

Lobbying After Federal Service: The Revolving Door, Shadow Lobbying, and Cooling Off Periods for Former Government Officials

2017-2018 CRS Consulting Capstone Team
The Bush School of Government and Public Service, Texas A&M
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About the Project

This project is a product of the Bush School of Government and Public Service Consulting Capstone Program. It intends to create a database of post-government employment of senior executive branch officials to increase the knowledge about former executive branch officials' post-government career paths. The project is performed for the research wing of the Congressional Research Service, the Library of Congress. The project lasted one academic year and involved nine second-year Master students, who have collected data, created a comprehensive database, and provided nonpartisan analysis presented in this final report.

The Mission

This capstone team conducted research on former-executive branch officials for the Congressional Research Service to learn how to deliver high quality work under pressure that meets the expectations of a professional environment in the policy field.

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Key Terms

Cooling off periods	Period of time that a former executive branch official must wait before beginning advocacy activities or having any communication with the “intent to influence” in an area related to their former position.
Executive Order	A directive or rule issued by the president to the executive branch which has the force of law.
Honest Leadership and Open Government Act of 2007 (HLOGA)	Federal legislation passed in 2007 intended to require individuals to report lobbying activity.
Lobbying	The activity of influencing public decision, belonging to corporate political diplomacy.
Lobbying Disclosure Act of 1995 (LDA)	Federal legislation passed in 1995 intended to require individuals to report lobbying activity.
Lobbying organization	Organization whose primary function is to lobby.
Lobbyists	Individuals, employed by a client for financial or other compensation, who spend more than 20 percent of their time to provide this client with services or have more than one lobbying contract over a six-month period.
Registered lobbyist	Individuals who have registered under federal guidelines and were determined to have engaged in lobbying activity.
Revolving door	Term used to describe the movement of individuals between public and private sector employment.
Shadow lobbyist	An individual who is likely lobbying but is not registered under federal guidelines.

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Executive Summary

The term “revolving door” refers to the movement of employees between the public and private sectors. Many lobbying firms employ individuals formerly employed in the public sector and benefit from their political system knowledge, policy expertise, and access to former public sector colleagues. While these individuals offer a unique skill set to lobbying firms, the access to former colleagues and relationships developed with their former offices bring about questions of conflicts of interest and ethical dilemmas. Thus, in the 20th century, various laws have been passed to create a more transparent lobbying practice. However, since 2007, the number of registered lobbyists has been declining. LaPira and Thomas III (2014) reported that since the enactment of the Honest Leadership and Open Government Act of 2007 (HLOGA), as many as 53 percent of individuals whose work appears to be related to lobbying, have not registered. The lack of registration has made it difficult to regulate former public-sector employees that have become lobbyists and have not registered in the Lobbying Disclosure Act (LDA) database.

While research on the revolving door in the legislative branch exists, the lack of information to measure its impact on the executive branch is scarce, which limits the ability of academics to study the impact of the movement of employees between the public and private sectors. To contribute to the research, this capstone team collected data regarding former executive branch officials and their career paths before and after their time in the executive branch. The individuals were selected based on employment in the executive branch during the President George W. Bush and President Barack Obama Administrations. The data compiled consisted of 7,509 individuals with 20 observed variables per entry, and from this information, numerous key trends were identified. Throughout the data analysis process, various questions were addressed relating to where individuals worked prior to their employment in the executive branch and where these individuals transition upon departure. These questions helped to identify the depth of the revolving door within the executive branch.

Lobbying

1. Ten percent of the total population in the database was registered as lobbyists at some point during their professional career.
2. More individuals registered as lobbyists after leaving the executive branch (54 percent) than before joining it (37 percent).
3. Health issues were most often lobbied.

Revolving Door

1. The revolving door exists in the executive branch.
2. While the same number of individuals come from public and non-public sectors, twice more people chose to go to the non-public sector (43 percent) after leaving the executive branch in comparison to the public sector (19 percent).
3. A trend was observed that individuals who served in political campaigns immediately went on to work in the executive branch.
4. One-third of officials who were registered as lobbyists at some point in their career transitioned to the executive from the legislative branch.
5. Nine organizations that appeared most frequently as employers of executive branch officials before their service were political organizations, consultancies, and universities.

Cooling Off Period

1. Executive Orders created more regulations for executive branch officials in comparison to the legislative branch.
2. There were instances identified when cooling off regulations were not properly followed.

Shadow Lobbying

1. The organizational roles of 108 people before and 207 people after the federal service appear to include lobbying activities. Of these individuals, 70 percent were not registered lobbyists.
2. These individuals mostly transitioned from and to nonprofit, private, and lobbying organizations.

Missing Data

1. Some portion of data was missing on eight variables out of twenty.
2. Missing data were unequally scattered among departments. Availability of data was heavily dependent on the department.

Introduction

The revolving door is a concept used to describe the movement of individuals between public and private sector employment (Vidal, Mirko & Christian, 2012; Maskell, 2014). The exchange between sectors is primarily attributed to the policy and procedural knowledge these individuals possess, along with their access to former colleagues (Chausow, 2015). While the revolving door is valuable to firms and the government alike, the most vigorous opposition to lobbying is from those who believe the exposure these individuals gained in their prior employment provides them an unfair advantage in representation and creates a potential for conflicts of interest.

Numerous studies have been conducted to examine the impact of the revolving door, including analyses of the number of individuals moving across sectors and the financial implications for revolving door lobbyists. It is estimated that between 1945 and 1994, as many as 39 percent of those who voluntarily vacated their position in the House of Representatives transitioned to a job in lobbying (Diermeier, Keane, & Merlo, 2004). Similarly, it has been determined that lobbying firms that employ a former public sector employee see an increase in revenue when that individual joins the firm (Vidal, Draca, & Fons-Rosen, 2012).

While the compiled data has indicated that revolving door lobbyists have a unique and meaningful role in government interactions, the challenges to measuring this effect within the entire public sector are two-fold. The first issue in monitoring this movement is that existing legislation provides loopholes for individuals to avoid disclosing lobbying activity and the second is that while many studies of the revolving door exist for the legislative branch, the executive branch has received little attention.

In conjunction with Section 207 of the U.S. Code, recent presidential administrations have issued executive orders to impose restrictions on individuals transitioning through the revolving door in either direction. Aside from these restrictions aimed at curbing the potential for conflicts of interest between lobbyists and executive branch officials, specific lobbying legislation, such as the Lobbying Disclosure Act of 1995 and the Honest Leadership and Open Government Act of 2007, is intended to require individuals to report lobbying activity. Existing loopholes in legislation have led to behavior changes by those in the lobbying field. One of these is to avoid registration by methods such as decreasing actual contact with government officials in order to stay below the threshold set at twenty percent of work activity. These individuals often work within lobbying firms claiming to be serving more technical roles, and this phenomenon has become known as shadow lobbying. Studies estimate that as many as fifty-two percent of individuals are practicing as “shadow lobbyists” (LaPira, 2014).

While this study does not claim that any information collected directly links these individuals to shadow lobbying, or any similar behavior, the data provided is intended to fill the research gaps that exist in understanding the potential magnitude of these occurrences. To analyze this trend within the executive branch, the research team collected the available information for four administrations, including both administrations of President George W. Bush and President Barack Obama, to bring qualitative and quantitative data to the discussion of how lobbying trends and pieces of legislation are affecting this particular branch. The remainder of this report is dedicated to providing an in-depth look at the existing research and literature, the methodology of the database design and data collection processes, and the results for each of the agencies, along with the overarching themes from the executive branch.



PART 1

THEORETICAL RESEARCH

What was known



Literature Review

Introduction

There is an ongoing academic and political debate about the career paths of former government officials following their government service. Most research is focused on legislators who choose to lobby after they leave the government. The discussion focuses on positive impacts as well as potential ethical concerns raised by the revolving door.

The practice of lobbying and the revolving door has been part of the American political system since the early days of its existence. The first known lobbyist in the history of the United States, William Hull, was sent by fellow revolutionary war veterans in 1792 to secure additional compensation for their service during the war. He was also the first government official to go through the revolving door. After his unsuccessful attempt to represent Massachusetts veterans, Hull went on to become governor of the Michigan territory (Grier, 2009).

The practice of lobbying is complex and legislatures have tried to mitigate potential adverse effects when not regulated appropriately, which has prompted legislators to introduce various laws and regulations throughout history. Since the 20th century, several laws were enacted to create a more structured lobbying practice, such as the requirement to register. However, not all lobbyists abide by the regulations. As many as 52 percent of all lobbyists do not register, albeit continuing to lobby (LaPira, 2014). Reports show that there could be as many as 12,982 shadow lobbyists and as many as 24,832 individuals that are in the practice of lobbying (LaPira, Thomas & Baumgartner, 2012).

Shadow lobbying may also be present among former government officials, who decide to go through the revolving door. High-ranking officials often choose to avoid disclosing their status as a lobbyist within their career path. There are questions about impacts of the revolving door and the number of former executive branch officials who have become lobbyists after their federal service (LaPira, 2014).

One purpose for regulating revolving door lobbying in the executive and legislative branches was to take precautions to prevent former executives from using insider knowledge and connections to reap the benefits of private employment as lobbyists (Maskell, 2014). As stated in *Brown v. District of Columbia Board of Zoning Adjustment*, “the lure of private practice may undermine...responsibilities to the public” (1984). Lobbying legislation attempts to provide transparency to protect public interests and ensure just decision-making by elected lawmakers and executive branch officials. One of the most prominent cases of the misuse of the revolving door in the executive branch dates back to the 1980s when former White House official, Michael Deaver, lobbied executive branch officials on behalf of a number of corporations and foreign governments. Ultimately, Deaver was convicted of lying about his lobbying activity under oath (Webber, 1996).

Various pieces of legislation like the Lobbying Disclosure Act of 1995 and the Honest Leadership and Open Government Act of 2007 intended to mitigate adverse effects of lobbying activities by ensuring transparency and a level playing field in lobbying. However, none of the existing acts establishes an enforcement mechanism to ensure the proper disclosure of lobbying activities. A lack of enforcement has led to the utilization of loopholes by lobbyists. Such loopholes permit individuals engaging in lobbying activities to avoid proper disclosure of said lobbying activities. While both attempt to increase transparency between government and the public, failed or flawed enforcement has labeled the legislation as ineffective (Chari, Murphy & Hogan, 2007).

The current Executive Order, (Ethics Commitments by Executive Branch Appointees, 2017), with restrictions on post-government employment lobbying activities, influences the decisions of former government officials on whether to pursue a lobbying career. Several individuals who were approached to fill positions in the new administrations have turned down their offers due to the five-year ban on lobbying activities, which restricts

the ability of former government officials to pursue a lobbying career following the termination of their employment as public servants (Brody, Pettypiece, & Allison, 2017). These restrictions have created concern with regards to a possible increase in shadow lobbying (Brody, Pettypiece, & Allison, 2017).

The next section of this report contains a literature review that provides a comprehensive overview of research about lobbying and the revolving door. It addresses the following issues:

- a) Historical Perspective, which analyses the influence of historical developments in today's revolving door practices;
- b) Legal Perspective, which addresses characteristics of the legal framework and its influence on government employees' decisions to go through the revolving door;
- c) Scholarly debates on the value of the revolving door and potential adverse effects on policy-making.

Historical Perspective

There is a clash of ideas over the nature of lobbying and the revolving door phenomenon. Arguments that it is a legitimate and necessary aspect of the political sphere are countered by arguments that it has a distortionary effect on decision-making. While the practice of lobbying has changed over the course of history, its contentious nature has persisted. Much like James Madison's dilemma on the inevitable existence of factions with unequal powers in society (Federalist no. 10, 1787), the lobbying debate revolves around its inherently powerful presence in politics, recognizing that eliminating it would infringe upon people's constitutional rights. Therefore, regulating and controlling for the negative influences of lobbying, specifically the revolving door, becomes a viable alternative. The role of political actors throughout U.S. history allows for an understanding of contemporary lobbying and revolving door legislation.

The origin of lobbying dates back to the passage of the Magna Carta in England, circa 1215, which sanctioned broader participation of subjects in politics, previously reserved for the royal family. The practice of lobbying in the United States appeared with the establishment of the American republic. The thirteen British Colonies, soon to become the United States, developed a wide variety of economic groups by the mid-1700s. They attempted to further their economic interests by making demands to colonial assemblies, the crown, and governors. The expression of such interests laid the foundations for the development of lobbying as a profession (Byrd, 1988; Zetter, 2011; Handlin, 2014). "Lobby agent" was a term used to describe individuals that spent time around Congressmen in hopes of influencing its members. William Hull is considered the first known lobbyist in the United States. In 1792 he was hired by Virginia veterans of the Continental Army to lobby for additional compensation for their service during the war (U.S. Senate, n.d.). The term was used by Hull to ask other veteran groups to have their agent or agents cooperate with him to pass a compensation bill (Byrd, 1988; Rival & Major, 2016). Historical accounts often attribute President Ulysses Grant with coining the term lobbyist in the late 1800s, which described the variety of people courting him for legislative favors during his visits at the Willard Hotel to enjoy a cigar and brandy.

Lobbying also developed concurrently with the right to petition and influence the government. The first amendment to the U.S. Constitution prohibits Congress from curtailing the freedom "of the people peaceably to assemble and to petition the Government for redress of grievances" (U.S. Const. amend. I). However, James Madison recognized the dangers that factions and special interests pose for the rights of other citizens. These

dangers stem from the inherent unequal distribution of property (Federalist no. 10, para. 6). The only viable solution in Madison's view was regulating and controlling the adverse effects of factions at the national level (Handlin, 2014). As the vision of Madison and framers of the Constitution materialized, the emergence of lobbyists at the national level warranted new tools to control and regulate organized interests and their influence in the American political sphere. The seeds of what would later become conflicts of interest laws and lobbying regulations were sown as early as the operation of the first congress (Byrd, 1988; Handlin, 2014).

As lobbying continued to occupy a space in public discourse in the early years of the nation, concerns over favoritism of certain interest groups arose in the context of conflicts of interest. Such concerns gave rise to debates about the role of the federal government in the lobbying process. For instance, one of the most powerful interest groups at the time was the Bank of the United States, a private bank chartered by the government (Byrd, 1988). As it was pointed out by James Madison in a letter directed to Thomas Jefferson, several sitting senators served as directors of the bank, calling the situation a shameful circumstance of the lobbying business (Byrd, 1988). Conflicts of interest and issues of unequal representation are other reasons why the legitimacy of lobbying has been questioned.

During the first Congress, the process by which citizens could bring their issues before legislatures changed. The first petitions to the Senate came from a variety of interest groups and stakeholders seeking changes in an array of areas from businessmen's requests about tariffs and taxes to calls for increased salaries and reimbursements for veterans who participated in the war. Initially, these petitions would be presented on the floor of the Senate by large citizen groups. Such was the case of a large committee of Philadelphia citizens who were allowed to present their petition in front of senators in 1798. However, Senator Humphrey Marshall of Kentucky objected to the presentation of requests in this manner by creating a resolution that won passage, ending the participation of large groups in legislative institutions (Byrd, 1988).

This was followed by a shift toward more professionalized lobbying beginning in the second half of the 19th century (Scott, 2014). Lobbyists successfully represented large and diverse groups of people including labor leaders, abolitionists, physicians, and feminists (Loomis, 2006). As Thompson argues, "lobbyists helped to focus, to rationalize, and, in the long run, to modernize late 19th century Congressional Government" (1985, p. 272). Lobbying became a more professionalized activity representing the interest of industries. Lobbying strategies added entertainment and extravaganza as means to interact with members of Congress and their families, in hopes that they would pass or stop bills. Such was the case of Samuel Colt, founder of the Colt's Patent Fire Arms Manufacturing Company, whose lobby agents managed to influence a seven-year extension of his pistol patent. He staged several entertainment events for senators and distributed his firearms to several of them and their family members (Byrd, 1988). The period was later named the Gilded Age, a term coined by Mark Twain, who contended that the end of the 19th century was glittering on the surface but corrupt underneath ("Gilded Age," n.d.).

The professionalization of lobbying rewarded large companies and industries. In 1871, the stockholders of the Union Pacific Railroad formed the company Credit Mobilier, where they sold or gifted shares to various members of Congress and other politicians. In turn, legislators approved federal subsidies that affected the costs of railroad construction, resulting in significant profits for stockholders (H.Rep. No. 109-439, 2006). During this period, the executive branch was also lobbying Congress. Sam Ward, considered the "King of the Lobby," was hired by the Treasury Secretary to educate legislators on the need to improve the nation's credit, and he sought to do this at expensive and lavish dinners (Byrd, 1988; Jacob, 2010). Frequent corruption scandals

and attempts to exercise undue influence in government processes resulted in a more active role of the legislature to identify them. For example, Ward was required to testify before a congressional investigation in 1875 where he famously declared “I am not ashamed - I do not say I am proud, but I am not ashamed of the occupation” (Byrd, 1988, p. 495).

The late 19th century saw the first legislation addressing former executive branch officials’ “revolving door” practice. The 1872 Appropriations for Post-Office Department Act, declared it unlawful for any executive branch official to act as counsel, attorney or agent for prosecuting claims against the United States or aid in the prosecution of such claims in the two years after he or she ceased to be an executive branch employee. Such requirement dictated that former executive officials could not participate in lawsuits involving the U.S. government immediately after leaving their position in the government (17 stat. 283, 1872). Later, the 1919 Anti-Lobbying Act imposed further restrictions on activities by executive branch officials that related to legislative matters. It prohibited campaigns using telegrams, letters and other forms of communications that were intended to encourage members of the public to pressure Congress into supporting executive branch appropriations and legislation proposals (Barr, 1989).

At the beginning of the 20th century, efforts to regulate lobbying increased but proved to be unsuccessful. Between 1907 and 1928, a number of bills, such as H.R. 25617 (1907), H.R. 25767 (1907), and S. 1095 (1928), were introduced to regulate and provide transparency for the activities of lobbyists. While these bills were drafted in response to the lobbying scandals of the early part of the century, attempts to enact stricter legislative measures failed.

Throughout its history lobbying legislation was often enacted in response to publicized scandals involving lobbyists and elected officials. In 1906, *Cosmopolitan* magazine published a series of articles called “Treason of the Senate.” Author David Graham Phillips accused prominent senators of representing special interests, rather than public interests (“Treason of the Senate,” n.d.). The series led to the enactment of the Seventeenth Amendment (1912), requiring senators to be publicly elected rather than by state legislature (U.S. Const. amend. XVII). This series furthered public sentiment regarding the need to control lobbying matters. A bill introduced in February of 1907 intended to prohibit lobbying at the federal level. The act required all persons that worked in a financial capacity or acted as legislative counsel or agent about the matter, to register with the Secretary of the Senate and Clerk of the House of Representatives, explicitly providing in writing the lobbying topics pursued. This bill made it unlawful for lobbyists to directly influence the votes of any member of Congress in regards to financial matters (H.Rep. No. 25617, 1907). Days later, another bill was introduced that prohibited “lobbying at the national capital on behalf of railroad or railways companies engaged in interstate commerce” (H.Rep. No. 25617, 1907). Both pieces of legislation failed to pass, resulting in greater public frustration toward lobbying and lobbying scandals of the period, while decision-makers in Congress were too involved with lobbyists to enact the legislation.

However, due to the absence of legislation mitigating the adverse effects of lobbyists, various instances of misconduct continued to occur. Aggressive lobbying activities by opponents of a federal estate tax bill prompted a surge of lobbying reform bills. In 1928, Senator Thaddeus Caraway introduced a bill that required the registration of lobbyists with the Secretary of the Senate and the Clerk of the House, but the bill failed in the House (S. 1095, 1928; Byrd, 1988; Zetter, 2011; Luneburg & Susman, 1998). In 1929, an employee of the Manufacturers Association of Connecticut joined the staff of Senator Hiram Bingham. This same employee accompanied the Senator to deliberations on the Smoot-Hawley tariff bill, which intended to implement

protectionist trade policies that were the second-highest in one hundred years and raised tariffs on over 20,000 imported goods (Luneburg & Susman, 1998; Carbaugh, 2017). While this resulted in an investigatory committee, no legislation emerged. The division in Congress amongst those attempting to curb the influence of lobbyists and those preventing any power restraint on lobbyists persisted.

In the years following, efforts to regulate lobbying gained momentum due to a surge of law infringements, which led to the creation of the Caraway Subcommittee under the Senate Judiciary Committee in 1930. The subcommittee investigated lobbying practices for the next five years, starting with the investigation of Connecticut Senator Hiram Bingham who at the time had placed a lobbyist from the Connecticut Manufacturers Association (CMA) on the Senate payroll. The senator was censured for breaching senatorial ethics and defying good moral action (Gregory & Strickland, 1976; Byrd, 1988). During this time, a utility lobbying group came under scrutiny as well. A report by the Federal Trade Commission concluded that an orchestrated propaganda campaign took place to oppose the Wheeler-Rayburn bill that would harm the interests of utility companies. Over 250,000 telegrams inundated Congress in the days preceding the passage of the bill. At the time, it was the standard for private utility industries to use economic powers to further their political agendas (Luneburg & Susman, 1998).

Due to the scandals stemming from the powerful industries lobbying the legislative branch, Senator Hugo Black (later Supreme Court Justice) joined the U.S Senate Lobby Investigation Committee, which initiated an investigation of the Public Utility Holding Company. Findings showed that the utility company paid for the majority of the telegrams sent to Congress, causing a significant misrepresentation of public opinion. In part due to the information uncovered, Congress enacted the Public Utility Holding Company Act of 1935 that required lobbyists to register their names, salaries, monthly expenses, and the intent of their lobbying activities with the Secretary of the Senate, the first congressional system of lobbyist registration. However, the senator was not content with limiting the requirement to register for utility lobbyists alone. He introduced a broader measure requiring the registration of all persons seeking to influence government officials, the disclosure of the interests represented, activities undertaken, and expenses incurred in lobbying, which did not pass (Luneburg & Susman, 1998). Senator Black's efforts paved the way for additional provisions and further amendments to laws adjusting lobbying requirements (Gregory & Strickland, 1976; Byrd, 1988). While Senator Black and other decision-makers attempted to create a balance for lobbyists domestically, various European governments were participating in propaganda activities on U.S soil.

Legal Perspective

In the second half of the 20th century, the capacity and readiness of legislative branch to regulate lobbying through various pieces of legislation have expanded. The judicial branch has played a vital role in interpreting legally binding provisions. In several instances, regulations were formed based on court decisions to further define occurrences such as lobbying, revolving door activities, and conflicts of interest. Since the Clinton administration, the executive branch has regulated the revolving door through executive orders. Each of the three federal branches has tried various tactics to address Madison's dilemma of overrepresentation of factions while minimizing the infringement on rights granted to individuals through the first amendment.

The Foreign Agents Registration Act of 1938

In 1938, Congress tried to control the efforts of foreign actors by implementing the Foreign Agents Registration Act (FARA). FARA intended to counter Nazi propaganda in the period leading up to World War II by requiring public disclosure of lobbying agents representing foreign entities (Luneburg & Susman, 1998). This legislation required every agent representing a foreign state to register with the Department of Justice and file disclosure forms that outline the purpose of the representation, income, and expenditures on behalf of the foreign principal (Claybrook, 2003). It did not prohibit U.S. private individuals from participating in any political activity, nor did it restrict U.S. individuals from engaging in lobbying activities on behalf of foreign agents. However, if foreign agents failed to register, omitted information, or made false statements in registration, they would be charged with committing a crime. Failure to comply with FARA was subject to civil or criminal penalties of up to \$10,000 and/or five years in prison. In addition, U.S. public officials that acted as foreign agents could face up to \$250,000 in fines and/or two years in prison for violations (Claybrook, 2003).

Upon its enactment, FARA developed enforcement mechanisms and methods, which changed over time. During the Second World War 23 criminal cases were successfully prosecuted, which involved foreign propaganda. Since amendments in 1966, the majority of the cases fall under civil and administrative resolution for noncompliance with FARA. Specifically, since 1966 only three criminal investigations were carried out, while 17 have been civil cases and a much greater number of administrative resolutions (“Foreign Agents Registration Act Enforcement,” n.d.).

Initially, the State Department was in charge of administering FARA’s enforcement before it passed to the Department of Justice in 1942. The modus operandi for enforcing the law was developed in its early days, whereby the Department would achieve compliance with the statute by sending letters advising prospective agents of the existence of FARA and obligations stemming from it. This mechanism was often successful in proving willful non-compliance with the law (“Foreign Agents Registration Act Enforcement,” n.d.). Within the Department of Justice, the Registration Unit of the Counterintelligence and Export Control Section (CES) in the National Security Division (NSD) is responsible for administering and enforcing the Act (Department of Justice, n.d.). Voluntary compliance is the primary tool used by the Registration Unit to ensure enforcement of the law. Another enforcement mechanism used is cooperation with law enforcement and intelligence community components which provide reports on potential violations.

The Federal Regulation Lobbying Act of 1946

As World War II drew to a close, the legislative branch took steps to address federal lobbying in a more comprehensive manner. In 1944, the 78th Congress added penalties to the 1872 Appropriations for Post-Office Department Act. Specifically, it was unlawful for an individual employed by any government agency to prosecute a claim against the United States within two years after such employment had ceased. The penalty for violating this provision was a period of imprisonment of not more than one year, a fine of no more than \$10,000, or both.

In addition to the 1944 changes, Congress approved a national lobbying disclosure law with the intention of addressing domestic lobbyists, which was similar to the bills introduced between 1907 and 1928. The Federal Regulation of Lobbying Act (FRLA) of 1946 required public disclosure of the identity and financial interests of persons attempting to influence legislation in Congress by establishing a system of lobbyist registration and financial disclosures (The Federal Regulation of Lobbying Act of 1946, 1946; U.S. Government Accountability Office [GAO], 1991). The law required any person who “shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United

States” (The Federal Regulation of Lobbying Act of 1946, 1946; Claybrook, 2003) register with Clerk of the House and the Secretary of the Senate (U.S Department of Justice, 2017). The Act also required lobbyists to disclose receipts, expenditures, and the legislative objectives they pursue (The Federal Regulation of Lobbying Act of 1946, 1946; GAO, 1991).

The 1946 Act was widely perceived as poorly drafted and ineffective for the purpose of disclosure and identifying financial interests of “person[s] engaged in lobbying” (Holman, 2006; GAO, 1991; Straus, 2015). Two weaknesses help to explain its ineffectiveness. The 1946 act did not apply to those who lobbied the executive branch, the courts, or regulatory agencies (Federal Regulations of Lobbying Act of 1946, 1946; Handlin, 2014), and the act was silent about issues of ethics in government. The act was further defined by the decision of the Supreme court in *United States v. Harriss* (1954), where in order to avoid finding it unconstitutional, the Supreme Court specified the definition of lobbying, further narrowing the applicability of the legislation (*United States v. Harriss*, 1954).

