

Policy Alert

March 2, 2017

Key Point

- If you read one thing: The ethics pledge issued by President Trump for Executive Agency Appointees increases the agency-specific lobbying timeout, includes a lifetime ban on activity triggering FARA registration and makes it easier for registered lobbyists to serve in the administration.



President Trump Issues Ethics Pledge for Appointees

President Donald Trump signed an executive order requiring all Executive Agency Appointees (“Appointees”) in the administration to sign an ethics pledge.

By accepting a position in the administration and signing the pledge, Appointees become subject to a moratorium on lobbying the executive branch for the duration of the administration and the agency at which they served for five years from their effective termination date. Former Appointees will also be prohibited from participating in any activity that triggers registration under the Foreign Agents Registration Act (FARA) for the duration of their careers.

President Obama’s ethics pledge included the administration-long ban, but that pledge had only a two-year timeout and did not contain language pertaining to FARA.

In addition to the postemployment restrictions, the ethics pledge includes provisions from the previous administration’s pledge applicable to incoming Appointees. Appointees are still prohibited from accepting gifts from entities and individuals that meet the registration requirements under the federal Lobbying Disclosure Act (LDA).

For a period of two years after joining the Trump administration, Appointees cannot work on any matter directly and substantially related to their former employer or former clients, and Appointees who were previously registered as lobbyists are also banned from working on any matter on which they lobbied. The two-year period is effective as of the date of appointment.

Finally, in contrast to the ethics pledge from the Obama administration, there is no language barring Appointees previously registered as federal lobbyists from seeking or accepting a position at an agency that they have lobbied within the past two years.

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