

**SUBJECT: MANAGEMENT AND FUNDING OF THE DEPARTMENT'S OVERSEAS
PRESENCE**

1. **PURPOSE.** This Order delineates Department of Energy (DOE), including the National Nuclear Security Administration (NNSA), requirements and responsibilities governing DOE's Overseas Presence in order to effectively implement U.S. national security objectives concerning energy security, nuclear security, and scientific discovery and innovation overseas through the presence of qualified DOE employees and contractors. DOE elements are to:
 - a. Ensure that the Secretary of Energy and the Department are effectively represented at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas.
 - b. Increase coordination among Departmental Elements with programmatic requirements for full, partial, or occasional representation at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas.
 - c. Promulgate procedures for selecting, managing, training, and evaluating DOE personnel assigned to positions representing the Secretary of Energy and the Department at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas.
 - d. Set forth uniform and appropriate methodologies and procedures for funding the direct and indirect costs associated with DOE representation at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations.
2. **CANCELLATIONS.** DOE Order 313.1, approved 11-19-09.
3. **APPLICABILITY.**
 - a. **Departmental Applicability.**
 - (1) This Order applies to all Departmental Elements, including the Bonneville Power Administration. (Note: for a current listing of Departmental Elements, see <https://www.directives.doe.gov/pdfs/reftools/org-list.pdf>.)
 - (2) The Administrator of NNSA will assure that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law

- (3) (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

b. DOE Contractors.

- (1) Except for the equivalencies/exceptions set forth in paragraph 3.c. below, the Contractor Requirements Document (CRD), Attachment 1, sets forth requirements of this Order that will apply to contracts that include the CRD.
- (2) The CRD must be included in contracts that provide personnel serving at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas that are funded via the Working Capital Fund and include the clause at 48 CFR Part (DEAR) 970.5204-2, Laws, Regulations, and DOE Directives. For all other contracts that provide personnel serving at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas that are funded via the Working Capital Fund, the applicable requirements set forth in this CRD shall be included in the contract terms and conditions, as appropriate.

c. Equivalencies/Exemptions.

- (1) Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.
- (2) Exemption. This Order does not cover temporary duty travel overseas for durations of less than 30 days, which is already covered under DOE O 551.1D, *Official Foreign Travel*. This Order does not cover positions at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas that are not funded via the Working Capital Fund.

4. REQUIREMENTS.

- a. General. The purpose of the DOE Overseas Presence is to implement U.S. national security objectives concerning energy security, nuclear security, and scientific discovery and innovation overseas. , Decisions about the location, staff size, and staff composition will be made in conjunction with the U.S. Department of State and will be driven by programmatic, financial, political, and security requirements.

- (1) The Department's Overseas Presence will be organized and managed to fully support Title 22 United States Code (U.S.C.) 3927, section 207 of the Foreign Service Act of 1980, (P.L. 96-465) and the National Security Decision Directive (NSDD) 38 dated June 2, 1982, which gives the Chief of Mission (COM) control of the size, composition, and mandate of overseas full-time mission staffing for all U.S. Government agencies. The Department understands and accepts that DOE employees stationed overseas will be subject to receiving tasks and assignments directly from the COM.

The Department will ensure that clear and uniform standards exist concerning management of DOE personnel assigned to military commands, and to other international assignments, including international organizations, prior to assigning employees to these organizations. Depending on the individual assignment and circumstances, employees may report/respond to multiple chains of command, i.e., DOE management, locally assigned supervisor/manager, and/or COM. .

b. DOE Overseas Corps.