Only organizations and people whose “principal purpose” of compensation or principal activity of the recipient was to influence legislation through direct communication with a member of Congress on a specific bill needed to report. Other activity recognized as lobbying within the broad context of lobbying activity was not covered by FRLA (GAO, 1991). Individuals spending less than half of their time contacting members of Congress on legislation were also exempt from the 1946 Act (GAO, 1991). Under FRLA, only about 20 percent of all lobbyists were registered in 1994 (Handlin, 2014).

Federal Conflict of Interest Law, Section 207 of 1962

As standards of ethical conduct for executive branch employees were not covered under FRLA, Section 207 of Title 18 of the United States Code aimed to fill this gap. Section 207 (18 U.S.C.) introduced a wide range of post-employment restrictions applicable to almost all officials and employees of the executive branch regardless of ranking, position, or duties performed. Some provisions even extended to spouses of former executive branch senior officials, who would receive a fine of no more than \$5,000, not more than one-year imprisonment, or both (Pub. L. 87-849, 1962, p. 1124).

Post-employment restrictions included a permanent ban on representation, defined as “communication with the intent to influence” and appearance in court, of any other parties on particular matters in which a former executive branch official worked while being employed by the government of the United States (18 U.S.C. §207). Section 207 also introduced a two-year ban on representing any other parties on broader matters where the employee had direct contact and one-year restrictions on aiding or advising “trade or treaty negotiations” (18 U.S.C. §207).

Regulations addressing a “cooling-off” period were included in 18 U.S.C Section 207. The “cooling-off” period is a period of time that a former executive branch official must wait before starting advocacy activities or having any communication with “intent to influence” in an area related to their former position (Brown, 2014). Provisions on “cooling-off” periods included a one-year restriction on approaching their former departments or agencies of employment to represent interests of a third party, along with a prohibition on aiding or advising a foreign entity. For very senior officials, the same restrictions apply for two years following the departure from their executive branch position (18 U.S.C. §207).

Ethics in Government Act of 1978

In the wake of the 1972 Watergate scandal, Congress passed an act that was designed to “preserve and promote the integrity of public officials and institutions,” known as the Ethics in Government Act of 1978 (Straus, 2017). At the time the act passed, there was a significant amount of concern that the public’s trust in government had weakened due to the belief that “government officials use their office for personal gain, particularly after leaving the government” (Carroll & Roberts, 1988). According to a Common Cause report (Kneier et al., 1976), between 1971 and 1975, almost half of the regulatory commissioners had either come from private firms regulated by that agency or, following government service, went to work for private firms also regulated by their former government agency. Furthermore, over 20 executive officials who took industry jobs contacted their former colleagues (Kneier et al., 1976). Jimmy Carter, holding the presidency at the time, was an initiator and proponent of the act. In his ethics in government address to Congress in May 1977, he declared that too often government officials have exploited their government contacts for private gains (Carter, 1977).

In the same year, section 207 of the U.S. Code, originally added to address conflict of interest issues in 1962, was amended to include a one-year ban for high-level executive branch officials on contacting their former agencies on any “particular matter” pending before the agency or in which the agency has a substantial interest, limiting post-environment advocacy activities of former executive officials after leaving office (Ethics in Government Act of 1978, 1978, p. 1864; Maskell, 2014; Carroll & Roberts, 1988). The provision was included to “prevent senior-level officials from exerting unfair or undue influence over their former colleagues and subordinates” (GAO, 1987, p. 6). Most importantly, the one-year ban focusing on “contact” went beyond other provisions under 18 U.S.C section 207 that only regulates representation issues (ban on representation by a former employee of a party before an agency or court) (Maskell, 2014; Carroll & Roberts, 1989).

A distinct feature of the Ethics in Government Act is the introduction of the concept of compartmentalization, “a process by which agencies are divided into subunits for purposes of the one-year ban” (Carroll & Roberts, 1988, p. 440). The authors of the legislation argued that there was no purpose in making the contact prohibition department-wide if a former executive branch official worked in an entirely different bureau from the units the individual was attempting to influence in his or her post-agency employment (GAO, 1987). It was further argued that:

“the present complexity and size of Executive departments require occasional separate treatment of certain departmental agencies and bureaus. It would be patently unfair in some cases to apply the one year no contact prohibition to certain employees for the purpose of an entire department-when, in reality, the agency in which he worked was separate and distinct from the larger entity” (GAO, 1987, p. 7).

The 1978 Act created the U.S. Office of Government Ethics (OGE) within the Civil Service Commission, designed to prevent and resolve the conflict of interest issues about the executive branch (Ethics in Government Act of 1978, 1978; Carter, 1977). U.S.C. Section 207 placed OGE as the entity responsible for designating sub-agencies and bureaus within departments and agencies as separate organizations, making it possible for former executive branch officials to contact other units of their former agency (GAO, 1987). In addition, the code amendment increased the cooling-off period, from one to two years, (Ethics Reform Act of 1989, 1989). At the time of its enactment, there were no provisions for legislative branch officials; these were added in 1989 under the Ethics Reform Act (Straus, 2017).

The 1978 Act has distinct merits in two areas, the inclusion of very high-level officials who were more substantially affected by the law and the establishment of a special prosecutor (later the Office of the Independent Counsel). While the Ethics in Government Act did not bring significant changes to ordinary federal employees, it did affect officials with substantial¹ decision-making authority, which included officials in the GS17 and above pay scale (Morgan, 1980).²

Ethics Reform Act of 1989

Concerns over ethics, lobbying, and conflicts of interest persisted in subsequent administrations. In 1988, former President Ronald Reagan vetoed a revision of post-employment laws (Maskell, 2014). With the start of a new presidential administration in the following year, Congress passed the 1989 Ethics Reform Act, which included most of the changes in the vetoed legislation from 1988 (Straus, 2017). In January 1989, President George H.W. Bush established the President's Commission on Federal Ethics Law Reform through Executive Order 12668, and these recommendations laid the foundation for the Ethics Reform Act, which left intact several provisions of the 1978 Act (Bryce, Gibson, & Rush, 1991-1992). The 1989 Act established a one-year ban for former senior personnel from representing any party in an issue under their authority in the year before their government employment termination. It also included prohibitions for very senior executive personnel from having contact with their former agency or any official in the executive branch (Ethics Reform Act of 1989, 1989). Under the provisions, very senior executive personnel referred to the executive level I and level II officials in the White House, the Executive Office of the President, or the Office of the Vice President (Ethics Reform Act of 1989, 1989). This legislation created a model of accountability for future presidential administrations, and since the enactment of the Ethics in Government Act of 1989, Presidents Clinton, Obama, and Trump have issued executive orders to address interest politics, each including an "ethics pledge" that appointees were required to sign before taking office (Straus, 2017).

Lobbying Disclosure Act of 1995 (LDA)

The ineffectiveness of the FRLA in requiring disclosure or identification of financial interests of people or groups attempting to influence legislation prompted Congress to create a new, more comprehensive registration and legal disclosure document - the Lobbying Disclosure Act (LDA) of 1995 (Straus, 2015). The 1995 act was signed into law by President Bill Clinton on December 19, 1995 and took effect on January 1, 1996. To address the public concern that Congress caters to special interests, the LDA tightened registration and disclosure requirements for Washington-based lobbyists (Straus, 2015). Similarly, the LDA was designed to strengthen public confidence and understanding by replacing FRLA with a single, uniform statute, which streamlines the registration and disclosure process and creates a more efficient and equitable system for enforcing the disclosure requirement (U.S. Congress, House Committee on the Judiciary, 1995).

The Supreme Court case *United States v. Harris* (1954) served as a foundation for the LDA to provide clear definitions for lobbyists and lobbying activities, along with specific thresholds and requirements for the reporting of lobbying activities and related disclosure requirements. First, the LDA broadly defines lobbyists as individuals employed by a client for financial or other compensation, who spend more than 20 percent of the time to provide this client with services or have more than one lobbying contract over a six-month period (Lobbying Disclosure Act of 1995 [LDA], 1995). Second, LDA also acknowledges the fact that lobbyists influence policy-making in the public sector in more ways than solely through contact with Congress members,

¹ The meaning of 'substantial decision-making authority' is defined by the Director of the Office of Government Ethics.

² This corresponds to today's Senior Executive Service (SES) pay scale.

and the legislation addresses this by including congressional staff, elected officials, executive branch officials, and other executive employees in the “covered officials” category (LDA, 1995; Straus, 2015). This means that members of the executive branch, along with various staff members in the public sector are subject to the 1995 LDA for lobbying registration and disclosure.

Honest Leadership and Open Government Act of 2007 (HLOGA)

Although the LDA was initially perceived as well-drafted, a series of lobbying scandals during 2005-2006 forced Congress to take action to close loopholes associated with the LDA. Specifically, Jack Abramoff was spending excessive amounts of money on luxurious golf trips to Scotland for congressional leaders. Later, Abramoff pleaded guilty to felony counts of fraud, corruption, and conspiracy (Schmidt & Grimaldi, 2005).

In response to the scandals, Congress passed the Honest Leadership and Open Government Act of 2007 (HLOGA). Unlike the LDA's repeal of the FRLA, Congress did not design HLOGA as a replacement for the disclosure requirements of LDA. Instead, Congress designed it to expand and supplement the provisions of LDA. As a result, HLOGA refined thresholds of lobbying activities, changed the frequency of reporting for registered lobbyists and added disclosure requirements. First, to increase the information available to the public, HLOGA required the House Clerk and the Secretary of the Senate to make registration and disclosure forms accessible in a searchable and sortable online database (HLOGA, 2007). Second, lobbyists and lobbying firms were required to submit quarterly, rather than semi-annual, reports (HLOGA, 2007). Additionally, Congress created a new semi-annual reporting requirement for “campaign and presidential library contributions by lobbyists and lobbying firms” (Straus, 2011).

To better understand registration and disclosure status under HLOGA, the Clerk of the House and the Secretary of Senate compared the number of registered lobbyists before and after enactment of the legislation. Prior to HLOGA, the number of registrants amending their lobbying requirement forms declined from 1,279 in 2002 to a low of 599 in 2007, but with the new legislation, the number of registration amendment forms increased to 981 in 2008. In 2009, the number of registration amendments decreased slightly to 884, and in 2010, the number (587) returned to 2007 levels (Straus, 2011).

Before and after the enactment of HLOGA, there were unsuccessful attempts to address the revolving door through other legislation. A few months before the enactment of HLOGA, Representative Henry Waxman introduced the Executive Branch Reform Act (H.R. 984, 2007), which required a two-year cooling-off period for the executive branch only, leaving the revolving door between industries and the legislative branch unregulated. The bill also addressed mechanisms to prevent lobbyists entering government employment from favoring their former client by introducing a two-year cooling-off period, with OGE in charge of approving any waivers to these constraints (H.R. 984, 2007). The bill was introduced on February 12, 2007, but it failed to move further, and HLOGA was enacted later that year (H.R. 984, 2007).

A later attempt to regulate lobbying was Senator Michael Bennet's Close the Revolving Door Act in 2015. This act called for significant changes in the current provisions by requiring a lifetime ban on any former Congress members from lobbying any current member, official, or employee of Congress. It would have also extended the current one-year ban to six years for non-elected congressional employees (S. 1959, 2015). In addition, it introduced a six-year ban for former lobbyists and foreign principals, which would have prevented them from being hired by a member of Congress or a congressional committee with which the lobbyist or agent had a substantial lobbying contact. The bill was introduced in August of 2015, without further action (S. 1959, 2015).

The Role of the Judiciary Branch in Regulating Lobbying

The Supreme Court of the United States started defining terms such as “lobbying” and “revolving door” a century before the legislative branch took action through court cases that addressed different facets of lobbying and the revolving door. Since then, Supreme Court definitions have not only played a vital role in the implementation of lobbying legislation, they have also become the foundation for several laws. For example, interpretation of FRLA provided by the Supreme Court in a landmark case, *United States v. Harriss* (1954), was directly reflected in the legal provisions of the Lobbying Disclosure Act of 1995.

Almost half a century before LDA introduced a definition for “lobbyist,” in the case *United States v. Harriss* (1954), the Supreme Court cited the vague and unclear provisions of FRLA and, through the decision, provided a more comprehensive and clear concept of “lobbyist” and “lobbying activities.” According to the Supreme Court’s definition, the term “lobbyist” only applied to individuals who received compensation for their lobbying activities, or who would hire others to do so (*US v. Harriss*, 1954). Also, an individual would only be considered a lobbyist if more than half of his or her time was spent on lobbying. The Court defined “lobbying activities,” as those, which solely encompass attempts to “influence the passage or defeat of legislation in Congress” (*US v. Harriss*, 1954). The Court excluded all other congressional activities from lobbying.

In the process of defining and interpreting lobbying, much like Madison's dilemma in Federalist 51 (1788), the Supreme Court judges also struggled between the freedoms granted by the First Amendment and risks of lobbying. The Supreme Court cases *Clippinger v. Hepbaugh* (1843), and *Chesebrough v. Conover* (1893) represented the dilemma. In *Clippinger v. Hepbaugh* (1843), the Supreme Court of Pennsylvania pointed out that the practice of paying lobbyists to put forward specific interests and laws had become common, and this caused unequal representation because some cannot afford lobbying services. Moreover, the court warned that some business interest groups were forming, and lobbying could become a “business to procure the passage of an Act of the Legislature” (*Clippinger v. Hepbaugh*, 1843). Furthermore, “the arts and misrepresentations of these designing men threatened to mislead members of the legislature from the paths of duty” and encourage corruption in the state (Reinhard, 1911, p. 62). This decision marked the first time the Supreme Court defined the potential risks of lobbying and how these issues could jeopardize public interests and confidence.

Unlike *Clippinger v. Hepbaugh* (1843), in the case *Chesebrough v. Conover* (1893), the court gave priority to the “freedom of man” over the potential risks of lobbying. Fifty years after *Clippinger v. Hepbaugh* (1843), the Supreme Court of New York portrayed lobbying differently in their decision, defining it as a freedom of man (*Chesebrough v. Conover*, 1893). The court described lobbying as a right of every citizen and allowed lobbyists “to draft bills and explain it to any committee or any member of a committee, or of the legislature, fairly and openly, and ask to have it introduced” (*Chesebrough v. Conover*, 1893). The cases *Clippinger v. Hepbaugh* (1843) and *Chesebrough v. Conover* (1893) are landmark cases on lobbying, and the significance of these decisions remains vital to current legislation.

The Honest Leadership and Open Government Act of 2007 has also been challenged as unconstitutional. In the case *National Association of Manufacturers v. Taylor* (2009), the National Association of Manufacturers (NAM) argued that the Section 207 of HLOGA, which further defined disclosure requirements of LDA, was vague and unconstitutional. Section 207 requires registration not only for those firms who are directly involved in lobbying but also for those, who have contributed more than \$5,000 to fund lobbying activities or are involved in planning, supervision, or control of lobbying activities (HLOGA, 2007). The registration requirement

significantly challenged many companies' desire to contribute and cooperate. Thus, the plaintiff saw it as a violation of the First Amendment. The Court upheld the disclosure obligation, stating that it was of "vital national interest" (*National Association of Manufacturers v. Taylor*, 2009).

In addition to legal interpretations, the Supreme Court has played a significant role in the enforcement of lobbying laws. *Biassi Business Services, Inc. v. United States* (2013) was the first ever filed complaint related to failure to enforce lobbying legislation, where no settlement could be reached. Biassi Business Services, Inc. repeatedly failed to provide disclosure reports even after several warnings. Thus, D.C. U.S. Attorney's Office filed the first LDA enforcement action to be presented to the court. As a result of the judgment, Biassi Business Services, Inc. was required to pay the fine for noncompliance (*Biassi Business Services, Inc. v. United States*, 2013).

In addition to interpreting key terms on lobbying and providing a mechanism of enforcement, the court has discussed the revolving door. The case *Brown v. District of Columbia Board of Zoning* (1984) involved former government officials who, after leaving office, joined the District of Columbia Corporation Counsel's Office and allegedly represented parties whom they previously opposed in court. It was requested that the District of Columbia Board of Zoning disqualify ex-government officials from the case to avoid conflicts of interest, but the board refused to disqualify counsels, stating it did not have enough authority to do so. The case was appealed to the District of Columbia Court of Appeals in 1984, and in its ruling, the court presented significant risks connected to the revolving door. The decision stated that the revolving door occurrence creates concerns for confidentiality due to the access to information (*United States v. Oster*, 1979). The court's ruling also determined that government attorneys often have access to information that is generally prohibited to the private sector. Thus, using information obtained during government service might provide the party an advantage in the case. Finally, the court considered that the temptation to move to private practice might undermine a government worker's responsibility to the public (*Brown v. District of Columbia Board of Zoning*, 1984).

Lobbying is such an inseparable part of the government that it is hard to imagine an existence of one without the presence of the other (Susman, 2006). Some consider lobbying to be a constitutionally recognized activity and a solution to corruption. They consider it not only a central but also a wholly legitimate, part of democracy in all political systems (Chari et al., 2007). Thus, lobbyists are seen as highly influential players in the political process (Susman, 2006). Others, however, call lobbying a legalized form of bribery (Briffault, 2014). In *Citizens United v. Federal Election Commission* (2010), the Supreme Court mentioned that laws banning lobbying would be unconstitutional. It is highly unlikely that five members of the Supreme Court would seriously consider a claim that lobbying bans are constitutional (Teachout, 2014). As a result, prohibiting lobbying is not feasible in the short or long-term. Balanced legislation and a robust enforcement mechanism can lead to equity among parties, as well as protection of the First Amendment rights. The judiciary branch undoubtedly plays a role in this process.

Executive Orders

In addition to laws, three presidents of the United States have used their executive power to place restrictions on executive branch officials' lobbying activities. Executive order ethics pledges are one tool that presidents can use to influence "interactions, and relationships between the public and the executive branch" (Straus, 2017, p. 1). The use of executive orders and directives by presidents is intended to bring transparency and enforcement to lobbying laws (Straus, 2017).

Clinton Administration

In 1993, on his first day in office, President Clinton became the first sitting president to use an Executive order to tighten regulations on former government employees and appointees, particularly those who previously served in the executive branch (Executive Order 12834, 1993). Under the executive order, an employee departing from an executive agency was prohibited from lobbying an official or employee of the same agency for a cooling-off period of five years. Specifically, senior appointees in the Executive Office of the President (EOP) were prohibited from lobbying any official or employee from any executive agency where they had significant responsibility or personal contact.

International activity was also restricted under the Clinton executive order. Individuals engaged in activity on behalf of a foreign government or foreign political party were required to register under the Foreign Agents Registration Act of 1938. Similarly, if an individual had participated in trade negotiation during their time in the executive branch, they were prohibited from aiding or advising any foreign government, political party, or business entity in which they would attempt to influence the decision of any official or employee of any executive agency for a period of five years following their departure from the executive branch position (Presidency, 1993; Executive Order 12834, 1993).

At the end of President Clinton's term in 2000, he revoked and replaced the original executive order he signed on his first day in office in 1993, stating that it "was [too] excessive," and placed an undue burden on presidential appointees following the president's term (Mintz, 2000, para. 6; Executive Order 12834). The effect of lifting the executive order allowed appointees and members of the executive branch to engage in lobbying one year after their last day of work for the administration.

Obama Administration

The Obama administration pledged to strengthen restrictions on lobbying influences in the executive branch throughout the presidential campaign period (Wheaton, 2016, para. 3). Upon taking office, President Obama issued Executive Order 13490 and "three presidential directives that included strict limits on the work former lobbyists would be able to do in his administration" (Wheaton, 2016, para. 8). Executive Order 13490 placed restrictions on individuals entering, as well as leaving government. Government appointees were not allowed to accept gifts from any registered lobbyist or lobbying organization for the duration of their service. For the first two years after appointment, these individuals were unable to engage in any activity involving parties which were directly and significantly related to their former employer or clients. In addition to these requirements, those entering government positions, who were registered lobbyists within the two years prior to appointment, were unable to participate in any matter in which they lobbied in those years, participate in an issue area where that matter fell, or seek and accept employment with an executive agency they previously lobbied within two years of appointment (Executive Order 13490, 2012).

Those leaving government faced similar restrictions on seeking lobbying-related employment. Individuals covered by the post-employment restriction on communication with employees of former executive agencies set forth in the U.S. Code were required to follow these rules for two years after the end of their appointment. They were also prohibited from lobbying any executive branch official or non-career Senior Executive Service official for the remainder of the administration (Executive Order 13490).

Trump Administration

In 2017, President Trump signed Executive Order 13770. President Trump's executive order mirrors the executive orders of the Obama and Clinton administrations, although there are some differences. For five years

following the termination of executive agency employment, an individual is prohibited from lobbying the individual's former agency of employment. Like President Obama's executive order (Executive Order 13490), if covered by post-employment restrictions on communicating with employees of former executive agencies in the U.S. Code, individuals must abide by those restrictions.

Government employees are prohibited from accepting gifts from lobbyists or lobbying organizations, participating in matters related to their former employer or clients for two years after their appointment, or participating in an issue for which they lobbied (if registered as a lobbyist in the two years prior) for two years following their appointment. Individuals leaving government will, for the remainder of the administration, be prohibited from lobbying any covered executive branch official or non-career Senior Executive Service appointee. Finally, if the individual's government work would require registration under the Foreign Agents Registration Act of 1938, as amended, the individual faces a lifetime ban on engaging on behalf of any foreign government or foreign political party following government employment (Executive Order 13770, 2017).

Enforcement

Enforcement requirements vary across lobbying legislation, and the types of legislation applicable to those engaging in lobbying can be understood as legislation that requires or restricts certain behaviors. LDA and HLOGA create registration and reporting requirements for individuals who are participating in lobbying activities. This legislation mandates that an individual adheres to a certain standard or requirement in the law. Conversely, statutes codified in U.S. law and the executive order stipulations restrict various behaviors, and they prohibit an individual from engaging in a certain activity. While LDA and HLOGA require that individuals register as lobbyists and report certain activities, the individuals are not prohibited from engaging in any activities, aside from what is deemed unethical in existing legislation. U.S. Code statutes and executive orders prevent individuals from partaking in many lobbying-related behaviors, so there is a difference in the nature of the lobbying legislation applicable to individuals. General lobbying legislation attempts to track behavior to maintain records of activity while executive orders and U.S. Code place restrictions on what executive branch officials can and cannot do. This difference in the nature of legislation changes the way enforcement is approached, but accountability has been equally challenging for general and executive branch-specific legislation.

The legislation within the U.S. Code and compliance with executive orders rely on several enforcement bodies and they, in turn, rely on referrals for enforcement. The organizations responsible for executive official compliance activity are the U.S. Attorney's Office (USAO) and the Department of Justice's Criminal and Civil Divisions, in conjunction with the Inspectors' General. The House Clerk and Secretary of the Senate are responsible for providing the referrals for lobbying firms and individuals who do not comply with reporting requirements (LDA, 2017). Resolving these referrals takes anywhere from days to years. The methods used to address referrals include a summary of reports from USAO's database to track the number of pending referrals. After four attempts (through e-mails, letters, phone calls) to reach noncompliant individuals, USAO confers with the House Clerk and Secretary of the Senate to determine whether further actions should be taken (GAO, 2017). The overlap of enforcement responsibilities creates the need for cooperation among agencies for tracking and enforcement processes, and legislation is unclear regarding the specific roles of each body involved in enforcement.

Enforcement faces challenges in practice, due to a large number of non-compliance cases inherited from one year to another. Between 2009 and 2015 the U.S. Attorney's Office received a total of 2,709 referrals from both

the Secretary of the Senate and the House Clerk regarding LD2 compliance requirements. Of these, 49 percent are still pending further enforcement actions due to inability to locate the lobbying firm or individual. This means that as of 2016 there were still referral cases from 2009 that are not resolved. Similarly, 44 percent of all LD203 (R) noncompliance referrals are still pending for the period 2009-2014 (GAO, 2017). As USAO's officials admit themselves, a reason for this backlog is that they rely primarily on online tools (LinkedIn, Facebook, Glassdoor, Lexis/Nexis) to find lobbyists and lobbying firms that fail to report under LDA/HLOGA. This shows a crucial enforcement weakness of implementing institutions that needs to be addressed for lobbying legislation to function properly. Prosecutions are limited, despite increased efforts since the passage of HLOGA. Between 1990 and 2008 only 26 cases were pursued further for prosecution (GAO, 2010). After 2008, USAO entered in three negotiated settlements (once in 2011 and twice in 2012), and in 2013 reached a default judgment of \$200,000 for LDA violations, which according to some law experts could be indicative of renewed efforts to criminally prosecute more cases of violations (DeLacy, 2014).

While neither the general lobbying legislation or the more specific executive orders and U.S. Code are enforced effectively, the contrast in legislative applicability and design makes the general lobbying legislation more challenging to enforce, leading to a higher number of referred cases that are never resolved. General legislation, such as the LDA and HLOGA, applies to a much larger body of individuals engaging in lobbying activities and, at times, blindly requests information be provided. The U.S. Code and executive order legislation is applicable to individuals involved with the executive branch and prevents certain behaviors from occurring for a set amount of time. This leads to a lower number of case referrals by the nature of the short timeframe, lower number of individuals, and fewer specific bodies to which the legislation is applied. Although the nature of lobbying legislation varies, enforcement persists as a significant challenge in tracking and monitoring the behaviors of those looking to influence government officials.

In evaluating the LDA and HLOGA, LaPira (2014) argues that both pieces of legislation fail to provide a targeted, transparent policy. HLOGA is supposed to capture a greater number of lobbyists participating in lobbying activities, but many scholars have pointed out that this is not the case. Some of the issues which have arisen are that the LDA assumes lobbying to be the only activity when lobbyists give information to the government, without acknowledging that government officials also provide information to lobbying firms (LaPira, 2014). The provision ignores this exchange of information from the government to lobbying firms, which, according to the author, can be even more damaging. The information collected under LDA fails to reduce information asymmetries that exist between the government, lobbying firms, and the public. In addition, after the adoption of HLOGA, one in two former public officials opted not to register as lobbyists (LaPira 2013). These individuals can avoid compliance with HLOGA by changing the description of their lobbying activities or reducing reports of time spent in direct contact on behalf of a client to less than 20 percent of their work time.

