



# **American Bridge**

## **Trump Policy Brief: Ethics Commitments**

**4.20.17**

## ETHICS COMMITMENTS

Donald Trump signed an executive order on January 28, 2017 instituting a new “ethics pledge” for executive branch employees. While this action was touted as fulfilling his campaign promise of “draining the swamp,” Trump’s order was actually just a watered-down version of previous administrations’ ethics pledges and has not led to a particularly un-swampy White House.

- ✓ Trump’s order excluded a ban on lobbyists going to work in the agencies they lobbied. Geoff Burr, a former labor lobbyist, has since been appointed a leadership position in the dept.
- ✓ Trump's Executive Order retained the ability to issue waivers for some officials but removed disclosure requirements, making it harder for the public to determine if the administration exploits this loophole.
- ✓ Trump's 5-year ban on “lobbying activities” was more specific than previously-prohibited communication between lobbyists and administration officials, and will simply result in expanded shadow lobbying.

### Trump Signed An Executive Order Implementing New “Ethics” Standards For His Administration

#### JANUARY 28<sup>TH</sup>, 2017: TRUMP SIGNED AN EXECUTIVE ORDER IMPOSING A 5-YEAR LOBBYING BAN ON FORMER ADMINISTRATION OFFICIALS, AMONG OTHER RESTRICTIONS

January 28, 2017: President Trump Signed An Executive Order Titled “Ethics Commitments By Executive Branch Employees.” [White House, [1/28/17](#)]

- **Trump’s Order Required Executive Branch Employees To Pledge They Would Not Lobby Their Former Agencies Within 5 Years Of Leaving Employment With Those Agencies.** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.’ [White House, [1/28/17](#)]
- **Trump’s Order Required Executive Branch Employees To Abide By Agency-Specific “Post-Employment Restrictions On Communicating With Employees Of My Former Executive Agency.”** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public

trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.” [White House, [1/28/17](#)]

- **Trump’s Order Required Executive Branch Employees To Pledge They Would Not Lobby Administration Officials Upon Leaving The Administration.** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.’” [White House, [1/28/17](#)]
- **Trump’s Order Required Executive Branch Employees To Pledge They Would Not Become Foreign Agents At Any Time After Their Employment With The Administration.** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.’” [White House, [1/28/17](#)]
- **Trump’s Order Required Executive Branch Employees To Pledge They Would Not Accept Gifts From Lobbyists While Working For The Administration.** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.’” [White House, [1/28/17](#)]
- **Trump’s Order Required Executive Branch Employees To Pledge They Would Not Perform Work On Behalf Of Any Former Employers Or Clients For Their First Two Years Working In The Administration.** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are

binding on me and are enforceable under law: [...] I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.” [White House, [1/28/17](#)]

- **Trump’s Order Required Executive Branch Employees To Pledge That, If They Were Lobbyists Before Joining The Administration, That For 2 Years They Would Not Work On Issues On Which They Lobbied During The 2 Years Preceding Their Appointment.** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.’ [White House, [1/28/17](#)]
- **Trump’s Order Required Executive Branch Employees To Pledge That “Any Hiring Or Other Employment Decisions I Make Will Be Based On The Candidate’s Qualifications, Competence, And Experience.”** According to Executive Order: Ethics Commitments By Executive Branch Employees signed by President Trump, “Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee: ‘As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law: [...] I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.’ [White House, [1/28/17](#)]

## **TRUMP’S ORDER WAS ALMOST WORD-FOR-WORD THE SAME AS ORDERS SIGNED BY PRESIDENTS OBAMA AND CLINTON DURING THEIR ADMINISTRATIONS**

**Trump’s Order Imposing Ethics Standards And A Five Year Lobbying Ban On Executive Branch Employees Was Almost Word-For-Word The Same As Orders Given By Presidents Obama And Clinton During Their Administrations.** According to NPR, “In signing an executive order imposing tough ethics standards on executive branch employees, President Trump followed a path laid by the two Democratic presidents who preceded him, almost word for word. This is a five-year lobbying ban,’ Trump said at the ceremony where he signed this and two other orders. ‘It’s a two-year ban now, and it’s got full of loopholes, and this is a five-year ban.’” [NPR, [1/28/17](#)]

**Trump’s Order Had The Exact Same Title As Clinton’s.** According to NPR, “But what Trump is doing is derivative of what his two immediate Democratic predecessors did. On his first full day in office, Jan. 20, 1993, President Bill Clinton signed an executive order titled, ‘Ethics Commitments by Executive Branch Appointees.’ Twenty four years, a week and a day later, President Trump signed an order bearing the exact same title.” [NPR, [1/28/17](#)]

## Trump's Pledge Borrowed Heavily From Obama And Clinton Administration Ethics Pledges, Particularly Obama's

Obama Pledge	Trump Pledge	Clinton Pledge
<p>Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2009, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:</p> <p>"As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:</p> <p>"1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.</p> <p>"2. Revolving Door Ban—All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.</p> <p>"3. Revolving Door Ban—Lobbyists Entering Government. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:</p> <ul style="list-style-type: none"> <li>(a) participate in any particular matter on which I lobbied within the 2 years before the date of my appointment;</li> <li>(b) participate in the specific issue area in which that particular matter falls or</li> <li>(c) seek or accept employment with any executive agency that I lobbied within the 2 years before the date of my appointment.</li> </ul> <p>"4. Revolving Door Ban—Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment.</p> <p>"5. Revolving Door Ban—Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.</p> <p>"6. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.</p>	<p>Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:</p> <p>"As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:</p> <p>"1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.</p> <p>"2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.</p> <p>"3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.</p> <p>"4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.</p> <p>"5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.</p> <p>"6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.</p> <p>"7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.</p> <p>"8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.</p> <p>"9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I</p>	<p>Section 1. Ethics Pledges. (a) Every senior appointee in every executive agency appointed on or after January 20, 1993, shall sign, and upon signing shall be contractually committed to, the following pledge ("senior appointee pledge") upon becoming a senior appointee:</p> <p>"As a condition, and in consideration, of my employment in the United States Government in a senior appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:</p> <p>"1. I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency.</p> <p>"2. In the event that I serve as a senior appointee in the Executive Office of the President ("EOP"), I also will not, within five years after I cease to be a senior appointee in the EOP, lobby any officer or employee of any other executive agency with respect to which I had personal and substantial responsibility as a senior appointee in the EOP.</p> <p>"3. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, if undertaken on January 20, 1993, would require me to register under the Foreign Agents Registration Act of 1938, as amended.</p> <p>"4. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.</p> <p>"5. I acknowledge that the Executive order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service."</p>

<p>"7. Assent to Enforcement. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Personnel,' issued by the President on January 21, 2009, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service."</p>	<p>have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service."</p>	
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[White House, [1/28/17](#); American Presidency Project, accessed [3/3/17](#); [3/3/17](#)]

## **FAR FROM A REVOLUTIONARY DRAINING OF THE SWAMP, TRUMP'S ORDER JUST COPIED – AND LOOSENED – ETHICS RULES**

### **Trump Condemned Obama And Clinton For Not “Draining The Swamp”**

**Trump Lifted His Language From Previous Executive Orders From Bill Clinton And Barack Obama, Presidents He Condemned For Not “Draining The Swamp.”** According to NPR, “But the similarities don’t stop there. As Trump’s team drafted his order on ethics, they appear to have borrowed heavily from the language used in orders signed by both Clinton and President Obama. Obama also pulled from Clinton, in parts and the ethics directive signed by President George W. Bush is nearly identical to the one signed by his father twelve years earlier. But that’s less surprising given those were presidents using the language of their predecessor from the same party. Perhaps more importantly, Trump not only seems to be lifting from Democratic presidents’ language, but they are presidents he has condemned, including for not ‘draining the swamp.’” [NPR, [1/28/17](#)]

