official shall determine whether any successor entity is substantially the same as the agency or a designated component that employed the former senior employee. Section 2641.204(g)(2)(iv)(A) through (g)(2)(iv)(C) should be used for guidance in determining how the 18 U.S.C. 207(c) bar applies when an agency or a designated component has been significantly altered.

(2) Consultation with Office of Government Ethics. When counseling individuals concerning the applicability of 18 U.S.C. 207(c) subsequent to significant organizational changes, the appropriate designated agency ethics official (DAEO) shall consult with the Office of Government Ethics. When it is determined that appendix B to this part no longer reflects the current organization of a parent agency, the DAEO shall promptly forward recommendations for designations or revocations in accordance with paragraph (e) of this section.

Example 1 to paragraph (g): An eligible former senior employee had served as an engineer in the Agency for Transportation Safety, an agency within Department X primarily focusing on safety issues relating to all forms of transportation. The agency had been designated as a distinct and separate component of Department X by the Director of the Office of Government Ethics. Subsequent to his termination from the position, the functions of the agency are distributed among three other designated components with responsibilities relating to air, sea, and land transportation, respectively. The agency’s few remaining programs are absorbed by the parent. As the designated component from which the former senior employee terminated is no longer identifiable as substantially the same entity, the 18 U.S.C. 207(c) bar will not affect him.

Example 2 to paragraph (g): A scientist served in a senior employee position in the Agency for Medical Research, an agency within Department X primarily focusing on research. The agency had been designated as a distinct and separate component of Department X by the Director of the Office of Government Ethics. Subsequent to her termination from the position, the mission of the Agency for Medical Research is narrowed and it is renamed the Agency for Cancer Research. Approximately 20% of the employees of the former agency are transferred to various other parts of the Department to continue their work on medical research unrelated to cancer. The Agency for Cancer Research is determined to be substantially the same entity as the designated component in which she formerly served, and the 18 U.S.C. 207(c) bar applies with respect to the scientist’s contacts with employees of the Agency for Cancer Research. She would not be barred from contacting an employee who was among the 20% of employees who were transferred to other parts of the Department.

(h) Unauthorized designations. No agency or bureau within the Executive Office of the President may be designated as a separate agency component.

APPENDIX A TO PART 2641—POSITIONS WAIVED FROM 18 U.S.C. 207(C) AND (F)

Pursuant to the provisions of 18 U.S.C. 207(c)(2)(C) and 5 CFR 2641.301(j), each of the following positions is waived from the provisions of 18 U.S.C. 207(c) and 5 CFR 2641.204, as well as the provisions of 18 U.S.C. 207(f) and 5 CFR 2641.206. All waivers are effective as of the date indicated.

Agency: Department of Justice
Positions:
United States Trustee (21) (effective June 2, 1994).

Agency: Securities and Exchange Commission
Positions:
Solicitor, Office of General Counsel (effective October 29, 1991).
Chief Litigation Counsel, Division of Enforcement (effective October 29, 1991).
Deputy Chief Litigation Counsel, Division of Enforcement (effective November 10, 2003).
SK–16 and lower-graded SK positions supervised by employees in SK–17 positions (effective November 10, 2003).
SK–16 and lower-graded SK positions not supervised by employees in SK–17 positions (effective December 4, 2003).

APPENDIX B TO PART 2641—AGENCY COMPONENTS FOR PURPOSES OF 18 U.S.C. 207(C)

Pursuant to the provisions of 18 U.S.C. 207(h), each of the following agencies is determined, for purposes of 18 U.S.C. 207(c), and 5 CFR 2641.204, to have within it distinct and separate components as set forth below. Except as otherwise indicated, all designations are effective as of January 1, 1991.
All designated components under the jurisdiction of a particular Assistant Secretary shall be considered a single component for purposes of determining the scope of 18 U.S.C. 207(c) as applied to senior employees serving on the immediate staff of that Assistant Secretary.
Office of Government Ethics

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Environment and Natural Resources
Division.
Executive Office for United States
Attorneys (effective January 28, 1992).
Executive Office for United States
Trustees (effective January 28, 1992).
Federal Bureau of Investigation.
Independent Counsel appointed by
the Attorney General.
Office of the Pardon Attorney (effective
Offices of the United States Attorney
(each of 94 offices).
Offices of the United States Trustee
(each of 21 offices).
Office on Violence Against Women
(effective March 8, 2007).
Tax Division.
United States Marshals Service (effective
May 16, 1997).
United States Parole Commission.

Parent: Department of Labor
Components:
Employee Benefits Security Administra-
tion (formerly Pension and Wel-
fare Benefits Administration) (effective May 16, 1997).
Employment and Training Administra-
tion.
Employment Standards Administra-
tion.
Mine Safety and Health Administra-
tion.
Occupational Safety and Health Admin-
istration.
Office of Disability Employment Pol-
icy (effective January 30, 2003).

Parent: Department of State
Component:
Foreign Service Grievance Board.

Parent: Department of Transportation
Components:
Federal Aviation Administration.
Federal Highway Administration.
Federal Motor Carrier Safety Admin-
istration (effective January 30, 2003).
Federal Railroad Administration.
Federal Transit Administration.
Maritime Administration.
National Highway Traffic Safety Ad-
ministration.
Saint Lawrence Seaway Development
Corporation.
Surface Transportation Board (effective
May 16, 1997).

Parent: Department of the Treasury
Components:
Alcohol and Tobacco Tax and Trade
Bureau (effective November 23, 2004).
Bureau of Engraving and Printing.
Bureau of the Mint.
Bureau of the Public Debt.
Comptroller of the Currency.
Financial Crimes Enforcement Cen-
ter (FinCEN) (effective January 30, 2003).
Financial Management Service.
Internal Revenue Service.
Office of Thrift Supervision.

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2The Executive Office for United States
Attorneys shall not be considered separate
from any Office of the United States At-
torney for a judicial district, but only from
other designated components of the Depart-
ment of Justice.

3The Executive Office for United States
Trustees shall not be considered separate
from any Office of the United States Trustee
for a region, but only from other designated
components of the Department of Justice.

4The Office on Violence Against Women
shall not be considered separate from the Of-
cine of Justice Programs, but only from
other designated components of the Depart-
ment of Justice.