

UNITED STATES DEPARTMENT OF COMMERCE

SUMMARY OF ETHICS RULES 2020



**ETHICS LAW AND PROGRAMS DIVISION
OFFICE OF THE GENERAL COUNSEL
UNITED STATES DEPARTMENT OF COMMERCE**
202-482-5384 – ethicsdivision@doc.gov – www.commerce.gov/ethics

PUBLIC SERVICE IS A PUBLIC TRUST

As an employee of the U.S. Department of Commerce, you have been placed in a position of trust and are held to a high standard of ethical conduct. You not only have an obligation to perform your duties to the best of your abilities, but to also familiarize yourself with Government ethics rules and policies and to comply with applicable restrictions, both when performing your Government duties and, in some cases, when engaging in personal activities off duty and after leaving Federal service.

This is a summary of ethics rules based on Federal conflict of interest statutes, regulations set forth in the Standards of Ethical Conduct for Employees of the Executive Branch, and other ethics laws and Department of Commerce policies. Additional information is available on the website of the Ethics Law and Programs Division at www.commerce.gov/ethics. However, it is always best to seek specific advice from an ethics official about the rules or their application to a specific situation.

Ethics Law and Programs Division – To obtain advice about ethics laws, you can contact a Commerce ethics official at: ethicsdivision@doc.gov or 202-482-5384.

Designated Agency Ethics Official for the U.S. Department of Commerce:

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Office of Inspector General (OIG) – Employees have an obligation to report waste, fraud, abuse, or other violations of the law. The OIG maintains a Hotline for receiving allegations of fraud, waste, abuse, and other violations of law in U.S. Department of Commerce programs or operations. To file a complaint, please visit www.oig.doc.gov, click on “Hotline & Whistleblower Protection” on the top right and then scroll down to the “Online Complaint Form.”

The Ethics Law and Programs Division does not investigate allegations of violations of law.

Prepared by the Ethics Law and Programs Division, Office of the General Counsel, U.S. Department of Commerce – 202-482-5384 – ethicsdivision@doc.gov – January 2, 2020

GENERAL ETHICAL PRINCIPLES

- 1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.*
- 2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.*
- 3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.*
- 4. An employee shall not, except as permitted in ethics regulations, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.*
- 5. Employees shall put forth honest effort in the performance of their duties.*
- 6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.*
- 7. Employees shall not use public office for private gain.*
- 8. Employees shall act impartially and not give preferential treatment to any private organization or individual.*
- 9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.*
- 10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.*
- 11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.*
- 12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.*
- 13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.*
- 14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in ethics regulations. Whether particular situations create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.*

TOP 10 ETHICS RULES

CONFLICTS OF INTEREST

rules that apply in situations when an employee's personal interests may conflict with the employee's responsibilities to the Government

1. Do not participate in a matter that will affect your financial interests (such as a company in which you own stock), unless the interest is minimal. *(see pages 4-5)*
2. Do not participate in any matter in which one of the parties is someone with whom you have a close personal or business relationship. *(see pages 5-6)*
3. Do not engage in outside employment or outside activities with non-Federal entities that have matters before your office. *(see pages 6-7)*
4. Do not, during the period of a job search, participate in a matter in which a prospective employer has a financial interest. *(see page 13)*

UNDUE INFLUENCE

rules that address situations in which someone may try to influence an employee in the performance of the employee's Government duties

5. Do not accept a gift from anyone that has an interest in Commerce activities unless an exception applies. (Common exceptions are: (1) \$20 or less in value,* (2) an invitation to a "widely attended gathering" and your supervisor has approved,* (3) from a friend or relative, or (4) from a foreign government.) *(see pages 9-10)*
* *this exception does not apply to gifts or invitations to a political appointee from a lobbying organization (unless it is a media company or a 501(c)(3) organization)*
6. Do not give a gift to a supervisor or accept a gift from a subordinate unless it is: (1) for a major life event, (2) \$10 or less in value, or (3) a host/guest gift. *(see pages 10-11)*
(see page 11 for gifts to the Department)
7. Do not engage in political activities while on Government premises or during duty hours and do not engage in political fund-raising at any time. *(see pages 8-9)*