**Presidency Project Co-Director John Woolley: Trump Has Claimed He Has Done Something “Different, New, And Righteous When, Apparently, In Many Respects He Is Actually Copying Democrats He So Thoroughly Condemned As Corrupt.”** According to NPR, “‘The story here is not the copying per se, it is the claim Trump has been making that he is doing something really different, new, and righteous when, apparently, in many respects he is actually copying Democrats he so thoroughly condemned as corrupt,’ said John Woolley, a professor at UC Santa Barbara and co-director of the Presidency Project.” [NPR, [1/28/17](#)]

### **Trump’s Order Weakened Obama’s Ethics Rules Instead Of Strengthening Them**

**Politico: Trump’s Executive Order “Removed Some Of President Barack Obama's Ethics Rules Instead Of Strengthening Them.”** According to Politico, “President Donald Trump's much-hyped ban on administration officials becoming lobbyists removed some of President Barack Obama's ethics rules instead of strengthening them.” [Politico, [1/28/17](#)]

*Trump’s Order Revoked The Ban On Lobbyists Going To Work In The Agencies They Lobbied*

**CREW Chair Norman Eisen And Vice-Chair Richard Painter: Trump’s Order Removed The Obama-Era Ban On Lobbyists Going To Work In The Agencies That They Lobbied.** According to CREW, “In response to President Trump’s new executive order on ethics, Citizens for Responsibility and Ethics in Washington (CREW) Chair Norman Eisen and Vice-Chair Richard Painter released the following bipartisan statement: ‘While there are things to like in the Trump EO, it tears two major loopholes in the Obama executive order on ethics. First, it removes the ban on lobbyists going to work in the agencies that they lobbied. Lobbyists bring a special interest baggage with them when they pass through the revolving door

when they go to work in the agencies they once lobbied. It's as if their former employers have embedded agents of influence in the government." [CREW, [1/28/17](#)]

*Trump's Order Included A 5-Year Ban On "Lobbying Activities," A Longer Period Than Obama's 2-Year Ban, But Applying To A Narrower Range Of Activities*

**Trump's Executive Order Focusing On A 5 Year Ban On "Lobbying Activities," Narrowed The Scope Of Ethics Rules That Previously Prohibited All Communication With Employees Of Their Former Agencies For Two Years After Leaving Government.** According to Bloomberg, "In issuing his five-year ban on appointees' engaging in 'lobbying activities,' Trump departed from the approach that former President Barack Obama's administration used: banning appointees from communicating with employees of their former agencies for two years after leaving government. While Trump's time period is longer, his ban's focus on 'lobbying activities' may narrow its scope in ways that permit abuse, critics said." [Bloomberg, [1/30/17](#)]

*Trump's Order Removed Requirements To Disclose Waivers Granted For Ethics Requirements*

**Trump's Executive Order Retained The Ability To Issue Waivers For Some Officials But Removed Requirements To Disclose Them.** According to Politico, "Obama issued ethics waivers for some officials, and Trump's executive order retained that ability but removed the requirement to disclose them. That opens the door to the White House departing from the policy without public scrutiny or political consequences; the White House could claim any apparent violation had been exempted." [Politico, [1/28/17](#)]

- **Pro Publica: "If Trump Issues A Waiver Allowing, Say, A Former Lobbyist To Work Directly On Issues That He Lobbied On, We May Not Even Find Out About It" Since The Executive Order Removed Public Disclosure Requirements.** According to Pro Publica, "Because Trump weakened the Obama rules, he won't have to issue waivers in such situations. But if Trump issues a waiver allowing, say, a former lobbyist to work directly on issues that he lobbied on, we may not even find out about it: The executive order removed the mechanism for public disclosure of such waivers." [Pro Publica, [2/10/17](#)]

*Trump's Order Removed Obama's Additional Revolving Door Restrictions*

**Eisen And Painter: Trump's Executive Order "Removes Obama's Additional Revolving Door Restrictions On Non-Lobbyists When They Leave The Government."** According to CREW, "Second, the Trump EO also removes Obama's additional revolving door restrictions on non-lobbyists when they leave the government. This is another important problem in the tilted special interest playing field: shadow lobbying by those who are not registered and attempt to influence the system. Instead of continuing the Obama restrictions, or even making them tougher, Trump has eliminated them." [CREW, [1/28/17](#)]

**Trump's Executive Order Loosened Restrictions On How Soon Administration Officials Could Contact Their Former Agencies, Scaling Back From 2 Years To 1 For Everyone Except Cabinet Level.** According to Politico, "Obama's order also restricted all administration officials from contacting their former agencies for two years after they leave. Trump changed it back to one year for some 3,000 people — everyone except cabinet-level appointees." [Politico, [1/28/17](#)]

**Trump's Order Has Made It Harder For Americans To Monitor Special Interests**

## **TRUMP'S EXECUTIVE ORDER WON'T LIMIT LOBBYING – IT WILL JUST BRING IT INTO THE DARK**

### **Politico: Trump's Lobbying Restrictions Had So Many Loopholes, Many Lobbyists Have Concluded That They "Weren't Really Meant To Change How Business Is Done In Washington."**

According to Politico, "The loopholes in Trump's restrictions are so widespread that many lobbyists said they've concluded Trump's ethics rules aren't really meant to change how business is done in Washington." [Politico, [1/18/17](#)]

**National Institute For Lobbying & Ethics Paul Miller: Trump's Lobbying Regulations Are Mostly For Show And Are Encouraging Loopholes.** According to Politico, "But when it comes to the transition, Trump's rules have been easier for lobbyists to thwart. Paul Miller, president of the National Institute for Lobbying & Ethics, a trade group, said he feels the regulations are mostly for show. 'They're encouraging those loopholes,' he said. 'It does nobody any good.'" [Politico, [1/18/17](#)]

### **Bloomberg: Trump's Executive Order Might Open The Door For More Shadow Lobbying.**

According to Bloomberg, "But Trump's order might open the door for more so-called 'shadow lobbying,' ethics specialists say -- influence peddling that doesn't quite meet the official definition of lobbying. That behavior, which can include arranging meetings with decision makers or attaching one's name to a particular interest group's cause, would avoid the terms of the executive order the president signed Saturday." [Bloomberg, [1/30/17](#)]

### **Washington Post: Trump's 5 Year Lobbying Ban Would Not Reduce The Influence Of Special Interests But Instead "Push Lobbying Further Into The Shadows And Out Of Public View."**

According to the Washington Post, "In an effort to 'drain the swamp,' President-elect Donald Trump has promised what his transition team describes as a ban on revolving-door lobbying. Under the plan, executive branch officials would be prohibited from lobbying their former employers for five years after leaving their administration posts. Trump wants Congress to implement the same restriction. Although such proposals are appealing and popular across the aisle, our analysis of previous efforts to reduce the influence of special interests suggests that Trump's plan would make the problem worse. Instead of limiting the role of lobbyists, his efforts would push lobbying further into the shadows and out of public view." [Washington Post, [11/23/16](#)]

