

REPORTING REQUIREMENTS FOR PERSONNEL WITH ACCESS TO CLASSIFIED INFORMATION OR WHO HOLD A SENSITIVE POSITION

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy, responsibilities, and requirements for reporting information as required by [Security Executive Agent Directive 3 \(SEAD 3\)](#), "Reporting Requirements for Personnel with Access to Classified Information or Who Hold a Sensitive Position" (hereafter "covered individuals").

II. Scope

A. This Directive applies throughout DHS, to include contractors and anyone granted a security clearance or occupying a sensitive position in DHS, as defined in [SEAD 3](#). This Directive also applies to persons outside of DHS who have been granted access to classified information and a security clearance sponsored by DHS, such as state, local, tribal, and private sector partners. This Directive does not replace reporting requirements set forth by Department of State, Regional Security Officers as it pertains to DHS employees assigned overseas.

B. This Directive does not supersede the reporting requirements outlined in DHS Policy Directive 121-08, "Requirements for Security Review of Foreign National Assignments and Overseas Employment" or DHS Policy Directive 121-11, "Foreign Access Management."

III. Authorities

A. [Security Executive Agent Directive 3](#), "Reporting Requirements for Personnel with Access to Classified Information or Who Hold a Sensitive Position"

B. Executive Order 12968, as amended, "Access to Classified Information"

C. Executive Order 13549, "Classified National Security Information Program for State, Local, Tribal and Private Sector Entities"

D. DHS Delegation 00002, "Delegation to the Under Secretary for Management"

- E. DHS Delegation 08503, “Delegation to the Under Secretary for Intelligence and Analysis/Chief Intelligence Officer”
- F. Delegation 12000, “Delegation for Security Operations within the Department of Homeland Security”
- G. Delegation 13001, “Delegation to the Chief Privacy Officer”

IV. Responsibilities

- A. The **Under Secretary for Management** ensures the implementation of this Directive to require adherence to reporting requirements issued by the Security Executive Agent by (a) all persons at DHS with access to classified information or who hold a sensitive position granted by DHS; and (b) all other persons with access to classified information who hold a security clearance sponsored by DHS.
- B. The **Chief Security Officer**, subject to the control and oversight of the Under Secretary for Management:
 - 1. Ensures that security clearance determinations and eligibility decisions, personnel actions, and contractual arrangements involving those in covered positions (as defined by the Security Executive Agent) include non-compliance with Security Executive Agent reporting requirements as a factor in making those decisions.
 - 2. Establishes and oversees efforts to automate and centralize reporting requirements by covered individuals that include required data elements identified in [SEAD 3](#), Appendix A; as well as mechanisms for the approval and disapproval of such individuals’ unofficial foreign travel.
 - 3. As appropriate, informs the Under Secretary for Intelligence and Analysis of security and/or counterintelligence (CI) concerns regarding official or unofficial travel and suspicious or concerning foreign contacts by those in covered positions.
 - 4. Ensures that training of the reporting requirements in [SEAD 3](#) or its successor is implemented, to include initial training when personnel become a covered individual, and annually thereafter.
- C. The **Under Secretary for Intelligence and Analysis (USIA)**:
 - 1. Establishes classified travel information resources to help inform travel risk assessment and mitigation processes, and supports CI and defensive CI awareness training.

2. Establishes threat-based foreign travel criteria through which approval and disapproval of foreign travel can be determined.
3. Determines criteria where approval of unofficial foreign travel is either not required or less-specific reporting is acceptable.
4. Determines whether the foreign travel approval procedures required by this Directive should be extended to include official foreign travel and develop implementing policy accordingly.
5. May recommend approval or disapproval of unofficial foreign travel of covered individuals for reasons outside established criteria.
6. Establishes CI briefing requirements prior to official and unofficial travel.
7. Establishes channels with the Under Secretary for Management and Component Heads to ensure appropriate and relevant information on covered individuals is considered when making determinations in Section IV.B.2.

D. The **Under Secretary for Management** and **Under Secretary for Intelligence and Analysis** jointly:

1. Collaborate, as appropriate, on relevant reported information of a security, CI, or law enforcement concern with authorized security, CI, insider threat, or law enforcement officials.
2. Share information that may result in an adverse determination of the covered individual's continued national security eligibility with security or CI officials of other agencies that have a direct interest in the covered individual (as defined in Appendix A to [SEAD 3](#)).

E. The **Chief Privacy Officer**:

1. Reviews and approves, before use, any forms, databases, or other methods used to collect or store information regarding covered individuals subject to this Directive.
2. Reviews and approves implementing policies, procedures, and guidance pertaining the use of information collected subject to this Directive.

F. **Component Heads**:

1. Implement a reporting process for covered individuals under their purview to report data elements identified in [SEAD 3](#), Appendix A.

