



After Government Employment Advice Repository (AGEAR)

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Army Office of the General Counsel, Ethics & Fiscal

October 2022



Topics

- Purpose
- Process
- Available Resources



Section 847

The National Defense Authorization Act of 2008, Public Law 110-181, section 847, https://www.fdm.army.mil/PM_Reference_Docs/Section847.pdf:

- Requires that certain former “covered DoD officials” receive a written post-government employment (PGE) opinion prior to accepting compensation from any DoD contractor.



Section 847



The National Defense Authorization Act of 2008, Public Law 110-181, section 847, https://www.fdm.army.mil/PM_Reference_Docs/Section847.pdf:

- Requires that certain former “covered DoD officials” receive a written post-government employment (PGE) opinion prior to accepting compensation from any DoD contractor.
- Requires that ethics counselors issue the PGE opinion **no later than 30 days from receiving a complete request.**



Section 847

The National Defense Authorization Act of 2008, Public Law 110-181, section 847, https://www.fdm.army.mil/PM_Reference_Docs/Section847.pdf:

- Requires that certain former “covered DoD officials” receive a written post-government employment (PGE) opinion prior to accepting compensation from any DoD contractor.
- Requires that ethics counselors issue the PGE opinion **no later than 30 days from receiving a complete request**.
- Applies to any former DoD official who participated personally and substantially in an acquisition with a value in excess of \$10M and who serves or served in:
 - (a) an Executive Schedule position;
 - (b) a Senior Executive Service position;
 - (c) a general or flag officer position; or
 - (d) in the position of 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.



Section 847



- The DoD Standards of Conduct Office issued an opinion to clarify that a “covered DoD official” must have participated in the kinds of matters that trigger the application of Section 847 within the **two-year period prior** to his or her departure from DoD.
- Requires a central repository of the requests and the opinions, and retention for not less than 5 years from date opinion provided.
- Requires the DoD Inspector General (IG) review and report to Congress.
- Use mandatory DoD-wide since 1 January 2012



DOD IG Role



Paragraph (b)(2) of Section 847 of the National Defense Authorization Act for FY 2008, Public Law 110-181: "The Inspector General of the Department of Defense shall conduct periodic reviews to ensure that written opinions are being provided and retained in accordance with the requirements of this section. The first such review shall be conducted no later than two years after the date of the enactment of this Act."

DoD Inspector General View

LOG OUT

Search

*Required

Agency: Requestor Last Name: Requestor First Name: Contractor Name:

USARMY (Starts with) (Starts with) (Starts with)

Status: Submitted From Date: * Submitted To Date: *

Open (mm/dd/yyyy) 01 / 01 / 2012 12 / 31 / 2012 (mm/dd/yyyy)

Search

Agency Request List

Search Results

Agency	Requestor	DoD Position	Separation Date	Contractor Name	Contractor Position	Date of Employment	Submitted Date	Total Days	Status	Status Date	Opinion Days	
USARMY	Boyd, Cris J	G3 Operations Officer	12/01/2012	SAIC, MANTECH, CACI	TBD	09/15/2012	03/01/12	7	Accepted	03/01/12		View

The OIG tracks 847 opinions and processing times for their report to Congress. They can VIEW all requests/opinions/documents within the application.



