

THE EXECUTIVE BRANCH CONFLICT OF INTEREST ACT

Introduced by Senator Tammy Baldwin

The *Executive Branch Conflict of Interest Act* will enhance the integrity of our regulatory system by mitigating the effects of the revolving door between industry and government. As of July 2018, there were 164 former lobbyists [serving](#) in the Trump Administration, more than double the number during the Obama Administration. Several examples from our recent history show the dangers of letting foxes guard the henhouse.

The 2008 financial crisis [eliminated](#) 8.8 million jobs and wiped out \$19.2 trillion in household wealth. While many factors contributed to the crisis, regulatory failure was among the leading causes. In many cases, regulators had ample authority to act, but lacked the political will to enforce laws due to the tremendous influence of the financial industry in government. Since the crises, the number of government employees moving to industry and vice versa has [increased](#), allowing the possibility of government inaction in the face of the next crisis. In some cases, the revolving door is [greased](#) with bonuses for executives who take positions in government where they will be in charge of regulating their former employers.

The opioid crisis is ravaging communities large and small across our country—everyday, 91 Americans die from an opioid overdose. It is critical that the federal government use every tool at its disposal to fight this national emergency, however there is evidence that the revolving door has impeded effective government oversight. An October 15, 2017 *Washington Post* story [outlined](#) a troubling connection between a top opioids regulator and the pharmaceutical industry. Previous reporting by the *Post* in December 2016 detailed how more than 30 DEA officials responsible for regulating the drug industry have left for jobs with pharmaceutical companies or the law firms representing them since 2005.

In January 2019 the EPA will begin a review of air pollution standards. The Chairman of the Clean Air Scientific Advisory Committee conducting the review will be Tony Cox, a researcher who has received funding from an industry group [opposed](#) to the air pollution rules. The American Petroleum Institute helped finance Mr. Cox's research into particulate matter pollution. Further, Mr. Cox took the unusual step of allowing API to proofread and edit his findings before they were published, according to his own acknowledgements. It's considered unethical to give an industry group a chance to influence the outcome of research, according to scientists.

To slow the revolving door and help ensure that conflicts of interest do not erode the effectiveness of government regulators, the *Executive Branch Conflict of Interest Act*:

- **Outlaws Bonuses for Government Work:** Prohibits a government employee from accepting a bonus from his/her former private sector employer for entering government service.
- **Expands Cooling Off Periods & Tightens Lobbying Rules:** Increases the prohibition on lobbying the federal government from one to two years and expands the definition of "lobbying contact" to include any lobbying activities and strategy. Prohibits procurement officers in the federal government from working for a company that received a contract overseen by the procurement officer during the officer's last two years in government service.
- **Reduces Conflicts of Interest:** Requires senior government employees to recuse themselves from any official actions that directly or substantially benefit the former employer or client(s) for whom they worked in the previous two years before joining federal service.

The Executive Branch Conflict of Interest Act is supported by: American Oversight, Campaign for Accountability, Center for Biological Diversity, Citizens for Responsibility and Ethics in Washington Coalition to Preserve, Protect & Defend Corporate Accountability, Democracy 21, End Citizens United Action Fund, Equal Justice Society, Norman J. Ornstein, People Demanding Action, Prof. James A. Thurber, Project on Government Oversight, Protect Democracy, Public Citizen, Stand Up America, Sunlight Foundation, and Take On Wall Street.