

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**



**DEPARTMENT OF THE AIR FORCE  
INSTRUCTION 36-2913**

**1 JULY 2020**

*Incorporating Change 1, 24 August 2023*

Certified Current 24 August 2023

***Personnel***

**REQUEST FOR APPROVAL OF  
FOREIGN GOVERNMENT  
EMPLOYMENT OF THE  
DEPARTMENT OF THE AIR FORCE  
MEMBERS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This publication implements Department of the Air Force Policy Directive (DAFPD) 36-29, *Military Standards*, and is consistent with Title 37, United States Code Section 908, *Reserves and retired members: acceptance of employment, payments, and awards from foreign governments*. This publication applies to all eligible members of the Department of the Air Force (DAF) to include officers and enlisted receiving retirement pay. This publication is written through collaboration with the Chief of Air Force Reserve (AF/RE) and the Director of the Air National Guard Bureau (NGB/CF), the Deputy of Space Operations for Human Capital (SF/S1), and the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1). This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by Title 10 USC Section 9013, *Secretary of the Air Force*. The applicable Privacy Act System of Record Notices F036 AFPC P, *Separation Case Files (Officer and Airman)*, F033 ARPC B, *Locator or Personnel Data*, and F036 AF PC C, *Military Personnel Records System* are available at <https://dpclld.defense.gov/Privacy/SORNs/>. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the

office of primary responsibility (OPR) using the DAF Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command. This publication may not be supplemented or further implemented/extended. The authorities to waive wing/unit level requirements in this publication are identified with a tier number (“T-0, T-1, T-2, T-3”) following the compliance statement. See DAFMAN 90-161, *Publishing Processes And Procedures*, for a description of the authorities associated with the tier numbers. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items.

### ***SUMMARY OF CHANGES***

This document has been substantially revised; users should completely review all sections. This publication has been reorganized and drafted with “plain language” and includes tiering as required by DAFMAN 90-161. Major changes include annual statutory reporting requirements to Congress on retired general officers added by the National Defense Authorization Act of Fiscal Year (FY) 2020 and revised application procedures and responsibilities for the member, Air Force Personnel Center (AFPC), Air Reserve Personnel Center (ARPC), Air Force Office of Special Investigations (OSI), Defense Finance and Accounting Service (DFAS), Office of the Secretary of the Air Force (SecAF), and Secretary of State (SecState). A margin bar (|) indicates newly revised material.

## Chapter 1

### OVERVIEW

**1.1. Conditions of Foreign Government Employment.** Article I, Section 9, Clause 8 of the United States Constitution 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 of any Present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.” 37 USC § 908 delegates to the respective service secretaries, and to the SecState, the constitutional authority of the Congress to approve employment by foreign governments of members of the uniformed services. Consistent with that authority, the Department of the Air Force (DAF) has identified members who are eligible and ineligible to request employment with a foreign government or entity. Eligible members must receive joint approval of the SecAF and the SecState prior to accepting employment with a foreign government or entity. **(T-0)**

1.1.1. Eligible members. The following officer and enlisted members are eligible to apply for approval.

1.1.1.1. Retirees (Regular and Retired Reserve).

1.1.1.2. Ready Reserve members once approved for reassignment to Inactive Status List Reserve Section. Guidance on reassignment is provided in Air Force Instruction (AFI) 36-2110, *Total Force Assignments*.

1.1.1.3. Inactive Reserve members (Standby Reserve members on the Inactive Status List).

1.1.2. Ineligible members. The following officer and enlisted members are not eligible to apply for approval and prohibited to accept employment with a foreign government or entity.

1.1.2.1. Active-duty members, to include Department of the Air Force Reserve Component (ARC) service members serving in Active Guard Reserve status.

1.1.2.2. Air National Guard (ANG) members.

1.1.2.3. Ready Reserve members that are not assigned to the Inactive Status List or have not yet been approved for transfer to the Inactive Status List.

1.1.2.4. Standby Reserve members assigned to the Active Status List.

### 1.2. Definition of Terms.

1.2.1. “Office of Profit or Trust” includes all members of the uniformed service (officers, enlisted, and reserve component members).

1.2.2. “Emoluments” is the profit arising from office or employment, namely, that which is received as compensation for services, or which is annexed to possession of office, including salary, consulting and other fees, proportionate profit-sharing, and gratuities, except as authorized by Congress. For example, compensation in the form of honoraria, travel expenses, household goods shipments at the employer’s expense, housing allowances, and gifts from a foreign State in excess of limited gifts permitted by the Foreign Gifts and Decorations Act (Title 5 United States Code Section 7342) are “emoluments.”

