

**TALKING PAPER**  
**ON**  
**POST-EMPLOYMENT RULES FOR RESERVISTS**

- 18 U.S.C. § 207 imposes some restrictions on the employment of all former Government employees, including retired reserve officers.
  - 18 U.S.C. § 207(a)(1) imposes a *lifetime prohibition* on representing others in connection with the same particular matter involving specific parties in which the former employee participated personally and substantially on behalf of the government.
  - 18 U.S.C. § 207(a)(2) imposes a *two-year prohibition* on representing others in connection with the same particular matter involving specific parties that was pending under the employee's official responsibility during the last year of Government employment.
  - 18 U.S.C. § 207(b) imposes a *one-year prohibition* on representing, aiding, or advising others about certain ongoing trade or treaty negotiations on the basis of certain nonpublic information.
- The 18 U.S.C. § 207 restrictions do not apply to enlisted personnel (active duty or reserve)
- Under 18 U.S.C. § 202, reserve officers of the Armed Forces are classified as special Government employees (SGEs) while they are on active duty solely for training.
  - SGEs are subject to certain other post-employment rules, but only if they are senior employees (i.e., general officers) and they served 60 days or more of active duty service in the one-year period before their Federal service or employment terminated.
    - A reserve general officer who served 60 days or more of active duty service in the one-year period before his service as a reserve general officer terminated is subject to the one-year cooling-off period of 18 U.S.C. § 207(c). This section prohibits former senior employees from representing, with the intent to influence, anyone in connection with any matter before their former agency for one year after terminating their position.
    - A reserve general officer who served 60 days or more of active duty service in the one-year period before his service as a reserve general officer terminated is also subject to the one-year prohibition of 18 U.S.C. § 207(f). That section prohibits former senior employees from representing, aiding, or advising certain covered foreign entities in connection with any official decision of an officer or employee of the United States.

SAF/GCA (Ms. Amy Braud, DSN 227-7430) 9 February 2006

- The Procurement Integrity Act, 41 U.S.C. § 423, also applies to SGEs, including reserve officers.
  
- Thus, for a period of one year after serving in one of seven positions or making one of seven decisions on a contract over \$10 million, a former official of a federal agency may not accept compensation from the person or company awarded the contract.
  - The seven positions are:
    - Procuring contracting officer
    - Source selection authority
    - Source selection evaluation board member
    - Chief of a financial or technical evaluation team
    - Program manager
    - Deputy program manager
    - Administrative contracting officer
  
  - The seven decisions are:
    - Decision to award a contract over \$10 million
    - Decision to award a subcontract over \$10 million
    - Decision to award a modification over \$10 million of a contract,  
or a modification over \$10 million of a subcontract
    - Decision to award a task order or delivery order over \$10 million
    - Decision to establish overhead or other rates for a contract or contracts valued over  
\$10 million
    - Decision to approve issuance of a contract payment or payments over \$10 million
    - Decision to pay or settle a contract claim over \$10 million
  
- Additional guidance on the Procurement Integrity Act restrictions can be found in the Federal Acquisition Regulation (FAR), section 3.104