



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
8825 BEULAH STREET
FORT BELVOIR, VIRGINIA 22060-5246

25 Sep 2014

IAJA

MEMORANDUM FOR HQ INSCOM Staff Heads and Deputies

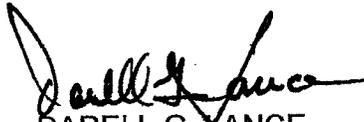
SUBJECT: HQ INSCOM Policy Memorandum #36, Screening of Non Federal Entity (NFE) Visitors to HQ INSCOM

1. **Effective Date:** This policy is effective upon receipt.
2. **References:** See Enclosure 1.
3. **Definitions:** See Enclosure 2.
4. **Applicability:** This policy applies to all INSCOM military personnel and civilian employees.
5. **Purpose:** The civilian and military personnel of INSCOM shall conduct their duty ethically, morally, and lawfully in order to protect government information and comply with standards of ethical conduct. Access to INSCOM and INSCOM personnel are regularly requested from individuals and organizations outside of the Federal government. Many of these requests from non-federal entities (NFEs) are from representatives seeking to do business with INSCOM. The granting of access to INSCOM personnel must be done in a consistent and lawful manner. This policy provides screening criteria that sponsors must apply to determine whether representatives of non federal entity (NFE) visitors must be cleared by other HQ INSCOM staff sections.
6. **Scope:** This policy covers NFE visits to government personnel located at the Nolan Building, Metro Park or other locations hosting HQ INSCOM-sponsored events in the National Capitol Region (NCR) except for NGIC. This policy does not cover NFE personnel who are acting outside the capacity of their representative status (e.g., guests of the command at awards or retirement ceremonies).
7. **Policy and Procedures:** All NFEs seeking access to INSCOM personnel must be sponsored by an INSCOM representative. Each sponsor of an NFE will submit a request for approval of the visit. The procedures for processing such visitor requests are outlined in INSCOM OSJA Procedures for Screening NFE visitors at Enclosure 3.

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8. Proponent for this policy is the Office of the Staff Judge Advocate, [REDACTED]



DARELL G. LANCE
Chief of Staff

3 Encls

1. References
2. Definitions
3. Screening Procedures w/Attachments

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ENCLOSURE 1

REFERENCES

1. 18 United States Code (USC) Sections 207, 208.
2. 41 USC Section 2101-2107.
3. The Federal Advisory Committee Act (FACA) of 1972, Pub. Law 92-463, Section 2, Oct. 6, 1972 (Codified at 5 USC Section App. 2).
4. 5 Code of Federal Regulations (CFR) Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
5. 5 CFR Part 2637, Regulations Concerning Post-Employment Conflict of Interest.
6. Federal Acquisition Regulation (FAR) Part 15.6.
7. DoD 5500.7-R, The Joint Ethics Regulation (JER).
8. Army Regulation (AR) 210-7, Personal Commercial Solicitation On Army Installations, 18 October 2007.
9. AR 360-1, The Army Public Affairs Program, 25 May 2011.
10. DA PAM 70-3, Army Acquisition Procedures, 11 March 2014.
11. INSCOM Regulation (IR) 5-3, Management INSCOM Business Practices, 13 August 2009 (U).
12. HQ INSCOM Policy Memorandum #6, Fundraising, 17 September 2014.
13. HQ INSCOM Policy Memorandum #28, Nolan Compound Entry Control, 4 December 2012.

