# (U) Intelligence Community Directive 712

## Technical Amendment

**A.** (U) **PURPOSE**

1. (U) Pursuant to Intelligence Community Directive (ICD) 101, Section G.1.b.(3), technical amendments are hereby made to ICD 712, *Requirements for Certain Employment Activities by Former Intelligence Community Employees*, signed 20 March 2023.

2. (U) This Directive conforms to the National Security Act, as amended, including with respect to IC elements' authority to approve, deny, renew, or revoke covered post-service waiver applicant requests; notification of final decisions; and congressional reporting requirements for post-service waiver requests.

**B.** (U) **EFFECTIVE DATE**: This technical amendment becomes effective on the date of signature.

Assistant Director of National Intelligence for
Policy, Strategy, and Accountability

December 18, 2025
Date

[redacted]

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# (U) Intelligence Community Directive 712
## *Requirements for Certain Employment Activities by Former Intelligence Community Employees*

**A.** (U) **AUTHORITY:** The National Security Act of 1947, as amended; 50 U.S.C. Sec. 3073a; Executive Order 12333, as amended; and other applicable provisions of law.

**B.** (U) **PURPOSE:** This Intelligence Community Directive (ICD) provides guidance on implementing the requirements in 50 U.S.C. Sec. 3073a regarding certain employment activities by former Intelligence Community (IC) employees. This ICD does not address other restrictions on foreign compensation that may apply, such as those pertaining to certain military personnel under the Emoluments Clause of the U.S. Constitution.

**C.** (U) **APPLICABILITY**

1. (U) This Directive applies to the IC, as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned, as an element of the IC.

2. (U) The terms "covered intelligence position," "covered post-service employment," "covered post-service position," "designated prohibited foreign country," "employee," "former employee," and "government of a foreign country" are defined in section F. of this policy.

**D.** (U) **POLICY**

1. (U) *Requirements*

a. (U) An employee of an element of the IC who occupies a covered intelligence position may not occupy a covered post-service position:

(1) (U) For a designated prohibited foreign country following the date on which the employee ceases to occupy the covered intelligence position ("permanent restriction"); or

(2) (U) During the 30-month period following the date on which the employee ceases to occupy the covered intelligence position ("temporary restriction").

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(3) (U) In determining whether a position should be a "covered intelligence position," IC element heads shall consider factors that include: whether the position requires a Top Secret clearance and sensitive compartmented information (SCI) access; whether the position requires access to compartments or sub-compartments of controlled access programs that have been established in accordance with Executive Order 13526; and the duration of access to SCI, compartments, or sub-compartments that is required by the position (for example, whether the duration is persistent or transitory, such as a one-time read-in).

b. (U) IC element heads shall inform the DNI of the positions they have determined to be covered intelligence positions, within 30 days of signature of this policy and subsequently upon any significant changes.

c. (U) On a case-by-case basis, an IC element head may waive a temporary or permanent restriction upon a determination that granting such a waiver will not harm the national security interests of the United States (U.S.).

(1) (U) Appendix 1 establishes classified guidance to aid such determinations.

d. (U) The Director, National Counterintelligence and Security Center (D/NCSC) is the Accountable Official for this policy.

2. (U) *Waiver Process*

a. (U) An employee requesting a waiver shall submit an application to the IC element of the covered intelligence position last occupied by the applicant.

b. (U) Waiver applications shall be submitted in a form and manner as the applicable head of the IC element determines appropriate.

c. (U) The head of the IC element shall coordinate with other IC elements as needed prior to making a final determination to deny or approve the waiver.

d. (U) IC elements shall notify an applicant if the requirements have not been met in their entirety.

e. (U) A waiver may be approved for a period not exceeding five (5) years. A waiver may be renewed upon request consistent with the procedures described in section D.2. The denial of a waiver may not be appealed.

f. (U) The IC element shall notify the applicant in writing of the decision.

g. (U) An IC element head may revoke a waiver effective on the date that is 60 days after the date on which the IC element head provides the employee or former employee written notice of such revocation.

h. (U) The 30-month restriction described in section D.1.a.(2) shall be tolled (i.e., paused) for an employee or former employee during the period beginning on the date on which a waiver is issued and ending on the date on which the waiver expires or on the effective date of a revocation. Therefore, the restriction would be 30 months, plus the number of months for which the employee was granted the waiver.

i. (U) If the head of an IC element determines that the services provided by a former employee who occupies a covered post-service position pose a current or future threat to U.S. national security interests or a counterintelligence risk; or include activities that violate federal law; infringe upon the privacy rights of U.S. persons; or constitute abuses of human rights, the IC element head shall notify the congressional intelligence committees of such determination by not later than seven (7) days after making such determination, in accordance with the requirements in 50 U.S.C. Sec. 3073a and IC Directive 112, *Congressional Notification*.

3. (U) *Reporting Requirements*

a. (U) Covered post-service employment reporting requirement:

(1) (U) Beginning on the date on which an employee ceases to occupy a covered intelligence position, an employee or former employee who has occupied such position and intends to commence covered post-service employment shall:

(a) (U) Obtain, if necessary, a waiver of the relevant restriction that satisfies the requirements of section D.2.;

(b) (U) Report covered post-service employment to the IC element of the covered intelligence position last occupied by the applicant upon accepting such covered post-service employment, whether during or after any period requiring a waiver; and

(c) (U) Annually (or more frequently if the head of such element considers it appropriate) report covered post-service employment to the head of such element.

b. (U) Congressional reporting requirements:

(1) (U) On a quarterly basis, IC element heads shall submit to congressional committees a written notification of each waiver or revocation, in accordance with the requirements in 50 U.S.C. Sec. 3073a.

