



Key Elements for 18 U.S.C. § 207(a)(1) and (a)(2)*
Restrictions on Former Officers and Employees

Permanent Ban (a)(1)	2-Year Ban (a)(2)
Knowingly Make Appearance or Communication Intent to Influence To or Before an Employee On Behalf of Any Other Person U.S. is a Party or Has a Direct and Substantial Interest Particular Matter Involving Specific Parties Same Particular Matter	
Where Participated Personally and Substantially	Pending Under Official Responsibility During Last Year of Government Service

Key Elements for 18 U.S.C. § 207(c)*
Restrictions on Certain Senior Personnel

1-Year Ban
Knowingly Make Appearance or Communication Intent to Influence To or Before an Employee of Former Agency Where Served Within One Year of Leaving Senior Service On Behalf of Any Other Person In Connection with Any Matter Where Seeking Official Action

* This is only a summary. When giving advice, always consult the complete set of laws, rules, and opinions that apply to the particular situation.

14 General Principles

5 C.F.R. § 2635.101(b)

Principles of Ethical Conduct

The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

1 Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

2 Employees shall not hold financial interests that conflict with the conscientious performance of duty.

3 Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

4 An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

5 Employees shall put forth honest effort in the performance of their duties.

6 Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

7 Employees shall not use public office for private gain.

8 Employees shall act impartially and not give preferential treatment to any private organization or individual.

9 Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

10 Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

11 Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

12 Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.

13 Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

14 Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

U.S. Office of Government Ethics
www.usoge.gov



The principles of ethical conduct were issued by George H. W. Bush, in Executive Order 12674, as amended by Executive Order 12731. The principles were subsequently issued in the *Standards of Ethical Conduct for Employees of the Executive Branch* at 5 C.F.R. § 2635.101(b). Each executive branch agency has a Designated Agency Ethics Officer responsible for oversight of the agency's ethics program.

14 General Principles

18 U.S.C. § 207 Exceptions and Waivers: A Quick Reference Guide*

Official Government Duties

A former employee is not restricted by any of the substantive provisions of § 207 from engaging in post-employment activities performed in carrying out official duties on behalf of the U.S. This exception also extends to activities undertaken in carrying out official duties as an elected official of a state or local Government.

State and Local Government and Institutions, Hospitals, and Organizations

A former senior or very senior employee will not violate § 207(c) or (d) if his communication or appearance is made in carrying out official duties as an employee of and is made on behalf of (1) an agency or instrumentality of a State or local Government, (2) an accredited degree-granting institution of higher education as defined in § 101 of the Higher Education Act of 1965, as amended (20 U.S.C. § 1001), or (3) a hospital or medical research organization exempted and defined under § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)).

International Organizations

A former employee is not restricted by any of the substantive provisions of § 207 from representing, aiding, or advising an international organization in which the U.S. participates, if the Secretary of State certifies in advance that such activity is in the interest of the U.S.

Special Knowledge

A former senior or very senior employee will not violate § 207(c) or (d) if he makes a statement that is based on his own special knowledge in the particular area that is the subject of the statement, provided that he receives no compensation for making the statement.

Scientific or Technological Information

A former employee will not violate §§ 207(a)(1), (a)(2), (c), or (d), if he makes a communication solely for the purpose of furnishing scientific or technological information in accordance with procedures acceptable to the agency involved. Alternatively, a former employee may make a communication if the head of the agency concerned publishes a certification in the *Federal Register* stating that the former employee has outstanding qualifications in a scientific, technological, or other technical discipline, that he is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the former employee's participation.

Testimony

A former employee is not restricted by any of the substantive restrictions of § 207 from giving testimony under oath or from making statements required to be made under penalty of perjury, subject to a special rule with respect to expert opinion testimony. Unless expert opinion

testimony is given pursuant to court order, a former employee may not provide such testimony on a matter on behalf of any other person except the U.S. (or the Congress) if he is subject to the lifetime prohibition contained in § 207(a)(1) relating to that matter.

Political Parties and Campaign Committees

A former senior or very senior employee will not violate § 207(c) or (d) if his communication or appearance is on behalf of a candidate for Federal or State office or an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

Presidential Waiver

A former employee is not restricted by any of the substantive restrictions of § 207 if granted 1 of 25 Presidential waivers in connection with his reemployment at a Government-owned, contractor operated entity.

OGE Director Waiver

A former employee is not restricted by 207(c) if the Director waived the employee's position before the employee entered the position.

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18 U.S.C. § 207 Exception and Waiver Applicability

Exception/Waiver	(a)(1)	(a)(2)	(b)	(c)	(d)	(f)	(l)
Official Government Duties § 207(j)(1)	X	X	X	X	X	X	X
State and Local Government and Institutions, Hospitals, and Organizations § 207(j)(2)				X	X		
International Organizations § 207(j)(3)	X	X	X	X	X	X	X
Special Knowledge § 207(j)(4)				X	X		
Scientific or Technological Information § 207(j)(5)	X	X		X	X		
Testimony § 207(j)(6)	X	X	X	X	X	X	X
Political Parties and Campaign Committees § 207(j)(7)				X	X		
Presidential Waiver § 207(k)	X	X	X	X	X	X	X
OGE Waiver § 207(c)(2)(C)				X		X	

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