

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

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1. PURPOSE. This Notice establishes Department of Energy (DOE), including the National Nuclear Security Administration (NNSA), requirements and responsibilities governing DOE's Overseas Presence in order to effectively meet national security objectives, including energy security, nuclear security, and scientific discovery and innovation, implemented outside the United States.

Specific objectives are as follows:

- a. Ensure that the Secretary of Energy and the Department are effectively represented at U.S. Missions and Military Commands, and other international assignments overseas, including assignments to International Organizations.
  - b. Increase coordination among Departmental elements with programmatic requirements for full, partial, or occasional representation at U.S. Missions and Military Commands, and other international assignments overseas, including assignments to International Organizations.
  - c. Establish procedures for selecting, managing, training, and evaluating DOE personnel assigned to positions representing the Secretary of Energy and the Department at U.S. Missions and Military Commands, and other international assignments overseas, including assignments to International Organizations.
  - d. Establish and define uniform and appropriate methodologies and procedures for funding the direct and indirect costs associated with DOE representation at U.S. Missions and Military Commands, and other international assignments overseas, including assignments to International Organizations.
  - e. Meet the spirit and intent of the Program Initiative within the President's Management Agenda on "A Rightsized Overseas Presence" and the related Overseas Presence Advisory Panel (OPAP).
2. CANCELLATIONS. None.
  3. APPLICABILITY.
    - a. All Departmental Elements. This Notice applies to all Departmental elements, including those created after the Notice is issued. (Go to [www.directives.doe.gov](http://www.directives.doe.gov) for the current listing of Departmental elements.)

The NNSA Administrator will ensure that NNSA employees comply with their respective responsibilities under this Notice.

- b. DOE Contractors. This Notice does not apply to contractors.
- c. Exclusions.
  - (1) This Notice does not cover temporary duty travel overseas for durations of less than 30 days, which is already covered under the DOE O 551.1C Foreign Travel.
  - (2) In accordance with the responsibilities and authorities assigned by Executive Order (E.O.) 12344 (statutorily prescribed by 42 United States Code (U.S.C.) 7158) and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Director of the Naval Nuclear Propulsion Program will implement and oversee all requirements and practices pertaining to this DOE Notice for activities under the Director's cognizance.

#### 4. REQUIREMENTS.

- a. General. The DOE Overseas Presence exists to support DOE strategic goals and the program and staff offices that implement these goals. Accordingly, programmatic requirements must drive decisions about the location, staff size, and staff composition of the overseas offices. The Department's focus on Management Excellence, as stated in Strategic Theme 5 of the DOE Strategic Plan, applies to the DOE Overseas Presence and requires, in part, "an integrated business management approach throughout DOE with clear roles and responsibilities and accountability to include effective line management oversight . . ."
  - (1) The Department's Overseas Presence will be organized and managed to fully support The President's Letter of Instruction to ambassadors and 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 while DOE employees serve overseas, those employees will be subject to receiving tasks and assignments consistent with their duties directly from the COM.
  - (2) The Department must work to ensure that clear and uniform corporate standards exist concerning management of DOE personnel assigned to Military Commands, and to other international assignments, including assignments to International Organizations, prior to assigning employees to these organizations.

b. DOE Overseas Corps.

- (1) All DOE employees designated as necessary to staff the Department's positions at U.S. Missions and Military Commands, and other international assignments overseas, including assignments to International Organizations are part of the DOE Overseas Corps.
- (2) As part of the Overseas Presence Advisory Board (OPAB), all program and staff offices providing personnel for the DOE Overseas Corps will work with the DOE Office of Human Capital Management and/or NNSA Human Resources Office to develop a common corporate methodology for managing (establishing positions, acquiring and training personnel, etc.) the DOE Overseas Corps. This methodology must be consistent with this Notice and with the DOE Handbook on Overseas Assignments and will, at a minimum, provide the following:
  - (a) Training Program. The OPAB will facilitate development of pre-deployment training and certification standards for each DOE Overseas Corps assignment. OPAB members, especially program/staff offices sponsoring personnel into the Corps, may recommend suitable substantive course offerings (internal or external) that can be compiled in a DOE Overseas Corps Training Catalog. The sponsoring office will be encouraged to assemble Individual Training Plans for each Corps assignee, the content of which will be tailored to the specific requirements of the assignment and the individual officer's existing skill set.
  - (b) Formal Orientation. The OPAB will assist program and staff offices to develop and provide to all employees prior to their overseas assignment common formal orientation that, at a minimum, includes:
    - 1 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 discussion of performance management, especially as related to overseas assignments;
    - 4 explanation of expected length of tour;
    - 5 information security and counterintelligence awareness; and

6 discussion of follow-on assignments and career planning.

- (c) Creation of New Positions. An immediate priority for the OPAB will be to develop a methodology for corporately determining where to place new positions and equitably funding these positions. In the interim, however, Departmental elements have the right to propose creation of new positions to the OPAB whenever:
- 1 the Departmental element determines a need for a full-time position to support its respective programmatic needs;
  - 2 the Departmental element intends to fully or partially fund the position; or
  - 3 another Departmental element has agreed to fully or partially fund the position.
- (d) Nomination Process. The DOE Overseas Corps must maintain the highest ethics and integrity in the selection and assignments process, at all times seeking to send only the most qualified personnel overseas to represent the Secretary of Energy and the Department.
- 1 Both the head of the program or staff office providing personnel to the DOE Overseas Corps and the selecting official within that program or staff office are charged with ensuring that the selection and assignment processes meet or exceed all Office of Personnel Management standards for equality of opportunity and ethical conduct.
  - 2 All DOE permanent positions included in the DOE Overseas Corps must be filled through open competition. Vacancies must be announced through OPM on USAJOBS, except when otherwise approved by the Overseas Presence Management Council (see section 4d).
  - 3 All selections for DOE permanent positions must be accomplished by a formal board, convened by the Chairperson of the Overseas Presence Advisory Board (described below in paragraph 4c). The selection board must include at least two representatives from program offices represented on the Overseas Presence Advisory Board, and a representative from the program or staff office providing the position. The Chairperson of the Overseas Presence Advisory Board may invite programs deemed to

be most affected by the overseas position to participate in the selection process.

- 4 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.
- 5 If approved by a formal session of the OPAB and the Executive Resources Board, Senior Executive Service (SES) or equivalent positions overseas may be filled through reassignment of existing DOE SES and equivalent employees, but only when:
  - a there is a compelling reason for not using the open competitive process and
  - b the proposed employee has both specific programmatic experience satisfying the "compelling reason" above AND has relevant overseas experience.

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.

- (e) Service Agreements in the DOE Handbook on Overseas Assignments. Members of the DOE Overseas Corps must be covered under one of the approved service agreements contained in the DOE Handbook on Overseas Assignments.
- (f) Qualifications. Given the challenging foreign environments in which DOE Overseas Corps personnel are expected to perform, and the significant DOE administrative support and resource commitments involved, sponsoring offices have a responsibility to select highly qualified Corps officers who are best suited for overseas assignments. The OPAB will recommend selection processes that enhance DOE's ability to predict a Corps candidate's potential to serve successfully at post. Corps personnel are expected to possess both the specialized mission expertise that their sponsoring office deems essential for program mission success and the general DOE and regional/country-specific knowledge and skills to perform overseas, with excellence, the following general core functions:

- 1 Representation. Principal advisor to COM and Country Team on DOE issues; promote DOE programs with foreign counterparts.
  - 2 DOE Program Implementation. Provide "reach back" to DOE and specialized expertise in the DOE laboratories; facilitate foreign bilateral/multilateral cooperation and exchange.
  - 3 Reporting. Information/data collection and reporting responsive to DOE-wide requirements; provide "field perspective" to DOE analysis and policy."
- (g) Evaluations. The employee's supervisor of record is responsible for evaluating the employee while on overseas assignment. The organization to which detailed and other organizations receiving support from the employee will provide input to the supervisor upon request for the information.
- (3) Departmental elements are expressly prohibited from establishing and managing overseas positions outside the DOE Overseas Corps structure and methodology.
- c. DOE Overseas Presence Advisory Board.
- (1) The OPAB shall consist of one representative from each of the following organizations:
    - (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 Fossil Energy
    - (g) Office of the General Counsel
    - (h) Office of Human Capital Management
    - (i) Office of Intelligence and Counterintelligence
    - (j) Office of Management

- (k) Office of the Chief Financial Officer
  - (l) Office of Nuclear Energy
  - (m) Office of Policy and International Affairs
  - (n) Office of Science
  - (o) Power Administration liaison
  - (p) Any new Program office
- (2) The OPAB will have a Chairperson who will serve on a rotating basis.
- (3) A representative designated by the Deputy Secretary of Energy will serve as the first Chairperson.
- (4) The OPAB shall meet at least quarterly but may meet more often as determined by the Chairperson and members in accordance with procedures established by the OPAB.
- (5) The OPAB shall develop a written charter which, at a minimum, includes procedures for:
- (a) resolving disagreements and
  - (b) expanding the membership to any Departmental elements interested in participating
- (6) The OPAB will provide oversight on both management and operational issues concerning the Department's Overseas Presence, to include the DOE Overseas Corps. The OPAB shall address the following:
- (a) Development and dissemination of DOE policies and responsibilities for the DOE Overseas Presence, to ensure that such policies fully comply with the President's Management Agenda, section 12: "A Right-Sized Overseas Presence," and follow the best practices of other Government agencies.
  - (b) Management of operational aspects of the DOE Overseas Presence will include the following:
    - 1 ensuring that all personnel actions and relocations are consistent with the DOE Handbook on Overseas Assignments,
    - 2 establishing and implementing policy for overseas employee assignments,

- 3 coordinating all funding requirements for overseas entitlements with the Office of the Chief Financial Officer,
  - 4 facilitating execution of NNSA and DOE programmatic missions overseas by establishing, staffing, and operating formal departmental offices located at U.S. Missions and Commands overseas, and arranging formal assistance from U.S. Missions where no official departmental office exists, and
  - 5 representing 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.
- (c) Management of approved overseas positions at U.S. Missions and Commands and other international assignments, including assignments to international organizations, must be tracked and managed by a process similar to other DOE positions. In addition, the OPAB shall:
- 1 coordinate personnel actions appropriately with DOE/NNSA HR and the Embassy 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 are handled consistently and equitably in accordance with the DOE Handbook on Overseas Assignments.
- (d) Making commitments on behalf of the Department including resolving programmatic and budgetary issues prior to making commitments on behalf of the Department. 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 Missions or Military Commands, or International Organizations overseas on any aspects of the DOE or 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. Missions and Commands overseas, or at international organizations which specifically address elements of the DOE Overseas Presence;
  - 2 submission of formal requests to change the size, location, composition, or purpose of DOE overseas personnel through the National Security Decision Directive 38 Process;
  - 3 selection of subscription services and approval of invoices and work counts 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.
- (7) The OPAB will prepare an annual 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.
- (8) The OPAB will prepare a five-year strategic plan describing future staffing levels and additions or subtractions in the number of overseas offices, projected needs, new initiatives, and anticipated costs. The Strategic plan must show direct linkages to the requirements of Departmental elements.
- (9) The OPAB will coordinate short-term (temporary duty) personnel overseas to provide full functional responsibility and accountability for all DOE personnel assigned overseas, and produce a monthly report tracking and listing DOE personnel worldwide. Since the State Department requires security briefings for assignments of 30 days or more, the OPAB

will coordinate international assignments of 30 days duration or more. This requirement is not inconsistent with DOE O 551.1C, *Official Foreign Travel* and does not change any of the requirements of the Order.

- (10) The NNSA Office of International Operations will serve as the secretariat for the OPAB, ensuring adequate record keeping and issue tracking, appropriate notice of meeting time, date, and location, and other activities as requested by the Chairperson.

d. DOE Overseas Presence Management Council (OPMC).

- (1) The OPMC will be the senior group that determines DOE-wide policies governing the Department's overseas presence to ensure that:
  - (a) the Department's overseas presence is based on a sound strategy and long-term 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 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 Nuclear Security and Administrator of the NNSA, the Under Secretary for Energy, the Under Secretary for Science, and the Director of the Office of Intelligence and Counterintelligence, and will be chaired by the Deputy Secretary of Energy.
- (4) The OPMC will review the Annual Report and Strategic Plan submitted by the Office of International Operations and reviewed by the OPAB, provide strategic guidance, and resolve issues that are not resolved by the OPAB or the Office of International Operations.
- (5) The OPMC shall meet at least once per fiscal year, and may meet more often if desired by the chair or members, to receive the Annual Report and Strategic Plan from the Office of International Operations.
- (6) 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. Until new funds can be requested in a future budget year, all resources for expanding the size and capabilities of the DOE Overseas Presence will come *from within existing financial controls*. There are several methods Departmental elements can use separately or in combination to support the DOE Overseas Corps:
- (1) Fully fund a federal full-time equivalent (FTE). Costs include salary, benefits and allowances, housing, ICASS, CSCS, and other costs. These costs will vary slightly by location and grade/family size of the overseas employee.
  - (2) Partially fund an FTE. Currently, the Department has no way for different appropriations to “pool” together to fund an FTE. However, it is possible for two or more program offices to split costs associated with an FTE in a specific country by having one program fund the personnel costs associated with the employee. The operational costs would then be funded by other program(s) to achieve an equitable balance.
  - (3) Fully fund a locally employed staff (LES) employee. LESs are DOE employees hired under State Department procedures in the host country. They cannot do everything a DOE employee can do and are inappropriate for some functions but can be an effective means of advancing program/Departmental initiatives at a relatively inexpensive cost.
  - (4) Partially fund other support costs. Any program with a demonstrated need for support from one or more of the overseas offices can contribute. This can be accomplished immediately by a Funding Memo to the Director of International Operations or an Approved Funding Program (AFP) change.
- f. Coordination. Offices utilizing or considering a short-term (temporary duty) personnel presence overseas must coordinate with the OPAB at least 45 days 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 will detail the Department’s interpretation of how Department of State Standardized

Regulations (DSSRs) apply to DOE employees and will include input from the CFO, program offices, the Office of Human Capital and the NNSA Human Resources Office.

- (2) The DOE Handbook on Overseas Assignments will be provided to assigned personnel.
- (3) All mission and administrative guidance/instruction from DOE will be channeled through the OPAB to DOE offices overseas. This does not include country clearance cables. Attaché reporting/commentary 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 National Security Decision Directive 38 (NSDD 38), especially 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) Determines DOE-wide policies governing the Department's overseas presence.
- (2) Makes funding decisions for the Overseas Corps.
- (3) Advises the Secretary of Energy on issues related to the Department's Overseas Presence.
- (4) Reviews the Annual Report and Strategic Plan submitted by the Overseas Presence Advisory Board.
- (5) Reviews resource decisions associated with the Department's Overseas Presence.

### c. Overseas Presence Advisory Board (OPAB).

- (1) Develops a written charter.
- (2) Works with the DOE Office of Human Capital Management and/or NNSA Human Resources Office to develop a common corporate

methodology for managing (establishing positions, acquiring and training personnel, etc.) the Department's Overseas Presence.

- (3) Develop a corporate training methodology for the DOE Overseas Corps, which may be extended to include employees of other U.S. Government agencies working energy issues.
- (4) Meets at least quarterly.
- (5) Provides oversight on both management and operational issues concerning the Department's Overseas Presence.
- (6) Develops and disseminates DOE, including NNSA, policies and responsibilities for the DOE Overseas Presence.
- (7) Manages all operational aspects of the DOE Overseas Presence.
- (8) Prepares an annual report to the DOE Overseas Presence Management Council (OPMC).
- (9) Prepares a five-year strategic plan describing future staffing levels.
- (10) Coordinates short-term (temporary duty) personnel assignments overseas.
- (11) Coordinates distribution of attaché reporting/commentary back to the appropriate program offices.

d. Heads of Departmental Elements.

- (1) Contribute resources to the DOE Overseas Presence proportionate to their level of historical or anticipated future use. This does not refer to short-term TDY assignments of less than 30 days.
- (2) 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.
- (3) Actively support an open, fair, equitable process for selecting highly qualified personnel to represent the Secretary of Energy and the Department overseas.
- (4) Support employees willing to serve in overseas assignments to the maximum extent possible.
- (5) Participate in or send an authorized delegate to participate in the OPAB.

- (6) Provide broad programmatic information to the OPAB for use in determining future locations and resource requirements.
  - (7) Coordinate with the OPAB at least 45 days prior to sending personnel overseas.
  - (8) Develop training programs for employees approved for overseas assignments.
  - (9) Develop and provide common formal orientation for personnel assigned to overseas locations.
  - (10) Evaluate employee performance in overseas assignments.
  - (11) Ensure that the selection and assignment processes meet or exceed all Office of Personnel Management standards for equality of opportunity and ethical conduct.
  - (12) Formally announce and coordinate overseas vacancies for DOE and International Organizations' positions with the OPAB.
- e. Office of Human Capital Management.
- (1) Maintains the DOE Handbook on Overseas Assignments.
  - (2) Provides advice on human capital issues involving deployments.
  - (3) Reviews all inter-Departmental and intra-Departmental Memoranda of Agreement (MOAs) and Memoranda of Understanding (MOUs), involving overseas deployments for correct application of personnel policies.
- f. Office of the General Counsel. Reviews all MOAs and MOUs for legal sufficiency.

## 6. DEFINITIONS.

- a. Overseas Presence. Representation of DOE interests abroad through the assignment of DOE employees to U.S. Missions, Military Commands, and International Organizations to support Departmental programs and initiatives, including those in combination with other USG agencies or international organizations; see also the President's Management Agenda (<http://www.whitehouse.gov>) in the Section on "A Rightsized Overseas Presence."
- b. DOE Overseas Corps. DOE Employees assigned to permanent positions (i.e., not temporary duty of less than 30 days) at U.S. Missions, Military Commands, and at International Organizations overseas.

- c. DOE International Office. A DOE office located in select U.S. Missions overseas, led by a senior DOE Office director or attaché, and staffed by DOE officers. In some cases there may also be DOE-funded locally employed staff.
- d. Stakeholders. Departmental elements having significant mission stake in the deployment and maintenance of DOE expertise abroad and those offices with significant foreign travel subject to COM authority. To support their core mission interests overseas, stakeholders commit resources in the form of funding, positions (FTEs) and personnel to the DOE Overseas Corps. A stakeholder, or stakeholders, may directly sponsor one or more DOE positions abroad.

7. REFERENCES.

- a. The President's Management Agenda, section 12: "A Right-Sized Overseas Presence." [http://www.whitehouse.gov/omb/budintegration/pma\\_index.html](http://www.whitehouse.gov/omb/budintegration/pma_index.html).
  - b. DOE Handbook on Overseas Assignments (at [http://humancapital.doe.gov/pers/DOE\\_HANDBOOK\\_ON\\_OVERSEAS\\_ASSIGNMENTS.pdf](http://humancapital.doe.gov/pers/DOE_HANDBOOK_ON_OVERSEAS_ASSIGNMENTS.pdf)).
  - c. Department of State Standardized Regulations. [http://aoprals.state.gov/content.asp?content\\_id=231&menu\\_id=92](http://aoprals.state.gov/content.asp?content_id=231&menu_id=92).
  - d. National Security Decision Directive 38. <http://www.state.gov/m/pri/nsdd/>.
  - e. The DOE Strategic Plan (at <http://www.energy.gov/about/strategicplan.htm>).
  - f. 22 US Code: Foreign Relations and Intercourse.
  - g. Instructions to ambassadors on chain of command - President Reagan's telegram sent by George P. Shultz to all ambassadors on December 17, 1986.
8. CONTACT. Questions concerning this Notice should be addressed to the Office of International Operations at 202 586-1366.

BY ORDER OF THE SECRETARY OF ENERGY:



JEFFREY F. KUPFER  
Acting Deputy Secretary