

5/5 Apr 64

AR 600-50  
C 1

### PERSONNEL—GENERAL

#### STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY PERSONNEL

CHANGES

No. 1

HEADQUARTERS,  
DEPARTMENT OF THE ARMY  
WASHINGTON 25, D.C., 13 December 1962

AR 600-50, 18 April 1962, is changed as follows:

**2. Definitions.**

\* \* \* \* \*  
c. (Added) The term "officer" as used in these regulations includes commissioned and warrant officers.

**8. Retired Regular Army officers.**

\* \* \* \* \*  
b. *Selling or contracting for sale.*  
\* \* \* \* \*

✓(2) Retired pay of a Regular retired officer is subject to forfeiture during any period within 3 years of his retirement if he sells for himself, or any other, supplies or war materials to the Department of Defense, Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (par. C 2, app. II).  
\* \* \* \* \*

#### Appendix II. DIGEST OF STATUTORY PROVISIONS

##### C. Statutory Provisions Specifically Applying to Regular Retired Officers.

\* \* \* \* \*  
2. No payment from appropriated funds may be made to any officer on the retired list of the Regular Army, Navy, Marine Corps, or Air Force for a period of three years after his retirement who, for himself or for others, is engaged in the selling of or contracting for the sale of or negotiating for the sale of any supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (sec. 1309, Act of August 7, 1953, as amended (5 U.S.C. 59c)).

✓ 3. **Rescinded.**

[AG 250 (16 Oct 62) DCSPER]

By Order of the Secretary of the Army:

EARLE G. WHEELER,  
General, United States Army,  
Chief of Staff.

Official:

J. C. LAMBERT,  
Major General, United States Army,  
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for DA Regulations—Military Personnel—General—A.

RETURN TO ARMY LIBRARY  
ROOM 1 A 518 PENTAGON

15 Apr 64

HEADQUARTERS,  
DEPARTMENT OF THE ARMY  
WASHINGTON 25, D.C., 18 April 1968

PERSONNEL—GENERAL

STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY PERSONNEL

	Paragraph
General .....	1
Definitions .....	2
Selection and instruction of personnel assigned to procurement and related activities.....	3
Conflicts of interest.....	4
Unauthorized release of procurement information.....	5
Unauthorized statements or commitments with respect to award of contracts.....	6
Dealing with present and former military and civilian personnel.....	7
Retired Regular Army officers.....	8
Reserve personnel.....	9
Acceptance of gifts.....	10
Official representation funds.....	11
Use of Government facilities, property, manpower, and funds.....	12
Special mission aircraft.....	13
Use of motor vehicles.....	14
Contributions or gifts to superiors.....	15
Use of civilian and military titles in connection with commercial enterprises.....	16
Off-duty employment of military personnel.....	17
Interests not connected with military duties.....	18
Consultants for private commercial enterprises.....	19
Information to personnel.....	20
Statement of employment by Regular retired officers.....	21

Appendix I. House Concurrent Resolution 175, 85th Congress.  
II. Digest of Statutory Provisions.

1. General. a. These regulations enunciate Department of the Army policy regarding the standards of conduct, relating to possible conflict between private interests and official duties, required of all military and civilian DA personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public service. All personnel will familiarize themselves thoroughly with these regulations. Additionally, all civilian employees will familiarize themselves with the provisions set forth in CPR C2.

b. These regulations are also intended to insure that Department of the Army personnel do not knowingly transact business with persons who are within statutory prohibitions or under circumstances where there may be a possible conflict of interest between governmental duties and private

affairs. This is in consonance with the Code of Ethics for Government service contained in House Concurrent Resolution 175, 85th Congress, which is applicable to all DA personnel. See Appendix I.

2. Definitions. a. The term "DA personnel" as used in these regulations, unless the context indicates otherwise, means all civilian officers and employees of all the offices and agencies in the Department of the Army, and all officers, warrant officers, and enlisted members of the Army.

b. The term "DoD personnel" as used in these regulations, unless the context indicates otherwise, means all civilian officers and employees of all the offices, agencies, and departments in the Department of Defense, and all officers, warrant officers, and enlisted members of the Army, Navy, Air Force, and Marine Corps.