Due to the structure of past and current legislation, individuals who conduct lobbying activities but do not register are present in the revolving door lobbying realm. Previous anecdotal evidence suggested that lobbyists who use different job titles use loopholes in LDA and HLOGA requirements not to register their activities. Most recently, Herschel and LaPira (2017) use new data available from professional biographies to show that the size of the "gray market" for lobbying is most likely the same size as that of lobbying which is disclosed to the public. Their analysis concludes that there is a shift in lobbying since in the enactment of more stringent lobbying legislation, namely that "lobbying has not likely declined; it has simply moved into the shadows." (Herschel and LaPira, 2017, p. 200).

Revolving Door from the Perspective of State Legislatures

Apart from the U.S. federal government's regulations on lobbying, individual states have adopted lobbying disclosure enforcement mechanisms that assign the responsibility for enforcement to a specific commission, individual, or the state attorney general, as is evident in the review of lobbying legislation for the eight states with the top Center for Public Integrity (CPI) scores, which provide a method of comparing each state's lobbying legislative effectiveness.

Measuring Lobbying Disclosure Laws: CPI Scores

A comparison of the eight states with the top CPI scores to the federal government's CPI score indicates that states are more likely to adopt stricter enforcement mechanisms to address the failure to disclose lobbying activities. Each state's CPI score is determined by an analysis of the lobbying disclosure laws using a survey with eight categories aimed at measuring various aspects of state disclosure requirements (Chari, Murphy and Hogan, 2007). CPI scores range from the values of zero to one hundred, with a score of zero assigned to a state with no lobbying disclosure legislation. Chari, Murphy, and Hogan (2007) contend that the lower the CPI score, the less rigorous the lobbying legislation within a particular state. Each of the fifty U.S. states, with the exception of Pennsylvania, have state-level lobbying legislation. Of the eight different aspects of lobbying disclosure laws included within the CPI survey, the revolving-door provisions and enforcement mechanisms within each state are the most significant in understanding the differences between the state and federal approaches to lobbying requirements and enforcement. Although CPI scores rely on survey data collection, their results address aspects of lobbying-related legislation and related topics such as the revolving door and nondisclosure enforcement at the state level.

Cooling Off Periods

Cooling off periods at the state level exists in an attempt to limit the presence of revolving door lobbying. Each of the eight states with the top CPI scores enforces cooling off periods for a portion of state public sector employees. Specifically, Washington, Connecticut, South Carolina, Massachusetts, Wisconsin and California each mandates a one-year cooling off period for certain categories of public officials, while Kentucky and New York both feature lobbying legislation that requires a two-year cooling off period (National Conference for State Legislatures, 2017). Furthermore, Washington, Connecticut, New York, Massachusetts and California's cooling off periods are specifically applied to former state legislators. This cooling off period also applies to other public and elected officials in Washington, Massachusetts, Wisconsin, California and South Carolina. The state of South Carolina extends its cooling off period requirement to immediate family members of all public officials. While the details regarding each state's revolving-door provisions differ, overall, states are more likely than the federal government to adopt mandated cooling-off periods for some portion of public employees.

Enforcement Mechanisms

In addition to mandating cooling off periods for some public employees, in an attempt to limit revolving door lobbying activities, each of the eight states also assigns the task of enforcement to either an independent state enforcement commission, the state attorney general, or the state secretary. Seven states rely on an independent enforcement commission to ensure that lobbying disclosure requirements are strictly followed. The state of Massachusetts assigns enforcement to the state's secretary, as lobbyists in Massachusetts are required to register all lobbying activities with the state secretary. Penalties for failure to comply with lobbying disclosure

requirements range from a \$10,000 fine or temporary disqualification for public employment to incarceration in state prison for up to five years (Massachusetts General Laws Section 49, 2009).

The CPI analysis indicates that states are more likely to adopt stricter accountability mechanisms capable of enforcing cooling off periods. For example, Washington's Public Disclosure Commission, which consists of five citizens appointed by the Governor and is aided by a staff of 20, is responsible for identifying individuals or organizations who fail to comply with state lobbying laws. The Commission has the authority to assign penalties to those who violate disclosure requirements, including a fine of up to \$10,000 and prosecution by the state attorney general (Public Disclosure Commission). While the federal government's lobbying disclosure legislation assigns the penalty fees detailed in section 303 of HLOGA to those who fail to comply with disclosure requirements, the responsibility for ensuring proper enforcement is not assigned to any particular department. Without assigning the responsibility of enforcement to a particular party, ensuring proper enforcement becomes far less likely. For example, in 2013, six years after HLOGA amended LDA, the U.S. Attorney's Office for the District of Columbia filed what Covington & Burlington LLP identified as one of the first complaints in LDA-related enforcement action (Kelner, 2013). By the same year, criminal prosecutions related to violations of the LDA were nonexistent. In order to effectively enforce federal lobbying disclosure requirements, assigning responsibility for enforcement is necessary.

The Value of the Revolving Door

In addition to historical developments, policy discussions and legislative measures, revolving door lobbying has garnered the attention of academics. Research is conducted from a theoretical and empirical perspective, which looks at the value of the revolving door for public institutions, private entities, and individuals who engage in revolving door lobbying. From 1945 until 1994, of the total number of politicians that served in the House of Representatives, 46 percent left voluntarily. Of those who left, 39 percent moved to the private sector, 36 percent moved to a different political office, and 25 percent retired (Diermeier, Keane, & Merlo, 2004).

In modern democracies, individuals who have chosen politics as their identifying career face two possible paths: becoming career politicians or pursuing a political career. Career politicians remain in the public sector until their retirement, while the political career option entails leaving public service before retirement to join the private sector (Mattozzi & Merlo, 2007). There are advantages to each path and the value placed on each informs the individual's career decision.

The value of the revolving door for those who leave public office for the private sector is a continuous debate. Arguments against and cases of support exist for whether or not private sector employees should transition to public office or whether public employees should transition to lobbying. The literature has acknowledged the value of public officials, who often accumulate vast professional experience and a deep understanding of policy. Likewise, it recognizes the need for regulation from the government. Regardless of one's expertise or experience, striking a balance is necessary when it comes to a just government (Mundheim, 1980). There is an inherent trade-off in this debacle. Obtaining experience in the private sector equips a public official with critical insight on the sector. However, this same experience could impact his/her judgment in favor of the interests of private sector firms (Luechinger & Moser, 2012).

Politicians acquire marketable skills and knowledge which can give them an advantage when they search for private sector employment. During their political careers, they have opportunities to demonstrate these skills

to potential private sector employers. This process leads to a more significant share of revolving door lobbying in the total revenues raised by lobbying firms (Mattozzi & Merlo, 2007; Vidal, Draca, & Fons-Rosen, 2012). They also constitute most top lobbyists in Washington DC, with more than half of 76 biggest lobbying firms created or administered by former legislators and executive branch officials (“Top lobbyists 2016: Hired guns”, 2016).

The value of the revolving door can be categorized into a) human capital accumulation, which includes knowledge of the policy process, experience and qualifications, and b) political connectedness, which includes knowledge of political actors who are important for lobbying firms in their attempts to influence policy and legislation.

Human Capital Accumulation

Human capital accumulation refers to knowledge of the way the government works. It is valuable to the public and private sectors. In 1985, the U.S. Court of Appeals for the Seventh Circuit, in their opinion issued in *United State v. Medico Industries*, recognized the benefit of the revolving door. It argued that, while there is the potential for conflict of interest in the revolving door movement, the transition of those familiar with the industries on the public and private sector sides of a policy area can benefit the government and public alike. The revolving door allows governments to capitalize on the services and inputs of knowledgeable and skilled individuals from the private sector who are unwilling to work in the public sector due to the mismatch in pay rates between sectors (Roberts & Kurtenbach, 1992). When utilized effectively, employees that transition through the revolving door, serve as an asset to all parties involved.

Further, practitioners and researchers alike agree on the benefits that prior government experience provides for those who choose to transition to the private sector. In an interview in 2009, Richard Tarplin, a former federal executive, and a legislative branch official turned lobbyist, explained the benefits of prior government experience through the trust established in former relationships, and the development of knowledge pertaining to policy rationale (Eggen & Kindy, 2009). Research studies find that the skills, knowledge, and qualifications of former public officials can help private sector companies achieve better compliance with regulations (Meghani & Kuzma, 2011; Brezis & Cariolle, 2016).

When lobbying firms hire former government officials, they acquire knowledge of bureaucratic processes. As representatives of organized interests, lobbying firms try to influence government decision-making. One way in which interest groups influence the policy process is through “distribution of specialist information” (Austen-Smith, 1993, p. 1). For the staff of the legislative branch, specialist information becomes a major portion of job responsibilities, and the best way to be up to date with policies is by working directly with drafting them (Lazarus & McKay, 2012). Leuchinger and Moser (2012) identify three ways in which this knowledge and information constitute value for a firm. First, former government employees bring considerable institutional insight. Second, they bring valuable information regarding upcoming decisions. Lastly, during their time as public officials, they gain special insights into competitors of their future employers.

There are differences between the way revolving, and non-revolving door lobbyists view themselves. Research finds that revolving door lobbyists felt more confident of their knowledge in the political arena. In a 2015 study, lobbyists with prior government experience consistently rated themselves higher in areas of skills, political and procedural expertise, and access. Former committee staff members rated themselves significantly higher in policy knowledge than their counterparts who have not worked in government. (Chausow, 2015).

Firms benefit from the revolving door both directly and indirectly. A direct benefit for private firms is related to procurement: hiring former government officials becomes essential in winning contracts with the government (Leuchinger & Moser, 2012). From the perspective of firm stock market value, a study found that there are high or abnormal returns for firms close to specific government appointees (Goldman et al., 2009; Acemoglu et al., 2010; Goldman et al., 2013; Leuchinger & Moser, 2014), and revolving door lobbyists are able to offer a higher degree of access to policymakers. Revolving door lobbyists have lower transaction costs. Because of their connections to Congress, they can make connections with legislators at lower cost and reduce the transaction costs of information sharing for their firms (McCrain, 2017).

Brezis, Paroush, and Weiss (2002) offer a different understanding of the value of revolving door lobbyists for firms by focusing on bureaucratic red tape. They explore the use of bureaucratic red tape as an intentional act of public officials, who understand that they can rely on excessive bureaucracy to generate rents they can reap later. Bureaucrats thus serve a rent-seeking role, whereby revolving door lobbyists are hired to benefit their companies and “punish” other competitors, while not adding value to the larger marketplace (Helland & Sykuta 2000; Marotta, 2013). The bureaucrat is well acquainted with the way the policy system works, as well as loopholes since he or she participated in creating them. As firms find insider knowledge valuable, it helps “to ‘oil the hinges’ on the revolving door, so the regulator can obtain more lucrative offers after leaving the public service” (Brezis, Paroush, & Weiss, 2002, p. 2). Bureaucratic capital is the process of taking actions while in office, that would enable a bureaucrat to benefit financially when joining a firm that she or he has regulated (Brezis, 2012).

Value of Political Connections

The second category of revolving door value is the political connections of the former government employee. When they are hired by lobbying firms, political appointees bring valuable access to their former government colleagues, which can raise concerns about preferential treatment. Former government officials have incentives to offer preferential treatment to their former employers, either because they expect to go through the revolving door more than once or to return favors (Leuchinger & Moser (2012). However, “the generally favorable institutional environment of the United States with checks and balances and a free press as well as specific institutional safeguards embodied in ethics rules counter such concerns” (Leuchinger and Moser, 2012, p. 5)

Research that looks into the value of political connections to a lobbying firm examine revenue generated and salary estimation for revolving door lobbyists who come from the legislative branch. Results identify a trend of higher salaries and revenues associated with former public officials turned lobbyists; they earn more than other types of lobbyists. Revolving door lobbyists, who served as a Senator are associated with a 20-three percent higher revenue, compared to eight percent for those who served as a Representative. Vidal, Draca, and Fons-Rosen (2012) consider this difference an indicator of the importance of political connections in estimating the value of lobbyists. Draca (2014) makes a similar argument and finds that when a legislator leaves office, the revolving door lobbyist, who while in public office was connected to him/her, sees a ten to 20 percent decrease in salary. Thus, revolving door lobbyists could be valuable as long as they maintain their political connections.

Research on political connections focuses almost exclusively on the legislative branch. Victor and Koger (2016) argue for a network of collaboration between lobbyists and legislators, whereby the latter are more likely to vote together if they are connected to the same lobbyist. The network created is not a short-term one, rather a long-term relationship. The authors add a new proposition to existing research by maintaining that lobbyists

have an increasing value stemming from their growing access to policymakers and creation of long-standing working relationships with Capitol Hill actors.

The value of political connections differs among different levels of the legislature. While the majority of existing research finds that being connected to a lawmaker is crucially important for lobbyists, McCrain (2017) argues that connections with former coworkers in Congress could potentially be more important than connections with senators. In general, he finds that more connections with staffers in the legislative branch translate to higher revenues for the revolving door lobbyist (\$360,000 for each standard deviation increase in political connections). As lobbyists often play an informational role, it is important for them to work closely with lawmakers and their congressional staff. As staff members are in charge of collecting the most information on different bills they often have the ability to think ahead of others and building a network with other staffers and offices is one of the best methods to cultivate this trait. This makes staffers potentially more useful in gaining connections across different offices in the legislature (McCrain, 2017).

Benefits for Public Officials

The value of the revolving door to public officials is the increase in wages. In part, individuals who leave politics voluntarily, choose to do so to increase their salaries (Diermeier, Keane, & Merlo, 2004; Mattozzi & Merlo, 2007). Mattozzi and Merlo (2007) show that politicians can expect to have higher wages in the private market compared to the expected wages had they not become politicians. In addressing post-government lobbying employment of legislative branch officials, McCrain (2017) calculates that a congressional staff member can increase his or her wage in the first year as a lobbyist by \$360,000 if the person possesses a diversified experience on Capitol Hill by working in different sections.

Evidence from public employees' job satisfaction surveys supports the conclusion that higher salaries often guide career decisions pre- and post-government employment. A 2013 survey of congressional staffers reveals a dichotomy between what motivates congressional staffers to stay in their job and what compels them to look for employment in the private sector. While job satisfaction is a strong motive to continue working in the government, better salaries is a strong motive to pursue a career in lobbying. Over ninety percent of those surveyed mentioned a sense of accomplishment, desire to help people and a feeling that they are doing something meaningful as primary reasons for staying in their jobs as congressional staffers. On the other hand, close to 50 percent mentioned increasing their income as the main reason for leaving their job or Congress altogether ("Life in Congress: Job Satisfaction and Engagement of House and Senate Staff," 2013).

Adverse Effects of Lobbying and the Revolving Door

Lobbying within Democratic Theories

Lobbying and the revolving door has practical implications in the policy arena and for those directly involved in the process. However, its effects are not limited to the governmental sphere. Because lobbying and the revolving door practice are intricately linked to interest representation, they fall under larger considerations of public interest and governmental influence. Hence, the phenomenon is also analyzed within larger democratic theories, which attempt to understand how lobbying and the revolving door relate to democracy and democratic institution. Rousseau (2016) states that democracy allows for the autonomy of individuals to expand the range of collective decision-making and enables collective self-determination. Within the umbrella of democracy, there exist various theories. However, two theories align with lobbying, if correctly implemented.

Deliberative Democracy

Beijk (2016) defines deliberative democracy as “a system of democracy where there is a strong focus on the active participation and deliberation of the public.” Gutmann & Thompson (2004) suggest that deliberative democracy produces a kind of government in which there is access to a platform to discuss decisions and express justifications behind specific resolutions. Lobbying is executed correctly when satisfying narrow private interests does not take prevalence over the larger public’s interest. This can be achieved by participating in public discourse in which varying perspectives are present. One democratic innovation able to support the proper execution of lobbying is the introduction of mini-publics. The purpose of mini-publics is to provide the opportunity for everyone affected (randomly) by a policy to assemble and function as a proxy for the overall community. Research indicates that citizens that receive adequate resources and support to learn and deliberate about issues affecting the public have the ability and desire to engage in debates, thus being able to consider judgments collectively (Escobar & Elstob, 2017).

As it stands today, the amount of financial resources and political connections that an interest group or lobbyists possess determines how successful they will be at influencing a piece of legislation, which creates the potential to affect the decision-making process. Realistically, the current practice of lobbying dismisses the deliberative theory, as it creates space for unequal representation of interests where those endowed with financial resources and connections to decision-makers retain more influence in the policy process. For instance, this approach holds the argument that people who engage in deliberation should be equal, formally and substantively (Cohen & Hammer, 2011). However, these professional advocates have access to larger budgets. The money spent on lobbying a member of Congress or the executive branch is minuscule compared to the amount of money that “they can reap in return if their lobbyists are successful” (“Influence & Lobbying,” n.d, para. 3). The financial resources, such as revenues and profits, at the disposal of lobbyists, determine the impact they will have on influencing politicians, as opposed to influencing the democratic process by creating access to all citizens and platforms for deliberation.

Liberal Democracy

At its core, liberal democracy theory looks at citizen participation in government as electors and potential candidates serving in governmental positions (Segrillo, 2012). In essence, liberal democracy permits constituents to choose their government, while being able to keep one’s liberties and rights. The perfect form of government is one that fosters representative democracy. The liberties important for citizens to protect and be free of regulation from the government are, “freedoms of conscience, thought and feeling, holding and expressing opinions, pursuing one’s life plans, and combining with others for any (nonmalicious) purpose” (Mills, 1977, para. 5). Mills viewed direct participation in government as essential, “primarily for its functions of engendering confidence in people about their ability to govern themselves and of developing intellectual talents and communal, moral values” (Mills, 1977). However, the large population of the United States makes it difficult to fulfill direct citizen participation, which results in information asymmetry within lobbying. This unequal playing field causes a concentration of knowledge in populations that have access to it, thus limiting direct participation from pockets of society.

The Revolving Door within Economic Regulatory Theories

In addition to the representation of interest in the policy cycle, revolving door lobbying also carries economic implications. Within democratic theories, the revolving door lobbying is analyzed in terms of citizen participation in decision-making and the unequal representation of interests within the democratic polity. The same concept of interest representation is analyzed in terms of its economic effect in the economic realm. In the early 1970's, scholars became interested in governmental intervention as a way to address market failures. To provide answers they studied economic regulations to explain which interest group prevailed in government's intervention in the market (Stigler, 1971; Posner, 1974; Peltzman, 1976). The 'public interest' theory maintains that regulation responds to public demands to correct market practices that are not efficient and/or not equitable (Pigou, 1932; Posner, 1974). The 'capture' theory claims that regulation is a response to demands from interest groups (Posner, 1974).

The revolving door is one of the most visible tools of regulatory capture. Interest groups have high stakes in the regulation of different sectors of the economy as it affects the industry welfare. Laffront and Tirole (1991) identify five methods used by interest groups to capture a regulatory agency, so the agency makes decisions that are beneficial to specific interests. While bribery and personal relationships with regulators are among the methods used, the most pervasive form of regulatory capture appears to be post-government employment promises in private firms (Laffront & Tirole, 1991, Brezis & Weiss, 1997). As former Secretary of Defense J. Ronald Fox declared "the availability of jobs in industry can have a subtle, but debilitating effect on an officer's performance...Positions are offered to those officers who have demonstrated their appreciation for industry's particular problems and commitments." (Adams & Sokoloff, 1982). Hence, the revolving door has the potential to enable regulatory capture that distort decision-making.

Economic outcomes are adversely affected by the revolving door in that it creates the potential for misuse of public resources. From an economic perspective, research has pointed to financial distortions caused by the revolving door process, as it adversely affects economic outcomes. Brezis and Cariolle (2016) design a Revolving Door Index (RDI) to quantify the distortionary effects of the revolving door. The generation of bureaucratic capital from door revolvers, to later sell it to private firms that hire them harms social welfare as it creates bureaucratic red tape (Brezis & Cariolle, 2016, Brezis, 2017). Bureaucratic capital is created when public officials use their position in government to create overly complicated rules, which they can use when entering the private job market.

Challenges arise when trying to prevent the capture of public regulators from private interests. Spiller (1990) contends that the intents and actions of regulators to use the bureaucratic capital to later benefit from industry employment are impossible to observe while they are in the public sector unless there is a clear violation of the law and subsequent prosecution. Hence, legislators cannot prevent regulatory capture and agencies retain discretion in their operations. Asymmetry of information lies at the core of the regulator/Congress/industry principal-agency problem.

Conversely, some suggest that the legislative branch can observe and mitigate the risks of regulatory capture. The theory of Congressional Dominance maintains that Congress has sufficient power to mitigate the risks of regulatory capture (Weingast, 1984). Brezis and Weiss (1997) argue that legislators are equipped with two sets of tools to offset the influence of regulatory capture. The first option is to increase wages in the civil service to make public employment more attractive than joining the private market. The second option is to ensure that there is a minimum "cooling-off" period for regulators prior to joining the industry they regulated while in a regulatory agency. The choice between the two options or a combination of both ultimately depends on the

interests of legislators. Therefore, while it might be difficult to predict the behavior of public officials and their post-government career goals, it is possible for the government to prevent potential conflict of interest through strict and enforceable legislation.

Adverse Effects

The lack of access by large groups of citizens and the concentration of knowledge is accompanied by a negative perception of the influence of lobbying in decision-making. The current state of lobbying has caused the public to perceive that decision-making in policy is driven by private interest at the expense of the public good (Meghani & Kuzma, 2011, OECD, 2014, LaPira, 2014). This perception of decision-making causes public mistrust. Peter Van Veen, director of the business integrity program at Transparency International UK, states that "...poor practice by lobbyists only strengthens the public perception that lobbying is a 'dark art,' unethical and not a genuine part of the democratic process..." (Griggs, 2016, para. 3). A study by Garen and Clark (2013) shows that there is a negative association between trust and lobbying activity. Trust declines as the public views the actions of the government negatively.

Americans express a significant amount of dissatisfaction associated with their perceptions of lobbying. When asked, "what bothers you most about U.S. politics?" the leading answers were, "involve the general public more," "cut the bureaucracy," followed by "get rid of lobbying/interest groups" (The Woodstock Theological Center, 2002). Results show that 80 percent of those surveyed believe that lobbyists possess too much control of the government, and similarly, maintain too much power. Almost half of the those surveyed agreed with the statement, "interest groups should be prohibited from contacting members of Congress." (Woodstock Theological Center, 2002). When assessing President Obama's approach towards revolving door lobbyists, Thurber (2011) finds that interest groups themselves cause an increase in public complaints about politics in addition to a general decrease in trust towards governmental institutions. He finds that public perceptions regarding how money and lobbying function in government is a direct cause of the decline in political confidence. In fact, research shows that 23 out of 31 lobbyists who were interviewed acknowledged that the public does not trust lobbyists (Parvin, 2017).

An unregulated revolving door can have more negative impacts in the form of regulatory capture and abuse of power. Draca (2014, p.3) argues that the combination of low confidence in public institutions, along with the influence on policy decisions of revolving door lobbyists, feed into institutional corruption, "the process by which a bad set of incentives (political money) collides with our institutions to produce outcomes that strongly favor special interests over public welfare." Bureaucrats can misuse the law to make themselves more attractive to potential future employers (Transparency International, 2011; Draca, 2014; Brezis, 2017).

When tracing expenditures related to lobbying, Draca (2014) observes that the majority of expenditures are wages and salaries paid to lobbyists who make contacts with members of the legislature and executive branch. Most of this money goes to revolving door lobbyists (Draca, 2014). Contracts featuring revolving door lobbyists accounted for fifty-six percent of revenues reported under the LDA in the period of 1998-2008. A similar concern is echoed by LaPira (2014) who points out that interest groups, while ideally essential to democracy, distort the representation of interests in the policy-making process.

In addition to the possibility of institutional corruption, Meghani and Kuzma (2011) contend that there is an inherent public failure of the prevalence of private interests over public needs when the revolving door exists in federal regulatory agencies. Public failure stems from the ethical problems associated with public officials

moving to private industries in order to lobby their former agencies. These problems include a bias towards the industry, intensification of citizens' mistrust in public institutions, and a privileged seat at the table for industries, which is often denied to other interest groups. When the concerns of the industry have priority over the public interest, a "de facto tyranny of minority faction" is created (Meghani & Kuzma, 2011, p. 583).

Outdated lobbying information systems exacerbate transparency considerations and feed into negative perceptions of lobbying influence in the policy process. In a recent study, Drutman and Mahoney (2017) point out a discrepancy between the increasing complexity of policy-making and lobbying practices and the unchanging information processing system in Congress. To solve this conundrum, they propose a system of Post, Map and Ask, whereby advocacy groups would post their policy positions and papers to a Website maintained by the Library of Congress, which would then map the positions to create a tool for every stakeholder interested in seeing who stands where. As the final stage, congressional committees would then ask for comments from groups that are missing.

Behavioral Biases

In addition to democratic and institutional concerns on revolving door, there are behavioral biases that can adversely affect the impact of the revolving door on the policy-making process. Before any title, experience, or extensive résumé can differentiate one individual from another, a common denominator shared by all is that lobbyists are human. Taking into account the advantages or disadvantages, private or public sector experience, financial status, or social class, behavioral biases may change the decision making process of an individual joining a new organization. These biases should be taken into account when examining the impacts of the revolving door phenomenon (Jabotinsky, 2017). There is a concern that previous private sector employees may possess behavioral bias from their previous experiences and that could affect their performance as public officials if they fail to represent the broader public. Behavioral biases may affect the decision making process of a former regulator now leading a private sector enterprise, or a former leader of a private firm now serving as a regulator (Jabotinsky, 2017). These can be categorized as availability bias and lock-in bias. Their significance lies in that the two are inherently possible in affecting the way individuals lead, govern, make decisions, or interact with each other, regardless of their position and ability to remain neutral.

Availability bias contends that in certain situations, people evaluate the probability of a specific result based on how easy it is for them to recall past events in the same context (Jones, 1991). That is, they make assumptions or decisions based on what the individual specifically knows or has personally experienced. Individuals are naturally inclined to evaluate the probability of certain results or make decisions based on their own experiences.

Lock-in bias is associated with personal habits. Behavioral lock-in occurs when a person has invested time and money towards learning a certain practice, using a product in a certain way, or has acquired a habitual approach to problem-solving. In these cases, people follow their old habits even if more effective alternatives are available. The lock-in could be due to organizational learning, personal habits, or cultural bias (Jones, 1991). Habits come from what an individual knows or has always done, which makes it difficult to learn or use something new.

Once an organizational behavior has become a habit, the organizational status quo deters any other behaviors that conflict with that habit. An attempt to change employee habits may require much effort as employees may actively resist such attempts (Barnes, 2004). Once a person is accustomed to doing something a certain way, they will continue doing it regardless of whether the circumstances have changed. Behavioral biases are likely to occur naturally and can positively or negatively influence the thinking, decision-making, and actions of revolving door officials.