- **Meaningful Change Would Require Improvements To The Lobbying Disclosure System And The Institutional Capacity Of Congress.** According to the Washington Post, "Meaningful change — not 'fake reform' — requires a different set of solutions, including improvements to the lobbying disclosure system and building up the institutional capacity of Congress." [Washington Post, [11/23/16](#)]

### **Trump's Order Broke His Campaign Promise To Crack Down On Shadow Lobbying**

#### **Trump Promised During His Campaign That He Would Expand The Definition Of "Lobbyist" And Close All The Loopholes Of Shadow Lobbying.**

According to Bloomberg, "Issuing this executive order without addressing the problems we know about this law tells me the Trump administration is not serious about draining the swamp," said Tim LaPira, a political science professor at James Madison University who did that study. 'Drain the swamp' was one of Trump's campaign slogans, a broadside aimed at ending business as usual in Washington. Part of his agenda included taking on loopholes associated with shadow lobbying. 'I am going to expand the definition of 'lobbyist' so we close all the loopholes that former government officials use by labeling themselves consultants and advisers -- all of these different things -- and they get away with murder,' Trump said in a speech during the closing weeks of his campaign. 'Not going to happen.'" [Bloomberg, [1/30/17](#)]



**Eisen And Painter: Trump Could Have Closed Lobbying Loopholes With The 2007-Amended Lobbying Disclosure Act, But Instead He Failed To Live Up To His Promise To Drain The Swamp.**

According to Newsweek, “They point out that when Trump declared that ‘most of the people standing behind me will not be able to go to work’ as lobbyists, that statement assumed the assembled staff would follow existing disclosure laws. The truth is, they’ll be able to use the ‘Daschle loophole,’ as it’s become known, and claim they are ‘special advisers,’ not lobbyists, even as they advocate for their corporate conglomerate clients with former colleagues. The president ‘could have closed loopholes’ in the 2007-amended Lobbying Disclosure Act, says a release by Citizens for Responsibility and Ethics in Washington Chair Norm Eisen and Vice Chair Richard Painter. So while they credit the new order for ‘some positive features,’ it ‘does not live up to his promise to drain the swamp.’” [Newsweek, [3/2/17](#)]

**CONFLICTS OF INTEREST ABOUND IN THE ADMINISTRATION, BUT EVALUATING VIOLATIONS HAS BECOME NEAR IMPOSSIBLE WITH TRUMP ISSUING SECRET WAIVERS TO THE RULES**

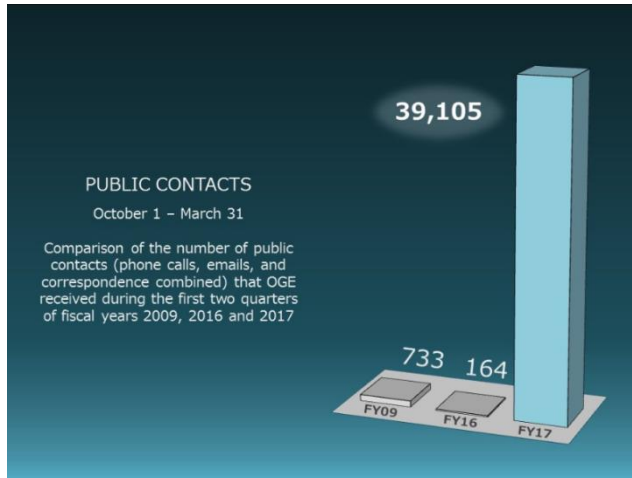
**New York Times: Potential Conflicts Have Arisen Across The Executive Branch “But Evaluating If And When Such Violations Have Occurred Has Become Almost Impossible Because The Trump Administration Is Secretly Issuing Waivers To The Rules.”** According to The New York Times, “The potential conflicts are arising across the executive branch, according to an analysis of recently released financial disclosures, lobbying records and interviews with current and former ethics officials by The New York Times in collaboration with ProPublica. In at least two cases, the appointments may have already led to violations of the administration’s own ethics rules. But evaluating if and when such violations have occurred has become almost impossible because the Trump administration is secretly issuing waivers to the rules.” [New York Times, [4/15/17](#)]

**Public Citizen’s Craig Holman: A Lobbyist May “De-Register On Monday And Enter The Trump Administration On Tuesday.”** According to the Huffington Post, “A lobbyist may ‘de-register on Monday and enter the Trump Administration on Tuesday,’ Craig Holman of the watchdog group Public Citizen told ProPublica — and could also quickly return to the private sector.” [Huffington Post, [4/17/17](#)]

**New York Times: Project On Government Oversight Executive Director Danielle Brian Said “The Sheer Number Of Potential Conflicts — Which Will Require Recusals, Necessitate Waivers Or Result In Violations Of The Ethics Rule — Is Disturbing, Particularly Given The Secretive Approach The Administration Is Taking On The Issue.”** According to The New York Times, “Danielle Brian, executive director of the Project on Government Oversight, said the sheer number of potential conflicts — which will require recusals, necessitate waivers or result in violations of the ethics rule — is disturbing, particularly given the secretive approach the administration is taking on the issue.” [New York Times, [4/15/17](#)]

**New York Times: Office Of Government Ethics Director Walter M. Shaub Jr. Said Trump Has Made It Easier For Former Lobbyists “To Get Waivers That Would Let Them Take Up Matters That Could Benefit Former Clients.”** According to The New York Times, “Mr. Trump also made it easier for former lobbyists in the government to get waivers that would let them take up matters that could benefit former clients. During the Obama administration, these waivers were given only under a narrow set of circumstances, and had to be filed and explained in an annual report for public inspection, Mr. Shaub said. The waivers were also previously posted on the Government Ethics website. None have been posted since Mr. Trump became president, as sharing them is no longer required.” [New York Times, [4/15/17](#)]

- **Office Of Government Ethics Director Walter M. Shaub Jr.: “There’s No Transparency, And I Have No Idea How Many Waivers Have Been Issued.”** According to The New York Times, “‘There’s no transparency, and I have no idea how many waivers have been issued,’ Mr. Shaub said in an interview, adding that he could not comment on any individual matter until a complaint had been filed and investigated. The granting of such waivers, he said, has become ‘a political decision, which means career government ethics officials should not get involved in waivers under the new executive order.’” [New York Times, [4/15/17](#)]



[U.S. OGE – Twitter, [4/19/17](#)]

## Trump Has Grown The Swamp He Promised To Drain

### LOBBYISTS SHAPED TRUMP’S WHITE HOUSE TRANSITION

**Newsweek: Lobbyists Said They Had Little Trouble Gaining Access To The Trump Transition Team.** According to Newsweek, “Lobbyists, meanwhile, say they have had little trouble gaining access to the Trump team. While transition officials instituted rules requiring registered lobbyists working on the transition to temporarily suspend their work and barred meetings with lobbyists at transition headquarters, it did nothing to stop them from advocating for their clients remotely. And as one senior lobbyist notes, ‘We did a lot of phone conversations’ with Trump transition staff.” [Newsweek, [3/2/17](#)]

- **Lobbyists Were Able To Join Top Transition Officials For Meetings And Listening Sessions On Key Policy Issues.** According to Politico, “For instance, while registered lobbyists aren’t allowed inside the transition team’s D.C. headquarters, they’ve been able to join top transition officials for lunch and meet with them at other organizations’ offices. Meanwhile, the transition team itself allowed lobbyists to attend unpublicized ‘listening sessions’ on issues including technology, health care and Native American issues held at other groups’ offices before the holidays, lobbyists and others present told POLITICO.” [Politico, [1/18/17](#)]

