

A WORD ABOUT ETHICS

POST-EMPLOYMENT RESTRICTIONS ON SENIOR EMPLOYEES

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

- Yes. A former employee is barred from representing others before a Federal agency or Federal court regarding:
 - any matter involving specific, identified parties (such as a contract or grant) on which he or she worked and
 - for two years after leaving the Government, any specific-party matter under his or her official responsibility during the last year of service (such as a matter on which a subordinate worked).

Are there additional rules that apply to “senior” employees?

- Yes. A former senior employee (with an annual base pay of \$148,953 or more) is barred for 1 year from:
 - representing anyone before his or her former agency and
 - advising a foreign government (or representing a foreign government before any Branch of the U.S. Government)

What is “representing”?

- Any contact with a Federal official on behalf of someone else to influence Government action is “representing.”

In Commerce, what is considered a senior employee’s “agency”?

- For a Senate-confirmed Presidential appointee, the agency is the entire Department; for other senior employees the agency is the Office of the Secretary, OIG, and ESA (other than Census) or the employee’s operating unit (BIS, Census, EDA, MBDA, NIST, NOAA, NTIA, NTIS, ITA, or USPTO).

Are there any additional restrictions on former senior employees?

- Yes. A former employee is restricted from using nonpublic information, receiving payments for representational activities of others during the period of the former employee’s Federal service (such as through a partnership distribution), and testifying related to the former employee’s Government work. Furthermore, there are additional restrictions that apply to: attorneys (under state bar rules), employees who receive a buy-out, procurement officials, EDA employees (regarding working for a grantee), and USPTO employees (regarding obtaining a patent).

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