PART 2

DATA COLLECTION

What did we do



Methodology

To analyze the career paths of former executive branch officials and contribute to informed discussions about the revolving door, lobbying, and cooling off periods, the capstone team has created a database of 7,509 federal employees serving at the GS-13 or higher pay plan levels since the beginning of the first George W. Bush presidential administration. The methodology section of this report presents a description of the population included within the database, the variables created to organize the database, sources of data collection, data collection and cleaning guidelines, and a description of analysis goals and objectives. This plan also describes how the capstone team decided to approach managing missing values and other data conventions.

Description of Database Population

The database population consists of 7,509 individuals from 19 departments within the Executive Branch. Only federal employees that serve at the pay plan level GS-13 or higher are included within the database. In particular, the following pay plans are included in the database:

1. AD (Administratively Determined Rates)
2. ES (Senior Executive Service)
3. EX (Executive Schedule) - levels I through V
4. FA (Foreign Service Chiefs of Mission)
5. FE (Senior Foreign Service)
6. GS (General Schedule) - Grades 13 through 15
7. SL (Senior Level)
8. OT (Other Pay Plan)

Data has been collected on individuals from the 17 departments that constitute the bulk of the government structure as well as two additional large independent agencies. Specifically, the following departments of the Executive Branch populate the database:

1. Department of Agriculture
2. Department of Commerce
3. Department of Defense
4. Department of Education
5. Department of Energy
6. Department of Homeland Security
7. Department of Housing and Urban Development
8. Department of Health and Human Services
9. Department of the Interior
10. Department of Justice
11. Department of Labor
12. Department of State
13. Department of Transportation
14. Department of the Treasury
15. Department of Veterans Affairs
16. The White House
17. The Executive Office of the President
18. Environmental Protection Agency
19. Federal Communications Commission

Database Variables

Of the information collected on each individual within the database, the team created 20 nominal, categorical, and numerical variables that are divided into the following classifications:

1. General information about each individual
 - a. This category involves information on name, gender, city, state, and area of employment, in addition to how many years an individual served in the executive branch and the most recent presidential administration the individual served in.
2. Service in the Executive Agency
 - a. This category consists of information on which executive agency, or agencies, an individual served in during their federal career, in addition to the position held while at the executive agency, pay plan, and federal salary.
3. Employment Before Entering the Executive Branch
 - a. This category consists of information on the sector of employment before joining the executive branch, including position, name of organization, and salary immediately before entering the executive branch.
4. Employment After Leaving the Executive Branch
 - a. This category includes information on the sector of employment after the executive branch, including position, name of organization, and salary immediately after leaving the executive branch.
5. Lobbying Activities
 - a. This category consists of information regarding the lobbying registration status of each individual before and after their federal employment, in addition to lobbying location, and topics lobbied by an individual.

In order to categorize the type of organizations that former executive branch officials are employed with both before and after their time in the executive branch, 11 organizational categories were created that can be divided into two larger overarching groups of organization types. The first group is categorized as public, which includes four types of organizations: governmental, executive branch, legislative branch and academia. The second group is categorized as non-public, which includes nonprofit organizations, law/consultancy firms, lobbying, media, private organizations, political organizations, and other organizations that do not fit any of the predetermined organizational categories. For detailed definitions and descriptions of each of these variables, please refer to the codebook in *Appendix A*.

Variable Sources

Various primary and secondary sources were used to collect information on the 20 above described variables. Table 1 presents sources used to collect data on each variable in the database.

Table 1. Sources used for data collection

#	Variable	Sources
1	Name	Primary: Plum Book 2004/2008/2012/2016 Secondary: LinkedIn
2	Gender	Primary: Plum Book 2004/2008/2012/2016

3	City of employment	Primary: Plum Book 2004/2008/2012/2016
4	State of employment	Primary: Plum Book 2004/2008/2012/2016
5	Area of employment	Primary: Plum Book 2004/2008/2012/2016
6	Executive agency of employment	Primary: Plum Book 2004/2008/2012/2016
7	The most recent presidential administration served in	Primary: Plum Book 2004/2008/2012/2016
8	Pay plan level	Primary: Plum Book 2004/2008/2012/2016
9	Position at the executive agency	Primary: Plum Book 2004/2008/2012/2016
10	Salary at the executive agency	Primary: Federalpay.org Secondary: Glassdoor.com
11	Years served in the executive branch	Primary: LinkedIn, Google, executive agencies' websites Secondary: Federalpay.org
12	Sector of employment before the executive branch	Primary: LinkedIn, Google, executive agencies' websites, media articles Secondary: Guidestar
13	Employment position before the executive branch	Primary: LinkedIn, Google, executive agencies' websites, media articles
14	Salary at the place of employment before joining the executive branch	Primary: Glassdoor.com Secondary: Guidestar
15	Sector of employment after the executive branch	Primary: LinkedIn, Google, executive agencies' websites, media articles Secondary: Guidestar
16	Employment position after the executive branch	Primary: LinkedIn, Google, executive agencies' websites, media articles
17	Salary at the place of employment after leaving the executive branch	Primary: Glassdoor.com Secondary: Guidestar
18	Lobbying registration status	Primary: LDA database Secondary: OpenSecrets.org
19	Lobbied topics/areas	Primary: LDA database Secondary: OpenSecrets.org
20	Lobbying location	Primary: LDA database Secondary: OpenSecrets.org

Data Collection: Procedural Plan

The capstone team spent approximately 2,500 hours collecting data on 7,509 former executive branch officials, dedicating roughly 20 minutes to each individual. To ensure efficiency in the data collection process, it was divided into the four stages described below:

1. **Stage 1:** Using only the Plum Books as our source of information, each team member was assigned two executive agencies to extract information. In order to do so, team members sifted through each of the four Plum Books used in this database, looking specifically for individuals with a pay plan level of GS-13 or higher. Each individual who fit this criteria was then added into a survey using the Qualtrics software. The names compiled in this software were used to build an organized database of former executive branch officials. During the first semester of the academic year, team members extracted the following information from each Plum Book for their respective executive branch agencies:
 - a. Name
 - b. Executive Branch agency
 - c. Location of employment
 - d. Pay plan level
 - e. Position (as listed in the plum book)
2. **Stage 2:** Next, the total number of individuals within the database was divided equally between each of the team's nine members. Following this distribution, team members conducted Google searches on each former executive branch official over the course of the winter break through the end of February, specifically looking for information regarding their career history. The names of the organizations in which a former executive branch official worked, both directly before and after their time in the executive branch, were recorded, along with the individual's position while at each organization. These organizations were then coded into 11 different categories, ranging from governmental to nonprofit organizations. The following websites were utilized during this stage:
 - a. Google
 - b. LinkedIn
 - c. FederalPay
 - d. Executive agencies' websites
 - e. Media articles containing relevant information.
3. **Stage 3:** Information regarding former executive branch officials' lobbying activity was also collected to gain insight into the prevalence of the revolving door within the executive branch. To determine if an individual engaged in lobbying activity either before and/or after serving in the executive branch, team members searched the online Lobbying Disclosure Act (LDA) database. If an individual appeared in the LDA database, they were then designated as a registered lobbyist in the Qualtrics database, due to having engaged in official lobbying activity. For those individuals that were registered, available lobbying reports were examined, and specific topics of lobbying were identified and recorded.

Data Cleaning: Procedural Plan

To ensure maximal reliability and accuracy of collected information, the capstone team developed thorough and uniform data cleaning procedures. The process was divided into eight stages.

Stage 1: Each department was downloaded from qualtrics into an Excel sheet to allow for the cleaning and analysis of each department separately.

Stage 2: Each team member was responsible for cleaning the departments for which they collected data during the data collection phase. The cleaning process entailed a review of grammatical errors in addition to a review of organizational coding accuracy.

Stage 3: To ensure the quality of data, team members switched departments to clean each of the departments in the database for the second time.

Stage 4: Two team members were in charge of providing a final quality check for each department to minimize errors.

Stage 5: Each team member was tasked with creating a fact sheet for their designated departments. A template was created and followed to ensure consistency.

Stage 6: The project manager was in charge of taking the last look at each department to ensure the accuracy of information in the fact sheets and create charts for each department.

Stage 7: Upon completing the data cleaning, reviews, and analyses for the 19 departments in separate excel sheets, all departments were combined into one single excel file.

Stage 8: Duplicate names were identified and deleted from the joint dataset. Each department has unique characteristics, and a considerable number of executive branch officials worked in multiple departments throughout their government employment tenure. As such, each department was analyzed separately first, and these duplicate names were later removed when the departments were combined.

Recoding data: As no database of this kind has ever been produced, the capstone team created the methodology for data collection, designation of variables within the database, and procedures of working with data with minimal director or guidance. Therefore, identifying improvements to coding procedures could only be determined after completing all three data collection stages for a preliminary analysis, which included ten executive branch agencies. After re-evaluating categories for the employment sector alongside our client at CRS, the capstone team determined that adjustments to our original organizational categories would enhance our final data analysis product. The team replaced the original category of “public” with “governmental,” added a category titled, “political”. The team also developed one single category for labeling all executive branch agency employment before and after the executive agency employment in question, Apart from sector designations, the team also redefined the original lobbying category, and decided to add information on the specific names of organizations or companies of employment before and after federal service, apart from collecting information on the job position before and after federal service. During this stage, agencies that were completed

prior to making these changes required re-coding. While re-coding was an unanticipated stage in the data cleaning process, the team adjusted the work plan and timeline of work accordingly.

Measures to Adjust Data

Salaries are often interpreted as an indication of career advancement. As such, the team collected, whenever possible, salaries of individuals in the database before, during, and after serving in the Executive Branch. Since the salaries corresponded to different years, each was adjusted for inflation and converted to 2017 USD to provide a comparative basis between all salaries. To do so, the CPI calculator was used online and calculations are reflected in the database.

Data Analysis

The data analysis section of this report represents a combination of exploratory and descriptive analysis. Exploratory research is conducted when a new angle is taken into an existing theory or topic. While revolving door literature exists, it is minimal to non-existent for the executive branch. Existing literature primarily looks at lobbying in regards to legislation and as a sector, without considering specific career paths for both those who lobby and do not lobby. Thus, this database serves to explore the initial data regarding the former executive branch official population and offer a baseline for future research into this topic. A descriptive analysis is then conducted to better understand the data collected, determine the career paths of individuals who served in the executive branch, analyze how different legislation and executive orders relate to the number of registered lobbyists, and describe different aspects of the variables collected. This analysis does not undertake an explanatory approach, as this is an initial step to contribute to existing literature. We anticipate this database could be used in future research to allow for sophisticated inferential statistics.

The database comprises 7,509 individuals, which has allowed the capstone team to note relevant stories related to specific individuals within the database that will enhance the analysis. Apart from collecting information on 20 variables, team members collected data on outstanding trends of the revolving door and shadow lobbying in each department. Hence, a portion of the analysis focuses on anecdotal data collected that reflects trends, interesting facts, and noteworthy elements.

In the process of data analysis, the following guiding questions were used:

1. Where do individuals in the executive branch most commonly come from?
2. Where do individuals most commonly go after leaving the executive branch?
3. Which departments are the most likely to have registered lobbyists?
4. For each executive branch agency, what type of organization do individuals most come from and go to after leaving the executive branch?
5. Are women or men more likely to be registered as lobbyists?
6. What are the most common topics of lobbying by department?

These questions contributed to identifying the intensity of the revolving door. Furthermore, this analysis defines the number of former executive branch officials who became lobbyists after their federal service and looks into the effectiveness of cooling off periods required before registering as lobbyist for a post-executive branch

employee. In addition, the capstone team analyzed different outstanding trends within each department and the entire database.

Missing Data

One of the issues that the capstone team encountered in the data analysis process was the presence of missing data. While complete information is provided for 12 variables, a portion of information was missing for the remaining eight variables. Chart 1 represents the percentage of missing and existing information by a variable. In order to have an equal number of entries for conducting a comparative analysis of two variables, we did not exclude missing data from these variable. This way data was comparable. Thus percentages represented in charts such as career paths before and after, slightly underrepresent the information. However, trends of changing sectors before and after are precisely accurate.

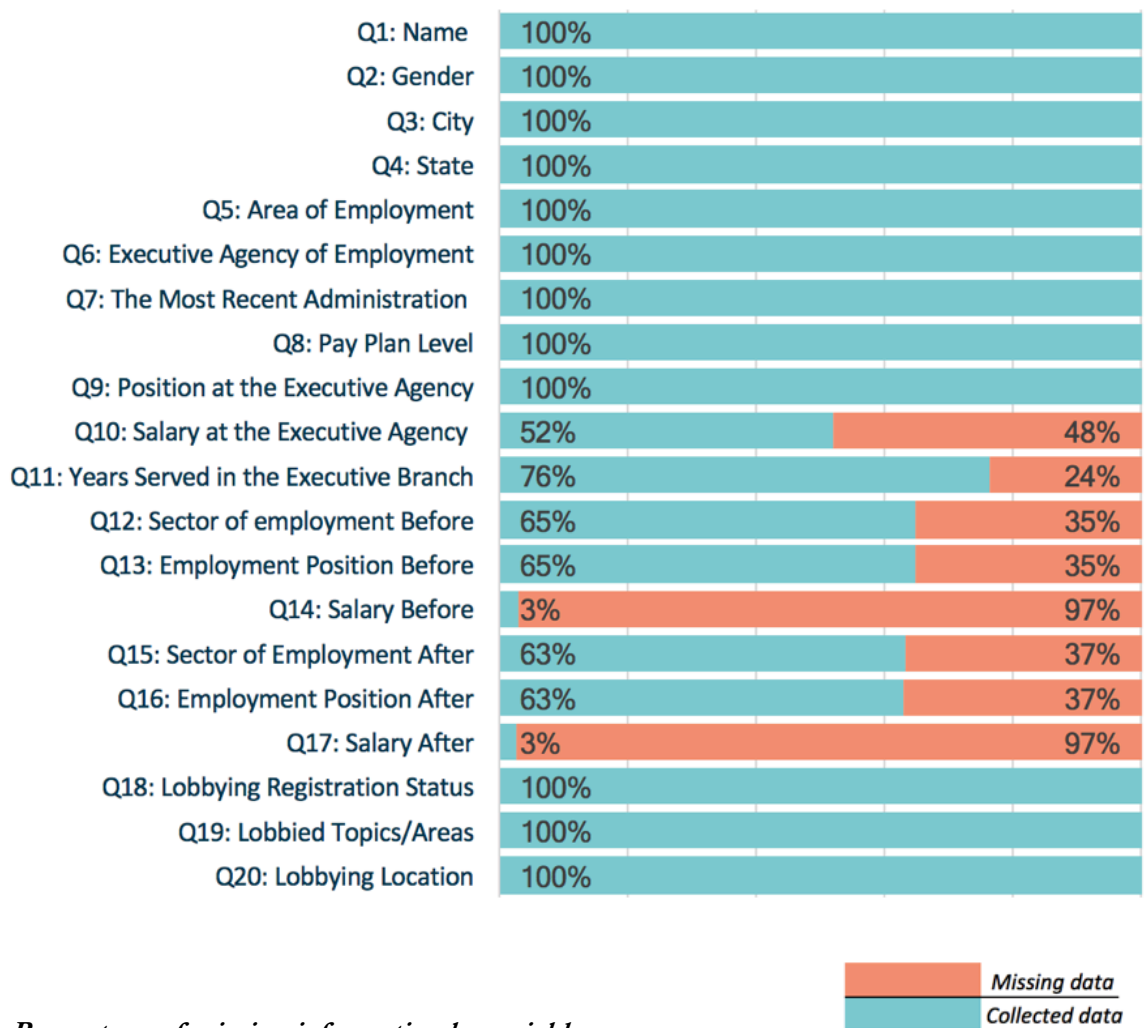


Chart 1. Percentage of missing information by variable

Missing data was unequally scattered among the departments. Information on former employees of some departments was much easier to find than others. Chart 2 represents the percentage of missing data by the department. In this case, the information on an individual was declared as missing if information on at least one critical (years served in the executive branch, sector of employment before the executive branch, sector of employment after the executive branch, employment position before the executive branch, employment position after the executive branch) variable was missing.

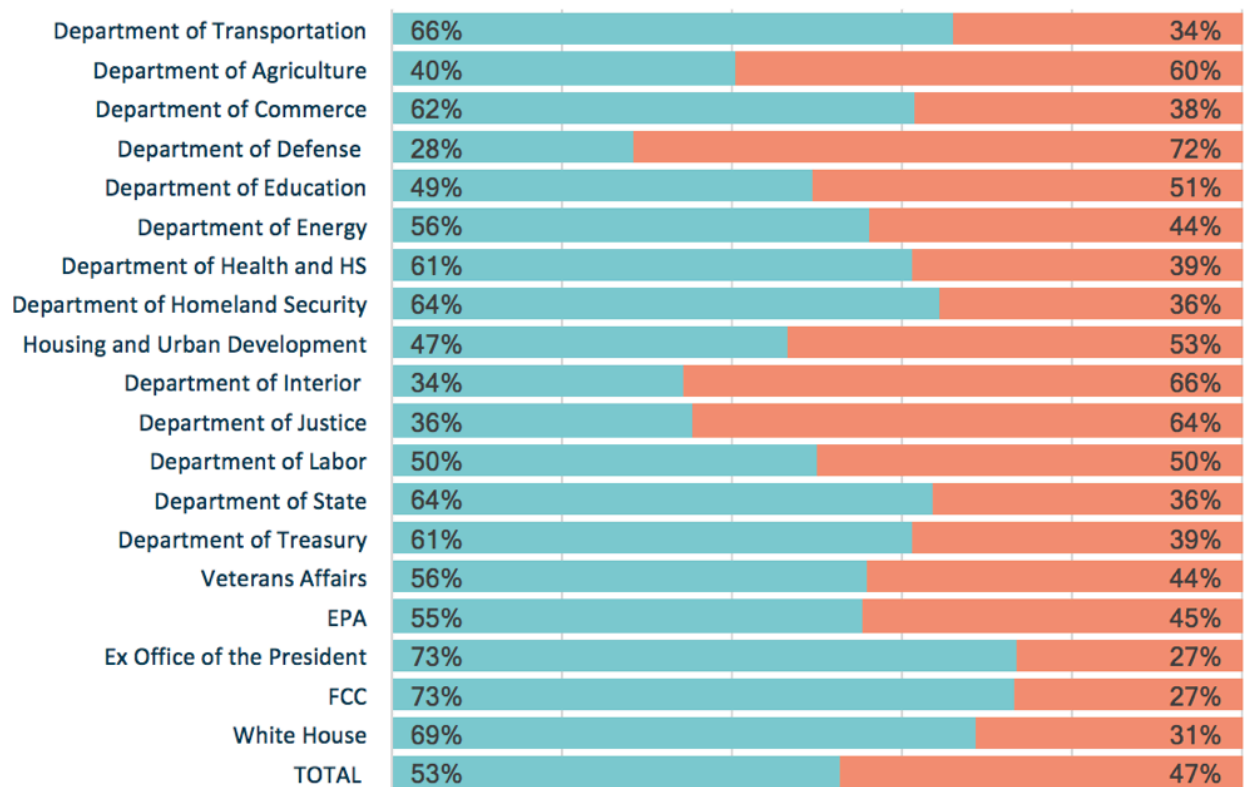
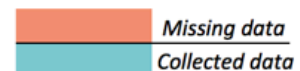


Chart 2. Percentage of missing information by department





PART 3

RESULTS

What we found



Results

The capstone team has created a comprehensive database of 7,509 individuals serving in 19 executive agencies at the GS-13 or higher pay plan level since 2000 in hopes that this database would serve as a baseline, and provide guidance for future research.

Key Findings

Lobbying

1. Ten percent of the total population in the database was registered as lobbyists at some point during their professional career.
2. More individuals registered as lobbyists after leaving the executive branch (54 percent) than before joining it (37 percent).
3. Health issues were most often lobbied.

Revolving Door

1. The revolving door exists in the executive branch.
2. While the same number of individuals come from public and non-public sectors, twice more people chose to go to the non-public sector (43 percent) after leaving the executive branch in comparison to the public sector (19 percent).
3. A trend was observed that individuals who served in political campaigns immediately went on to work in the executive branch.
4. One-third of officials, who were registered as lobbyists at some point in their career, transitioned to the executive from the legislative branch.
5. Nine organizations that appeared most frequently as employers of executive branch officials before their service were political organizations, consultancies, and universities.

Cooling Off Period

1. Executive Orders created more regulations for executive branch officials in comparison to the legislative branch.
2. There were instances identified when cooling off regulations were not properly followed.

Shadow Lobbying

1. The organizational roles of 108 people before and 207 people after the federal service appear to include lobbying activities. Of these individuals, 70 percent were not registered lobbyists.
2. These individuals mostly transitioned from and to nonprofit, private, and lobbying organizations.

Missing Data

1. Some portion of data was missing on eight variables out of twenty.
2. Missing data was unequally scattered among departments. Availability of data was heavily dependent on the nature of the department.

Overall Trends

Gender Trends

Overall the database consisted of 63 percent male and 37 percent female. Gender distribution slightly changed from one department to another. However, the general trend of the majority of the population being male was observed through the whole database. Only two departments had slightly more women than men. Exceptions were the Department of Education with 57 percent and the Department of Housing and Urban Development with 54 percent.

The data collected for the executive branch agencies included in the database revealed several noteworthy trends related to the career paths of the individuals before and after their service in the executive branch. When analyzing the number of females and males at each pay plan level, levels ES and GS-15 were the top two pay plan levels for both genders, with 30 percent females and 32 percent males at the ES level and 24 percent for both genders at GS-15 level. While GS-14 level became the third largest pay plan level for females (11 percent), AD level became the third largest pay plan level for males. Chart 3 represents pay plan level distribution among male and female population.

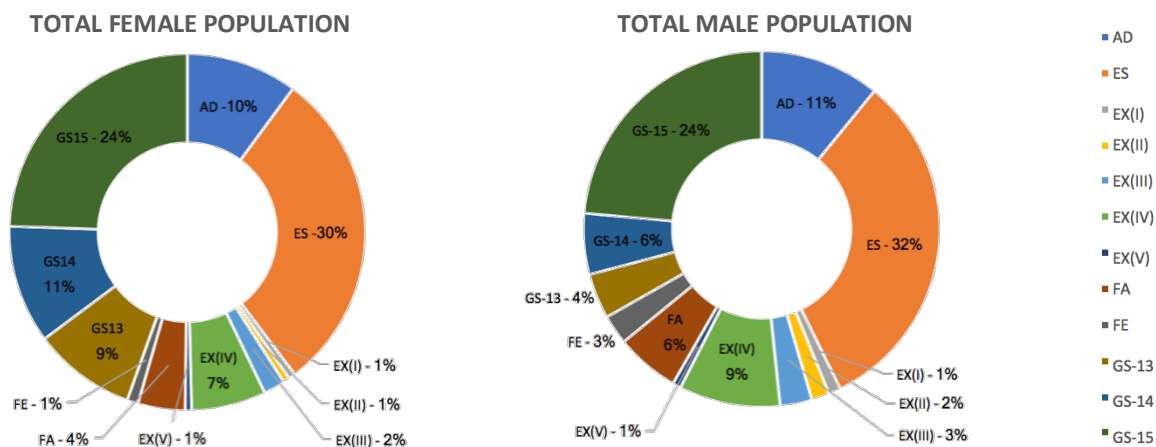


Chart 3. Pay plan level distribution among male and female population

In addition, although the female population comprised 37 percent of the database, across all pay plan levels, the percentage of females compared to males is roughly the same. Chart 4 represents percentage of gender distribution at each pay plan level.

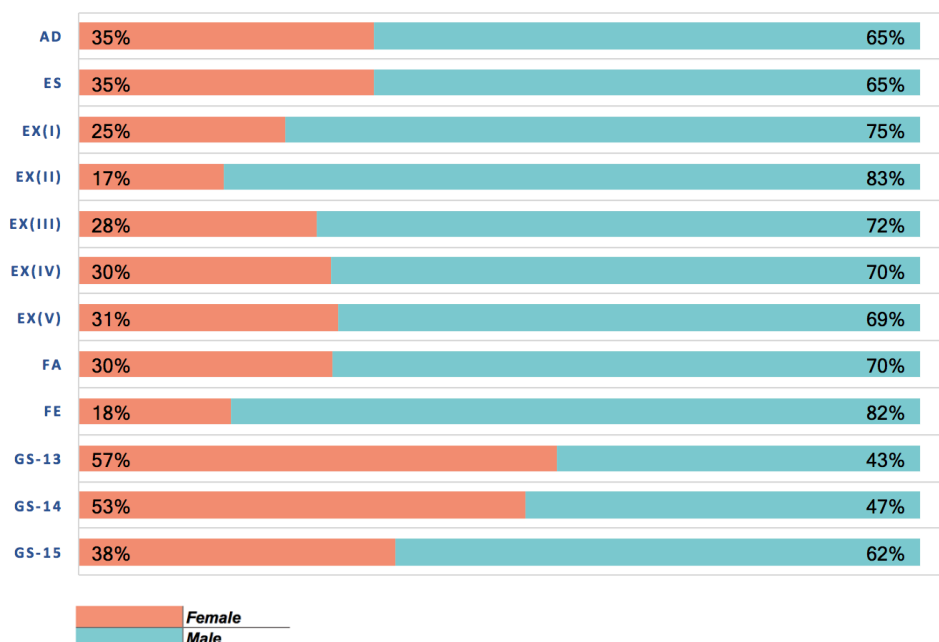


Chart 4. Percentage of gender distribution at each pay plan level

As it pertains to gender and registration status, the total population of males that were registered lobbyists was ten percent, with males comprising 63 percent of the population across all departments. Similarly, of the 37 percent of women in the database, eight percent registered to lobby at some point in their career (see Chart 5). When analyzing the relationship between the departments and registered lobbyists per gender, the Executive Office of the President had the highest percentage of registered male lobbyists at 19 percent of total population. The next highest percentage of registered male lobbyists was in the White House with 14 percent, followed by 13 percent in the Department of Commerce and the Department of Transportation, respectively. When analyzing the female population, the Executive Office of the President also had the highest percentage of registered female lobbyists at ten percent of total population. The department with the second highest percentage of registered female lobbyists was the Environmental Protection Agency (six percent), followed by the Department of Health and Human Services (five percent), and the Department of Commerce (five percent) (See Appendix 2 for detailed information on gender distribution of lobbyists by departments).



