



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

October 5, 2004

DO-04-031

MEMORANDUM

TO: Designated Agency Ethics Officials, General Counsels
and Inspectors General

FROM: Marilyn L. Glynn
Acting Director

SUBJECT: Office of Legal Counsel Opinion on 18 U.S.C. § 207(f)

Attached is an opinion, issued by the Office of Legal Counsel (OLC), Department of Justice, to the Office of Government Ethics (OGE), on the question of whether 18 U.S.C. § 207(f) covers post-employment contacts with Members of Congress. [Memorandum of Renée Lettow Lerner, Deputy Assistant Attorney General, for Marilyn L. Glynn, Acting Director, Office of Government Ethics, June 22, 2004.](#) The OLC opinion concludes that section 207(f) does cover representational contacts with Members of Congress.

Section 207(f)(1)(A) imposes a one-year restriction, applicable to former senior and very senior employees, on representing a foreign government or political party before any officer or employee of a department or agency.¹ Because Members of Congress are not usually considered part of a "department or agency," OGE asked OLC whether this restriction covered representational contacts before Members of Congress. OLC determined, largely on the basis of a definition of "officer or employee" applicable only to section 207(f), that this restriction applies to representation before Members of Congress. See 18 U.S.C. § 207(i)(1)(B) ("the term 'officer or employee', when used to describe the person to whom a

¹Another provision in section 207(f) imposes a one-year ban on aiding or advising a foreign government or political party with the intent to influence a decision of an officer or employee of a department or agency. 18 U.S.C. § 207(f)(1)(B).

communication is made or before whom an appearance is made, with the intent to influence shall include-- . . . in subsection (f), . . . Members of Congress"). The opinion recognizes that the reach of section 207(f) thus is broader than other provisions in section 207, which do not prohibit former executive branch employees from making representational contacts with Members of Congress.

For further guidance concerning section 207(f), see DAEOgram DO-04-023, "Summary of Post-Employment restrictions of 18 U.S.C. § 207," July 29, 2004, available at <http://www.usoge.gov/pages/daeograms/2004daeolist.html>.

[Attachment](#)