

Office of Government Ethics

83 x 7 -- 04/25/83

Letter to a Former Employee dated April 25, 1983

This is in response to your written inquiry of March 29, 1983 and the subsequent telephone conversation that we had on the same subject.

You have asked whether or not the Office of Government Ethics agrees with your interpretation of 18 U.S.C. § 207(c) as it may apply to you in certain proposed legislative activities that you might undertake in the future.

The salient facts are that you are presently subject to the one-year "cooling-off" period set forth in 18 U.S.C. § 207(c) because you were [a Senior Employee at an agency] until January 11, 1983 when you resigned. After January 11, 1984, those post-employment restrictions of section 207(c) will no longer apply. While you were employed at the [agency] you participated personally and substantially in the [agency's] efforts "to draft proposed legislation that would substantially modify [a certain] licensing process." (Your description in the March 29, 1983 letter.) The [agency] has now submitted that proposed legislation for consideration by the United States Senate and the House of Representatives.

Your understanding is correct that under 18 U.S.C. § 207(c) you could represent private clients on the licensing reform legislation before members of Congress and their staffs. You could not contact, with the intent to influence, members or employees of [your former agency] on that legislation whether at the [agency], in the halls of Congress or elsewhere.

You are also correct that, while you could meet with Congressmen and Congressional staff members to discuss the legislation, you could not participate in a negotiating session on Capitol Hill in which [agency] representatives were present.

You did not give me sufficient information to form an opinion whether the proposed legislation described above is a "particular matter involving a specific party or parties." See, e.g., 18 U.S.C. § 207(a)(2); 5 C.F.R. § 737.5(c). Typically, proposed legislation does not involve "specific parties" within the

meaning of 18 U.S.C. § 207(a) and (b)(i) and the regulations thereunder. If that were true here, there would be no lifetime or two-year ban involved in going back before the executive branch on this proposed legislation. However, if your legislation is akin to a private relief bill it may involve "specific parties." You should make the further analysis of whether 18 U.S.C. § 207(a) and (b) apply to this particular [agency] licensing process legislation. If they do, then you do have further post-employment restrictions on you which would last beyond January 11, 1984. Most importantly, you would have a lifetime ban on coming back before the [agency] or any other executive branch agency under 18 U.S.C. § 207(a). This discussion, of course, does not cover the applicable bar rules which are outside of our jurisdiction.

Sincerely,

David R. Scott
Acting Director