Chart 5. Lobbying registration by gender

Lobbying Trends

As it pertains to lobbying organizations and lobbyists, the results of this study may reflect some of the trends indicated as likely in the literature review. Prior to joining the executive branch, five percent of the total population worked in an organization that lobbied in some capacity. The total number of individuals who were registered during this period, which is calculated by combining the individuals registered prior to service and those registered both before and after executive branch employment, totaled four percent of the population. While the difference between these two numbers is less than one percent, that gap changes upon departure from the executive branch.

Following their tenure in the executive branch, nine percent of individuals went on to work for organizations that took part in lobbying activities. By calculating the post-executive service registrations in the same manner, combining those who registered before and after with those registered solely after executive branch service, slightly less than six percent of the total population was registered to lobby. This three percent gap may reflect that these individuals were serving technical roles within these lobbying organizations, but it could also indicate that some individuals were participating in lobbying activities without taking the necessary steps to comply with registration requirements.

Chart 6 represents the percentage of registered lobbyists among total population and percentage distribution of how many of those registered before and after federal service. While nine percent of lobbyists lobbied both, before and after, there is 17 percent increase of lobbying registration after federal service. This might indicate that more people chose lobbying career after leaving the executive branch.



Chart 6. Lobbying registration timeline

Amongst the individuals registered to lobby at some point in their career, information was recorded related to which subject areas they lobbied. Chart 7 below reflects the most common subject areas that the individuals from each of these agencies lobbied.

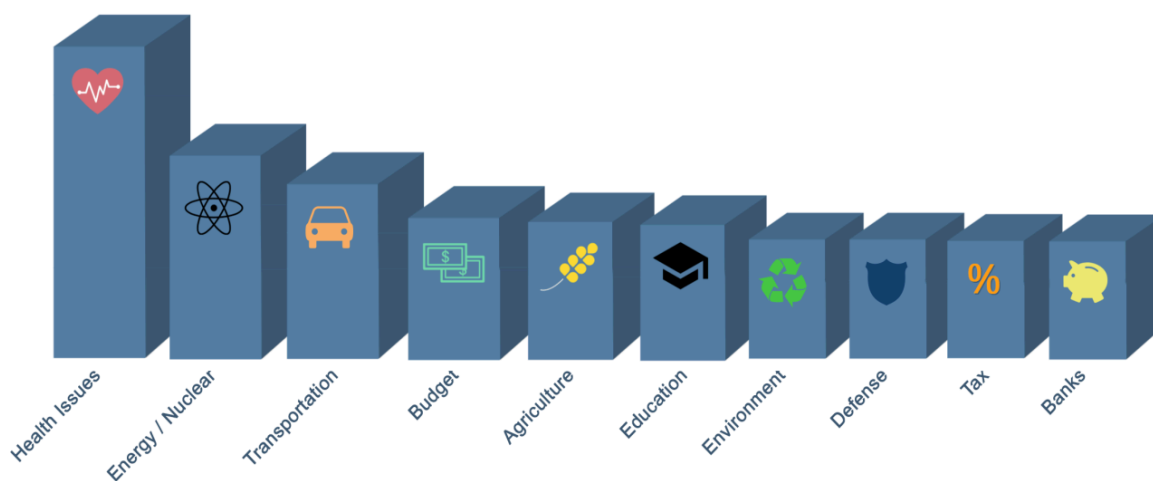


Chart 7. Top lobbied areas

In most cases, the subject areas that individuals lobbied corresponded with the primary focus of the agency (see Chart 8). This information is valuable in understanding what areas the individuals from these agencies are lobbying, but the behaviors of these specific lobbyists would need to be studied further to provide more information as it pertains to the literature review. For the individuals who lobbied these areas prior to their employment with the executive branch, this lobbying work may have provided them access to those, who would become their future colleagues. For those who lobbied these areas after their tenure with the department in question, this transition may have offered them greater access to the individuals who were key to passing a policy initiative, or these individuals may simply have expertise in these areas due to the time spent and familiarity with the agency-related issues.

Another trend to note when observing the common lobbying trends for the various agencies is that apart from being top lobbied topic, health issues arises frequently as a popular lobbying topic among departments. While this could be indicative of individuals from these departments developing an expertise in this subject area, it is also important to note that a major healthcare initiative was rolled out during the administrations in question (“The Record: President Obama on Health”, n.d.). Although this research cites health as the most significant lobbying focus of several agencies, this could be indicative that these offices are highly involved in current legislative discussions and efforts.

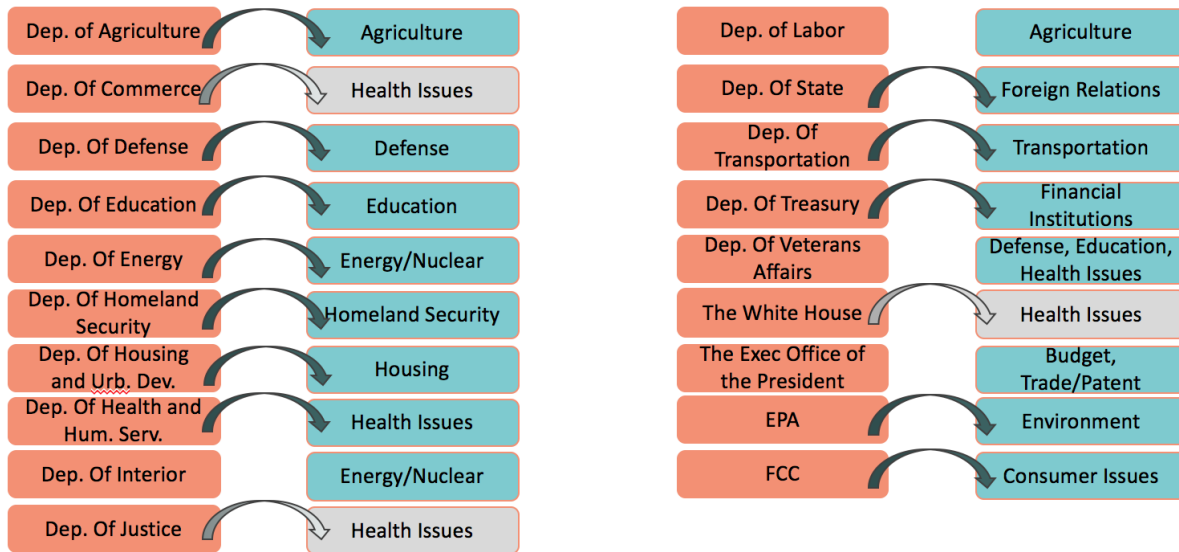


Chart 8. Top lobbied areas by department

Career Path Trends

The data collected for the executive branch agencies included in the database revealed several trends related to the career paths of the individuals before and after their service in the executive branch. One of the most vividly observed trend was that while majority of individuals came to executive branch from public sector, few chose to go back upon leaving the executive branch. It was vice-versa for non-public sector. While few people came from non-public sector, many chose to go there after federal service (see Chart 9).

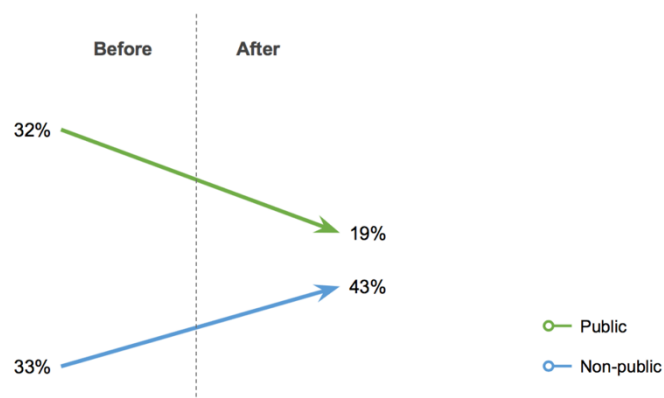


Chart 9. Career path trends by sector

While breaking up this information into more detailed organizational categories, our research showed that the majority of individuals came from governmental organizations or from the legislative branch, evenly distributed at 11 percent each. Conversely, a sharp decline was seen in the number of individuals who transitioned to the legislative branch after service in the executive branch (two percent). This trend may reflect that many employees gained access to the executive branch through their work in the legislative branch. While there was significant number of individuals transitioning from legislative to executive branch, there were only few who transitioned from judiciary to the executive branch.

Hiring in-house was also common at the executive branch. Another noteworthy trend revealed that five percent of total database population entered the executive branch after serving on political campaigns. This finding could suggest that working on a political campaign potentially granted access to the executive branch through the election of the candidate in question or that it may have provided individuals exposure to other key contacts within the executive branch. Chart 10 represents career path trends by organizational categories.

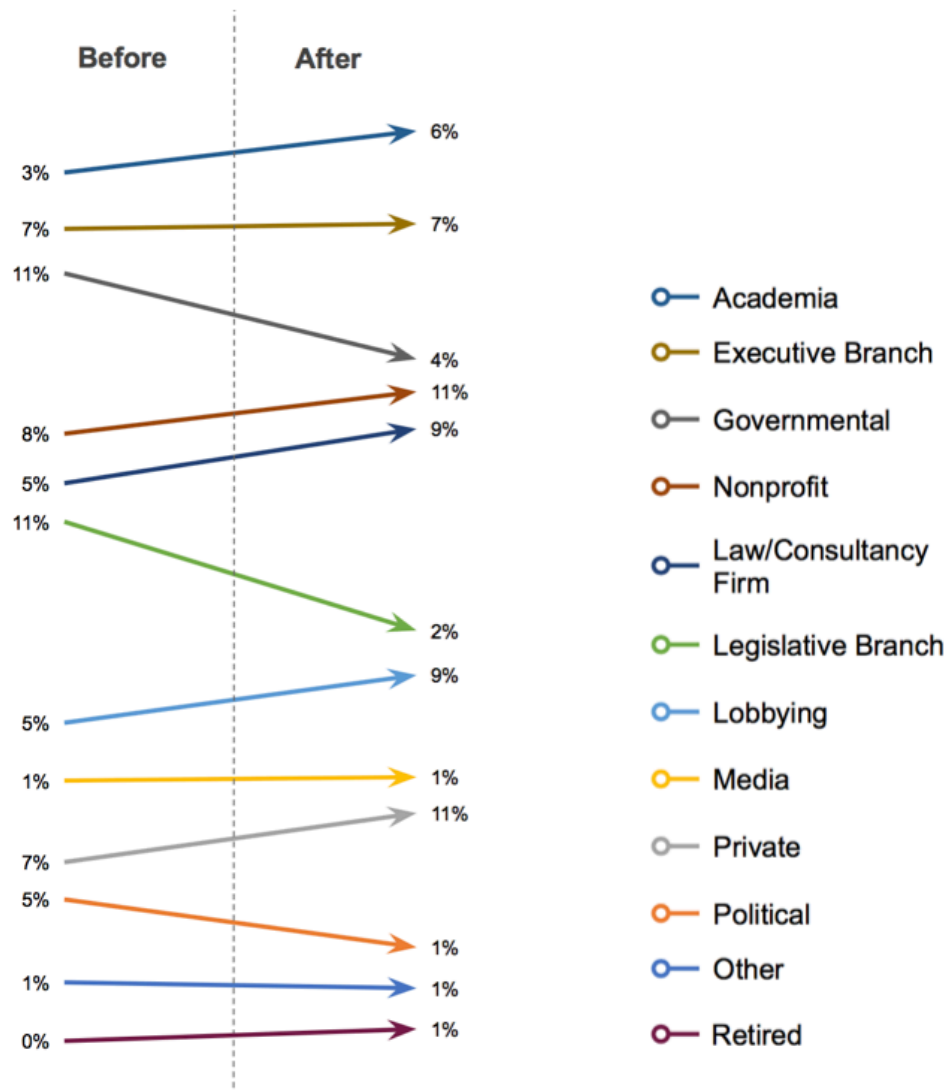


Chart 10. Career path trends by organizational categories

Case Studies

Cooling Off Period

The “cooling off” period is a window that a former executive branch official is required to wait a certain period of time before beginning lobbying activities or having any communication with the “intent to influence” in an area related to their former position (Brown, 2014). Even though more cooling off period regulations target executive branch officials compared to the those in the legislative branch, there were several instances when provisions were not followed by certain individuals in the database.

The first example was a former executive branch official from the Department of Agriculture during the 2004 Bush Administration. According to the individual's LinkedIn employment history, he/she worked at the Department from 2002 to October 2005. In November 2005, the former official founded a Washington, D.C.-based government relations firm. Two months later, in January 2006, this governmental relations firm was registered in the Lobbying Disclosure Act (LDA) database, and the individual became one of two lobbyists within the firm. According to the lobbying history under the LDA database, the main lobbying field of this organization was agriculture. This way, only three months later after departing from the executive branch, this individual became a registered lobby and lobbying his former employer. The least cooling off period requested by any executive order or the law is one year. This is the minimum that everybody should follow.

Similarly, another individual from the Department of Energy who worked there from March 2001 to January 2009, registered as lobbyist three months after the departure from federal service. The individual lobbied Congress on topics related to automobiles. In addition, akin experiences were also observed in Department of State, the White House, and Food and Drug Administration.

Revolving Door

The revolving door is an existing phenomenon in the executive branch, with officials frequently moving between the public and private sector. Several findings revealed trends related to the revolving door. It was found that many individuals served a similar sector in which they were working in after their time in the executive branch. Some of the trends included individuals working for the Department of Education (14 percent) going on to establish their own education nonprofit, transitioning to work for an existing education nonprofit, or returning to academia (four percent). Of the many individuals who served in the Department of Justice, eight percent went on to work for law or consultancy firms, and a significant portion of individuals in the Department of Health and Human Services (18 percent) went on to join the nonprofit sector after leaving the executive branch. Several individuals left the executive branch and went on to pursue political careers (five percent). A noticeable increase was seen in the number of individuals working within a private, non-lobbying firm (nine percent) before the executive branch, and a greater number of individuals then returned to the same or a similar private firms (11 percent).

Shadow Lobbying

Government Relations Related Positions

Given that position titles related to the key words “advocacy,” “government,” “public policy,” and “federal” have a higher likelihood of dealing with government relations according to the literature review, the capstone team explored the number of individuals who may actually work in government relations by counting how many positions including those keywords in the database.

Chart 11 represents the distribution of individuals with positions containing keywords by type of employment before and after executive branch employment.

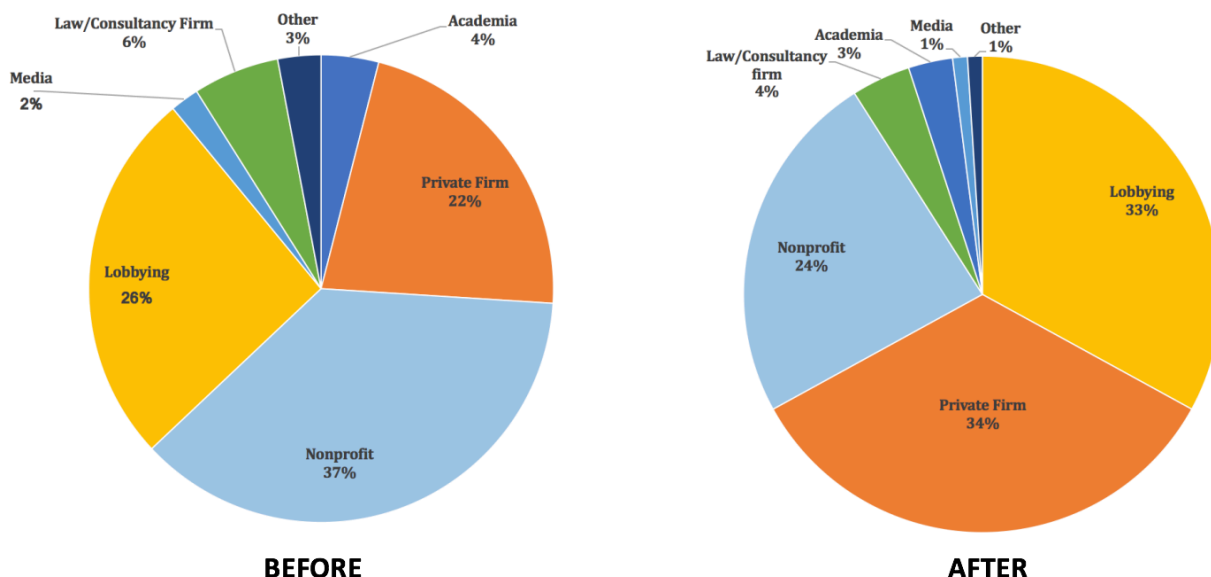


Chart 11. Government relations related positions before and after federal service

Before entering the executive branch, 37 percent of individuals with position titles including those keywords worked in the nonprofit sector, followed by 26 percent of individuals who were in firms that lobbied. The private sector (excluding lobbying firms) became the third largest sector with 22 percent of individuals with positions falling in those four categories. Among these individuals 13 percent were registered lobbyists before government service, 12 percent registered in the LDA database following departure from the public service, and six percent were registered both, before and after their executive branch tenure.

After leaving the executive branch, 34 percent of individuals with positions including those keywords worked for a private entity (excluding lobbying firms), and 33 percent worked in firms which lobbied. The nonprofit sector became the third largest sector, hosting 24 percent of these individuals. As for lobbying registration within this group, nine percent of the individuals registered as lobbyists prior to entering the executive branch. Conversely, 28 percent registered upon departure, and four percent were registered both, before and after executive service.

Government Consultancy Positions

Another trend noted in the process of data collection, which adds to the conversation of career paths for former executive branch officials, is that many individuals transitioned from or into government consultancy firms surrounding their public service tenure. Government consultancy firms differ from the general law/consultancy firm category, which was designated as a sector option in the data collection process. This new category of government consultancy emerged during the data collection process for various departments, particularly the Department of Defense and the Department of Homeland Security. Many individuals within those agencies transitioned into a firm and took on a role with a job title that designated them as a primary consultant for their former department. Upon further investigation into this phenomenon, a list of “starter government consultancies” was recovered (Starter Kit on Government Consulting Firms, 2017). Chart 12 represents the

number of individuals engaged with government consultancy firms before and after federal service (See extended list of organizations in Appendix 3). While the list presented in Chart 12 is not exhaustive, the consultancy firms included in the chart below often have contracts directly with government, and the numbers provided offer insight into how these firms interact with executive branch employees.

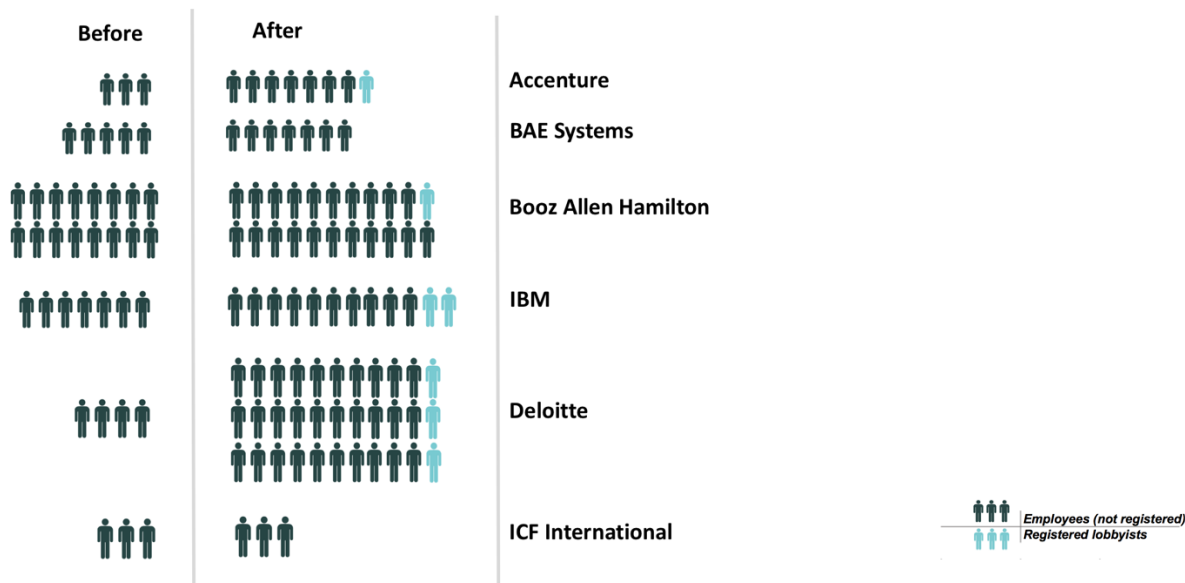


Chart 12. Number of individuals engaged with government consultancy firms before and after federal service

Within the Chart, the first column reflects the number of individuals who worked in these firms prior to entering the executive branch, and the following column displays how many individuals joined these firms after departure from executive service. Only a few among these individuals were registered as lobbyists. The last column presents the names of the consultancies in question. This breakdown of numbers is provided to show how this number increases from before to after government tenure.

While this chart provides a count for the number of individuals working in these companies that are involved in contracting for the government, these numbers do not necessarily reflect individuals that are contracting with their future or former place of employment. Some of these roles within these firms may be technical or unrelated to the government contracting portion of the company, but it is significant to note that the same type of unequal exposure that many believe exist for lobbyists, could exist here as well. There is the potential for an unfair advantage in obtaining a government contract or a position within one of these executive branch departments from working in one of these government consultancy firms.

When these numbers of individuals working for a government consultancy were calculated as a function of the private sector, which is calculated by adding the total number of individuals working with a law/consultancy firm, lobbying entity, or private, non-lobbying company, this government consultancy category made up a significant portion of the private sector. Prior to executive service, the private sector made up 17 percent of the entire database, and these government consultancy firms accounted for 3.5 percent of that entire sector. Similarly, upon executive branch departure, the private sector grew to 29 percent of the entire database with these consultancy firms comprised 4.8 percent of the private sector.

Career Paths Before and After Federal Service

Top Organizations of Employment Before/After Federal Service

As the data collection process continued, many of the employment entities prior to joining the executive branch continued to emerge. To better understand the frequency of these firms and organizations, the capstone team created Chart 13 to display the top nine most commonly recurring entities where individuals worked before and after federal service. Top sectors of employment before executive office were political organizations, academia, and consultancy/law firms. Top organizations that hosted the most number of former federal employees were academia, consultancy/law firms, and lobbying organizations.

The career path before the federal service was dominated by political organizations with “Obama for America” being the highest at 160 individuals. This was followed by Bush Cheney, the Republican National Committee and the Democratic National Committee. Following this dominance by political organizations, there is an ongoing shuffle among academia, nonprofit and consultancy organizations. In the academia sector, the greatest number of employees came from the Harvard University. The Center for American Progress is one of top nonprofit organizations with 18 individuals working here prior to joining the executive branch. Two consultancy/law firms that were the most prominent were Booz Allen Hamilton and Covington and Burling. The extended table available in the Appendix 4 also puts lobbying organizations on the list with PWC employing the highest number of individuals.

When observing organizations after individuals departed from the executive branch, a shift in sector dominance from political entities to academia was seen. Georgetown University became the organization with the highest number of individuals employed after their executive tenure, with Harvard University dropping one slot from its position as most popular in during the pre-executive branch employment breakdown. Consultancy/law firms and lobbying firms were the next largest sectors with individuals primarily having found employment with the organizations in the following list. Deloitte was one of the top lobbying firms included on the list, with 33 individuals employed. Among the consultancies, Booz Allen Hamilton remained one of the largest consultancy firms for the post-executive branch employment of the individuals in the database. Lastly, unlike the previous list, the nonprofit and the private sector organizations had the highest frequency amongst the top organizations, outnumbering most political organizations (see Appendix 2).



Chart 13. Top organizations of employment before and after federal service

Individual Departments

Department of Agriculture

The Department of Agriculture predominantly consisted of males, accounting for 68 percent of the observed individuals. The majority came to the Department from within the public sector, with 12 percent working for the legislative branch, followed by eight percent from other governmental agencies. Trends changed for career paths upon leaving the executive branch. While the majority of individuals stayed within the executive branch (10 percent), the next most frequent paths were working for the nonprofit sector and private firms, accounting for nine and eight percent respectively (see Chart 14).

Of the 605 individuals observed, seven percent were registered as lobbyists. More than half, 56 percent, of those registered did so upon leaving the executive branch. Those registered prior to entering the executive branch accounted for 34 percent of the total number of registered individuals. The smallest portion were registered lobbyists both before and after joining the executive branch. Consistent with the gender distribution of the department, of those registered, 68 percent were male. The most common lobbying topic for registered lobbyists was agriculture, followed by consumer issues/safety/protections, and energy/nuclear matters.

Find detailed information about the Department on page 5 of the database.

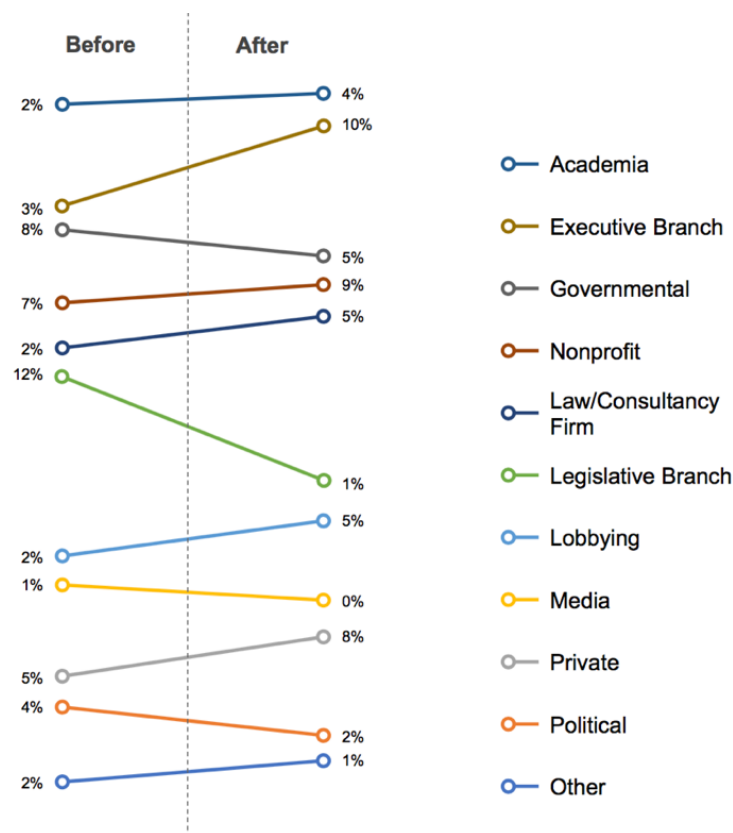


Chart 14. Career paths before and after

Department of Commerce

The Department of Commerce experienced high annual turnover in employees across the Bush and Obama Administrations. Of those for whom information was collected, 33 percent remained with the executive branch as a whole for two to three years. Before joining the executive branch, most individuals worked in the public sector, with the majority coming from the legislative branch (14 percent), followed by 12 percent that initiated their career paths in the executive branch. For those coming to the executive branch from outside the public sector, the majority worked for nonprofit organizations. The situation reverses for post-executive branch employment, as the majority, 13 percent, chose to work for private firms, followed by an even distribution of employment in the nonprofit sector, law/consultancy firms, and within the executive branch each with 12 percent of the population (see Chart 15).

