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Ethics Reform 2.0 – Expanding Ethics Coverage in the Next Administration

The next president should build on President Obama’s groundbreaking Executive Order on Ethics Commitments by Executive Branch Personnel (EO) by going even further in curbing undue influence. That means going beyond the current limitations on registered lobbyists to cover *anyone* with a financial conflict of interest, closing loopholes and adopting a single standard that will apply to lobbyists for moneyed interests, those who secretly advise them and the people they work for – all those who might affect public policy for private gain.

By expanding beyond lobbyists to all persons with conflicts of interest, the next president can address the problem of “shadow” Washington influencers while ending incentives to deregister under the Lobbying Disclosure Act (LDA) and increasing public accountability for all insiders. Those with no conflicts of interest should not, of course, be barred from government service.

For senior government appointees – including taking into account the interests of their former employers, partners and clients from the prior 2 years – an Ethics Order 2.0 would:

- Cover all persons entering government who have a conflict of interest in the outcome of federal policy decisions – The new EO should cover not just lobbyists but all those who affect public policy for private gain, including public relations consultants and those who hire them. The EO should also cover all issues on which an incoming appointee’s financial interests, and those of his or her former employers, partners, clients and household conflict with the appointee’s official duties. This builds on the successful approach adopted by President Obama concerning applications for Recovery Act funds.
- Further expand the ongoing “reverse revolving door” guidelines – Senior-level appointees who would frequently face financial conflicts of interest in performing their official duties and thus would be required to recuse themselves so frequently as to significantly impair the performance of their duties should not be given such jobs.
- Add a “golden parachute” restriction on those entering and leaving government – The new EO should prohibit employment of those who receive bonuses, compensation packages, or other gifts because of seeking or accepting government employment. And it should prevent officials at the end of their government tenure from accepting positions when they have used their public office to directly and substantially benefit their new employers, partners or clients. This restriction would apply during the two years after officials leave government.
- Expand disclosure of financial conflicts of interest involving presidential appointees – The next president should require broader disclosure related to conflicts of interest and of measures adopted under the EO to manage such conflicts.
- Protect public service – Those without financial conflicts and with skills and experience in serving the public good will be encouraged to serve our government through the application of these rules and the increased use of waivers in the public interest.

Finally, the next president should issue Ethics Order 2.0 as a first order of business and assign a person to oversee its implementation.