1.2.3. Foreign government employment (FGE) is defined as any civil employment with a foreign government, regardless of whether or not payment of wages is received. The decisive test to determine the existence of an employer-employee relationship with a foreign government is whether the foreign government has the right to control and direct the employee; specifically, in the performance of his or her work and in the manner in which the work is to be done. This may apply to U.S. owned companies.

1.2.3.1. Foreign governmental entities include commercial entities owned or controlled by a foreign government and foreign public universities controlled by a foreign government. Approval is required if work is directly or indirectly working for a foreign government. This applies to U.S. companies that may work directly or indirectly working for a foreign government. These entities can be considered instrumentalities of foreign states for purposes of the Emoluments Clause.

1.2.3.2. Although a member of a partnership may not personally represent foreign governmental clients, their partnership arrangements provide that client revenues are pooled so members receive a partnership distribution from the firm that includes some proportionate share of revenues from the foreign governmental clients. Accordingly, partnership members receiving distributions are considered employed by a foreign government even if not directly working for or with the foreign government.

1.2.4. A “foreign State” includes both national and sub-national governmental units, as well as any organization owned or operated by a foreign government at any level (federal, regional, or local). In order to determine whether a foreign entity is a “foreign State” for purposes of the Emoluments Clause, the following factors are considered:

1.2.4.1. Whether a foreign government has any active role in the management of or influence over the decision-making entity.

1.2.4.2. Whether a foreign government, as opposed to a private intermediary, makes the ultimate decision regarding the gift or emolument; and

1.2.4.3. Whether a foreign government is a substantial source of funding for the entity.

## Chapter 2

### ROLES AND RESPONSIBILITIES

**2.1. Assistant Secretary of the Air Force (Manpower and Reserve Affairs) (SAF/MR).** By delegated authority from SecAF to act on applications pursuant to 37 USC § 908 under *Headquarters Mission Directive (HAFMD) 1-24*, para-A1.286.

**2.2. Director, Air Force Review Boards Agency, Assistant Secretary for Manpower and Reserve Affairs (SAF/MRB).** Per HAFMD 1-24 Addendum C, *Re-Delegation of Direction and Authority to Act on Certain Applications and Complaints HAFMD 1-24*, Assistant Secretary of the Air Force (Manpower and Reserve Affairs), paragraph 4.1.6, the Director, Air Force Review Boards Agency (SAF/MRB), will approve or disapprove the application. **(T-1)** SAF/MRB must involve the military department counterintelligence organization (MDCO) and the National Counterintelligence Task Force (NCITF), to inform during the approval process as mandated by the Office of the Secretary of Defense for Counterintelligence.

2.2.1. The Director, SAF/MRB will forward approved application requests to the SecState for action (approval or disapproval). **(T-1) The decision is final and no appeal is authorized.**

2.2.2. On receipt of a decision of approval from the SecState, the Director, SAF/MRB will issue a memorandum for AFPC/DPFFF or ARPC/DPAMR approving the application for employment. On receipt of a decision of disapproval from the Director, Air Force Review Boards Agency, or from SecState, the Director, SAF/MRB will issue a memorandum for AFPC/DPFFF or ARPC/DPAMR disapproving the request for employment. **(T-1)**

2.2.3. On receipt of a finding from SecAF Inspector General (SAF/IG) that a member engaged in FGE without the required approval (**see paragraph 2.4** below), the Director, SAF/MRB will issue a memorandum to DFAS directing recoupment of the amount of compensation earned, in accordance with Department of Defense (DoD) 7000.14-R, *Department of Defense Financial Management Regulation (T-0)*. Normally, DFAS will withhold retired pay in an amount equal to the amount of compensation received from the foreign government (**see paragraph 2.11**) **(T-0)**

2.2.4. The MRB will notify violators by mail of SAF/IG's investigative findings, the DAF's course of action, and the recoupment amount.

2.2.5. Pursuant to changes made to 37 USC 908(c) in the Public Law cite for National Defense Authorization Act of FY 2020, each year the services must submit a report through the Department of Defense to the Senate Armed Services Committee on each approval under the statute for a retired general officer issued during the previous year. SAF/MRB, in coordination with AFPC will consolidate and report this data to the Office of the Assitant Secretary for Legislative Affairs (OASD(LL)).

**2.3. The Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1):** is responsible for policy oversight and advocacy of their respective service's FGE program and interfaces with the office of the Secretary of Defense (SecDef) staff concerning development of Department of Defense (DoD) policy.