- (1) All DOE employees designated as necessary to staff the Department's positions at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations overseas are part of the DOE Overseas Corps.
- (2) Program and staff offices that are members of the Overseas Presence Advisory Board (OPAB) (see paragraph 4.c below), must work with the DOE Office of Human Capital Management and the NNSA Office of International Operations to manage the DOE Overseas Corps (establishing positions, acquiring and training personnel, reintegrating them into the workforce upon tour completion, etc.). This methodology must be consistent with this Order and with the DOE Handbook on Overseas Assignments and will, at a minimum, provide the following:
 - (a) Training Program. The Office of International Operations will maintain a pre-deployment training program for all Department employees who have been selected and cleared for overseas assignments that are funded through the Working Capital Fund. The Office of International Operations will also ensure that these employees will continue to receive required, in-service training throughout the duration of their overseas tours.
 - (b) Pre-Departure Checklist. The Office of International Operations will oversee a pre-departure checklist for all DOE employees who have been selected and cleared for overseas assignments which, at a minimum, includes:

- 1 an explanation of benefits and allowances applicable to DOE employees under Department of State Standardized Regulations;
 - 2 an overview of the DOE Handbook on Overseas Assignments;
 - 3 a discussion of performance management, especially as it relates to overseas assignments;
 - 4 an explanation of the expected length of tour, possible follow-on assignment(s), and career planning;
 - 5 information security and counterintelligence awareness; and
- (c) Creation of New Permanent Positions and Reduction of Existing Positions. The OPAB will use a strategic “right-sizing” planning process to determine where to place new positions and how to equitably fund these positions. Additionally, Departmental Elements have the right to propose creation of new positions or the reduction of an existing one to the OPAB whenever the Departmental Element determines a need for a full-time position to support its respective programmatic needs or the need for an existing one no longer exists,
- (d) Selection Process. Selection of individuals to serve in the DOE Overseas Corps will be accomplished in a manner in keeping with the highest standards of ethics and integrity, at all times seeking to send only the most qualified personnel overseas to represent the Secretary of Energy and the Department.
- 1 DOE Overseas Corps positions will be advertised by NNSA’s Office of International Operations. The vacancy announcement, position description, and interview panel for each hiring action will be coordinated by the Office of International Operations in conjunction with members of the Overseas Presence Advisory Board. NNSA’s Office of International Operations is charged with ensuring that the selection and assignment processes meet all Office of Personnel Management standards for equality of opportunity and ethical conduct.
 - 2 If approved by a formal session of the OPAB [and the Departmental Executive Resources Board/Senior Management Review Board for applicable positions under the Boards' authority], overseas positions may be filled

non-competitively with existing DOE employees; but only when:

- a there is a compelling reason for not using the open competitive process; e.g., satisfactory completion of a professional career development program for the Overseas Corps for which the selectee previously competed;
- b such an action is in keeping with NNSA processes for NNSA employees and in keeping with DOE processes for DOE employees; and
- c the proposed employee has both specific programmatic experience satisfying the “compelling reason” above AND has relevant overseas experience.

NOTE: Experience may include country or regional expertise relevant to the country of assignment, a foreign language relevant to the country of assignment, or prior experience working overseas in a similar position.

- 3 DOE permanent positions included in the DOE Overseas Corps not filled through the exception specified in the previous paragraph must be filled through open competition. Vacancies must be announced through OPM on USAJOBS.
- 4 All selections for DOE permanent positions must be accomplished by an interview panel, convened by the Office of International Operations. The interview panel must include at least two representatives from program offices represented on the Overseas Presence Advisory Board, and a representative from the Office of International Operations. The selecting official will invite all OPAB members, or their designated representative, to participate in the interview panel.
- 5 All vacancies must be formally coordinated with the OPAB prior to the advertisement and opening date of the announcement. Subsequently, all selections must be formally announced to the OPAB. At all times, the selection and assignments process must be open and transparent to the OPAB and to employees.