FAIRNESS

rules that address a possible misuse or the perception of misuse of an employee's Government position for personal benefit

8. Do not contact a Federal official on behalf of someone else to influence Government action, unless it is part of your Government duties. *(see pages 7-8)*
9. To avoid an appearance of special influence after leaving Federal service, do not contact the Government on behalf of someone else unless permitted by post-employment laws. *(see pages 14-15)*
10. Do not use the authority of your position or your official title or Government resources or staff for personal activities, including political activities. *(see pages 12-13)*

FINANCIAL CONFLICTS OF INTEREST

You have a conflict of interest when your personal interests—or the interests of those close to you (your spouse, minor child, household member, or partner)—might differ from the interests of the Government and, therefore, raise questions about actions you take as a Government employee. Ethics laws address this problem by requiring employees to disqualify themselves from working on matters creating such conflicts.

– PROHIBITED ACTIONS–DISQUALIFICATION REQUIRED –

You may not participate in a matter if agency action will affect:

- a company in which you hold:[†]
 - stock* greater than \$15,000 in value,
 - stock* greater than \$25,000 in value regarding a policy matter affecting the company as a member of an industry sector,
 - stock* totaling greater than \$50,000 in companies that will be affected by the matter at issue, or
 - interests held in a sector-specific mutual fund* greater than \$50,000; or
- financial interests you hold[†] that are not securities traded on a U.S. exchange, such as real estate, partnerships, securities traded only on a foreign exchange, stock options, patent rights, etc.; or
- a company, organization, or other entity with which you are employed, serve as an officer, or serve on a governing board.

• ACTIONS PERMITTED IN PART–DISQUALIFICATION SOMETIMES REQUIRED •

You may participate in general policy matters, but may not participate in matters involving specific parties that will affect:

- a company in which you hold[†] stock* of \$15,001-\$25,000 in value,
- financial interests of a member of your household who is not a spouse or minor child, or
- financial interests covered by a conflict of interest waiver.

+ PERMITTED ACTIONS–DISQUALIFICATION NOT REQUIRED +

You may participate in matters affecting a financial interest:

- + in a stock* or bond* of \$15,000 or less in value;
- + in a broadly-diversified mutual fund;*
- + in a sector-specific fund* (a fund for a specific industry sector or state or foreign country) of \$50,000 or less;
- + held by an adult child (if not living in your household); or
- + covered by a conflict of interest waiver.

** if traded on a U.S. exchange*

† or your spouse, minor child, household member, or general partner holds

– RESTRICTIONS ON INVESTMENTS AND ACTIVITIES –

If a disqualification as described above will prevent you from performing important Government duties, you should not make the investment or engage in the activity.

In addition, you may not:

- use nonpublic information from Federal employment to make an investment decision;
- if you file a public financial disclosure report (OGE Form 278e) (such as if you are a political appointee or SES member), invest in an Initial Public Offering (IPO) except in the same manner as available to members of the public generally;
- if you serve in the Commercial Service overseas, invest locally;
- if you are an NWS employee, invest in weather futures or hurricane futures; and
- if you are a USPTO employee, obtain an interest in a patent.

Applicable Law: 15 United States Code (U.S.C.) § 78u-1; 18 U.S.C. § 208; 35 U.S.C. § 4; 5 Code of Federal Regulations (C.F.R.) §§ 2640.201-2640.202; Ethics Pledge, Executive Order No. 13770, 82 Fed. Reg. 9333 (February 2, 2017); 3 Foreign Affairs Manual (FAM) Part 4120

CONFLICTS OF INTEREST BASED ON PERSONAL RELATIONSHIPS

When a party (or a party's representative) before the Government is someone with whom you have a close relationship, the assumption is that you may be biased if you were to participate in the matter. Therefore, when there is such an appearance of bias you must either disqualify yourself from participating in the matter or obtain special authorization to participate, which is available when your participation is important to the Government.

