

CREW

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and ethics in washington

DEFENSIVE GAME

While the San Francisco 49ers and Baltimore Ravens fight for a Super Bowl title in New Orleans, a quieter game is playing out in Washington in front of a smaller but more influential audience. The National Football League (NFL) has spent the past five years beefing up its lobbying team, creating its first political action committee (PAC), and shoring up its defense in the face of congressional interest in player safety, drug testing, and labor issues.

The NFL spent \$1.14 million on federal lobbying in 2012, more than five times what it spent a decade ago. The league's lobbying spending hit a high in 2011, while it dealt with high-profile and contentious labor negotiations that led to a four-month lockout of players. The league's PAC, Gridiron-PAC, donated more than \$650,000 to federal parties, candidates, and PACs during the 2010 cycle and gave nearly \$850,000 during the 2012 cycle. The National Football League Players' Association (NFLPA), meanwhile, spends far less on lobbying than the NFL but still tripled its lobbying spending over the past 10 years, from \$40,000 in 2002 to \$120,000 in 2012.

Why play in Washington? The NFL is facing several challenges off the gridiron. The House Oversight and Government Reform Committee held a [hearing](#) last month on delays in testing NFL players for human growth hormone, and this week sent a letter to the NFLPA [questioning](#) the union's stance on testing. Over the past few years, Congress [has also examined](#) the league's handling of disability benefits, treatment of retired NFL players, and, most prominently, the NFL's response to [concussions](#), an issue that continues to draw widespread public attention. After a [high-profile 2009 hearing on head injuries](#), members of Congress [threatened](#) to intervene if the league didn't deal with the problem. There was a second hearing in 2010, and with thousands of former players [filing millions of dollars' worth](#) of concussion-related lawsuits, [the issue still looms large for the league](#). In addition, at least two members of Congress at different points have [raised](#) the [possibility](#) of revoking the NFL's valuable antitrust exemption, which allows it to negotiate broadcast deals.

DRAFTING POLITICAL SUPPORT

In 2008, the NFL founded Gridiron-PAC, which is funded mainly by NFL owners and management. Gridiron-PAC didn't start making donations until the 2010 election cycle when, as labor negotiations grew tense and Congress began expressing interest in the head injuries issue, it contributed more than \$665,885 to federal candidates, PACs, and party committees, according to

campaign finance data tracked by Political MoneyLine. The PAC's contributions went up 26 percent in the 2012 cycle, to \$838,000, according to Political MoneyLine.

The top recipients of the PAC's largesse have so far been a mostly bipartisan group of congressional leadership and key members of House committees exercising jurisdiction over NFL issues, according to campaign contribution data tracked by the [Center for Responsive Politics](#). The largest individual recipient of PAC donations is Rep. Fred Upton (R-MI), the chairman of the House Energy and Commerce Committee, who received \$30,000 over the two election cycles. Last summer, Rep. Upton and three other committee leaders [wrote](#) to the NFL and the NFLPA, expressing concern about whether a comprehensive testing for human growth hormone would be in place prior to the start of the 2012 season. The letter [noted](#) the NFLPA had questioned whether tests for human growth hormone were effective and called the NFLPA's questions "inexplicable." Rep. Upton's campaign committee [took in](#) a \$5,000 contribution from Gridiron-PAC a month before he sent the letter. Two other members who signed the letter, former Rep. Mary Bono Mack (R-CA) and Rep. G.K. Butterfield (D-NC), [received](#) contributions at nearly the same time, for \$2,000 and \$1,000, respectively.

The second-largest individual recipient, Rep. Lamar Smith (R-TX), [was](#) ranking member of the House Judiciary Committee when it held [hearings](#) on the NFL's handling of concussions. Rep. Smith received \$25,000 over the two election cycles. He [got](#) a \$5,000 contribution from Gridiron-PAC on October 9, 2009, [less than three weeks before the head injury hearing](#). At the hearing, Rep. Smith spoke [against regulation](#), saying, "We cannot legislate the elimination of injuries from the games without eliminating the games themselves." Rep. Smith became chairman of the House Judiciary Committee in 2011, and the committee has not held further hearings on head injuries in professional sports, [despite some calls to do so](#). In addition, in 2009, he warned Congress [against](#) intervening in the NFL's labor negotiations.

