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## Loophole in Lobbying Bill Leaves Wiggle Room

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Lawmakers are about to bombard the American public with proposals that would crack down on lobbyists. Several prominent plans, including one outlined yesterday by House Speaker J. Dennis Hastert (R-Ill.), would specifically ban meals and privately paid travel for lawmakers.

Or would they?

According to lobbyists and ethics experts, even if Hastert's proposal is enacted, members of Congress and their staffs could still travel the world on an interest group's expense and eat steak on a lobbyist's account at the priciest restaurants in Washington.

The only requirement would be that whenever a lobbyist pays the bill, he or she must also hand the lawmaker a campaign contribution. Then the transaction would be perfectly okay.

"That's a big hole if they don't address campaign finance," said Joel Jankowsky, the lobbying chief of Akin Gump Strauss Hauer & Feld, one of the capital's largest lobbying outfits.

The plans offered by Republican leaders yesterday would change two of the three areas of law or regulation that govern lobbyists' behavior: the congressional rules that limit gifts to lawmakers and the laws that dictate the amount of disclosure that lobbyists must give the public.

A third major area -- campaign finance laws -- would go untouched, an omission that amounts to a gaping loophole in efforts to distance lobbyists from the people they are paid to influence.

Anything that members of Congress can now do in the pursuit of money for their reelections will still be permitted in the future -- including accepting lobbyist-paid travel and in-town meals -- unless campaign finance laws are altered.

"Political contributions are specifically exempted from the definition of what a gift is in House and Senate gift rules," said Kenneth A. Gross, an ethics lawyer at Skadden, Arps, Slate, Meagher & Flom. "So, unless the campaign finance laws are changed, if a lobbyist wants to sponsor an event at the MCI arena or on the slopes of Colorado, as long as it's a fundraiser it would still be fine."

The result, he added, "may well be more out-of-town fundraising events than there are at the moment."

Paul A. Miller, president of the American League of Lobbyists, said of the loophole: "You may see a shift from what we're able to do now to the political fundraiser side where it is legal."

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Currently, lawmakers and staff members are permitted to take "fact-finding" trips paid for by private groups, including lobbying organizations and corporations. These excursions, whose destinations are often major cities and warm resorts in wintertime, need only be disclosed and include official functions to be acceptable under the rules.

Yesterday, Hastert and high-ranking Senate Republicans, led by Rick Santorum (Pa.) and John McCain (Ariz.), said they would eliminate these privately funded fact-finding trips as part of a comprehensive ethics package that they hoped would begin moving through Congress early next month. The senators also said they would restrict gifts to lawmakers but apparently would not go as far as to ban meals, as Hastert said he intended to propose.

None of the lawmakers, however, said they would end travel and meals supplied by lobbyists as part of fundraising events, which, at least for now, would leave the loophole open. Rep. David Dreier (R-Calif.), who is Hastert's emissary on the lobbying issue, said he was tasked to deal with lobbying laws, not campaign-finance laws, which he declared a separate issue.

McCain, who has been a leader on matters dealing with lobbyists and campaign fundraising, said he was aware of the problem. In an interview after his news conference with Santorum, McCain said he knows the loophole exists and vowed to close it before the bill becomes a law.

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