– PROHIBITED ACTIONS–DISQUALIFICATION REQUIRED –

You may not work on a matter in which one of the parties is (or is represented by):

- someone with whom you have a business or financial relationship;
- a close relative;
- an organization in which you are active;
- the employer or client (or prospective employer or client) of your parent, spouse, or dependent child;
- someone with whom you were employed or served as an agent, attorney, consultant, contractor, director, general partner, or trustee during the past year; or
- if you are a political appointee, for a period of two years after your Federal appointment, someone with whom you were employed or served as an agent, attorney, consultant, contractor, director, general partner, or trustee during the two years before your Federal appointment.

+ PERMITTED ACTIONS—DISQUALIFICATION NOT REQUIRED +

You may work on a matter in which one of the parties is (or is represented by) someone with whom you have a personal relationship if:

- + the relationship concerns:
 - a former employer or client you worked for more than one year ago (career employees) or more than two years before your appointment (political appointees),
 - an organization in which you are a member but not active (other than by attending meetings and paying dues), or
 - someone with whom your business dealings are limited to routine consumer transactions or
- + you have received special authorization (which is obtained through the Ethics Law and Programs Division) to work on the matter notwithstanding the involvement of someone with whom you have a close personal or business relationship.

Applicable Law: 5 C.F.R. §§ 2635.401–2635.403 and 2635.501-2635.503

NON-FEDERAL EMPLOYMENT AND ACTIVITIES

Work outside the Government or engaging in other personal activities is permitted if it will not impair your ability to perform your Government duties, will not create the perception that you are using your public office for private gain, and is not expressly prohibited by law.

– PROHIBITED OUTSIDE ACTIVITIES –

You may not:

- be employed by, or hold a position with, a foreign government;
- contact a Federal agency or Federal court on behalf of someone else (unless identified as permitted below);
- be employed by someone whose financial interests can be affected by performance of your Federal duties (unless the duties can be easily reassigned);
- hold a position as an officer or director of an organization whose financial interests can be affected by performance of your Federal duties (unless the duties can be easily reassigned);
- be paid for teaching, speaking, or writing about programs, policies, and operations of Commerce, unless it is teaching a course that is part of the regular curriculum of a school;
- if you are a noncareer SES member, be paid (or get travel expenses) for teaching, speaking, or writing about a Commerce subject matter area, unless it is teaching a course that is part of the regular curriculum of an accredited school and prior approval is given;
- if you are a noncareer employee, receive more than \$28,440 in compensation in a year;
- if you are a noncareer SES member, receive payment for work or affiliation with organizations that create a fiduciary relationship with clients; or
- if you are a Presidential appointee, receive any earned income.

+ PERMITTED OUTSIDE ACTIVITIES +

You may:

- + work for someone who will not be affected by performance of your duties (unless the activity is specifically prohibited as identified above);
- + teach and write for pay if not about the programs, policies, or operations of Commerce;
- + teach and write about Commerce programs, operations, and policies if you do not disclose nonpublic information and are not paid (but prior agency review is required in some cases and prior approval is required for noncareer SES members);
- + contact a Federal agency on behalf of your spouse, child, or parent; an estate or trust you administer; or someone for whom you have a power of attorney but only if you receive prior approval; another Federal employee in a personnel matter if you do not receive payment; or a Federal employee organization unless it concerns Government financial benefits, a claim against the Government, or is in the context of an administrative proceeding (see further below); and
- + practice law if you do not represent clients before a Federal agency or Federal court and do not advise on matters in which the U.S. Government is a party or has an interest.

Applicable Law: 18 U.S.C. §§ 203, 205, and 208; 5 C.F.R. §§ 2635.801–2635.809; 3 FAM Part 4120

CONTACTING FEDERAL AGENCIES

As a Federal employee, you are subject to restrictions on contacting a Federal agency or Federal court in a personal capacity if the communication is made on behalf of someone else to influence Government action.

– PROHIBITED COMMUNICATIONS WITH THE GOVERNMENT –

You may not:

- contact a Federal agency or Federal court on behalf of someone else with the intent to influence Government action (except that you may represent some family members if you receive prior approval (see below)) or
- receive compensation for the representational activities of others (such as partners) before a Federal agency or Federal court regarding a matter in which the United States Government is a party or has an interest.

