



# OFFICE OF THE STAFF JUDGE ADVOCATE 501st COMBAT SUPPORT WING RAF ALCONBURY / RAF CROUGHTON, UK



## MILITARY RETIREEE EMPLOYMENT OVERSEAS

### Introduction

Military retirees, current federal employees, and active duty personnel are prohibited from receiving funds from or attributed to foreign governments unless first obtaining Congressional consent. Violation will result in the loss of military retirement pay. This requirement stems from the “Emoluments Clause” of the United States Constitution, Article I, Section 9, Clause 8:

No Title of Nobility shall be conferred by the United States; And no Person holding any Office of Profit or Trust under them [the United States] shall, without the Consent of Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

### What Is An Emolument?

Emoluments are any funds received as compensation for services or employment or funds ancillary to such services or employment.

### What Is A Foreign Government Source?

Generally any direct work for a foreign government is prohibited, but this also includes funds indirectly received from a foreign government, including:

- Direct positions for a foreign government, including positions from community level up to federal level positions.
- Compensation from foreign educational or commercial institutions that are owned, operated, or controlled by a foreign government.
- Some funds received through an LLC or Partnership, such as a law firm or consulting business, located in the United States, if the funds could be attributed to a foreign government, even if the client is not a foreign government.
- Gifts, travel compensation, honorarium, and even expense reimbursements.

### What Should I Do Before I Accept A Job Overseas?

Refer to Air Force Instruction (AFI) 36-2913, *Request for Approval of Foreign Government Employment of Air Force Members*, to determine if your potential job may be permitted.

- Contact a legal assistance or ethics attorney at your local base legal office to discuss any of your questions as well as the application requirements.

- Create a package with the application materials, as listed in AFI 36-2913, Chapter 3 as well as on the Air Force Retiree Services website [www.retirees.af.mil](http://www.retirees.af.mil), and send to AFPC via the following method:
  - **USPS:** AFPC/DPFFF,  
550 C Street West, JBSA-Randolph, TX 78150

**What Happens If I Take A Prohibited Position Without Prior Approval?**

The United States Government may pursue debt collection when an employee accepts funds from a foreign government without the required prior consent. Specifically, the DoD can suspend retirement pay up to the amount attributed to the foreign government, if the amount is less than someone’s retirement pay. However, when the compensation earned during the period of unauthorized employment with a foreign government exceeds the amount of retired pay accrued during the same period, only the retired pay received during the violation may be collected, not the full amount of pay received from the foreign government source.

**What If My Job Is Approved After I have been Found in Violation?**

Approval is not retroactive so any confiscated funds will not be returned. Retirement pay will then be reinstated, but it may take several years.

**Resources**

<https://www.retirees.af.mil/Foreign-Government-Employment/>  
AFI 36-2913, *Request for Approval of Foreign Government Employment of Air Force Members*, 1 July 2020

**Conclusion**

Be aware of the above restrictions if you are retired from the military and are seeking any civil employment with a foreign government agency—or any instrumentality of that foreign government agency. If you have further questions, please contact the legal office to schedule an appointment with a legal assistance attorney.

\*\*\*\*\*

**RAF Alconbury and RAF Croughton Legal Office Hours**

All Services by Appointment Only (email [501cswja@us.af.mil](mailto:501cswja@us.af.mil))

*Tuesdays and Thursdays 1000-1200 & 1300-1400*

\*\*\*\*\*

Current as of May 2022