

A WORD ABOUT ETHICS

CONTACTING THE FEDERAL GOVERNMENT ON BEHALF OF OTHERS

Are Federal employees restricted from dealing with the U.S. Government?

○ Yes. Employees may not represent anyone (other than themselves) before a Federal agency or Federal court. This bars most contacts made with the intent to influence the U.S. Government (including serving as an expert witness). Employees also may not receive payments based on representational activities of others before a Federal agency or Federal court (such as from partnership distributions if in a partnership). Employees may, however, lobby Congress.

Are there exceptions to these restrictions?

○ Yes; an employee may represent:

- another employee in a personnel dispute (if not paid and if not in conflict with the employee's Federal duties);
- a spouse, parent, child, estate, or trust (if the employee receives prior approval through the Ethics Law and Programs Division); or
- a Federal employee organization (in some circumstances, as noted below).

When is an employee barred from representing an employee organization before a Federal agency or court?

○ An employee may not represent an organization composed primarily of other Federal employees (or their family members):

- in a claim against the Government,
- in a proceeding,
- if the matter at issue involves financial payments from the Government (such as a contract or grant), or
- if the employee receives payment for the representational activities.

Are there any special rules for limited service employees?

○ Yes. Special Government employees (employees who serve for less than 130 days in a 365-day cycle) are only barred from contacting the Government on specific-party matters that:

- are before the Department (if the employee served for more than 60 days)

or

- on which the employee worked personally as part of the employee's Government duties.

UNITED STATES DEPARTMENT OF COMMERCE
Ethics Law and Programs Division, Office of the Assistant General Counsel
for Administration – www.ogc.doc.gov/ethics.html
202-482-5384 – ethicsdivision@doc.gov – January 2, 2009