DOD Contractor Role

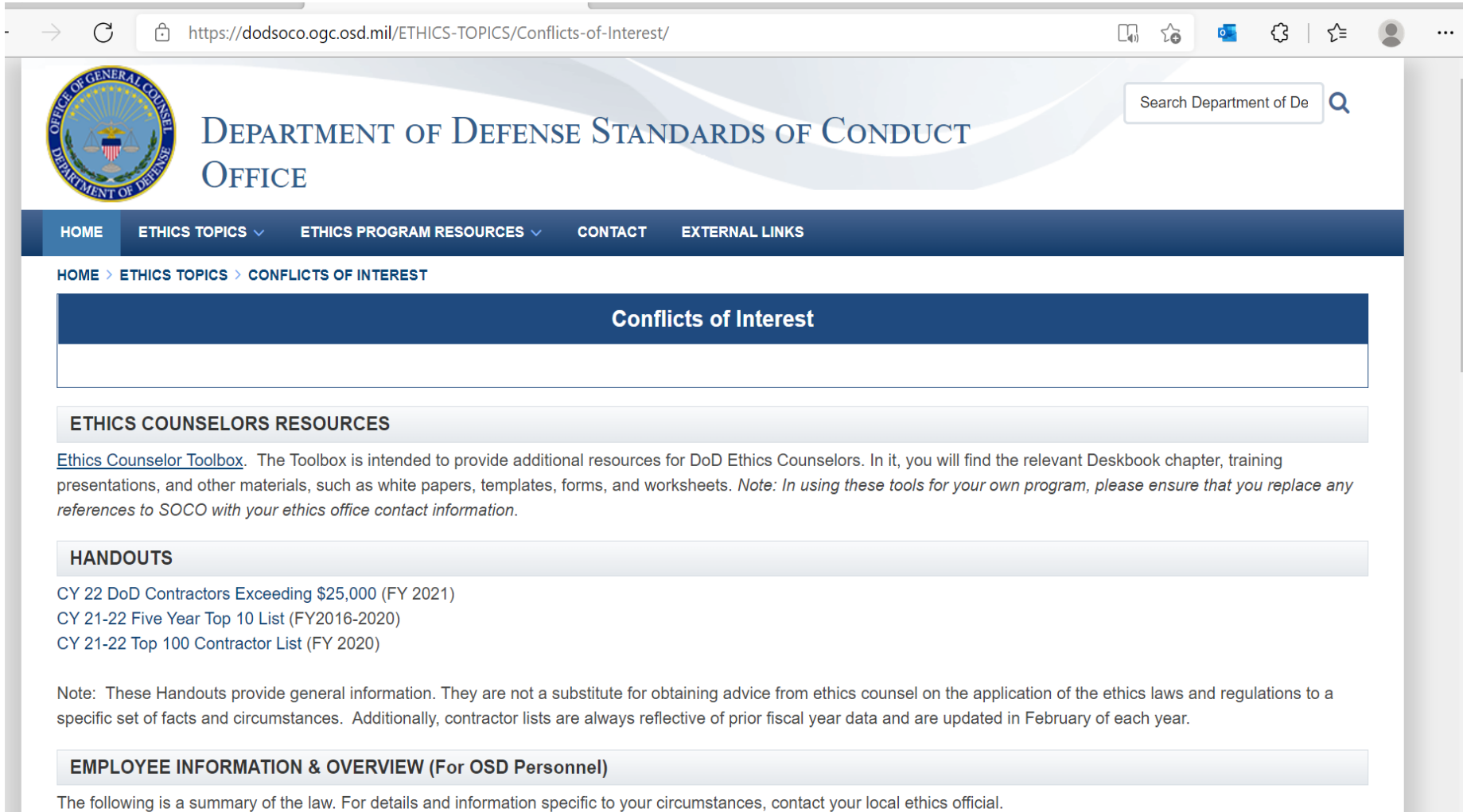


Paragraph (a)(4) of Section 847 of the National Defense Authorization Act for FY 2008, Public Law 110-181: A Department of Defense contractor may not knowingly provide compensation to a former Department of Defense official described in subsection (c) within two years after such former official leaves service in the Department of Defense, without first determining that the former official has sought and received (or has not received after 30 days of seeking) a written opinion from the appropriate ethics counselor regarding the applicability of post-employment restrictions to the activities that the former official is expected to undertake on behalf of the contractor.

Many DoD Contractors are requesting a potential employee obtain written PGE advice prior to formalizing an offer whether or not they meet the requirements of Section 847.

DoD Contractor Role

- How do I know if the employer is a defense contractor?



The screenshot shows a web browser window with the URL <https://dodsoco.ogc.osd.mil/ETHICS-TOPICS/Conflicts-of-Interest/>. The page header features the Department of Defense Standards of Conduct Office logo and a search bar. The navigation menu includes HOME, ETHICS TOPICS, ETHICS PROGRAM RESOURCES, CONTACT, and EXTERNAL LINKS. The main content area is titled "Conflicts of Interest" and contains sections for ETHICS COUNSELORS RESOURCES, HANDOUTS, and EMPLOYEE INFORMATION & OVERVIEW (For OSD Personnel).

