

BY ORDER OF THE
SECRETARY OF THE AIR FORCE



AIR FORCE INSTRUCTION 36-2913
OMB NUMBER 0701-0134
EXPIRATION DATE: 31 JULY 2004
19 NOVEMBER 2003

Personnel

REQUEST FOR APPROVAL OF FOREIGN
GOVERNMENT EMPLOYMENT OF AIR
FORCE MEMBERS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTICE: This publication is available digitally on the AFDPO WWW site at:
<http://www.e-publishing.af.mil>.

OPR: HQ AFPC/DPPTF (Mr. Bruce O. Creller)

Certified by: HQ AFPC/DPP
(Col Steven F. Maurmann)

Supersedes AFI 36-2913, 12 January 1999.

Pages: 6
Distribution: F

The public reporting burden for this collection of information is estimated to average 60 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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 application to the address shown. Send your completed application to the address shown in paragraph 4.1. or 4.2.

This instruction outlines the procedures by which Air Force members must request approval for employment by foreign governments. It implements Air Force Policy Directive (AFPD) 36-29 *Military Standards* and Title 37, United States Code, Section 908. This statute delegates to the respective service secretaries and to the Secretary of State the constitutional authority of the Congress to approve employment by foreign governments of members of the uniformed services. This instruction applies to active, Air National Guard (ANG), United States Air Force Reserve (USAFR), and retired members. System of Records F035 AF MP C *Military Personnel Records Systems* applies. Process supplements that affect any military personnel function as shown in Air Force Instruction (AFI) 37-160, volume 1, *The Air Force Publications and Forms Management Programs--Developing and Processing Publications* (formerly AFR 5-8), table 3.2.

SUMMARY OF REVISIONS

This change incorporates interim change (IC) 2003-1 (**Attachment 2**). This establishes a new Office of Management and Budget (OMB) number (OMB NO: 0701-0134) and expiration date (07/31/2004) for

OMB's approval to collect information; changes the office symbol HQ AFPC/DPPTU to HQ AFPC/DPPTF; changes office symbol SAF/MIB to SAF/MRB. See the last attachment of the publication for the complete IC. A bar (|) indicates revision from the previous edition.

1. Conditions of Foreign Government Employment . Article I, Section 9, Clause 8, of the Constitution of the United States reads:

"No title of nobility shall be granted by the United States and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Foreign government employment is defined as any civil employment with a foreign government agency or instrumentality whether or not compensation is received. This restriction also extends to educational or commercial institutions owned, operated, or controlled by a foreign government. Eligible individuals must receive the joint approval of the Secretary of the Air Force and Secretary of State to be employed by foreign governments.

2. Eligibility:

- 2.1. Retirees are eligible for foreign government employment.
- 2.2. Active duty members, ANG, and USAFR members of the Ready Reserve are ineligible for employment by foreign governments.
- 2.3. Ready Reserve members become eligible once they are approved for reassignment to Inactive Status List Reserve Section.
- 2.4. USAFR inactive reservists are eligible but are discouraged from accepting employment with a foreign government.

3. How To Request Approval. The Military Personnel Flight is the office of primary responsibility (OPR) for members requiring information and assistance. Before accepting employment with a foreign government, eligible members must submit a request for approval, supplying five copies (an original and four duplicates) of the following information:

- 3.1. A detailed description of the civil duties to be performed for the foreign government as defined by the prospective employer and the extent of foreign jurisdiction over the member. Include the name of the company, location of employment, the foreign government, and the duty title.
- 3.2. A statement explaining whether the member will receive compensation for duties performed, and if so, the nature and projected amount of that compensation.
- 3.3. A statement declaring that the member is unaware of any reason why employment by a foreign government would be inadvisable or reflect unfavorably on the United States.
- 3.4. A statement explaining whether foreign citizenship is required or planned.
- 3.5. A statement declaring that the member will not be required to execute an oath of allegiance to the foreign government.
- 3.6. A statement declaring that the member understands that retired pay equivalent to the amount received from the foreign government may be withheld if he or she accepts employment with a foreign government before receiving approval.

3.7. Reserve members only, a request for reassignment to Inactive Status List Reserve Section (Reserve Section Code RB).

4. Where to Send Requests:

4.1. Retirees, including reservists receiving retired pay, submit requests directly to the Air Force Military Personnel Center's Retirements Branch (HQ AFMPC/DPMARA), 550 C Street West, Ste 11, Randolph AFB TX 78150-4713.

