



FREQUENTLY ASKED QUESTIONS ON THE POST-EMPLOYMENT RESTRICTIONS

Question 1: What is the statutory threshold to determine which employees are subject to the one year “cooling off” restriction of 18 U.S.C. § 207(c)(1)?

Answer 1: That threshold, provided at 18 U.S.C. § 207(c)(2)(A)(ii), is **\$195,231**, effective January 1, 2025. Note this threshold amount changes periodically. Consult the Office of Ethics for the current amount at the time you leave government service.

Question 2: What types of matters are covered by the lifetime restriction (18 U.S.C. §207(a)(1)) and the two-year restriction (18 U.S.C. §207(a)(2))?

Answer 2: The “lifetime” and “two-year” post-employment restrictions deal entirely with what are known as **“particular matters involving specific parties.”** A “particular matter involving a specific party” is a subset of “particular matter,” such as any of the following:

- judicial or other proceedings;
- applications;
- requests for a ruling or other determination;
- contracts;
- claims;
- controversies;
- investigations;
- charges;
- accusations;
- arrests;
- grants;
- audits;
- lawsuits; or
- loans.

In determining whether two particular matters are the same, consider the extent to which the matters involve the same basic facts, related issues, the same or related parties, the time elapsed, the same confidential information, and the continuing existence of an important federal interest.

“Particular matter” normally, however, does not include broad policymaking such as drafting regulations. Talk to an ethics advisor if you are seeking employment with an entity that would be directly affected by policy matters you handled, such as a legislative initiative, regulatory proposal, or policy determination.

Question 3: The lifetime and two-year restrictions seem pretty complex. Is there an easier “rule of thumb” that can guide me?

Answer 3: When considering whether the “lifetime” and “two-year” bans would restrict you from taking a specific action after you leave Federal service, there are **two basic things you need to ask:**

1) Will you be communicating with a Federal employee with the intent to influence the employee’s actions?

AND

2) Is the subject matter of the communication a “particular matter involving specific parties” that you worked on while you were a Federal employee or that was pending under your official responsibility?

If the answer is **no** to either question, your proposed course of action does not implicate 18 U.S.C. §207(a)(1) or (2).

Question 4: I left government service two months ago to work for a local corporation. I was classified as a “senior” career employee at USDA. I would like to invite the Secretary to serve on a speaker’s panel at a conference my new employer is hosting next month. May I extend this invitation?

Answer 4: No, because you were a “senior” career employee you should not seek official actions from any USDA employee, regardless of the subject matter, until one year has passed.

If you have any questions, please contact your Ethics Advisor at the USDA Office of Ethics. Find your Advisor here: www.usda.gov/oe