



**POST-GOVERNMENT EMPLOYMENT RESTRICTIONS
FOR
SEPARATING AND RETIRING
DEPARTMENT OF THE AIR FORCE (DAF) PERSONNEL**

Air Force Ethics Office
Office of the General Counsel (SAF/GCA)
Room 4C934, Pentagon
(703) 693-0417 ▪ SAF.GCA.Ethics.Workflow@us.af.mil

-
- SAF/GCA provides post-Government employment advice for DAF employees assigned to the Pentagon. Please email SAF.GCA.Ethics.Workflow@us.af.mil or call (703) 693-0417.
 - Recommended for military officers/civilians considering defense-related employment in the private sector.
 - **Please note:** This guide does not apply to Special Government Employees (SGEs). Please contact an ethics counselor or refer to the next page of this document for links to guidance.
-



U.S. AIR FORCE

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

TABLE OF CONTENTS

I.	Introduction.....	3
II.	All DAF Military Members and Civilian Employees.....	4
	<i>a. Pre-Separation Rules.....</i>	<i>4</i>
	<i>b. Post-Separation Rules.....</i>	<i>8</i>
	<i>c. Ethics Reviews (“30-day Letters”).....</i>	<i>13</i>
III.	Senior Personnel (General Officers, SES, PAS, etc.).....	15
	<i>a. Pre-Separation Rules.....</i>	<i>15</i>
	<i>b. Post-Separation Rules.....</i>	<i>16</i>
IV.	Foreign Government Employment.....	21
	<i>a. Prior Military Members (Retired or Separated) Working for a Foreign Government.....</i>	<i>21</i>
V.	Personnel Involved in Contracting/Procurement Activities.....	22
	<i>a. Procurement Integrity Act Restrictions.....</i>	<i>22</i>
	<i>b. “30-day” Letter Requirement.....</i>	<i>24</i>
VI.	Conclusion	25
VII.	Attachment 1 – Chart: Post-Government Employment Restrictions	26
VIII.	Attachment 2 – Template Disqualification Statement for All Employees Seeking Post-Government Employment.....	28
IX.	Attachment 3 – Template Notification and Recusal Statement (Only for STOCK Act Employees Negotiating Post-Government Employment).....	29
X.	Attachment 4 – Federal Government Employee Certificate of No Conflict.....	30
XI.	Attachment 5 – DD Form 2945 Post-Government Employment Advice Opinion Request....	32

Please refer to the following documents for guidance regarding Special Government Employees:

- DoD’s Standards of Conduct Office (SOCO), *An Ethics Guide for Special Government Employees, Including Consultants and Experts*:
<https://dodsoco.ogc.osd.mil/Portals/102/Documents/Special%20Interest%20topics/SGE/2020%20SGE%20Guide%20no%20certificate.pdf?ver=6t8rMBUZxIpsEMvvHYjnNw%3D%3D>
- U.S. Office of Government Ethics (OGE), Opinion 00x1:
[https://www.oge.gov/Web/oge.nsf/Legal%20Docs/445ECB1FB63809DA852585BA005BED9E/\\$FILE/00x1.pdf?open](https://www.oge.gov/Web/oge.nsf/Legal%20Docs/445ECB1FB63809DA852585BA005BED9E/$FILE/00x1.pdf?open)

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

I. INTRODUCTION

A number of ethical issues may arise while current DAF military members and civilian employees are seeking or have found post-Government employment, particularly when they are going to work for defense contractors. As a result, laws and regulations place limitations on the post-employment activities of separating or retiring military members and civilian employees. The main sources of these limitations are Federal statutes, Office of Government Ethics (OGE) regulations, and the Joint Ethics Regulation (JER).

This handout first discusses the regulations on post-Government employment applicable to ALL civilian and military personnel. The subsequent sections then discuss specific rules that apply to individuals falling into various personnel categories (individuals may fall into more than one category), such as:

- Senior Government Employees (General Officers, SES members, etc.)
- Non-Career Political Employees
- Retired Military Members
- Personnel involved in Contracting/Procurement Activities (all personnel with access to procurement information should reference this section)

The restrictions placed on individuals in the aforementioned specialized personnel categories are cumulative, meaning that individuals must comply with the limitations applicable to all DAF personnel as well as those contained in each of the applicable specialized personnel categories.

This handout is for general guidance only and is not to be cited as legal authority or relied upon as legal advice. Therefore, before you make any decisions that might affect your present or future endeavors, be sure you have an accurate understanding of the law from a reliable source.

Also, keep in mind that DAF ethics counselors represent the interests of the DAF — they do not represent you as an individual. Legal counseling on ethics is not military “legal assistance.” This means that the normal confidentiality afforded a person who consults with an attorney does not apply to discussions on post-Government employment. Finally, **if you need one-on-one counseling, it is important that you contact the appropriate ethics counselor.**

Contact information for post-Government employment advice:

DAF personnel assigned to the Air Staff, Space Staff, or Secretariat, contact:

SAF/GCA

Pentagon, Room 4C934

Washington, DC 20330-1740

(703) 693-0417

All others:

Contact your servicing DAF legal office.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

II. ALL DAF MILITARY MEMBERS AND CIVILIAN EMPLOYEES

a. Pre-Separation Rules

i. Use of Government Resources in Job-Seeking

You may not use Government resources when conducting your job searches. The JER and Government-wide regulations, such as the Code of Federal Regulations (CFR), prohibit the use of Government property, official time, and the services of subordinates for other than authorized purposes.

All of the following are examples of *misuse* of Government resources:

- Using an office computer during duty hours to prepare a resume
- Asking support staff to type resumes or cover letters
- Using an office telephone to make long-distance telephone calls to prospective employers

Limited, reasonable uses of Government equipment may be authorized by your supervisor. For example, Government email may be used during personal time for job searching with the permission of your supervisor.¹

Do not assume that use is reasonable or authorized unless you clear it *in advance*.

ii. Conflicts of Interest When Seeking Post-Government Employment

DAF personnel (officer, enlisted, or civilian) are permitted to actively pursue future employment opportunities while still on active duty or employed by the DAF. However, seeking post-Government employment with certain employers **may create a conflict of interest**. This occurs when official duties involve making decisions or giving advice that could have some impact on the prospective employer. If you are seeking or negotiating for future employment, you must:

- Ensure that the prospect of employment does not affect the performance or non-performance of your official duties;
- Ensure that you do not communicate non-public or privileged information to a prospective employer; *and*
- Avoid any activity that would affect the public's confidence in the integrity of the Federal Government, even if such activity is not an actual violation of the law.²

If your efforts in seeking employment intersect with your current duties, you may need to disqualify yourself from certain matters to avoid a conflict of interest:

¹ 5 C.F.R. § 2635.704-705. See also JER ¶ 2-301. "Authorized purposes," as discussed in JER para. 2-301, include job searching while in the workplace in response to Government downsizing.