3. Selection and instruction of personnel as-

\*These regulations supersede AR 600-205, 3 June 1953, including C 2, 27 October 1955; paragraph 47, AR 210-10, 10 December 1958; and paragraphs 8, 12, and 13, AR 600-10, 19 December 1958.

signed to procurement and related activities. The importance of the procurement function to the Department of the Army makes selection and instruction of procurement personnel a matter of major importance to appointing officials. Selected personnel are not only responsible for protecting the Government's interest but also for maintaining the reputation of the Department of the Army for honesty, courtesy, and fair dealings in all relations with contractors. All procurement and related activities personnel, military or civilian, must comply with the provisions of title 10, United States Code, Chapter 137, the Armed Services Procurement Regulation (ASPR), the Army Procurement Procedure (APP), and the Department of the Army circulars, directives, and other publications pertinent thereto. Every person engaged upon procurement and related activities must at all times protect the interests of the Government.

**4. Conflicts of interest.** *a. General.* All DA personnel are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interest of the United States. DA personnel will not engage in any private activity which involves the improper use of information gained through a Department of the Army position. DA personnel must not use the prerogatives of their official positions for their personal benefit or on behalf of relatives or friends who have business dealings with the Department of the Army. Even though a technical conflict of interest, as set forth in the statutes cited in appendix II, may not exist, it is desirable to avoid the appearance of such a conflict from a public confidence point of view. Within Headquarters, Department of the Army, the General Counsel, or his designated representative, is responsible for coordination and disposition of all problems relating to conflicts of interest.

*b. Disqualifying financial interest.* In any case where DA personnel have any financial interest in any business entity, or have arranged or are negotiating for their subsequent employment by such entity, they are disqualified from representing the Department of the Army in dealings of any kind with such entity. The term "financial interest" will, for the purposes of these regulations, include but will not be limited to—

- (1) Ownership by the individual of stocks, bonds, or other securities issued by, or a partnership interest or an interest in a contract with, such business entity or a business entity which owns or controls it.
- (2) Status as an officer, agent, employee, or representative of such business entity.
- (3) Any connection with a business entity which would lead a reasonable man to the opinion that the individual concerned might not fully and properly discharge his duties to the United States were he to transact business with such business entity.

*c. Disqualification procedure.*

- (1) In any matter where, in accordance with *b* above, DA personnel believe that they should be disqualified from taking action in a particular matter, they will so inform an appropriate superior and will thereupon be relieved of their duty and responsibility in that particular matter. In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person, and, if he finds such an interest does exist, he will relieve that person of duty and responsibility in the particular matter. In cases of disqualification under this paragraph, the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.
- (2) Membership in a Reserve Component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before, or in connection with, any department (5 U.S.C. 30r (c), (d)).

*d. Criminal and other statutes applicable to conflicts of interest.* See appendix II.

**5. Unauthorized release of procurement information.** It is the individual responsibility of all personnel, both military and civilian, of the Department of the Army to refrain from releasing to any individual or any individual business concern or its representatives any preknowledge such personnel may possess or have acquired in any way concerning proposed procurements or purchases of supplies by any procuring activity of the De-

partment of the Army. Such information will be released to all potential contractors as nearly simultaneously as possible and only through duly designated agencies, so that one potential source of supply may not be given an advantage over another. All dissemination of such information will be in accordance with existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

**6. Unauthorized statements or commitments with respect to award of contracts.** Only contracting officers and their duly authorized representatives acting within their authority are authorized to commit the Government with respect to award of contracts. Unauthorized discussion and commitments may place the Department of the Army in the position of not acting in good faith. Unauthorized personnel will refrain from making any commitment or promise relating to award of contracts and will make no representation which could be construed as such a commitment. Army personnel will not under any circumstances advise a business representative that an attempt will be made to influence another person or agency to give preferential treatment to his concern in the award of future contracts. Any person requesting preferential treatment will be informed by official letter that Department of Army contracts are awarded only in accordance with established contracting procedures.

**7. Dealing with present and former military and civilian personnel.** DA personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel of the Government, if such action will result in a violation of a statute or policy set forth in these regulations.

