



SECRETARY OF THE AIR FORCE
WASHINGTON

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MEMORANDUM FOR ALMAJCOM-FOA/CC
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FROM: SAF/OS
1670 Air Force Pentagon
Washington DC 20330-1670

SUBJECT: Potential Post-Employment Ethics Liability of Requirements Personnel

The Air Force Inspector General recently investigated allegations that a general officer, who ran a MAJCOM requirements directorate, violated post-employment ethics restrictions after he retired and was employed by a DOD contractor. After a full investigation, the Inspector General concluded that the retired officer had not violated the rules. However, the Inspector General also concluded that the conventional wisdom on how post-employment ethics rules apply to requirements and procurement work is not well understood by employees or contractors.

Often in the past, requirements personnel established contract requirements, which were transferred to procurement personnel. The procurement personnel, in turn, advertised, evaluated, and awarded the contract. Conventional wisdom held that requirements personnel avoided pre- and post-employment ethics restrictions because they did not "personally and substantially" work on the contract action or supervise subordinates who did.

In the case referenced above, requirements personnel continued working closely on the project with procurement personnel, up to and after the contract award. Since this approach may give the Air Force customer greater influence and insight into the final service or product selected, from an ethics standpoint, there is no firewall between establishing the requirements and awarding the contract. Consequently, those who work on either the requirements or the award must carefully consider the ethics restrictions established by 18 U.S.C. §§ 207 and 208 if they later pursue employment with an interested contractor.

The Inspector General's memo and background paper are attached for your further consideration. Anyone associated with developing requirements or awarding contracts must seek advice from an ethics counselor prior to engaging in employment discussions.

My points of contact for this issue is Ms Jane Love, SAF/GCA,
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Pete Geren
Acting Secretary of the Air Force

Attachment:
SAF/IG Memo, 22 Jun 05, with attachment