

Post-Government Employment

The following is a summary of the law. For details and information specific to your circumstances, contact your local ethics official.

Seeking Employment

There are laws that may affect you while you are looking for a job. For example, you may have to avoid working on certain official assignments while you are seeking or negotiating for a job. Ask an agency ethics official for advice before you take any steps toward getting a job with someone affected by matters that you are working on for the Government. Also, if you are participating in a procurement, you may have to file a written report if you contact or are contacted by a bidder or offeror about a possible job -- even if you immediately reject any offer.

Representing Others Before the Government

After you leave your Federal job, you generally may work for any employer. You also may contact any part of the Government solely on your own behalf -- by phone, by letter, or in person. You may not, however, try to influence any Federal agency or court on behalf of anyone else (including a new employer) concerning certain kinds of matters -- like contracts, grants, or lawsuits -- if you worked on those same matters during your Government service. You do not have to be a "lobbyist" to be affected by the law, and you may be affected even if you are working for a good cause or are not being paid for your work. A new employer includes any separate business entity, such as a corporation, that you have formed. Unless you served in a "senior" or "very senior" employee position, you may try to persuade current Government employees to take action concerning matters in which neither you nor any of your subordinates were involved. You may even be able to try to influence current employees about some of your old assignments that did not involve a "party" or "parties," such as a regulation or legislation that you drafted. The length of the restriction depends upon how you were involved in the matter while you still worked for the Government. If you were personally and substantially involved in the matter, then the restriction lasts for the lifetime of the matter. If the matter was under your official responsibility during your last year of service (i.e. you supervised others who worked on the matter) then the restriction lasts for two years from the date you leave Federal service. The "senior" and "very senior" employees are subject to some additional post-employment rules that are described in the handouts posted in the section above.

Accepting Compensation From an Employer that Represents Others Before the Government

After you leave your Federal job, you generally may work for any employer -- even one that represents clients before the Government. You may not, however, share in profits that your new employer earned as a result of representing clients -- in connection with certain kinds of matters -- before any Federal department, agency, or court at a time when you were still a Government employee. The restriction may affect you even though you were never involved in the matter during your Federal service. This restriction is most likely to affect former employees who join law, accounting, or public relations firms as partners. As time passes, the restriction is less likely to be an issue since firms will eventually collect past due accounts and distribute the related profits to those firm employees who may accept them.

Work Related to a Procurement

Even if you have participated in a procurement or in the administration of a contract, you may be able to work for a contractor that does business or seeks to do business with your former agency. However, for one year you may not accept compensation from a contractor to serve as an employee, officer, director, or consultant if -- while working for the Government -- you had certain responsibilities or took certain actions relating to a large procurement involving that contractor. The bar against accepting compensation may apply to you whether you participated in the pre-award or post-award phase of the procurement. For example, you may not accept compensation from a particular contractor if -- in connection with a contract awarded to the contractor for more than \$10,000,000 -- you served as the procuring contracting officer at the time of award, or as the program manager or administrative contracting officer for the contract. You also may not accept compensation from the contractor for one year if, for example, you approved a contract payment or payment of a claim to that contractor for more than \$10,000,000. You may, however, accept compensation from a division or affiliate of the contractor that does not produce the same or similar products or services as the entity responsible for the contract.

Disclosure of Procurement Information

If you have had access to certain sensitive procurement information, you may not disclose that information before the award of the contract to which the information relates (unless permitted by some other law).

Government Work Related to International Negotiations

If you worked on certain trade or treaty negotiations during your last year of Government service and had access to certain restricted information, you should contact your agency ethics official because you may be barred for one year from aiding or advising anyone (other than the United States) concerning those negotiations.

Emoluments Clause

The Emoluments Clause to the Constitution, Article I, Section 9, Clause 8, as interpreted in Comptroller General opinions and by the Department of Justice Office of Legal Counsel, prohibits receipt of consulting fees, gifts, travel expenses, honoraria, or salary by all retired military personnel, officer and enlisted, Regular and Reserve, from a foreign government unless Congressional consent is first obtained. Consent is provided by Congress in 37 U.S.C. § 908, which requires advance approval from the relevant Service Secretary and the Secretary of State before accepting employment, consulting fees, gifts, travel expenses, honoraria or salary from a foreign government. So if you are ever in a position where you would receive an emolument from a Foreign Government or from an entity that might be controlled by a Foreign Government, be sure and seek advance approval.

Requirement to Receive a Written Post-Government Employment Opinion

Certain current or former DoD officials who, within two years of leaving DoD, expect to receive compensation from a defense contractor must request and receive a written opinion regarding the applicability of post-employment restrictions to activities that officials may undertake on behalf of a defense contractor before receiving pay. This requirement is in Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). It applies if you are a current or former DoD official who, within the two year period prior to your departure from DoD, participated personally and substantially in an acquisition with a value in excess of \$10M while serving in: (1) an Executive Schedule position; (2) a Senior Executive Service position; (3) a general or flag officer position; or (4) in the position of program manager, deputy program manager, procuring contracting officer, administrative

contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team.

These opinions must be rendered by the appropriate ethics official within 30 days after receiving a complete request. The final opinion must be retained in a central database for not less than five years. The central database is known as the After Government Employment Advisory Repository (AGEAR).

Current or former DoD officials seeking post-Government employment advice or an opinion should always check with ethics counsel.

Important - Political Appointees who have signed the President's Ethics Pledge may have additional restrictions.

Request for Post-Government Employment Opinion (DD2945) exp 2025.

<https://dodsoco.ogc.osd.mil/Portals/102/Documents/PGE%20and%20PI/Toolbox%20-%20PGE-PI/DD%20Form%202945%20August%202022%20until%202025.PDF?ver=xxUosZA9n5XMBjnyexjtkA%3d%3d>