- 6 In an effort to effectively utilize the broad competencies obtained from an overseas assignment and ensure professional development, employees who exercise their return or reemployment rights will be afforded priority consideration for any position for which they apply and are well qualified.
- (e) Position Descriptions and Vacancy Announcements. These documents will contain the following information for DOE Overseas Corps positions:
- 1 type of appointment, length of tour, and renewal option;
 - 2 allowances and conditions of employment;
 - 3 medical clearance and health insurance coverage;
 - 4 security clearance/access authorization;
 - 5 service agreement requirement; and
 - 6 language requirement, if applicable.
- (f) SF-50, "Notification of Personnel Action." Allowances, conditions of employment, and any other requirements must be documented in the "Remarks" section of the applicable SF-50.
- (g) Qualifications. Given the challenging foreign environment in which DOE Overseas Corps personnel are expected to perform, and the significant DOE administrative support and resource commitments involved, the selecting official has a responsibility to select highly qualified Corps officers who are best suited for overseas assignments. Corps personnel are expected to possess general DOE and regional/country-specific knowledge and skills, leadership traits, and the specialized mission expertise deemed essential for program mission success. Overseas Corps personnel must be able to perform the following core functions:
- 1 Representation. Principal advisor to COM and Country Team on DOE issues; work with host country counterparts and US industry to facilitate programs and identify areas for greater collaboration, and foster cooperation between all DOE offices and their host country counterparts.
 - 2 DOE Program Implementation. Provide "reach back" to DOE and, via the appropriate DOE program office, to specialized expertise in the DOE laboratories; facilitate

foreign and interagency bilateral/multilateral cooperation and exchange.

- 3 Reporting. Provide information/data collection and reporting responsive to DOE-wide requirements; provide “field perspective” to DOE analysis and policy.

(h) Conditions of Employment for Federal Personnel.

- 1 Medical Clearance. Employees under COM authority and their eligible dependents are required to be cleared by the Department of State (DOS) Office of Medical Services. Employees assigned to COCOMs must be cleared by either DOD or DOS. Clearances must be renewed every two-years.
- 2 Health Insurance. Employees must possess health insurance coverage that reimburses them for claims; employees must in turn reimburse DOE for the amount covered by insurance plans for any expenses that DOE incurs for them or their dependents.
- 3 Security Clearance and Drug Test. Employees are required to maintain a Q-level clearance/access authorization at all times, and are required to pass a drug test prior to being assigned to an overseas position.
- 4 Passport and Visas. Employees must be eligible for, and obtain, a diplomatic passport if assigned to a permanent position or official passport for a TDY assignment and applicable visas before final travel authorizations will be provided.
- 5 Length of Tour. The tour length for a permanent position in a country where danger pay is not applicable is up to 3 years, exclusive of any home leave used after 2 years. An employee may not exceed two consecutive 3-year tours overseas. The exceptions are:
 - a positions in countries where danger pay applies, in which case the normal tour is 1 year with the possibility of a 1-year extension, and
 - b when management determines that a tour should be extended beyond the maximum length or terminated early. (Note: clarifying guidance is available in the *DOE Handbook on Overseas Assignments*)

- 6 Return Rights. Employees with permanent appointments who are selected for overseas positions have a right to return to a position in the Department at the highest permanent level attained during or before that assignment. If an employee is temporarily promoted to a position overseas, then the employee's return rights are to the grade level held prior to the overseas assignment.
- 7 Service Agreements. Members of the DOE Overseas Corps must be covered by one of the approved service agreements contained in the *DOE Handbook on Overseas Assignments*.
- 8 Allowances. Allowances are incentives for overseas service, and provide assistance to employees and their families in meeting expenses incurred in moving and living overseas. Allowances are subject to change periodically.
- a Employees are authorized the maximum amount of the allowances for which they are eligible.
- b Employees are authorized to take eligible family members at DOE expense to foreign posts if they choose to do so.
- c Whenever possible, housing is to be secured before a travel authorization is approved to avoid unnecessary costs and inconveniences.
- d If household furnishings are provided at DOE expense, an employee will be limited to no more than the weight limit available to DOS employees that may be shipped at DOE expense; the balance, up to a combined total of 18,000 pounds, may be placed in storage at DOE expense.
- e An education allowance is authorized for dependent children in kindergarten through secondary school while assigned overseas.
- f An advance in pay may be authorized at the time of transfer to a foreign post to purchase items that are necessary, but may not be readily available at post. An employee must repay the indebtedness within the time period stipulated in the *DOE Handbook on Overseas Assignments*.