**2.4. Inspector General.** On SecAF's authority, the SAF/IG will initiate an investigation of members who are alleged to have engaged in FGE without SecAF and SecState approval. **(T-1)**

Once presented with evidence that a member has engaged in FGE, the Inspector General (IG) may determine, by a preponderance of evidence, whether the member engaged in FGE without the required approval. **(T-1)** The IG will forward the Report of Investigation to the Director, SAF/MRB for action. **(T-1)**

**2.5. Air Force Personnel Center Airman and Family Sustainment Branch (AFPC/DPFFF) or Air Reserve Personnel Center Reserve Service Programs Branch (ARPC/DPAMR).** Depending upon the member's status at the time of request, AFPC/DPFFF (for AF retirees, including AF reservists receiving retired pay) or ARPC/DPAMR (retired reserve members awaiting pay and members assigned to the Inactive Status List Reserve Section) will verify the status of the member and examine the member's personnel record for derogatory information. **(T-1)** Upon awareness during the FGE application process that an applicant is currently working for FGE without approval, AFPC or ARPC is responsible for providing evidence of potential FGE violation to the IG and inform SAF/MRB.

2.5.1. AFPC/DPFFF will remind members approved for employment by a foreign government or entity of the requirement to **submit a new request at any time when the member changes employers, when there is a material change in employment conditions, or six months prior to three years from the date approval was granted if still working for the foreign government or entity.**

2.5.2. During the mandated pre-separation counseling, each service member will be briefed on the pre-approval requirements of FGE.

2.5.3. AFPC will perform a random review of the Service Member Pre-Separation Transition Counseling and Career Readiness Standards eForm for Service Members Separating, Retiring, Released from Active Duty to validate required FGE statement has been signed.

**2.6. Director, Air Force Personnel Center Airman and Family Care (AFPC/DPF) or Director, Air Reserve Personnel Center Assignments (ARPC/DPA).** The Director or Deputy Director, Airman and Family Care (holding a grade no lower than colonel (O-6), or civilian equivalent or the next O-6 (or above) or civilian equivalent in that chain of command) will review the application package for completeness and forward to the Director, SAF/MRB for action. **(T-1)**

**2.7. Air Force Personnel Center Staff Judge Advocate (AFPC/JA) or Air Reserve Personnel Center Staff Judge Advocate (ARPC/JA).** If derogatory or concerning information is developed during the personnel or criminal investigative reviews, AFPC/JA or ARPC/JA (as applicable) will provide a legal review of the application prior to review by the Director/Deputy Director, AFPC Directorate of Airman and Family Care or Director, Air Reserve Personnel Center Assignments, ARPC/DPA. **(T-1)**

**2.8. Air Force Office of Special Investigations (OSI).** Air Force Office of Special Investigations (OSI) will provide classified reports to SAF/MRB for review. Lastly, OSI is required to provide a background check of the applicant, provide country counterintelligence report as well as analysis on the company.

**2.9. Defense Office of Hearings and Appeals.** A member who chooses to challenge a determination by DFAS denying all or part of a waiver of an Emoluments Clause debt may appeal to the Claims Division of Defense Office of Hearings and Appeal. A member with a claim or waiver application must file it through DFAS. **(T-0)** Oral hearings are not granted and requests for reconsideration and appeal decisions are based on the written record.

**2.10. Defense Finance and Accounting Service (DFAS).** In the event a member accepts employment with a foreign government without first obtaining approval from the SecAF and the SecState, it is anticipated that DFAS will, on notification by the Director, SAF/MRB, suspend the member's retired pay. This suspension is up to the amount of the foreign salary or other emoluments received if the foreign salary is less than or equal to the member's retired pay. If the member earned compensation (salary or other emoluments) during a period of unauthorized employment in excess of the amount of retired pay accrued during the same period, DFAS will collect the amount of retired pay distributed during the period of the violation in accordance with DoD 7000.14-R. **(T-0)**

2.10.1. Debt Satisfaction. On recoupment of the debt, it is anticipated that DFAS will issue a notification memorandum to the member and to the Director, SAF/MRB. **(T-1)**

2.10.2. Waiver Authority. DFAS may grant a waiver for all or part of an Emoluments Clause debt of \$10,000 or less. Waiver requests for debts in excess of \$10,000 are forwarded to the Defense Office of Hearings and Appeals.

