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The Company We Keep

*Lobbyists and the Prevalence of Conflicts of Interest
in the Trump Administration*

Acknowledgments

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The Company We Keep: Lobbyists in the Trump Administration

President Trump promised to “drain the swamp” when he got to Washington. And yet, his appointments have included not just former lobbyists, but dozens of lobbyists whose governmental responsibilities fall into the same specific issue areas that they lobbied within the last two years -- an apparent violation of Trump’s own executive order on ethics. Public Citizen has identified 36 recent hires with lobbying conflicts stemming from activity within the last two years, and only four of them have received ethics waivers.

On January 21, 2009, President Obama issued Executive Order 13490-Ethics Commitments by Executive Branch Personnel.¹ The order introduced an ethics pledge for executive branch employees aimed at mediating the conflicts of interest posed by the revolving door problem, both the revolving door into and out of government. This included barring appointees who lobbied within two years of their appointment from participating in work related to the issues and agencies they lobbied.²

Trump’s executive order contains a similar stipulation. Unlike Obama’s ethics Executive Order, which prohibited former lobbyists from being appointed to an agency they lobbied in the last two years, Trump’s version allows former lobbyists to enter the Trump administration immediately after terminating their lobbying registration. However, Trump preserved the restriction on former lobbyists working in an official capacity on specific issue areas in which they had lobbied in the previous two years. Former lobbyists within this two-year window could recuse themselves from work related to issues on which they lobbied, or they could receive a formal waiver from the ethics restrictions, and remain compliant with the Executive Order.³ The administration can, and has, granted waivers to some appointees, but the waivers barely scratch the surface of the potential conflicts of interest within the administration.⁴ Nearly all conflicts of interest posed by former lobbyists with their new official duties appear to be unrecognized by the Trump administration or, worse yet, entirely ignored.

A. The Method: Finding the Lobbyists

It has been no simple task to identify former lobbyists appointed into the Trump administration. First, there does not appear to be a publicly-accessible record of all appointees. Second, the

¹ Exec. Order No. 13490, 3 C.F.R. 4673-4678 (2009). Print. From the Office of Government Ethics. [https://oge.gov/Web/OGEnsf/Executive%20Orders/A70F962587DAC28F85257E96006A90F2/\\$FILE/23a5e4eeaffd4e14b4387b40b0eae5963.pdf?open](https://oge.gov/Web/OGEnsf/Executive%20Orders/A70F962587DAC28F85257E96006A90F2/$FILE/23a5e4eeaffd4e14b4387b40b0eae5963.pdf?open)

² Holman, Craig. "The curious case of President Trump's ethics executive order." *The Hill*. n.p., 15 Mar. 2017. Web. 15 June 2017.

³ Trump administration Executive Order No. 13770: “ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES.” The United States Government, 28 Jan. 2017. Web. 15 June 2017. <https://www.whitehouse.gov/the-press-office/2017/01/28/executive-order-ethics-commitments-executive-branch-appointees>

⁴ Geewax, Marilyn. "Trump Administration Names More Former Lobbyists With Ethics Waivers." *NPR*. n.p., 07 June 2017. Web. 15 June 2017. <http://www.npr.org/2017/06/07/531093101/trump-administration-names-more-former-lobbyists-with-ethics-waivers>

Trump administration has been very slow at filling government posts, leaving most positions to date empty.

Public Citizen tapped into two valuable databases from private sources of appointments into the Trump administration, and then cross-tabulated those appointments with the Lobbying Disclosure Act (LDA) database of registered lobbyists to identify those who have ever been registered as a lobbyist and when. Using a list of hires released by *ProPublica*, as well as data provided by the American Bridges PAC, Public Citizen compiled a list of 527 Trump administration appointments and searched for LDA registration reports filed with the Secretary of the Senate and Clerk of the House by any of these individuals.⁵ These findings are limited by what has been made publicly available, with *ProPublica* relying on data provided by the Office of Personnel Management showing hires made between January 20 and 30, as well as Freedom of Information Act requests sent to 24 federal agencies.⁶

B. The Findings: Lobbyist Conflicts of Interest Are Prevalent

In total, Public Citizen identified 133 executive branch employees appointed so far with a history of serving as registered lobbyists at some time in their careers. At least 60 of them have been active in the past two years. More importantly, 35 of that group have recently lobbied issues and agencies directly related to their current work (see the appendix).⁷ These employees could well be in violation of Trump's own ethics Executive Order #13770 which reads, in part:

“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 matter falls.*”⁸

Only six members of this group of former lobbyists serving in an official capacity that involves the same specific issue areas lobbied (Lance Leggitt, Shahira Knight, Andrew Olmem, Kristi Boswell, Keagan Lennihan and Michael Catanzaro) received disclosed ethics waivers.⁹ There are no records of waivers received by the remaining 29 former lobbyists in this category of political appointees.