ETHICS COUNSELORS RESOURCES

[Ethics Counselor Toolbox](#). The Toolbox is intended to provide additional resources for DoD Ethics Counselors. In it, you will find the relevant Deskbook chapter, training presentations, and other materials, such as white papers, templates, forms, and worksheets. *Note: In using these tools for your own program, please ensure that you replace any references to SOCO with your ethics office contact information.*

HANDOUTS

- CY 22 DoD Contractors Exceeding \$25,000 (FY 2021)
- CY 21-22 Five Year Top 10 List (FY2016-2020)
- CY 21-22 Top 100 Contractor List (FY 2020)

Note: These Handouts provide general information. They are not a substitute for obtaining advice from ethics counsel on the application of the ethics laws and regulations to a specific set of facts and circumstances. Additionally, contractor lists are always reflective of prior fiscal year data and are updated in February of each year.

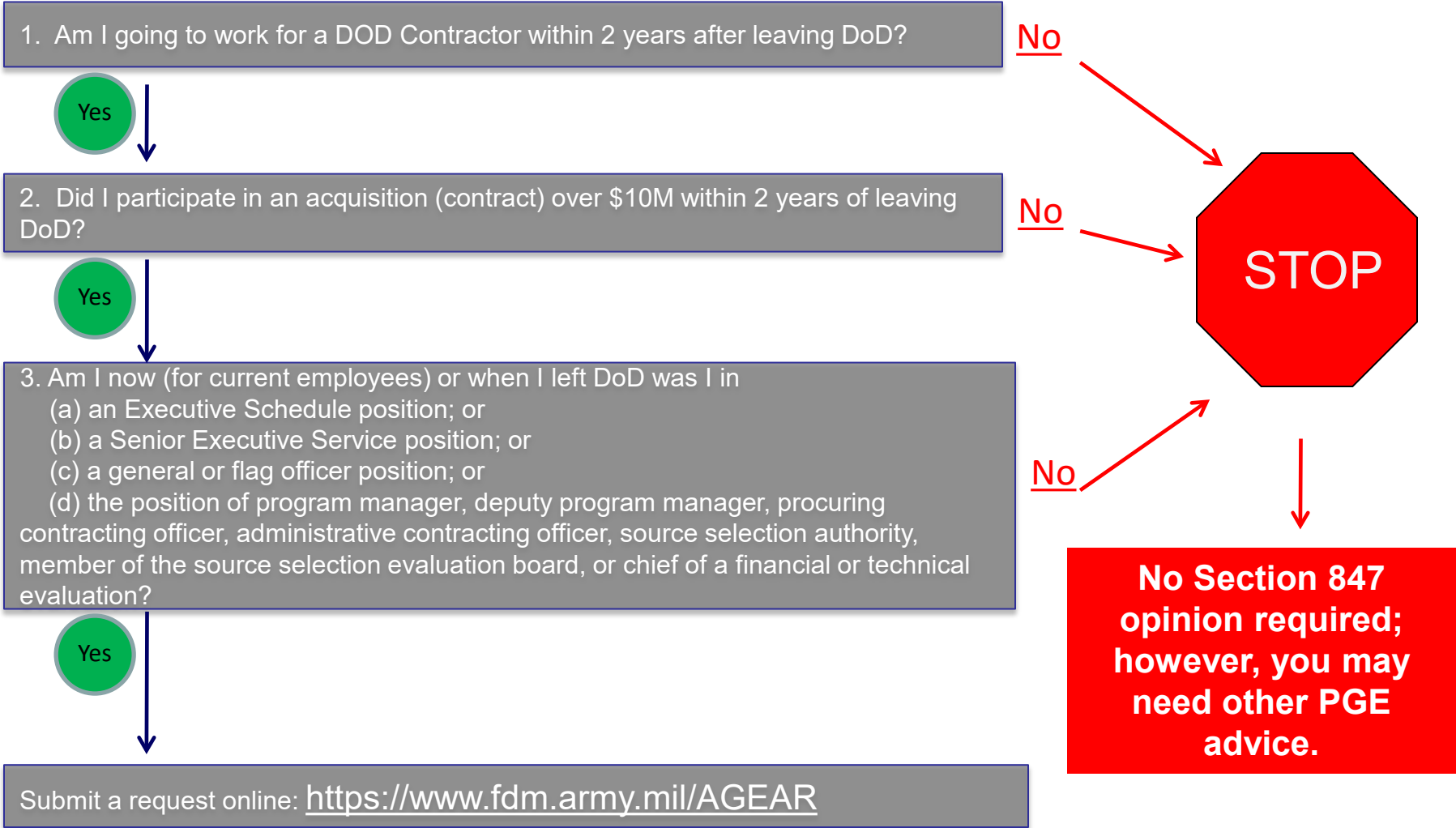
EMPLOYEE INFORMATION & OVERVIEW (For OSD Personnel)