**2.11. Servicing Legal Judge Advocate (JA) Office (at all levels of command).** Advises eligible members seeking FGE regarding the legal requirements and restrictions related to employment by foreign governments and entities. **(T-1)**

**2.12. Installation Security Manager.** The security manager will assist the member in completing the Standard Form 312, *Classified Information Nondisclosure Agreement*. **(T-1)**

**2.13. Force Support Squadron/Military Personnel Flight (MPF).** The MPF is the office of primary responsibility for each Air Force (AF) member seeking administration information and assistance. The MPF will direct the member to this AFI, the [www.retirees.af.mil](http://www.retirees.af.mil) website and refer the member to the Staff Judge Advocate. **(T-1)**

**2.14. Member.** Only eligible individuals, as defined in [paragraph 1.1.1](#), who seek approval for employment by a foreign government or other foreign entities will submit the application to the AFPC's Airman and Family Sustainment Branch (AFPC/DPFFF) using guidance and forms from [www.retirees.af.mil](http://www.retirees.af.mil). **(T-1)** Retired Reserve members awaiting pay and members assigned to the Inactive Status List Reserve Section will apply to the ARPC Reserve Service Programs Branch (ARPC/DPAMR). **(T-1)**

## Chapter 3

### APPROVAL OF AIR FORCE MEMBERS

**3.1. Advance Approval Requirement.** Active duty (Regular Air Force (RegAF), United States Space Force (USSF), Air Force Reserve (AFR) and ANG serving as Active Guard Reserve (AGR)) are ineligible to submit request for employment by foreign governments and entities. (T-0) Members of the Ready or Standby Reserve (AFR and ANG) are ineligible unless they are assigned to the Inactive Status List or until they are reassigned to the inactive status list. (T-0) Retired DAF members and retired members of the Air Reserve Command **must** obtain advance approval from both the SecAF and the SecState in order to lawfully accept compensated civilian employment from the foreign government.

3.1.1. Compensation received from the foreign government without FGE approval creates a debt to the United States government in the amount of that compensation and is subject to recoupment from retired pay if foreign compensation is less than or equal to the member's retirement pay.

3.1.2. If a member is found to be working FGE without approval, the member will disclose to DAF all requested information regarding FGE employment and income. If member declines to provide such information, this creates a rebuttable presumption that foreign compensation received without approval exceeds their retirement pay.

**3.2. Duration of Approval.** Approval for the member to accept employment by a foreign government or entity will expire three years from the date granted or upon any change in member's conditions of employment, whichever comes first. (T-0)

3.2.1. Each application approval is only specific for the position in which an applicant applied. The application approval is only permitted for the person to whom the approval was given and should not be used to approve a class of employees.

**3.3. Required Resubmittal of Requests.** An eligible member approved for employment by a foreign government or entity must submit a new request six months prior to three years from the date approval was granted.

3.3.1. At any time, the member changes employers, or if there is a material change in member's conditions of employment not detailed in the original application approved by the SecAF and SecState, the member must resubmit a new request. (T-1)

3.3.2. For members who apply during the six months prior to expiration but, have not received a timely approval or denial from the SecState may continue to work contingent the conditions of the original contract have not changed. (T-1)

**3.4. Requests for approval must contain the following information:**

3.4.1. Memorandum for AFPC/DPFFF or ARPC/DPAMR (**Attachment 2**). The memorandum must provide the following:

3.4.1.1. 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 DAF member. (T-1) Include the name of the employer, the location of employment, the projected start date, the foreign government, and the duty title of the



position sought. **(T-1)** The member must include a copy of the tender of employment and/or contract with the request received from the company or foreign entity.

3.4.1.2. 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 U.S. **(T-1)** **The member must provide previous or current ethics legal opinion that may be relevant to the FGE request.**

3.4.1.3. A statement explaining whether the member will receive compensation, monetary, per diem, lodging, travel cost etc., for duties performed, and if so, the nature and projected amount of that compensation. **(T-1)**

3.4.1.4. A statement explaining whether foreign citizenship is required or planned. **(T-1)**

3.4.1.5. A statement declaring that the member will not be required to execute an oath of allegiance to the foreign government. **(T-1)**

3.4.1.6. A statement declaring that the member understands that retired pay equivalent to the amount received from the foreign government will be withheld if the member accepts employment with a foreign government before receiving approval. **(T-1)** Amounts of retired pay withheld from a member of the uniformed services who accepts foreign employment without congressional consent, as required by the U.S. Constitution, should be treated as though the member has no entitlement to them and should not be “held in trust” for the member pending possible future congressional consent to their receipt. **(T-1)**

3.4.1.7. A statement declaring that the member understands the Foreign Agent Registration Act of 1938, as amended, 22 USC § 611 et seq. (“FARA”), as governed by the Department of Justice. The member is solely responsible for obtaining necessary guidance under FARA. It is the responsibility of the member to self-certify whether this foreign employment request does or does not require them to register as a Foreign Agent.

