

Office of Government Ethics

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Letter to a Former Employee dated April 25, 1990

This is in reply to your letter of March 29, 1990, in which you ask if a retired Federal employee may accept a gift from an employee of a foreign government with whom the Federal employee dealt in an official capacity. You also asked for guidance concerning any applicable restrictions relating to a former Federal employee's employment by a foreign government. For purposes of this response, we have assumed that the retired employee is a former civilian employee. Retired military officers are subject to limitations not applicable to retired civilians.

Current civilian employees of the Federal Government are subject to restrictions relating to their acceptance of gifts and employment from foreign governments. Retired civilian employees, however, are not subject to these restrictions. Thus, a retired civilian employee may accept a gift of any value from a foreign government or from an employee of that government even though the retired employee may have had official dealings with the foreign government while still employed by the United States. By virtue of a criminal statute, however, the gift cannot be accepted if the gift is offered for or because of any official act that was performed by the civilian employee.

A retired civilian employee may also accept employment with a foreign government. Notwithstanding the fact that he may accept such employment, the retired employee may be subject to restrictions relating to the activities that he may undertake on behalf of the foreign government. A criminal statute, 18 U.S.C. § 207 prohibits a former employee from representing another person or entity before an agency or court of the United States concerning certain matters in which the employee was personally and substantially involved or that were under the employee's official responsibility. Former "Senior Employees" are subject to additional representational bars. These prohibitions can last from one year to a lifetime. Moreover, employees who terminate Government service on or after January 1, 1991, will be subject to additional restrictions relating to their post-Government service employment activities.

We trust this information will be of assistance. Should you have further questions about the post-employment restrictions of 18 U.S.C. § 207, you may wish to contact the Designated Agency Ethics Official at your former agency.

Sincerely,

Donald E. Campbell
Acting Director