² 5 C.F.R. § 2635.101.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

Simplified Rule: Once you have started *seeking employment* with a prospective employer, you may not take any official action that will affect the financial interests of that prospective employer. To avoid triggering a conflict of interest while conducting your job search, it may become necessary for you to formally **disqualify yourself in writing** from working on official matters involving a prospective employer.³

Executive branch officers and employees, to include DAF personnel in any career field or occupation (this includes enlisted personnel), **must** disqualify themselves from *particular matters* that will have *direct and predictable effects* on the financial interests of prospective employers. Failure to properly disqualify yourself in this context may result in criminal prosecution under 18 U.S.C. § 208 with penalties including imprisonment and fines.

Disqualification is accomplished by not participating in particular matters with the entity in question. Per 5 C.F.R. § 2635.604, employees who become aware of the need to recuse from participating in a particular matter to which they have been assigned must take whatever steps are necessary to ensure that they do not participate in the matter. Appropriate oral or written notification of their recusal may be made to an agency ethics official, a supervisor, colleagues, and/or subordinates to document and help effectuate the recusal. Completing a written disqualification letter listing prospective employers is often considered to be a “best practice” even when you do not have official duties that could impact the interests of those prospective employers.⁴

The need to **disqualify** yourself arises when you begin “**seeking employment**” with prospective employers that may trigger a conflict of interest.

“**Seeking employment**” includes:

- *Conducting mutual negotiation discussions or communications* with a view toward reaching an agreement regarding possible employment regardless of whether or not specific terms and conditions of employment are discussed
- *Making unsolicited communications regarding possible employment*, including sending a resume (but merely requesting a job application does not require disqualification unless a job application is submitted)
- *Receiving an unsolicited communication* regarding possible employment without rejecting it⁵

Note: *Deferring* a discussion or decision regarding a particular employer is not equivalent to *rejecting* employment. Deferring employment means that

³ 5 C.F.R. § 2635.604(a-b); *see also* JER ¶ 2-200.

⁴ *See* Attachment 1 for a sample disqualification.

⁵ 5 C.F.R. § 2635.603(b).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

you are still seeking employment and, therefore, the disqualification requirement applies.⁶

Many people identify job opportunities by “networking” with acquaintances who work at civilian firms or companies they deal with in the course of their official Government duties. This is permissible, except that once you begin “seeking employment” (as defined above) with particular persons or companies, you are precluded from participating in an official capacity in any matter that might affect the financial interests of such persons or companies.⁷

You are no longer “seeking employment” when: you reject the possibility of employment and all discussions terminate, or when two months have elapsed after sending a resume or application to a potential employer without response.⁸

You may accept travel expenses (meals, lodging, transportation) from a prospective employer if they are customarily provided in connection with bona fide employment discussions.⁹ Financial disclosure filers (OGE Form 450 or 278e) must report gifts in excess of \$480 on their annual reports.¹⁰ The reporting and aggregation thresholds are updated every three years. These amounts apply to gifts and travel reimbursements received in calendar years 2023-2025. The next three-year adjustment to these amounts is scheduled to occur in 2026.

See Attachment 1 for a Disqualification Statement Template and further details on how to properly fulfill the disqualification and notice requirements.

Note: OGE 278 filers have an additional notice and recusal requirement under the STOCK Act, which is discussed in Section III and Attachment 2.

iii. Terminal Leave (Military Members Only)

Simplified Rule: Military personnel may accept outside employment and begin working while on terminal leave, subject to the standard restrictions concerning off-duty employment by active-duty service members. One key restriction to consider is that personnel on terminal leave may not represent their non-Federal

⁶ 5 C.F.R. § 2635.603(b)(3).

⁷ 18 U.S.C. § 208(a) and 5 C.F.R. § 2635.602(a).

⁸ 5 C.F.R. § 2635.603(b)(2)(i).

⁹ 5 C.F.R. § 2635.204(e)(3).

¹⁰ 5 U.S.C. appx. § 102(a)(2)(A).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

employers back to any aspect of the Federal Government in most situations and may not work in a Federal workplace as a contractor until after their retirement/separation date.

If you are a military member on terminal leave, you may accept a civilian position with the Federal Government. You are permitted to accept the pay and accrue annual leave for that civilian position in addition to the pay and allowances from the military for the duration of your terminal leave.¹¹ Note: See the “Retired Military” section later in this document for further discussion on the 180-day rule for retired military members transitioning to a civil service position.

1. Requirements for Preapproval for Off-Duty Employment

Generally, you are required to obtain permission to engage in off-duty employment, including while on terminal leave. However, the specific scope of this requirement varies among DAF organizations.

At a minimum, all DAF organizations require *financial disclosure filers* (those who are required to file OGE Form 278e or OGE Form 450) to submit an off-duty employment form on DAF Form 3902, including, for military members, while they are on terminal leave.¹²

However, some DAF organizations have more stringent preapproval requirements for off-duty employment. For example, some commands and bases require all military and civilian personnel to submit a written request for advance approval for any off-duty employment, including self-employment. **Before engaging in any off-duty employment, consult your local ethics official to determine whether you need to request approval.** Where it is required, request and approval will be accomplished in writing, via **DAF Form 3902**.

2. Restrictions on Representing Others to the Federal Government

If you are a military officer engaged in off-duty employment while on terminal leave, you are prohibited by 18 U.S.C. §§ 203 and 205 (criminal statutes) from representing a non-Federal employer or any other third-party back to the Government.¹³

If you are a military officer on terminal leave, this restriction does not prevent you from working for contractors. However, it limits the activities that you perform for the contractor for the duration of the terminal leave to only “behind the scenes” work at the contractor’s offices or otherwise away from the Government workplace. In almost every case, this prohibition precludes you from interacting or appearing

¹¹ 5 U.S.C. § 5534(a).

¹² 5 C.F.R. § 3601.106.

¹³ This restriction does not apply to enlisted service members.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

in the Federal workplace as a contractor because being present in Government offices on behalf of a contractor is inherently a representation.¹⁴

Note: While 18 U.S.C. §§ 203 and 205 restrictions apply only for the duration of Government employment (including terminal leave), other limitations on representation of non-Federal employers to the Government begin at separation.

b. Post-Separation Rules

When a former Government employee decides to act as the representative for another person on the same matter they handled as a Government employee, the “switching of sides” undermines the public’s confidence in the fairness of Government proceedings and creates the impression that personal influence gained by Government affiliation is being used as an undue advantage.

