



DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
OFFICE OF THE STAFF JUDGE ADVOCATE
1336 PLUMMER STREET, BLDG. 275
MONTEREY, CALIFORNIA 93944

REPLY TO
ATTENTION OF:

ATZP-JA

July 2010

MEMORANDUM FOR ALL

SUBJECT: Senior Leader Contacts by Former Army Personnel

1. PURPOSE: To provide senior TRADOC leaders information on the rules regarding contacts by former Army personnel.

2. REFERENCES:

a. 18 U.S.C. 207, Restrictions on former officers, employees, and elected officials of the executive and legislative branches.

b. DoD 5500.7-R, Joint Ethics Regulation (JER).

3. DISCUSSION: Former military and civilian employees often contact senior TRADOC leaders. Much of this contact stems from prior professional relationships or friendships, and it is perfectly permissible. However, former employees sometimes seek contact with a senior leader for business purposes. These contacts may involve contractual matters, capability briefings, doctrine changes, or requirement determinations. Leaders must be aware of the rules regarding prohibited contacts by former personnel.

a. One-Year Restriction. Former DA senior executive service (SES) employees and retired general officers are specifically prohibited from attempting to influence official actions in their former department or agency for one year after their departure from the Army. Known as the "one year cooling off" rule, this restriction is designed to ensure that important Army decisions are made impartially without the unfair business influence of former leaders. Specifically, for their first year of retirement, these senior employees may not communicate with or appear before any officer or employee of their former agency with the intent to influence that person on behalf of a third party (e.g. a contractor) in connection with any matter on which the third party seeks official action by their former agency (e.g. a contract). All senior leaders are advised of this "no contact" rule as part of their retirement outprocessing. This does not preclude the Army from requesting advice from former senior leaders as consultants in their own right.

b. Two Year Restriction. All former employees are prohibited from representing someone else for two years after leaving DA regarding a matter that was under their supervisory responsibility during their last year of government service. For example, if a subordinate develops the statement of work for a government contract within a one-year period prior to the supervisor's retirement, the supervisor cannot participate on the contractor's negotiation team

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seeking that contract for two years. This prohibition and the “one year cooling off” rule focus on precluding direct contact and representation. They do not preclude “behind the scenes” work. This restriction does not apply to former enlisted personnel.

c. Lifetime Restriction. All former employees are forever prohibited from representing someone else in a particular government matter that involves non-federal parties, if that employee participated in the action personally and substantially prior to retirement. This restriction is designed to ensure that key government personnel do not switch sides against the government on a specific action where they have personally and substantially participated.

3. RECOMMENDATION: When a retired senior leader requests an appointment to “visit” an Army official, it would be advisable to secure from that leader a written statement as to the purpose of the visit (a form that may be used for this purpose is attached). Advice may be secured from the SJA office as to how to proceed. In cases when inappropriate or impermissible contact is requested or made, the matter should be handled through SJA ethics channels. All retired senior leaders fall under the responsibility of a designated ethics counselor.

4. If you have any questions or need further information, please feel free to contact the Office of the Staff Judge Advocate, Administrative Law Division, at (831) 242-6402.



CHRISTOPHER CHATELAIN
1LT, JA
Chief, Administrative Law Division

**VISITOR QUESTIONNAIRE
MEMORANDUM FOR RECORD**

Name/Address of Visitor(s) _____

1. Purpose of Visit:

_____ (a) SOCIAL

_____ (b) BUSINESS (If (b), complete remaining questions.)

2. Are you a Former Military Officer or a Former DA Civilian Employee?

_____ NO

_____ YES: • When did you retire or leave employment with DA?
Date: _____

• Last Rank or Grade: _____

(For one year after leaving Government service, all former General Officers or SES level employees are prohibited from appearing or communicating with any official of the Government agency in which they served in their last year, if their intent is to influence any official action on behalf of someone other than the Government.)

3. Are you employed by or do you represent a Defense Contractor or Subcontractor?

_____ NO

_____ YES: • Name of Contractor: _____
• Is that Contractor participating or planning to participate in an ongoing TRADOC solicitation?

_____ NO

_____ YES (there should not be any discussion concerning an ongoing or planned acquisition)

4. Do you plan to discuss a matter in which you were personally involved or which was pending under your official responsibility while employed by the Government?

_____ NO

_____ YES: *(All former employees are permanently prohibited from representing another party in an attempt to influence official Government action concerning a matter in which they participated personally and substantially as a Government officer or employee. Also, for two years they are prohibited from trying to influence a Federal Employee on a matter pending under their official responsibility during the last year of Federal employment.)*

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Date

Completed By