**Ken Nahigian, Who Was A Registered Lobbyist Until November 16, Headed The Trump Transition Team.** According to the Washington Post, “Vice President-elect Mike Pence on Wednesday named Ken Nahigian, who until November was registered as a lobbyist, to head the Trump transition team, raising questions about whether the appointment runs counter to President-elect Donald Trump’s pledge to eschew lobbyists and ‘drain the swamp.’ Mr. Nahigian has been ‘deeply involved with transition planning’ since July, the transition team said in a statement on Wednesday. He did not terminate his lobbying registration until Nov. 16—the same day the transition finalized a 13-point code of ethics barring registered lobbyists from

working on transition matters on which they had previously lobbied the government.” [Washington Post, [1/18/17](#)]

**Lobbyists Offered Trump’s Transition Team Policy Advice, Recommended Candidates For Jobs, Contributed Money To His Transition Team, And Helped Fundraise For His Inauguration.**

According to Politico, “Despite President-elect Donald Trump’s much-publicized efforts to keep lobbyists out of his administration, they have continued to offer policy advice, recommend job candidates and contribute money to his transition team, according to a POLITICO investigation. And while they’re barred from donating to the \$200 million in inaugural festivities this week, lobbyists have been collecting checks on Trump’s behalf, according to four lobbyists interviewed by POLITICO who are directly helping raise the funds.” [Politico, [1/18/17](#)]

- **Lobbyist Charlie Black Claimed He Made Recommendations To The Trump Transition Team For Key Positions In Federal Agencies.** According to Politico, “I’ve known Donald Trump for 30 years. I think he’s serious for wanting to keep what he calls ‘special interests’ out of the process as much as possible,” said Charlie Black, chairman of the lobbying firm Prime Policy Group. “But that said, he kind of knows how these things work.” Indeed, Black — whose firm represents Google, the drug titan GlaxoSmithKline, and telecommunications giant AT&T, among other major industry players — has been helping Trump by passing along résumés for key positions in federal agencies to members of the transition team.” [Politico, [1/18/17](#)]
- **Aviation Lobbyist Mike Korens Was Told He Could Send The Transition Team Comments About Restructuring The Air Traffic Control System.** According to Politico, “But when it comes to the transition, Trump’s rules have been easier for lobbyists to thwart. Paul Miller, president of the National Institute for Lobbying & Ethics, a trade group, said he feels the regulations are mostly for show. ‘They’re encouraging those loopholes,’ he said. ‘It does nobody any good.’ For instance, another way lobbyists have found to get around the meeting ban is by sending policy input in writing. Aviation lobbyist Mike Korens said transition officials told him they could not meet with him but that he could send them comments about restructuring the air traffic control system, he told POLITICO.” [Politico, [1/18/17](#)]

## **TRUMP HAS APPOINTED A SWAMPY CABINET**

**Much Of Trump’s Cabinet Has Either Direct Or Indirect Experience With Lobbying.** According to TIME, “While his Cabinet-level picks have been less traditional—a lot more billionaires and retired military officers than usual, for one thing—it’s clear that they are much more swampy as a whole than Trump pledged. For one, the nominees are far from inexperienced in the ways of lobbying. Eleven of his 19 Cabinet and Cabinet-level appointments announced so far have sat on the boards of corporations or organizations that have lobbied the federal government, spending a total of \$497.5 million. (Most of that comes from Secretary of State nominee Rex Tillerson, who headed ExxonMobil and the American Petroleum Institute and was a member of the Business Roundtable when those groups spent a combined \$368.4 million on lobbying.)” [TIME, [1/17/17](#)]

**New York Times: Trump Has Populated The White House And Federal Agencies “With Former Lobbyists, Lawyers And Consultants Who In Many Cases Are Helping To Craft New Policies For The Same Industries” In Which They Had Worked.** According to The New York Times, “President Trump is populating the White House and federal agencies with former lobbyists, lawyers and consultants who in many cases are helping to craft new policies for the same industries in which they recently earned a paycheck.” [New York Times, [4/15/17](#)]

**New York Times: “In Several Cases, Officials In The Trump Administration Now Hold The Exact Jobs They Targeted As Lobbyists Or Lawyers In The Past Two Years.”** According to The New York Times, “The Trump administration’s overhaul of personnel lays the groundwork for sweeping policy changes. The president has vowed to unwind some of the Obama administration’s signature regulatory initiatives, from Wall Street rules to environmental regulations, and he has installed a class of former corporate influencers to lead the push. Administration supporters argue that appointees with corporate ties can inject a new level of sophistication into the federal bureaucracy and help the economy grow. And efforts to trim regulations in some areas have attracted bipartisan support. But in several cases, officials in the Trump administration now hold the exact jobs they targeted as lobbyists or lawyers in the past two years.” [New York Times, [4/15/17](#)]

**New York Times: “There Are More Than 40 Former Lobbyists In The White House And The Broader Federal Government.”** According to The New York Times, “Trump White House officials had over 300 recent corporate clients and employers, including Apple, the giant hedge fund Citadel and the insurance titan Anthem, according to a Times analysis of financial disclosures. (The White House has released disclosures for only about half of its roughly 180 current senior political employees.) And there are more than 40 former lobbyists in the White House and the broader federal government.” [New York Times, [4/15/17](#)]

### **Betsy DeVos**

**Betsy DeVos Headed Major Lobbying Efforts Through Her Groups, The American Federation For Children And All Children Matter.** According to TIME, “Headed major lobbying efforts. In 2010, she founded the American Federation for Children, which backs vouchers and charter school efforts, serving as chairwoman until November. In 2015 and 2016, the advocacy group spent \$150,000 on federal lobbying. She previously headed All Children Matter, an advocacy group that lobbied for school choice and was fined \$5.3 million for campaign finance violations in Ohio, which it still owes.” [TIME, 1/17/17]

- **DeVos’s Primary Experience Has Come From Being A Lobbyist Through Her Group, American Federation For Children.** According to the Atlantic, “To date, DeVos’s activities have primarily been as a lobbyist through the organization she founded, the nonprofit American Federation for Children. The organization is committed to ‘creating an education revolution’ by promoting vouchers, charter schools, and other ‘pro-choice’ initiatives at the state level.” [Atlantic, [1/17/17](#)]

### **Rex Tillerson**

**Rex Tillerson Served As CEO Of Exxon, Chairman Of The American Petroleum Institute, And Was A Member Of The Business Round Table While They Spent A Total Of Over \$368 Million On Lobbying.** According to TIME, “Employed lobbyists. Since Tillerson became CEO in 2006, ExxonMobil has spent nearly \$173 million lobbying the federal government, according to the Center for Responsive Politics. Tillerson also served as chairman of the American Petroleum Institute, which spent more than \$73.4 million lobbying the federal government during his tenure. He was also a member of the Business Roundtable, which spent more than \$122.1 million on lobbyists while he was on the board. Between those three organizations alone, Tillerson helped run companies that spent more than \$368.4 million on lobbying the federal government.” [TIME, 1/17/17]