- 9 Home Leave. Home leave is authorized when an employee completes a 2-year continuous service period overseas and commits to complete an additional 12-month or longer tour overseas after the completion of home leave. Home leave is also authorized between assignments when an employee serves two back-to-back assignments without a break in service.
- 10 Evaluations. The Office of International Operations is responsible for evaluating the employee while on overseas assignment. Organizations receiving support from the employee will provide input to the Office of International Operations.
- (i) Details and Transfers to International Organizations. Details of personnel to organizations outside DOE must be covered by Memoranda of Agreement (MOAs) between DOE and the host organizations; transfers to international organizations must be confirmed by Letters of Consent from DOE to the international organizations, with copies to the affected employees.
- 1 Interagency assignments must be fully reimbursable except when the assignment:

 - a involves matters related to the DOE organization's appropriations and will aid it in accomplishing the objective for which appropriations are provided; or
 - b will have a negligible impact on the DOE organization's appropriations.
- 2 Details must be documented on Standard Form (SF) 52, "Request for Personnel Action," while transfers must be documented on SF 50, "Notification of Personnel Action."
- 3 Reemployment rights may be provided by the Departmental element that approves an employee's transfer to an international organization if properly documented and a billet is held open.
- (3) Departmental Elements must establish and manage overseas positions within the structure and methodology of the DOE Overseas Corps and in accordance with the procedures established in the DOE Handbook on Overseas Assignments.
- (4) Departmental Elements must inform the OPAB in writing of the intent to use contractor support to establish or fill overseas positions prior to entering into a contract, and obtain OPAB's written approval.

c. DOE Overseas Presence Advisory Board.

- (1) The OPAB will consist of representatives from each of the following organizations or their successors:
 - (a) Office of the Secretary
 - (b) Energy Information Administration
 - (c) National Nuclear Security Administration
 - (d) Office of Electricity Delivery and Energy Reliability
 - (e) Office of Energy Efficiency and Renewable Energy
 - (f) Office of Environmental Management
 - (g) Office of Fossil Energy
 - (h) Office of the General Counsel
 - (i) Office of the Chief Human Capital Officer
 - (j) Office of Intelligence and Counterintelligence
 - (k) Office of Management
 - (l) Office of the Chief Financial Officer
 - (m) Office of Nuclear Energy
 - (n) Office International Affairs
 - (o) Office of Science
 - (p) Power Marketing Administration
 - (q) Other Offices which the OPAB Chairperson may designate
- (2) The Chairperson of the OPAB serves on a rotating basis for a period of two years. This Chairperson is chosen from among the OPAB members and then affirmed by the Deputy Secretary.. Additionally, a Vice-Chair will be selected by the OPAB from among its members. The Vice-Chair will serve for a period of two years, will assist the Chair as needed, and will preside over the OPAB in the Chair's absence.
- (3) The OPAB provides oversight on both management and operational issues concerning the Department's Overseas Presence, to include the DOE Overseas Corps. The OPAB shall:

- (a) Develop and disseminate DOE policies and responsibilities for the Overseas Presence;
- (b) Ensure DOE policies fully comply with Presidential direction related to the Overseas Presence;
- (c) Follow the best practices of other government agencies regarding the mission of the Overseas Presence;
- (d) Oversee the operational aspects of the DOE Overseas Presence, including:
 - 1 ensuring that all personnel actions and relocations are consistent with this policy and the *DOE Handbook on Overseas Assignments*;
 - 2 establishing and implementing policy for overseas employee assignments;
 - 3 coordinating all funding requirements with the Office of the Chief Financial Officer;
 - 4 facilitating execution of DOE and NNSA programmatic missions overseas by establishing, staffing, and operating formal departmental offices located at U.S. Embassies, consulates and other diplomatic missions, military commands, and other international organizations, and arranging formal assistance from U.S. Embassies, consulates and other diplomatic missions where no official departmental office exists; and
 - 5 serving as the focal point for the Department on all interagency groups focused on the operational aspects of the U.S. Government Overseas Presence; including:
 - a International Cooperative Administrative Support Services (ICASS),
 - b Capital Security Cost Sharing (CSCS),
 - c rightsizing of the U.S. Government Overseas Presence,
 - d overseas employment, and
 - e overseas building operations.