3.4.1.8. A statement declaring that the member understands the International Traffic Arms Regulations (ITAR) requirements. The member is solely responsible for obtaining necessary guidance under ITAR in addition to whether export licenses and approval are required to provide the defense service or support to the foreign government or entity. It is the responsibility of the member to self-certify whether this foreign employment request does or does not require them to obtain a license in compliance with ITAR.

3.4.1.9. A statement declaring the member understands the information provided is subject to the Freedom of Information Act (FOIA), as the public has the right to request access to records from any federal agency.

3.4.1.10. AFR members only a request for reassignment to Inactive Status List Reserve Section (Reserve Section Code RB). **(T-1)**

3.4.2. Foreign Government Employment Questionnaire (**Attachment 3**). Questions regarding member’s employment, citizenship, and access to classified information must be answered for the U.S. Department of State’s vetting process. **(T-1)** Type the questions and answers on plain bond paper or in digital/electronic format. Do not use official letterhead. **(T-1)**

3.4.3. Standard Form (SF) 312, *Classified Information Nondisclosure Agreement*. The member must contact the nearest military installation to complete the entirety of this form

(available at <http://gsa.gov>), including the Security Debriefing Acknowledgment, with a Security Manager. (T-1)

3.4.3.1. The member may submit a copy of an SF 312 received prior to retirement vice executing a new form, so long as the SF 312 is complete and contains the Security Debriefing Acknowledgment.

3.4.3.2. Where to Submit Requests. The member's status at the time of requesting approval controls where the package is submitted.

3.4.3.2.1. Retirees Including Reservists Receiving Retired Pay. Obtain information on [www.retirees.af.mil](http://www.retirees.af.mil) and send to: AFPC/DPFFF, (AFPC, Airman and Family Sustainment Branch), AFPC/JA, 550 C Street West Suite 25, Joint Base San Antonio (JBSA)-Randolph, TX 78150-4713 or email to: [afpc.retiree@us.af.mil](mailto:afpc.retiree@us.af.mil).

3.4.3.2.2. All Other Eligible Retired and Reserve Members. Submit requests on myFSS (then search Foreign Government Application) or send to: ARPC/DPAMR, ARPC/JA, 1840 E. Silver Creek Ave, Bldg 390, Buckley Air Force Base (AFB), CO 80011.

**3.5. Air Force Review Boards Agency Actions (SAF/MRB).** While each case will be considered on its own merits, the Foreign Government Employment Review Board and the Director, SAF/MRB will consider the following factors when determining whether a FGE request should be approved or denied. (T-1)

3.5.1. Has AFPC/DPFFF or ARPC/DPAMR confirmed the member's retired status?

3.5.2. Has AFPC/DPFFF or ARPC/DPAMR provided a derogatory data check on the applicant?

3.5.3. Has OSI provided relevant information whether employment relationships with a particular foreign state and/or a particular foreign entity are reasonably expected to increase the foreign intelligence threat to the U.S.?

3.5.4. Regardless of the good faith and loyalty of the applicant, does the proposed employment relationship have the potential to embarrass the U.S.?

3.5.5. Has the OSI completed a counterintelligence review of the country or countries specified in the applicant's request, and provided a signed analysis attesting to whether there are any known threats associated with the applicant's employment by that country or those countries?

3.5.6. If there is information that some of the activities of the foreign government or government-controlled entity would be considered contrary to U.S. interests, **such as human rights violations**, is there a reasonable possibility that the DAF could be viewed as tacitly facilitating those activities?

3.5.7. Does the proposed employment relationship or its terms or conditions create the potential for the exercise of undue influence by a foreign government upon the applicant?

3.5.8. Does the foreign employer require acquisition of foreign citizenship or an oath to a foreign government?

3.5.9. Does the member have the required understanding to register with the Department of Justice as a foreign agent when mandated by Foreign Agent Registration Act.

**3.6. Briefing Requirement.** Retiring DAF members are referred to a legal representative or an ethics official to ensure they understand restrictions on post-government (military) employment imposed by statute and regulation. Guidance on briefing requirements is provided in Department of Defense Instruction 1332.35, *Transition Assistance Program for Military Personnel*.