The following is a summary of the law. For details and information specific to your circumstances, contact your local ethics official.





Decision Matrix from a Requestor's Perspective

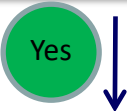




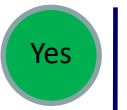
Ethics Officials “Section 847” Special Processing Evaluation Matrix



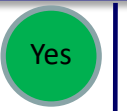
1. Is the (former) employee going to work for a DOD Contractor within 2 years after leaving DoD?



2. Did (s)he participate in an acquisition (contract) over \$10M within 2 years of leaving DoD?



3. Is (s)he now (or within the last 2 years for current employees) or within the last 2 years before (s)he left DoD was (s)he in
(a) an Executive Schedule position; or
(b) a Senior Executive Service position; or
(c) a general or flag officer position; or
(d) the position of 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?

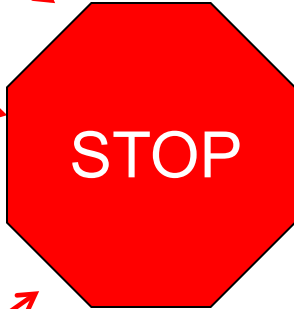


Request requires Section 847 special online handling within AGEAR. See the Ethics Counselors' AGEAR Quick Start:
https://www.fdm.army.mil/PM_Reference_Docs/EOQuickStart.doc.

No

No

No



No Section 847 opinion required; click “Reject” in AGEAR. **Note:** You may need to prepare other PGE advice and process that normally.



AGEAR Process Overview



- The departing or former DoD employee requests an opinion at <https://www.fdm.army.mil/AGEAR> to provide employment-related information.



AGEAR Log-In Page



Supervisor? Contact your local legal advisor or your [Agency POC](#)

Information for . . .

[New Users](#)

[Filers](#)

[Supervisors \(DoD\) & Report Reviewers](#)

[POCs/Administrators](#)

[Ethics Officials & Staff](#)

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DoD only: After Government Employment Advice Repository (AGEAR)

Employees . . .

[Request an Opinion](#)

[Sec. 847 Covered Officials -
Mandatory Use of AGEAR](#)

[Interpretation of "Covered
Department of Defense Officials"
Under Section 847](#)

Ethics Officials (EOs) . . .

[Ethics Officials \(EO\)](#)

[EO AGEAR FAQs](#)

[AGEAR EO Quick Start](#)

[AGEAR Business Rules](#)

- ◆ [Prepopulating AGEAR Request](#)
- ◆ [Form - Prepopulation Request](#)

Please see the documentation below.

- ◆ [FDM User Guide](#)
- ◆ [FDM 8.7.9.1.7 Release Notes](#)

Questions or Comments can be directed to the FDM Help Desk

FDM Customer Service

Send an e-mail to: [FDM Customer Service](#)
(usarmy.APG.cecom.mbx.FDMSpt@mail.mil)

or Call: (443) 861-8247, DSN 848-8247

8:00 pm Eastern time due to recurring DISA maintenance

Reminders:

New Entrant reports due 30 days after appointment date

OGE 450s:

- Annual OGE 450s are due 15 February 2022
- Contact your Ethics Counselor for assistance or if you need an extension.

OGE 278s:

- DoD OGE 278 filers submit their reports in Integrity.gov. Questions should be submitted to their Agency Ethics Officials.

Do you need an extension?

Ethics officials may grant an extension for good cause. Contact your Ethics official to request an extension.