- (e) Manage approved overseas positions at U.S. Embassies, consulates and other diplomatic missions, military commands and other international organizations. In addition, the OPAB will:
- 1 ensure that personnel actions are appropriately coordinated with DOE Office of the Chief Human Capital Officer or NNSA Office of Human Capital Management Programs, as appropriate, and the Embassy or cognizant personnel office, including any changes in personnel composition, rank, duty station, or personal description; and
 - 2 determine that the extension, non-extension, or curtailment of overseas personnel is handled consistently and equitably in accordance with the *DOE Handbook on Overseas Assignments*.
- (f) Make commitments on behalf of the Department related to the Department's Overseas Presence including resolving programmatic and budgetary issues.

NOTE: Departmental Elements and individual employees do not have the authority to, and are prohibited from, entering into discussions or making resource commitments related to the DOE Overseas Presence with the State Department, Department of Defense, U.S. Embassies, consulates and other diplomatic missions, military commands, or international organizations overseas on any aspects of the DOE or the U.S. Government (USG) Overseas Presence without prior written authorization from the OPAB. (This prohibition does not apply to the normal programmatic activities with foreign partners performed by Departmental Elements, nor does it apply to coordination with the Department of State, Department of Defense or interagency on programmatic aspects not related to elements of the DOE Overseas Presence.)

Interactions requiring formal prior written OPAB authorization include; but are not limited to:

- 1 informal written and verbal interactions with senior State and Defense Department officials in the United States, at U.S. Embassies, consulates and other diplomatic missions, military commands, or at international organizations overseas which specifically address the DOE Overseas Presence;
- 2 submission of a formal request to add or change the size, location, composition, or purpose of DOE overseas

personnel through the National Security Decision Directive 38 (NSDD 38) Process;

- 3 selection of subscription services and approval of invoices and work accounts under the ICASS system;
- 4 resource requirements and projections under the CSCS program; and
- 5 resource requirements and projections to the State Department Office of Overseas Building Operations.

- (4) The OPAB, upon approval of the Annual Report submitted by the Office of International Operations, delivers said report to the DOE Overseas Presence Management Council (OPMC) detailing personnel composition and location, direct and indirect costs, planned staff rotations, lengths of staff members' tours, and key issues affecting the Department's Overseas Presence.
- (5) The OPAB prepares a strategic plan describing future staffing levels and additions or subtractions in the number of overseas offices, projected needs, new initiatives, and anticipated costs.
- (6) The OPAB oversees personnel on short-term assignments (at least 30-days temporary duty) to provide full functional responsibility and accountability for all DOE personnel assigned overseas, and directs the Office of Human Capital Management to maintain a current listing of DOE personnel worldwide. This requirement is consistent with DOE O 551.1C, *Official Foreign Travel*, which covers travel of less than 30-days.
- (7) The Office of International Operations serves as the Executive Secretariat for the OPAB, ensuring adequate record keeping and issue tracking, appropriate notice of meeting time, date, location, and other activities as requested by the Chairperson.

d. DOE Overseas Presence Management Council (OPMC).

- (1) The OPMC determines DOE-wide policies governing the Department's Overseas Presence to ensure:
 - (a) the Department's overseas presence is based on a sound strategy and a thorough evaluation of Departmental needs and resources; and
 - (b) the strategic direction of the Department's Overseas Presence is thoroughly coordinated among all the relevant offices in the Department, and integrated into the larger U.S. Government

diplomatic strategy to advance U.S. national and energy security interests.