House Speaker John Boehner (R-OH), House Majority Leader Eric Cantor (R-VA), House Minority Leader Nancy Pelosi (D-CA), Senate Majority Leader Harry Reid (D-NV), and Rep. Debbie Wasserman Schultz (D-FL) all received \$20,000 from Gridiron-PAC, the third-largest amount for individuals. The NFLPA doesn't have a PAC. In 2011, a players' union spokesman said it [didn't need one](#).

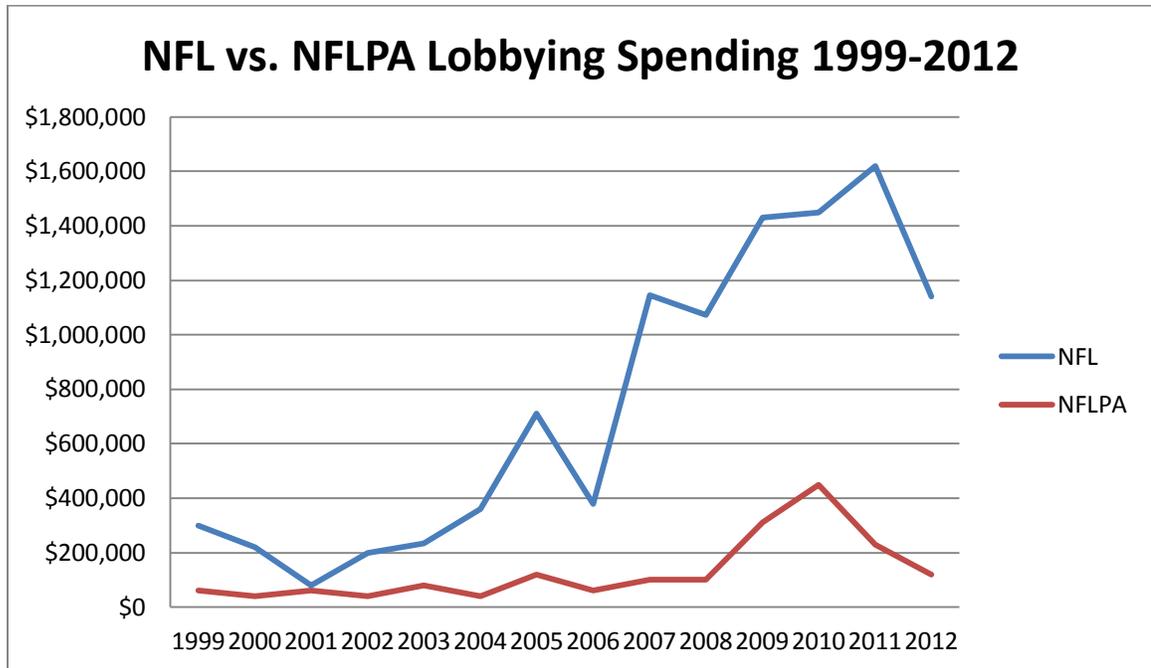
BIGGER WASHINGTON TEAM

In 2008, the NFL hired [Jeffrey Miller](#), a former chief counsel to Sen. Herb Kohl (D-WI) and the Senate Judiciary Committee, [as its first in-house lobbyist](#). The league also changed some of the outside firms on its roster, adding the Glover Park Group and Elmendorf Ryan to its roster. In 2012, the NFL reported employing three in-house lobbyists and five outside firms.

The NFLPA has also expanded its Washington presence. Following the 2008 death of NFLPA head Gene Upshaw, a former player, the union [hired](#) Washington attorney DeMaurice Smith, [as its new leader](#). Mr. Smith had been a [partner](#) at Patton Boggs, and shortly after his

appointment, the NFLPA turned to the firm to spearhead its lobbying efforts. The players' union increased lobbying spending, hitting a high of \$450,000 in 2010. As part of their lobbying efforts, the NFLPA [often sends](#) active players to meet with lawmakers and congressional staff. The NFLPA most recently reported lobbying on labor issues and player safety.

Lobbying and campaign contributions can get expensive, but given the NFL's [estimated \\$9 billion in annual revenue](#), both sides can clearly afford to maintain a presence on Washington's playing field for now.



Source: Senate Lobbying Disclosure Act Database