To prevent abuses of influence or perceptions of abuse, 18 U.S.C. § 207 (criminal statute) places representational restrictions on activities you can perform for non-Federal employers. However, the 18 U.S.C. § 207 representational restrictions do not bar you, regardless of grade or position, from accepting employment with any private or public employer after your Government service ends. In other words, **the statute does not limit *who* you work for, but it does limit *what* you do for them.**

The following three 18 U.S.C. § 207 restrictions apply to **all military officers and civilian employees (but not to enlisted personnel)**:

i. Permanent Restriction

Simplified Rule: After you leave Government service, you may not represent someone else to the Government regarding particular matters that you worked on while in Government service.

As a former Federal employee you may not make, with the *intent to influence*, any *communication to or appearance before an employee of the United States* on behalf of any other person in a *particular matter* involving a *specific party* in which you *participated personally and substantially as an employee*, and in which the *United States is a party or has a direct and substantial interest*.¹⁵ This is called a “permanent restriction” because the restriction lasts for the life of the relevant particular matter.¹⁶

¹⁴ See DoD SOCO Advisory 15-02, September 21, 2015.

¹⁵ 18 U.S.C. § 207(a)(1); 5 C.F.R. § 2641.201(a).

¹⁶ 5 C.F.R. § 2641.201(c).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

For this restriction to apply, each of the key elements must be present:

1. ***Intent to influence***

- The intent to influence element is met when the communication is made with the purpose of seeking a Government ruling, benefit, approval, or other discretionary Government action; or affecting Government action involving actual or potential dispute or controversy. Therefore, this ban does **not** apply to communications involving purely social interactions, requests for publicly available documents, or requests for factual information.¹⁷

2. ***Communication to or appearance before an employee of the United States*** on behalf of any other person

- This ban covers any appearance before or communication to any employee of any department, agency, court, or courts-martial of the United States.

Note: this restriction applies only to representations back to the Government. Therefore, this ban does not prohibit a former employee from providing “behind-the-scenes assistance” to his or her non-Federal employer where there is no communication to or an appearance before an employee of the United States.¹⁸

3. Involving a ***particular matter***

- **“Particular matter” includes any:**
 - Contract
 - Investigation
 - Application
 - Request for ruling or determination
 - Rulemaking
 - Controversy
 - Claim
 - Charge
 - Accusation
 - Arrest
 - Judicial or other proceeding¹⁹

Particular matters do **not** include matters of general applicability such as legislation or rulemaking of general applicability and the formulation of general policies, standards or objectives.²⁰

¹⁷ 5 C.F.R. § 2641.201(e)(1)(i-ii).

¹⁸ 5 C.F.R. § 2641.201(d)(3).

¹⁹ 5 C.F.R. § 2641.201(h)(1).

²⁰ 5 C.F.R. § 2641.201(h)(2).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

4. Involving a *specific party*

- The particular matter must involve specific parties both at the time the individual participated as a Government employee and at the time the former employee makes the communication or appearance, *although the parties need not be identical at both times*.²¹

5. The employee *participated personally and substantially* in the particular matter

- To participate “**personally**” means to participate directly, either individually or in combination with other persons, or through direct and active supervision of the participation of any person an individual supervises. In other words, an employee may have participated “personally” even if they were only directing a subordinate’s involvement.²²
- To participate “**substantially**” means that the employee’s involvement is of significance to the matter. To be “substantial,” participation does not need to be determinative of the particular matter’s outcome. It may include giving advice on the particular matter. However, it requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue.

A finding of substantiality is based not only on the effort devoted to a matter, but also on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial. The facts regarding level of involvement are critical to the analysis. Former employees should consult with their ethics official when they are unsure if participation in a particular matter was substantial.²³

6. The *United States is a party or has a direct and substantial interest*

- The United States is neither a party to nor does it have a direct and substantial interest in a particular matter merely because a Federal statute is at issue or a Federal court is serving as the forum for resolution of the matter.²⁴

Where it is unclear, the determination of whether the United States is a party to or has a direct and substantial interest in a particular matter will be made by the designated agency ethics

²¹ 5 C.F.R. § 2641.201(h)(3).

²² 5 C.F.R. § 2641.201(i)(2).

²³ 5 C.F.R. § 2641.201(i)(3).

²⁴ 5 C.F.R. § 2641.201(j).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

official (DAEO) of the former employee's agency. Factors for this determination include whether the DAF:

- has a financial interest in the matter;
- will experience an effect on its policies, programs, or operations;
- is involved in any proceeding associated with the matter;
and
- has more than an academic interest in the outcome of the matter.²⁵

ii. Two-Year Restriction

Simplified Rule: For two years after leaving Government service, you may not represent someone else to the Government regarding particular matters that you did not work on yourself but were pending under your responsibility during your last year of Government service, even if you did not work on the matter yourself.

As a former Federal employee, you may not knowingly, with the intent to influence, make any communication to or appearance before an employee of the United States on behalf of any other person in connection with a particular matter involving a specific party or parties, in which the United States is a party or has a direct and substantial interest, and *which you know or reasonably should know was actually pending under your official responsibility within the one-year period prior to the termination of your Government service.*²⁶

This two-year ban requires many of the same elements as the Permanent Restriction (supra). However, while the lifetime ban is limited to particular matters in which you participated, the two-year ban has a broader scope, applying to all particular matters you *know or reasonably should know were actually pending under your official responsibility within the last year of Government service*. This ban commences upon the date of your termination from Government service and expires two years from that date.

Therefore, the two-year ban applies where the following elements are present:²⁷

1. ***Intent to influence***
2. ***Communication to or appearance before an employee of the United States*** on behalf of any other person
3. Involving a ***particular matter***
4. Involving a ***specific party***
5. The ***United States is a party or has a direct and substantial interest***
6. Particular matter was under employee's ***"official responsibility"***
 - a. "Official responsibility" means the direct administrative or operating authority, whether intermediate or final, to approve, disapprove, or otherwise direct Government action. All

²⁵ 5 C.F.R. § 2641.201(j)(2)(ii).

²⁶ 18 U.S.C. § 207(a)(2); 5 C.F.R. § 2641.202.

²⁷ Refer to the "Permanent Restriction" section above for explanations of the first five elements.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

particular matters are under the official responsibility of any intermediate supervisor who supervises a person, including a subordinate, who actually participates in the matter (regardless of how far down in the chain of command the subordinate is from the employee).²⁸

7. Particular matter was **actually pending** in the **last year** of Government service
 - a. A matter is actually pending under an employee's official responsibility if it has been referred to the employee for assignment or has been referred to or is under consideration by any person he supervises, including a subordinate. A matter is "pending" even if is not under "active" consideration and regardless of the duration of time that it is under the employee's official responsibility.
8. The former employee **has knowledge of official responsibility**
 - a. A communication or appearance is prohibited only if, *at the time of the proposed post-employment communication or appearance*, the former employee **knows or reasonably should know** that the matter was actually pending under his official responsibility within the one-year period prior to his termination from Government service. It is **not** necessary that the employee had personal knowledge about the pending matter *during his/her Government service*.²⁹

iii. One-Year Restriction on Trade or Treaty Negotiation

Simplified Rule: For one year after leaving Government service, you may not aid, advise, or represent someone else regarding trade or treaty negotiations that you worked on during your last year of Government service.

