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FEDERAL BUREAU OF INVESTIGATION

POLICY DIRECTIVE

0536D

1. Policy Directive Title.	(U) Security Division Processing of Forms Involving Employment, Organizations, and Activities Outside of the FBI
2. Publication Date.	2012-10-19
3. Effective Date.	2012-10-19
4. Review Date.	2018-10-19

5. Primary Strategic Objective.
A1-Protect US from terrorist and foreign intelligence activity.

6. Authorities:

6.1. (U) Executive Order (EO) 12968, Access to Classified Information.

6.2. (U) Intelligence Community Directive (ICD) 704, Personnel Security Standards and Procedures Governing Eligibility for Access to SCI and Other Controlled Access Program Information."

6.3. (U) Intelligence Community Policy Guidance (ICPG) 704.2, "Personnel Security Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information and Other Controlled Access Program Information."

7. Purpose:

(U) To establish Security Division (SecD) procedures for processing and reviewing FD-331 forms involving employment, organizations, and activities outside of the FBI. For personnel security purposes, this scope of the mandatory filers of FD-331 forms was expanded as currently identified in the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG), to include a broader range of FBI personnel as defined in Section 15 of this directive.

8. Policy Statement:

8.1. (U) All FBI personnel must report their proposed and continued outside employment or participation in organizations and activities through the Enterprise Process Automation System (EPAS) via the electronic FD-331 forms.

8.2. (U) For personnel security purposes, all FBI personnel's proposed and continued outside employment or participation in organizations and activities must be initially evaluated and annually reevaluated to determine FBI personnel's initial eligibility and continued eligibility to maintain U.S. government security clearances, access to Sensitive Compartmented Information (SCI), or access to FBI workspaces, respectively.

8.2.1. FBI personnel cannot engage or participate in outside employment, organizations, or activities that are not compatible with the maintenance of their security clearances or FBI accesses.

8.2.2. FBI personnel cannot engage or participate in outside employment, organizations, or activities that call into question their loyalty to the United States or objectivity in conducting FBI/Department of Justice business in the eyes of the public.

8.3. (U) Any FBI personnel's willful failure to comply with the provisions of this directive may result in a re-evaluation of his or her eligibility for a security clearance or FBI accesses.

9. Scope:

(U) This directive applies to all FBI personnel.

10. Proponent:

(U) Clearance and Passage and Sub-Program Unit (CPSU), Internal Security Section (ISS), Security Division (SecD)

11. Roles and Responsibilities:

11.1. (U//~~FOUO~~) All FBI personnel must:

11.1.1. Report proposed outside employment before employment begins through EPAS via an electronic FD-331 form.

11.1.2. Report proposed participation in outside organizations or activities through EPAS via one of the electronic FD-331 forms. Report an outside organization or activity before there is:

a) Personal participation, in a fiduciary capacity as an officer, trustee, or board member that imposes a trust or duty requirement for such participation, when the organization's work is not related to the work of the FBI;

b) Personal capacity participation as an officer, trustee, or board member of an outside organization that performs work related to the work of the FBI;

c) Official capacity participation in an outside organization or association. This includes passive membership or active participation as an officer, trustee, or board member due to his or her official FBI duties;

d) Personal capacity participation, assistance, or membership in an outside organization known to be controlled by, or closely associated with, foreign governments, entities, or persons;

e) Personal capacity participation or membership in an outside organization known, or whose purpose or members are believed, to be associated with illegal activities; and

f) Personal capacity participation or membership in a new or unknown organization or group when it appears prudent to do so. When in doubt, FBI personnel should report the information regarding the organization.

Note: The correct type of FD-331 EPAS form will be determined based on the FBI personnel's position or personnel type and responses to questions posed on the form. Also, if the FBI employee is compensated for an outside employment or activity, it is considered to be outside employment. However, compensation is not the sole test for outside employment. Uncompensated activities can constitute outside employment if the duties, as proposed, are normally those associated with employment and exceed those normally associated with passive membership in an organization.

11.1.2.1. It is not necessary to report personal capacity participation, involving voluntary participation or passive membership in outside organizations with well-known and established reputations of public service, in the absence of an unusual or extenuating circumstance. These kinds of outside organizations/activities include, but are not limited to:

a) Religious organizations (singing in a church choir, member of a local church ministry, etc.);

b) Civic or community service organizations (coaching a little league team, serving as a boy/girl scout leader, etc.); and

c) Charitable organizations (volunteering at a local Red Cross facility, Habitat for Humanity facility, food bank, food shelter, hospital, etc.).

Note: Any personal capacity participation by FBI personnel, including special agents, involving voluntary participation in an outside organization, group, or activity (e.g., neighborhood watch group) that has potential law enforcement action(s) or use or display of a firearm or weapon, must be reported and approved by the FBI prior to participation. This kind of participation is considered an unusual or extenuating circumstance.