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ENCLOSURE 2

DEFINITIONS

1. **Affiliated Personnel:** Personnel such as contractors or other personnel performing work functions for INSCOM, who may not actually be assigned to INSCOM.
2. **Commercial solicitation:** Any effort to contact an individual to conduct or transact matters involving unofficial business, finance or commerce. This does not include off-duty or outside employment of DoD employed in retail establishments (See generally DoDI 1344.07; JER Section 1-221).
3. **Conflict of Interest:** An employee prohibited by criminal statute from participating personally and substantially in an official capacity in any particular matter in which, to that employee's knowledge, that employee or any person whose interests are imputed to that employee has a financial interest, if that particular matter will have a direct and predictable effect on that interest (18 USC Section 208(a)). An appearance of a conflict of interest may also proscribe certain activity by a Government employee.
4. **Contractor employee:** A person who is employed by an independently operated entity that is a party to a contract with the government.
5. **Deemed Export:** An export of certain controlled data, information, technology or source code is "deemed" to take place when it is released to a foreign national within the United States. (See 15 CFR subpart 734.2(b)(2)(ii)).
6. **Fundraising:** Raising of funds for a nonprofit organization and its members, a DoD private organization and its members (as organized under an approved charter recognized by an installation commander), other than a political organization, as defined in 26 USC Section 527(e), through the following: solicitation of funds or sale of items for the benefit of the organization or its members; or participation in the conduct of an event by an employee where any portion of the cost of attendance or participation may be taken as a charitable tax contribution by a person incurring that cost.
7. **Government employee:** Any DoD civilian officer or employee, including a special government employee, of any DoD component, including any non-appropriated fund activity or instrumentality (NAFI). The term also includes, for the purposes of this policy, the following: any active duty Regular or Reserve military officer including warrant officers; any active duty enlisted member of the Army, Navy, Air Force, or Marine Corps; any Reserve or National Guard member on active duty under orders issued pursuant to Title 10 United State Code including performance of official duty or functions under the authority of Title 10 or Title 32 United States Code or while engaged in any activity related to the performance of such duties or functions, including any time the member

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uses his/her Reserve or National Guard of the United States title or position, or any authority derived from that title or position; any faculty member in a civil service position or hired pursuant to Title 10 United States Code, and any student, including a cadet or midshipman, of an academy, college, university, or school of DoD; and consistent with any labor agreements, international treaties or agreements, and host country laws, any foreign national working for a DoD Component except those hired pursuant to a defense contract (JER Section 1-209).

8. National Capitol Region (NCR): NCR is defined as the geographic area located in the following boundaries: District of Columbia; Montgomery and Prince George's Counties in the State of Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties and the city of Alexandria in the Commonwealth of Virginia; All cities and other units of government within the geographic areas of such District, those counties, and that city, as delimited above (see generally, 10 USC Section 2674 and DoDI 4515.14).

9. Non Federal entity (NFE): Generally a self-sustaining, non-Federal person or organization, established, operated and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees or agents of the Federal Government (JER Section 1-227). Includes private organizations chartered to conduct activity on military installations (see AR 210-7). It does not include Non Appropriated Fund Instrumentalities (NAFI) organized to conduct certain morale, welfare, or recreational activities on a military installation (AR 215-1).

10. Outside employment and outside business activity or Moonlighting. Outside business activity includes any business, contractual, or other financial relationship not involving the provision of personal services by a DoD employee. It does not include a routine commercial transaction or the purchase of an asset or interest, such as common stock, that is available to the general public. Outside employment includes any form of non-Federal employment or business relationship involving the provision of personal services by a DoD employee. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner or trustee. Such activity may have to be approved in advance by Ethics Counsel (see generally, JER, Sections 2-206).

11. Procurement integrity: Ensuring that all dealings with contractors are conducted according to the Federal Acquisition Regulations and the applicable ethics regulations. (FAR, JER, 41 USC 2101-2107).

12. Sponsor: The command representative responsible for hosting the visit of a representative of an NFE. HQ INSCOM principal staff and their deputies are deemed sponsors for their directorates but may delegate that duty. Commanders of MSC are deemed sponsors but may delegate that duty. Sponsors are accountable for NFE visits.