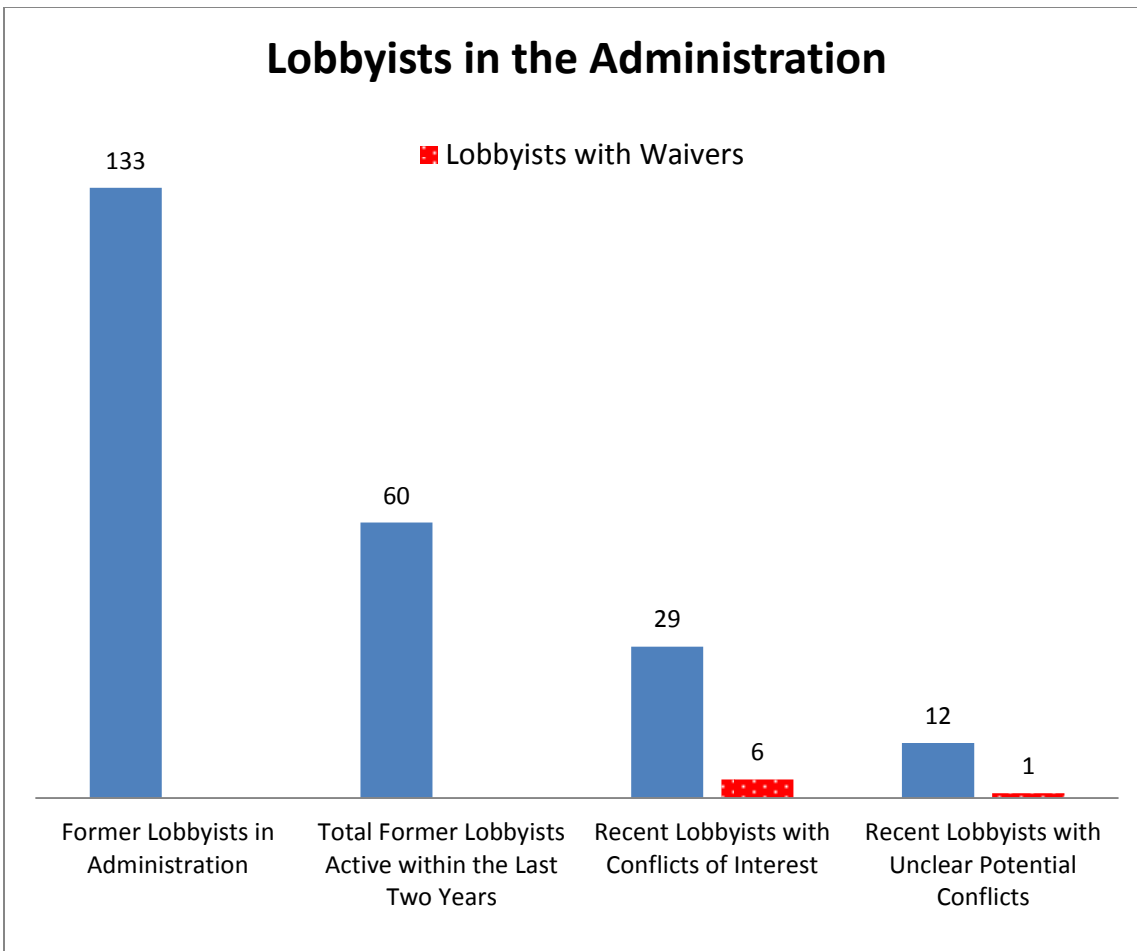
⁵ American Bridge PAC, "Trump's Corrupt White House." n.p., 02 June 2017. Web. 15 June 2017; and Shaw, Al, Justin Elliott, and Derek Kravitz. "Here are More than 400 Officials Trump has Quietly Deployed Across the Government." *ProPublica*. n.p., 28 Apr. 2017. Web. 15 June 2017.

⁶ Shaw, Elliott and Kravitz, op.cit.

⁷ Secretary of the Senate, "Lobbying Disclosure Act Database." *United States Senate*. n.d. Web. 15 June 2017. <https://soprweb.senate.gov/index.cfm?event=selectFields&reset=1>

⁸ Trump administration ethics Executive Order No. 13770, "Ethics Commitments by Executive Branch Appointees," paragraph 7, 28 Jan. 2017. (Italics added).

⁹ The White House, "Ethics Pledge Waivers Released by the White House." The United States Government, 31 May 2017. Web. 15 June 2017; and Office of Government Ethics. *Released Documents Regarding Ethics Waiver Requests*. n.p., 7 June 2017. Web. 15 June 2017.



