

For military personnel and reservists, unless you receive prior approval, you are prohibited from receiving pay from a Foreign Government without Congressional authorization. This could extend to receipt of pay from a United States contractor or subcontractor for providing services to a foreign government, or profit sharing at any commercial firm or business. Contact your ethics official for more information.

You may not use non-public information to further your own private interests or your subsequent employer.

Procurement Integrity (Applies to all Former Federal Employees)

While seeking employment, anyone participating personally and substantially (e.g., the acquisition would not have occurred without you) in acquisitions greater than \$250,000 must provide a written contact report that you have been contacted regarding future employment with a bidder/offeree (DoD contractor). You must either reject the possibility of employment or disqualify yourself from further participation.

Former government officials are *banned for one year* following service from accepting compensation from a Department of Defense contractor if you meet the following criteria:

- You served as an award official at the time the contractor was selected or awarded for a contract exceeding \$ 10 million. Award officials include procuring contracting officers, source selection authorities, members of source selection evaluation boards, and chiefs of financial or technical evaluation teams.
- You worked on a contract exceeding \$10 million as an administrative official. Administrative officials include administrative contracting officers, program managers, and deputy program managers.
- You personally made a decision to award, subcontract, task order or delivery order over \$10 million; establish overhead or other rates in excess of \$10 million; approve issuance of contract payments in excess of \$10 million; or pay or settle a claim for more than \$10 million.

These restraints run for one year from the time you served in these positions when the contractual action occurred; not from the time you leave government service.

Administrative Reminder:

If you file an OGE Form 278e, Public Financial Disclosure report, you must file a termination report no later than 30 days after you leave government service.

References:

- 18 USC §§ 207 - 208
- 5 CFR § 2635.107
- 41 USC §§ 2101 – 2107



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This handout provides general information. It is not a substitute for obtaining advice from an ethics counselor on the application of the ethics laws and regulations to a specific set of facts and circumstances. Please contact us at:

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POST-GOVERNMENT EMPLOYMENT

"Service Before Self"

POST-GOVERNMENT EMPLOYMENT

If you are planning to leave the Air Force and find private employment, you will want to know how the federal ethics laws may affect you, both while looking for a job and after leaving government service. This pamphlet provides a general discussion on possible restrictions. Post-Government Employment (PGE) is fact-specific. For advice relevant to your PGE opportunities, consult an ethics official as early as possible.

Phase I: Looking for a Job

While still employed by the Air Force, there are criminal conflict of interest laws that apply while you look for a new job. This is called seeking employment. You are seeking employment when you send your resume to specific companies, or enter employment discussions with a future employer. While seeking employment, you cannot take official action on a matter that would affect the financial interest of a company with which you are discussing possible employment. If you seek employment with a company you do business with or make decisions about in your official position, you must disqualify yourself from official matters that may affect the company.

If your official duties involve certain procurement matters, you have additional requirements while seeking employment (see “Procurement Integrity”).

While seeking employment, you may accept travel expenses from a prospective employer during the interview process if it is part of their normal hiring process. If you are a financial disclosure filer and the value of travel, meals, etc. paid by a prospective employer exceeds \$415, you must disclose the gift on your form.

Phase II: After Accepting a New Job

The following highlights limitations on employment activities after leaving government service. Again, for specific advice related to your PGE, contact your ethics

official before and after you terminate government employment.

Employment-Related Activities (18 U.S.C. 207)

Some parts of this criminal code apply to all former Air Force employees, while others restrict only former senior officials or those with specified duties.

Permanent Restriction (Lifetime Ban – Applies to all former Air Force Employees)

After you leave government service, you cannot represent someone else, with the intent to influence, to the Government regarding particular matters involving specific parties where you participated personally and substantially, while in Government service.

Particular Matters involve deliberation, decision, or action that is focused on the interests of specific people, or an identifiable group or class of people. These may include a contract, claim, application, judicial or other proceeding, request for ruling or other determination, controversy, investigation, or charge. This term could also include legislation or policy-making that is narrowly focused on specific interest groups.

Personal participation means you participated directly in the matter, or that one or more of your subordinates, whom you are directing, is participating.

Substantial participation means your participation must be of significance to the matter which may be based on the amount and importance of your effort. A single act, such as approving a critical act, may be substantial.

Two Year Restriction (Applies to all former Air Force Employees)

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

Official responsibility means direct administrative or operating authority to approve, disapprove, or otherwise

direct government actions. It includes a supervisor at any level having responsibility for the actions of a subordinate employee who actually participates in the matter.

One Year “Cooling Off” Period (Applies to general officers, senior executive service, and presidential appointees)

For one year after leaving government service, you cannot communicate with or appear before the Department of the Air Force with the intent to influence. This restriction extends to contacting any part of the Department of the Air Force or an Air Force employee regardless of where they work. You may provide behind-the-scenes assistance to your new employer.

For presidential employees, this restriction applies to the Department of Defense and all its agencies and services.

Former senior employees are also subject to a one-year ban on assisting a foreign government or foreign political party with an intent to influence any executive branch employee.

Lobbying Ban Section 1045 of the FY18 NDAA (Applies to general officers, senior executive service, and presidential appointees)

The lobbying ban prohibits former senior officials from participating in lobbying activities with respect to the Department of Defense. This is an additional PGE restriction. The ban has a tiered approach. For more information, contact your ethics official.

Additional Restrictions

Military personnel on terminal leave may accept a civilian position in the United States government and receive pay and allowances for that position as well as their military pay and allowances. However, while on active duty military officers may not hold a “civil office” with a state or local government or run for political office.