

18 U.S.C. § 207 Exceptions and Waivers: A Quick Reference Guide*

Official Government Duties

A former employee is not restricted by any of the substantive provisions of § 207 from engaging in post-employment activities performed in carrying out official duties on behalf of the U.S. This exception also extends to activities undertaken in carrying out official duties as an elected official of a state or local Government.

State and Local Government and Institutions, Hospitals, and Organizations

A former senior or very senior employee will not violate § 207(c) or (d) if his communication or appearance is made in carrying out official duties as an employee of and is made on behalf of (1) an agency or instrumentality of a State or local Government, (2) an accredited degree-granting institution of higher education as defined in § 101 of the Higher Education Act of 1965, as amended (20 U.S.C. § 1001), or (3) a hospital or medical research organization exempted and defined under § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)).

International Organizations

A former employee is not restricted by any of the substantive provisions of § 207 from representing, aiding, or advising an international organization in which the U.S. participates, if the Secretary of State certifies in advance that such activity is in the interest of the U.S.

Special Knowledge

A former senior or very senior employee will not violate § 207(c) or (d) if he makes a statement that is based on his own special knowledge in the particular area that is the subject of the statement, provided that he receives no compensation for making the statement.

Scientific or Technological Information

A former employee will not violate §§ 207(a)(1), (a)(2), (c), or (d), if he makes a communication solely for the purpose of furnishing scientific or technological information in accordance with procedures acceptable to the agency involved. Alternatively, a former employee may make a communication if the head of the agency concerned publishes a certification in the *Federal Register* stating that the former employee has outstanding qualifications in a scientific, technological, or other technical discipline, that he is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the former employee's participation.

Testimony

A former employee is not restricted by any of the substantive restrictions of § 207 from giving testimony under oath or from making statements required to be made under penalty of perjury, subject to a special rule with respect to expert opinion testimony. Unless expert opinion

testimony is given pursuant to court order, a former employee may not provide such testimony on a matter on behalf of any other person except the U.S. (or the Congress) if he is subject to the lifetime prohibition contained in § 207(a)(1) relating to that matter.

Political Parties and Campaign Committees

A former senior or very senior employee will not violate § 207(c) or (d) if his communication or appearance is on behalf of a candidate for Federal or State office or an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

Presidential Waiver

A former employee is not restricted by any of the substantive restrictions of § 207 if granted 1 of 25 Presidential waivers in connection with his reemployment at a Government-owned, contractor operated entity.

OGE Director Waiver

A former employee is not restricted by 207(c) if the Director waived the employee's position before the employee entered the position.

* This guide is only a summary. When giving advice, always consult the complete set of laws, rules, and opinions that apply to the particular situation.



18 U.S.C. § 207 Exception and Waiver Applicability

Exception/Waiver	(a)(1)	(a)(2)	(b)	(c)	(d)	(f)	(l)
Official Government Duties § 207(j)(1)	X	X	X	X	X	X	X
State and Local Government and Institutions, Hospitals, and Organizations § 207(j)(2)				X	X		
International Organizations § 207(j)(3)	X	X	X	X	X	X	X
Special Knowledge § 207(j)(4)				X	X		
Scientific or Technological Information § 207(j)(5)	X	X		X	X		
Testimony § 207(j)(6)	X	X	X	X	X	X	X
Political Parties and Campaign Committees § 207(j)(7)				X	X		
Presidential Waiver § 207(k)	X	X	X	X	X	X	X
OGE Waiver § 207(c)(2)(C)				X		X	

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