From the population of 375 individuals that was observed, 18 percent were registered as lobbyists, which was one of the highest percent of registered lobbyists. Of these lobbyists, over 70 percent were male. A slight majority registered before entering the executive branch, standing at 47 percent, closely followed by those who registered as lobbyists upon leaving the executive branch account for 41 percent. Although there were over 15 topics represented by this group, the most frequent ones were science/technology and health issues.

Detailed information about the Department is on page 7 of the database.

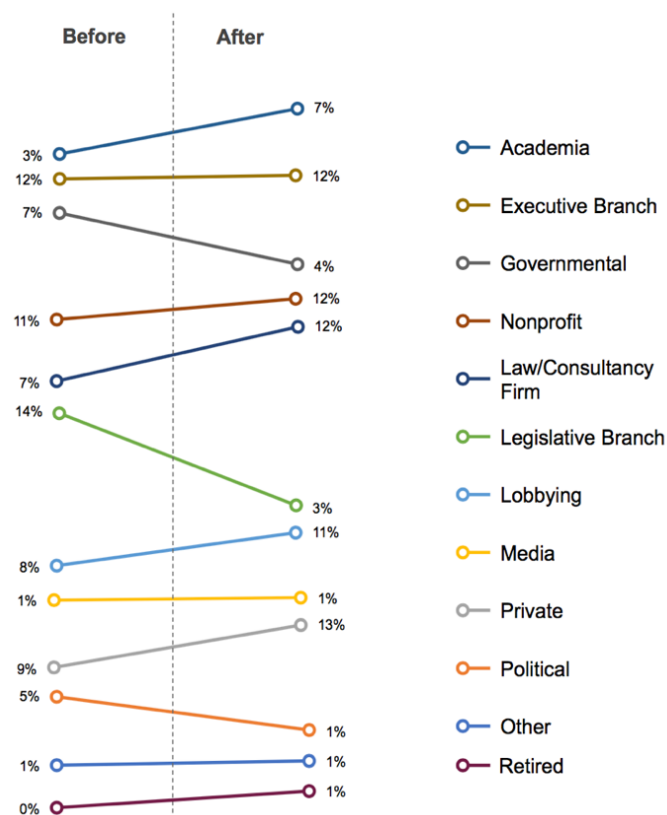


Chart 15. Career paths before and after

Department of Defense

The Department of Defense consisted of 740 individuals with predominantly male employees (71 percent). A major limitation for the Department was the unavailability of federal salaries, as all of them were listed as “redacted” in the FederalPay.org website. In terms of career path, the highest number of employees came from the legislative branch, ten percent, with governmental, nonprofit, and private firms split equally at six percent each. Upon leaving the executive branch, the majority, 13 percent, chose to pursue a career in a private, non-lobbying firm, or nonprofit organization (nine percent) (see Chart 16).

While the Department of Defense employed a large number of people, only one percent registered to lobby at some point during their careers. Of those who registered, 82 percent were male. The majority of those who registered, 45 percent, did so after being employed in the executive branch. As might be expected, the most lobbied topics by these individuals were defense and budget/appropriations.

Find detailed information about the Department on page 9 of the database.

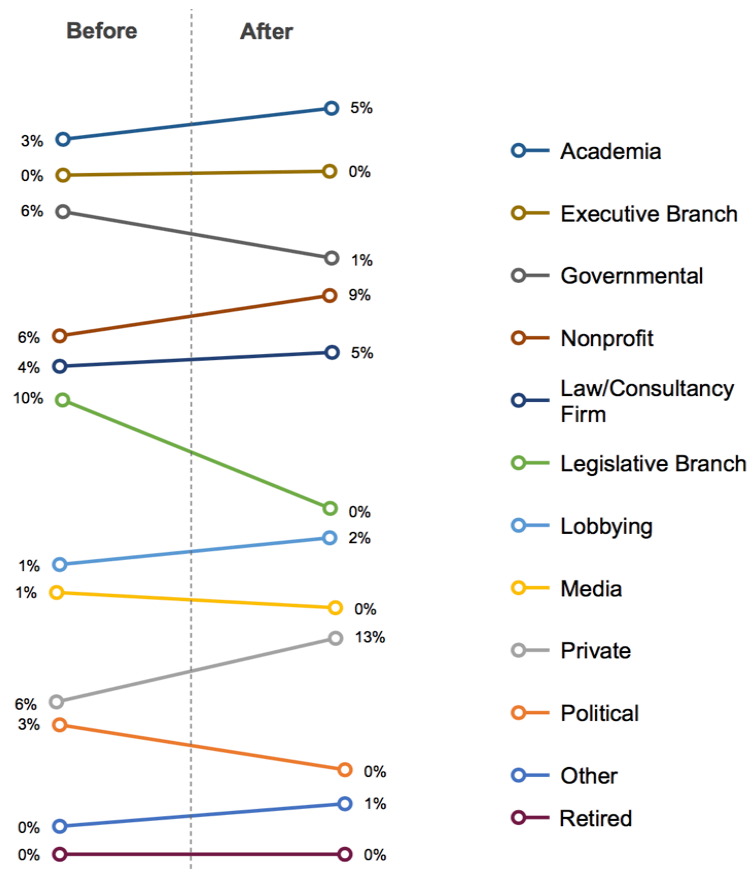


Chart 16. Career paths before and after

Department of Education

The Department of Education, consisting of 479 individuals, was one of two departments with more female employees, as the latter accounted for 57 percent of the population. Based on the information available, the greatest portion of individuals who worked for the Department were employed in the executive branch for less than three years, a possible indication of high staff turnover. There is consistency in terms of career paths for officials who served in the Department of Education. The majority came from and went to work for nonprofit organizations. The second most frequent type of employment prior to joining the executive branch were governmental organizations at the state and local levels. There was a notable increase in the number of people who went to work for a law/consultancy firm and nonprofit organization upon leaving the executive branch, in comparison to the number of those who came to the executive branch from these types of organizations. The reverse trend was observed for the legislative branch and political organizations as more people came to the executive branch from them, while a very small number went to these types of employment after leaving the executive branch, one percent each (see Chart 17).

After employment at the Department, there was a significant number of individuals who went on to establish their own nonprofit organizations focused on education. Of the 479 individuals for whom information was collected, three percent were registered as lobbyists at some point during their careers. Of those registered, the highest portion, 46 percent, did so upon leaving the executive branch, while 38 percent registered before their

service in government. Gender distribution between lobbyists was fairly equal, with 54 percent females and 46 percent males. Most individuals lobbied for education and health issues.

Find detailed information about the Department on page 11 of the database.

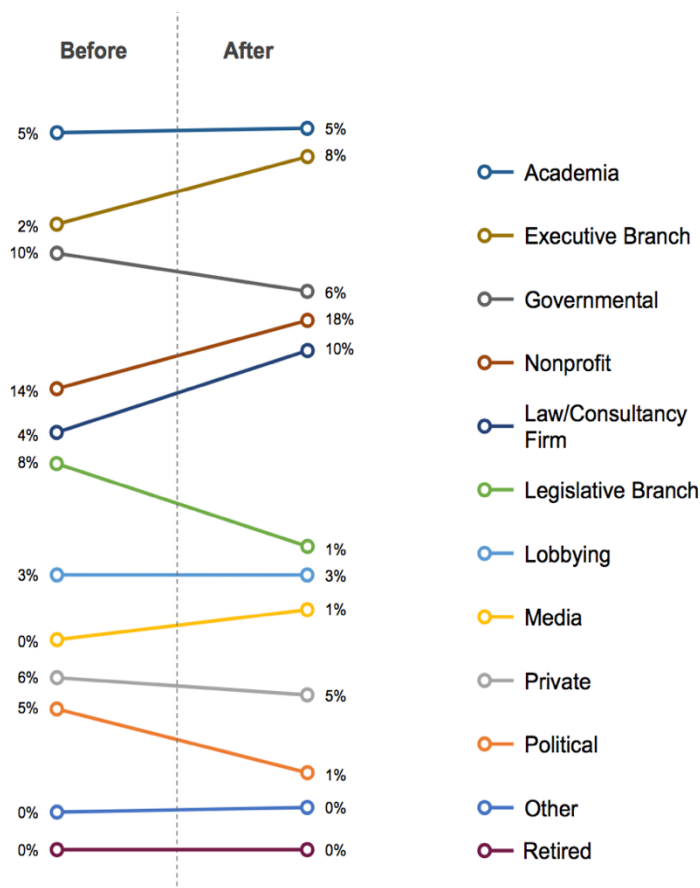


Chart 17. Career paths before and after

Department of Energy

The Department of Energy experienced relatively high executive branch employee turnover as the majority of individuals, 41 percent, served between two to four years. Most individuals who served in the Department came to the executive branch from the legislative branch, about 17 percent. However, only two percent worked for the legislative branch upon leaving the executive. Private firms and law/consultancy firms constituted the most preferred career path upon leaving the executive branch, amounting to 17 and 13 percent respectively (see Chart 18).

Of the 311 individuals for whom information was collected, ten percent were registered as lobbyists. By analyzing these registered individuals further, 37 percent were registered before, 53 percent registered after, and ten percent were registered both before and after their time in the executive branch. The topic most lobbied by these individuals was related to energy/nuclear, which is consistent with the area of specialization of the Department of Energy.

Find detailed information about the Department on page 13 of the database.

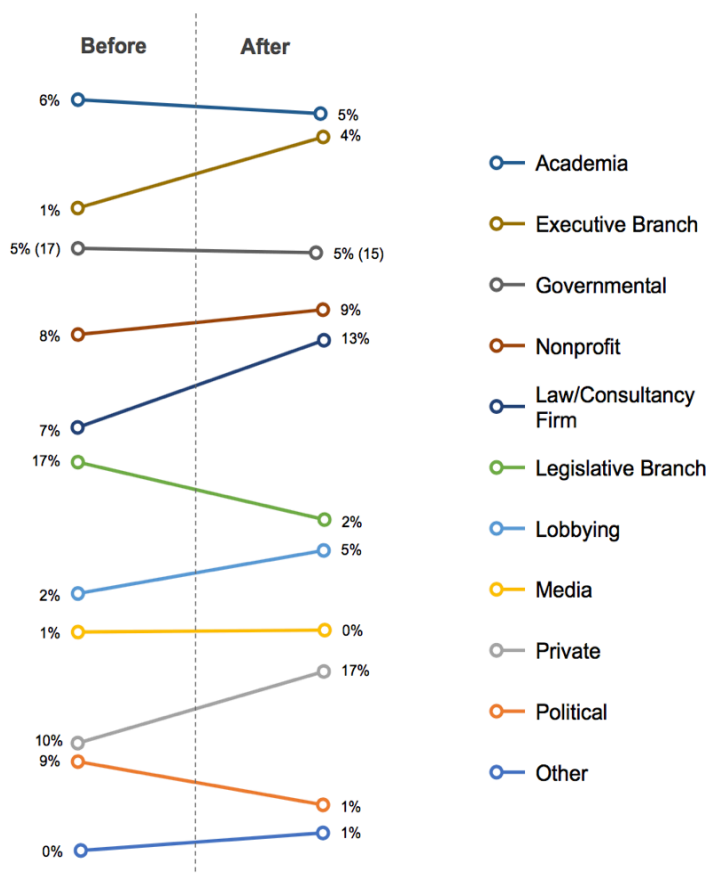


Chart 18. Career paths before and after

Department of Health and Human Services

The Department of Health and Human Services had a total population of 459 individuals, with a balanced gender representation of 49 percent females and 51 percent males. The three most common types of employment prior to joining the executive branch were nonprofit organizations and legislative branch, each constituting 13 percent, followed by other governmental agencies standing at 12 percent. Nonprofit organizations remained the preferred career path upon leaving government service, with 18 percent of individuals working there. The second most common employment type upon leaving the executive branch was working for lobbying firms (see Chart 19).

Of the 459 individuals for whom information was collected, 13 percent were registered as lobbyists, with the majority of lobbyists being males, 64 percent. Most lobbyists registered after leaving the executive branch, 53 percent, compared to 36 percent that registered prior to entering the executive branch.. The most common lobbied topic was health, followed by Medicare/Medicaid, which is consistent with the area of expertise of this department. Other topics included, agriculture, defense, and education. Worth noting that in this department, significantly more men than women registered as lobbyists. While only nine percent of female population

registered as lobbyist, this number for male population was almost double at 16 percent.

Find detailed information about the Department on page 15 of the database.

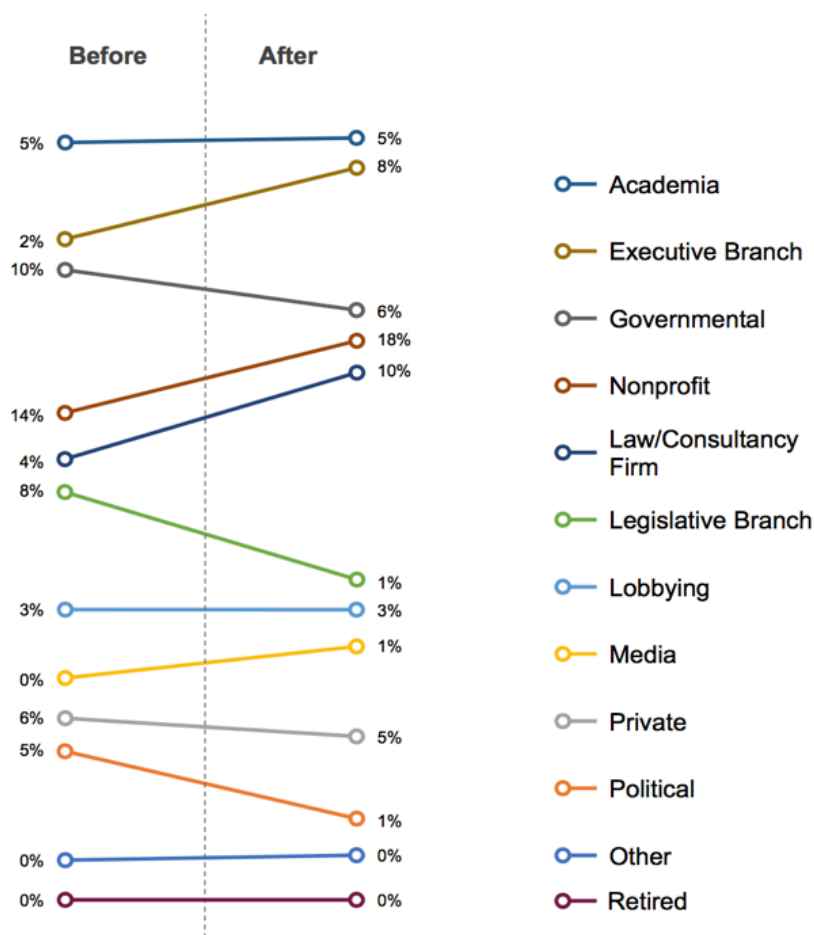


Chart 19. Career paths before and after

Department of Homeland Security

The Department of Homeland Security consisted of 530 individuals, the majority of whom were male (65 percent). A high proportion of individuals who worked for the Department came to the executive branch from within the public sector, namely other governmental entities at 23 percent and legislative branch with 12 percent. Conversely, after departing from public service the majority transitioned to the non-public sector, with 18 percent working for law/consultancy firms, 15 percent joining organizations that lobby, and 15 percent moving to private, non-lobbying companies (see Chart 20).

Among the individuals for whom information was collected, 11 percent registered to lobby at some point during their career. A drastic difference is seen in the separation of when these individuals registered to lobby, as only 21 percent registered prior to joining the executive branch, while 75 percent registered upon leaving the

executive branch. The topic most frequently lobbied by these individuals was homeland security, followed by science/technology, transportation, and defense.

Find detailed information about the Department on page 17 of the database.

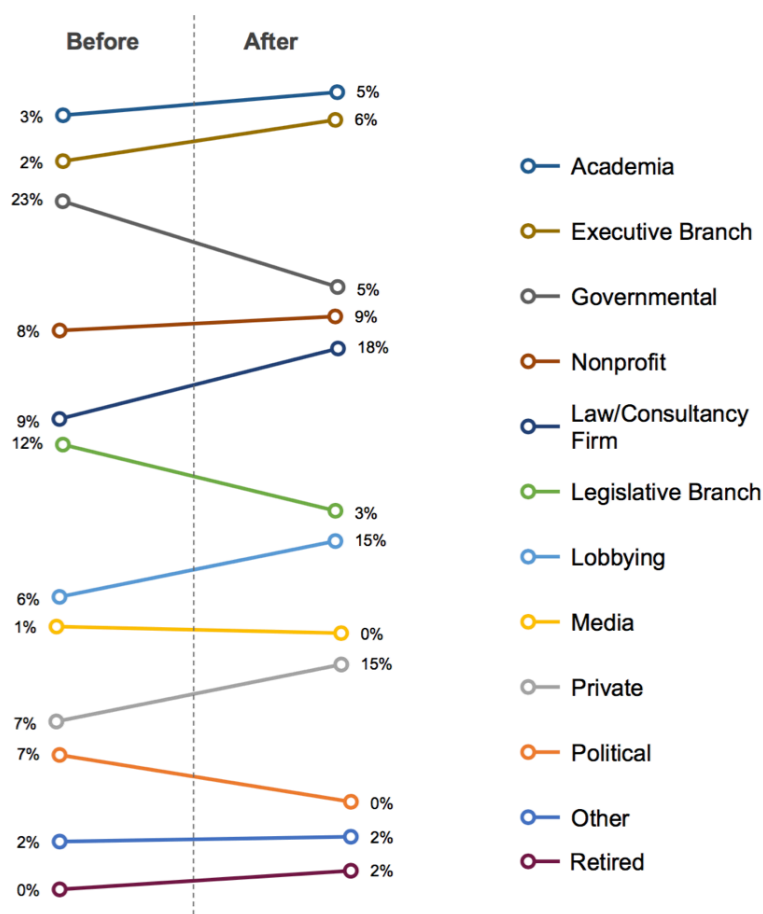


Chart 20. Career paths before and after

Department of Housing and Urban Development

The Department of Housing and Urban Development consisted of 212 individuals, the majority of whom were females, standing at 54 percent of the population. Prior to joining the executive branch, the largest number of individuals, or 15 percent of the population, worked for governmental agencies, while the nonprofit sector made up 14 percent. Upon leaving the executive branch, the majority, or 17 percent, chose nonprofits, followed by 14 percent that went to work for a private firm (see Chart 21).

About eight percent of individuals were registered lobbyists. The majority, 50 percent, registered after leaving service in the executive branch, while 31 percent registered prior to joining the executive branch. The most common topic lobbied amongst this group was housing, which is consistent with the area of expertise of this

executive agency. Other areas included trade, net neutrality, media, and health issues. Worth noting that even though this was one of two agencies where the majority of population was women, men still exceed in a number of lobbyists. 12 percent of men in the department were registered lobbyists, while for women this percent was as low as four.

Find detailed information about the Department on page 19 of the database.

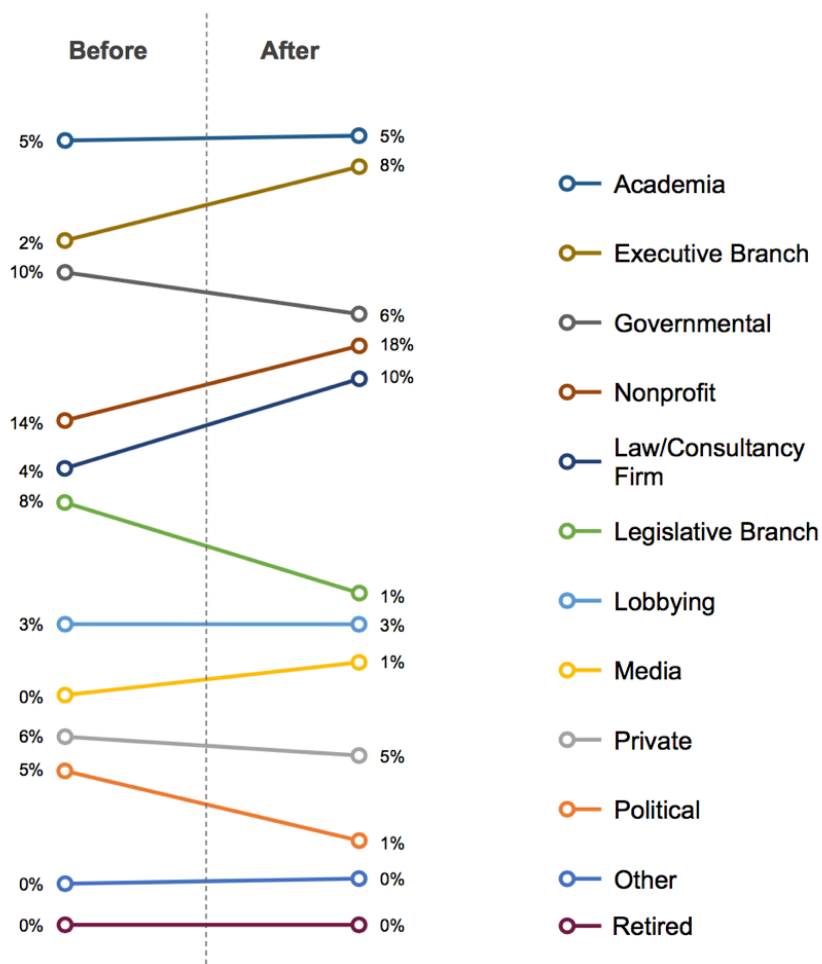


Chart 21. Career paths before and after

Department of the Interior

The Department of the Interior consisted of 270 individuals, of whom 59 percent were males. The majority of individuals came to the executive branch from other public sector entities, such as the legislative branch, with 12 percent, and other governmental agencies, at eight percent. After their government service, 8 percent of the former employees chose to pursue careers with law/consultancy firms, followed by nonprofit organizations, chosen by seven percent of individuals (see Chart 22).

Of the 270 individuals for whom information was collected, ten percent were registered as lobbyists at some point during their career. A slight majority of these individuals were registered after serving in the executive

branch, with 50 percent of the population, and 4 percent registered both before and after their executive service. The most lobbied topic by individuals was energy/nuclear, which is consistent with the focus area and responsibilities of the Department.

Find detailed information about the Department on page 21 of the database.

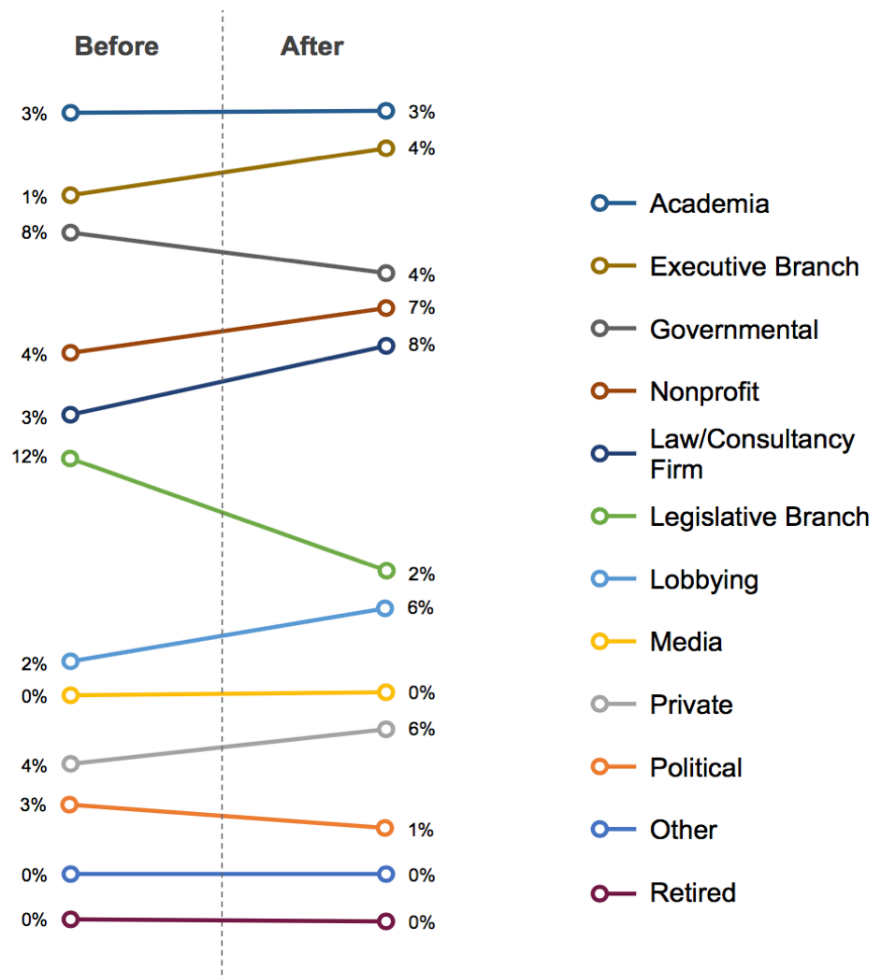


Chart 22. Career paths before and after

Department of Justice

The Department of Justice consisted of 783 individuals, with a primarily male population, standing at 72 percent. This Department was unique in that it was nearly equally split between individuals working in Washington D.C. and those working in other states within the U.S., with 55 percent and 43 percent respectively. Prior to joining the Department, 20 percent of the population worked in governmental entities, and the next highest sector of employment was with lobbying organizations, standing at 11 percent. Upon departure from executive branch service, the majority followed a career path outside of the public sector, with 16 percent joining organizations that lobby, followed by seven percent who joined law/consultancy firms (see Chart 23).

Amongst the individuals for whom information was collected, two percent registered to lobby at some point during their career. The majority of lobbyists, or 57 percent, registered after working in the executive branch, followed by 36 percent who registered prior to joining the executive branch. The most common lobbying topic for individuals who served in the Department of Justice was within the health issues category.

Find detailed information about the Department on page 23 of the database.