As a former Federal employee, you are restricted for **one year** after Government service ends, from knowingly *representing, aiding or advising* on the basis of *covered information*, any other person concerning any *ongoing trade or treaty negotiation* which, in the *last year* of Government service, you *participated personally and substantially*.³⁰

As with the other restrictions, this restriction can be broken down into elements, all of which must be present for the one-year restriction to apply:

1. Former employee is ***representing, aiding or advising***
 - Unlike the other restrictions, the one-year restriction applies even to "behind-the-scenes" assistance.
2. Involving ***covered information***

²⁸ 18 U.S.C. § 207(a)(2); 5 C.F.R. § 2641.202(j).

²⁹ 5 C.F.R. § 2641.202(j)(2).

³⁰ 18 U.S.C. § 207(b); 5 C.F.R. § 2641.203(a).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

- “**Covered information**” refers to agency records that were accessible to the employee and were exempt from disclosure under the Freedom of Information Act.
- 3. Concerning any *ongoing trade or treaty negotiation*
 - For the purposes of this ban, **trade negotiations** are those undertaken pursuant to the Omnibus Trade and Competitiveness Act of 1988.³¹ **Treaties** are international agreements that require the advice and consent of the Senate.
- 4. Participating *personally and substantially* in the employee’s *last year* of Government service
 - Refer to the section on the lifetime ban for explanations of personal and substantial participation.

c. Ethics Reviews (“30-day Letters”)

If you are a current or former employee, you may request a written legal opinion regarding the applicability of post-Government restrictions (including the Procurement Integrity Act) to the activities that you may undertake on behalf of the private employer. Ethics officials ordinarily issue these legal reviews within 30 days of the request (hence, the name “30-day letter”).

A request for a 30-day letter must be submitted on a **DD Form 2945**.³² The request must explain the duties the employee recently held with the Federal Government, as well as the duties the employee anticipates undertaking for the new employer.

Note: Procurement/Contracting officials should reference section VI of this handout titled, “Personnel Involved in Contracting/Procurement Activities,” to determine if he or she is required to submit a request for a written ethics opinion through the After Government Employment Advisory Repository (AGEAR) online system instead of on DD Form 2945.

You are not required to have a 30-day letter in hand before you begin to **talk** to a company about employment. Generally, the Government does not require that you obtain a 30-day letter at all, unless the employee falls into one of the required categories below.

As discussed in Section VI(b), 30-day letters are **required** before receiving compensation from a DoD contractor **within two years** of leaving federal employment in the case of:

- **senior employees** (General Officers and SESes) who participated *personally and substantially* in an acquisition valued in excess of \$10 million; and
- employees who dealt with a contract in an amount in excess of \$10 million while in one of the following contracting or procurement positions:
 - program manager
 - deputy program manager

³¹ 19 U.S.C. § 2902.

³² See Attachment 5.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

- procuring contracting officer
- administrative contracting officer
- source selection authority
- member of the source selection evaluation board
- chief of a financial or technical evaluation team

Private employers often request that a DAF military member or civilian employee submit a letter during the interview process concerning the applicability of post-Government employment restrictions. In certain instances, it may be appropriate to complete a **“Certificate of No Conflict”**³³ for submission to potential employers with a copy of your disqualification memorandum.

³³ See Attachment 3.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

III. SENIOR PERSONNEL (GENERAL OFFICERS, SES, PAS, ETC.)

While General Officers, SES and SES-equivalent employees, and Senate confirmed Presidential Appointees (PAS) must comply with all of the restrictions described in the previous section, they also operate under a higher degree of scrutiny and must be especially careful to avoid even the appearance of any conflict of interest. **If you are considered senior personnel, you must abide by the restrictions and requirements discussed in this Section in addition to those discussed in Section II for all DAF employees. PAS employees should also abide by the restrictions in Section IV.**

a. Pre-Separation Rules

Simplified Rule: Once you have started negotiating with a prospective employer, you may not take any official action that will affect the financial interests of that prospective employer.

Pursuant to Section 17 of the “Stop Trading on Congressional Knowledge Act” (STOCK Act)³⁴, all **OGE Form 278 filers** are required to submit a notification and disqualification statement to their Ethics Office **within 3 business days of commencing direct negotiations or reaching an employment agreement** with a prospective employer.

In the context of this requirement, “**negotiations**” are discussions or communications with another person, or such person’s agent or intermediary that are mutually conducted with a view toward reaching an agreement regarding possible employment or compensation.³⁵ While the conclusion of whether an individual’s discussions have risen to the level of “negotiations” is dependent on the specific facts, relevant factors suggesting negotiations are occurring include a discussion of factors that would need to be agreed upon if the individual were to take a non-Government job, including salary, benefits, and/or the type of work the individual would perform.³⁶

The STOCK Act requirement is **not** triggered when an employee:

- makes an unsolicited communication regarding possible employment **without receiving a response** (but once a response other than a rejection is received the STOCK Act requirement is triggered)
- is negotiating employment or compensated activities to be performed **concurrent** with Federal government employment (although other authorities are applicable to such cases)
- is negotiating future **Federal Government** employment

A template for this mandatory STOCK Act notification and disqualification statement is provided in Attachment 2. Digital copies of the completed notification and disqualification statement **must** be submitted to your servicing Ethics Office. When in

³⁴ Stop Trading on Congressional Knowledge Act (“STOCK” Act, Pub. L. 112–105, S. 2038, 126 Stat. 291, enacted April 4, 2012).

³⁵ 5 C.F.R. § 2635.603(b)(1)(i).

³⁶ 5 C.F.R. § 2635.607(a), Example 1.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

doubt as to whether you have triggered the STOCK Act requirement, seek guidance from your ethics counselor.

b. Post-Separation Rules

In addition to the post-employment rules that are applicable to all employees, two Title 18 criminal provisions apply only to “senior” or “very senior” employees.

- A “senior” employee is a Senior Executive Service (SES) civilian, general officer, or equivalent (see below).
- A “very senior” employee is a person holding a position for which the rate of pay is equal to level I of the Executive Schedule and certain officials in the Office of the President.³⁷

Specifically, the two restrictions below apply to all General Officers and to those personnel whose rate of pay is equal to or greater than 86.5 percent of the rate for level II of the Executive Schedule. Currently, that means it applies to civilian employees (including SES, SL, ST, DISES, DISL, and some IPA’s and HQE’s) whose basic pay—*without locality pay*—is equal to or greater than \$195,231 (current as of January 2025).³⁸

i. One-Year “Cooling Off” Period

Simplified Rule: For one year after leaving a senior position, you may not represent someone else, with the intent to influence, before your former agency regarding any official action.