2. Identify and notify covered individuals under their purview on an annual basis of their reporting requirement.
3. Implement a process for covered individuals under their purview to seek permission for unofficial foreign travel.
4. Approve or disapprove unofficial foreign travel of covered individuals under their purview using the foreign travel criteria established by the Under Secretary for Intelligence and Analysis, to include covered persons sponsored by the component for access to classified information under Executive Order 13549.
5. As appropriate, inform the Under Secretary for Management and the Under Secretary for Intelligence and Analysis of security and/or CI concerns and recommendations regarding official or unofficial travel by covered individuals, to include deviations from USIA-established criteria.
6. Annually, identify and notify covered individuals who are required to file a financial disclosure report per EO 12968, as amended, Section 1.3(a).
7. Participate in efforts led by the Under Secretary for Management to automate and centralize reporting requirements for covered individuals.
8. As appropriate, may modify foreign travel reporting and travel approval requirements for Component personnel assigned overseas to take account of different geographical locations.
9. Coordinate requirements for analyzing and determining all DHS contractor employees who by virtue of specific contract performance requirements under a DHS contract constructively occupy and perform either as a covered person and/or in a sensitive position.
10. Maintain all reported information consistent with applicable law and policy.
11. Ensure training and briefing(s) as described in [SEAD 3](#).

G. **Covered Individuals:**

1. Maintain awareness of the security risks associated with DHS affiliation, and recognize and avoid personal behaviors and activities that may adversely impact continued national security eligibility.

2. As defined and required by [SEAD 3](#), and in accordance with the policy set forth in this Directive and future DHS implementing instructions, all covered individuals must report any planned or actual involvement in any of the activities below prior to participation in such activities or otherwise as soon as possible following the start of their involvement:

- a. Foreign Travel;
- b. Foreign Contacts;
- c. Reportable actions by other covered individuals that may be potential security or counterintelligence concern.

3. In addition to the above requirements, covered individuals with access to Secret and confidential information, “L” access, or holding a Non-Critical sensitive position shall also report: application for and receipt of foreign citizenship; application for, possession, or use of a foreign passport or identify card for travel; and other reportable activities, as defined and required by SEAD 3, this policy, and future DHS implementing instructions.

4. In addition to the above requirements in IV.G.2 and 3, covered individuals with access to Top Secret and confidential information, “Q” access, or holding a Critical or Special Sensitive position shall also report: direct involvement in foreign business; foreign bank accounts; ownership of foreign property; voting in a foreign election; adoption of non-U.S. citizen children; and other reportable activities, as defined and required by SEAD 3, this policy, and future DHS implementing instructions.

5. Covered individuals who have been identified by their respective agency head in accordance with EO 12968, as amended, Section 1.3 (a) shall file a financial disclosure report, as appropriate.

V. Policy and Requirements

[SEAD 3](#) reporting requirements, including foreign travel reporting requirements for DHS, are defined in this section.

A. It is DHS Policy that covered individuals, as defined by [SEAD 3](#):

1. When reporting activities as required by [SEAD 3](#), covered individuals should provide the required data elements as outlined in [SEAD 3](#), Appendix A, as available and applicable. DHS may also require additional data elements in its implementing instructions.

2. Through channels established by an implementing instruction to this Directive, submit and receive approval of an itinerary for unofficial foreign travel. Unanticipated border crossings into any foreign country not included in the traveler's approved itinerary, regardless of duration, are discouraged. Deviations from approved travel itineraries are reported within five business days of return.

3. Report unplanned day trips to Canada or Mexico within five business days upon return. Covered individuals who conduct official daily crossings into Canada and Mexico report any suspicious or concerning activity associated with an official foreign contact, or any suspicious unofficial contact outside the scope of their respective daily border security activity.

4. When emergency circumstances preclude full compliance with pre-travel reporting requirements, at a minimum, covered individuals shall provide verbal or email notice to their supervisory/management chain with all available travel details prior to departure. The covered individual must provide a full report within five business days of return.

5. Failure to comply with the reporting requirements of [SEAD 3](#), and this policy, may result in administrative action that includes, but is not limited to, revocation of national security eligibility.

B. The terms "covered individual" and "sensitive position" are defined and established in [SEAD 3](#).

VI. Effective Date

Implementation of this Directive occurs with the publication of implementing DHS guidance issued by the Office of the Chief Security Officer and/or the Office of Intelligence and Analysis.

VII. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Security Officer.



Chip Fulghum
Deputy Under Secretary for Management

SEP 17 2018

Date

Attachment 1: Definitions

Definitions are as defined in SEAD 3 (reference A). The key terms, “Covered Individual” and “Sensitive Position” are copied here:

A. **Covered Individual:**

1. A person who performs work for or on behalf of the executive branch who has been granted access to classified information or holds a sensitive position; but does not include the President or (except to the extent otherwise directed by the President) employees of the President under 3 U.S.C. 105 or 107, the Vice President, or (except to the extent otherwise directed by the Vice President) employees of the Vice President under 3 U.S.C. 106 or annual legislative branch appropriations acts.
2. A person who performs work for or on behalf of a state, local, tribal, or private sector entity, as defined in EO 13549, who has been granted access to classified information, but does not include duly elected or appointed governors of a state or territory, or an official who has succeeded to that office under applicable law.
3. A person working in or for the legislative or judicial branches who has been granted access to classified information and the investigation or determination was conducted by the executive branch, but does not include members of Congress, Justices of the Supreme Court, or federal judges appointed by the President.
4. Covered individuals are not limited to government employees and include all persons, not excluded under paragraphs (a), (b), or (c) of this definition, who have access to classified information or who hold sensitive positions, including, but not limited to, contractors, subcontractors, licensees, certificate holders, grantees, experts, consultants, and government employees.

B. **Sensitive Position:**

Any position within or in support of an agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on national security regardless of whether the occupant has access to classified information and regardless of whether the occupant is an employee, military service member, or contractor.