

United States Senate

WASHINGTON, DC 20510

November 12, 2021

The Honorable Sonceria Berry
Secretary of the Senate
U.S. Capitol, Room S-312
Washington, DC 20510

Dear Ms. Berry:

We write to follow up on our July 2019 letter to your predecessor requesting that your office determine whether the U.S. Chamber of Commerce (the Chamber) is in compliance with the Lobbying Disclosure Act (LDA).¹

In our original letter (which we enclose as an attachment), we laid out the evidence that the Chamber, by failing to disclose its member companies, has failed to comply with the LDA's requirement that it disclose "affiliated organizations." The LDA defines entities that contribute more than \$5,000 in a given quarter for lobbying activities and "actively participate in the planning, supervision, or control of such lobbying activities" as affiliated organizations.² We also called your attention to duties the LDA imposes on the Secretary of the Senate ("the Secretary") and the Clerk of the House of Representatives ("the Clerk"). Pursuant to the LDA, the Secretary and the Clerk are to "review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports."³ If a lobbying organization fails to appropriately respond within 60 days of having received a written notice of noncompliance by the Secretary or the Clerk, the matter must be referred to the U.S. Attorney for the District of Columbia.⁴

After we sent our original letter, our staffs met with representatives of your office and the office of the Clerk. They explained to our staff that they did not have the resources to review and verify whether lobbying disclosure reports filed pursuant to the LDA are accurate or complete.

Recent developments require us return this matter to your attention. The President's Build Back Better plan would invest in families, infrastructure, and the decarbonization of our economy, and would be paid for by raising taxes on large corporations, wealthy individuals, and corporate polluters. As Congress moves to enact this plan, business groups have launched a "massive lobbying blitz" to kill the plan.⁵ The Chamber has been described as "among the most active" of these business groups, and reports indicate that the Chamber is putting together "an economy-

¹ July 10, 2019 letter from Senator Sheldon Whitehouse and Senator Elizabeth Warren, *available at* <https://www.whitehouse.senate.gov/download/lda-letter-re-chamber-lobbying>

² 2 U.S.C. §1603(b)(3)

³ 2 U.S.C. §1605(a)(2)

⁴ 2 U.S.C. §1605(a)(8)

⁵ Tony Romm, "Corporate America launches massive lobbying blitz to kill key parts of Democrats' \$3.5 trillion economic plan," *The Washington Post* (Aug. 31, 2021), <https://www.washingtonpost.com/us-policy/2021/08/31/business-lobbying-democrats-reconciliation/>

wide coalition to coordinate the fight.”⁶ Indeed, the Chamber has “vow[ed] to defeat” the legislation, and its president and CEO declared that it “will do everything [it] can” to prevent the legislation from becoming law.⁷

The Chamber’s failure to disclose its affiliated organizations allows its membership--the nation’s largest companies—to hide their efforts to defeat passage of the Build Back Better plan from Congress, their shareholders, and the public.

Since we sent our original letter, the Chamber’s lobbying disclosure reports have, in our view, continued to be noncompliant with respect to disclosure of affiliated organizations. Through the second quarter of 2020, the Chamber’s filings disclosed no affiliated organizations. Beginning in the third quarter of 2020 and continuing through to its most recent filing for the third quarter of 2021⁸, the Chamber lists a url⁹ that directs to a webpage about arbitration hosted on the website of the Chamber’s Institute for Legal Reform. The webpage does not provide any information disclosing entities funding the Chamber’s lobbying activities, and in no way complies with the LDA’s disclosure requirements for affiliated organizations.

As noted in our original letter, in enacting the LDA, Congress found that “the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.”¹⁰ Against the backdrop of a massive surge in corporate lobbying, much of it apparently led or organized by the Chamber, it is more imperative than ever that the offices of the Secretary and the Clerk fulfill their role under the LDA to ascertain whether corporate trade associations such as the Chamber are complying with the Act’s disclosure requirements. We urge you to seriously investigate this matter, and if you are unable to do so, to refer it to the U.S. Attorney for the District of Columbia.

Sincerely,



Sheldon Whitehouse
United States Senator



Elizabeth Warren
United States Senator

⁶ *Id.*

⁷ August 24, 2021 Statement of U.S. Chamber President and CEO Suzanne Clark, *available at* <https://www.uschamber.com/press-release/us-chamber-vows-defeat-reconciliation-hails-voting-deadline-bipartisan-infrastructure>

⁸ *See*, line 25, third quarter 2021 lobbying disclosure report for the U.S. Chamber of Commerce, *available at* <https://lda.senate.gov/filings/public/filing/d2b096c0-d0a2-496e-8f35-836966801166/print/>

⁹ <https://instituteforlegalreform.com/issue/arbitration/>

¹⁰ 2 U.S.C. §1601(3)

Enclosure

cc:

The Honorable Cheryl L. Johnson, Clerk of the U.S. House of Representatives
Matthew Graves, United States Attorney for the District of Columbia