Under 18 U.S.C. § 207(c) for **one year** after your service terminates, you may not knowingly make, with the *intent to influence*, any *communication or appearance* before an employee of the *agency in which you served in the year prior to your departure*, if the communication or appearance is made on behalf of any other person and *official action* by the agency is sought.

The purpose of this “cooling off” period is to allow for a period of adjustment for the former senior employee and personnel at the agency served and to diminish any appearance that government decisions are being improperly influenced by the former senior employee.

This restriction does not apply to “behind-the-scenes” assistance. Additionally, it does *not* require that you were “personally and substantially” involved in the matter that is the subject of the communication or appearance. Instead, it applies to any representation back for the purpose of influencing employees at the agency that the employee just left. The one-year period begins on the date of the individual’s retirement or separation, not on the day of the individual’s retirement ceremony or the day he or she begins terminal leave.

³⁷ Because “very senior” employees *do not* include general officers or most SES personnel, we have not included a discussion of those restrictions in this handout.

³⁸ The one-year “cooling off” restriction and the one-year foreign government representation restriction (*infra*) applies to GS-15 civilian employees whose rate of basic pay exceeds the threshold and is not limited to SESes and GOs.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

We cannot emphasize this enough: you may not communicate back to an employee of the agency you left, for the purposes of influencing that agency, for one calendar year after you retire or separate from your Government position. If you do, you are subject to criminal prosecution.

For most DAF employees, the term “agency” refers to employees of the Department of the Air Force (including both the Air Force and the Space Force), but not the Department of Defense, the other military services, or other Federal agencies. However, if the individual leaves a job that is “dual-hatted,” such as a Unified Combatant Command or Joint Command position, then the one-year bar applies to *both* agencies (DAF and DoD), with some exceptions.³⁹

ii. One-Year Foreign Government Representation Restriction

For **one year** after service terminates, you may not *represent, aid, or advise a foreign government or foreign political party with the intent to influence the decision of an employee of any department or agency of the United States.*⁴⁰ This prohibition covers all activities with a foreign government *including* “behind-the-scenes” assistance, such as drafting a proposal, advising on another’s appearance, or consulting on strategies.

iii. Termination OGE Form 278e – Public Financial Disclosure Report

If you are an OGE 278 filer who is leaving government service, you must file a termination OGE Form 278e report **no later than 30 days** after termination and no earlier than 15 days prior to termination. The last day of service is the day before your retirement, not the last day before you take terminal leave. In general, a termination report would cover January 1 through the last day of service. If you file prior to the termination date and there are any changes between the filing date and the termination date, you must update your report.⁴¹ Your last annual report does not substitute as your termination report. You must file a termination OGE Form 278e report.

³⁹ For the purposes of this example, DoD would include any components not separately designated. The Military Departments, DARPA, DISA, DIA, DLA, NGA, NRO, DTRA and NSA have been separately designated. Therefore, if an individual leaves a component that has not been separately designated (e.g., the Joint Staff, AAFES, DHA, etc.), the individual would be prohibited from representing back to their service as well as the remainder of DoD (except for the separately designated components). Please contact your ethics counselor if you have questions about which components you would be prohibited from representing back to in your cooling-off period, or refer to DoD SOCO’s Senior Employee Post-Government Employment Restrictions handout, which includes a chart delineating the designated components:
<https://dodsoco.osd.mil/Portals/102/Documents/PGE%20and%20PI/Toolbox%20-%20PGE-PI/2024%20Sr%20PGE%20Restrictions.pdf?ver=QTvImgJqmmolIfshrEirU6Q%3d%3d>.

⁴⁰ 18 U.S.C. § 207(f).

⁴¹ 5 C.F.R. § 2634.201(e)(1). *See also* OGE Program Advisory, PA-16-06 “Acceptance Date for Termination Filings.”

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

However, if your last day of service falls on or before 13 August, you are eligible to file one report covering the year of your retirement and the prior calendar year instead of two separate reports. If your last day of service is on or before 13 August and you are interested in this option, provide your termination date to your servicing ethics officials so that they can assign the correct type of termination report to you.

Filers must submit their termination OGE Form 278e report in the Integrity e-filing system, <https://integrity.gov/>.

After filers inform their servicing ethics official of their date of retirement/separation, the ethics official will assign a termination report. SAF/GCA can also assign a termination report to any filer.

Filers who relinquish their CAC before they submit their termination report can file the report in the Integrity system if their ethics official registers them with a personal email address.

Failure to file this form by the deadline may result in a \$200 late filing fee.⁴² In addition, if you knowingly and willfully fail to file this report, we must refer your name to the Attorney General, who may pursue prosecution in U.S. District Court and subject you to a civil penalty up to \$50,000.⁴³

⁴² 5 U.S.C. § 13106(d)(1).

⁴³ 5 U.S.C. app. § 13106(a)(1); 5 C.F.R. § 2634.701.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

iv. FY 2018 NDAA Section 1045 Lobbying Prohibitions

Section 1045 of the 2018 NDAA enacted additional post-Government employment restrictions for senior personnel departing the Department of Defense after December 12, 2017. Section 1045 restricts “lobbying activities,” as defined in the Lobbying Disclosure Act,⁴⁴ with respect to DoD matters by certain senior civilian officials and officers. Departing flag and general officers and senior civilian equivalents are prohibited from lobbying certain DoD officials or certain Federal officials with other executive branch agencies regarding DoD matters for a one- or two-year period after departure, depending on seniority:

- Military officers in grades O-9 and O-10, SES/DISES at Tier 3 and above, and all Senate confirmed Presidential Appointees are prohibited from engaging in “lobbying activities” with respect to the Department of Defense for **two years** after date of retirement or separation.
- Military officers in grades O-7 and O-8, and SES/DISES at Tier 1 and 2 are prohibited from engaging in “lobbying activities” with respect to the Department of Defense for **one year** after date of retirement or separation.⁴⁵

This prohibition on engaging in lobbying activities extends beyond the DAF. If you are subject to this restriction, you are prohibited from engaging in lobbying activities with certain DoD officials or with certain other Federal officials in other executive branch agencies with respect to DoD matters.

Lobbying activities include both lobbying contacts (written or oral communications on behalf of a client) and efforts in support of such contacts (any activities, including behind-the-scenes research, advising, or strategizing to support other in making lobbying contacts), directed at covered executive branch officials. **In plain language, this is a communication ban – it prohibits departing personnel from (1) communicating with covered officials in the DoD, and (2) from communicating with covered officials in non-DoD agencies regarding DoD matters and from engaging in behind-the-scenes efforts supporting others’ communications to non-DoD covered officials.**

⁴⁴ 2 U.S.C. § 1601 et seq.