- (2) The OPMC will meet at a minimum once each fiscal year, and may meet more often if desired by the Chair or members. The OPMC will advise the Secretary of Energy on issues related to the Department's Overseas Presence.
 - (3) The OPMC will consist of the DOE Chief of Staff, the Under Secretary for Management and Performance, the Under Secretary for Nuclear Security, the Under Secretary for Science and Energy, and the Deputy Secretary of Energy, who shall serve as Chair.
 - (4) The OPMC will review the Annual Report submitted by the Office of International Operations to provide strategic guidance, and resolve issues that are not resolved by the OPAB.
 - (5) During the Departmental Program-Planning-Budgeting System (PPBS) process, the members of the OPMC will review resource decisions associated with the Department's Overseas Presence to ensure appropriate emphasis and focus.
- e. Resource Management. Funding the Department's Overseas Presence is accomplished via the Working Capital Fund. All resources for current positions or expanding the size and capabilities of the DOE Overseas Presence will come *from within existing financial controls* and will be based upon an OPAB-implemented Departmental element contribution share. The Departmental Element contribution share is determined by the OPAB Budget Working Group, which reviews share values biennially. The OPAB Budget Working Group presents the results of its deliberations to the OPAB for approval and implementation.
- f. Coordination. Offices utilizing or considering a short-term (temporary duty) personnel presence overseas must coordinate with the OPAB prior to sending personnel overseas such that:
- (1) the OPAB is able to maintain for the Department an accurate and up-to-date listing of all DOE personnel assigned overseas at all times;
 - (2) all Department of State and Department of Defense requirements are fully met prior to departure, especially those related to security and medical preparation; and
 - (3) all personnel assigned overseas are properly trained, funded, and provided with appropriate entitlements.

g. Information Resources.

- (1) The *DOE Handbook on Overseas Assignments* details the Department's interpretation of how Department of State Standardized Regulations (DSSRs) applies to DOE employees.
- (2) All personnel assigned to overseas positions will be provided a copy of the *DOE Handbook on Overseas Assignments*.
- (3) The Office of International Operations, as the Executive Secretariat for the OPAB, provides all mission and administrative guidance and instructions to DOE offices overseas, except for country clearance cables. Attaché reporting/commentary (i.e., weekly and monthly reports) may be sent to the primary DOE office of interest, but must also be provided to the OPAB for transmission to other interested Departmental Elements.

5. RESPONSIBILITIES.

a. Office of the Secretary.

- (1) Ensures that Departmental Elements fully comply with U.S. Chief of Mission authority and NSDD 38 requirements as they relate to overseas personnel.
- (2) Ensures a coordinated Departmental position with the Department of State, Department of Defense, and other U.S. Government agencies regarding the DOE Overseas Presence.

b. Overseas Presence Management Council (OPMC).

- (1) Advises the Secretary of Energy on issues related to the Department's Overseas Presence.
- (2) Reviews the Annual Report and Strategic Plan submitted by the Overseas Presence Advisory Board.
- (3) Reviews resource decisions associated with the Department's Overseas Presence.

c. Overseas Presence Advisory Board (OPAB).

- (1) Maintains a written charter consistent with this directive.
- (2) Determines DOE-wide policies governing the Department's Overseas Presence.
- (3) Provides guidance to the Office of International Operations to develop a common methodology for managing the Department's Overseas Presence.

- (4) Develops a training methodology for the DOE Overseas Corps, which includes employee reintegration upon overseas tour completion.
- (5) Meets at least quarterly.
- (6) Provides oversight on both management and operational issues concerning the Department's Overseas Presence.
- (7) Develops and disseminates DOE, including NNSA, policies and responsibilities for the DOE Overseas Presence.
- (8) Provides an annual report (prepared by the Office of International Operations) to OPMC.
- (9) Maintains a strategic plan describing future staffing levels.
- (10) Coordinates short-term (at least 30-day) temporary duty personnel assignments overseas.
- (11) Coordinates distribution of attaché reporting/commentary to the appropriate program offices.

d. Heads of Departmental Elements.

- (1) Ensure that all requirements for overseas representation are fully coordinated with the OPAB prior to any discussion of such assignments with other Government agencies or prospective assignees.
- (2) Actively support an open, fair, equitable process for selecting highly qualified personnel to represent the Secretary of Energy and the Department overseas.
- (3) Support employees willing to serve in overseas assignments to the maximum extent possible, including making them available for and funding training in preparation for an overseas assignment.
- (4) Attend or send an authorized delegate to participate in the OPAB.
- (5) Provide broad programmatic information to the OPAB for use in determining future locations and resource requirements.
- (6) Coordinate with the OPAB prior to sending personnel overseas.
- (7) With the written concurrence of the Office of the Chief Human Capital Officer for non-NNSA elements and the Office of Human Capital Management Programs for NNSA-elements and the appropriate Office of the General Counsel, approve requests for employee assignments outside DOE. The authority to sign interagency Memoranda of Agreement

(MOAs) and Memoranda of Understanding (MOUs), service agreements, and Letters of Consent may not be delegated below the deputy head of the element.