### **Rick Perry**

**Associated Press: Rick Perry Was “Registered In Texas As A Lobbyist For The Country’s Largest Private Dental Insurance Company.”** According to the Associated Press, “Rick Perry, Trump’s choice as energy secretary, registered in Texas as a lobbyist for the country’s largest private dental insurance company a little over a year after leaving office as the state’s longtime governor.” [Associated Press, [1/7/17](#)]

**Rick Perry Sat On The Board On Energy Transfer Partners Who Spent More Than \$2.4 Million Lobbying The Federal Government During His Tenure.** According to TIME, “Employed lobbyists. Energy Transfer Partners’ parent company Energy Transfer Equity, spent more than \$2.4 million lobbying the federal government since Perry joined the board in 2015.” [TIME, 1/17/17]

### Steve Mnuchin

**Steve Mnuchin’s Work With Onewest Bank, CIT Group, And The Sears Board Involved Millions Of Dollars Of Lobbying Activities.** According to TIME, “Employed lobbyists. In 2009 and 2010, when he was part of management of OneWest Bank, the bank reported spending \$90,000 lobbying the federal government. During 2015 and 2016, when he was a director at CIT Group, the regional bank reported spending nearly \$4.4 million on federal lobbying. (He stepped down in December after being named as Trump’s pick for Treasury.) Mnuchin sat on the board of Sears Holding Corp from 2005 to 2016, years in which the company spent \$7.4 million lobbying the federal government.” [TIME, 1/17/17]

### Linda McMahon

**Linda McMahon Employed Lobbyists While Working With WWE, Spending Over Half A Million Dollars Relating To Issues Like Marketing To Minors And Steroid Use In Wrestling.** According to TIME, “Employed lobbyists. Between 2001 and 2008, the WWE spent \$580,000 lobbying the federal government on issues like marketing to minors and steroid use in wrestling.” [TIME, 1/17/17]

- **Linda McMahon Was Often Directly Involved In Lobbying Activities.** According to the Huffington Post, “McMahon and WWE continued that campaign, and wrestling is now deregulated in more than half of the country. Along the way, they spent well over \$400,000 on lobbyists to help grease the path. McMahon herself often was directly involved, though not always.” [Huffington Post, [10/6/12](#)]

### Elaine Chao

**Elaine Chao Served On The Boards Of Corporations That Have Spent Almost \$40.5 Million Lobbying The Federal Government.** According to TIME, “Employed lobbyists. Since 2011, Wells Fargo has spent \$37 million lobbying the federal government. NewsCorp, which split into two companies in 2013, spent \$1.2 million from 2014 to 2016. Ingersoll Rand spent \$1.4 million in 2015 and 2016, while Vulcan Materials spent \$890,000 on lobbying those two years. In total, she has served on boards of corporations that have spent almost \$40.5 million lobbying the federal government.” [TIME, 1/17/17]

### Ben Carson

**Ben Carson Served On The Board Of Kellogg While They Spent More Than \$15.4 Million On Lobbying The Federal Government.** According to TIME, “Employed lobbyists. From 1998 to 2015, when he was on its board of directors, Kellogg spent more than \$15.4 million on lobbying the federal government.” [TIME, 1/17/17]

## **RICK DEARBORN, FORMER STAFF DIRECTOR TO SENATOR-TURNED-LOBBYIST TRENT LOTT, WAS GIVEN A TOP WHITE HOUSE POLICY POSITION**

**Former Lobbyist Rick Dearborn Was Appointed Deputy Chief Of Staff For Policy At The White House.** According to Newsweek, “Turns out, there are plenty of people coming into Trump’s White House

that K Street knows well. Lott, co-chair of the Public Policy Practice at Squire Patton Boggs, says three of his former staff members are working on the transition, including the staff director, Rick Dearborn, who is now deputy chief of staff for policy at the White House.

- **Rick Dearborn Still Frequently Communicates With Squire Patton Boggs Lobbyist Trent Lott, Who Has Also Been Actively Involved In The White House Hiring Process.** According to Politico, “[Trent] Lott, now a senior lobbyist at the venerable law firm Squire Patton Boggs, has three former staffers at the White House, including Dearborn, with whom he frequently speaks. Lott has been actively involved in the hiring process in the West Wing.” [Politico, [3/1/17](#)]

## **FORMER LOBBYIST GEOFF BURR WAS APPOINTED TO A POSITION IN THE LABOR DEPARTMENT, WHICH HE USED TO LOBBY**

**Trump’s Watered-Down Ethics Pledge Allowed The Chief Lobbyist For A Powerful Construction Industry Trade Group, Geoff Burr To Receive A Top Job In The Department Of Labor, An Agency He Used To Lobby.** According to Pro Publica, “Geoff Burr spent much of the last decade as the chief lobbyist for a powerful construction industry trade group. Burr sought to influence a host of regulations of the Department of Labor, opposing wage standards for federal construction contracts and working against an effort to limit workers’ exposure to dangerous silica dust. In the Obama administration, someone like Burr would have been barred by ethics rules from taking a job at an agency that he had lobbied. In the Trump administration, Burr now has a top job at the Labor Department.” [Pro Publica, [2/10/17](#)]

- **New York Times: Geoffrey Burr “Was A Lobbyist For The Associated Builders And Contractors, Which Pressed The Agency On Its Overtime Pay Rule, Wage Requirements For Government Contracts And An Additional Half-Dozen Or So Other Regulations.”** According to The New York Times, “The lobbyist loophole in Mr. Trump’s executive order may have allowed the Labor Department to hire Geoffrey Burr as a special assistant. The department is familiar ground to Mr. Burr, who was a lobbyist for the Associated Builders and Contractors, which pressed the agency on its overtime pay rule, wage requirements for government contracts and an additional half-dozen or so other regulations. Under Mr. Obama’s ethics order, Mr. Burr would probably not have been able to join the Labor Department.” [New York Times, [4/15/17](#)]
- **Obama’s Ethics Pledge Would Have Barred Someone Like Burr From Taking A Job In An Agency That He Had Lobbied.** According to Pro Publica, “In the Obama administration, someone like Burr would have been barred by ethics rules from taking a job at an agency that he had lobbied. In the Trump administration, Burr now has a top job at the Labor Department.” [Pro Publica, [2/10/17](#)]
- **Burr Was Announced As A Member Of The Agency’s “Beachhead Team” And Is In Line To Be Chief Of Staff To The Labor Secretary.** According to Pro Publica, “Burr is now a member of the so-called beachhead team at the agency and is reportedly in line to be chief of staff to Labor Secretary nominee Andrew Puzder. That role is shaped by each labor secretary’s needs, according to Seema Nanda, who was chief of staff through January 20 of this year. Under Obama Labor Secretary Tom Perez ‘anything significant that is happening in the department or anything that is a change in policy you are discussing as chief of staff,’ Nanda told ProPublica.” [Pro Publica, [2/10/17](#)]

**Public Citizen Government Affairs Lobbyist Craig Holman: Trump’s Ethics Pledge Allows Lobbyists Like Burr To “De-Register On Monday And Enter The Trump Administration On Tuesday” In The Very Same Agency They Used To Lobby.** According to Pro Publica, “A lobbyist like Burr may de-register on Monday and enter the Trump Administration on Tuesday,” said Craig Holman of the watchdog group Public Citizen. “The very same agency Burr has been lobbying as a hired gun is now Burr’s to

help run. This is a grave problem for the public because the agency may well represent the special interest rather than the public interest.” [Pro Publica, [2/10/17](#)]

