

Office of Government Ethics

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**Letter to a Former Federal Employee
dated November 20, 2003**

This is in response to your letter of October 31, 2003, in which you asked whether you may market a series of booklets you have authored to your former employer, [an agency], and to other Federal agencies. A member of my staff spoke with you by telephone on November 14, 2003, to clarify your request and provide some background on post-employment restrictions. As a result of that conversation, our understanding is that you are going to engage in this activity solely on your own behalf and that you will not be forming a corporation or partnership for this purpose. Based on these facts, the post-employment restrictions do not bar your proposed activity.

In response to a question your letter specifically posed, I can reassure you that there is no general two-year ban either on all interaction with [your former agency] or on working for private employers that conduct business with [your former agency]. The primary source of post-employment restrictions applicable to former employees of the executive branch is 18 U.S.C. § 207. The statute contains a number of restrictions that apply to former employees, but some of the restrictions apply only to employees at certain grade levels or who participated in certain types of activities.

With certain exceptions not applicable here, the coverage of this statute is limited to representational activities before the Federal Government in which an individual seeks to influence the Government on behalf of another person. In no event does the statute cover an individual who interacts with the Government on his or her own behalf, as in the case of your plan to market written products you have created. (It may, however, cover an individual who has formed a corporation or a partnership if the individual represents the corporation or partnership.)

Even the restrictions on representing other persons have limitations. Some representational activities are permitted immediately upon termination of employment, and some are permitted after a period of time. Among other factors, for example, the analysis often requires consideration of the individual's involvement, in the course of the former Federal employment, to a

particular matter presently at issue in the representational activity. However, as stated above, the various restrictions are inapplicable because you have indicated that you will be acting on your own behalf.

For additional discussion of the restrictions of 18 U.S.C. § 207, you may wish to review a summary OGE has posted on its internet site, which can be accessed at the following address: http://www.usoge.gov/pages/forms_pubs_otherdocs/fpo_files/legal/lglsum207_00.pdf. Also, the earlier telephone conversation seemed to suggest that you might not be familiar with your former employer's ethics office, which is headed at the departmental level by the Designated Agency Ethics Official. That office can provide additional assistance or information specifically focused on your prior employment with the [agency].

Sincerely,

Marilyn L. Glynn
General Counsel