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ENCLOSURE 3

SCREENING PROCEDURES

1. Responsibilities:

a. Staff principals are accountable for all visitors to their duty areas. Pursuant to the policy, INSCOM staff must utilize their staff leadership to initiate requests for visits from NFEs.

b. Staff principals may delegate authority to permit their personnel to serve as visit sponsors. Sponsors will comply with this policy.

c. Staff principals and visit sponsors will obtain legal advice concerning this policy from the INSCOM Staff Judge Advocate.

d. Staff principals will coordinate with other INSCOM staff such as the Principal Assistant Responsible for Contracting (PARC), Director of Contracting (DOC), G2/Foreign Disclosure Office (FDO), and other INSCOM staff as required to implement this policy.

e. Staff principals and employees are accountable for the information their section discloses to NFEs. When interacting with NFEs it is important that the information disclosed is not classified information that the NFE is not cleared for, proprietary information, inside information or other information that would provide an advantage to the NFE when competing for INSCOM business or contracts. While this policy applies to visitors to INSCOM the same principles must be applied when communicating with NFEs at other locations or through means such as e-mail or the telephone. The inappropriate disclosure of protected information can adversely impact the procurement and contracting process.

2. Screening Criteria:

a. Civilian employees or military personnel who are staff principals or deputies, or those delegated responsibility as a sponsor, will screen the visits of representatives of an NFE to HQ INSCOM.

b. Sponsors of representatives of NFE will apply the criteria at **Attachment 1** to determine whether to refer the review of the visit to command Ethics Counsel/SJA, PARC/DOC, FDO or other appropriate staff.

c. In cases where the visit is covered by another process, such as Federal Acquisition Regulation (FAR) contract negotiations, the sponsor of the visit will

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document the status of the visitor to ensure that the visitor is authorized to represent the NFE at INSCOM, IAW criteria established at **Attachment 1**.

d. Non-US citizen and dual national visitors raise significant security issues. Refer the visit to the INSCOM G2 or FDO.

e. If a representative of an NFE is to participate in a command fact gathering board, task force, or committee, the sponsor must refer the matter to the SJA. The SJA will review for compliance with the Federal Advisory Committee Act.

3. Documentation and Records: Sponsors will document the results of their review and maintain the record of this review and fact of the visit for 12 months.

a. This is an administrative process used to validate visitors under the Joint Ethics Regulation (DoD 5500.7-R) and Standards of Ethical Conduct for Employees of the Executive Branch (5 Code of Federal Regulations Part 2635). The information maintained on US persons by this command is authorized under Procedure 2, DoD 5240.1R (para. 2-2a, 2-2m, AR 381-10).

b. If the result of the review is negative, the sponsor will complete the form at **Attachment 2**, sign, scan and save for 12 months in directorate files.

c. If the result is to refer the matter for review to Ethics Counsel/SJA or PARC/DOC, the sponsor will obtain the results of the review, then complete the form at **Attachment 3**, and maintain the email or opinion for 12 months in directorate files.

4. Coordination: Sponsors shall coordinate screening requirements to ensure compliance with the following policies:

a. INSCOM Policy #6, Fundraising.

b. HQ INSCOM Policy #28, Nolan Compound Entry Control.

5. Follow Up with Visitor: The sponsor will inform the NFE whether the representative is cleared to visit. During the conduct of the visit, follow the ethical tips at **Attachment 4**.

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ATTACHMENT 1

SCREENING EVALUATION CRITERIA

- In order to evaluate the propriety of a visit by a representative of an NFE, the sponsor must obtain data about the visitor. Use **Attachment 2** to this Enclosure to expedite this process. Such data includes the following: name; purpose of the visit; current NFE duty description; date of termination of government service; former duties and official matters under the visitor's responsibility for the last 12 months of government service; relationship of the visitor to members of the command; and nationality of visitors. Information concerning repeat visitors may be maintained on file and subsequent visits by the NFE may be documented by referencing the previously completed documentation and providing updated information for the current meeting such as the purpose of the meeting.
- Sponsors of NFE visitors to the command will refer the matters outlined below to either the Staff Judge Advocate (SJA) who is INSCOM's servicing Ethics Counsel, the PARC/DOC, or INSCOM G2/FDO for review, as indicated, and then document the outcome.

(1) *Rank or Grade Issues:* If the visitor is a former or retired General Officer/Senior Executive Service employee of the US Army, DoD Intelligence Component, or Intelligence Community, did they terminate Government service less than 12 months ago? If so, contact the SJA for resolution.