### **Burr Was Not The Only Lobbyist To Join The Labor Department**

**Two Officials Joined Trump’s Labor Department After Lobbying The Obama Administration’s Signature Labor Rules Including The Fiduciary Rule.** According to The New York Times, “There are other examples. At the Labor Department, two officials joined the agency from the K Street lobbying corridor, leaving behind jobs where they fought some of the Obama administration’s signature labor rules, including a policy requiring financial advisers to act in a client’s best interest when providing retirement advice.” [New York Times, [4/15/17](#)]

### **LONGTIME POLITICIAN/LOBBYIST DAN COATS WAS APPOINTED NATIONAL INTELLIGENCE DIRECTOR**

**Trump Nominated Dan Coats, Former Senator From Indiana Who Went Back And Forth Between Government And Lobbying Four Times, To The Position Of National Intelligence Director.**

According to the Associated Press, “Former Sen. Dan Coats, in line to be national intelligence director, has swung back and forth between government service and lobbying, the type of Washington career that President-elect Donald Trump has mocked. The Indiana Republican, 73, has made four spins through the capital’s revolving door and become wealthy. Since the early 1980s, Coats either has served in government or earned money as a lobbyist and board director. His most recently available Senate financial disclosure, from 2014, shows he had a net worth of more than \$12 million. In and out of government, Coats dealt with intelligence, which he would oversee for the Trump administration if confirmed by the Senate. Announcing his selection on Saturday, Trump cited Coats’ ‘deep subject matter expertise and sound judgment’ and government service but did not mention his lobbying.” [Associated Press [1/7/17](#)]

- **Dan Coats Has Been Described As “A Corporate Lobbyist Who Has Grown Wealthy Inside The Beltway By Begging For Government Favors On Behalf Of The Biggest Banks, Drug Companies, Automakers, And Other Leeches In The Washington Swamp.”** According to the Washington Examiner, “But now, in a competitive Senate race, Republicans have tapped a corporate lobbyist who has grown wealthy inside the Beltway by begging for government favors on behalf of the biggest banks, drug companies, automakers, and other leeches in the Washington swamp. Former Sen. Dan Coats wants to pass through the revolving door again, leaving his plush job at a K Street lobbying firm to challenge two-term Sen.” [Washington Examiner, [2/10/10](#)]
- **As A Lobbyist, Dan Coats Represented Foreign Firms And Governments Including The Indian Government, Canadian Aerospace Firm Bombardier, And A Texas Oil-And-Gas Company That Partnered With Venezuela's Hugo Chávez.** According to the Washington Post, “Lobbying disclosure records also show that Coats represented foreign firms or governments that could prove controversial, including the Indian government and Bombardier, a Canadian aerospace firm. Coats also represented a Texas oil-and-gas company that partnered with Venezuela's Hugo Chávez, records show.” [Washington Post, [2/11/10](#)]
- **Dan Coats Worked For The Lobbying Firm Verner, Liipfert, Bernhard, Mcpherson And Hand While They Represented The United Arab Emirates And Yemen.** Lobbying disclosure records also show that Coats represented foreign firms or governments Democrats wasted little time attacking Coats's lobbying background, or criticizing his long absence from Indiana (he lives and votes in Virginia) and his ownership of a second home, in North Carolina. The Democratic Senatorial Campaign Committee highlighted Coats's work in 2000 and 2001 for the lobbying firm

Verner, Liipfert, Bernhard, McPherson and Hand, which had foreign clients, including the United Arab Emirates and Yemen.” [Washington Post, [2/11/10](#)]

- **New York Times: Dan Coats “Contacted Officials At The Defense Department On Behalf Of The Festo Corporation, A German Company, As It Successfully Pursued A Federal Contract To Train Workers In Iraq To Fix Water Pumps.”** According to the New York Times, “He also said he contacted officials at the Defense Department on behalf of the Festo Corporation, a German company, as it successfully pursued a federal contract to train workers in Iraq to fix water pumps.” [New York Times, [11/14/10](#)]
- **While Coats Wasn’t The Only Former Lobbyist In Congress, Few Rivaled His Extensive List Of Corporate Clients Including Companies Like General Electric And Google “Who Routinely Have Major Legislative Issues Pending In Congress... Often With Great Consequences To Their Bottom Line.”** According to the New York Times, “Mr. Coats is hardly the only former lobbyist to join Congress. The list includes Senator John Thune, Republican of South Dakota, and Representative Dan Lungren, Republican of California. Representative Doris Matsui of California, a Democrat, was also a lobbyist with a particularly extensive client list. But few rival Mr. Coats, whose blue-chip list of 36 clients included corporate titans like General Electric and Google. These companies routinely have major legislative issues pending in Congress — and in the Senate Finance Committee — that Mr. Coats will now be asked to vote on, often with great consequences to their bottom line.” [New York Times, [11/14/10](#)]
- **Dan Coats Served As A Lobbyist For Lockheed Martin.** According to the Los Angeles Times, “Coats also spent years as a lobbyist between 2000 and 2010, working on behalf of a variety of clients in defense, pharmaceuticals, financial services and private equity, among other industries, according to public records. His clients included Lockheed Martin, a company Trump recently criticized for the high price of the F-35 Joint Strike Fighter.” [Los Angeles Times, [1/6/17](#)]

## **REVOLVING DOOR D.C. INSIDER ROBERT LIGHTHIZER WAS PICKED FOR U.S. TRADE REPRESENTATIVE**

**Trump’s Pick For U.S. Trade Representative, Robert Lighthizer, Spent Years As A Registered Lobbyist Representing Steel Companies.** According to the Associated Press, “Robert Lighthizer, picked to be U.S. trade representative, spent years as a registered lobbyist, representing steel companies, among others, as recently as 2012. He joined the law firm Skadden in 1998, after having been at the trade office for two years during the Reagan administration.” [Associated Press [1/7/17](#)]

**Lighthizer’s Career Was A Revolving Door Between Working For The Government And Lobbying It.** According to the Washington Post, “The coming year will feature more of Lighthizer, who has the good fortune to be intimately familiar with Congress’ next major legislative priority: trade. Before joining the Washington office of Skadden, Arps, Slate, Meagher & Flom in 1985, he was deputy U.S. trade representative under current Labor Secretary William E. Brock. Before that, he was staff director and chief counsel of the Senate Finance Committee when Robert J. Dole (R-Kan.) was chairman. Lighthizer, 39, also is closely involved with the organization that will become Dole’s presidential campaign if all goes well. He fits the stereotypical image that way, too: If the door revolves back into government, that’s just fine. ‘He enjoys being part of the exercise of power,’ said his brother James, county executive of Anne Arundel County. ‘Like me, that’s his passion. This lobbying stuff pays great, but it’s secondary. He didn’t get involved in government to do lobbying, he got involved in lobbying to get back in government.’” [Washington Post, [1/19/87](#)]

- **After Leaving His Work In The Senate, Robert Lighthizer, Along With Other Members Of The Tax-Writing Committees Used Their Insight And Influence To Win Targeted Tax**



