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***Army Regulation 600–291**

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Personnel-General
Foreign Government Employment

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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Administrative Assistant to the
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History. This publication is a mandated revision. The portions affected by this revision are listed in the summary of change.

Authorities. The authorities for this regulation are Title 37, United States Code, 908 and Title 50, United States Code, 3073a.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, U.S. Army Reserve, and civilian employees of and contractors to an element of the Intelligence Community occupying a covered intelligence position.

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 requirements.

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).

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 Commanding General, U.S. Army Human Resources Command (AHRC–PDR), 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5402.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

*This regulation supersedes AR 600–291, dated 7 September 2020.

SUMMARY of CHANGE

AR 600–291
Foreign Government Employment

This mandated revision, dated 07 June 2024—

- Updates responsibilities and assigns approval authority for all foreign government employment applications assigned to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (para 1–4a).
- Updates procedures for processing the foreign government employment application (table 2–1).
- Updates chapter implementations to describe Army Intelligence and Security Enterprise responsibilities (para 3–1).
- Adds and updates terminology (para 3–2).

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Glossary of Terms

Chapter 1

Introduction

1–1. Purpose

This regulation establishes procedures for member of the Regular Army who are within 90 days of retirement, retired members and members of the Army National Guard and U.S. Army Reserve (USAR), and U.S. Army Intelligence and Security Enterprise (AISE) who occupy or occupied a covered intelligence position to obtain approval to accept foreign government employment (FGE).

1–2. References, forms, and explanation of abbreviations

See appendix A. The abbreviations, brevity codes, and acronyms (ABCAs) used in this electronic publication are defined when you hover over them. All ABCAs are listed in the ABCA directory located at <https://armypubs.army.mil/>.

1–3. Associated publications

This section contains no entries.

1–4. Responsibilities

a. The Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) develops and oversees Army policy governing FGE. Pursuant to Title 37, United States Code, 908 (37 USC 908), the Secretary of the Army (SECARMY), through the ASA (M&RA), and in coordination with the Secretary of State when required, will review and approve or disapprove applications for FGE, after determining that such approval is not contrary to the national interests of the United States.

b. The Deputy Chief of Staff (DCS), G–1 will ensure that its subordinate field operating agency, U.S. Army Human Resources Command (HRC)—

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

(2) Reviews the Army military human resource record for derogatory information that could reflect unfavorably on the United States.

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

(4) Provides an annual report which summarizes the disposition of the applications for FGE through DCS, G–1 to Deputy Assistant Secretary of the Army (DASA), MP no later than 30 September.

(5) 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) Review all FGE applications.

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

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

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this publication are addressed in the Records Retention Schedule–Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

Chapter 2

Application

2–1. Initial application

a. Members other than covered intelligence positions who desire to accept employment with a foreign government or foreign government payment for speeches, travel, meals, lodging, registration fees, or non-cash awards will submit a request in writing directly to Commanding General, U.S. Army Human

Resources Command (AHRC–PDR), 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5402 or by email to usarmy.knox.hrc.mbx.tagd-aprd-fge@army.mil. The request will include—

- (1) DA Form 7769 (Foreign Government Employment Application).
- (2) Standard Form (SF) 312 (Classified Information Nondisclosure Agreement).

b. Additional FGE information, as well as a list of frequently asked questions, can be found on HRC website.

c. USAR TPU members will provide a copy of their application to Commanding General, U.S. Army Reserve Command (AFRC–PRP), 4710 Knox Street, Fort Liberty, NC 28310–0001.

d. FGE includes direct or indirect employment by representation of, or any provision of advice or services to, the government of a foreign country or any company, entity, or other 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.

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 1–4b. Advise Commanding General (CG), HRC of any derogatory information via memorandum.
4		Forward the reviewed application to DCS, G–2.
5	DCS, G–2	For non-AISE employees seeking FGE, review application and determine if there is intelligence information that would make the requested FGE inadvisable and advise.
6	HRC (AHRC–PDR)	Forward application and DCS, G–2 memorandum to HRC Staff Judge Advocate.
7	HRC Command Judge Advocate	Review application for completeness and regulatory compliance. Review any derogatory information and other factors potentially warranting disapproval.
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 memorandum recommending approval or disapproval to CG, HRC for signature.
10	CG, HRC	Review documentation for FGE and recommend approval or disapproval of application.
11	HRC (AHRC–PDR)	Forward application to DASA, MP for review of recommendation.
12	DASA, MP	Prepare the FGE for ASA (M&RA) for approval.
		Review recommendation for FGE application and approve or disapprove by ASA (M&RA).
13	HRC (AHRC–PDR)	Forward favorably reviewed applications not involving payment for speeches, travel, meals, lodging, registration fees or non-cash awards, to the Department of State for final disposition. Notify member of favorably reviewed applications involving payment for speeches, travel, meals, lodging, registration fees, or non-cash awards.

Table 2–1
Processing an application for foreign government employment—Continued

14		Notify member in writing if the application was disapproved.
15	Department of State	Provide final disposition to HRC (AHRC–PDR). HRC will notify Members of applications that are approved. Department of State will notify Members directly of an application that is disapproved per para 2-4b.
16	HRC (AHRC–PDR)	Provide letter of final disposition of FGE application (to include information on how to submit a request for reconsideration of disapproved applications in accordance with para 2-5b) to member. For Active Duty provide letter to HRC security office, and for Reserve to HRC Individual Ready Reserve security office for reporting in the personnel security system of record, with curtesy copy to DCS, G–2.

