

CONTACTING THE U.S. GOVERNMENT

2021

A WORD ABOUT ETHICS

2021

Am I limited in my dealing with the United States Government in my personal capacity?

- Yes. You may not represent anyone (other than yourself) before a Federal agency or Federal court, which means that, unless an exception applies, you may not contact a Federal agency or court on behalf of anyone other than yourself to influence Government action (including by serving as an expert witness). This restriction even applies to contacting a Federal agency on behalf of a family member (except as noted below). You also may not receive payments based on the representational activities of others before a Federal agency or Federal court (such as from partnership distributions if you are a partner). You may, however, contact Congress on behalf of someone else.

Are there exceptions to these restrictions?

- Yes; you may represent:
 - a spouse, parent, child, estate, or someone with whom you have a power of attorney (but *only* if you receive prior approval through an ethics official);
 - another employee in a personnel dispute (if you are not paid and it does not conflict with your Federal duties); and
 - a Federal employee organization (except in the situations noted below).

When are there restrictions on representing a Federal employee organization before a Federal agency or court?

- You may not represent an organization composed primarily of other Federal employees (or their family members):
 - in a claim against the Government,
 - in a proceeding,
 - if the matter at issue involves financial payments from the Government (such as a contract or grant), or
 - if you receive payment for the representational activities.

If I work for less than 130 days per year am I covered by these restrictions?

- Some of them.
 - If you worked 60 days or fewer in a 365-day period, you are barred from contacting the Government on a matter involving specific parties on which you worked as part of your Government duties.
 - If you worked 61-130 days, you are also barred from contacting the Government on a matter involving specific parties pending before the Department of Commerce, even if you did not personally work on the matter as a Government employee.
- Note that if you served for less than 130 days, you may contact the Government on behalf of someone else regarding a policy matter or anything that does not involve specific parties.