The last category in the chart above represents appointees who have lobbied in the past two years but whose positions are too vague to determine if their current government work conflicts with their previous lobbying activities. For example, Josh Pitcock, the one person in this category with an ethics waiver, is the “assistant to the President and Chief of Staff to the Vice President,” and it is unclear if his new duties (especially those regarding Vice President Pence) conflict with his recent work as a lobbyist for the State of Indiana.¹⁰ Others, like Deputy Assistant to the President and Director of Domestic Policy for the Vice President Daris Meeks, have recent ties to lobbying groups but nonspecific issue areas describe their new governmental roles, such as “domestic policy.”¹¹

C. What this Means

The prevalence of former lobbyists with recent conflicts of interest reflects a concerning disregard for ethics in the Trump administration. Employees with conflicts are expected to recuse themselves when their work impacts previous clients or specific issue areas lobbied, and

¹⁰ The White House, “Ethics Pledge Waivers Released by the White House.” The United States Government, 31 May 2017. Web. 15 June 2017.

¹¹ Secretary of the Senate, “Lobbying Disclosure Act Database.” *United States Senate*.

while it is possible that these new hires are quietly doing so, issues with information and enforcement raise alarms.

George David Banks, Special Assistant to the President for International Energy and Environment who recently lobbied energy, tax, and environment issues, told *ProPublica* that he signed the ethics pledge without ever being informed about the restrictions placed on former lobbyists.¹² Furthermore, enforcement of these pledges lies in the hands of White House Counsel Don McGahn, who built his career on assisting clients to get around ethics rules and weakening enforcement of campaign finance laws while serving on the Federal Election Commission (FEC).¹³

Trump's ethics executive order can only be effective if it is properly enforced and actually informs the decisions of executive branch employees. Hiring former lobbyists to work for the agencies they just lobbied, while making them sign non-descript pledges that fail to inform them of their ethical responsibilities – coupled with a White House that appears to be uninterested in implementing and enforcing the ethics rules – simply pays lip service to the idea of ethical government.

¹² Holman, Craig. "The curious case of President Trump's ethics executive order."

¹³ Cook, Nancy. "'He's Going to Be an Enabler'." *POLITICO Magazine*. n.p., 21 Feb. 2017. Web. 15 June 2017; and Holman, op.cit.

Appendix: THE 36 APPOINTEES WHO HAD LOBBIED WITHIN THE LAST TWO YEARS IN THE SAME SPECIFIC ISSUE AREAS OF THEIR CURRENT GOVERNMENT SERVICE

Department	Name	Title	Pay Scale	Date Hired	Conflicting Clients
Agriculture	Russell Laird	Special Assistant	GS-15	1/30/2017	National Cooperative Services Corporation (2011-2016)
Commerce	Earl Comstock	Director, Office of Policy and Strategic Planning	SES	1/30/2017	Swiss Airlines (2015)
Education	Taylor Hansen*	Special Assistant to the Secretary		2/8/2017	Association of Private Sector Colleges and Universities (2016).
Energy	William Greene	Assistant to the Secretary	GS-15	1/20/2017	Safari Club International on issues relating to resource conservation (Q12016)
Energy	Mark Maddox	Assistant to the Secretary	GS-15	1/23/2017	Noranda Aluminum (2009-Q22015), General Synfuels International (2014-2015)
Health and Human Services	Timothy Clark	Senior Advisor to the Secretary	SES	1/20/2017	Clark Strategy Group LLC (2009 - 2017)
Health and Human Services	Lance Leggitt	Senior Advisor to the Secretary	SES	1/23/2017	All American Medical Supplies (2013-2015), Advanced Diabetes Supply (2011-2015), Advanced Infusion Services 2011-Q32016), Arriva Medical (2011-Q42016), and others. Granted Waiver
Health and Human Services	Keagan Lenihan	Senior Advisor to the Secretary	SES	1/23/2017	McKesson Corporation and Its Affiliate US Oncology (2011-2016). Granted waiver.
Homeland Security	Kevin Carroll	Special Advisor	SES	1/21/2017	Financial Markets Association, including DHS lobbying (2010-2016)

Homeland Security	Julie Kirchner	Advisor	GS-15	1/20/2017	Federation for American Immigration Reform (2008-2015)
Homeland Security	Chad Wolf	Advisor	GS-15	1/20/2017	Pershing Square Capital (2014-2016), Cintas Corp. on labor (2014-2016), ABB (robotics and cybersecurity from 2014-2016), Analogic (aviation security as recent as 2015), and others
Interior	Daniel Fisher*	Miscellaneous Clerk and Assistant	AD-00	2/21/2017	American Concrete Pressure Pipe Association, Associated Equipment Distributors, and Aeronautical Repair station Association on Taxes, aviation regulation, labor, and energy (Keystone pipeline) from 2009-2017.
Labor	Byron Anderson	Special Assistant to the Secretary	GS-15	1/20/2017	American General Corp (1999-2001) and Transamerica Companies (2007-2016) on Consumer and network issues, including Labor
Labor	Geoffrey Burr	Special Assistant to the Secretary	SES	1/20/2017	Associated Builders and Contractors Inc (contracting, regulations, Injuries, general Labor, 2003-2015)
Office of the Secretary of Defense	Justin Mikolay	Special Assistant	GS-15	1/24/2017	Palantir Technology, including advocating its software in intelligence and defense organizations, (2015 and 2016)
Trade and Development	Peter Barrett	Senior Advisor	SES	1/23/2017	National Association of State Treasurers on taxes, municipal funds and regulation of money markets (2012-2015)