**8. Retired Regular Army officers.** *a. Prosecution of claims.* A Regular retired officer of the Army may not, within 2 years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the Department of the Army. Nor may a Regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share or interest in such a claim in con-

sideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty.

*b. Selling or contracting for sale.*

- (1) No retired officer of the Regular Army will sell, contract for the sale of, or negotiate for the sale of, anything to the Department of the Army in violation of applicable statutory restrictions (par. C1.a, app. II).
- (2) Retired pay of a Regular retired officer is subject to forfeiture during any period within 2 years of his retirement if he sells for himself or another any supplies or war materials to the Department of Defense, Coast Guard, Coast and Geodetic Survey, or the Public Health Service (par. C2, app. II). See  
c1
- (3) For the purpose of this paragraph, selling means—
  - (a) Signing a bid, proposal, or contract.
  - (b) Negotiating a contract.
  - (c) Contacting an officer or employee of the Department of Defense for the purpose of—
    1. Obtaining or negotiating contracts.
    2. Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract.
    3. Settling disputes concerning performance of a contract.
  - (d) Any other liaison activity with a view toward the ultimate consummation of a sale even though the actual contract therefor is subsequently negotiated by another person.
- (4) It is not the intent of these regulations to preclude a retired officer from accepting employment with private industry solely because his employer is a contractor with the Government.

**9. Reserve personnel.** *a. Members of the Reserve Components of the Armed Forces who are on active duty other than for training are "officers" or "employees" of the United States for the purpose of bringing them within the statutes cited in paragraph A, appendix II. When members are released from active duty, they become former personnel for the purpose of bringing them within paragraph B, appendix II.*

*b.* Members of the Reserve Components, whether in the Ready, Standby, or Retired Reserve, who are not on active duty are not, solely because of their status as Reserves, considered to be officers of the United States for the purpose of bringing them within the statutes cited in paragraphs A and B, appendix II.

*c.* Receipt of retired pay by Reserves or former Reserves does not, in itself, make such personnel officers or employees, or former officers or employees, of the United States for the purpose of bringing them within the statutes cited in paragraphs A and B, appendix II. Paragraph C, appendix II, does not apply to retired Reserves.

*d.* Reserves who are on active duty for training do not become officers or employees of the United States for the purpose of bringing them within the statutes cited in paragraphs A and B, appendix II, solely because they are on active duty for training. While they are on active duty for training, however, Reserves are subject to the policies prescribed in these regulations.

**10. Acceptance of gifts.** *a.* DA personnel will not accept any favor, gratuity, or entertainment (directly or indirectly), from any person, firm, corporation, or other entity which has engaged, is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the Department of Defense, where such favor, gratuity, or entertainment might affect, or might reasonably be interpreted as affecting, the impartiality of such personnel. Favors, gratuities, or entertainment bestowed upon members of the immediate families of DA personnel are viewed in the same light as those bestowed upon DA personnel. Accordingly, DA personnel are expected to exercise their influence to insure that prohibited favors, gratuities, or entertainment are not accepted by members of their immediate families. If they believe that an offer of a favor, gratuity, or entertainment may constitute attempted bribery, they will promptly report the offer to their immediate superior, who, if he believes the offer may constitute an attempted bribe will report it promptly, pursuant to departmental procedures. Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

*b.* The tender of any gift, favor, gratuity, entertainment, contribution, or substantial loan, be-

lieved to constitute attempted bribery will be reported immediately through channels to the Office of The Judge Advocate General, Department of the Army, Washington 25, D.C., for appropriate disposition. Any questions concerning what might be construed as bribery will be resolved in favor of reporting the incident.

*c.* Gifts from foreign governments will be handled in accordance with instructions contained in AR 672-5-1.

**11. Official representation funds.** Use of Department of the Army official representation funds will be subject to the approval of the Secretary of the Army. Funds are to be utilized only for official entertainment to maintain the standing and prestige of the United States by extending official courtesies to certain officials and dignitaries of the United States and foreign countries. See AR 37-47.

**12. Use of Government facilities, property, manpower, and funds.** *a.* Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services, and chauffeur services will be used only for official Government business.

*b.* DA personnel will not use or permit the use by others of Government facilities, property, manpower, or funds for other than official Government business.