3.6.1. A DAF representative ensures retiring DAF members are briefed during the pre-separation briefing regarding the requirement for advance approval of FGE and the consequences of failing to obtain approval. **(T-1)**

3.6.1.1. In addition, during the General Officer Transition Assistance Program, the SecAF General Counsel's Ethics Office (SAF/GCA) will brief general officers regarding post military service employment restrictions to include the Emoluments Clause restriction. **(T-1)** Once briefed, a completed Statement of Understanding will be signed by the general officer. **(T-1)** AF General Officer Management Office (GOMO) will then coordinate with the affected general officer to obtain the FGE acknowledgement and ensure inclusion in the member's automated personnel record. **(T-1)**

3.6.1.2. All members will use the Department of Defense Form (DD Form) 2648, *Service Member Pre-Separation/Transition Counseling and Career Readiness Standards Electronic Form for Service Members Separating, Retiring, Released from Active Duty*, to acknowledge the requirement for a FGE briefing, including members of the Air Reserve Command. **(T-0)**

3.6.1.3. The transition counselor will ensure *Section XI-Remarks*, Block 48, annotates receipt of the FGE employment briefing with the inclusion of the following statement:

"My signature in Block 26 acknowledges I was briefed by JA on foreign/post government employment and am aware joint SecAF and SecState approval is required before accepting FGE or my retired pay is subject to recoupment." or "My signature in Block 26 acknowledges I viewed the AFPC/JA foreign/post government employment video and am aware joint SecAF and SecState approval is required before accepting foreign government employment or my retired pay is subject to recoupment." The member must sign and date block 42, Service Member Signature & Date. **(T-1)**

3.6.1.4. AFPC/DPFFF will include information concerning the foreign government employment advance approval requirement and potential impact on retired pay in the online retirement briefing. **(T-1)**

### **3.7. Records Management.**

3.7.1. A signed DD Form 2648 will be maintained in retired members' official personnel record to document receipt of pre-separation counseling on FGE. **(T-1)**

3.7.2. The SAF/MRB, AFPC/DPFFF, ARPC/DPAMAR will maintain a copy of member FGE request packages, to include the decision memorandum and all supporting documents, for a period of five years. **(T-1)**

3.7.2.1. The SAF/MRB, AFPC, and ARPC will develop DAF inspection system controls to self-assess and report compliance with FGE application review and recoupment. **(T-1)**

3.7.2.2. AFPC/DPFFF and ARPC/DPAMR will maintain a copy of FGE request packages for a period of five years. (T-1)

3.7.2.3. DFAS will maintain a copy of FGE recoupment actions for a period of three years. (T-1)

ALEX WAGNER, SES, SAF/MR  
Assistant Secretary  
(Manpower and Reserve Affairs)

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

United States Constitution, Article I, Section 9, Clause 8, *The Foreign Emoluments Clause*

Title 5 United States Code Section 552a, *Records Maintained on Individuals (Privacy Act of 1974)*

Title 5 United States Code Section 7342, *Foreign Gifts and Decorations Act*

Title 10 United States Code Section 9013, *Secretary of the Air Force*

Title 10 United States Code Section 12301, *Reserve Components Generally*

Title 10 United States Code Section 12302, *Ready Reserve*

Title 37 United States Code Section 908, *Reserves and retired members: acceptance of employment, payments, and awards from foreign governments*

Title 38 United States Code Section 101, *Definitions*

DoDI 1332.35, *Transition Assistance Program (TAP) for Military Personnel*, 26 September 2019

DoD 7000.14-R, *Department of Defense Financial Management Regulation*

DAFPD 36-29, *Military Standards*, 24 January 2023

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

DAFI 36-2110, *Total Force Assignments*, 15 November 2021

DAFMAN 90-161, *Publications Processing and Procedures*, 15 April 2022

***Prescribed Forms***

None

***Adopted Forms***

DAF Form 847, *Recommendation for Change of Publication*

DD Form 2648, *Service Member Pre-Separation/Transition Counseling and Career Readiness Standards Electronic Form for Service Members Separating, Retiring, Released from Active Duty*

Standard Form 312, *Classified Information Nondisclosure Agreement*

***Abbreviations and Acronyms***

**AFB**—Air Force Base

**AFI**—Air Force Instruction

**AFMAN**—Air Force Manual

**AFPC**—Air Force Personnel Center

**AFPD**—Air Force Policy Directive  
**AFR**—Air Force Reserve  
**AGR**—Active Guard Reserve  
**ANG**—Air National Guard  
**ARC**—Air Reserve Command  
**ARPC**—Air Reserve Personnel Center  
**DAF**—Department of the Air Force  
**DAFMAN**—Department of the Air Force Manual  
**DD Form**—Department of Defense Form  
**DFAS**—Defense Finance and Accounting Service  
**DoD**—Department of Defense  
**FARA**—Foreign Agent Registration Act  
**FGE**—Foregin Government Employmt  
**FOIA**—Freedom of Information Act  
**FY**—Fiscal Year  
**GOMO**—General Officer Management Office  
**HAFMD**—Headquarters Mission Directive  
**ITAR**—International Traffic Arms Regulations  
**JBSA**—Joint Base San Antonio  
**MDCO**—Military Department Counterintelligence Organization  
**MPF**—Military Personnel Flight  
**NCITF**—National Counterintelligence Task Force  
**O-6**—Colonel  
**OPR**—Office of Primary Responsibility  
**OSI**—Office of Special Investigations  
**RegAF**—Regular Air Force  
**SecAF**—Secretary of the Air Force  
**SecState**—Secretary of State  
**USAF**—United States Air Force  
**USC**—United States Code  
**USSF**—United States Space Force