- (8) Provide priority consideration and positions for employees exercising their return or reemployment rights prior to completing their assignments in DOE permanent positions overseas or international organizations.
- (9) Notify the cognizant Contracting Officers of contracts to which the Order's CRD or its requirements shall apply.

e. Office of the Chief Human Capital Officer.

- (1) Maintains the DOE Handbook on Overseas Assignments.
- (2) Provides advice on human capital issues involving deployments.
- (3) Reviews all MOAs and MOUs involving overseas deployments for correct application of personnel policies.
- (4) Provides annual reports to the Department of State on details and transfers to international organizations.
- (5) Facilitates a Priority Consideration Program to facilitate reintegration of Overseas Corps members returning from overseas assignments.

f. Office of International Operations.

- (1) Manages all operational aspects of the DOE Overseas Presence.
- (2) Formally announces and coordinates vacancies for overseas positions with the OPAB.
- (3) Ensures that the selection and assignment processes meet or exceed all Office of Personnel Management standards for equality of opportunity and ethical conduct.
- (4) Authorizes home leave based on eligibility.
- (5) Authorizes an advance in pay when requested.
- (6) Implements training plans for employees approved for overseas assignments.

g. Office of the General Counsel. Reviews and approves for the Department of Energy, including NNSA, all international legally binding and non-legally binding arrangements with foreign governments and entities, including but not

limited to Memorandums of Understanding, Memorandums of Cooperation, Memorandums of Agreements, and Statements of Intent.

h. Contracting Officers.

- (1) After notification by the appropriate program official, incorporate the CRD into affected site/facility management contracts in accordance with the Laws, regulations and DOE directives clause (48 CFR 970.5204-2) of the contracts
- (2) Assist procurement request originators and program offices who want to incorporate the requirements of the CRD of this Order in new and existing contracts that do not contain the Laws, regulations and DOE directives clause (48 CFR 970.5204-2), as appropriate.

6. DEFINITIONS.

- a. Overseas Presence. Representation of DOE interests abroad through the assignment of DOE employees, funded via the Working Capital Fund, to U.S. Embassies, consulates and other diplomatic missions, military commands, and international organizations to support Departmental programs and initiatives, and international collaborative efforts with other U.S. Government agencies or international organizations. .
- b. DOE Overseas Corps. DOE employees assigned to DOE International Offices at U.S. Embassies, consulates and other diplomatic missions, military commands, and at international organizations overseas funded via the Working Capital Fund.
- c. DOE International Office. A DOE office located in select U.S. Embassies, consulates and other diplomatic missions overseas, led by an Office Director or, in some instances, by a DOE-funded Locally Employed Staff (LES) member.

7. REFERENCES.

- a. DOE Handbook on Overseas Assignments (at <http://energy.gov/hc/policy-and-guidance/employment-and-staffing/overseas-assignments>).
- b. Department of State Standardized Regulations (at http://aoprals.state.gov/content.asp?content_id=231&menu_id=92).
- c. Department of State's (DOS's) Foreign Affairs Manual (FAM), Volume 3 - Personnel, 2449 *et al* regarding curtailment of an assignment, 16 Medical and Health Program, which describes the DOS medical clearance process and services available to DOE employees overseas; Chapter 4800, Department Awards Program, which describes the awards program that affects local (overseas) personnel; and Chapters 7000, Foreign Service National Personnel, and 8000, Overseas Employment Program, which pertain to local (overseas) personnel, including those hired under Personnel Service Agreement (PSA) authority (see