(2) (U) Not later than 31 March of each year, the ODNI shall submit to the congressional intelligence committees a report on covered post-service employment occurring during the year covered by the report, in accordance with the requirements in 50 U.S.C. Sec. 3073a. This report shall include:

(a) (U) The number of former employees who occupy a covered post-service position, broken down by:

(i) (U) The name of the employer;

(ii) (U) The foreign government, including by the specific foreign individual, agency, or entity, for whom the covered post-service employment is being performed; and

(iii) (U) The nature of the services provided as part of the covered post-service employment.

(b) (U) A certification by the DNI that:

(i) (U) Each IC element maintains adequate systems and processes for ensuring that former employees are submitting required reporting in accordance with section D.3.;

(ii) (U) To the knowledge of the IC element heads, all former employees who occupy a covered post-service position are in compliance with section D.2.;

(iii) (U) The services provided by former employees who occupy a covered post-service position do not:

1. (U) Pose a current or future threat to the national security of the United States; or

2. (U) Pose a counterintelligence risk; and

(iv) (U) The DNI and IC element heads are not aware of any credible information or reporting that any former employee who occupies a covered post-service position has engaged in activities that violate Federal law, infringe upon the privacy rights of U.S. persons, or constitute abuses of human rights.

4. (U) *Notification and Training*

a. (U) IC element heads shall establish internal policies to implement 50 U.S.C. Sec. 3073a and this policy, including requiring that each employee who is about to occupy a covered intelligence position be notified of the requirements of 50 U.S.C. Sec. 3073a and this policy; requiring, as a condition of employment, that each employee occupying a covered intelligence position sign a written agreement requiring the regular reporting of covered post service employment; and establishing a period of not fewer than 30 days and not more than 60 days after receipt of the required written notice within which personnel may opt out of a covered intelligence position and the accompanying post-employment restrictions imposed by 50 U.S.C. Sec. 3073a.

b. (U) IC element heads shall provide training regularly on the reporting requirements, including the penalties established in 50 U.S.C. Sec. 3073a for violations, to

employees who occupy covered intelligence positions. IC element heads may also provide training on the reporting requirements and related penalties to employees not currently serving in covered positions if doing so is deemed to be necessary for or to contribute to the IC element's compliance with these statutory requirements.

c. (U) IC element heads shall provide written notice of the restrictions and reporting requirements, including the penalties for violations, to an employee when the employee ceases to occupy a covered intelligence position or ceases to be employed by the IC element, or may become subject to such restrictions and reporting requirements.

5. (U) *Advisory Opinions*

a. (U) Upon request from an employee or former employee who currently or previously occupied a covered intelligence position, the applicable IC element head may provide a written advisory opinion from an IC element head regarding whether a proposed employment, representation, or provision of advice or services constitutes covered post-service employment.

**E.** (U) **ROLES AND RESPONSIBILITIES**

1. (U) The D/NCSC shall:

a. (U) Serve as the Accountable Official for this Directive; and

b. (U) Support the DNI in fulfilling the annual reporting requirements in 50 U.S.C. Sec. 3073a.

2. (U) The heads of IC elements shall:

a. (U) Consistent with this ICD, determine which positions in their elements are covered intelligence positions and periodically review and update the designation of positions;

b. (U) Inform the DNI of the positions they have determined to be covered intelligence positions, within 30 days of signature of this policy and subsequently upon any significant changes;

c. (U) Make readily available on both their classified and public-facing websites this policy, information about the requirements in 50 U.S.C. Sec. 3073a with links to the text of that statute and guidance on the submission of waiver applications;

d. (U) Review waiver applications and coordinate with other IC elements as needed. The IC element shall notify the applicant if the requirements have not been met and the application will not be considered;

e. (U) Approve, deny, renew, or revoke waiver requests and notify each applicant of the final decision on the waiver application;

f. (U) Process, store, and handle all waiver information in accordance with applicable privacy laws and IC Policy;

g. (U) Support the submission of annual reports in accordance with 50 U.S.C. Sec. 3073a and submit congressional notifications as necessary;

h. (U) Establish internal policies implementing this policy;

i. (U) Provide training regularly to employees occupying a covered intelligence position on the reporting requirements and penalties for violations;

j. (U) Provide written notice of the restrictions and reporting requirements of this ICD to an employee when the employee ceases to occupy a covered intelligence position or ceases employment with the IC element, or may become subject to such restrictions and reporting requirements, and obtain written acknowledgement from the employee prior to leaving the covered intelligence position or IC element; and

k. (U) Provide written advisory opinions, as requested.

**F.** (U) **DEFINITIONS**

1. (U) Covered intelligence position: 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 policy.

2. (U) Covered post-service employment: 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, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country if such employment, representation, or provision of advice or services relates to national security, intelligence, the military, or internal security.

3. (U) Covered post-service position: A position of employment described in section F.2.

4. (U) Designated prohibited foreign country: 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.

5. (U) Employee: The term "employee," with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the Intelligence Community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element.

6. (U) Former employee: An individual who was an employee occupying a covered intelligence position; and who is subject to the requirements under section D.

7. (U) Government of a foreign country: The term "government of a foreign country" has the meaning given the term in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. Sec. 611(e)).

**G.** (U) **EFFECTIVE DATE:** This Directive becomes effective on the date of signature.

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| //SIGNED// Avril D. Haines | 20 March 2023 |
| Director of National Intelligence | Date |