*c.* The above restrictions do not apply to the use of facilities by local civic or similar nonprofit organizations, which would further military-community relations, provided such use does not interfere with the military missions.

**13. Special mission aircraft.** Special mission aircraft will be used only for official purposes in the implementation of projects or missions involving their use, approved by the Secretary of the Army or the Chief of Staff. See AR 96-20.

**14. Use of motor vehicles.** *a.* Full-time assignment of official vehicles to officials of the Department of the Army at the seat of Government will be subject to the approval of the Secretary of Defense or the Deputy Secretary of Defense. Full-time assignments at Department of Army field installations will be subject to the approval of the Secretary of the Army.

*b.* DA personnel authorized full-time use of official vehicles will not use such vehicles for other than the actual performance of official duties.

Vehicles authorized on a full-time basis will not be reassigned to others not entitled to such use.

c. Other administrative use of motor vehicles will be authorized only when official transportation is essential to the successful operation of activities of the Government.

d. Use of motor vehicles, whether authorized on a full-time or trip basis, is not authorized for the official concerned, members of his family, or others, for private business or personal social engagements. Questions with regard to the official nature of a particular use will be resolved in favor of strict compliance with statutory restrictions.

15. Contributions or gifts to superiors. No officer or employee in the United States Government employ will at any time solicit contributions from other officers or employees in the Government service for a gift or present to those in a superior official position; nor will any such officials or superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor will any officer or employee make any donation as a gift or present to any official superior. Every person who violates this section will be summarily discharged from the Government employ. (R.S. 1784; 5 U.S.C. 113.)

16. Use of civilian and military titles in connection with commercial enterprises. a. All civilian and Regular military personnel, including retired and Reserve Component personnel on extended active duty, are prohibited from using their civilian and military title or position in connection with any commercial enterprise or in endorsing any commercial product. (The foregoing shall not be deemed to preclude publication by such personnel of books, articles, etc., which identify them as author by reference to their military title or position, provided that publication of such material by such personnel has been authorized by, and the material itself has been cleared by the Office of the Secretary of Defense under existing DoD procedures. See AR 360-5.

b. All retired personnel and all members of Reserve Components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles will in no way cast discredit on the military services or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or with-

out the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the military services or the Department of Defense. Retired personnel and members of Reserve Components, not on active duty, may be restricted from using their military titles in connection with public appearances in overseas areas.

17. Off-duty employment of military personnel. a. The off-duty employment of military personnel on active duty is authorized, *provided that*—

- (1) There is no interference with the full and proper discharge of military or governmental duties.
- (2) Such off-duty employment does not create a conflict of interest or may reasonably not be expected to bring discredit upon or cause unfavorable criticism of the Government or agency concerned.
- (3) A military title, position designation, or military address (if the use of such an address indicates a connection with the military service) is not used.
- (4) Their engaging in any pursuit, business, or performance in civil life for emoluments, hire, or otherwise, does not interfere with the customary employment and regular engagement of local civilians in the respective arts, trades or professions.
- (5) Such employment does not require him to be separated from his unit or organization.

b. Active duty military personnel who are engaged in off-duty employment as agents for the sale of any commodity are governed by the provisions of paragraph 51, AR 210-10.

c. The installation commander will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives which operate in competition with civilian enterprises. This provision does not preclude the use of personnel where authorized for those nonappropriated funds and activities prescribed by AR 230-5. The provisions of this paragraph are not applicable to members of the Reserve Components who are not on active duty and who are not employees of the Army.

d. No enlisted member of the Army on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business,

or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession.

*e.* For regulations applicable to the off-duty employment of civilian personnel, see paragraph 2-2, CPR C2.

**18. Interests not connected with military duties.** *a.* There are limitations upon the activities of officers and other personnel subject to military law. The general principle underlying such limitations is that all members of the Army, when subject to military law, are bound to refrain from all business and professional activities and interests not directly connected with their military duties which would tend to interfere with or hamper in any degree their full and proper discharge of their duties or which normally give rise to a reasonable suspicion that such participation would have that effect. Any substantial departure from this underlying principle may constitute conduct punishable under the Uniform Code of Military Justice.