⁴⁵ Section 1045’s lobbying restrictions do not apply to:

- (1) Personnel whose basic pay rate is below 86.5 percent of the rate for Executive Schedule Level II.
- (2) Officers in the Reserve Component of the Military Services who served less than 60 days on active duty in the 1 year period prior to their retirement or separation from service in the Armed Forces and are not otherwise subject to the 1 year cooling-off period under 18 U.S.C. § 207(c).
- (3) Personnel serving in the DoD in accordance with personnel exchange authorities (e.g., the “Intergovernmental Personnel Act of 1970), highly qualified experts (HQEs), Senior Level (SL) positions, Scientific and Professional (ST) positions, Defense Intelligence Senior Level (DISL) personnel, detailees, consultants, or other special categories of personnel or term appointments that are not an equivalent to a military grade of O-7 or above.

DoDI 1000.32, para. 1.1(b), *Prohibition of Lobbying Activity by Former DoD Senior Officials* (26 Mar 2020).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

Covered executive branch officials include:

- The President
- The Vice President
- Any officer or employee in the Executive Office of the President
- Any officer or employee serving in a position in levels I-V of the Executive Schedule (e.g., Presidentially Appointed, Senate-confirmed officials)
- Any member of the uniformed services whose pay grade is at or above O-7 (Flag or General Officers)
- Any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character⁴⁶

Restricted lobbying contacts include engaging in oral, written, or electronic communications on behalf of another with regard to the formulation, modification, or adoption of Federal legislation, rules, regulations, Executive Orders, or any other program, policy or position of the United States Government. Lobbying contacts also include communications with regard to the administration or execution of a Federal program or policy, including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license; and the nomination or confirmation of a person for a position subject to confirmation by the Senate. Restricted lobbying activities include research and other background work that is intended, at the time it is performed, for use in lobbying contacts, and coordination with the lobbying activities of others.

The definition of a lobbying contact in the Lobbying Disclosure Act contains several exceptions that may be pertinent in determining whether your participation in a contact or behind-the-scenes assistance with a contact directed to a covered executive branch official is prohibited under Section 1045. These include (but are not limited to) communications compelled by a Federal contract, written responses to a request by a covered executive branch official, and requests for meeting or other administrative requests (absent any attempt to influence a covered executive branch official).

Note: This ban differs from the criminal provisions discussed above as it prohibits behind-the-scenes activity supporting lobbying contacts and applies across all DoD components during the applicable period.

⁴⁶ 2 U.S.C. § 1602(3).

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

IV. FOREIGN GOVERNMENT EMPLOYMENT

a. Prior Military Members (Retired or Separated) Working for a Foreign Government

Simplified Rule: If you are a prior military member, you must obtain preapproval for employment with a foreign government. Unless you receive prior authorization from your Service Secretary and the Secretary of State, you may forfeit your military pay during the time you perform services for a foreign government.⁴⁷

Under the Emoluments Clause⁴⁸ of the U.S. Constitution, retired military officers, enlisted personnel, and Reservists may not accept a payment from a foreign government without first obtaining the consent of Congress. Congress has determined that this consent should be obtained by asking for advance permission from the Secretary of State and the Secretary of the Military Department concerned before accepting the payment. For purposes of the Emoluments Clause, a corporation or university that is controlled by a foreign government is generally considered to be the same as the foreign government itself.

Additionally, 10 U.S.C. § 989 (introduced in the FY 2024 NDAA) prohibits an individual who has retired or **otherwise separated** from an Active or Reserve Component of the Armed Forces to enter into post-service employment with the one of several “countries of concern” or any country that has been determined to act as a proxy for one of those named countries.

The requirements of the Emoluments Clause and 10 U.S.C. § 989 apply not only to payments that are received directly by you from the foreign government, but also to payments made to you via an equitable distribution of partner or limited liability company profits that come from foreign government payments.⁴⁹ This is true even if the retired military member who is receiving a share of the profits did not work directly for the foreign government or on the foreign government matter. In these instances, before the retired military member accepts such a payment, he or she must seek consent from his or her Service and from the Secretary of State. The penalty for violating the Emoluments Clause or 10 U.S.C. § 989 is suspension of a portion of (or in some instances all) retired military pay during the period of the violation; withholding of any pay, allowances, or benefits; and/or revocation of the individual’s security clearance.

DAF Retirees considering employment by a foreign government should consult DAFI 36-2913, *Request for Approval of Foreign Government Employment of the Department of the Air Force Members* (certified current 24 Aug 23) or contact the Foreign Government Employment Program (FGE) program manager at Air Force Retiree Services (<https://www.retirees.af.mil/Foreign-Government-Employment/>).

⁴⁷ Department of Defense Financial Management Regulation, DoD 7000.14 – R, Volume 7B, Military Pay Policy – Retired Pay, section 4.0.

⁴⁸ U.S. Constitution, Article I, section 9, clause 8.

⁴⁹ Please note that the DoD Inspector General (IG) has found that an emolument existed even in the absence of a distribution, as the increased capital of the organization is still imputed to those with a vested financial interest in the business.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

V. PERSONNEL INVOLVED IN CONTRACTING/PROCUREMENT ACTIVITIES

a. Procurement Integrity Act Restrictions

If you are a military or civilian employee who works with contracts and procurement, or makes key decisions in this area, you must be aware of special pre- and post-separation restrictions arising from certain provisions of a Federal law known as the **Procurement Integrity Act (PIA)**, codified at 41 U.S.C. §§ 2101-2107. The Act is implemented through the Federal Acquisition Regulation (FAR), Part 3.104.

The Act has four basic provisions which will be discussed in turn below:

- I. a ban on disclosing procurement information
- II. a ban on obtaining procurement information
- III. a requirement for contracting officials to report employment contacts by/with a bidder or offeror in the procurement
- IV. a one-year ban for certain personnel on accepting compensation from certain contractors

i. Disclosing Procurement Information

The Act prohibits the disclosure of “*contractor bid or proposal information*” and “*source selection information*.” These terms are defined in the Act. The ban applies until the contract is awarded.

