

A WORD ABOUT ETHICS

POST-EMPLOYMENT RESTRICTIONS

Are there restrictions on a former employee after leaving Federal service?

- Yes. A former employee may not represent anyone before a Federal agency or Federal court regarding:
 - any specific-party matter on which the employee worked or
 - for two years after leaving the Government, any specific-party matter on which a subordinate worked.

Are these the only restrictions?

- No. A former employee also may not:
 - use protected nonpublic information,
 - receive payment for representational activities of others that took place during the period the former employee worked for the Government, and
 - testify on matters related to the former employee's Government work.

What is a "specific-party matter"?

- Any matter in which those involved are identified by name, such as a contract, grant, patent, license, or law suit.

What is "representing"?

- Communicating to a Federal official to influence Government action on behalf of someone other than one's self.

Are there any additional restrictions that apply to some (but not all) employees?

- Yes. In addition to the general restrictions on all employees:
 - *senior employees* (employees with base pay of \$153,105 or more per year) are barred for one year, or two years if a political appointee, from representing anyone before their former agency and for one year from representing or advising a foreign government;
 - *political appointees* are also barred from lobbying any political appointee during the remainder of the President's term;
 - *attorneys* are subject to bar rules;
 - *employees who received buy-outs* are subject to a 5-year bar on re-employment;
 - *procurement officials and project managers* are barred for one year from receiving payments from some contractors of a major procurement (\$10,000,000 or more);
 - *EDA employees* are barred for two years from working for some grantees; and
 - *USPTO employees* are barred for one year from obtaining patent rights.

How may one obtain more information?

- By contacting the Ethics Law and Programs Division at 202-482-5384.

UNITED STATES DEPARTMENT OF COMMERCE
Ethics Law and Programs Division, Office of the Assistant General Counsel
for Administration, U.S. Department of Commerce – www.ogc.doc.gov/ethics.html
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