**Post-Employment Restrictions and**

**Retired U.S. Public Health Service (USPHS) Commissioned Officers**

After retiring, USPHS Commissioned Corps officers continue to remain indefinitely subject to section 9 of article I of the Constitution, relating to acceptance of emoluments, offices, or titles from a foreign government, AKA the Emoluments Clause.  What constitutes a foreign government is not always clear as many foreign corporations, hospitals, universities, and airlines are subject to this restriction due to government control or ownership interest, even if the employment site will be in the USA.

Since 1977, such USPHS officers may accept employment or compensation from a foreign government **only if** the Secretary of HHS **and** the Secretary of State approve the employment. [37 U.S. Code § 908](https://www.gpo.gov/fdsys/pkg/USCODE-2010-title37/pdf/USCODE-2010-title37-chap17-sec908.pdf).  AS TO MILITARY SERVICE IN FOREIGN ARMED FORCES.—For a provision of law providing the consent of Congress to service in the military forces of certain newly democratic nations, see [10 U.S. Code § 1060](https://www.gpo.gov/fdsys/pkg/USCODE-2011-title10/pdf/USCODE-2011-title10-subtitleA-partII-chap53-sec1060.pdf).

**The penalty for not obtaining the HHS and State approval is forfeiture of one’s USPHS pension until such approval is obtained, and approval is not usually retroactive.**

Within HHS, the approver of such activities is the Assistant Secretary for Health (ASH).  Requests are processed through the Director, Division of Commissioned Corps Personnel & Readiness (DCCPR).  Please direct questions to the IHS Division of Personnel Security and Ethics (DPSE) staff at (301) 443-4137.