### **Breaks For Drexel Burnham Lambert, Metropolitan Life, Bear Stearns And Others.**

According to the Washington Post, “Perhaps the most effective method of winning tax breaks in recent years has been to hire lobbyists who have been key aides to prominent members of the tax-writing committees. These include James Healey and John Salmon, former assistants to Rep. Dan Rostenkowski (D-Ill.), chairman of the Ways and Means Committee; and Robert Lighthizer, former chief counsel to the Finance Committee when Sen. Robert J. Dole (R-Kan.) was chairman. These lobbyists won targeted tax breaks for such corporations as Drexel Burnham Lambert, Metropolitan Life, Bear Stearns and others worth at least \$98 million, almost all of which allowed these firms to temporarily retain favored tax treatment after most other companies lost breaks as a result of the 1986 bill. Companies and organizations mostly target members of committees with jurisdiction over legislation that affects them.” [Washington Post, [6/14/87](#)]

- **New York Times: Lighthizer’s Appointment To The Reagan Administration Was “Part Of The ‘Iron Triangle’ Of Capitol Hill, The Executive Branch And The Private Sector That Former President Carter Once Deplored.”** According to the New York Times, “Mr. Lighthizer joined more than the Reagan Administration when he was confirmed this month. By taking the route from a senior Capitol Hill staff position to a Presidential appointment, he also joined one of the most formidable alumni clubs in the nation. Its members occupy positions in the commanding heights of the State Department and the Federal Trade Commission and even some of the capital’s more obscure power centers such as the Copyright Royalty Tribunal. His appointment was part of the ‘iron triangle’ of Capitol Hill, the executive branch and the private sector that former President Carter once deplored.” [New York Times, [4/27/83](#)]

## **FORMER ENERGY LOBBYIST MICHAEL CATANZARO WAS APPOINTED AS TOP WHITE HOUSE ENERGY ADVISER, HANDLING THE SAME MATERIAL HE DID AS A LOBBYIST**

**Top White House Energy Adviser Michael Catanzaro Worked As A Lobbyist For A Number Of Energy Industry Clients.** According to The New York Times, “One such case involves Michael Catanzaro, who serves as the top White House energy adviser. Until late last year, he was working as a lobbyist for major industry clients such as Devon Energy of Oklahoma, an oil and gas company, and Talen Energy of Pennsylvania, a coal-burning electric utility, as they fought Obama-era environmental regulations, including the landmark Clean Power Plan. Now, he is handling some of the same matters on behalf of the federal government.” [New York Times, [4/15/17](#)]

- **Catanzaro Now Handles The Same Material He Once Lobbied On For The Federal Government.** According to The New York Times, “One such case involves Michael Catanzaro, who serves as the top White House energy adviser. Until late last year, he was working as a lobbyist for major industry clients such as Devon Energy of Oklahoma, an oil and gas company, and Talen Energy of Pennsylvania, a coal-burning electric utility, as they fought Obama-era environmental regulations, including the landmark Clean Power Plan. Now, he is handling some of the same matters on behalf of the federal government.” [New York Times, [4/15/17](#)]
- **Catanzaro Now Has Worked As A Senior Member Of The White House’s National Economic Council Trying To Roll Back The Clean Power Plan, Despite Having Lobbied On This Issue In 2015.** According to The New York Times, “But some cases that The Times examined could be violating this requirement or working around it using waivers. Mr. Catanzaro was registered for Talen Energy on the Clean Power Plan in 2015, yet he has worked in recent months as a senior member of the White House’s National Economic Council trying to roll back that rule, adopted by the Obama administration. Mr. Catanzaro’s former clients, such as Talen and Devon Energy, have an enormous amount at stake in the regulations the White House is preparing to reverse — with his

help. Talen, for example, helps operate the Colstrip power plant in Montana, the second-largest coal-burning plant west of the Mississippi. Federal officials have estimated that the plant could face a \$1.2 billion bill as it makes updates to meet the new environmental standards, assuming it is not just closed.” [New York Times, [4/15/17](#)]

- **New York Times: Catanzaro Has Had Confidential Conversations With Industry Lobbyists “About Some Of The Same Regulatory Matters On Which He Was Lobbying The Federal Government.”** According to The New York Times, “Three industry lobbyists interviewed by The Times said that they recently had confidential conversations with Mr. Catanzaro about some of the same regulatory matters on which he was lobbying the federal government. And Mr. Catanzaro gave a briefing to reporters in March at the White House in which he discussed energy topics at length, including the details related to the executive order Mr. Trump signed on March 28 to weaken the Clean Power Plan.” [New York Times, [4/15/17](#)]
- **New York Times: Catanzaro Refused To Say Whether Or Not He Had Been Granted A Waiver To Work On The Same Issues On Which He Formerly Lobbied.** According to The New York Times, “Mr. Catanzaro did not respond to emails and phone calls requesting comment. And White House officials would not say whether he had been granted a waiver allowing him to be involved in the same matter he handled as a lobbyist.” [New York Times, [4/15/17](#)]

## **FORMER TSA LOBBYIST CHAD WOLF WAS APPOINTED CHIEF OF STAFF TO THE AGENCY WHILE IT CONSIDERED FUNDING HIS LOBBYING CLIENTS**

**TSA Lobbyist Chad Wolf Was Appointed TSA Chief Of Staff.** According to The New York Times, “Another case involves Chad Wolf, who spent the past several years lobbying to secure funding for the Transportation Security Administration to spend hundreds of millions of dollars on a new carry-on luggage screening device. He is now chief of staff at that agency — at the same time as the device is being tested and evaluated for possible purchase by agency staff.” [New York Times, [4/15/17](#)]

**As A Lobbyist, Chad Wolf Worked To Secure Hundreds Of Millions In TSA Funding For A New Carry-On Luggage Screening Device, And He Now Is Chief Of Staff At The Agency At The Same Time The Device Is Being Considered For Purchase.** According to The New York Times, “Another case involves Chad Wolf, who spent the past several years lobbying to secure funding for the Transportation Security Administration to spend hundreds of millions of dollars on a new carry-on luggage screening device. He is now chief of staff at that agency — at the same time as the device is being tested and evaluated for possible purchase by agency staff.” [New York Times, [4/15/17](#)]

- **Chad Wolf’s Twitter Still Identified Him As A Lobbyist And Included Posts Encouraging TSA To Buy New Checkpoint Scanners.** According to The New York Times, “Mr. Wolf’s Twitter account on Friday still identified him as a lobbyist and displayed posts from last year urging the T.S.A. to buy the devices. ‘Positive developments from TSA on upgrading checkpoint scanners,’ a post from July said. ‘CT tech is the future.’” [New York Times, [4/15/17](#)]

## **THE NATIONAL ECONOMIC COUNCIL FEATURED LOBBYISTS D. J. GRIBBIN AND SHAHIRA KNIGHT**

## **D. J. Gribbin's Former Employers Will Likely Benefit From The Infrastructure Deal He Creates**

**New York Times: National Economic Council Infrastructure Specialist D. J. Gribbin Previously “Worked For Macquarie, A Bank That Specializes In Infrastructure Deals And That Stands To Gain From Whatever Infrastructure Proposal” Trump Passes.** According to The New York Times, “Mr. Catanzaro is not the only senior adviser facing potential conflicts on the National Economic Council, the White House office, run by the former Goldman Sachs executive Gary D. Cohn, that helps steer the president’s financial and economic policy. D. J. Gribbin, the council’s infrastructure specialist, previously worked for Macquarie, a bank that specializes in infrastructure deals and that stands to gain from whatever infrastructure proposal the president gets Congress to fund.” [New York Times, [4/15/17](#)]

## **Shahira Knight Currently Holds The Exact Position She Used To Lobby And Has Refused To Disclose If She Has Severed Ties With Her Previous Employer**