11.1.3. After an electronic FD-331 form request has been approved, re-submit that outside

employment, organization or activity request upon receipt of an annual or renewal notification via EPAS.

11.1.4. Report termination of approved outside employment or participation in organizations or activities via the FD-331a EPAS form.

11.1.5. Report U.S. military reserves or national guard service via the FD-942 form.

11.2. (U/~~FOUO~~) Chief Security Officers (CSOs) must:

11.2.1. Complete and submit FD-331 proxy EPAS forms for FBI personnel who do not have access to EPAS and upload the completed and signed hard-copy version of the proxy form for accountability within EPAS.

11.2.2. Conduct Sentinel, universal index (UNI) and electronic case file (ECF) checks on the prospective employer, including the name(s) of the company, organization, owner, manager, or principal officer(s), if any, listed on the FD-331 form. If the prospective company or organization is an established, well-known entity, UNI and ECF checks are not required.

11.2.3. After Security Office review and processing, submit the FD-331 form through EPAS for final review and approval or denial of the request to engage or participate in the outside employment, organization or activity.

11.3. (U/~~FOUO~~) Clearance and Passage and Sub-Program Unit (CPSU) must:

11.3.1. Review and process all FD-331 forms after final approval or denial.

11.3.2. Conduct Sentinel, universal index (UNI) and electronic case file (ECF) checks regarding the employer, including the name(s) of the company, organization, owner, manager, or principal officer(s), as needed.

11.3.3. Conduct other record or database checks, e.g., [redacted] checks, etc., to help resolve any personnel security issue(s). b7E

11.3.4. Annotate the review and processing of all forms regarding outside employment, organizations or activities, including the results of record or database checks or other review findings, in EPAS.

11.3.5. Notify the respective chief security officer (CSO) or designee of any noteworthy security findings related to FBI personnel.

11.3.6. Forward the findings of the CPSU's record checks or other findings to the FBI personnel's security or investigative file.

11.3.7. Forward all FD-331 forms, involving noteworthy or high-risk personnel security issues, through EPAS to the Reinvestigation Unit (RU) or the Analysis and Investigations Unit (AIU), Internal Security Section (ISS), SecD, for review and analysis.

11.4. (U/~~FOUO~~) Reinvestigation Unit (RU) must:

11.4.1. Review and make assessments regarding noteworthy personnel security issues referred by CPSU, when FBI personnel are currently subjects of periodic reinvestigations.

11.5. (U/~~FOUO~~) AIU must:

11.5.1. Review and make assessments regarding high-risk or Post-Adjudication Risk Management (PARM) cases referred by CPSU.

12. Exemptions:

None

13. Supersession:

(U) This document supersedes Security Policy Manual, Section 2.19, Outside Activities.

14. References, Key Words, and Links:

(U) *FBI Ethics and Integrity Program Policy Directive and Policy Guide* (0754DPG)

15. Definitions:

15.1. (U//~~FOUO~~) AIU PARM List of Countries: A list of designated countries that are of interest to the Security Division.

15.2. (U) All FBI Personnel: FBI "civil servant" employees, who are already mandated to submit electronic FD-331 forms for requesting approval to engage in outside employment or participate in outside organizations and activities, pursuant to the FBI Ethics Guide. This includes interns, contractors, consultants, joint task force (JTF), [redacted] members, and other government agency (OGA) personnel who are assigned or detailed to FBI workspaces, who are authorized for unescorted FBI facility access privileges, and who maintain access to FBI protected information, information technology (IT) or information security (IS) systems, essentially the same as their "civil servant" employee counterparts. b7E

15.3. (U) High-Risk Personnel Security Issues: Any serious or substantive personnel security concerns, involving foreign influence or preference factors.

15.4. (U) Outside Employment: Any form of employment, business relationship, or activity involving the provision of personal services by FBI personnel, other than in the discharge of official FBI duties.

15.5. (U) Outside Organization: An organization in which the FBI personnel is officially or unofficially proposing to volunteer services, seek membership, or otherwise participate in outside activities.

15.6. (U) Personal Capacity Participation: Unofficial participation in an organization or activity that is not related to FBI official business.

16. Appendices, Attachments, and Forms:

16.1. (U) Based on responses to relevant FD-331 questions, one of the following FD-331 forms is automatically generated within EPAS:

a) FD-331: Special Agent Request to Engage in Outside Employment;

b) FD-331a: Termination of Outside Employment;

c) FD-331b: Support Employee Request to Engage in Outside Employment;

d) FD-331c: Request for Approval of Personal Capacity Involvement in an Outside Organization; or

e) FD-331d: Request for Approval of Official Capacity Involvement in an Outside Organization.

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