

There are a few limited exceptions to some of these restrictions, which may include representation of State or local governments, universities, hospitals, medical research, or international organizations; use of special knowledge or information of a scientific or technological nature; and testimony under oath. Of particular interest to former political appointees is an exception allowing former senior and very senior employees to make representational contacts on behalf of a candidate for Federal or State office, or on behalf of national and campaign committees or a political party.

### The Ethics Pledge

Executive Order 12834  
January 20, 1993

If you have served in the Clinton Administration as a **senior appointee**, you are subject to a contractual ethics pledge, enforceable through agency debarment proceedings or civil action by the Attorney General. With certain exceptions, senior appointees are full-time, noncareer employees in the executive branch, appointed by the President, Vice President, or an agency head, and paid at an Executive Schedule rate or equivalent. However, employees below SES level 5 are not subject to the pledge.

Some of the restrictions in the criminal law discussed above become more restrictive under the pledge. By its terms, if you are a former senior appointee:

- ◆ You are barred for five years from lobbying any employee of your former agency. “Lobbying” is defined in the Executive order, and is similar to the term “representational contacts” used above.
- ◆ If you have served as a senior appointee in the Executive Office of the President, the five-year ban also extends to any other agency for which you have had personal and substantial responsibility as a senior appointee.
- ◆ You may be barred permanently from activity on behalf of any foreign government or foreign political party that would require you to register under the Foreign Agents Registration Act.

The pledge provides a few exceptions to the definition of “lobbying,” similar to the exceptions in the post-employment law. Also, there is an exception for some communications in connection with judicial or administrative proceedings, and law enforcement inquiries and investigations.

### Additional Restrictions

Other restrictions may apply to you, depending on your current duties and your future employment. If you will be working for a firm that has represented clients before either the executive branch or any court where the United States had an interest, another criminal law (18 U.S.C. § 203) prohibits you from sharing in the profits earned by the firm for those matters. The restriction applies if the firm’s work before the Government occurred while you were employed by the Government. If you worked in procurement or contract administration, you may not be able to receive compensation from certain contractors. Some agencies also have special laws and regulations with post-employment provisions that may apply to you. If you are an attorney or other licensed professional, you should consult your local bar rules or similar professional code for any special restrictions on employment following Government service.

### Conclusion

This summary is only a starting point. Depending on which provisions apply, you will want to examine the primary sources in more depth and discuss them with your agency’s ethics official.

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## Understanding the Revolving Door



# Understanding the Revolving Door

If you are planning to leave the current Presidential Administration and return to private employment, you will want to know how the Federal ethics laws may affect you, both while you are looking for a job and after you have left the Government. This discussion is intended to alert you generally about the restrictions that apply in those situations. For more complete and specific advice, you should consult your agency's ethics official, as early as possible.

## Phase I: Looking for a Job

Your first focus should be on issues raised by the process of seeking future employment while still working in the executive branch. Under a criminal law on conflict of interest (18 U.S.C. § 208), generally you cannot work in your Government job on a matter that would affect the financial interest of someone with whom you are discussing possible employment. The Standards of Ethical Conduct for Executive Branch Employees (5 C.F.R. part 2635) have a similar rule that applies even before employment discussions begin, and may apply even when you have just

sent a resume. Participation in some procurement matters can subject you to special additional requirements relating to private employment contacts.

You must also be careful not to misuse Government resources (such as official time, the services of other employees, equipment, supplies, and restricted information) in connection with job-seeking. After you have accepted a job outside the Government, you must continue to refrain from working on matters in your Government job that would affect the financial interest of your prospective employer.

Finally, while you are still looking for employment, you will want to familiarize yourself with the restrictions discussed below that will apply to your future employment activities, as they may affect the focus of your job search.

## Phase II: Limitations on Employment After Government Service

The following brief overview highlights the limitations on your employment activities after you leave executive branch service. Your agency's ethics official is available to provide more specific advice on these "post-employment" restrictions, both before and after you terminate Government employment.

## 18 U.S.C. § 207

Some parts of this criminal law apply to all former executive branch employees, while others restrict only former senior officials or those with specified duties:

- ◆ If you have served as a **senior employee** during your last year of Government service, you are restricted for one year from trying to influence your former agency on anything, by communications or appearances on behalf of someone other than yourself or the United States. Senior employees include people serving at Levels II-V of the Executive Schedule, those paid above the rate for level 4 of the SES, military officers above O-6, and some White House appointees. Generally, unless your agency has separate components for post-employment purposes, this restriction on making representational contacts extends to contacting all of your former agency.
- ◆ If you have served as a **very senior employee**, you are subject to a one-year ban similar to that described above. You are also restricted from making representational contacts for one year with any Executive Schedule employee serving in any agency. Very senior employees include people serving at Level I of the Executive Schedule, those at Level II of the

Executive Schedule serving in the Executive Office of the President, and certain other White House appointees.

- ◆ Former senior and very senior employees are also subject to a one-year ban on assisting a foreign government or foreign political party, with an intent to influence any executive branch employee.
- ◆ In addition, you, along with all executive branch employees, are barred permanently from representational contacts with the entire executive branch and all Federal courts, on a matter which has parties (such as a contract, grant, or lawsuit), if you have worked on that matter while a Government employee. If you have merely supervised others who worked on that matter during your last year of service, you are restricted from making representational contacts for only two years.
- ◆ If you have worked on certain trade or treaty negotiations during your final year of Government service and have had access to certain restricted information, you also are barred for one year from assisting anyone other than the United States concerning those negotiations, on the basis of the restricted information.

