for former presidents' office space, staff and travel. It would not affect support for Secret Service protection or the presidents' pension. Please select how acceptable this proposal would be to you.



Final Recommendation: Former Presidents

Would you recommend that your Member of Congress vote in favor or against this proposal?





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