[See more information on extensions](#)

FAQs:

[How do I register?](#)

[I forgot my password?](#)

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[Why do I get an Access Denied message when logging in?](#)

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More FAQs

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AGEAR Employee Home Page

After Government Employment Advice Repository (AGEAR)

Welcome

 **Print Blank Request**

Use this site if you plan to work for a Department of Defense (DoD) Contractor after leaving DoD.

Requirement to Request an Opinion

If a DoD Contractor will compensate you within two years of your leaving DoD, you are required to request a written opinion on post-employment restrictions. This requirement applies to any DoD employee who participated in an acquisition (contract) over \$10 Million and who serves or served in:

- (1) an Executive Schedule position;
- (2) a Senior Executive Service position;
- (3) a general or flag officer position; or
- (4) in the position of 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.

Do you need more information on whether you should submit a request? Click https://www.fdm.army.mil/PM_Reference_Docs/Requestor_Help.pdf

To request a written opinion click CONTINUE. To exit this site, click "CANCEL" (or close your browser).

Cancel

Continue >>



DD Form 2945

Post-Government Employment Advice Opinion Request

https://www.fdm.army.mil/PM_Reference_Docs/DDForm2945.pdf

CUI (when filled in)

Prescribed by: [DoD 5500.7-R](#)

POST-GOVERNMENT EMPLOYMENT ADVICE OPINION REQUEST

(Read Privacy Act Statement on the last page before completing form.)

OMB No. 0704-0467
OMB approval expires:
20250831

The public reporting burden for this collection of information is estimated to average 1 hour 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-informationcollections@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.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION.

SECTION I - CONTACT INFORMATION

1. DOD AGENCY WORKED OR WORKING FOR (e.g., Army, Navy, DLA, OSD, JCS, etc.)		2.a. FIRST NAME		b. MI	c. LAST NAME	
3. HOW DO YOU WANT TO RECEIVE YOUR OPINION (Select one)				<input type="radio"/> BY E-MAIL MAIL		<input type="radio"/> BY POSTAL MAIL
4. MAILING ADDRESS						
a. STREET 1			b. STREET 2		c. CITY	
d. STATE	e. ZIP/POSTAL CODE	f. COUNTRY		5.a. TELEPHONE NUMBER (Include Area Code)		b. ALTERNATE NUMBER (Include Area Code)
6.a. PRIMARY PERSONAL E-MAIL ADDRESS				b. ALTERNATE PERSONAL E-MAIL ADDRESS		

AGEAR incorporates DD Form 2945 Opinion Questionnaire in a web form to standardize data collection.



AGEAR Process Overview

- The departing or former DoD employee requests an opinion at <https://www.fdm.army.mil/AGEAR> to provide employment-related information.
- Upon receipt, AGEAR assigns the request to the DAEO AGEAR Manager, who assigns the request to an Ethics Official (EO), **who must be in an FDM EC position.**



AGEAR Process Overview

- The departing or former DoD employee requests an opinion at <https://www.fdm.army.mil/AGEAR> to provide employment-related information.
- Upon receipt, AGEAR assigns the request to the DAEO AGEAR Manager, who assigns the request to an Ethics Official (EO), **who must be in an FDM EC position.**
- EO accesses <https://www.fdm.army.mil/AGEAREO> to determine whether a Section 847 opinion is, in fact, required.
 - If so, the EO provides an advisory opinion;
 - If not, EO rejects request and notifies the requestor that an opinion is not required.



AGEAR Ethics Official Home Page

After Government Employment Advice Repository (AGEAR)

[? How Do I ...](#)

Agency Request List

[LOG OUT](#)

Search

**Required*

Agency: *

All

Requestor Last Name:

(Starts with)

Requestor First Name:

(Starts with)

Status:

Open

Submitted From Date: *

01 / 01 / 2021

(mm/dd/yyyy)

Submitted To Date: *

12 / 31 / 2021

(mm/dd/yyyy)

Confirmation ID:

(Exact Match)

EthicsOfficial Selection:



Show Requests Assigned to Me



Show All Requests

[Search](#)

[Export to Excel](#)

[DoD IG View](#)

Click "Search" button to obtain a list of Requests.