- also 3 Foreign Affairs Handbook (FAH) - 1 and 2 regarding local personnel, including the awards program for local personnel) (at <http://www.state.gov/m/a/dir/regs/index.htm>).
- d. National Security Decision Directive 38 (at <http://www.state.gov/m/pri/nsdd/>).
 - e. The DOE Strategic Plan (at <http://www.energy.gov/about/strategicplan.htm>).
 - f. Title 22 United States Code, Foreign Relations and Intercourse.
 - g. Title 5 Code of Federal Regulations (CFR) Part 352, Subpart C, which covers details and transfers to international organizations.
 - h. 5 CFR Part 630, Subpart F, Home Leave, which describes the entitlement to home leave.
 - i. 41 CFR Chapters 300-304, which describes travel and transportation allowances for travel to and from overseas locations.
 - j. DOE O 331.1C Chg 3, *Employee Performance Management and Recognition Program* dated 10-15-2010, which describes the requirements and responsibilities for administering the Department's performance management system and awards program.
 - k. DOE O 551.1D, *Official Foreign Travel*, dated 4-2-12, which describes the requirements and responsibilities governing official foreign travel by Federal employees.
 - l. DOE O 552.1A, *Travel Policy and Procedures*, dated 2-17-06, and DOE M 552.1-1A, *U.S. Department of Energy Travel Manual*, dated 2-17-06, which supplements the Federal Travel Regulations (FTR) and describes the DOE travel policies and procedures.
8. CONTACT. Questions concerning this Order should be addressed to the Office of International Operations at 202-586-8258.

BY ORDER OF THE SECRETARY OF ENERGY:

ELIZABETH SHERWOOD-RANDALL
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT
**DOE O 313.1A, MANAGEMENT AND FUNDING OF THE DEPARTMENT'S OVERSEAS
PRESENCE**

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

This CRD establishes the requirements for Department of Energy (DOE) and National Nuclear Security Administration (NNSA) contractors related to establishing a Departmental presence overseas, or placing of an employee overseas to represent the Department at U.S. Embassies, consulates and other diplomatic missions, military commands, and international organizations for a period of 30 days or more. This CRD does not cover temporary duty travel overseas for durations of less than 30 days. Such temporary duty is covered by the CRD associated with DOE O 551.1D, *Official Foreign Travel*, dated 4-2-12.

The DOE Overseas Presence exists to support DOE strategic goals and the program and staff offices that implement these goals. Accordingly, programmatic requirements drive decisions about the location and staff composition of the overseas offices. Offices may be established in U.S. embassies, at U.S. military combatant commander headquarters, and at international organizations. DOE and NNSA contractors whose contracts involve establishing a Departmental presence overseas, or involve placement of an employee overseas for a period of 30 days or more, are responsible for the conduct and actions of their employees.

With respect to the Department's presence in U.S. embassies, this Overseas Presence is organized and managed to fully support Title 22 United States Code (U.S.C.) 3927, section 207 of the Foreign Service Act of 1980, (P.L. 96-465) and the National Security Decision Directive (NSDD) 38 dated June 2, 1982, which gives the Chief of Mission (COM) control of the size, composition, and mandate of overseas full-time mission staffing for all U.S. Government agencies when their overseas positions fall under COM authority. DOE contractors who serve overseas in a U.S. embassy will be subject to receiving tasks and assignments consistent with their duties directly from the COM.

Given the challenging foreign environment in which DOE and NNSA contractors are expected to perform, and the significant support and resource commitments involved, sponsoring offices have a responsibility to work closely with contractors to ensure that only highly qualified individuals who are best suited for overseas assignments are selected. Those assigned overseas are expected to possess the specialized mission expertise that their sponsoring offices deem essential for program mission success.

Contractors assigned to DOE overseas offices at U.S. Embassies, consulates and other diplomatic missions, military commands, and international organizations, and who are representing the entire Department during their assignment, will participate in teleconferences organized by the Office of International Operations, the intent of which is to share information on successes, challenges and best business practices with all Department offices overseas.

Weekly and Monthly office activity reports that are responsive to DOE-wide information requirements, and provide a “field perspective” to DOE analysis and policy, are also required of all overseas offices.