*Office Symbols*

**AF/A1**—Deputy Chief of Staff for Manpower, Personnel, and Services

**AF/A1P**—Air Force Deputy Chief of Staff, Manpower, Personnel and Services, Directorate of Force Management Policy

**AF/RE**—Chief of the Air Force Reserve

**AFPC/DPF**—Director, Air Force Personnel Center Airman and Family Care

**AFPC/DPFFF**—Air Force Personnel Center Airman and Family Sustainment Branch

**AFPC/DPAMR**—Air Reserve Personnel Center Reserve Service Programs Branch

**AFPC/JA**—Air Force Personnel Center Judge Advocate

**ARPC/DPA**—Director, Air Reserve Personnel Center Assignments

**ARPC/DPAMR**—Air Reserve Personnel Center Reserve Service Programs Branch

**ARPC/JA**—Air Reserve Personnel Center Judge Advocate

**NGB/CF**—Director of the Air National Guard Bureau

**OASD(LL)**—Office of the Assistant Secretary of Defense for Legislative Affairs

**SF/S1**—Deputy of Space Operations for Human Capital

**SAF/IG**—Secretary of the Air Force Inspector General

**SAF/GCA**—Secretary of the Air Force General Counsel's Ethics Office

**SAF/MR**—Secretary of the Air Force for Manpower and Reserve Affairs

**SAF/MRB**—Secretary of the Air Force, Assistant Secretary for Manpower and Reserve Affairs, Review Boards Agency

*Terms*

**Active Military Service**—38 USC § 101.

**Active Status**—All Reserve, except those on an inactive status or Retired Reserve. Active status Reservist may train for points or pay and be considered for promotion.

**Air Force Reserve (AFR)**—All Reserves of the Air Force except those units, organizations, and members assigned to the Air National Guard of the United States.

**Air National Guard (ANG)**—A reserve component of the United States Air Force (USAF) consisting of all federally recognized units, organizations, and members of the ANG of the several states, the District of Columbia, and Commonwealth of Puerto Rico, who, in addition to their status as ANG s, are Reserves of the Air Force in the same grades in which enlisted or appointed and federally recognized. Membership in the ANG is acquired by the enlistment or appointment in the federally recognized ANG of a state and concurrent enlistment or appointment as a Reserve of the Air Force in the same grade.

**Discharge**—Complete severance from the active military service. The discharge includes a reason and characterization of service.

**Enlisted Member**—A person in an enlisted grade within the USAF.

**Judge Advocate**—An officer of the Judge Advocate General’s Corps of the Army or the Navy; an officer of the DAF or the Marine Corps who is designated as a judge advocate; or an officer of the Coast Guard who is designated as a law specialist.

**Officer**—A commissioned officer of any component.

**Ready Reserve**—Units and individual reservists liable for active duty as outlined 10 USC § 12301 (Full Mobilization) and 10 USC § 12302 (Partial Mobilization). This includes members of units, members of the Active Guard Reserve Program, Individual Mobilization Augmentees, Individual Ready Reserve, and the Inactive National Guard.

**Release from Active Duty**—End of active-duty status. This term applies to Airmen of the Regular Air Force who are transferred to a Reserve component to complete their military service obligations and to Airmen of Reserve components who revert to inactive status in their Reserve organizations.

**Retired Reserve**—All reserve members who receive retirement pay on the basis of their active duty and/or reserve service; those members who are otherwise eligible for retirement pay but have not reached age 60 and who have not elected discharge and are not voluntary members of the Ready Reserve or Standby Reserve.

**Separation**—A general term that includes administrative discharge, resignation, release from active duty, release from custody and control of the Armed Forces, dropping from the rolls of the Air Force, retirement, transfer to a reserve component, and dismissal. Often used synonymously with “discharge.” See also discharge.



