

Substantive Post-Employment Prohibitions Applicable to Executive Branch Employees*

18 U.S.C. § 207

| Section | Employees | Length of Restriction | Brief Summary |
|-----------|---|---|---|
| 207(a)(1) | All grades and ranks (except enlisted military) | Permanent | No former employee may knowingly make, with the intent to influence, any communication to or appearance before an employee of the U.S. on behalf of any other person (except the U.S.) in connection with a particular matter involving a specific party or parties, in which he participated personally and substantially as an employee, and in which the U.S. is a party or has a direct and substantial interest. |
| 207(a)(2) | All grades and ranks (except enlisted military) | 2 years after Government service terminates | No former employee may knowingly make, with the intent to influence, any communication to or appearance before an employee of the U.S. on behalf of any other person (except the U.S.) in connection with a particular matter involving a specific party or parties, in which the U.S. is a party or has a direct and substantial interest, and which such person knows or reasonably should know was actually pending under his official responsibility within the one-year period prior to the termination of his employment with the U.S. |
| 207(b) | All grades and ranks (except enlisted military) | 1 year after Government service terminates | No former employee may knowingly represent, aid, or advise on the basis of covered information, any other person (except the U.S.) concerning any ongoing trade or treaty negotiation in which, during his last year of Government service, he participated personally and substantially as an employee. |
| 207(c)** | “Senior” | 1 year after service in a “senior” position terminates | No former “senior” employee may knowingly make, with the intent to influence, any communication to or appearance before an employee of a department or agency in which he served in any capacity during the one-year period prior to termination from “senior” service, if that communication or appearance is made on behalf of any other person (except the U.S.), in connection with any matter concerning which he seeks official action by that employee. |
| 207(d) | “Very Senior” | 2 years after service in a “very senior” position terminates | No former “very senior” employee may knowingly make, with the intent to influence, any communication to or appearance before any individual appointed to an Executive Schedule position or before any employee of a department or agency in which he served as a “very senior” employee during the two-year period prior to termination from Government service, if that communication or appearance is made on behalf of any other person (except the U.S.), in connection with any matter concerning which he seeks official action by that individual or employee. |
| 207(f)** | “Senior” “Very Senior” | 1 year after service in a “senior” or “very senior” position terminates | No former “senior” employee or former “very senior” employee may knowingly, with the intent to influence a decision of an employee of a department or agency of the U.S. in carrying out his official duties, represent a foreign entity before any department or agency of the U.S. or aid or advise a foreign entity. |

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

** Application of these provisions to SGEs is limited.

18 U.S.C. § 207 Applicability

| Employees | (a)(1) | (a)(2) | (b) | (c) | (d) | (f) | (l) |
|---|---------------|---------------|------------|------------|------------|------------|------------|
| All grades and ranks (except enlisted military) | X | X | X | | | | |
| “Senior” | X | X | X | X | | X | X* |
| “Very Senior” | X | X | X | | X | X | |

* Applies to private sector assignees only.

“Senior” Employee

Any individual employed in a position for which the rate of pay is specified in or fixed according to 5 U.S.C. §§ 5311-5318, except § 5312

Any individual whose rate of basic pay is equal to or greater than 86.5 percent of the rate for level II of the Executive Schedule

O-7 or above active duty commissioned officer

Appointed by the President to a position under 3 U.S.C. § 105(a)(2)(B)

Appointed by the Vice President to a position under 3 U.S.C. § 106(a)(1)(B)

Assigned from private sector organization to an agency under the Information Technology Exchange Program, 5 U.S.C. chapter 37 (private sector assignees)

“Very Senior” Employee

The Vice President

Executive Level I employees listed in 5 U.S.C. § 5312 or any individual employed in a position at the **exact** rate of pay payable for level I of the Executive Schedule

Employed in the Executive Office of the President and paid at Executive Level II

Appointed by the President to a position under 3 U.S.C. § 105(a)(2)(A)

Appointed by the Vice President to a position under 3 U.S.C. § 106(a)(1)(A)