



Exercise: What Contacts and Relationships Should I Report Under SEAD 3?

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SEAD 3 Reporting Exercise

What Contacts and Relationships Do I Have to Report for SEAD 3?

The following is an exercise that will ask you “yes” or “no” questions designed to help you determine (as definitively as possible) whether you should report a contact or relationship with a person in accordance with the 32 CFR Part 117 implementation of SEAD 3 and associated CSA guidance. If you have already reported this information to your FSO on a previous occasion or on a previous SF-86 submission, then DoD does not require you to report this again. This aid is only for those contractor personnel who have eligibility for access to classified information under the NISP and who are under DoD cognizance security authority (CSA).

*****Please note that it is very important that you follow the questions in sequence in order to accurately determine if the person in question should be reported to their FSO as part of your SEAD 3 reporting requirements.**

*****Be aware that regardless of the person’s nationality or their relationship to you, if anyone tries to obtain illegal or unauthorized access to classified information or to compromise or exploit you due to your position as a covered individual, you must report this to your FSO.**

<i>Question</i>	<i>Your answer: “Yes”</i>	<i>Your answer: “No”</i>	<i>Your answer: “I Don’t Know”¹</i>
1. Did you have one or more interactions (in an unofficial capacity ²) with someone who you know or suspect is associated with a foreign intelligence entity?	Report this contact to your FSO.	Go to question 2.	Talk to your FSO for additional guidance.
2. Have you been in contact with someone from the media seeking or showing interest in classified information or information otherwise prohibited from public disclosure	Report this to your FSO.	Go to question 3.	Talk to your FSO for additional guidance.

¹ Choosing “I don’t know” does not provide for an option of willful ignorance, especially in circumstances where a rational individual would be expected to know this information.

² Here “unofficial capacity” means that your interaction with a known or suspected FIE was not an intentional act directed under a government contract.

UNCLASSIFIED
SEAD 3 Reporting Exercise

<i>Question</i>	<i>Your answer: "Yes"</i>	<i>Your answer: "No"</i>	<i>Your answer: "I Don't Know"</i>
3. Regardless of the person's nationality (U.S. or foreign), is this relationship a marriage , a legally recognized civil union, or legally recognized domestic partnership?	If you have a TS or "Q" eligibility, report this marriage, union or partnership to your FSO, otherwise go to question 5.	Go to question 4.	Talk to your FSO for additional guidance.
4. Regardless of the person's nationality (either U.S. or foreign), does this person meet the definition of a cohabitant ? ³	If you have a TS or "Q" eligibility, report this cohabitation to your FSO, otherwise go to question 5.	Go to question 5.	Talk to your FSO for additional guidance.
5. Is this an adoption of a <i>non-US citizen</i> child or children?	If you have a TS or "Q" eligibility, report this adoption to your FSO, otherwise go to question 5.	Go to question 6.	Talk to your FSO for additional guidance.
6. Does the person have U.S. citizenship, to include being a dual citizen with U.S citizenship, or are they otherwise designated as a U.S. national? ⁴	Do not report this contact or relationship	Go to question 7.	Go to question 7.

³ A person with whom the covered individual resides and shares bonds of affection, obligation, or other commitment, as opposed to a person with whom the covered individual resides for reasons of convenience (e.g. a roommate).

⁴ All U.S. citizens are U.S. nationals, but a small number of U.S. nationals do not possess U.S. citizenship and are often referred to as "non-citizen U.S. nationals." Section 308 INA confers U.S. nationality but not U.S. citizenship, on persons born in "an outlying possession of the United States" or born of a parent or parents who are non-citizen nationals who meet certain physical presence or residence requirements. The term "outlying possessions of the United States" is defined in Section 101(a)(29) of the INA as American Samoa and Swains Island. In addition to Section 308 of the INA, Section 302 of Public Law 94-

UNCLASSIFIED
SEAD 3 Reporting Exercise

<i>Question</i>	<i>Your answer: "Yes"</i>	<i>Your answer: "No"</i>	<i>Your answer: "I Don't Know"</i>
7. Is this a <i>continuing</i> relationship with a <i>known</i> foreign national (regardless of it being an official or unofficial foreign contact) that involves <i>bonds of affection, intimate contact, or personal obligation</i> ⁵ ?	Report this relationship to your FSO.	Go to question 8.	Go to question 8.
8. Does your contact with a foreign national meet the <i>three following criteria</i> : a. You know the name and nationality of the foreign national. b. You have provided <i>personal</i> information to the foreign national, meaning information of an <i>intimate or personal nature</i> and that is not reasonably expected to be accessible by the general public, nor that you would willingly release to the general public. The following instances involving a foreign national are <u>not</u> considered an exchange of personal information as described above. i. <i>Commercial Transactions</i> – Information, that as a member of the general public you would be expected to provide to enable a legal commercial transaction. Such information includes personal credit card information, personal e-mail address,	Report this contact to your FSO.	Go to question 8.	Go to question 8.

241 provides for certain inhabitants of the Commonwealth of the Northern Mariana Islands, who became United States citizens by virtue of Article III of the Covenant, to opt for non-citizen national status.

⁵ Here "obligation" to a foreign national is referring to that which is beyond or in addition to the obligations that would be expected to be incurred as a result of residing in a foreign country (due to employment for instance) such as payment of rent, utilities, etc.

UNCLASSIFIED
SEAD 3 Reporting Exercise

<p>physical home address, personal phone number, etc. The nature of the commercial transaction should be one of general public availability as opposed to an opportunity that is unique to the covered individual or in which the covered individual has been (or suspects being) specifically targeted for participation, such as a speaking engagement or being a “contest winner.” Further, this category does not include established business relationships with a foreign national or contracted activity.</p> <p>ii. Personable Social Interactions – Information exchanged with a foreign national on the basis of being personable, not personal. (e.g. friendly conversations with fellow parents at your child’s soccer game.)</p> <p>iii. Professional Interactions – Information related to you that is exchanged on behalf of your employer to further a work-related matter. An example of a professional interaction is providing a business card to facilitate contact for work-related matters.)</p> <p>c. Contact with the foreign national is <i>re-occurring</i> or expected to re-occur due to the development of an acquaintanceship that extends beyond typical public interaction.</p>			
<p>9. Is this person a roommate <i>and</i> also a foreign national with whom you’ve co-occupied a residence with for more than 30 days?</p>	<p>Report this contact or relationship to your FSO.</p>	<p>See paragraph below.</p>	<p>Talk to your FSO for additional guidance.</p>

UNCLASSIFIED
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This is an exercise designed to help you methodically consider the criteria and guidance for identifying those contacts and relationships that must be reported to your FSO. This exercise was created using the content of the SEAD 3 and ISL 2021-02 documents but is not intended to supersede or be a substitute for these documents. If after having answered all 9 of the above questions in the exercise, it still is not clear as to whether you should report the contact or relationship, please contact your FSO for further guidance.