**National Economic Council Special Assistant To The President For Tax And Retirement Policy Shahira Knight Previously Lobbied For Fidelity, One Of The Largest Providers Of Retirement Products.** According to The New York Times, “Shahira Knight, on the council as well, is a special assistant to the president for tax and retirement policy. Her previous job also involved retirement policy — but as a lobbyist for Fidelity, one of the nation’s largest fund managers and providers of retirement products. At Fidelity, lobbying records show, she was registered to work on retirement issues, including the so-called fiduciary rule, which has broad support from consumer groups. It requires financial firms to act in a client’s best interest when dispensing retirement advice. Fidelity has said it supports the ‘best interest’ standard but, like other firms, has raised concerns that the rule will prevent investors from accessing products they currently rely on for retirement savings.” [New York Times, [4/15/17](#)]

- **Knight Lobbied On Retirement Issues Including The Fiduciary Rule.** According to The New York Times, “Shahira Knight, on the council as well, is a special assistant to the president for tax and retirement policy. Her previous job also involved retirement policy — but as a lobbyist for Fidelity, one of the nation’s largest fund managers and providers of retirement products. At Fidelity, lobbying records show, she was registered to work on retirement issues, including the so-called fiduciary rule, which has broad support from consumer groups. It requires financial firms to act in a client’s best interest when dispensing retirement advice. Fidelity has said it supports the ‘best interest’ standard but, like other firms, has raised concerns that the rule will prevent investors from accessing products they currently rely on for retirement savings.” [New York Times, [4/15/17](#)]
- **Knight Previously Lobbied Her Current Employer And “Met With The Person Whose Job She Essentially Holds Now.”** According to The New York Times, “Ms. Knight directed some of her appeals to the National Economic Council, her current employer. White House visitor logs show she met with the person whose job she essentially holds now.” [New York Times, [4/15/17](#)]
- **The White House Refused To Comment On Whether Shahira Knight Received A Waiver For Her Work On Retirement Issues Or If She Has Recused Herself From Matters Pertinent To Her Lobbying Work.** According to The New York Times, “The White House did not respond to a request for comment about Mr. Gribbin or Ms. Knight, so it is unclear whether they received waivers letting them work on these issues or recused themselves from issues affecting their former employers. But under Mr. Trump’s executive order, Ms. Knight should probably be barred for two years from participating in decisions that would affect the fiduciary rule.” [New York Times, [4/15/17](#)]

## **HEALTH AND HUMAN SERVICES SECRETARY TOM PRICE'S CHIEF OF STAFF LANCE LEGGITT WAS A LOBBYIST FOR 10 DIFFERENT HEALTH CARE COMPANIES**

### **Tom Price's Chief Of Staff Lance Leggitt "Worked Last Year As A Lobbyist For 10 Different Health Care Companies, Including United States Medical Supply And Advanced Infusion Services."**

According to The New York Times, "The Department of Health and Human Services has become another source of potential conflicts. Lance Leggitt, who serves as chief of staff to Tom Price, the health and human services secretary, worked last year as a lobbyist for 10 different health care companies, including United States Medical Supply and Advanced Infusion Services." [New York Times, [4/15/17](#)]

- **Leggitt Lobbied DHS On Medicare Billing Rules And Health Care Supplier Accreditations, All Issues That "Are Routinely Handled By The Agency He Helps Oversee."** According to The New York Times, "The Department of Health and Human Services has become another source of potential conflicts. Lance Leggitt, who serves as chief of staff to Tom Price, the health and human services secretary, worked last year as a lobbyist for 10 different health care companies, including United States Medical Supply and Advanced Infusion Services. He focused largely on lobbying the agency related to Medicare billing rules, as well as rules for health care supplier accreditations, lobbying disclosure reports show. All these issues are routinely handled by the agency he helps oversee." [New York Times, [4/15/17](#)]

## **NOMINEE TO LEAD THE FDA SCOTT GOTTLIEB WAS EMPLOYED BY SERVEAL PHARMACEUTICAL COMPANIES**

**New York Times: Nominee To Lead The FDA Scott Gottlieb "Received More Than \$350,000 In Payments In 2014 And 2015 From Nearly A Dozen Different Pharmaceutical Companies."** According to The New York Times, "Dr. Scott Gottlieb, the nominee to lead the Food and Drug Administration, received more than \$350,000 in payments in 2014 and 2015 from nearly a dozen different pharmaceutical companies, including Vertex Pharmaceuticals, whose two approved drugs are seen as breakthrough treatments for cystic fibrosis. (They carry list prices of more than \$250,000 a year.) Dr. Gottlieb, who has never been registered as a lobbyist but has served as the director of eight pharmaceutical companies and one laboratory company, wrote in a letter that he was prepared to recuse himself as necessary to avoid any conflicts." [New York Times, [4/15/17](#)]

- **New York Times: Gottlieb "Served As The Director Of Eight Pharmaceutical Companies And One Laboratory Company."** According to The New York Times, "Dr. Scott Gottlieb, the nominee to lead the Food and Drug Administration, received more than \$350,000 in payments in 2014 and 2015 from nearly a dozen different pharmaceutical companies, including Vertex Pharmaceuticals, whose two approved drugs are seen as breakthrough treatments for cystic fibrosis. (They carry list prices of more than \$250,000 a year.) Dr. Gottlieb, who has never been registered as a lobbyist but has served as the director of eight pharmaceutical companies and one laboratory company, wrote in a letter that he was prepared to recuse himself as necessary to avoid any conflicts." [New York Times, [4/15/17](#)]

## **THE WHITE HOUSE HAS ALREADY ALLOWED SENIOR BUDGET ADVISOR MARCUS PEACOCK TO LEAVE AND IMMEDIATELY LOBBY**

**Senior White House Budget Adviser Marcus Peacock Announced He Was Leaving The Administration To Work For A Business Lobbying Group In Washington.** According to Bloomberg, "Senior White House budget adviser Marcus Peacock is leaving President Donald Trump's administration to

become the second in command at a high-profile business lobby group in Washington that's looking to increase its influence. Peacock, a top policy expert in the Office of Management and Budget, joined the Business Roundtable Wednesday and will lead policy work on the group's key issues related to Trump's agenda, including tax legislation, infrastructure spending and regulatory reform, the roundtable said."

[Bloomberg, [4/12/17](#)]

- **Peacock Said He Would Recuse Himself From Lobbying OMB For 6 Months, A Significant Deviation From The Five Years He Promised In Trump's Ethics Pledge.** According to Bloomberg, "Peacock will recuse himself from lobbying OMB for six months, the roundtable said. When he joined the Trump administration, Peacock signed an ethics pledge required by the president that would've banned him from lobbying his former office for five years. The White House granted him a waiver from that commitment, the roundtable said. At OMB, Peacock served as a special government employee -- a temporary position that allows a person to work no more than 130 days in a year." [Bloomberg, [4/12/17](#)]
- **The White House Granted Peacock A Waiver To Serve As A Lobbyist In His Field Immediately.** According to Bloomberg, "Peacock will recuse himself from lobbying OMB for six months, the roundtable said. When he joined the Trump administration, Peacock signed an ethics pledge required by the president that would've banned him from lobbying his former office for five years. The White House granted him a waiver from that commitment, the roundtable said. At OMB, Peacock served as a special government employee -- a temporary position that allows a person to work no more than 130 days in a year." [Bloomberg, [4/12/17](#)]