4.2. Other reservists submit request to the Air Reserve Personnel Center (ARPC/DS), 6760 E. Irvington Place, #4200, Denver CO 80280-4200.

5. Processing Requests:

5.1. HQ AFMPC/DPMARA verifies status of retirees and sends requests with appropriate comments to the Secretary of the Air Force, Assistant Secretary for Manpower and Reserve Affairs, Deputy, Air Force Review Boards (SAF/MIB, 1535 Command Drive, RM C-302, Andrews AFB MD 20331-7002).

5.2. HQ ARPC/DS verifies status of reservists and sends requests to the SAF/MIB.

5.3. SAF/MIB rules on requests and sends those approved to the Secretary of State for appropriate action. Disapproved requests are returned to HQ AFMPC/DPMARA, if the member is receiving Air Force retired pay, or to HQ ARPC/DS, if the member is a reservist not receiving retired pay.

5.4. On receiving final rulings from the Secretary of State, SAF/MIB returns requests with joint secretarial response to HQ AFMPC/DPMARA or to HQ ARPC/DS.

5.5. HQ AFMPC/DPMARA sends one copy of the request to the member and one copy to the Defense Finance and Accounting Service-Cleveland Center (DFAS-CL/R(T), P.O. Box 99191, Cleveland OH 44199-1126).

5.6. DFAS-CL/R(T) reviews requests and joint rulings and directs the recovery or withholding of Reserve or retired pay if appropriate.

5.7. HQ ARPC/DS processes approved reassignment to Reserve Section RB if the reservist's MSO has expired (or to Reserve Section NB if the reservist still has time remaining on the MSO) and sends a copy of the approved request to the reservist. A rejected request is returned to the reservist without action.

6. Resubmitting Requests When Members Change Foreign Employers. Members who have been approved for foreign government employment must request further approval if they change employers or if their duties change substantially.

7. Withholding Pay. Any member who accepts employment with a foreign government before receiving approval from both the Secretary of the Air Force and the Secretary of State is subject to having Reserve or retired pay withheld, or reclaimed, for the period of unauthorized employment. Members cannot use

approved requests retroactively to authorize employment and compensation received before the approval date (61 Comptroller General 306, 1982). Other penalties may also be imposed.

ROGER M. BLANCHARD,
Assistant DCS/Personnel

Attachment 1

IC 99-1 TO AFI 36-2913, REQUEST FOR APPROVAL OF FOREIGN GOVERNMENT
EMPLOYMENT OF AIR FORCE MEMBERS*SUMMARY OF REVISIONS*

This change incorporates Interim Change (IC) 99-1 which establishes a new Office of Management and Budget (OMB) expiration date; revises the OMB disclosure statement; adds the statement that this instruction may not be supplemented; changes the office symbol HQ AFMPC/DPMARA to HQ AFPC/DPPTU throughout; changes the office symbol DFAS-CL/R(T) to DFAS-CL/FRT; changes the office symbol ARPC/DS to ARPC/DAS. See the last attachment of the publication, IC 99-1, for the complete IC. A bar (|) indicates revision from the previous edition.

The public reporting burden for this collection of information is estimated to average 60 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. 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 application to the address shown. Send your completed application to the address shown in paragraph 4.1. or 4.2.

Expiration Date: 30 June 2001

Attachment 2**IC 2003-1 TO AFI 36-2913, REQUEST FOR APPROVAL OF FOREIGN GOVERNMENT
EMPLOYMENT OF AIR FORCE MEMBERS****19 NOVEMBER 2003*****SUMMARY OF REVISIONS***

This change incorporates interim change (IC) 2003-1 (**Attachment 2**). This establishes a new Office of Management and Budget (OMB) number (OMB NO: 0701-0134) and expiration date (07/31/2004) for OMB's approval to collect information; changes the office symbol HQ AFPC/DPPTU to HQ AFPC/DPPTF; changes office symbol SAF/MIB to SAF/MRB. See the last attachment of the publication, IC 2003-1, for the complete IC. A bar (|) indicates revision from the previous edition.

OPR: HQ AFPC/DPPTF (Mr. Bruce O. Creller)

Supersedes: AFI 36-2913, 12 January 1999

Certified by: HQ AFPC/DPP (Col Steven F. Maurmann)

OMB NUMBER 0701-0134

EXPIRATION DATE: 31 JULY 2004

ROGER M. BLANCHARD

Assistant, DCS Personnel