

POST-GOVERNMENT SERVICE EMPLOYMENT RESTRICTIONS
Military Personnel E-1 through O-6; Civilians (Executive Level II) Earning Less Than \$142,898 in 2006

Key References: DOD 5550.7-R, Joint Ethics Regulations; 18 U.S.C. § 207, Restrictions on Former Officers, Employers, and Elected Officials of the Executive and Legislative Branches; 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

Key Concept: These prohibitions do not bar any individual from accepting employment with a private or public employer after Government service (unless Procurement Integrity applies); they limit or ban the type of activities a former government employee may engage in.

- **1 Year Ban:** For one year after termination of Government service, may not aid, advise, or represent others regarding trade or treaty negotiations in which they participated personally and substantially in their last year of Government service.
- **2 Year Ban:** May not, on behalf of someone else, try to influence any U.S. Government agency, officer or employee concerning a particular matter that they did not work on themselves, but was pending under their responsibility during their last year of Government service.¹
- **Lifetime Ban:** May not, on behalf of someone else, try to influence any U.S. Government agency, officer or employee concerning the same particular matter involving a specific party in which they participated personally and substantially for the Government at any time ... forever.
- **Employment by DOD:** Retired military personnel are prohibited from appointment to a civil service position in any DoD component for 6 months after retirement. The Secretary of the Navy has temporarily waived this restriction.
- **Terminal Leave:** Military personnel on terminal leave are 1) authorized to accept a civilian position in the U.S. Government and receive the pay and allowances of that position as well as their military pay and allowances; 2) not authorized to represent anyone outside Government to the Government.
- **Foreign Employment:** Retired military members may not accept employment from any foreign government, including corporations owned or controlled by foreign governments, without consent of the Service Secretary and the Secretary of State.
- **Seeking Employment:** While seeking employment, Federal employees may not participate in matters that affects the financial interest of a potential employer. "Seeking employment" is broadly defined; it includes sending resumes and responding to unsolicited proposals. This may require:
 - disqualification from performing work on certain projects by issuing written notice of disqualification to superiors, subordinates, and designated ethics counselor;
 - issuance of notice to specified individuals if participating in a procurement action;
 - change of duties; or
 - forgo pre-retirement / separation job hunting with certain employers.
- **Procurement Integrity Laws:** For one year, may not accept compensation from a contractor if they:
 - Served as procuring contracting officer, source selection authority, a member of the source selection evaluation board or council, or chief of a financial or technical evaluation team, for a procurement of more the \$10 million won by that contractor.
 - Served as a program manager, deputy program manager, or administrative contracting officer for a contract in excess of \$10 million held by that contractor.
 - Personally made a decision to award a contract, subcontract, modification, task order or delivery order in excess of \$10 million to that contractor.
 - Personally made a decision to establish overhead or other rates approve a contract payment or payments, or to pay to settle a claim, for more than \$10 million for that contractor.

¹ This provision is identical to the lifetime restriction discussed below except that it is of shorter duration and requires only that an individual have had official responsibility for a matter while employed by the Government, not that he have participated personally and substantially in that matter.