(2) *Former Government Service.* If the visitor is a former Government employee/commissioned officer who previously served at INSCOM, or a DoD Intelligence Component, or Intelligence Community, obtain facts about the following and contact the SJA:

- The former employee/officer had personal and substantial oversight of the matter to be discussed in the past 24 months.
- The former employee/officer worked on the particular matter to be discussed while employed at INSCOM, the DOD Intelligence Component, or Intelligence Community (e.g., same contract).
- The former employee/officer who, within 2 years after the termination of his or her service or employment with the United States, and within the last year of such service or employment knew, or reasonably should have known, that the matter to be discussed was actually pending under his/her official responsibility and involved a specific party or parties at the time the matter was pending. intends to influence, make any communication, or make an appearance before

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any officer or employee of any department, agency, court, or court-martial of the United States on behalf of any other person (except the United States) in connection with that particular matter in which the United States is a party or has a direct and substantial interest.

- In the past 12 months, the former INSCOM employee/officer served as a primary contracting officer, procurement official, source selection authority, source selection evaluation board member, program manager, or otherwise managed an INSCOM contract having a value of \$10 million or more.
- As a former Federal official, under 41 USC Section 423(d), the visitor accepted compensation from a contractor as an employee, officer, director, or consultant of the contractor within a period of one year after having served as the program manager, deputy program manager, or administrative contracting officer for a contract in excess of \$10,000,000 awarded to that contractor. This does not preclude acceptance of compensation from any division or affiliate of a contractor that is not involved in the services for which the visitor was responsible while a Federal official.
- Is the visitor representing the NFE to the Federal Government in a "particular matter" that the official was personally and substantially involved as a Federal official? The law imposes a *lifetime ban* against attempting to influence a US employee on behalf of NFE, on a particular matter in which they were personally and substantially involved as a Federal employee.

(3) Does the INSCOM sponsor of the visit have a covered relationship with the NFE visitor? If so, contact the SJA if any of the following applies:

- Does the sponsor of the visit have a business, contractual or other financial relationship with the visitor? A financial relationship includes submission of a resume to the NFE seeking employment, and any statement by the NFE to seek future employment.
- Has the sponsor been employed by the NFE in the past?
- Did the sponsor receive severance payments from the NFE prior to coming into or returning to Government service?
- Does the sponsor's spouse, parent, or dependent child serve as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee of the NFE visitor?

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- Did the sponsor serve as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee of the NFE visitor?
- Is the visitor a member of the sponsor's family, household, or does the visitor have a close personal relationship with the sponsor?
- Is the sponsor an active participant in the visitor's NFE organization?

(4) Foreign Entities. Does the visitor meet any of the following criteria? If so refer to both the SJA, and INSCOM G2/FDO.

- Is the visitor a former US Government employee/officer representing a foreign government or political party with intent to influence INSCOM?
- Does the visitor intend to bring non-US citizens or dual nationals to the visit?
- Is the visitor registered under the Foreign Agents Registration Act?

(5) Does the visitor represent an NFE which is engaged in an ongoing procurement with INSCOM or its MSCs? If any of the following applies, contact the PARC/DOC:

- The NFE has an ongoing bid protest, contract dispute, or litigation with INSCOM or the Army?
- The NFE visitor desires to discuss an ongoing contractual dispute, yet is represented by counsel in the dispute.
- In the event that an NFE visitor who represents a contractor does appear, and the Government representative is not a contracting officer, use the following statement:

"The purpose of today's meeting is to receive information only. I do not have authority to bind or commit the United States Government to anything you may offer today. I have no authority to receive or settle claims made against the US Government. Only duly appointed contracting officers have authority to contractually bind the Government. If the purpose of your visit is to make an unsolicited proposal or to discuss a contracts matter with this command, then I invite you to contact the Office of the Principal Assistant for Contracting, Director of Contracting, or assigned contracting officer who will consider your matter."

