

## CLIENT ALERT

### Is the Revolving Door Sticking?

Jan.17.2018

Summary: In a late-breaking amendment to the [National Defense Authorization Act](#), Congress adopted the Senate's amendment and included Section 1045, "Prohibition on Lobbying Activities With Respect to the Department of Defense by Certain Officers of the Armed Forces and Civilian Employees of the Department Within Two Years of Separation from Military Service or Employment with the Department" in the Act. There will now be a two-year preclusion on "engaging in any lobbying activity with respect to the Department of Defense" for retiring O-9 officers (three-star general officers) and above and their civilian counterparts (SES Tier III and above) and a 1-year preclusion on retiring O-7 and O-7 officers (one- and two-star officers) and their civilian counterparts (SES Tier I and II).

The restrictions apply to "[l]obbying contacts and other lobbying activities with covered executive branch officials with respect to the Department of Defense." The new restrictions apply to lobbying the President, Vice President, their former colleagues at O-7 or above/SES Tier I and above, and certain other influential or policymaking individuals with respect to DoD laws, rules, and regulations as well as to supporting others behind the scenes in their lobbying efforts. There is a broad list of exceptions in the [Lobbying Disclosure Act](#) that would permit certain activities; but contractors would be well advised to offer training to their newly separated Department of Defense senior officials and assistance with determining what activities are permissible and impermissible.

When developing training, contractors should draw a distinction between acceptable behind the scenes work that does not involve representation back to the official's former agency, and impermissible behind-the-scenes activity that could be considered lobbying. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

**Peter Eyre**

Partner – Washington, D.C.

Phone: +1 202.624.2807

Email: [peyre@crowell.com](mailto:peyre@crowell.com)

**Laura J. Mitchell Baker**

Counsel – Washington, D.C.

Phone: +1 202.624.2581

Email: [lbaker@crowell.com](mailto:lbaker@crowell.com)