2–3. Approved application

FGE requests involving foreign government payment for speeches, travel, meals, lodging, registration fees or non-cash awards, must receive approval from the DA only and do not require Department of State approval. HRC will advise the Members directly of applications that are approved or disapproved by the DA. All other FGE requests must receive approval from DA and Department of State. HRC will advise Members directly of applications that are approved by the Department of 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 for reconsideration to the ASA (M&RA) for review and to provide 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 the amount of the compensation/foreign payments received from the foreign government without approval (Department of Defense Financial Management Regulation 7000.14–R (DoD 7000.14–R)). Compensation includes salary, free transportation, household good 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 Covered Intelligence Positions and Former Covered Intelligence Positions Personnel Seeking Foreign Government Employment

3–1. Regulatory basis

This chapter implements the provisions of Intelligence Community Directive (ICD) 712. These provisions describe responsibilities in position determination, notification, training, restrictions, and reporting responsibilities of personnel who occupy or occupied a covered intelligence position. The law requires individuals (military, civilian employees, and contractors) who occupy a “covered intelligence position” to report and seek permission for employment with the government of a foreign country (hereafter referred to as covered post-service employment) for 30 months beginning on the date on which such employee ceases to occupy such position.

3–2. Terminology

For the purposes of this regulation and in accordance with ICD 712—

a. The term “Army element of the Intelligence Community (IC)” includes all military, civilian, and contractor personnel employed by, assigned to, attached to, or detailed for duty to Headquarters, DA Office of the DCS, G–2; Headquarters, AISE, and all its subordinate commands; and any U.S. Army Military Intelligence organization, unit, or element. The Army element of the IC also includes contractor employees who provide intelligence support or Joint Worldwide Intelligence Communications System information technology services to include the following IC personnel:

(1) General officers, Defense Intelligence Senior Executive Service civilians, and Defense Intelligence Senior Level civilians.

(2) Military, civilian, and contractor personnel with access to controlled or special access programs.

(3) Military, civilian, and contractor personnel with certification in classified techniques or tradecraft from a Defense Intelligence Component or under DoDI 3115.11, or from any other element of the IC.

b. The term “covered intelligence position” means a position within an element of the IC 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 requirement.

c. The term “covered post-service employment” means direct or indirect employment by, representation of, or any provision of advice or services relating to national security, intelligence, the military, or internal security to, the government of a foreign country or any company, entity, or other 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.

d. The term “employee,” with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the IC, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element.

e. The term “covered post-service position” means a position of employment described in chapter 3, 3–2b.

f. The term “designated prohibited foreign country” includes the People's Republic of China, Russian Federation, Democratic People's Republic of Korea, Islamic Republic of Iran, Republic of Cuba, and Syrian Arab Republic, as well as any country added to the list in the future.

g. The term “former employee” means an individual who was an employee occupying a covered intelligence position, and who is subject to the requirements outlined in ICD 712.

3–3. Requirements

a. An employee who occupies a covered intelligence position may not occupy a covered post-service position:

(1) For a designated prohibited foreign country following the date on which the employee ceases to occupy the covered intelligence position (“permanent restriction”), or—

(2) For all other countries, the 30-month period following the date on which the employee ceases to occupy the covered intelligence position ("temporary restriction").

b. On a case-by-case basis, the Director of National Intelligence or designee may temporarily waive the permanent restriction or the temporary restriction. Employees who occupy a covered intelligence position may seek a waiver by following the procedures in ICD 712 and submitting the waiver request to Office of the DCS, G-2, 1000 Army Pentagon, Washington, DC 20310-1000.

3-4. Procedures

a. Personnel occupying a covered intelligence position will receive official notification of their reporting requirements and post-employment restrictions from the security manager at indoctrination and termination of their placement in a covered intelligence position. These individuals will receive security training and will sign written agreements provided by the security manager acknowledging their ICD 712 reporting requirements and post-employment restrictions during indoctrination and termination.

b. The special security officer (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 Intelligence (USAI) Security Repository.

c. The security manager/SSO will require each individual to review and again sign the agreement to acknowledge the reporting requirement and post-service restrictions when Army personnel process for separation from a USAI organization, unit, or element. 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 USAI Security Repository.

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

Appendix A

References

Section I

Required Publications

DoD 7000.14–R

Department of Defense Financial Management Regulation (DoD FMR) (available at <https://comptroller.defense.gov/>). (Cited in para 2–7).

Intelligence Community Directive (ICD) 712

Requirements for Certain Employment Activities by Former Intelligence Community Employees (available at <https://www.dni.gov/index.php/what-we-do/ic-related-menus/ic-related-links/intelligence-community-directives>) (Cited in para 3–1).

50 USC 3073a

Requirements for of certain employment activities by former intelligence officers and employees (available at <https://uscode.house.gov/browse.xhtml>) (Cited in title page).

Section II

Prescribed Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate (APD) website at <https://armypubs.army.mil/>.

DA Form 7769

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

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 Regular Army who are within 90 days of retirement, retired members, members of the Army National Guard, USAR, civilian employees, and contractors?
- 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

This evaluation replaces the evaluation previously published in AR 600-291, dated 7 September 2020.

B-6. Comments

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

Glossary of Terms

Applicant

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

Foreign government employment

FGE includes direct or indirect employment by, representation of, or any provision of advice or services to the government of a foreign country or any company, entity, or other 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.

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