+ PERMITTED COMMUNICATIONS WITH THE GOVERNMENT +

You may:

- + contact a Federal agency or Federal court on behalf of:
 - your spouse, child, or parent; an estate or trust you administer; or someone for whom you have a power of attorney but only if you receive prior approval;

- another Federal employee in a personnel matter if you do not receive payment; or
- a Federal employee organization unless it concerns Government financial benefits, a claim against the Government, or is in the context of an administrative proceeding;
- + contact a Federal agency or Federal court on behalf of someone else if the purpose is not to influence Government action but to seek readily-available public information or to provide required information;
- + contact a Federal agency or Federal court on behalf of yourself to influence Government action (but not on behalf of yourself and someone else, including a business you own); and
- + communicate with Congress, including a Congressional agency, on behalf of someone else to influence Congressional action.

Applicable Law: 18 U.S.C. §§ 203-205

POLITICAL ACTIVITIES

It is important that the public have confidence that Government employees will conscientiously implement the policies of elected and appointed officials without regard to the employees' own political affiliations and that Government resources will not be used to try to influence elections. At the same time, Federal employees have a right to participate in elections as private citizens. To insulate Government employees from undue political influence, to ensure the objectivity of Government operations, and to protect employees' rights as citizens, Federal law imposes restrictions on some political activities of employees while ensuring the right to engage in other political activities, as noted below.

– PROHIBITED POLITICAL ACTIVITIES –

All Employees – You may not:

- engage in political activities while on Government premises;*
- engage in political activities while on duty;*
- use Government resources for political activities, including your agency title, or access to email or the internet through Government-provided equipment or services;
- ask for or accept political contributions (even during non-duty hours) (except that if you are a member of a Government union you may seek contributions from a non-subordinate union member for a union multi-candidate fund);
- host a political fundraiser or invite anyone to a political fundraiser (including by forwarding, retweeting, or “liking” a post about a fundraiser);
- use the authority of your Government position for political purposes;
- run as a candidate in a partisan election (meaning an election in which any of the candidates are identified by party affiliation (except that you may run as an independent candidate in local elections in Washington, D.C., its suburbs, and other designated areas)); or
- ask for or accept volunteer services from a subordinate.

* *unless you are a Presidential appointee in a Senate-confirmed position*

Career SES Members, ALJs, and NOAA Corps Officers – You also may not:

- assist a campaign (even when off duty), such as by providing volunteer services, or
- hold office in a political organization.

+ PERMITTED POLITICAL ACTIVITIES +

All Employees – You may:

- + give funds to a candidate or party;
- + attend a political fundraiser, rally, or other campaign event;
- + vote;
- + sign a political petition;
- + display a political bumper sticker on your vehicle, wear a political button (when not on duty and not on Federal premises), and put a political sign on your lawn; and
- + run for office in a non-partisan election.

Employees who are not career SES members (and not NOAA Corps officers) – You may also:

- + assist in the management of an election campaign;
- + serve as an officer in a political group;
- + make telephone calls and otherwise solicit votes (but not funds) for a candidate;
- + stuff envelopes for an election campaign; and
- + speak at a political event.

Applicable Law: 5 U.S.C. §§ 7321–7326; 5 C.F.R. §§ 734.201–734.702; NOAA Corps Regulations, Chapter 9, Part 2

PERSONAL GIFTS FROM OUTSIDE SOURCES

You may not accept anything of value to take action or fail to take action as a Government employee—this would be an illegal bribe. You also may not accept payment for performing your Government duties from anyone other than the United States Government—this would be an illegal salary supplementation. In addition, you generally may not accept a gift from anyone outside the Government that has interests in matters before the Department of Commerce or if the gift is offered because of your Government position; however, unlike bribes and salary supplementations, there are some exceptions that allow you to accept personal gifts.

