



Highlights of [GAO-10-766](#), a report to congressional requesters

Why GAO Did This Study

Congress has enacted laws to safeguard against former federal employees, including former trade officials, from using their access to influence government officials. These former officials' post-employment activities are restricted by a federal conflict of interest law, known as the "Revolving Door" law. Two other laws—the Foreign Agents Registration Act (FARA) and the Lobbying Disclosure Act (LDA)—are disclosure statutes that do not prohibit any activities per se, but require individuals conducting certain representation activities to publicly disclose them. FARA and LDA are not specific to former federal officials; they apply to all individuals.

GAO was asked to provide a summary of the Revolving Door law, FARA, and LDA. GAO reviewed these laws, as well as guidance from the Office of Government Ethics (OGE). GAO interviewed ethics officials at three agencies whose missions focus on trade—the United States Trade Representative (USTR), the International Trade Administration (ITA), and the International Trade Commission (USITC)—and collected data on the number of senior officials who separated from these agencies from 2004 through 2009. In addition, GAO interviewed Department of Justice (Justice) officials concerning enforcement of these laws. GAO makes no recommendations in this report.

[View GAO-10-766](#) or [key components](#). For more information, contact Loren Yager at (202) 512-4347 or yagerl@gao.gov.

FORMER FEDERAL TRADE OFFICIALS

Laws on Post-Employment Activities, Foreign Representation, and Lobbying

What GAO Found

Post-employment restrictions in the Revolving Door law, codified at 18 U.S.C. § 207, prohibit some federal employees from engaging in certain activities, such as communicating with their former agency with the intent to influence government action, for a specified period of time after leaving federal service. The restrictions include a ban, for 1 year, on all former senior and very senior employees of federal agencies from representing, aiding, or advising a foreign government or political party with the intent to influence a government official, including the President, Vice President, and members of Congress. Level of pay and certain designated positions are used to categorize employees as "senior" or "very senior." A life-time ban on representing or advising foreign entities in this capacity applies to former U.S. Trade Representatives and Deputy Trade Representatives. In addition, all former federal employees who participated personally and substantially in an ongoing treaty negotiation are prohibited for 1 year from aiding any other person in that negotiation, if the employee had access to certain nonpublic information. Ethics officials at USTR, ITA, and USITC reported that they counsel current, as well as former, employees on post-employment restrictions. Justice officials said they viewed the Revolving Door law as being more useful as a preventative measure rather than a tool for prosecution; they believed that guidance from agency ethics officials deterred most violations.

In contrast to post-employment restrictions specific to former government officials, FARA and LDA are disclosure laws that require all individuals, unless exempt, to publicly disclose certain foreign representation or lobbying activity. Individuals who act as agents of foreign governments or foreign political parties must register with Justice's Registration Unit. Individuals who conduct a certain amount of lobbying must register with the Secretary of the Senate and the Clerk of the House of Representatives. Both FARA and LDA disclosure information is publicly available.

Comparison of the Revolving Door, FARA, and LDA Laws

	Revolving Door	FARA	LDA
Individuals affected	Federal executive branch employees as well as certain restrictions for members of Congress, their staff, and legislative branch employees.	All individuals acting, in the United States, as agents of foreign principals.	All individuals working as lobbyists a certain percentage of the time.
Purpose	Conflict of interest law that prohibits certain activities with the intent to influence government action for various periods of time once the employee leaves federal employment.	Disclosure law that requires registration with Justice's Registration Unit. Foreign agents' registration records publicly available.	Disclosure law that requires registration with the Secretary of the Senate and the Clerk of the House of Representatives. Lobbyists' registration records publicly available.

Source: GAO analysis of Revolving Door, FARA, and LDA.

Note: Further Revolving Door limitations are placed on procurement personnel. Exemptions exist for Revolving Door, FARA, and LDA.