Step-by-Step

- EOs assigned an AGEAR request must initially “accept” the request and then take one of the following actions within 5 business days of assignment:
 - Forward
 - Reject
 - Request More Info
 - Start 30-Day Clock



Step-by-Step

- EOs assigned an AGEAR request must initially “accept” the request and then take one of the following actions within 5 business days of assignment:
 - Forward
 - **Reject**
 - **And then provide a routine PGE opinion**
 - Request More Info
 - Start 30-Day Clock



Step-by-Step

- **Reject** if the requestor has not served in one of the following positions within the 2-year period prior to departure from DoD:

a) Executive Schedule, SES, or GO/FO who participated personally and substantially in an acquisition valued in excess of \$10 million; **OR**

b) Program manager or deputy program manager for an acquisition program; 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 **AND**

Has a tentative offer of employment or compensation from a defense contractor to perform specific duties for that contractor within 2 years of leaving DoD.



Step-by-Step

- **Reject** if the requestor is not seeking compensation from a DoD contractor.



Step-by-Step

- EOs assigned an AGEAR request must initially “accept” the request and then take one of the following actions within 5 business days of assignment:
 - Forward
 - Reject
 - Request More Info
 - Start 30-Day Clock



Step-by-Step

- Request More Info: Employee provides insufficient information regarding –
 - Contracts over \$10M they were involved in
 - Potential duties at DoD contractor
 - Scope of “program manager” duties
 - Scope of past or current official duties



Step-by-Step

- EOs assigned an AGEAR request must initially “accept” the request and then take one of the following actions within 5 business days of assignment:
 - Forward
 - Reject
 - Request More Info
 - **Start 30-Day Clock**



Step-by-Step

- Start 30-Day Clock
 - Don't click if request is not “complete”
 - Do Click as soon as request is complete – don't delay to avoid triggering 30 day clock
 - Click “Prepare Opinion” to use SOCO template
 - Click “Attachments” to upload opinion
 - Click “Send Opinion and Close.”





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- EO accesses <https://www.fdm.army.mil/AGEAREO> to determine whether a Section 847 opinion is, in fact, required.
 - If so, the EO provides an advisory opinion;
 - If not, EO rejects request and notifies the requestor that an opinion is not required.
- AGEAR offers the SOCO PGE template to draft the opinion.



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- The EO attaches the opinion in AGEAR and notifies the requestor.



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- The EO must “Send Opinion and Close” to finish the action.



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- AGEAR offers the SOCO PGE template to draft the opinion.
- The EO attaches the opinion in AGEAR and notifies the requestor.
- The EO must "Send Opinion and Close" to finish the action.
- All requests and opinions provided are electronically stored for five years.
- Ethics Counselors AGEAR Quick Start:
https://www.fdm.army.mil/PM_Reference_Docs/EOQuickStart.doc



Best Practices



KNOW whether an opinion should be processed within AGEAR.

CLICK the “Request More Info” button if the request is incomplete. Carefully review request details; contact employee if additional information is needed, note details of contact w/employee in AGEAR at “Audit Events” tab.

REJECT if the request doesn’t meet 847 requirements - notify employee and provide routine PGE advice, if necessary, outside of AGEAR.

DON’T click the “Start 30 Day Clock” button until you have everything you need to prepare the opinion.



References



Employee Site: <https://www.fdm.army.mil/AGEAR>
(Public, no login required)

Attorney Site: <https://www.fdm.army.mil/AGEAREO>
Restricted to EOs, login required

Links to AGEAR on the FDM Home Page

Supervisor? Contact your local legal advisor or your [Agency POC](#)

Information for . . .

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[Filers](#)

[Supervisors \(DoD\) & Report Reviewers](#)

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[Ethics Officials & Staff](#)

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[Request an Opinion](#)

[Sec. 847 Covered Officials - Mandatory Use of AGEAR](#)

[Interpretation of "Covered Department of Defense Officials" Under Section 847](#)

Ethics Officials (EOs) . . .

[Ethics Officials \(EO\)](#)

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or Call: (443) 861-8247, DSN 848-8247

8:00 pm Eastern time due to recurring DISA maintenance

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More FAQs