*b.* If members of the Army who have certain outside interests which have no bearing or possible influence upon the performance of their current military duties should later be assigned to duties in the performance of which the possession of such interests is adverse to the interests of the Government, they will immediately dispose of such outside interests and report the facts to superior military authority, or without disposing of such interests, will report all pertinent facts and circumstances to superior military authority with a view to their relief from their assignments or such other action as may be deemed appropriate.

**19. Consultant for private commercial enterprise.** No officer or enlisted person on the active list of the Army, or civilian employee of the Department of the Army, will act as a consultant for a private commercial enterprise with regard to any matter in which the Government is interested, with the following exceptions:

*a.* Literary activities as provided in AR 360-5.

*b.* Service without remuneration in an advisory capacity, e.g., member of a board of directors, officer of an association, etc., to a publication which is or may be issued by or for any branch or organization of the Army or military association. Other service on the staff of such a publication which accepts paid advertising is prohibited.

**20. Information to personnel.** Appropriate action will be taken to inform all new DA personnel of the standards of conduct specified in these regulations upon their employment, or entering into active duty. Appropriate action also will be taken to bring these standards of conduct to the attention of all personnel at least semiannually. Major commanders will provide for the designation of an official or office in each command or installation from whom military or civilian personnel may obtain additional clarification of standards of conduct and related laws, rules, and regulations. Such personnel will be advised of such designation.

**21. Statement of employment by regular retired officers.** Each Regular officer will file a statement of employment (DD Form 1357) within 30 days after retirement. Whenever the information in the statement is no longer accurate, each such officer will file a new DD Form 1357.

**Appendix L HOUSE CONCURRENT RESOLUTION 175  
85th CONGRESS, 2d SESSION**

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

**CODE OF ETHICS FOR GOVERNMENT SERVICE**

Any person in Government service should—

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under

circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

## Appendix II. DIGEST OF STATUTORY PROVISIONS

### A. Criminal Statutes Relating to Department of Defense Personnel

The following activities may subject DoD personnel to criminal penalty under the statutes cited:

1. Asking, accepting, or agreeing to receive as a bribe or graft, directly or indirectly, any money, contract, or other thing of value, either (a) with the intent to have any of their official decisions or actions influenced thereby, or (b) for giving to or procuring or aiding to procure for any person a Government contract (18 U.S.C. 202 and 216).
2. Receiving or agreeing to receive, directly or indirectly, compensation for services rendered by themselves or another in relation to any proceeding, contract, or claim before any department or agency where the United States is directly or indirectly interested (18 U.S.C. 281).
3. Acting as agent or attorney in prosecuting any claim against the Government or assisting in the prosecution of any such claim otherwise than in the proper discharge of official duties (18 U.S.C. 283).
4. Transacting business as officers or agents of the United States with any corporation, firm, or partnership in the profits of which they are directly or indirectly interested (18 U.S.C. 494).
5. Receiving from any source other than the Federal or any local Government any compensation in connection with their Government services (18 U.S.C. 1914). However, any Reserve officer ordered to active duty, and any person who is inducted into the armed forces under the Universal Military Training and Service Act, who, before being ordered to active duty or inducted, was receiving compensation from any person may, while serving on active duty, receive compensation from that person (10 U.S.C. 1033, and sec. 4(f), Universal Military Training and Service Act, as amended, 50 U.S.C. App. 454(f)).