**Attachment 2**

**SAMPLE MEMORANDUM REQUESTING FOREIGN GOVERNMENT  
EMPLOYMENT**

**Figure A2.1. Sample Memorandum to Request Foreign Government Employment.**

**Appropriate Letterhead/Plain Bond Paper or in Digital/Electronic Format**

(date)

MEMORANDUM FOR Air Force Personnel Center Airman and Family Sustainment Branch  
(or Air Reserve Personnel Center Reserve Service Programs Branch)  
FROM: (Member Name and Mailing Address)  
SUBJECT: Request for Approval of Foreign Government Employment

1. In accordance with Department of the Air Force Instruction 36-2913, *Request for Approval of Foreign Government Employment of Air Force Members*, I am requesting approval to accept employment with (name of foreign government/foreign agency/company) as a (duty title).

2. The following information is provided, as required in Department of the Air Force Instruction 36-2913 of the Air Force Instruction.

- (a). 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 duty title.
- (b). A statement declaring the member is unaware of any reason why employment by a foreign government would be inadvisable or reflect unfavorably on the United States. As an example, “\_\_\_\_ (initials) I, state your name, am unaware of any reason why employment by a foreign government would be inadvisable or reflect unfavorably on the United States.”
- (c). A statement declaring the applicant understands 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. As an example, “\_\_\_\_ (initials) I, state your name, understand that retired pay equivalent to the amount received from the foreign government may be withheld if I accept employment with a foreign government before receiving approval.”
- (d). Selected Reserve applicants only; a request for reassignment to Inactive Status List Reserve Section (Reserve Section Code RB).

3. If you need further information, please contact me at (telephone number) or via email at (email address).

SIGNATURE BLOCK

**Attachment 3**

**FOREIGN GOVERNMENT EMPLOYMENT QUESTIONNAIRE**

**Figure A3.1. Foreign Government Employment Questionnaire.**

Name: (last, first, middle initial)  
 Physical address (include mailing if different):  
 Phone:  
 Email:  
 Military Retirement Date (if applicable):  
 Rank/Rate (at retirement):  
 SSN (last four digits): XXXX  
 Location of proposed employment:

1. Who is your proposed employer and how are they connected to a foreign government?
2. What is your proposed job title?
3. What will your job duties involve? If a job description is available, please attach.
4. Will you be paid for duties performed? If yes, please provide an explanation of wages (to include amount of pay) and how your level of pay will be affected by the foreign government with which you are working.
5. Are you a U.S. citizen?
6. Will you be required or are you planning to execute an oath of allegiance to the foreign government with which you are working, alter your U.S. citizenship status, or obtain foreign citizenship?
7. What is the highest U.S. security clearance that you have held?
8. What is the highest level of classified material that you have been granted?
9. Have you had access to Special Access Programs?
10. Will you be working with classified information as part of your foreign employment? If yes, please explain.
11. Have you ever worked on matters involving this foreign country as part of your uniformed service duties? If yes, please explain.
12. Have you held any positions in the uniformed service that are relevant to your employment with the foreign government? If yes, please explain.
13. Have you had access to technical data (classified, unclassified, or software) related to the design, development, production, manufacture, etc. of defense articles? If yes, please describe ways in which such information may be of use in your potential job. If applicable, has your employer or have you applied for and received an export license for the defense services that you are offering?
14. Are you currently working for a foreign government in any capacity? If yes, please provide the details.
15. Does this position require you to register as a Foreign Agent with the Department of Justice according to the Foreign Agent Registration Act of 1938, as amended, 22 U.S.C. § 611 et seq. ("FARA")? If yes, have you completed the process?
16. Does this position require you to adhere to the International Traffic Arms Regulations (ITAR) requirements? If yes, have you already obtained a license in compliance with ITAR?

I hereby acknowledge that I am unaware of any reason why the above described foreign employment would be inadvisable or reflect unfavorably on the United States. I also acknowledge and understand that my retired or retainer pay may be withheld equal to the amount received from the foreign government if I accept employment before obtaining proper approval. I affirm that the above questions have been reviewed carefully and answered fully and correctly to the best of my knowledge.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

AUTHORITY: Title 50, App USC, Section 456(j), Title 10 USC 9013, and Executive Order 9397. PURPOSE: Used by member to apply for foreign government employment.

ROUTINE USE: Reviewing authorities use the recorded information to make a decision to grant or deny the requested foreign government employment. Appropriate organizations also use the information, when appropriate, to withhold promotion, remove members from flying status, and affect member's utilization.

DISCLOSURE IS VOLUNTARY: If member does not furnish the required information, the application may not contain the information required to make a determination.

PRIVACY ACT STATEMENT: Applicant must supply required information for consideration for employment by a foreign government.