Transportation	Erika Baum	Executive Assistant to the Secretary	GS-15	1/26/2017	General Mills 2011-2017, including transportation issues in 2015, Associated Builders and Contractors Inc. 1999 -2001
Transportation	Christopher Hess	Special Advisor	GS-14	1/24/2017	Advanced Engine Systems Institute from 2011-2017, Eaton Corp from 2008-2017 on issues involving air quality, fuels, and vehicals
Transportation	Allison Moore	Press Secretary	GS-13	1/23/2017	Fresh Produce Association of the Americas (2008-Q42016), including transportation issues in 2015 and 2016
Treasury	Andrew Smith	Advisor	GS-14	1/23/2017	Tax issues for Distilled Spirits Council (2015-2017)
US Trade Rep.	Stephen Vaughn	General Counsel	SES	1/20/2017	U.S. Steel (2014-2015) on trade laws
Transportation	Anthony Bedell	Assistant Secretary for Intergovernmental Affairs	N/A	N/A	Transurban (2017)
Interior	David Bernhardt	Deputy Secretary of the Interior	N/A	N/A	Active Network LLC (DOT, 2015-2016), Westlands Water District (2011-2016)
Executive Office of the President	Michael Catanzaro	Special Assistant to the President for Domestic Energy and Environmental Policy, National Economic Council	N/A	N/A	America's Natural Gas Alliance (2015), American Fuel and Petrochemicals (2016-Q12017), Bradford White Corporation (2015-2017), Devon Energy Corporation (2015-Q12017). Waiver.

Justice	Makan Delrahim	Assistant Attorney General	N/A	N/A	Ceasar's Enterprise Services (Harrah's casinos, 2009-2016), LaLiga (relating to copyrights, 2015-2016), Pfizer (2015-2016), UFC (2016), Qualcomm (copyrights, 2008-2016)
Commerce	Gilbert B Kaplan	Undersecretary for International Trade	N/A	N/A	Appvion to Dept. of Commerce (2008-2016), Coalition for Fair Paper Imports (2012-2016), Zekelman Industries (2007-2016), Micron Technologies (2005-2015)
Executive Office of the President	Shahira Knight	Special Assistant to the President for Tax and Retirement Policy, NEC	N/A	N/A	Fidelity Charitable Gift Fund (Taxes, 2012-2016), FMR LLC (Fidelity investments, 2012-2016). Waiver
Executive Office of the President	Andrew Olmem	Special Assistant to the President for Financial Policy	N/A	N/A	American Express (2015-2017), Angelo, Gordon & Company on banking (2015-2017), Aon Service Corp (2015-2017), BlueMountain Capital Management (2015-2017), D. E. Shaw Galvanic Portfolio (2015-2016), Electronic Transactions Association (2013-2017), GE (2015-2016), Franklin Advisers (2015-2017), Knighthead Capital Management (2015-2016), Marathon Asset Management (2015-2016), MetLife (2014-2017), S&P Global (2014-2017). Waiver.

Environmental Protection	Andrew Wheeler	Deputy Administrator	N/A	N/A	Bear Head Lng Corporation (natural gas/energy, 2015-2016), Energy Fuels Resources Inc (energy and national resources, 2017), Murray Energy (energy, 2009-2016), Underwriters Laboratories (energy, 2015-2017), Xcel Energy (2013-2016)
Executive Office of the President	George David Banks	Special Assistant to the President for International Energy and Environment, National Economic Council	N/A	N/A	American Council for Capital Formation (Energy, tax and environment issues 2015-2016)
Agriculture	Kristi Boswell	Senior Advisor	N/A	N/A	American Farm Bureau (2012-Q12017). Waiver.
Transportation	Chris Brown	Associate Administrator for Government and Industry Affairs	N/A	N/A	Air Transportation Association of America (2011-Q12015).
Housing and Urban Development	Michael Dendas	Senior Advisor	N/A	N/A	Housing Issues for Home Depot (2015)
Health and Human Services	Courtney Lawrence	N/A	N/A	N/A	America's Health Insurance Plans, Inc (2014-2017)