

ORIGINAL EMAIL

For: Former/Retired GO/FOs and Former SES Members who separated from DoD since January 1, 2018

Subject: Input Requested - DoD survey of effect of post-employment restriction

Dear _____:

We respectfully request your input on a brief survey. Your input will be used to inform a briefing by the Secretary of Defense or his designee to the House and Senate Committees on the Armed Forces on the implementation and effect of the post-Government employment restrictions in Section 1045 of the NDAA for FY18. A summary of the Section 1045 restrictions is provided on the survey.

Survey participation is voluntary. You can skip questions you choose not answer, and you can stop participating at any time. Your response to the survey will be confidential. We estimate that it should take you no more than 15 minutes to complete. You can access the survey here: **[LINK TO MAX.GOV]**

Additional background: The conference report accompanying the NDAA for FY21 requested that the Secretary of Defense provide a brief to the House and Senate Committees on the Armed Forces on the implementation and effect of Section 1045 of the NDAA for FY18, including an “evaluation of the effects, if any, of the limitations imposed by Section 1045 on the Department’s ability both to attract experienced and qualified persons to public service in the DOD and to derive benefit from communications with former senior employees and officers.”

In order for the Department to meet its suspense to provide this briefing, please respond to the survey no later than **[DATE]**. If you have any questions, please contact **[POC INFO]**.

We greatly appreciate your time and attention to this matter.

Sincerely,

FOLLOW-UP EMAIL

For: Former/Retired GO/FOs and Former SES Members who separated from DoD since January 1, 2018

Subject: Reminder - DoD survey of effect of post-employment restriction

Dear _____:

This is a friendly reminder that your response to the survey referenced below must be received by **[DATE]** should you choose to participate. Your input will be used to inform a briefing by the Secretary of Defense or his designee to the House and Senate Committees on the Armed Forces on the implementation and effect of the post-Government employment restrictions in Section 1045 of the NDAA for FY18. A summary of the Section 1045 restrictions is provided on the survey.

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If you have any questions, please contact **[POC INFO]**.

We greatly appreciate your time and attention to this matter.

Sincerely,

AGENCY DISCLOSURE NOTICE

The public reporting burden for this collection of information, [0704-XXXX], is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

Survey for Former/Retired General/Flag Officers and Former SES Members

BLUF: Survey participation is voluntary and confidential. You can skip questions you choose not answer, and you can stop participating at any time. Your responses will be used to inform the Secretary of Defense's briefing to the House and Senate Committees on the Armed Forces on the implementation and effect of Section 1045 of the NDAA for FY18.

SUMMARY: Section 1045 of the NDAA for FY18 included a new post-Government employment restriction that applies only to DoD General/Flag Officers (GO/FOs) and members of the SES who retired or separated from the Armed Services or DoD after December 12, 2017. This restriction prohibits former or retired DoD GO/FO and former members of the SES from engaging in *lobbying contacts* with DoD, and *lobbying activities with respect to the DoD* for a time period determined by their grade. Specifically, former/retired GO/FOs and former members of the SES are prohibited from representing an employer to current GO/FO and political appointees in DoD. These same restrictions apply to such contacts by former senior DoD employees with all "covered officials" throughout the Executive Branch, *as well as to behind the scenes assistance in support of such contacts*, if it is related to a matter to which DoD is a party. A more comprehensive explanation of this post-Government restriction can be found [here](#).

QUESTIONS:

Q1: What was your Grade as of the date of your separation or retirement?

- O-7
- O-8
- O-9
- O-10

Q2: Before receiving this survey, were you aware of the post-Government employment restrictions created by Section 1045 of the NDAA for FY18?

- Yes
- No

Q3: If yes, were these restrictions explained to you by a DoD ethics counselor, in a post-Government employment, or career transition briefing before you accepted post-Government employment with a non-Federal entity?

- Yes
- No
- N/A - I was not aware of this restriction
- Other – I am fully retired and no longer employed; therefore, I did not receive such a briefing.

Q4: Have you experienced any challenges or difficulty in applying or understanding the restrictions under Section 1045?

- Yes
- No
- N/A - I was not aware of this restriction
- Other – I am fully retired and no longer employed

Q5: If yes, how would you characterize these challenges and/or difficulties?

- Extremely challenging or difficult
- Moderately challenging or difficult
- Minimally challenging or difficult
- N/A – I have experienced no challenge or difficulties
- Other – I am fully retired and no longer employed and, therefore, experienced no challenge or - difficulties

Q6: Have the post-Government restrictions under Section 1045 prevented you from accepting a position after leaving DoD?

- Yes
- No
- Other – I am fully retired and no longer employed

Q7: If you answered “Yes” to Q.6, was your former DoD position at all related to the prospective position that you did not accept?

- Yes
- No

-N/A - The post-Government restrictions under Section 1045 did not prevent my acceptance of a position.

-Other – I am fully retired and no longer employed

Q8: Have the post-Government restrictions under Section 1045 prevented you from communicating back to DoD on behalf of your non-Federal employer or taking any other action on behalf of your non-Federal employer since you left DoD?

-Yes

-No

-Other – I am fully retired and no longer employed

Q9: If you answered “Yes” to Q9, was the nature of that communication or action at all related to your former DoD position?

-Yes

-No

-N/A - The post-Government restrictions under Section 1045 did not prevent me from making such communications or taking such actions.

-Other – I am fully retired and no longer employed

Q10: If you had the opportunity to return to Government service in the DoD, how likely would you be deterred from doing so by knowing that Section 1045 could restrict your post-Government employment?

-Very likely

-Somewhat likely

-Not at all likely

Q11: Which statement best describes your opinion of the post-Government restrictions under Section 1045?

- The restrictions are extremely confusing to understand and to apply.
- The restrictions are moderately confusing to understand and to apply.
- The restrictions are easy to understand and apply.

Q12: Approximately, how many times have you had to reach out to a DoD ethics counselor to advise you on the restrictions under Section 1045?

-10 or more times

-5 to 10 times

-1 to 5 times

-Never

-Other – I am fully retired and no longer employed

Q13: Please provide us with any other information that you would like to share with us regarding the post-Government employment restriction under Section 1045. Please do not include any personally identifiable information (e.g., names) in your response.