

3 FAM 4120

EMPLOYEE RESPONSIBILITIES ABROAD

(TL:PER-491; 12-23-2003)
(Office of Origin: DGHR/PC)

3 FAM 4121 GENERAL

3 FAM 4121.1 Applicability

(TL:PER-491; 12-23-2003)
(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)
(Applies to Foreign Service, Foreign Service National, and Civil Service employees)

- a. All U.S. Government employees of participating agencies while abroad; and
- b. All employees subject to the control of the Chief of Mission.

3 FAM 4121.2 Authority

(TL:PER-491; 12-23-2003)
(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)
(Applies to Foreign Service, Foreign Service National, and Civil Service)

- a. 22 U.S.C. 3297;
- b. 22 U.S.C. 4343; and
- c. The Vienna Convention on Diplomatic Relations.

3 FAM 4121.3 Relationship to Government-Wide Standards of Ethical Conduct

(TL:PER-491; 12-23-2003)
(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)
(Applies to Foreign Service, Foreign Service National, and Civil Service)

The rules in this subchapter are in addition to the rules of Ethical Conduct found in 5 CFR 2635, and take into account foreign policy considerations and treaty and statutory obligations.

3 FAM 4121.4 Delegation of Authority

(TL:PER-491; 12-23-2003)
(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

The Chief of Mission may delegate any authority granted in this subchapter.

3 FAM 4122 GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

Employees and their spouses (unless separated) and their dependents may accept gifts and/or decorations from foreign governments only under the restrictions published in 22 CFR chapter 1, part 3.

3 FAM 4122.1 Guidelines

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. An employee abroad who has been offered a gift (other than meals, refreshments or entertainment) by a private individual or organization that cannot be personally accepted under 5 CFR 2635, Subpart B or under other authority may accept it on behalf of the Department of State, or if employed by another agency which has gift acceptance authority, on behalf of that agency, if refusal, reimbursement at the fair market value, or return would cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

b. An employee abroad may accept a gift of meals, refreshment or entertainment by a private individual or organization as provided in 5 CFR 2635.204(i).

c. Gifts accepted pursuant to section 3 FAM 4122.1a are deemed to have been accepted on behalf of the U.S. Government and may not be retained by the employee. Employees shall, within sixty days of acceptance, deposit the gift for official use with their agency or, if the agency does not have gift acceptance authority, with the Department of State. Gifts shall be used and disposed of in accordance with State or agency regulations governing property management and disposal. The designated offices for receiving gifts are:

State

Embassy Administrative Officer

USAID

Mission Executive Officer, or Office of the Director of Administrative Services (MIAS)

rector of Administrative Service (M/AS)

Commerce Office of Organization and Management Support, International Trade Administration

d. Gifts to an employee, spouse, or dependent from foreign government officials are governed by regulations found in 22 CFR Part 3.

e. Gifts of travel expenses are governed by specific agency regulations.

3 FAM 4122.2 Guidance

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

When posts or employees require guidance on dealing with gifts or decorations, they should consult:

State

Office of Protocol

USAID

The Designated Agency Ethics Officer, Office of the General Counsel

3 FAM 4123 RESTRICTIONS ON EMPLOYMENT AND OUTSIDE ACTIVITIES

3 FAM 4123.1 Prohibitions in Any Foreign Country

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

A U.S. citizen employee, spouse, or family member is prohibited from engaging in the following activities while present in any foreign country:

(1) Speculation in currency exchange;

(2) Transactions at exchange rates differing from local legally available rates, unless such transactions are duly authorized in advance by the Chief of Mission;

(3) Sales to unauthorized persons (whether at cost or for profit) of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use of the diplomatic pouch or other official mail without official authorization;

(5) Transfers of blocked funds in violation of U.S. foreign funds and assets control;

(6) Independent and unsanctioned private transactions which involve an employee as an individual in violation of applicable currency control regulations of the foreign government; and

(7) Except as part of official duties, acting as an intermediary in the transfer of private funds from persons in one country to persons in another country, including the United States.

3 FAM 4123.2 Prohibitions in Country of Assignment

3 FAM 4123.2-1 Employment

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

Except as provided in section 3 FAM 4123.2-2 and 3 FAM 4123.2-3, a U.S. citizen employee shall not transact, hold interested in any business, engage for profit in any profession, or undertake other gainful employment in the employee's own name or the agency of any other person in any country or countries to which the employee is assigned or detailed.

3 FAM 4123.2-2 Employment in Embassy Community

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

A U.S. citizen employee, spouse, or family member may pursue business activities or undertake employment otherwise precluded by section 3 FAM 4123.2-1 where such activities or employment take place solely within the U.S. embassy community.

3 FAM 4123.2-3 Teaching

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. A U.S. citizen employee may receive reasonable compensation for teaching if receipt of compensation is not prohibited by 5 CFR 2635.807 and if the course is part of an extension program of an accredited U.S. de-

gree-granting institution or is offered by a private foreign university that is not state-supported and if such teaching is consistent with the local law of the host country.

b. The employee must obtain the approval of the Chief of Mission. If employed by an agency, other than the Department of State, the employee must also obtain the approval of his or her employing agency.

c. The request for approval must include:

(1) A detailed outline of the course to be taught;

(2) Names of required texts and brief descriptions of other reading material;

(3) The frequency of classes; and

(4) The period of time involved.

d. Approval under this section satisfies the requirements of 3 FAM 4175 with respect to teaching abroad.

e. These regulations do not prohibit teaching abroad when compensation is not received so long as the teaching has been approved by the Chief of Mission and, if required, by the employee's employing agency.

f. U.S. citizen employees may accept reimbursement for expenses incurred in approved teaching.

3 FAM 4123.2-4 Investments

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. A U.S. citizen employee (other than an employee who has been hired locally), a spouse, or family member shall not invest money in:

(1) Bonds, shares or stock of commercial concerns headquartered in the country of assignment or conducting a substantial portion of their business in such country; or

(2) In real estate or mortgages on properties located in the employee's country of assignment, other than the purchases of a house and land for personal occupancy at the time of assignment or at retirement, if approved by the Chief of Mission.

b. Any such investment, if made prior to knowledge of assignment to such country, or if inherited or obtained through marriage, bequest, or gift,

may be retained during such assignment, when approved in writing by the Chief of Mission.

c. If retention is authorized, such investment may not be sold while the employee is assigned or detailed to the country, unless the Chief of Mission approves the sale in writing.

d. Investments held in a qualified trust, certified under the provisions of 5 CFR 2634.401, are exempt from the provisions of this section.

3 FAM 4123.2-5 Personal Property

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

A U.S. citizen employee, spouse, or family member shall not sell, assign or otherwise dispose within a foreign country of personal property (including a motor vehicle) that was imported into, or purchased within that foreign country and that, by virtue of the official status of the employee, was exempt from import limitations, customs duties, or taxes which would otherwise apply, except in accordance with the regulations set forth in 22 CFR Part 136 and the regulations prescribed by the Chief of Mission in that foreign country.

3 FAM 4123.3 Political Activities

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

A U.S. citizen employee, spouse, or family member shall not engage in partisan political activities abroad, other than authorized activities pertaining to U.S. elections. This provision shall not preclude a locally hired U.S. citizen employee, who also is a national of the country of residence, from exercising political rights deriving from that foreign nationality.

3 FAM 4123.4 Private Organizations; Fundraising

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. Approval from both the Chief of Mission and an agency ethics official must be obtained before an employee, spouse, or family member serves as an officer, director, or trustee of any private organization. Chiefs of Mission should obtain such permission from an agency ethics official.

b. With the permission of the Chief of Mission, an employee, spouse, or family member may engage in fundraising for non-profit organizations in an official capacity *abroad* when such association with private fundraising activities would clearly advance U.S. foreign policy interests while minimizing the appearance of preference or use of public office for private gain.

3 FAM 4123.5 General Conduct

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

An employee shall respect the laws of the country in which the employee is present.

3 FAM 4124 PERSONAL LIABILITY INSURANCE FOR PERSONAL MOTOR VEHICLES

(TL:PER-491; 12-23-2003)

(State)

(Executive Branch Employees under Authority of Chief of Mission)

a. Chiefs of Mission shall utilize their authority under section 207 of the Foreign Service Act to require that all Executive Branch employees subject to that authority obtain personal liability insurance for their personal motor vehicle(s) and then maintain that insurance for the duration of their tour.

b. The standard for the amount and scope of liability coverage should be that which can reasonably be expected to afford adequate compensation to victims under the local law of the host country.

c. Care should be taken to avoid policies, which permit the insurer to avoid responsibility by invoking any diplomatic immunity defense of the U.S. driver.

d. Each post should establish and the Chief of Mission should approve guidelines establishing the minimum liability coverage required by members of the Mission.

e. Employees on personal travel outside the host country must maintain adequate private liability insurance in the third state.

3 FAM 4125 OUTSIDE EMPLOYMENT AND ACTIVITIES BY SPOUSES AND FAMILY

MEMBERS ABROAD

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. A spouse or family member of a U.S. citizen employee may accept any outside employment or undertake other outside activity as described in section 3 FAM 4123 in a foreign country unless such employment:

(1) Would violate any law of such country;

(2) Could require a waiver of diplomatic immunity deemed unacceptably broad by the Chief of Mission; or

(3) Could otherwise damage the interests of the United States as determined by the Chief of Mission in that country.

b. A spouse or family member should notify the principal Administrative Officer at post *before* acceptance of intended outside employment.

c. A spouse or family member accepting employment abroad should bear in mind that he or she loses civil immunity from judicial process for activities relating to employment and would be subject to the payment of taxes on income from non-diplomatic employment.

3 FAM 4126 OUTSIDE EMPLOYMENT AND ACTIVITIES OF NON-U.S. CITIZEN EMPLOYEES AND LOCALLY-HIRED U.S. CITIZEN EMPLOYEES

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. A non-U.S. citizen employee, and a U.S. citizen employee who has been hired locally must, at the time of hiring, receive approval from the Chief of Mission in order to accept any outside employment or undertake other outside activities as described in section 3 FAM 4123. Such approval is also required if the employee subsequently proposes to undertake outside employment or other outside activity.

b. Approval will be granted unless the Chief of Mission determines that the employment or activity:

(1) Would violate any law of such country; or

- (2) Could damage the interests of the United States.

3 FAM 4127 PERSONAL SECURITY PRACTICES

(TL:PER-491; 12-23-2003)

(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)

(Applies to Foreign Service, Foreign Service National, and Civil Service)

a. A terrorist or criminal attack against an employee abroad will harm not just the employee, but also affects others in the Mission, and will hinder the achievement of foreign policy priorities in the host country. Therefore, it is incumbent on every employee to practice good personal security measures abroad.

b. Employees should implement personal security practices irrespective of the threat level in their country of assignment and employ RSO-recommended measures that may include:

- (1) Varying times and routes to and from work;*

- (2) Avoiding demonstrations; and*

- (3) Identifying and reporting vehicles or persons possibly involved in surveillance of your activities.*

c. Supervisors and managers should ensure that employees have access to useful information, Department policies, and guidance concerning personal security. They must also ensure they do not impose working conditions that impede employees from maximizing their personal security. Examples of working conditions that might be questioned, depending on the threat environment in the country of assignment include:

- (1) Shift changes at the same time every day;*

- (2) Regular early-morning staff meetings; and*

- (3) Strict adherence to set arrival and departure times.*

3 FAM 4128 THROUGH 4129 UNASSIGNED