

**OFFICE OF GOVERNMENT ETHICS**

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**Memorandum to Designated Agency Ethics Officials,  
General Counsels, and Inspectors General  
dated July 29, 2004**

Attached is a summary of 18 U.S.C. § 207 to facilitate your counseling and training of executive branch employees. This summary is being issued in response to requests from several agency ethics officials. It has been coordinated with the Department of Justice.

The summary was issued originally by DAEOgram in October 1990 to provide preliminary interpretation of the statute as amended by the Ethics Reform Act of 1989. The summary was reissued in November 1992 and again in February 2000, when modifications were made to reflect statutory amendments enacted in 1995 and 1996. The version being issued today also contains certain modifications, mainly to reflect amendments to section 207 made by the E-Government Act of 2002 and the National Defense Authorization Act for Fiscal Year 2004.

The most significant changes to this summary since the last reissuance pertain to: (1) the revised statutory definition of "senior employee" for purposes of section 207(c); (2) the new prohibition in section 207(1) applicable to assignees under the Information Technology Exchange Program; and (3) the expiration of the specific trade agreement authority referenced in section 207(b). Additionally, the discussion of "very senior employees" for purposes of section 207(d) has been changed slightly to better reflect the statutory language and recent guidance from the Office of Legal Counsel at the Department of Justice. The revised summary also contains a number of minor editorial changes.

In addition to this summary, OGE soon will be reissuing two pamphlets, "Understanding the Revolving Door: How Ethics Rules Apply to Your Job Seeking and Post-Government Employment Activities" and "Rules for the Road," which you may wish to give to employees who are seeking employment or leaving the Government. Copies of "Understanding the Revolving Door," which may be particularly helpful to senior employees, may be ordered directly from the Government Printing Office (GPO). Both pamphlets will be available soon on OGE's web site.

Note: The attached summary covers 18 U.S.C. § 207 only. When providing post-employment advice, remember that 18 U.S.C. § 208 and Subpart F of the Standards of Ethical Conduct at 5 C.F.R. part 2635 will govern executive branch employees while they are seeking or negotiating for non-Federal employment. Note also that employees may be subject to additional post-employment restrictions under other authorities, such as 41 U.S.C. § 423 (the Procurement Integrity Act) and 18 U.S.C. § 203.

[Attachment](#)