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(6) **Litigation.** Is the visitor engaged in some dispute with INSCOM, its MSCs, or its management? Contact the SJA if the following applies:

- The visitor is represented by counsel and the visit concerns this dispute.
- The visitor is a party to a civilian personnel matter and the visit concerns this matter.
- The visitor has filed a claim against the US Government and the visit concerns this matter.

(7) Does the visitor wish to discuss a matter that qualifies as an unsolicited proposal? If so, refer the visitor to the PARC/DOC or servicing contracting officer, under INSCOM policy for unsolicited proposals:

- **Unsolicited Proposal:** A written proposal for a new or innovative idea that is submitted to an agency on the initiative of the offer for the purpose of obtaining a contract with the Government and that is not in response to a request for proposals, Broad Agency announcement, Small Business Innovation Research Topic, Small Business Technology Transfer Research Topic or any other Government-initiated solicitation or program.

(8) Does the visitor wish to discuss matters outlined below? If so, ensure that the visitor meets conflicts of interest screening criteria, document the criteria, then proceed with the visit.

- **Advertising Material:** Material designed to acquaint the Government with a prospective contractor's products, services, or potential capabilities or designed to stimulate the Government's interest in buying such products or services.
- **Commercial Item Offer:** An offer of a commercial item that the vendor wishes to see introduced in the Government's supply system as an alternate or replacement for an existing supply item.
- **Contribution:** A concept, suggestion, or idea presented to the government for its use with no indication that the source intends to devote any further effort to it on the Government's behalf.

(9) Does the visitor intend to solicit private business, such as insurance sales or non-INSCOM related fund raising activity? If so, refer to the Fort Belvoir MWR Office for processing under commercial solicitations rules. For other fundraising activity requiring sponsorship of NFE personnel, ensure that the visitor has obtained approval IAW HQ INSCOM Policy Memorandum #6.

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(10) Is the visitor a full time Government employee or active duty military (including commissioned officer on terminal leave)? If so, refer to the SJA if any of the following apply:

- The visitor represents an NFE.
- The visitor claims to have permission to “moonlight” or conduct outside employment or outside activities.
- The visitor seeks a Government contract.

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ATTACHMENT 2
HQ INSCOM VISITOR DATA (Nolan Building/Metro Park/NCR)

1. Visitor information:

Name of Visitor(s): _____ Date of Proposed Visit: _____
Name of Company/NFE: _____ Address: _____
Phone Number: _____ Email Address _____

2. Purpose of the visit:

- a. Command invitation (ceremony) _____
- b. Discussions about a contract matter _____
- c. Discussions with Servicing Warranted Contracting Officer _____
- d. Visit to command group/Cdr _____
- e. Visit to directorate head/manager _____
- f. Deliver a presentation _____
- g. Commercial solicitation to individual members of the command (insurance/investments) _____
- h. Fundraising activity _____
- i. Other activity: _____

3. Does the NFE have any contracts with INSCOM or its MSC? ___ YES: ___ NO

If Yes please specify contract number _____
Is the NFE interested in bidding on any INSCOM or its MSC contracts? ___ YES/NO ___
If Yes please specify _____

4. Is the NFE currently competing for an INSCOM contract? _____

5. Does the NFE have any pending claims, litigation, or other disputes with INSCOM? YES ___ NO ___
IF YES, please specify: _____

6. Does the sponsor, or any of the Government employees, or military personnel (or their spouses, children or members of the household) who will be visited, have any connection to the visitor, to include previous employment, job offers, or submission of resumes to the NFE? ___ YES ___ NO

7. Do any of these visitors have existing restrictions associated with meeting government personnel (e.g., post employment "cooling off" periods)? ___ What are those restrictions? _____

8. Are any visitors non-US citizens? _____

9. Are any of the visitors registered under the Foreign Agents Registration Act, or do they serve as lobbyists for foreign governments or foreign organizations? ___ YES ___ NO

10. Is the visitor a former government employee? ___ YES ___ NO

If a former government employee:

- Date of Termination of Government Service: _____
- Last Government employer: _____
- Last Government Position Title/Pay Grade: _____
- Former procurement official? _____

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-Is the visitor visiting on a matter that was pending under his/her official responsibility when in Government service, in the last year of Government service? _____

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ATTACHMENT 3
NFE VISIT REPORT—NEGATIVE ISSUES

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XX XXXX XXXX

MEMORANDUM FOR RECORD

SUBJECT: Review of Visit of Representative of Non Federal Entity—Negative Issues

1. BLUF: The visit of _____, on _____, representing _____, does not meet any of the screening criteria identified under provisions of HQ INSCOM Policy governing Screening of Non Federal Entity (NFE) Visitors to HQ INSCOM.

2. BACKGROUND: On _____, _____ who is a representative of _____, and IS / IS NOT a former government employee (if a former government employee specify former government employer/termination date/and pay grade: _____) intended to visit HQ INSCOM's _____, for the following purpose:

- a. Command invitation (ceremony) _____
- b. Discussions about a contract matter _____
- c. Discussions with PARC/DOC/Warranted Contracting Officer _____
- d. Visit to command group/CG _____
- e. Visit to directorate head/manager _____
- f. Deliver a presentation _____
- g. Commercial solicitation to individual members of the command (insurance/sale of products) _____
- h. Fundraising activity _____
- i. (9) Other activity (Specify) _____

3. DECLARATION: I, the undersigned sponsor of the prospective visitor to _____, an INSCOM DIRECTORATE/MSC, have reviewed the screening criteria applying to the visit described above, and do not find any issues requiring referral to other staff or servicing installation agencies.

4. DISPOSITION: This memorandum will be maintained in directorate files for 12 months and will be made available to auditors, and ethics officials upon demand. Destroy after 12 months.

5. POC is the undersigned at (XXX) XXX-XXXX.

JOE C. BLOGGS
MAJ, MI
Visitor Sponsor

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NFE VISIT REPORT—Review Results

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XX XXXX XXXX

MEMORANDUM FOR RECORD

SUBJECT: Review of Visit of Representative of Non Federal Entity—Results of Issue Review

1. BLUF: The visit of _____, on _____, representing _____, met screening criteria identified under provisions INSCOM Policy governing Ethics Reviews by Sponsors of Visitors Representing Non-Federal Entities. The Office(s) of _____ conducted a review. The visit may/may not proceed.

2. BACKGROUND:

a. On _____, _____ who is a representative of _____, and IS / IS NOT a former government employee (if a former government employee specify former government employer/termination date/and pay grade: _____) intended to visit HQ INSCOM's _____, for the following purpose:

- (1) Command invitation (ceremony) _____
- (2) Discussions about a contract matter _____
- (3) Discussions with PARC/DOC/Warranted Contracting Officer _____
- (4) Visit to command group/CG _____
- (5) Visit to directorate head/manager _____
- (6) Deliver a presentation _____
- (7) Commercial solicitation to individual members of the command (insurance/sale of products) _____
- (8) Fundraising activity _____
- (9) Other activity (Specify): _____

b. The visit appeared to meet the following screening criteria issues:

_____. The issue was referred to the Office(s) of _____. The Office(s) of _____ determined that the visitor may/may not visit this command. A copy of the results of the review is attached.

c. I informed the visitor of the results of this referral on _____.

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3. DISPOSITION: This memorandum and attachment will be maintained in directorate files for 12 months and will be made available to auditors, and ethics officials upon demand. Destroy after 12 months.

4. POC is the undersigned at (XXX) XXX-XXXX.

JOE C. BLOGGS
MAJ, MI
Visitor Sponsor

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ATTACHMENT 4

ETHICS TIPS:

MEETING CONTRACTOR AND NFE REPRESENTATIVES

TIP 1: Preserve competitiveness; maintain a level playing field. Be sensitive to whether a meeting, action, or release of information would give a competitive advantage to a contractor. All similarly situated contractors should receive equal treatment. When you meet with a contractor, assume that you are speaking to the entire DoD contractor community. *If there has been a significant exchange of information in a meeting with a contractor, you may wish to distribute publicly available information to the community of interested DoD contractors.*

TIP 2: Setting an Agenda. After agreeing to meet with a contractor, the contractor should identify the name of the firm, the topic for discussion, and any current contracts, competitions, or active proposals that the company has pending with the Army.