– PROHIBITED PERSONAL GIFTS FROM SOURCES OUTSIDE THE GOVERNMENT –

You may not accept a gift or invitation if it is:

- offered by someone that is regulated by Commerce, has or seeks business with Commerce, or can be affected by performance of your Government duties (unless one of the exceptions listed below as a permitted gift applies);
- offered because of your Government position (unless one of the exceptions listed below as a permitted gift applies); or
- specifically to take action (or fail to take action) as a Government employee.

+ PERMITTED PERSONAL GIFTS FROM SOURCES OUTSIDE THE GOVERNMENT +

You may accept an unsolicited gift or invitation if it is:

- + offered by someone with no business before Commerce and not offered because of your Government position;*
- + from a relative or friend;
- + \$20 or less in value (if you received \$50 or less in gifts from the donor during the year)*
- + an invitation to a widely-attended gathering and your supervisor has approved;*
- + a meal at which you are speaking in an official capacity;
- + a book valued at \$100 or less if related to Commerce activities or your profession (or greater than \$100 with approval by an ethics official);*
- + a discount available to members of the public or to all Federal employees;
- + an award for which you received approval from an ethics official;*
- + a business meal overseas with non-U.S. citizens present if less than the local *per diem*;*
- + a meal, lodging, or travel related to an outside business relationship;*
- + offered because of your spouse's employment;
- + a card, plaque, or other item of little intrinsic value; or
- + from a foreign government and valued at \$390 or less (gifts above that amount are accepted on behalf of the United States Government).

** This provision does not apply if you are a political appointee and the donor of the gift or the host of the event is a registered lobbying organization or if the invitation was extended by a registered lobbyist.*

Applicable Law: 5 U.S.C. §§ 7342 and 7353; 18 U.S.C. §§ 201 and 209; 5 C.F.R. §§ 2635.201-2635.205; Ethics Pledge, Executive Order No. 13770, 82 Fed. Reg. 9333 (February 2, 2017)

PERSONAL GIFTS FROM OTHER FEDERAL EMPLOYEES

– PROHIBITED PERSONAL GIFTS FROM OTHER FEDERAL EMPLOYEES –

You may not accept a gift or invitation from another Federal employee if it is offered by a subordinate, unless it is

- \$10 or less,
- for a major life event,
- food shared in the office, or
- a host or hostess gift.

You also may not offer a gift to a supervisor unless it is listed below as a gift that is permitted.

+ PERMITTED PERSONAL GIFTS FROM OTHER FEDERAL EMPLOYEES +

You may accept a gift or invitation from another Federal employee if it is:

- + not from a subordinate;
- + \$10 or less in value;
- + for a special, major non-recurring event (such as the birth or adoption of a child, retirement, serious illness, or wedding);
- + food shared in the office;
- + a gift of personal hospitality at the employee's home; or
- + a gift to you as a host or hostess (such as wine or flowers).

You may also offer a gift to a supervisor if it is listed above as a gift that is permitted.

Applicable Law: 5 U.S.C. § 7351; 5 C.F.R. §§ 2635.301–2635.304

GIFTS TO THE DEPARTMENT OF COMMERCE

– PROHIBITED GIFTS TO THE DEPARTMENT OF COMMERCE –

You may not accept a gift or donation for your bureau of Secretarial Office if:

- it will not further an agency mission;
- acceptance will create an appearance of undue influence on agency activities, which in most cases bars acceptance of a gift from:
 - an agency contractor (or bidder),
 - an agency grantee (or applicant),
 - an agency licensee (or applicant),
 - someone regulated by your agency, or
 - someone with an interest in a controversial matter before Commerce; or
- it is for Government travel and it:
 - was solicited or
 - is for first-class travel.

+ PERMITTED GIFTS TO THE DEPARTMENT OF COMMERCE +

You may accept a gift or donation of property or travel for your bureau or Secretarial Office if:

- + it will further a Government program,
- + it is approved by the appropriate agency official, and
- + acceptance will not create an appearance of loss of impartiality regarding agency programs or operations (which generally means that the donor is not an agency contractor, grantee, or licensee or someone regulated by your agency).