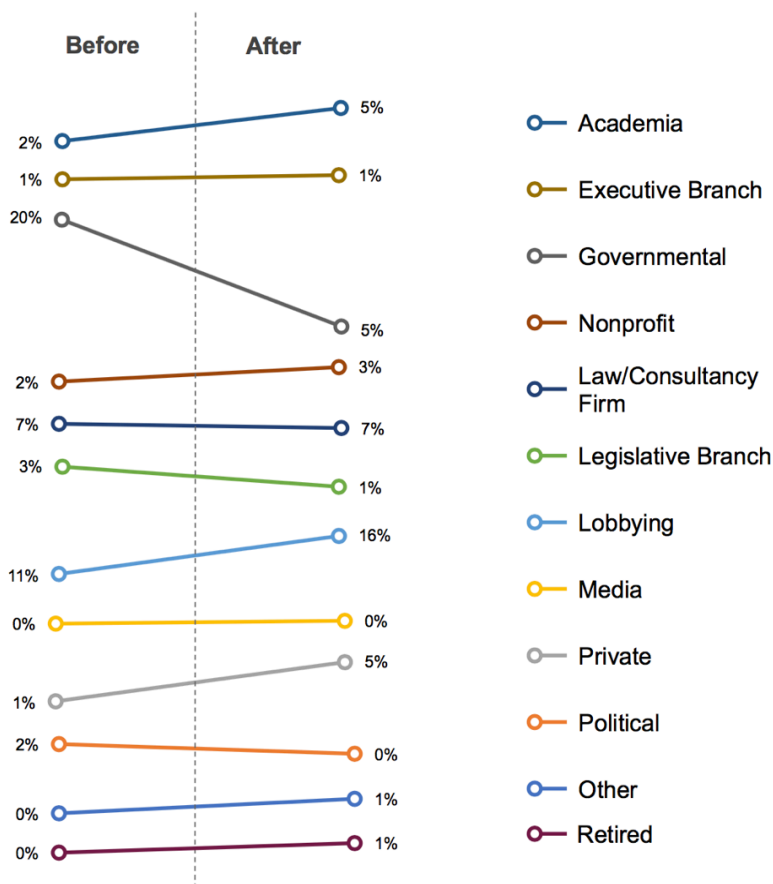


Chart 23. Career paths before and after

Department of Labor

The Department of Labor consisted of 356 individuals, almost equally split between males and females. Most individuals observed remained within the executive branch less than three years. Prior to employment in the executive branch, most individuals worked in the nonprofit sector, 13 percent, followed by the legislative branch at 12 percent. The most common career path followed upon leaving the executive branch was working for nonprofit organizations with 15 percent, followed by those who went to work for law/consultancy firms (see Chart 24).

Based on the information collected for these individuals, four percent were registered lobbyists. A small percentage was registered prior to working in the executive branch. The majority were lobbyists in the aftermath

of their government service, about 54 percent. Although there were 15 lobbying topics addressed in this group, the most frequently lobbied topic was agriculture, which is not consistent with the focus area of the Department.

Find detailed information about the Department on page 25 of the database.

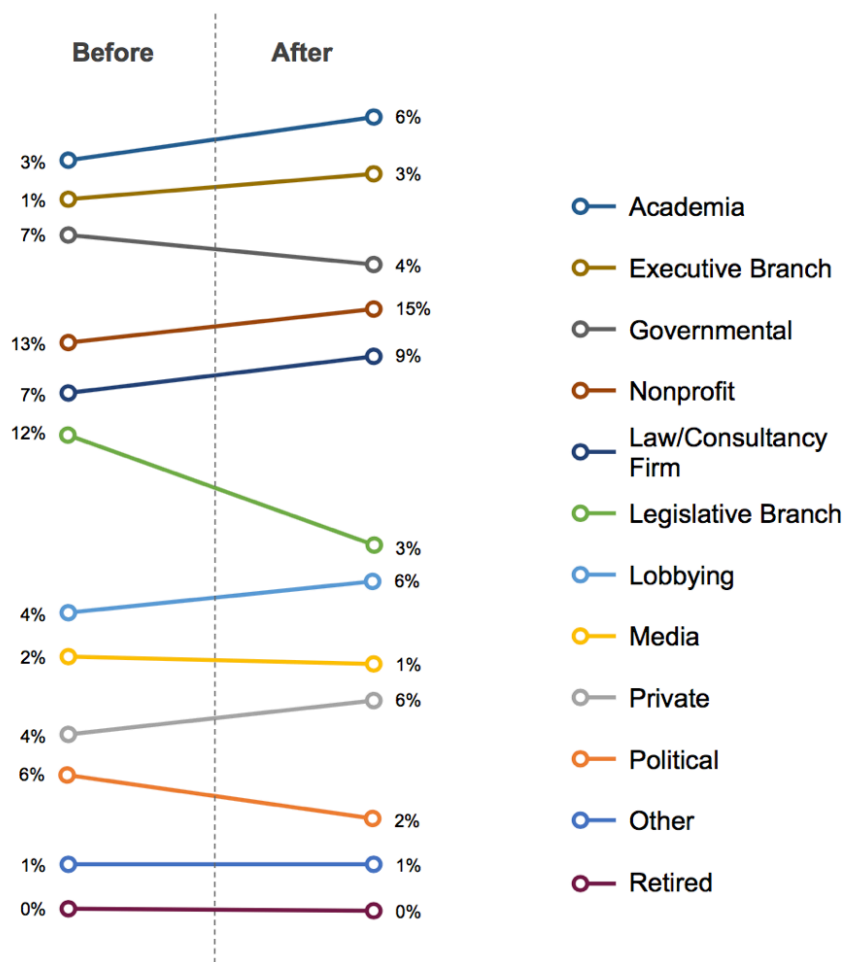


Chart 24. Career paths before and after

Department of State

The Department of State is the largest executive branch agency in the database with 1116 employees, of whom 64 percent were males. It potentially had the lowest employee turnover compared to all other departments, with 36 percent working at the Department, or within the executive branch, for over 16 years. This can likely be explained by the fact that almost half the population of this department was comprised of career service diplomats and foreign service officers. Based on the information available, 25 percent of individuals started their career in the executive branch, as the majority of career diplomats went in foreign service upon completing their education. Other public sector agencies are also the most common types of employment prior to joining the executive branch. Seventeen percent of individuals continued to work in the executive branch, while the

next most common types of employment upon leaving the executive branch were nonprofit organizations with 15 percent, and academia with ten percent (see Chart 25).

The data revealed that six percent of individuals were registered lobbyists. Of these individuals, 46 percent registered after leaving the executive branch, compared to 53 percent that were registered prior to joining the executive branch. In addition, the topics most lobbied were foreign relations, followed by budget/appropriations, trade, and defense.

Find detailed information about the Department on page 27 of the database.

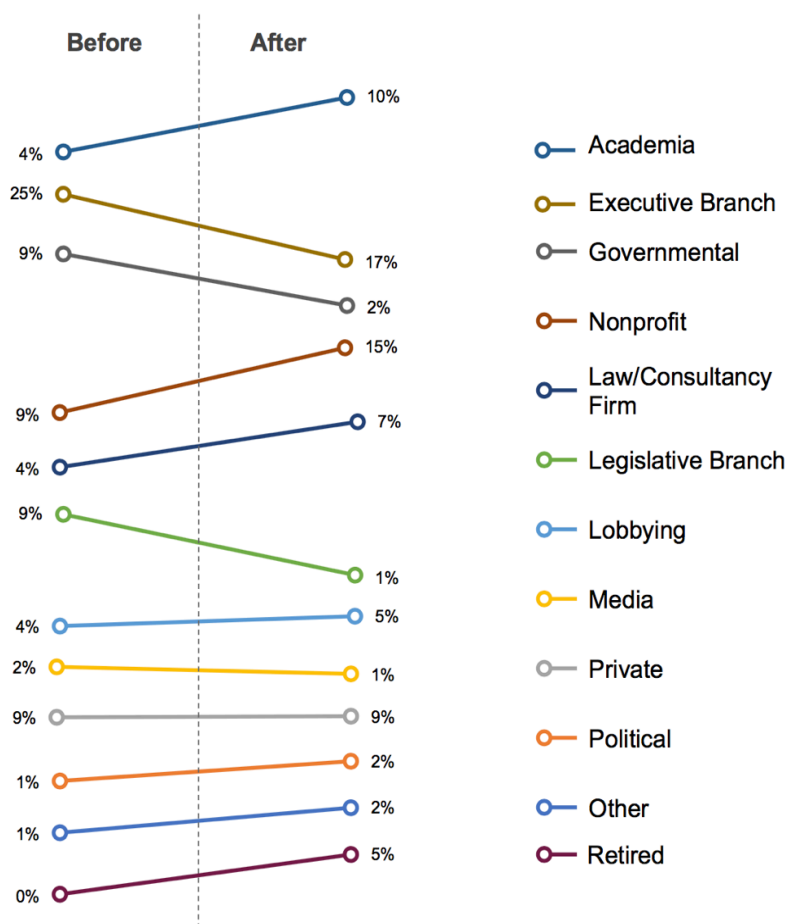


Chart 25. Career paths before and after

Department of Transportation

The Department of Transportation consisted of 265 individuals, of whom the majority, 63 percent, were male. Most individuals transitioned to the executive branch from other public sector entities, such as the legislative branch, 17 percent, and a governmental entity, standing at 15 percent. However, upon departure, most individuals pursued a career in the private sector, working for a lobbying firm, 18 percent, a private firm 15

percent, and a law/consultancy firm, 12 percent (see Chart 26).

Of the 17 percent of individuals who registered to lobby at some point during their careers, 24 percent were female and 76 percent were male. The number of individuals who transitioned into a lobbying firm after their tenure with the government is reflected by the 78 percent who registered to lobby after leaving the executive branch. Only 15 percent registered prior to executive branch service and seven percent were registered both before and after their employment in the executive branch. Transportation was the most lobbied topic area, which is consistent with the focus of expertise of the Department. Other occasionally seen subject areas were science/technology, energy/nuclear, and health issues.

Find detailed information about the Department on page 29 of the database.

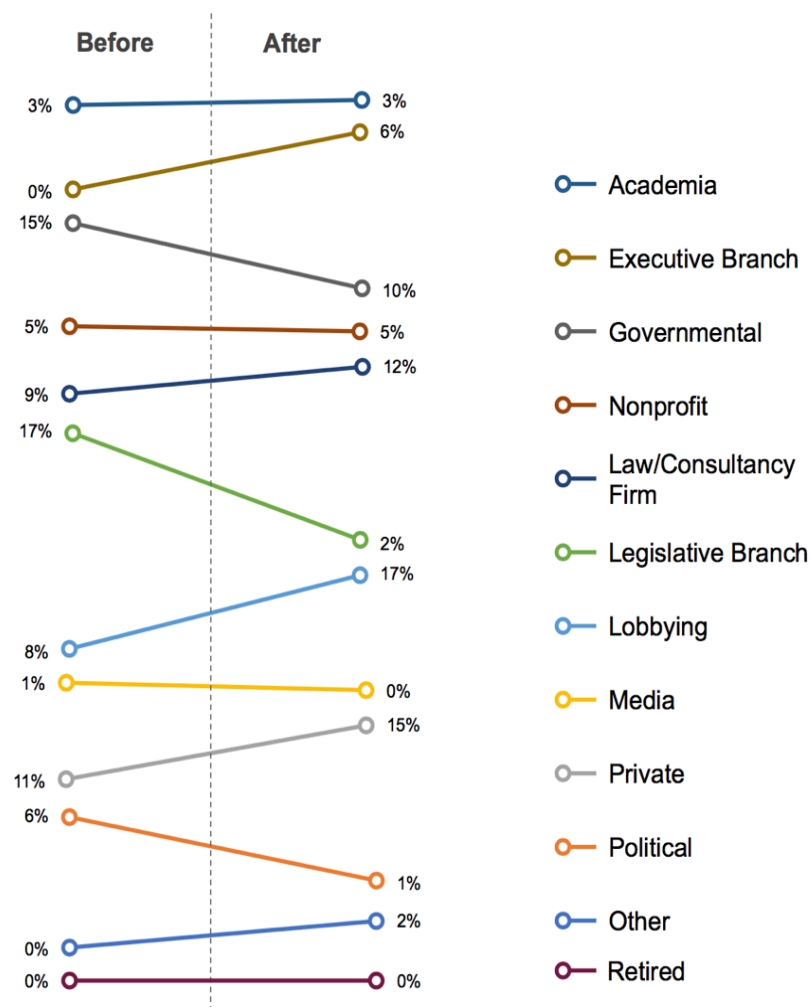


Chart 26. Career paths before and after

Department of the Treasury

The Department of Treasury contained 281 individuals, of whom the majority were males, comprising 65 percent of the Department. Prior to joining the executive branch, individuals primarily came from backgrounds in the legislative branch (17 percent), from a role within a lobbying entity (12 percent), or started their careers in the executive branch (11 percent). Upon departure from the executive branch the majority pursued a career in the private sector, with the leading categories for employment being private firms (20 percent), a lobbying firm (16 percent), a nonprofit organization (12 percent), or a law/consultancy firm (11 percent) (see Chart 27).

The Department had approximately 13 percent of individuals registered as lobbyists, and of these individuals, 32 percent were women, which is slightly less than the female representation in the entire sample (34 percent). The majority of individuals registered as lobbyists upon leaving the executive branch (53 percent). Only five percent were registered as lobbyists both before and after leaving the executive branch. For lobbying subject area, most lobbyists focused their efforts in the financial institutions/investments/securities lobbying topic.

Find detailed information about the Department on page 31 of the database.

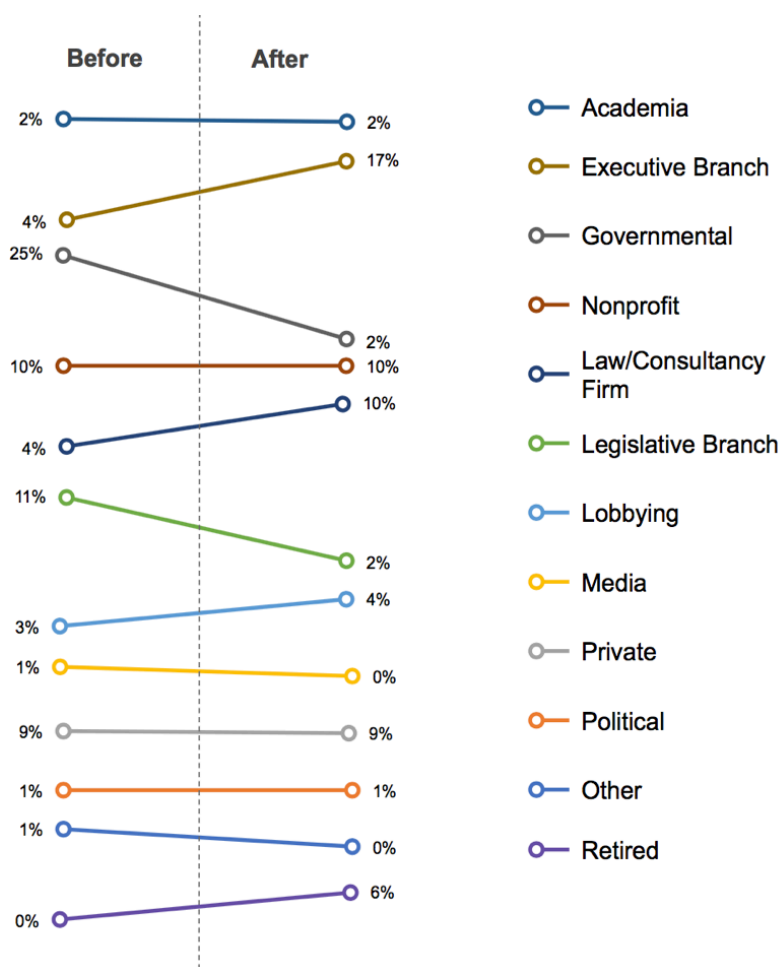


Chart 27. Career paths before and after

Department of Veterans Affairs

The Department of Veterans Affairs consisted of 134 individuals, with an overwhelmingly male population of 71 percent. Prior to joining the executive branch, a high percentage of these individuals worked in a government entity (25 percent), within the legislative branch (11 percent), or with a nonprofit organization (ten percent). After their tenure with the government, many individuals transitioned to a different executive branch agency (17 percent), and others relocated to a law/consultancy firm (ten percent) or nonprofit organization (ten percent) (see Chart 28).

Of the 134 individuals for whom information was collected, 13 percent were registered as lobbyists at some point during their careers. Amongst these individuals, 61 percent were registered as lobbyists before entering the executive branch, and 39 percent registered following their executive employment. Most lobbying issues focused on defense, education, and health issues.

Find detailed information about the Department on page 33 of the database.

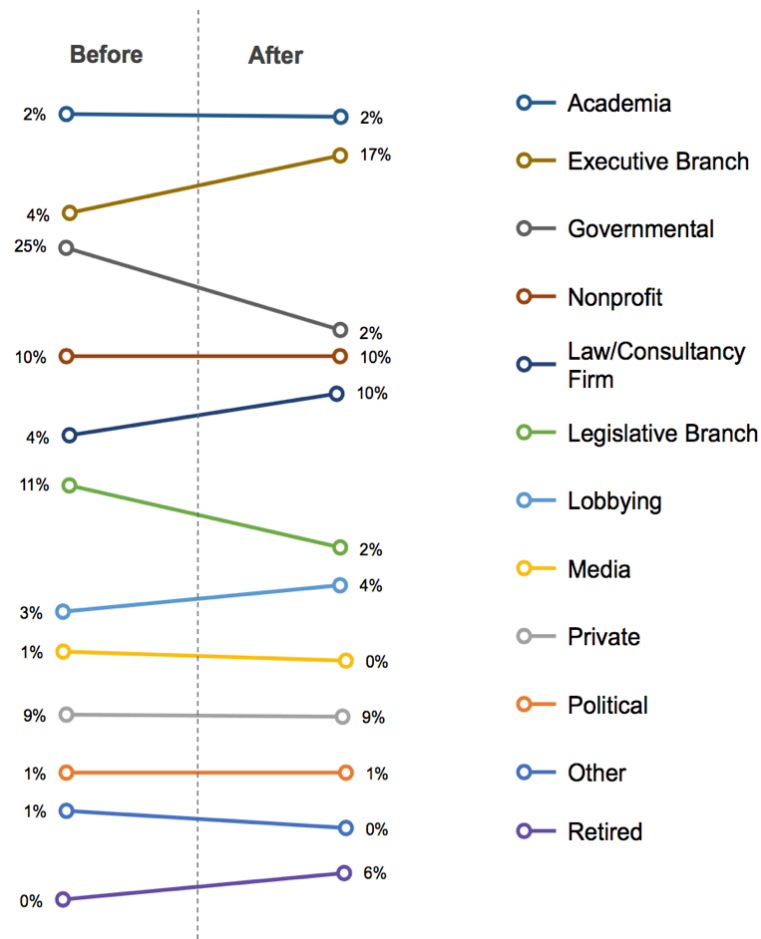


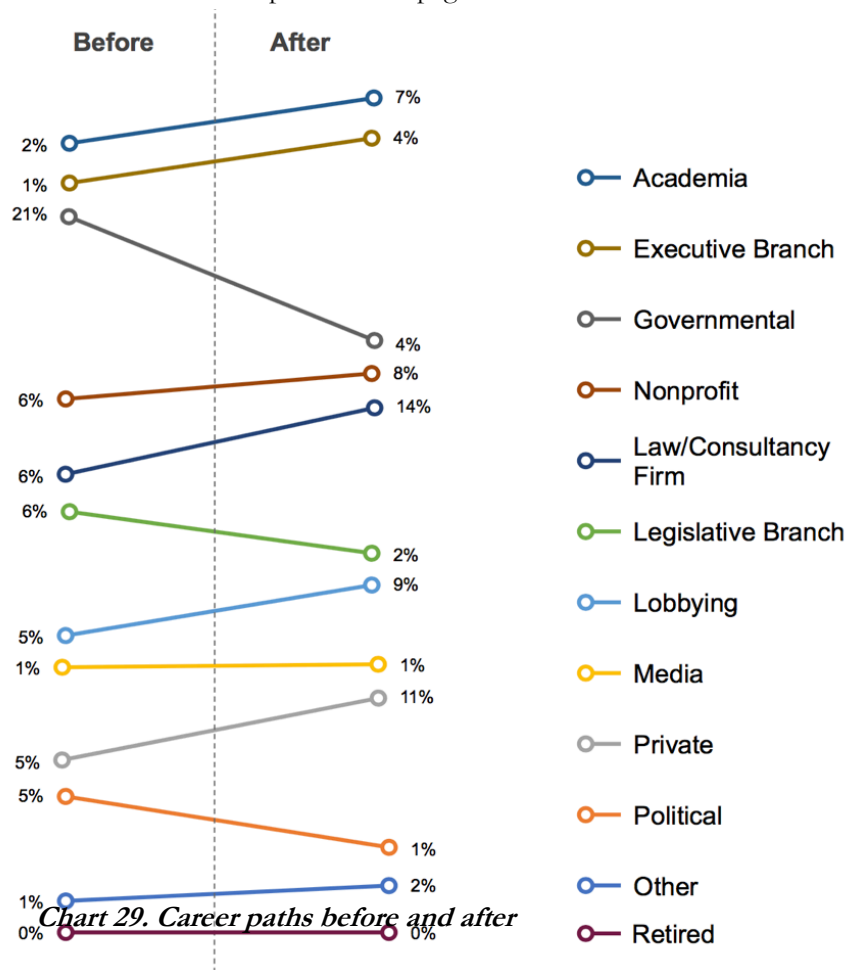
Chart 28. Career paths before and after

The White House

The White House contained 436 individuals, 60 percent of whom were male. Based on the information available, the average number of years of service in the executive branch ranged from four to eight years, and the majority of individuals came from the legislative branch prior to entering and then went into lobbying after their service. Prior to joining the executive branch, these individuals were divided between employment within the legislative branch (15 percent), within a political organization (15 percent), in a governmental entity (11 percent), or with a lobbying organization (10 percent). After employment in the executive branch, almost half of the population transitioned into private sector employment, with 17 percent joining a lobbying entity, 14 percent joining a private, non-lobbying firm, and 11 percent joining a law/consultancy firm (see Chart 29).

Of the 436 individuals for whom information was collected, 19 percent were registered as lobbyists at some point during their careers. The majority, 68 percent, registered as lobbyists upon leaving the executive branch, while 32 percent of individuals were registered as lobbyists prior to entering the executive branch and 68 percent registered after departure from their executive branch service. For the individuals within this Department, lobbying activity focused on health issues, education, and the fuel/gas/oil industry. The non-specialized nature of this agency explains the diversity in topics lobbied.

Find detailed information about the Department on page 35 of the database.



The Executive Office of the President

The Executive Office of the President comprised of 297 individuals, was comprised of mostly male employees (61 percent). The majority of individuals came from the legislative branch and then entered the private sector after their service. An interesting finding was that approximately eight percent of these individuals came from academia and often returned to the same university and/or position at these universities. Turnover within the department was frequent, as many of these individuals would come from private, academia, or nonprofit sectors to serve in the Executive Office, and then return to their previous positions in each sector. After employment at the Executive Office of the President the majority chose a career path outside of the public sector. Almost half of the employees chose to pursue a career with a private, non-lobbying firm (18 percent), a lobbying entity (13 percent), or a nonprofit organization (13 percent). Of the 297 individuals for whom information was collected, 29 percent were registered as lobbyists at some point during their careers. (see Chart 30).

Of those registered, 38 percent were registered before entering the executive branch, 36 percent registered after leaving, and 26 percent were registered both before and after their executive employment. Most lobbied topics included budget, trade and patents, and healthcare issues. This diversity could be explained by the non-specialized nature of this agency.

Find detailed information about the Department on page 37 of the database.

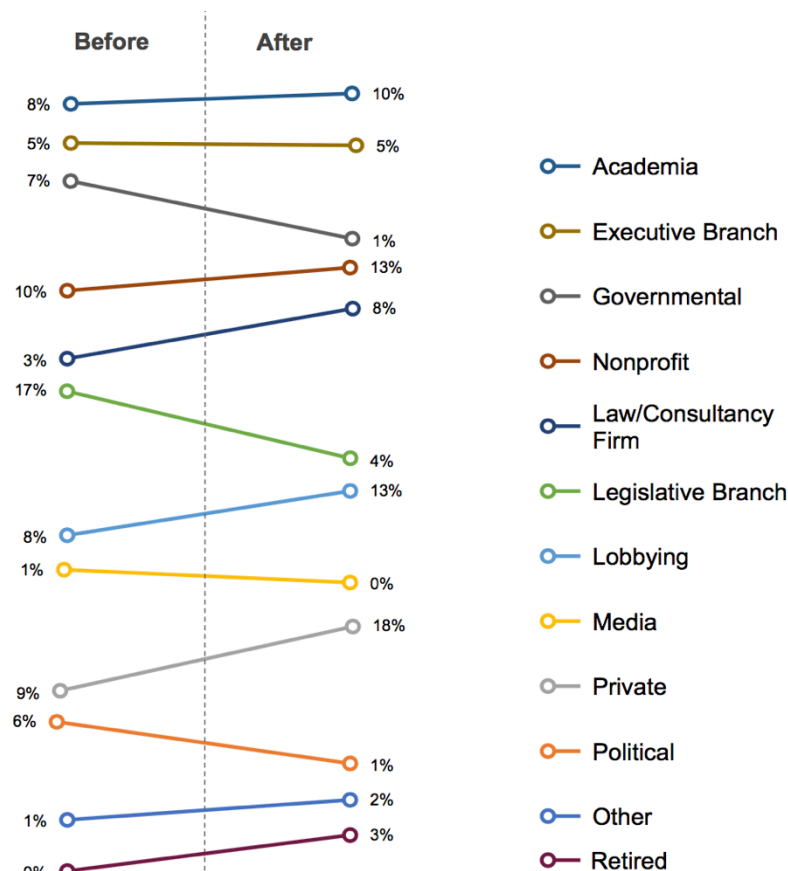


Chart 30. Career paths before and after

Environmental Protection Agency

The Environmental Protection Agency, composed of 170 individuals, had one of the more balanced gender distributions, with 41 percent female and 59 percent male. Prior to joining the EPA, an outstanding majority of individuals (21 percent) came from other government entities. Individuals working for lobbying organizations totaled five percent prior to executive branch employment, and this number increased to 11 percent post-executive branch employment, which was the second most frequent employment route, trailing only law/consultancy firms with 14 percent (see Chart 31).