TIP 3: Primary Purpose of Meetings is to Receive Information. While it is all right to ask informational and clarifying questions during a briefing, you should avoid asking contractors to send follow-up information. The meeting should not be the basis for further action, and should not unintentionally solicit formal proposals. The following statement should precede all discussions:

"The purpose of today's meeting is to receive information only. I do not have authority to bind or commit the United States Government to anything you may offer today. I have no authority to receive or settle claims made against the US Government. Only duly appointed contracting officers have authority to contractually bind the Government. If the purpose of your visit is to make an unsolicited proposal or to discuss a contracts matter with this command, then I invite you to contact the Office of the Principal Assistant for Contracting, Director of Contracting, or assigned contracting officer who will consider your matter."

TIP 4: Unauthorized commitments. Only a warranted contracting officer can bind the government. Do not make unauthorized commitments, promises purporting to bind the government, or representations that would compromise the Government's position. For the same reason, do not offer assistance or advice. Contractors may interpret suggestions as requests to take action, resulting in a claim against the Army.

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TIP 5: Impartiality. Do not give preferential treatment to any private party. Accordingly, do not give VIP visitor treatment to contractor representatives who visit in that capacity or who intend to discuss contractor business; *i.e.*, no government vehicle rides from the airport, no all-day escort, no officially-hosted free dining.

TIP 6: "Inside" Information. Do not release "inside" information that is not otherwise available to the public (or to a relevant community of DoD contractors). This includes:

Information not available to the public under the Freedom of Information Act;

Information protected under the Privacy Act, Trade Secrets, and classified material;

Selective release of advance procurement information, Army requirements, or premature release of contract award decisions; and,

Acquisition information, such as, unopened bids, proposed costs, the Army's estimate of costs, source selection plans, price evaluations, competitive range determinations, ranking of bids, proprietary information (such as labor rates), reports of Source Selection Evaluation Boards, and other information marked: "SOURCE SELECTION INFORMATION."

TIP 7: Avoid private discussions about the contractor's business and its relationship with the Army. Your staff members should sit in on discussions.

TIP 8: Gifts. Small gifts are occasionally offered in meetings with contractors. Food and refreshments that are not a meal (*e.g.*, coffee and donuts) may be accepted. You may also accept presentation items, such as commemorative coins, or items worth less than \$20. Consult Command Ethics Counsel/SJA when something other than a nominal gift is offered. Gifts which may not be retained personally will usually become Army property.

TIP 9: Restricted Contacts with Former DoD Officials and Retired Military Officers, and Prohibited Contracts with Government Employees.

Former senior DoD civilian employees (SES level V and above) and retired general officers are prohibited from attempting to influence official actions in their former department or agency for one year after their departure. (This is the one-year "cooling off" restriction.) 18 USC 207(c).

Former officers and employees are forever prohibited from representing someone in a particular matter that involved non-Federal parties, and in

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which they were personally and substantially involved while working for the Government. 18 USC 207(a)(1).

Federal officials who had authority to award contracts, make payments, set overhead rates, and settle claims of more than \$10 million are prohibited for a period of one year after the official action, from working for the contractor who received the payment. 41 USC Section 423.

The US government is prohibited from contracting with its employees.

TIP 10: *Decline meetings with competing contractors once a solicitation has been released, and avoid discussing or responding to questions on matters that are being litigated. In these situations, there is a danger of inadvertently making improper disclosures.*

CONCLUSION: Within the limits of these restrictions, you may discuss matters of mutual interest with DoD contractors. They may present capability briefings and discuss technological developments. Do not hesitate to request the assistance of the Command Ethics Counsel/SJA.