

## **Office of Government Ethics**

**82 x 2 -- 01/18/82**

### **Letter to a Former Government Employee dated January 18, 1982**

Reference is made to your letter of December 21, 1981 in which you pose several questions concerning the applicability of the "revolving door" statute to your post-Federal employment activities.

Your letter states that your last position with the Federal Government was with the legislative branch (March 1976-April 1980). Your last previous employment with the executive branch was in 1967. You then ask if there are any impediments imposed by 18 U.S.C. § 207 or any other legislation which relate to your dealing with your former agency or becoming involved professionally with a matter concerning events occurring under or arising from contracts awarded by that agency during the period of your employment. You then request guidance as to threshold limitations which may be applicable to a position equivalent to the GS-13 level of the General Schedule. Finally, you inquire as to whether your former employment by the agency imposes any restrictions on your ability to act as a consultant or to otherwise advise a subcontractor or its attorneys in a situation involving a civil suit between a prime contractor and a first-tier subcontractor arising out of a construction contract awarded by that Federal agency. You indicated that you believe the agency has no interest in the suit.

18 U.S.C. § 207 (Pub. L. No. 87-849) was amended in 1978 by the Ethics in Government Act (Pub. L. No. 95-521). Section 502 of Pub. L. No. 95-521 provides: "The amendments made by section 501 shall not apply to those individuals who left Government Service prior to the effective date of such amendments . . . ." Section 503 provides: "The amendments made by section 501 shall become effective on July 1, 1979." Accordingly, the prohibitions which apply to you are those found in 18 U.S.C. § 207 as it read at the time of your termination of employment with the executive branch in 1967. The applicable statute provides, in relevant part, as follows:

(a) Whoever, having been an officer or employee of the executive branch of the United States Government . . . ,

after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise while so employed . . . shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

You will note that the above recited language is made applicable to all executive branch personnel regardless of grade level and that the restrictions imposed have no time limitations. Accordingly, if you were personally and substantially involved with a particular contract while employed at the agency, you are permanently barred from representing anyone, other than the United States Government, in connection with matters relating to the contracts which are pending before the agency or in which the agency has a direct or substantial interest.

While normally there would be no prohibition to your acting as a consultant to a subcontractor in civil litigation with a prime contractor on a matter in which your former agency has no interest, if the contract in controversy is one in which you were personally and substantially involved while in the employ of the agency, we strongly urge that you contact your former agency to determine their interest in the suit and to ensure that no additional internal agency regulations apply.

Sincerely,

J. Jackson Walter  
Director