§ 2641.207

(2) Acting as an elected State or local government official. See §2641.301(b).

(3) Testifying under oath. See §2641.301(f).

(4) Acting on behalf of an international organization pursuant to a waiver. See §2641.301(h).

(5) Acting as an employee of a Government-owned, contractor-operated entity pursuant to a waiver. See §2641.301(i).

(6) Subject to a waiver issued for certain positions. See §2641.301(j).

(c) Commencement and length of restriction.—(1) Generally. Except as provided in paragraph (c)(2) of this section, 18 U.S.C. 207(f) is a one-year restriction. The one-year period is measured from the date when an employee ceases to be a senior or very senior employee, not from the termination of Government service, unless the two occur simultaneously. See examples 1 and 2 to paragraph (d) of §2641.204.

(2) U.S. Trade Representative or Deputy U.S. Trade Representative. 18 U.S.C. 207(f) is a permanent restriction as applied to a former U.S. Trade Representative or Deputy U.S. Trade Representative.

(d) Represent, aid, or advise. [Reserved]

(e) With the intent to influence. [Reserved]

(f) Decision of employee of an agency. [Reserved]

(g) Foreign entity. [Reserved]

§ 2641.207 One-year restriction on any former private sector assignee under the Information Technology Exchange Program representing, aiding, counseling or assisting in representing in connection with any contract with former agency.

(a) Basic prohibition of 18 U.S.C. 207(l). For one year after the termination of his assignment from a private sector organization to an agency under the Information Technology Exchange Program, 5 U.S.C. chapter 37, no former assignee shall knowingly represent, or aid, counsel or assist in representing any other person in connection with any contract with that agency.

(b) Exceptions and waivers. The prohibition of 18 U.S.C. 207(l) does not apply to a former employee who is:

(1) Acting on behalf of the United States. See §2641.301(a).

(2) Acting as an elected State or local government official. See §2641.301(b).

(3) Testifying under oath. See §2641.301(f).

(4) Acting on behalf of an international organization pursuant to a waiver. See §2641.301(h).

(5) Acting as an employee of a Government-owned, contractor-operated entity pursuant to a waiver. See §2641.301(i).

(6) Subject to a waiver issued for certain positions. See §2641.301(j).

(c) Commencement and length of restriction. 18 U.S.C. 207(l) is a one-year restriction. The one-year period is measured from the date when the individual’s assignment under the Information Technology Exchange Program terminates.

(d) Represent, aid, counsel, or assist in representing. [Reserved]

(e) In connection with any contract with the former agency. [Reserved]

Subpart C—Exceptions, Waivers and Separate Components

§ 2641.301 Statutory exceptions and waivers.

(a) Exception for acting on behalf of United States. A former employee is not prohibited by any of the prohibitions of 18 U.S.C. 207 from engaging in any activity on behalf of the United States.

(1) United States. For purposes of this paragraph, the term “United States” means:

(i) The executive branch (including a Government corporation);

(ii) The legislative branch; or

(iii) The judicial branch.

(2) On behalf of the United States. A former employee will be deemed to engage in the activity on behalf of the United States if he acts in accordance with paragraph (a)(2)(i) or (a)(2)(ii) of this section.

(i) As employee of the United States. A former employee engages in an activity on behalf of the United States when he

(ii) As other than employee of the United States. (A) Provided that he does not represent, aid, or advise a foreign entity in violation of 18 U.S.C. 207(f), a former employee engages in an activity on behalf of the United States when he serves: