

Army Regulation 600–291

Personnel-General

Foreign Government Employment

**Headquarters
Department of the Army
Washington, DC
19 December 2016**

UNCLASSIFIED

SUMMARY of CHANGE

AR 600–291

Foreign Government Employment

This major revision, dated 19 December 2016—

- o Updates responsibilities and assigns approval authority for foreign government employment applications to Commanding General, U.S. Army Human Resources Command (para 1–4*b*).
- o Updates contents of the foreign government employment application packet to include SF 312 (Classified Information Nondisclosure Agreement) and DA Form 7769 (Foreign Government Employment Application) (para 2–1).
- o Updates procedures for processing the foreign government employment application (table 2–1).
- o Adds requirements for certain Military Intelligence personnel seeking foreign government employment (chap 3).
- o Adds internal control evaluation (appendix B).

Effective 19 January 2017

Personnel-General
Foreign Government Employment

By Order of the Secretary of the Army:

MARK A. MILLEY
General, United States Army
Chief of Staff

Official:



GERALD B. O'KEEFE
Administrative Assistant to the
Secretary of the Army

Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. Specifically, it applies to members of the Active Army who are within 90 days of retirement, all retired members, and all members of the Army National Guard and U.S. Army Reserve.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command or local forms are prohibited without prior approval from the Deputy Chief of Staff, G–1 (AHRC–PDR), 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5402.

Suggested improvements. Users are invited to send comments or suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms), directly to the Commander, U. S. Army Human Resources Command (AHRC–PDR), 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5402.

Distribution. This publication is available in electronic media only and is intended for command levels A, B, C, D and E for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

History. This publication is a major revision.

Summary. This regulation implements Public Law 95–105. By this statute, the consent of Congress is granted to retired members of the Active Army and all members of the U.S. Army Reserve and Army National Guard to accept civil employment with foreign government with the prior approval of the Secretary of the Army and Secretary of State. Local supplementation of this regulation is prohibited.

Applicability. This regulation applies to the Active Army, the Army National

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*This regulation supersedes AR 600-291, dated 1 July 1978.

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Glossary

Chapter 1 Introduction

1-1. Purpose

This regulation establishes procedures for members of the Active Army who are within 90 days of retirement, retired members, and members of the Army National Guard and U.S. Army Reserve (USAR) to obtain approval to accept foreign government employment (FGE).

1-2. References

See appendix A.

1-3. Explanation of abbreviations and terms

See the glossary.

1-4. Responsibilities

a. The Assistant Secretary of the Army (Manpower and Reserve Affairs) will provide policy oversight for FGE. The Deputy, Assistant Secretary of the Army, Military Personnel and Quality of Life (DASA, MP) will review and approve those applications that are sensitive in nature, have a political impact, or may set a precedent. Final determinations will be forwarded to Commanding General (CG), U.S. Army Human Resources Command (HRC) for further processing.

b. The Deputy Chief of Staff (DCS), G-1 will ensure that its subordinate field operating agency, HRC—

(1) Serves as the Department of the Army (DA) point of contact for the receipt of requests for approval to accept FGE.

(2) Processes all applications in accordance with paragraph 2-2 of this regulation.

(3) Approves or disapproves all applications for FGE that do not meet the conditions specified in paragraph 1-4*a*. The approval or disapproval by the CG, HRC may not be further delegated.

(4) Advises the member directly of an application or reconsideration that is approved or disapproved.

(5) Provides an annual report which summarizes the disposition of the applications for FGE through DCS, G-1 to DASA, MP no later than 30 September.

(6) Advises the U.S. Army Reserve Command (USARC) DCS, G-1 (AFRC-PRP) of an application or reconsideration that is approved or disapproved for USAR troop program unit (TPU) members.

c. The DCS, G-2 will—

(1) Advise HRC if intelligence information indicates the requested FGE is inadvisable (see table 2-1).

(2) Manage actions under the provisions of chapter 3 herein.

Chapter 2 Application

2-1. Initial application

a. Members who desire to accept employment with a foreign government will submit a request in writing directly to Commander, U.S. Army Human Resources Command (AHRC-PDR), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5402. The request will include—

(1) DA Form 7769 (Foreign Government Employment Application).

(2) Standard Form (SF) 312 (Classified Information Nondisclosure Agreement).

b. Additional FGE application information, as well as a list of frequently asked questions, can be found on the HRC Web site.

c. USAR TPU members will provide a copy of their application to Commander, U.S. Army Reserve Command (AFRC-PRP), 4710 Knox Street, Fort Bragg, NC 28310.

d. FGE does not include civilians who have made contracting arrangements involving professional services through continental United States-based organizations.

2-2. Application processing

The rules in table 2-1 will be followed for processing an application for FGE.

Table 2-1**Processing an application for foreign government employment**

Step	Responsibility	Description
1	Member	Submit application for FGE in accordance with paragraph 2-1.
2	HRC (AHRC-PDR)	Review application for completeness and ensure it contains all the necessary data to process the application.
3		Review Army military human resource record to determine if there is any derogatory information that could reflect unfavorably on the United States, if such information became known in accordance with paragraph 1-4(b). Advise CG, HRC of any derogatory information via memorandum.
4		Forward the reviewed application to DCS, G-2.
5	DCS, G2	Review application and determine if there is intelligence information that would make the requested FGE inadvisable and advise CG, HRC via memorandum. Forward memorandum to HRC (AHRC-PDR).
6	HRC (AHRC-PDR)	Forward application and DCS, G-2 memo to HRC Staff Judge Advocate.
7	HRC Command Judge Advocate	Review application and ensure no derogatory information has been discovered in order to preclude any possible conflict of interest between the previous military assignment and the duties to be performed with the foreign government.
8		Recommend approval or disapproval via memorandum to CG, HRC. If disapproval is recommended, provide details to the CG. Forward memorandum to HRC (AHRC-PDR).
9	HRC (AHRC-PDR)	Review application and supporting documentation received from DCS, G-2 and the HRC Command Judge Advocate. Forward appropriate approval or disapproval memorandum to CG, HRC for signature.
10	CG, HRC	Review documentation for FGE and approve or disapprove application in accordance with paragraph 1-4a on behalf of the DA. Forward memorandum to HRC (AHRC-PDR).
11	HRC (AHRC-PDR)	Applications that are sensitive in nature, have a political impact, or may set a precedent must be forwarded to DASA, MP for approval.
12	DASA, MP	Review recommendation for FGE and approve or disapprove applications in accordance with paragraph 1-4b. Forward final disposition to HRC (AHRC-PDR).
13	HRC (AHRC-PDR)	Forward favorably reviewed applications to the Department of State for final disposition.
14		Notify member in writing, if the application was disapproved.
15	Department of State	Provide final disposition to HRC (AHRC-PDR).
16	HRC (AHRC-PDR)	Provide letter of final disposition of FGE application (to include reconsideration of disapproved applications in accordance with paragraph 2-5(b)) to member. Advise the USARC DCS, G-1 (AFRC-PRP) of an application or reconsideration that is approved or disapproved for USAR TPU members.

2-3. Approved application

FGE requests must receive approval from the DA and the Department of the State.

2-4. Disapproved application

a. HRC (AHRC-PDR) will advise the member directly if the application is disapproved by the DA and will provide an information copy to USARC (AFRC-PRP) for USAR TPU Soldiers.

b. If the DA approves the application and Department of State disapproves, then the Department of State will advise the member directly of an application that is disapproved with an information copy to HRC (AHRC-PDR) and USARC (AFRC-PRP) for USAR TPU Soldiers.

c. Each disapproval will include the reasons for the disapproval with as much specificity as security and foreign policy considerations permit and a statement of the member's right to seek reconsideration of the disapproval in accordance with paragraph 2-5 of this regulation.

2-5. Reconsideration of disapproved applications

a. A member whose request has been disapproved by either DA or the Department of State must submit a request for reconsideration directly to HRC (AHRC-PDR) and provide a copy furnished to USARC (AFRC-PRP) for USAR TPU members within 60 days after receipt of the disapproval.

(1) Members must provide information relevant to the reasons given by the disapproval authority.

(2) If no request for reconsideration is received within 60 days, the original disapproval will become final.

b. Upon receipt of a request for reconsideration, HRC (AHRC–PDR) will forward the request reconsideration to the DCS, G–1 to review the request and provide a final determination for approval or disapproval to the member and copy furnish HRC (AHRC–PDR). HRC will forward the final approval reconsideration to the Department of State for its approval or disapproval.

2–6. Changes in approved civil foreign government employment

If a member’s FGE previously approved in accordance with this regulation is to be materially changed, either by a substantial change in duties specified in the approved application, or by a change of employer, the member must request further approval using the same procedures as the initial request (see para 2–1).

2–7. Withholding of retired pay

Any member, subject to the provisions of this regulation, who accepts civil employment with a foreign government without required approval as specified in this regulation, is subject to having retired pay withheld in an amount equal to the amount of compensation received from the foreign government (Department of Defense Financial Management Regulation 7000.14–R (DOD 7000.14–R)). Compensation includes salary, free transportation, household goods shipments at employer’s expense, housing allowances, and gifts. This withholding is in addition to any other penalty that may be imposed under law or regulation.

Chapter 3

Procedures for U.S. Army Intelligence Personnel and Former U.S. Army Intelligence Personnel Seeking Foreign Government Employment

3–1. Regulatory basis

This chapter implements the provisions of 50 USC 3073a and 22 USC 611(e). These provisions mandate that the head of each element of the Intelligence Community issues regulations requiring each employee occupying a covered position to sign a written agreement requiring the regular reporting of covered employment to the head of such element. The law requires individuals (Soldiers and civilians) who occupy Army Intelligence “covered positions” to report employment with the government of a foreign country (hereafter referred to as “covered employment”) for two years beginning on the date on which such employee ceases to occupy such covered position.

3–2. Terminology

For the purposes of this regulation and in accordance with 50 USC 3073a and 22 USC 611(e)—

a. The term "covered employment" means direct employment by, representation of, or the provision of advice relating to national security to the government of a foreign country or any person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country (50 USC 3073a).

b. The term "covered position" means a position within an element of the Intelligence Community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section (50 USC 3073a).

c. The term "government of a foreign country" includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such a term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States (22 USC 611(e)).

3–3. Requirements

Army personnel (military and civilian) who are employed by, assigned, attached, or detailed with duty at a U.S. Army Intelligence (USAI) organization, unit or element, and who are granted access to Top Secret/Sensitive Compartmented Information or special access programs are considered to be “assigned to a covered position” for purposes of the reference and this policy, will sign and forward a written agreement to report to DCS, G–2 concerning employment with the government of a foreign country during the two years following separation from USAI. DCS, G–2 provides a template copy of such an agreement to security managers/special security officers (SSOs). Army personnel who occupy a covered position will provide a written report upon accepting such covered employment and will annually report in writing any covered

employment until the expiration of two years beginning on the date on which such employee ceases to occupy such covered position. The reporting agreement will contain an unclassified postal address.

3–4. Procedures

a. USAI security managers/SSOs will inform all Army personnel employed by, assigned, attached or detailed with duty at a USAI organization, unit or element, and who have been granted access to Top Secret/Sensitive Compartmented Information of this policy in initial and annual security training. Security managers/SSOs will have personnel sign the agreement.

b. The security manager/SSO will retain a copy of the signed agreement in the local security file, will provide a copy of the signed agreement to the individual, and will send the original signed agreement to the U.S. Army Investigative Records Repository (IRR).

c. When Army personnel process for separation from a USAI organization, unit or element, the security manager/SSO will require each individual to review and again sign the agreement to acknowledge the reporting requirement. The security manager/SSO will place a copy of the signed agreement in the individual's security file, will provide a copy of the signed agreement to the individual, and will send the copy of the agreement which the individual has again signed to the IRR.

d. While affiliated with USAI, individuals will report incidents and contacts by foreign government officials as required by Army regulations and Department of Defense directives.

Appendix A

References

Section I

Required Publications

DOD 7000.14–R

Department of Defense Financial Management Regulation (DOD FMR) (Cited in para 2–7.) (Available at <http://www.dtic.mil>.)

Section II

Related Publications

Unless otherwise stated, all publications are available at <http://www.apd.army.mil/>. The U.S. Code and the Code of Federal Regulations are available at <http://www.gpo.gov/fdsys/>.

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 600–8–104

Army Military Human Resource Records Management

Public Law 95–105

Foreign Relations Authorization Act, Fiscal Year 1978

22 USC 611(e)

Definitions

50 USC 3073a

Reporting of Certain Employment Activities by Former Intelligence Officers and Employees

Section III

Prescribed Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate (APD) Web site at <http://www.apd.army.mil/>.

DA Form 7769

Foreign Government Employment Application (Cited in para 2-1a(1).)

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the APD Web site at <http://www.apd.army.mil/>. SF Forms are available on the General Services Administration Web site at <http://www.gsa.gov/portal/forms/type/sf>.

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

SF 312

Classified Information Nondisclosure Agreement

Appendix B

Internal Control Evaluation

B-1. Function

The function covered by this evaluation is the process for FGE.

B-2. Purpose

The purpose of this evaluation is to assist unit managers, internal control administrators, and test officers in evaluating the key internal controls. It is intended as a guide and does not cover all controls.

B-3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, or other). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification).

B-4. Test questions

- a.* Are personnel applying for FGE members of the Active Army who are within 90 days of retirement, retired members, or members of the Army National Guard and U.S. Army Reserve?
- b.* Has the member submitted a request for FGE in writing to HRC (AHRC-PDR)?
- c.* Did the request include a completed DA Form 7769 and SF 312?
- d.* Did HRC (AHRC-PDR) receive the application in writing directly from the member?
- e.* Did HRC (AHRC-PDR) review the Army military human resource record for derogatory information that could reflect unfavorably on the United States?

B-5. Supersession

Not applicable.

B-6. Comments

Help to make this a better tool for evaluating internal controls. Submit comments to Commander, U.S. Army Human Resources Command (AHRC-PDR), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5402.

Glossary

Section I

Abbreviations

AR

Army regulation

CG

Commanding General

DA

Department of the Army

DASA, MP

Deputy, Assistant Secretary of the Army, Military Personnel and Quality of Life

DCS

Deputy Chief of Staff

FGE

foreign government employment

HRC

U.S. Army Human Resources Command

IRR

Investigative Records Repository

SF

Standard Form

SSO

special security officer

TPU

troop program unit

USAI

U.S. Army Intelligence

USAR

U.S. Army Reserve

USARC

U.S. Army Reserve Command

USC

U.S. Code

Section II

Terms

Applicant

Any member who requests approval to accept foreign government employment or who has already accepted foreign government employment and requests approval to continue such employment under the provisions of this regulation.

Foreign government employment

Any civil employment with a foreign government agency or instrumentality of the foreign government whether or not compensation is received.

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