The ban applies to:

- current Federal employees
- former Federal employees
- individuals (such as contractor employees) who are currently advising the Government regarding the procurement
- individuals who have advised the Government regarding the procurement, but are no longer doing so

ii. Obtaining Procurement Information

All Federal employees and contractor personnel are prohibited from knowingly obtaining:

- “*contractor bid or proposal information*” or
- “*source selection information*” before the award of the contract to which such information relates, other than as provided for by law.

iii. Employment Contact Reporting Rule

This rule applies only to contracts in excess of the simplified acquisition threshold, which is generally \$250,000.⁵⁰ If an employee who is participating personally and substantially in a procurement makes contact with, or is contacted by, a bidder or offeror in that procurement regarding possible non-Federal employment, the employee must:

⁵⁰ FAR § 2.101. For certain categories of acquisitions, the simplified acquisition threshold is higher. *See id.*

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

- Promptly report the contact in writing to the employee's supervisor and to the designated agency ethics official (or designee), and
- Either:
 - Reject the possibility of employment, or
 - Disqualify himself or herself from further personal and substantial participation in the procurement until the agency has authorized the employee to resume participation in the procurement on the grounds that:
 - the company that the employment contact was with is no longer a bidder or offeror in the procurement, or
 - all discussions between the employee and the company regarding possible employment have terminated without an agreement or arrangement for employment.

iv. One-Year Compensation Ban

The one-year compensation ban applies to you if you serve in any of the following positions on a contract over \$10 million at the time the contractor is selected or the contract is awarded:

- Procuring Contracting Officer (PCO)
- Source Selection Authority (SSA)
- Source Selection Evaluation Board or Team
- Chief of a financial or technical evaluation team
- Program Manager
- Deputy Program Manager
- Administrative Contracting Officer

The one-year compensation ban applies to you if you personally make any of the following types of decisions:

- to award a contract or a subcontract over \$10 million
- to award a modification of a contract or a subcontract over \$10 million
- to award a task order or delivery order over \$10 million
- to establish overhead or other rates applicable to a contract or contracts that are valued over \$10 million
- to approve issuance of a contract payment or payments over \$10 million
- to pay or settle a contract claim over \$10 million

The one-year compensation ban applies to officers, enlisted personnel, civilian employees, and special government employees who fit the above criteria regardless of whether they retire, resign, or separate from the Government. The ban can apply in connection with both competitively awarded contracts and non-competitively awarded (i.e., sole source) contracts. The one-year ban applies to accepting compensation as an employee, officer, director, or consultant of the contractor.

The ban does not apply to accepting compensation from any division or affiliate of a contractor that does not produce "the same or similar products or services"

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

as the entity of the contractor that is responsible for the contract you were involved in (such as a commercial division of the contractor).

The term “*affiliate*” means an associated business concern or individual if, directly or indirectly, either (a) one controls or can control the other, or (b) a third party controls or can control both.

“*Compensation*” means wages, salaries, honoraria, commissions, professional fees, and any other form of compensation, provided directly or indirectly, for services rendered. Compensation is indirectly provided if it is paid to an entity other than the individual, specifically in exchange for services provided by the individual.

b. “30-day” Letter Requirement

You **must** submit a written request to your ethics counselor for post-Government employment advice if you expect to receive compensation from any DoD contractor within the two-year period from the date you left government service if you were a senior employee (Executive Schedule, SES, or GO) who participated personally and substantially in an acquisition valued in excess of \$10 million, **or** if you currently serve, or when you left government service served, in one of the following positions: program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract in excess of \$10 million.

These requests must be submitted online through the After Government Employment Repository (AGEAR) via the AGEAR Requestor’s Page at:

<https://www.fdm.army.mil/AGEARWeb/requestor/landingReq.xhtml>

Reminder: Submitting a 30-day letter request through AGEAR is required only for certain procurement/contracting officials described above. All other 30-day letter requests should be submitted via DD Form 2945 to your servicing ethics office. If you are unsure as to whether you must submit a request through AGEAR or a DD Form 2945, please contact your local ethics office.

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

VI. CONCLUSION

Whether you are separating or retiring, your awareness of post-Government employment restrictions should help you to avoid any misunderstanding of the law. If you have any questions, please contact the appropriate legal office (listed in the *Introduction* section) for further guidance from an ethics counselor.

Good luck with your future endeavors!

**Post-Government Employment Restrictions for
Separating & Retiring DAF Personnel**

**VII. ATTACHMENT 1 – CHART: POST-GOVERNMENT EMPLOYMENT
RESTRICTIONS**

[CONTINUED ON NEXT PAGE]

POST-GOVERNMENT EMPLOYMENT RESTRICTIONS	All Regular Air Force Members and Civilian Employees	All Reg AF Military Members	GOs (O-7 -- O-10)	PAS Officials	SES/DISES Tiers I-IV	Other Civilian Employees with Base Pay > \$ 195,231 (e.g., SL/ST, HQEs)	Non-PAS Political Appointees	Personnel with Procurement / Acquisition Duties
Seeking Employment Recusal/Disqualification 5 CFR § 2635.604 (AFEO PGE Handout, pp. 4-6)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lifetime Restriction (Personal/Substantial Participation) 18 USC § 207(a)(1) (AFEO PGE Handout, pp. 8-11)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Two-Year Restriction (Official Responsibility) 18 USC § 207(a)(2) (AFEO PGE Handout, pp. 11-12)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Trade or Treaty Negotiation One-Year Restriction 18 USC § 207(b) (AFEO PGE Handout, pp. 12-13)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
STOCK Act Notification STOCK Act, Sec 17 (AFEO PGE Handout, p. 15-16)	-	-	Yes (OGE 278 filers)	Yes (OGE 278 filers)	Yes (OGE 278 filers)	Yes, if OGE 278 filer	Yes, if OGE 278 filer	-
One-Year "Cooling-Off" Period Before DAF 18 USC § 207(c) (AFEO PGE Handout, pp. 16-17)	-	-	Yes	Yes	Yes	Yes	-	-
One Year Foreign Govt Representation Restriction 18 USC § 207(f) (AFEO PGE Handout, p.17)	-	-	Yes Yes	Yes	Yes Yes	Yes	-	-
Lobbying Restrictions FY2018 NDAA, Sec 1045 (AFEO PGE Handout, pp. 19-20)	-	-	(O-10, O-9 -- 2 years; O-8, O-7 -- 1 year)	Yes (2 years)	(Tier IV, III - - 2 years; Tier II, I -- 1 year)	-	-	-
Foreign Govt Employment (Emoluments) Restrictions U.S. Const, Art I, sec 9, cl 8 (AFEO PGE Handout, p. 21)	-	Yes	Yes	-	-	-	-	-
Representation Restriction During Terminal Leave 18 USC §§ 203, 205 (AFEO PGE Handout, pp. 6-8)	-	Yes (officers only)	Yes	-	-	-	-	-
Enhanced Recusal Requirements FY2022 NDAA, Sec 1117	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
PIA Notification Requirement 41 U.S.C. §§ 2101-2107 (AFEO PGE Handout, pp. 22-23)	-	-	-	-	-	-	-	Yes, if criteria apply
PIA Requirement to Obtain an Ethics Letter 41 U.S.C. §§ 2101-2107 (AFEO PGE Handout, p. 24)	-	-	-	-	-	-	-	Yes, if criteria apply
PIA One-Year Compensation Ban 41 U.S.C. §§ 2101-2107 (AFEO PGE Handout, p. 23-24)	-	-	-	-	-	-	-	Yes, if criteria apply

* NOTE 1: This chart is a summary and may not cover all applicable restrictions or how they would apply to you. Please review the AFEO PGE Handout and/or speak to an Ethics Counselor to ensure you are aware of all possible restrictions and applicability.