Applicable Law: 5 U.S.C. § 7342; 15 U.S.C. § 1522; 16 U.S.C. § 1442(b) and (c); 41 C.F.R. Part 304-1; Department Administrative Order 203-9

MISUSE OF GOVERNMENT AUTHORITY OR RESOURCES

As a Federal employee you have access to equipment, services, supplies, and other resources that are paid for by the Government to promote public programs. Even the authority of your position, nonpublic information, and your Government title are considered public property. Therefore, you must be careful to use such resources only for Government purposes or, in a few cases, personal purposes that are specifically authorized, as listed below.

– PROHIBITED USES OF GOVERNMENT AUTHORITY AND RESOURCES –

You may not use:

- a Government credit card for personal purchases (unless specifically authorized);
- access to the internet or an email account from a Government computer or mobile device:
 - to view sexually explicit material;
 - for profit-making activities or to run a business;
 - for political purposes, including by sending email to support or oppose a candidate or political party;
 - for prohibited discriminatory conduct;
 - for lobbying activities; or
 - for any unlawful purpose or any activity that would bring discredit on the Department;
- nonpublic information for any personal purpose, such as to make investments;
- your Government title for personal purposes (except in connection with a publication in a scientific or technical journal (with a disclaimer) or as part of a biographical sketch);
- Government time for personal activities; or
- your Government authority to help yourself or others on personal matters.

+ PERMITTED USES OF GOVERNMENT AUTHORITY AND RESOURCES +

You may use:

- + access to the internet and a personal email account for personal research or to send a personal email;*
- + Government printers and copiers for personal purposes,* if such use does not consume excessive resources;
- + your Government title for personal purposes, if not likely to appear as acting in an official capacity, as part of general biographical information (such as a biographical sketch in a book or on Facebook® or LinkedIn®), or when writing for a scientific or technical publication (if the publication includes a disclaimer that the views are your own and not the Department's); and
- + frequent flier miles or other travel benefits earned from Government travel for personal purposes, including vacation travel.

** unless it is for a business or profit-making purpose, a political purpose, a lobbying activity, will result in additional charges to the Government, is discriminatory, contains sexually explicit material, would violate a law, or would bring discredit to the Government*

Applicable Law: 18 U.S.C. § 641; 5 C.F.R. §§ 2635.701–2635.705; Department of Commerce Internet Use Policy; United States Patent and Trademark Office Internet Use Policy

SEEKING EMPLOYMENT OUTSIDE THE GOVERNMENT

You are free to look for career opportunities outside the Federal Government but may not participate as a Federal employee on any matter that would affect anyone you have contacted about possible future employment or who has contacted you about such employment, until you or the other party indicate the end of interest in pursuing employment discussions.

– PROHIBITED ACTIVITIES WHEN SEEKING EMPLOYMENT –

- You may not participate as a Government employee in a matter that will affect anyone you have contacted, or who has contacted you, about possible future employment until either you or the prospective employer indicates an end of employment discussions or consideration.

+ PERMITTED ACTIVITIES WHEN SEEKING EMPLOYMENT +

You may participate in a matter concerning:

- + a prospective employer if your only contact was submission of a resumé or application and you have received no response after two months have lapsed or
- + someone whose only communication to you about future employment was through a mass mailing or posting.

• NOTICE REQUIREMENTS WHEN SEEKING EMPLOYMENT •

- If you are a member of the SES, a political appointee, an SL/ST employee, or someone otherwise required to file a public financial disclosure report (OGE Form 278e), you must notify an ethics official within three days of an employment contact that you have entered into employment negotiations with the prospective employer and that you will not participate as a Government employee in matters affecting the prospective employer's financial interests. If you are a procurement official for a procurement valued at \$150,000 or more, you must notify your supervisor and an ethics official about employment contacts. (A notice form can be downloaded from www.commerce.gov/ethics.)

Applicable Law: 5 U.S.C. app. 4 § 101 note [Pub. L. No. 112-105, § 17(a), 126 Stat. 291, 303]; 18 U.S.C. § 207; 5 C.F.R. §§ 2635.601 2635.607

RESTRICTIONS AFTER LEAVING FEDERAL SERVICE

After leaving Federal service, you will be subject to some restrictions on your activities, primarily concerning representing others before the Federal Government and using nonpublic information you obtained as a Federal employee.

