

Post-Employment Ethics Restrictions

As a very senior Treasury employee,¹ you are subject to certain restrictions regarding matters you may work on after you leave Government employment. Moreover, even before you leave Government, if you begin seeking non-Federal employment, you are subject to recusal requirements under a criminal statute, 18 U.S.C. § 208. While you remain a Federal employee, you must remain recused from working on matters affecting the financial interests of any future non-Federal employer. (See [Chapter 8 of the Treasury Ethics Handbook](#) for guidance on “Seeking and Negotiating for Employment”)

These post-employment restrictions are complex and technical, and this is intended only as a summary. Other rules may apply. If you require more specific advice concerning the applicability of these restrictions should contact a [Treasury ethics official](#).

Criminal Restrictions Applying to All Former Employees

- **Permanent Matter-specific Representational Bar** – No former employee who personally and substantially² participated in a particular matter involving a specific party or parties³ at any time during his/her Federal employment may communicate with or appear before any Executive or Judicial branch employee on behalf of any other person with an intent to influence concerning that same matter after leaving the Government. 18 U.S.C. § 207(a)(1).
- **Two-year Representational Bar** – For two years after leaving the Government, no former employee may communicate with or appear before any Executive or Judicial branch employee on behalf of any other person concerning a particular matter involving a specific party or parties which such person knows or reasonably should know was actually pending under his/her official responsibility during the last year of his/her Federal employment. 18 U.S.C. § 207(a)(2).

¹ Covers the Secretary of the Treasury as Executive Schedule I appointee.

² As used in this summary, “participate personally and substantially” means involvement in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise. To “participate personally” means directly, and includes the participation of a subordinate in a matter when actually directed by the employee. “Substantially” means that an employee’s involvement must be of significance to the matter, or form the basis for a reasonable appearance of such significance. It requires more than official responsibility, mere knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue.

³ The requirement of a particular matter involving a specific party or parties typically involves a specific proceeding involving the legal rights of the parties or an isolatable transaction, or related set of transactions, between identifiable parties. “Particular matters” include any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. For the purposes of the restrictions in sections 207(a)(1) and (a)(2), rulemaking, legislation, and the formulation of general policy standards or objectives **are not** such “particular matters.” Therefore, with respect to both the permanent and two-year representational prohibitions noted above, a former employee may represent another person in connection with a particular matter involving a specific party, even if rules or policies which the employee had a role in establishing are involved in the proceeding.

- **One-year Trade/Treaty Negotiation Bar** – For one year after leaving the Government, no former employee who personally and substantially participated in any ongoing trade or treaty negotiation within the last year of employment **and** who gained access to information that is exempt from disclosure under the Freedom of Information Act may represent, aid or advise anyone concerning the same ongoing trade or treaty negotiation on the basis of such information. 18 U.S.C. § 207(b).

Criminal Restrictions Applying to Very Senior Employees

- **Two-year Cooling-off Period** – For two years following service in a very senior position, a former employee may not communicate with or appear before any individual in an Executive Schedule position (e.g., PAS) anywhere in the executive branch or before any employee of their former department if that communication or appearance is made on behalf of any other person in connection with any matter concerning which the former employee seeks official action.⁴ This restriction applies to all of the Department of Treasury and its bureaus.⁵
- **One-year Foreign Entity Representation Bar** – For one year following service in a senior position, no former employee may represent a foreign entity (meaning a foreign government⁶ or political party) before any officer or employee of any department or agency of the United States, including Members of Congress (and Congressional staff), or aid or advise a foreign entity with the intent to influence a decision of such officer or employee. 18 U.S.C. § 207(f).

Additional Restrictions for All Employees

- **18 U.S.C. § 209** – If you receive an offer of a signing bonus or similar compensation (other than salary) from your future non-Federal employer, arrange receipt of such compensation for after your termination from Federal service, to avoid any potential violation of 18 U.S.C. § 209, a criminal statute on supplementation of Government salary.
- **18 U.S.C. § 203** – Certain post-employment restrictions are contained in this statute which may apply to employees who anticipate joining a partnership after leaving Government service. This statute makes it unlawful for a former Federal employee to receive, agree to receive, solicit, or share in any compensation earned for services rendered personally or by another before any Federal department or agency during the time that the former employee worked for the Government.

⁴ 18 U.S.C. § 207(d).

⁵ 18 U.S.C. § 207(h); 5 C.F.R. § 2641.302; Appendix B to 5 C.F.R. Part 2641.

⁶ This includes any state-owned enterprises (SOEs).

If, for example, an employee leaves Treasury and accepts a partner position in a law firm which has regularly represented clients before Federal agencies, suitable arrangements must be made to ensure that the former employee does not receive any compensation attributable to such representation provided by the firm while he or she was a Federal employee. In order to avoid this particular prohibition, payment of a salary generally for at least one year, instead of a grant of a usual partnership compensation arrangement, to the employee is advisable.

- **The “Procurement Integrity” Bar** – For one year after taking certain actions or serving in particular capacities in relation to the award or the administration of Treasury contracts or contract amendments in excess of \$10,000,000, former employees are barred from accepting compensation from the contractors concerned. 41 U.S.C. § 2104. Specific advice should be sought with regard to the application of this provision by those departing employees who have been involved in significant Treasury contracting activities.
- **Treasury Circular No. 230, 31 C.F.R. § 10.25** – Additional restrictions may apply to former employees regarding matters before the Internal Revenue Service if they worked on those IRS matters while Federal employees. An ethics official can provide a summary of these restrictions on request.
- **Non-public/Confidential Information** – Once you leave government, you may not disclose non-public information, including information that is exempt from disclosure by statute, Executive order, or regulation, that is designated as confidential by Treasury, and/or that has not actually been disseminated to the general public and is not authorized to be made available to the public.

2/3/2025