### B. Statutes Relating Specifically to Former Personnel

1. It is unlawful for former DoD personnel, within two years after their incumbency, to prosecute or act as counsel, attorney, or agent for prosecuting any claim against the United States which involves any subject matter directly connected with which such personnel were employed or performed duty (18 U.S.C. 284). The Attorney General has construed 18 U.S.C. 284 to mean that every person who has been employed in any Government agency, including commissioned officers assigned to duty in such agencies, is prohibited for a period of two years after such employment or service has ceased from representing in any manner or capacity any interest opposed to the United States in any matter with which such person was directly connected during the time he was in Government service. "Claim against the U.S." in section 284 has been judicially "limited to demands against the Government for money or for property." However, the Department of Justice has also advised that the statute was not designed to go beyond specific matters or cases upon which a person worked or concerning which he gained information while employed by the Government. Where a person acquires or expands his professional knowledge in some particular field while in Government service, he is entitled to use that professional knowledge in pursuing his livelihood after he leaves Government service, so long as he does not employ that knowledge in connection with a specific matter with which he became directly connected while in Government service.
2. Section 113 of the Renegotiation Act, as amended, prohibits any person who has been employed in the Department from prosecuting at any time any claim against the United States involving any subject matter directly connected with which such person was so employed (sec. 113, Act of March 23, 1951, as amended, 50 U.S.C. App. 1223). Although this statute does not prescribe any criminal penalty for violation of this provision, it constitutes a Congressional policy that former personnel should not prosecute any such claims at any time.

### C. Statutory Provisions Specifically Applying to Regular Retired Officers

1. Except as set forth in paragraphs a and b below, Regular retired officers are "officers of the United States" for the purpose of bringing them within the statutes cited in paragraph A above. However, 18 U.S.C. 434 relates to representing the Government in transacting business with a private concern, and 18 U.S.C. 1914 relates to receiving compensation from a private source in connection with services performed for the Government. Therefore, neither 18 U.S.C. 434 nor 18 U.S.C. 1914 applies to a Regular retired officer who is not representing or performing services for the United States. In addition, 18 U.S.C. 202 and the first paragraph of 18 U.S.C. 216 (see par. A 1(b) above) do not apply to Regular retired officers who are not representing or performing services for the United States.
  - a. 18 U.S.C. 281 exempts retired officers not on active duty from its application, but it prohibits a Regular retired officer from representing any person in the sale of anything to the Government through the Department in whose service he holds a retired status.
  - b. 18 U.S.C. 283 exempts retired officers not on active duty from its application, but it prohibits a Regular retired officer from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the Government, within two years after his retirement, involving the Department in which he holds a retired status. It also prohibits a Regular retired officer from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the Government, at any time, involving any subject matter with which he was directly connected while on active duty.
2. No payment from appropriated funds may be made to any officer on the retired list of the Regular Army, Navy, Marine Corps, or Air Force for a period of two years after his retirement, who for See himself or for others is engaged in the selling of or contracting for the sale of or negotiating c 1 for the sale of any supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (sec. 1309, Act of August 7, 1953, 5 U.S.C. 59c).
3. A retired officer of the Regular Navy or Regular Marine Corps is not entitled to any payment from the United States while he is engaged for himself or others in selling, or contracting or negotiating to sell, naval supplies or war materials to the Department of the Navy (10 U.S.C. 6112(b)). Resc c 1

### D. Regular Navy and Regular Marine Corps Officers

An officer of the Regular Navy or the Regular Marine Corps, other than a retired officer, may not be employed by any person furnishing naval supplies or war materials to the United States. If such an officer is so employed, he is not entitled to any payment from the United States during that employment (10 U.S.C. 6112(a)).

### E. Reserves Not on Active Duty or on Active Duty for Training

A Reserve who is not on active duty, and a Reserve who is on active duty for training, is not considered to be an "officer of the United States" for the purposes of the foregoing statutes solely because of his Reserve status or because of his being on active duty for training.

### F. Other Related Criminal Statutes Applicable to Conflict of Interests

The following activities may subject present and former DoD personnel to criminal penalties:

1. Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under the criminal statutes cited above.
2. Concealing or failure to report to proper authorities the commission of a felony under any of the criminal statutes cited above if such personnel know of the actual commission of the crime (18 U.S.C. 4).



0001058100

AR 600-50

3. Conspiring with one or more other persons to commit a crime under any of the criminal statutes cited above or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (18 U.S.C. 371).

[AG 250 (18 Mar 62) DCSPEB]

BY ORDER OF THE SECRETARY OF THE ARMY:

G. H. DECKER,  
*General, United States Army,  
Chief of Staff.*

Official:

J. C. LAMBERT,  
*Major General, United States Army,  
The Adjutant General.*

Distribution:

*Active Army:* To be distributed in accordance with DA Form 12-9 requirements for DA Regulations--Military Personnel, General--A.

*NG:* None.

*USAR:* None.