



Auto Safety Group • Congress Watch • Energy Program • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

Slowing the Revolving Door: A “Must” for the House Ethics Bill

Questions & Answers

In the Ethics Reform Act of 1989 Congress banned lobbying by former senior executive branch officials, Members of Congress and their senior staff for one year after leaving office. “We should not leave the U.S. Senate one day, and turn around and start lobbying the House the next day and using what influence we have left to enrich ourselves,” asserted then-Senate Minority Leader Bob Dole in approval.

Congress recognized the potential for corruption posed by revolving door abuses, in which former public officials take lucrative jobs as lobbyists with the same corporate special interests who had business pending before them when they served in government. Known as the “revolving door,” this rapid movement of former public officials to become lobbyists representing private interests before former colleagues threatens the integrity of government in two ways:

- Public officials may be influenced in official actions by the implicit or explicit promise of a lucrative job in the private sector with an entity seeking either a government contract or to shape public policy.
- Public officials-turned-lobbyists will have access to lawmakers not available to others, access that can be sold to the highest bidder among industries.

But the current revolving door restrictions are not working. A study by Public Citizen found that about 43 percent – almost half – of all Members of Congress who left office between 1998 and mid-2005 are registered lobbyists.¹ In the executive branch, the Center for Public Integrity concluded, about a quarter of senior level administrators left the Clinton Administration for lobbying careers. More recently, the Center identified 42 former agency heads that registered as lobbyists between 1998 and 2004.²

Q. What are the current “revolving door” restrictions?

A. Under the Ethics Reform Act of 1989 (18 U.S.C. § 207), members and staff of both the executive and legislative branches of the federal government are subject to restrictions on post-government lobbying activities. While any former government official or employee may accept a position as a lobbyist immediately after leaving the public sector, there are some specific constraints on their activities, depending on the nature of their previous public service.

¹ Congressional Revolving Doors: The Journey from Congress to K Street (Public Citizen, 2005).

² Elizabeth Brown, More than 2,000 Spin through the Revolving Door (Center for Public Integrity, 2005).
1600 20th Street NW • Washington, DC 20009-1001 • (202) 588-1000 • www.citizen.org

These constraints include:

One-Year Cooling-Off Period on Lobbying: Generally, former Members of Congress and senior level staff of both the executive and legislative branches are prohibited from making direct lobbying contacts with former colleagues for one year after leaving public service. Specifically, for one year after leaving government office:

- Former members of the Senate and the House may not directly communicate with any member, officer or employee of either house of Congress with the intent to influence official action.
- Senior Congressional staff (having made at least 75 percent of a member’s salary) may not make direct lobbying contacts to Members of Congress they served, or the members and staff of legislative committees or offices in which they served.
- Former Members of Congress and senior staff also may not represent, aid or advise a foreign government or foreign political party with the intent to influence a decision by any federal official in the executive or legislative branches.
- “Very senior” staff of the executive branch (those previously classified within Executive Schedules I and II salary ranges) are prohibited from making direct lobbying contacts with any political employee in the executive branch.
- “Senior” staff of the executive branch (those previously paid at Executive Schedule V and up), are prohibited from making direct lobbying contacts with their former agency or on behalf of a foreign government or foreign political party.

Q. Why are the current restrictions failing to slow the revolving door?

A. There are two principal weaknesses in today’s revolving door restrictions. First, the restriction on lobbying immediately after leaving public service applies only to “lobbying contacts,” and excludes “lobbying activity.” Lobbying contacts are written or oral communications with covered officials. Lobbying activity is research, planning and supervision specifically intended at the time it is done to facilitate a lobbying contact. Thus, former executive branch officials, Members and staff can be hired by a lobbying firm immediately upon leaving public service to plan, supervise and oversee lobbying campaigns. About the only thing they cannot do is pick up the telephone and call a former colleague. Instead, another lobbyist on the team can make the call.

Second, the current “cooling off period” in which a former colleague cannot make direct lobbying contacts is only one year — not even a full congressional session. There is little turnover in government officials over the course of a single year. The very same Members and staff are likely to be in positions of power and influence after that one-year cooling off period expires.

Q. What does the legislative Transparency and Accountability Act of 2007 (S. 1) propose that would slow the revolving door?

A. The Senate lobbying bill proposes three key reforms that would significantly slow the revolving door. These reforms are:

- Former senior executive branch officials and Members of Congress would be prohibited from conducting lobbying activity for compensation, as well as making lobbying contacts, during the cooling-off period.
- The cooling off period would be extended to two years – or one full congressional cycle.
- Very senior congressional staff would be prohibited only from making lobbying contacts for one year after leaving public service with Congress as a whole, rather than just with their former congressional office or committee.

Q. Would the ban on conducting “lobbying activity” for two years prevent a former official from pursuing legitimate career opportunities, such as joining a law firm that lobbies, or writing a book about public policy?

A. A former public official could pursue any legitimate career opportunity immediately after leaving public service, except serving as a lobbyist during the cooling off period. Under the Lobbying Disclosure Act (LDA), “lobbying activity” is very narrowly defined as *work for compensation specifically intended at the time it is being done to facilitate a lobbying contact*. Former public officials can certainly join law firms, public relations firms, write books, give speeches, and pursue all other legitimate career opportunities – they just must refrain from working as a paid lobbyist during the cooling off period.

Q. Why should senior congressional staffers also be subject to revolving door restrictions?

A. The revolving door has begun spinning out of control for very senior congressional staffers. One study by the National Journal found that in a brief six-month period from October 2003 through March 2004, at least 107 former senior congressional staffers – or 17 percent of those who worked in Congress during that period – took jobs in the lobbying or government affairs sectors.³ These private sector lobbying jobs often bring in six-digit salaries – \$300,000 a year is not uncommon.

Senior congressional staff are subject to many of the same revolving door financial pressures. The Senate bill proposes an appropriately moderate fix: very senior congressional staffers who make 75 percent or more of a Member’s salary must avoid making direct lobbying contacts with Congress as an institution for one year, rather than with merely with former offices or committees. The moderate revolving door restriction reflects that these officers are staff, and not lawmakers, but still recognizes the potentially corrupting influence from senior staff cashing in on public service.

Public Citizen urges the House to adopt revolving door restrictions as adopted by the Senate – i.e., to include “lobbying activities” as narrowly defined by the LDA in the scope of prohibited lobbying during the cooling off period for executive branch officials and Members; extend the cooling-off period for executive branch officials and Members from one year to two; and prohibit senior congressional staff from making lobbying contacts with Congress for one year.

³ Gregg Sangillo, “Lobbying – K Street Moves,” *National Journal* (2006).
1600 20th Street NW • Washington, DC 20009-1001 • (202) 588-1000 • www.citizen.org
215 Pennsylvania Ave SE • Washington, DC 20003-1155 • (202) 588-1000 • www.citizen.org