Of the 170 individuals included in the population, 14 percent registered to lobby at some point in their career. By a small margin, most individuals registered to lobby post-executive service (48 percent), while 36 percent registered prior to joining the agency, and 8 percent both before and after. The most frequent topics where these individuals focused their lobbying efforts were in issues related to environmental/superfund and energy/nuclear.

Find detailed information about the Department on page 39 of the database.

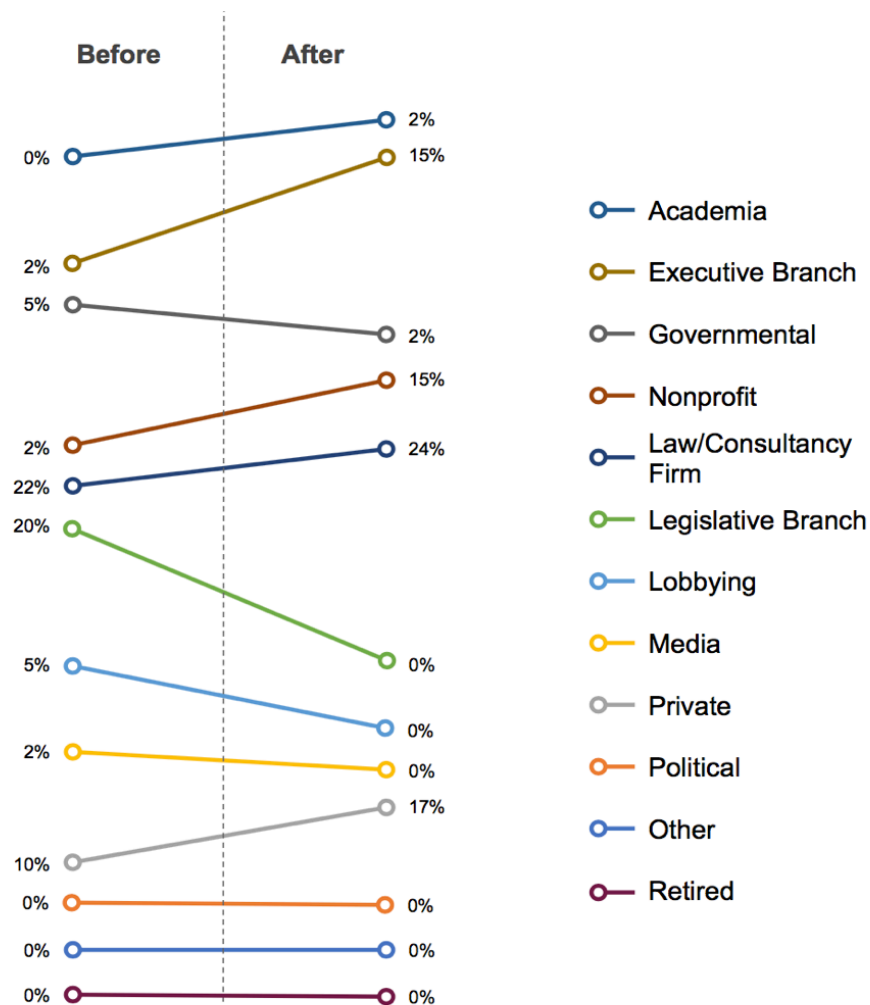


Chart 31. Career paths before and after

Federal Communications Commission

Of the agencies included in the database, the Federal Communications Commission contained the lowest number of individuals with a total of 41. Before entering the federal government, the two leading categories for sector employment were law/consultancy firms (22 percent), and the legislative branch (20 percent). The next highest sector was private firm employment, which comprised ten percent of the included individuals. After completing their employment with the executive branch, individuals were divided between sector choices. The leading sector of employment was a law/consultancy firm (24 percent), followed by private firm employment (17 percent), executive branch employment (15 percent), and nonprofit employment (15 percent) (see Chart 32).

While the FCC had a low number of individuals in the database, fifteen percent (6 individuals) of the 41 individuals registered to lobby at some point in their career. These individuals were exactly split between lobbying prior to government employment and lobbying post-government employment. None of the individuals included in the study registered to lobby before and after their tenure. The lobbying subject areas for these six individuals were limited to three different categories, including consumer issues/safety/protections, telecommunications, and trademark/patents.

Find detailed information about the Department on page 41 of the database.

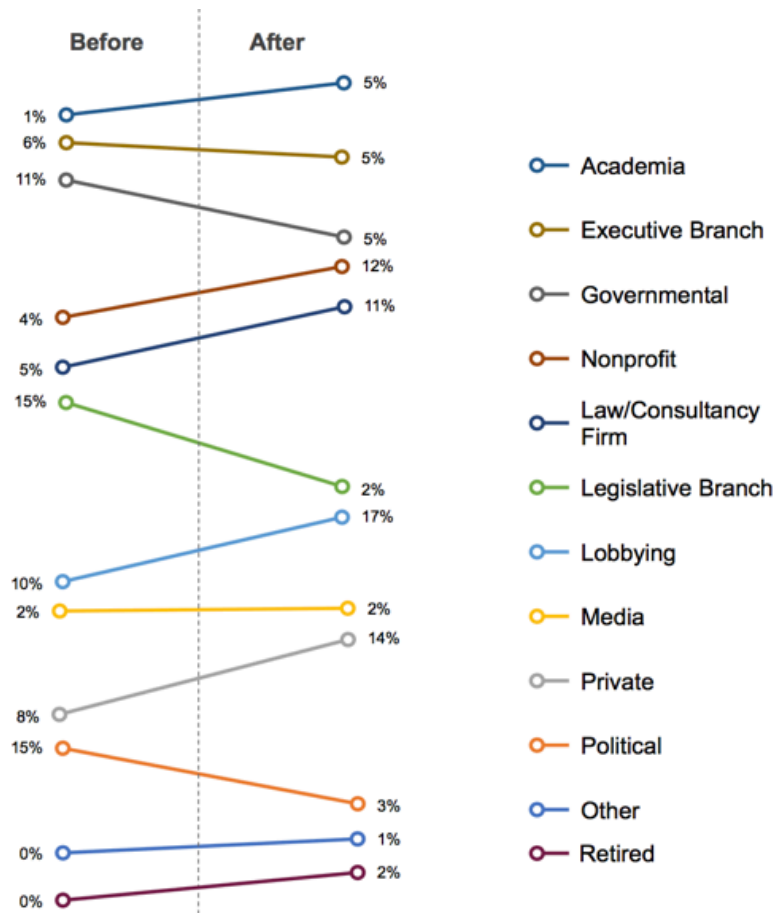


Chart 32. Career paths before and after

Limitations

As no database of this kind existed prior to this research, the capstone team defined the data collection methodology with the following limitations in mind:

1. Limitations in the nature of self-reported data. The capstone team relied heavily upon websites such as LinkedIn to gather information regarding each individual's career history, both before and after their service in the executive branch. LinkedIn often provided the most complete picture of an individual's career path, as no other online source with such information exists. LinkedIn, however, relies entirely on self-reported information from users. The accuracy and reliability of self-reported information is often difficult to verify, and therefore presents a limitation to the final database.
2. The use of missing entries in descriptive analysis. As previously mentioned in the data analysis section of this report, missing data entries existed for eight of the variables included within this database. The presence of missing entries prevents us from observing the entire picture of that we hoped to see

within the 19 departments included in the database. For example, for some individuals, we have information about their career history prior to joining the executive branch, but this information could not be located for their post-executive branch career. While this is a limitation, this information is still valuable to the database in reflecting where these individuals are joining the branch from and likewise for individuals where this information is missing for the other end of executive branch tenure. This information continues to be valuable in building a research base for career movement around the executive branch, but it is still important to note this limitation. While this is a limitation faced during this project. It should also be noted that the same mechanisms utilized by this team are the methods taken by those attempting to enforce lobbying and similar legislation. It is not ideal, but it is important to this discussion.

3. Challenges with coding procedures. As a database of this nature did not exist prior to the start of the capstone project, a list of procedures for classifying the types of organizations in which individuals served did not exist. Therefore the capstone team developed a method of classification based on a set of organizational definitions that the team developed as a whole. In some cases, certain organizations did not exactly fit the definition of a particular type of organization, and the team exercised its own judgment in labeling these special cases. Furthermore, the team could have decided to expand the number of organizational categories to include more specific categories, but chose instead to stick with a set of 11 different organizational types.

Conclusion

While limitations in the collection process exist, the database compiled and analyzed in this report has provided noteworthy insight to the movement of individuals through the executive branch. And although firm conclusions on employee behavior cannot be made without further investigation into each case, the information collected is a strong indication that many of the suspected movements, particularly those related to the revolving door and lobbying, likely exist.

Previous reports from institutions in charge of enforcing lobbying legislation pointed to a backlog in cases from previous years due to difficulties locating lobbying firms and individuals. This report builds upon an original database where information on the career paths of executive branch officials was collected consistently for the first time. Our experience with data collection mirrors, to a great extent, the difficulties encountered by government officials in charge of enforcing lobbying legislation. There are a number of missing data across different departments and different variables that leads us to paint an imperfect, albeit informative, picture of the state of the revolving door and lobbying in the executive branch. Improving the quality of data collection and keeping track of government officials' lobbying career paths could effectively address current backlog issues. However, adequate human and financial resources are necessary for reaching this goal.

Lobbying and the revolving door are phenomena that have accompanied the United States throughout its history and will likely continue to be an important aspect of the country's political system. Frequently, legislation regulating lobbying and the revolving door has been enacted in response to scandals and abuses by specific individuals at different times. A more proactive approach to lobbying and the revolving door could be useful

to developing a comprehensive piece of legislation that recognizes the merits and the potential risks of this activity.

The transfer of knowledge and skills is visible between the executive branch and the private sector. The literature reviewed suggests that there is an inherent value in the revolving door, especially in terms of human capital development. The diverse organizations individuals come from and go to upon leaving the executive branch is an indication of the wealth of experience and skill that flows on each side. However, the risk of misuse of government experience and private interests is also present. Several cases existed of individuals not in compliance with provisions of cooling-off periods, which could be a cause for concern over enforcement mechanisms and implementation of existing legislation.

Given that this was a new undertaking, and the goal of the program was to provide our client with a comprehensive database about the career paths of former executive branch officials, the capstone team focused on collecting and categorizing information. Although the team addressed the issues that pertain to cooling off period, revolving door, and shadow lobbying by conducting exploratory and descriptive analyses of the database, further statistical analysis is necessary. The comprehensive database about the career paths of former executive branch officials, and the preliminary descriptive analysis conducted by the capstone team, created a foundation. It will be beneficial for future research teams to explore the relationships between the revolving door and lobbying activities in the executive branch. Further analysis of LDA reports for individuals in the database could provide more in-depth information on lobbying practices of executive branch officials. Furthermore, by enriching the database with other presidential administrations in the past and future, it could be possible to use inferential statistics to see whether there are causal mechanisms between implemented legislation and lobbying activities of former executive branch officials. Ultimately, we hope our report and database will be useful for academic and practical purposes.

Appendixes

Appendix 1. Database Codebook

To assist our partner, audiences, and future researchers understand the dataset created for this project, the Consulting Capstone Team created the codebook for the database. This codebook describes the content, structure, and layout of the database which contains data on 20 variables. The codebook presents the questions, options for answers to each question and a description of each question and option. The first column displays the 20 questions (variables) used to create the database; the second column presents options of answers that each question had if defined beforehand, and the third column presents a description of variables (when a further description is necessary). Q1, Q3, Q4, Q9-11, Q13-14, Q16-17, Q19 did not have predefined answers. Therefore, no options of answers are presented for these questions.

QUESTIONS	OPTIONS OF ANSWERS	VARIABLE DESCRIPTION
Q1: Name Type of Variable: Nominal		Name of former executive branch official as recorded in Plum Book
Q2: Gender Type of Variable: Categorical		
	1. Male 2. Female 3. N/A	1. Individual is male 2. Individual is female 3. No information is available on the gender of individual, (i.e., it was hard to determine gender by a name, and no information could be found online)
Q3: City Type of Variable: Nominal		City of employment as recorded in Plum Book
Q4: State Type of Variable: Nominal		State of employment as recorded in Plum Book

Q5: Area of Employment Type of Variable: Categorical		Geographic area of employment as recorded in Plum Book. <i>Note:</i> the Plum Book does not provide direct information on the area of employment. The team members have defined area of employment for each individual based on a city and a state recorded in Plum Book
	1. D.C. Metropolitan Area 2. All other locations in the U.S. 3. International location	1. D.C. Metropolitan Area including District of Columbia, Maryland, Virginia, West Virginia 2. All cities and states in the United State outside the D.C. Metropolitan Area 3. All cities and states outside the United States <i>Note:</i> Option 3 was used mainly for Ambassadors serving outside the U.S., but also included one individual in Department of Defense with the position "Defense Advisor United States Mission to North Atlantic Treaty Organization", and two individuals in Department of Justice with positions "United States Attorney Virgin Islands" and "United States Marshal, Virgin Islands"
Q6: Executive Agency of Employment Type of Variable: Categorical		Name of department/executive agency the individual worked at during his/her time as executive branch official <i>Note:</i> More than one executive agency has been recorded for those individuals who served in several departments in the executive branch.
	1. Department of Agriculture 2. Department of Commerce 3. Department of Defense 4. Department of Education 5. Department of Energy 6. Department of Homeland Security 7. Department of	

	<ul style="list-style-type: none"> Housing and Urban Development 8. Department of Health and Human Services 9. Department of the Interior 10. Department of Justice 11. Department of Labor 12. Department of State 13. Department of Transportation 14. Department of the Treasury 15. Department of Veterans Affairs 16. The White House 17. The Executive Office of the President 18. Environmental Protection Agency 19. Federal Communications Commission 	
Q7: The Most Recent Presidential Administration Served in Type of Variable: Categorical		The most recent Plum Book in which the individual's name appeared
	<ul style="list-style-type: none"> 1. Bush 2004 2. Bush 2008 3. Obama 2012 4. Obama 2016 	<ul style="list-style-type: none"> 1. Issued in 2004, covers information on individuals who served during the first Bush administration 2. Issued in 2008, covers information on individuals who served during the second Bush administration 3. Issued in 2012, covers information on individuals who served during the first Obama administration 4. Issued in 2016, covers information on individuals who served during the second Obama administration

Q8: Pay Plan Level		The most recent pay schedule for the individual at the executive agency
Type of Variable: Categorical	<ol style="list-style-type: none"> 1. AD 2. ES 3. EX (Levels I through V) 4. FA 5. FE 6. GS (Grades 13 through 15) 7. SL 8. OT 	<ol style="list-style-type: none"> 1. Administratively Determined Rates 2. Senior Executive Service 3. Executive Schedule 4. Foreign Service Chiefs of Mission 5. Senior Foreign Service 6. General Schedule 7. Senior Level 8. Other Pay Plan (all those not listed separately)
Q9: Position at the Executive Agency		Individual's position as presented in the Plum Book
Type of Variable: Nominal		<i>Note:</i> If the individual served at several executive agencies, the most recent position is presented in the database
Q10: Salary at the Executive Agency		The most recent (ending) salary of individual at the executive agency based on information from federalpay.org
Type of Variable: Numerical		Apart from recording original salaries, the dataset includes adjusted salaries (CPI Year 2017)
Q11: Years Served in the Executive Branch		Total number of years the individual served in the executive branch
Type of Variable: Numerical		<i>Note:</i> when an individual used the revolving door several times (i.e., back and forth between federal service and another sector), years served in the executive branch were cumulatively recorded in the database
Q12: Sector of employment Before the Executive Branch		Sector of employment immediately before entering the executive branch
Type of Variable: Categorical		<i>Note:</i> If an individual used the revolving door several times (i.e., back and forth between federal service and another sector), the sector of employment immediately before taking the very first position in the executive branch was recorded in the database

	<ol style="list-style-type: none"> 1. Academia 2. Executive Branch 3. Governmental 4. Nonprofit 5. Law/Consultancy Firm 6. Legislative Branch 7. Lobbying 8. Media 9. Private (excluding lobbying firms) 10. Political 11. Other 	<ol style="list-style-type: none"> 1. Public and private institutions of higher education 2. executive branch agencies <i>Note:</i> this category has been used only in cases when an individual started his/her career at the executive branch 3. Federal, state, and local agencies that are not part of the executive branch, including, state agencies, state legislatures, military, the Judiciary, and local governments 4. Tax-exempt organization as defined by the IRS 5. Organization that defines itself as a law or consultancy firm and is not registered as a lobbying firm 6. US House of Representatives and Senate, including subcommittees. 7. Registered lobbying firms and other organizations conducting lobbying activities through registered lobbyists (i.e., individuals in database are registered as lobbyists)³ 8. Public and private media outlets 9. For-profit organizations 10. Organizations with a political mandate not funded by the government, including but not limited to political campaigns, National Democratic Committee, and Republican National Committee. 11. Organization that does not fit any of the categories above (specify type of organization)
Q13: Employment Position Before the Executive Branch Type of Variable: Nominal		Individual's position at the place of employment immediately before joining the executive branch

³ See additional information regarding this category in the Note at the end of this Appendix

Q14: Salary at the Former Place of Employment Before Joining the Executive Branch Type of Variable: Numerical		Salary earned at the place of employment immediately before joining the executive branch <i>Note:</i> in several instances, the average (instead of exact) salary was recorded in the database Apart from recording original salaries, the dataset includes adjusted salaries (CPI Year 2017)
Q15: Sector of Employment After the Executive Branch Type of Variable: Categorical		Sector of employment immediately after leaving the executive branch <i>Note:</i> If an individual used the revolving door several times (i.e., back and forth between federal service and other sectors), the sector of employment after leaving the executive branch for the final time was recorded in the database
	1. Academia 2. Executive Branch 3. Governmental 4. Nonprofit 5. Law/Consultancy Firm 6. Legislative Branch 7. Lobbying 8. Media 9. Private (excluding lobbying firms) 10. Political	1. Public and private institutions of higher education 2. Executive branch agencies <i>Note:</i> this category is used only if an individual currently works in an executive branch agency 3. Federal, state, and local agencies that are not part of the executive branch. Including, state agencies, state legislatures, military, the Judiciary, and local governments 4. Tax-exempt organization as defined by the IRS 5. Organization that defines itself as a law or consultancy firm and is not registered as a lobbying firm 6. House and Senate, including subcommittees. 7. Registered lobbying firms and other organizations conducting lobbying activities through registered lobbyists (i.e., individuals in database are registered as lobbyists) ⁴ 8. Public and private media outlets 9. For-profit organizations 10. Organizations with a political mandate not funded by the government. Including but not limited to political campaigns, national democratic committee, and republican national committee. 11. Retired

⁴ See additional information regarding this category in Note at the end of this Appendix

	11. Retired 12. Other	12. Organization that does not fit any of the categories above
Q16: Employment Position After the Executive Branch Type of Variable: Nominal		Individual's position at the place of employment immediately after leaving the executive branch
Q17: Salary at the Place of Employment After Leaving the Executive Branch Type of Variable: Numerical		Salary earned at the place of employment immediately after leaving the executive branch <i>Note:</i> in several instances the average (instead of exact) salaries were recorded in the database Apart from recording original salaries, the dataset includes adjusted salaries (CPI Year 2017)
Q18: Lobbying Registration Status Type of Variable: Categorical		Information on lobbying registration status (ex. was the individual registered as a lobbyist at some point in their professional career?) based on the Lobbying Disclosure Act Database <i>Note:</i> In addition to lobbying activities immediately before and immediately after the executive branch, this section identifies if an individual has been registered as a lobbyist at least once in his/her professional career. The lobbying registration status was retrieved from the Lobbying Disclosure Act Database. Opensecrets.org has been used as a secondary source of information
	1. Not registered 2. Registered before entering the executive branch 3. Registered after	1. The individual is not registered in the LDA database 2. The individual registered as a lobbyist in the LDA database any time before entering the executive branch 3. The individual registered as a lobbyist in the LDA database any time after leaving the executive branch

	leaving the executive branch 4. Registered both before and after the executive branch	4. The individual registered as a lobbyist in the LDA database both, before and after serving in the executive branch
Q19: Lobbied Topics/Areas Type of Variable: Categorical		Topics or area of interest an individual has lobbied for as reported in the LDA Database (Reports filed by the lobbying firm)
Q20: Lobbying Location Type of Variable: Categorical		Location in which the individual lobbied
	1. Washington, D.C. 2. Other State in US 3. International Location 4. N/A	1. Washington, D.C. 2. Other State in US 3. Outside the United States 4. No information about the lobbying location is available

NOTE: Additional Information regarding category “lobbying”

Employment sector before and employment sector after executive branch to be categorized as “lobbying” in the following cases:

1. If an individual is registered as a lobbyist in the LDA database while working at academia/nonprofit/private/media/other organization.
2. If an individual is registered as a lobbyist while working at law/consultancy/lobbying firm.
3. If law/consultancy/lobbying firm, where individual worked immediately before or immediately after executive branch, is registered in LDA database at least once, even if the individual is not registered.
4. Some specific examples of recording different categories:
 - Think tanks to be recorded as nonprofit category
 - Peace Corps to be recorded as governmental category
 - Deloitte, Ernst-Young, KPMG, PWC, and Accenture to be recorded as lobbying category
 - Trade and labor unions and Chamber of Commerce to be recorded as other category

- National Republican Congressional Committee, Democratic Congressional Campaign Committee, National Democratic Committee, and Republican National Committee to be recorded as political category.

Appendix 2. Gender Distribution of Lobbyists by Departments

Departments	Percentage of Females	Percentage of Males	Percentage of female population registered as lobbyist	Percentage of male population registered as lobbyist?	Percentage of females among registered lobbyists	Percentage of males among registered lobbyists
Department of Agriculture	32%	68%	7%	7%	32%	68%
Department of Commerce	37%	63%	14%	20%	28%	72%
Department of Defense	29%	71%	1%	2%	18%	82%
Department of Education	57%	43%	3%	3%	54%	46%
Department of Energy	29%	71%	11%	9%	33%	67%
Department of Health and Human Services	49%	51%	9%	16%	36%	64%
Department of Homeland Security	35%	65%	11%	10%	37%	63%
Department of Housing and Urban Development	45%	54%	4%	12%	25%	75%
Department of Interior	41%	59%	8%	11%	32%	68%
Department of Justice	28%	72%	1%	2%	21%	79%
Department of Labor	45%	55%	3%	4%	46%	54%
Department of State	36%	64%	6%	6%	37%	63%
Department of Transportation	37%	63%	11%	21%	24%	76%
Department of the Treasury	34%	65%	12%	14%	28%	72%
Department of Veterans Affairs	29%	71%	14%	13%	28%	72%
Environmental Protection Agency	41%	59%	16%	11%	44%	48%
Executive Office of the President	39%	61%	25%	32%	34%	66%
Federal Communications Commission	32%	68%	1%	2%	17%	83%
The White House	40%	60%	14%	23%	29%	71%

Appendix 3. List of Government Consultancy Organizations

Organization	Registration Status of the Organization	Number of Employees Before	Number of Employees After	Number of Registered Lobbyists Among Employees
Accenture	Registered	3	8	1
Avascent	Not Registered	0	1	0
A.T. Kearney	Not Registered	0	2	0
BAE Systems	Registered	5	7	0
Bearing Point	Not Registered	2	0	0
Booz Allen Hamilton	Not Registered	16	23	1
The Cadmus Group	Not Registered	0	1	0
Capgemini	Not Registered	0	2	0
CGI	Not Registered	0	1	0
Deloitte	Registered	4	33	3
IBM	Registered	7	12	2
ICF International	Not Registered	3	3	0
KPMG	Registered	3	5	0
Maximus	Registered	1	1	1
Obsidian	Not Registered	0	1	0
SRA International (CSRA)	Registered	2	4	2
Total		46	104	10

Appendix 4. List of Top Organizations of Employment Before and After Federal Service

BEFORE	
Organization	Number of employees
Obama for America	160
Bush Cheney	45
Republican National Committee	33
Democratic National Committee	25
Harvard University	20
Center for American Progress	18
Booz Allen Hamilton	16
Covington and Burling	15
Georgetown University	15
George Washington University	14
The Brookings Institution	14
Goldman Sachs	13
PWC	12
HillPac and other campaigns	11
WilmerHale	11
O'Melveny & Myers	11
Hogan and Hartson	11
Center for Strategic and International Studies	10
Stanford University	10
Arnold and Porter	10
RAND corporation	10
Center on Budget and Policy Priorities	10
Council on Foreign Relations	9
Latham and Watkins	9
International Republican Institute	8
Kirkland & Ellis	8
Sidley Austin	8
Skadden Arps	8

AFTER	
Organization	Number of employees
Georgetown University	37
Harvard University	34
Deloitte	33
Booz Allen Hamilton	23
George Washington University	20
Stanford	19
Covington & Burling	17
Council on Foreign Relations	15
WilmerHale	15
Center for Strategic and International Studies	14
Google	14
JP Morgan	14
Raytheon	12
IBM	12
The Atlantic Council	12
Jenner & Block	12
PricewaterhouseCoopers	12
John Hopkins University	12
Obama Foundation	11
Aspen Institute	11
Jones Day	11
The Brookings Institution	11
Akin Gump	11
The Glover Park	10
RAND Corporation	10
Lockheed Martin	10
Center for American Progress	10
Latham & Watkins	10

McKinsey & Company	8
Burson Marsteller	7
The Heritage Foundation	7
Yale University	7
IBM	7
Wiley Rein	6
World Bank	6
Hogan Lovells	6
Truman National Security Project	6
UN Agencies	6
Gibson, Dunn & Crutcher LLP	6
Lockheed Martin	6
Baker & Botts	5
Aspen Institute	5
Jones Day	5
Citigroup	5
Mayer Brown	5
George Mason University	5
Davis Polk	5
American Enterprise Institute	5
BAE Systems	5
Paul Weiss, Rifkin, Wharton & Garrison	5
Alston & Bird LLP	5
The University of Texas	5
Alston & Bird	5
American Red Cross	5
Microsoft	5

Republican National Committee	9
Boeing	9
Yale University	9
Red Cross	9
Goldman Sachs	8
Open Society Foundations	8
Northrop Grumman	8
Burson-Marsteller	8
McKinsey & Company	8
Accenture	8
George Mason University	8
Princeton University	8
King & Spalding	8
BlackRock	8
Kirkland & Ellis	7
O'Melveny & Myers LLP	7
BAE Systems	7
Hunton & Williams	7
Sidley Austin	7
Ernst & Young	7
Hoover Institution	7
PepsiCo	6
The Boston Consulting Group	6
Venable LLP	6
Baker Botts	6
Quinn Emanuel	6
Hogan Lovells	6

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