** NOTE 2: If you fall into more than one category, the restrictions in each category apply to you.

*** NOTE 3: Reserve Component (RC) members and Special Government Employees (SGEs) are subject to certain PGE restrictions depending on the number of days they are on duty. Please contact an Ethics Counselor for more information.

**Post-Government Employment Restrictions for
Separating & Retiring DAF Personnel**

**VIII. ATTACHMENT 2 – TEMPLATE DISQUALIFICATION STATEMENT FOR ALL
EMPLOYEES SEEKING POST-GOVERNMENT EMPLOYMENT**

[Date]

MEMORANDUM FOR [insert supervisor name and organization]

FROM: [insert name and title]

SUBJECT: Disqualification Statement (Seeking Post-Government Employment)

Consistent with 18 U.S.C. § 208 (a criminal statute), and 5 C.F.R. §§ 2635.604 and 606, I am notifying you that I am seeking post-Government employment with the following non-Federal [entity/entities]: _____

To avoid a conflict of interest or the appearance of a conflict of interest, I am disqualifying myself from participating personally and substantially in any particular matter that would have a direct and predictable effect on the financial interests of the above [entity/entities]. This means that I will not decide, recommend, approve, disapprove, investigate, advise, or otherwise contribute to official matters impacting the above [entity/entities].

Any matter concerning these persons or companies that I would normally be assigned in course of my duties will be referred by support staff to [insert name(s) of person(s) who will review these matters] for appropriate action. This person will not be under my supervision for these matters.

This disqualification remains in effect until further notice. In the event circumstances change, such as if I reject the possibility of employment with one of the listed entities, or if I receive no response two months after submitting my resume, I will consult an ethics counselor, update this memorandum, and notify all relevant parties.

Signature

Date

[Print Name]

cc: [Support staff that would need to be informed of disqualifications to effectively divert assignments involving the above entities]

**Post-Government Employment Restrictions for
Separating & Retiring DAF Personnel**

**IX. ATTACHMENT 3 – TEMPLATE NOTIFICATION AND RECUSAL STATEMENT
(ONLY FOR STOCK ACT EMPLOYEES NEGOTIATING POST-
GOVERNMENT EMPLOYMENT)**

**NOTIFICATION OF POST-EMPLOYMENT NEGOTIATION OR AGREEMENT AND
RECUSAL STATEMENT**

Section 17 of the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) requires certain employees to file a statement notifying their agency ethics official of any negotiation for or agreement of future employment or compensation with a non-federal entity within **three business days** after commencement of the negotiation or agreement. An employee who files a notification statement also must file with the agency's ethics official a recusal statement whenever there is a conflict of interest or appearance of a conflict of interest with the entity unless the employee obtains a written waiver as discussed in 5 C.F.R. § 2635.402(d), obtains an authorization as discussed in 5 C.F.R. § 2635.502(d), or qualifies for a regulatory exemption pursuant to 18 U.S.C. § 208(b)(2).

**NOTIFICATION OF POST-GOVERNMENT EMPLOYMENT
OR COMPENSATION NEGOTIATION OR AGREEMENT**

Name of Employee	
Agency/Office	
Date Negotiation or Agreement Commenced	
Name(s) of Non-Federal Entity or Entities Disclose each non-federal entity with which you are negotiating for or have an agreement of future employment or compensation.	

RECUSAL STATEMENT

For as long as I am negotiating for or have an agreement of employment or compensation with any entity listed above, I will comply with all applicable recusal obligations under 5 C.F.R. part 2635 and, where applicable, 18 U.S.C. § 208. I understand that it is my responsibility to consult an agency ethics official if I have questions regarding these recusal obligations.

Employee Signature	Date Submitted
Agency Ethics Official Signature	Date Received

**Post-Government Employment Restrictions for
Separating & Retiring DAF Personnel**

X. ATTACHMENT 4 – FEDERAL GOVERNMENT EMPLOYEE CERTIFICATE OF NO CONFLICT

FEDERAL GOVERNMENT EMPLOYEE
CERTIFICATE OF NO CONFLICT

Your Name

Your Organization

Your Address

City, State ZIP

Company Name

Company Address

City, State ZIP

I certify that:

- 1) I have been involved in any stage of a federal agency procurement, contract, or agreement in which **Company Name** is or was an offeror, bidder, or party.
☐ YES ☐ NO
 - If YES:
 - i. Identify the matter by name and/or solicitation/contract number:
 - ii. Provide dates of such involvement:
- 2) I have been involved in a contract or other particular matter, including but not limited to grants, agreements, audits or litigation, which may have a direct and predictable effect on the financial interests of **Company Name**.
☐ YES ☐ NO
 - If YES:
 - i. Identify the matter by name and/or contract number(s):
 - ii. Provide dates of such involvement
- 3) If I have answered **YES** to either of the above questions, the highest dollar value of any matter I have been involved in within the past twelve months is:
☐ OVER \$10 Million ☐ \$10 Million or UNDER ☐ N/A
- 4) I ☐ AM ☐ AM NOT a covered official* subject to Section 847 of the 2008 NDAA as follows:
 - a. I ☐ AM ☐ AM NOT a current or former Executive Schedule official who, within the last two years, participated personally and substantially in an acquisition with a value in excess of \$10M.
 - b. I ☐ AM ☐ AM NOT a current or former Senior Executive Service official who, within the last two years, participated personally and substantially in an acquisition with a value in excess of \$10M.
 - c. I ☐ AM ☐ AM NOT a current or former General or Flag officer who, within the last two years, participated personally and substantially in an acquisition with a value in excess of \$10M.
 - d. I ☐ AM ☐ AM NOT a current or former acquisition program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of a source selection evaluation board, or chief of a financial or technical

Post-Government Employment Restrictions for Separating & Retiring DAF Personnel

evaluation team who, within the last two years, participated personally and substantially in an acquisition with a value in excess of \$10M.

I have provided notification and disqualified myself from any future participation in any federal agency procurement in which **Company Name** is or may be an offeror or bidder, or party, and from future participation in any contract or other particular matter which may have a direct and predictable effect on the financial interests of **Company Name**, either individually or as a member of a discreet and identifiable class of entities.

This certification includes all subsidiaries and business units of **Company Name**.

A copy of my written disqualification letter is attached to this certification.

Signature: _____

Reviewed by: _____
Ethics Counselor

**Post-Government Employment Restrictions for
Separating & Retiring DAF Personnel**

**XI. ATTACHMENT 5 – DD FORM 2945 POST-GOVERNMENT EMPLOYMENT
ADVICE OPINION REQUEST**

You can access this document at:

<https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2945.pdf>