– PROHIBITED POST-EMPLOYMENT ACTIVITIES –

All Former Employees – After leaving Federal service you may not:

- represent* others before a Federal agency or Federal court regarding a specific-party matter[†] on which you worked personally as a Federal employee;
- represent others before a Federal agency or Federal court within two years of leaving the Government regarding a specific-party matter that was under your official responsibility during your last year of Federal service;
- disclose or use protected nonpublic information, such as census information, personal privacy information, procurement information, treaty negotiation information, national security information, and trade secrets; or
- receive compensation for the representational activities of others (such as partners) before the Federal Government during a period you worked for the Government.

All Former Senior Employees (employees with a base pay of \$166,340 or more, employees paid based on the Executive Schedule, or uniformed officers at O-7 or above) – After leaving Federal service, you also may not, for one year after leaving the senior position:

- represent others before your former agency (your bureau or, for Presidential appointees in Senate-confirmed positions, the entire Department of Commerce);
- represent a foreign government or foreign political party before any branch of the U.S. Government (including Congress); or
- assist or advise a foreign government or foreign political party regarding its dealings with the U.S. Government.

* *“Represent” means to communicate with a Federal official on behalf of someone other than yourself with the intent to influence Government action.*

[†] *“Specific-party matter” means a matter before the Government that involves named parties, such as a contract, grant, investigation, law suit, license, patent, or treaty; it does not include legislation, policies, or regulations.*

All Former Political Appointees – In addition to the applicable restrictions identified above, you may not:

- for five years, serve as a lobbyist before your agency (your bureau or, for Presidential appointees in Senate-confirmed positions, the entire Department of Commerce);
- for the remainder of the President’s term, serve as a lobbyist before any political appointee in the Executive Branch; or
- engage in activity as a foreign agent for a foreign government or political party.

All Former Procurement Officials and Program Managers – In addition to the restrictions identified above, you may not:

- accept compensation from the contractor of a procurement of \$10,000,000 or more within one year of working on the procurement.

All Members of a Bar (Attorneys) – Regardless of whether you served in an attorney position in the Government, if you are a member of a bar, you may not:

- engage in any activity prohibited by bar rules, which may include providing behind-the-scenes legal services related to your Federal service.

Some Former Economic Development Administration (EDA) Employees – If you are a former EDA employee who worked on a program to provide economic assistance, you may not:

- for two years after having participated in economic assistance for a firm, accept employment with, or provide services to, the firm that received the economic assistance. (This is a restriction on the firm that received the economic assistance, rather than a restriction on your activities.)

All Former United States Patent and Trademark (USPTO) Employees – If you are a former USPTO employee, you may not:

- for two years after leaving USPTO, represent others, or assist others regarding representation, before USPTO regarding a patent application on which you worked or which was under your official responsibility or
- for one year after leaving USPTO, apply for a patent or obtain rights to a patent (other than by inheritance).

+ PERMITTED POST-EMPLOYMENT ACTIVITIES +

All Former Employees – You may engage in an activity after leaving Federal service that:

- + does not entail representing others before the Federal Government;
- + entails representing others before the Federal Government regarding a matter on which you did not participate and was not under your official responsibility during your last year of Federal service (unless you are a former senior employee and the activity is listed as prohibited above);
- + entails representing others before the Federal Government on a matter that does not involve specific parties (unless you are a former senior employee and the activity is listed as prohibited above); or
- + entails representing the District of Columbia or, as an elected official, a state or local government before the Federal Government.

All Former Senior Employees – If you are former senior employee, you may:

- + represent an institution of higher education, a hospital, or a medical research organization before your former agency (if it does not concern a specific-party matter on which you worked or which was under your official responsibility during your last year of service).

Applicable Law: 5 U.S.C. app. 4 § 101 note [Pub. L. No. 112-105, § 17(a), 126 Stat. 291, 303]; 18 U.S.C. § 207; 41 U.S.C. §§ 423 and 2103; 5 C.F.R. Part 2641; 15 C.F.R. §§ 15.11–15.18