

Kirk Defends Policy To Purge Advocates From ITACs

by Peter Cohn
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Trade Representative Kirk Monday defended a new White House policy that would trim federally registered lobbyists from the ranks of agency advisory boards and commissions, a move that has drawn a rebuke from the trade community.

The Obama administration policy, first announced Sept. 23 by Norm Eisen, special counsel for ethics and government reform, on the White House blog, is part of the administration's efforts to clamp down on lobbyists' influence in Washington.

Every registered lobbyist serving on the advisory committees must step down once their term ends, and the first deadline is coming up in February when the 300-plus member Industry Trade Advisory Committees is due to be rechartered.

Eisen said in his blog post that culling lobbyists from the roster was an "aspiration." But the Commerce Department and the Office of the U.S. Trade Representative made it official in a memo to the ITACs on Wednesday, giving them until Oct. 30 to confirm that if they want to be reappointed, they have to respond in writing that they are not a registered lobbyist and will not register to become one during the new term. The move drew immediate protests, but Kirk said he was holding firm.

"That's one that the president has dictated we're going to follow," Kirk said at a briefing. "There is a role for representatives and lobbyists in the development of the policymaking process; the president felt that that role in Washington had been enlarged to perhaps an unhealthy degree."

The ITACs make up the brunt of the 700 representatives serving on trade advisory committees, with industry estimates pegging the total number of registered lobbyists at about one-third. That is a lot of expertise to lose in the name of transparency in government, critics argue, not to mention the act of registering as a lobbyist is about transparency in the first place.

"The thing that triggers getting kicked off is complying with the law," said Stephen Lamar, executive vice president of the American Apparel and Footwear Association. "We're working to try to persuade the administration that this is a policy -- understanding they want to inject more transparency into the process -- that will have precisely the opposite effect."

He said two things have been happening in light of the announcement: Panel members are deregistering as lobbyists, or they are trying to figure out who can replace them on the advisory boards that will have the same ability to advocate a company or industry's position.

Lamar is chairman of the Industry Trade Advisory Committee on Textiles and Clothing; his and other members' four-year terms are up in February.

Lamar and Cass Johnson, president of the National Council of Textile Organizations, were among the first to raise red flags about the move soon after Eisen's blog post.

Johnson fired off an e-mail in response after Wednesday's memo went out to the ITACs from Ingrid Mitchem, director of the Industry Trade Advisory Center at the Commerce Department, detailing the policy's implementation and Oct. 30 deadline.

He said that not only was there no opportunity for comment, but the panels will lose "decades of experience dealing with complex trade issues" and the textile industry will be left out of important negotiations.

In an interview, Johnson said the move also puts him and other registered lobbyists in the position of having to choose between contact with Capitol Hill lawmakers and staff, or with administration officials. "This is such a weird thing; they're saying because you meet with members of Congress, you can't meet with the administration. What sense does that make?" Johnson said. "It's a no-win situation, and really not thought-out."

Tim Brightbill, an attorney with Wiley Rein LLP, serves on the ITAC on Services and Finance, representing the American Bar Association. While he is not a registered lobbyist, Brightbill said probably more than half of those on his panel are, representing industries ranging from financial services to express delivery. He said losing that experience could be a serious setback to the Doha round of trade negotiations and bilateral investment treaty talks with China and India.

"My personal opinion of this is it goes too far ... this will drastically reduce the experience that is available, and when you're analyzing trade agreements, it's very important to have that kind of experience," Brightbill said. "We have low-level security clearances, but it takes months for that to happen. They can't just re-staff these ITACs right away, and that could harm our ability to provide timely advice during the Doha round and other trade negotiations."

The concern is not limited to business interests. "We think it's a terrible idea. It goes too far and is not well-targeted at rooting out corporate special interests," said AFL-CIO policy director Thea Lee, citing the registered lobbyists who are union officials serving on the Labor Advisory Committee.

"Small business and unions are particularly hard-hit because we tend to have small offices in D.C., and those offices don't have the resources to compete with the big corporations and associations," Lee said. "I suppose we could send a secretary, janitor or summer intern to these meetings, but that wouldn't really be helpful."

During Kirk's briefing Monday, in which he outlined a new initiative aimed at helping small firms benefit from trade, he said small businesses are unlikely to be affected. "To the degree that small businesses are impacted, they're much more likely to be represented by a professional association, which would not impact them," Kirk said. "So in a perverse way, you may see by necessity more small businesses rather than their association representative being asked to serve, and more of the clients rather than their paid lobbyists."

Regardless, those paid lobbyists are adamant that the White House reconsider. "Unlike some public policy advocates (nice way of saying lobbyists) who plan on deregistering, I plan to pursue these endeavors in an open and transparent way," wrote Bill Lane, Caterpillar's Washington director of

government affairs, in an e-mailed response last Wednesday to Mitchem's directive. "In other words, I have every intention to remain a registered lobbyist."