

ARMY REGULATION

AR 604-5

Includes ^{DoD} 5000.2-7

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PERSONNEL SECURITY CLEARANCE

**DEPARTMENT OF THE ARMY
PERSONNEL SECURITY PROGRAM
REGULATION**

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**HEADQUARTERS, DEPARTMENT OF THE ARMY
FEBRUARY 1984**

1 February 1984

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(3) Employees of the Army National Guard, Army-Air Force Exchange Service, and the American Red Cross and/or United Service Organizations (USO) where Army personnel security clear-

ances are required.

1-202 Impact on New Manning System

This regulation does not contain information that affects the New Manning System.

Section 3 DEFINITIONS

1-300 Access

The ability and opportunity to obtain knowledge of classified information. An individual, in fact, may have access to classified information by being in a place where such information is kept, if the security measures that are in force do not prevent him from gaining knowledge of such information.

1-301 Adverse Action

Any action taken with respect to an individual who has been investigated under the provisions of this Regulation that result in:

a. Denial or revocation of clearance for access to classified information.

b. Denial or revocation of a Special Access Authorization (including access to Sensitive Compartmented Information (SCI)).

c. Nonappointment or nonselection for a sensitive position when such action is based on the criteria set forth in paragraph 2-200 of this Regulation.

d. Reassignment to a position of lesser sensitivity or to a nonsensitive position when such reassignment is based on the criteria of paragraph 2-200 of this Regulation.

e. Termination of employment when such termination is based on the criteria of paragraph 2-200 of this Regulation.

f. Nonacceptance for, or discharge from, the Armed Forces when such action is based on criteria a through f. of paragraph 2-200 of this Regulation.

1-302 Alien

Any person not a citizen or national of the United States.

1-302.1 Applicant

A person not currently employed by DA or a member of the Armed Forces.

1-303 Background Investigation (BI)

A personnel security investigation consisting of both records reviews and interviews with sources of information as prescribed in paragraph 2, Appendix B, this Regulation, covering the most recent 5 years of an individual's life or since the 18th birthday, whichever is shorter, provided that at least the last 2 years are covered and that no investigation will be conducted prior to an individual's 16th birthday.

1-303.1 Break in Federal Service

A person (military member or civilian employee) is considered to have a break in Federal Service if the person has not been affiliated with the

US Government for more than 12 months. A break in service of more than 12 months will require a new or updated personnel security investigation. The reinvestigation requirement does not apply to summer hires, part-time, or seasonal employees who return to work each year even though a break of over 12 months may technically occur. If the employee misses a year, than reinvestigation is required.

1-304 Classified Information

Official Information or material that requires protection in the interests of national security and that is classified for such purpose by appropriate classifying authority in accordance with the provisions of Executive Order 12356 (reference (h)).

1-304.1 Denial of Security Clearance

The refusal to grant a security clearance, or the refusal to grant a higher degree of clearance to a person who possesses a clearance of a lower degree.

1-304.2 Derogatory Information

Information of such nature as to constitute a possible basis for taking an adverse action.

a. Adverse loyalty information—see paragraph 2-200a through f and m.

b. Adverse suitability information—see paragraph 2-200 h through p.

1-304.3 Employee

A civilian employed by DA. The term employee is also used to denote any salaried person serving with, or employed by, the American National Red Cross or USO who is subject to assignment for overseas duty with the Armed Forces.

1-305 Entrance National Agency Check (ENTNAC)

A personnel security investigation scoped and conducted in the same manner as a National Agency Check except that a technical fingerprint search of the files of the Federal Bureau of Investigation is not conducted.

1-306 Head of DoD Component

The Secretary of Defense; the Secretaries of the Military Departments; the Chairman, Joint Chiefs of Staff; and the Directors of Defense Agencies.

1-307 Immigrant Alien

Any alien lawfully admitted into the United States under an immigration visa for permanent residence.

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1-308 Interim Security Clearance

A security clearance based on the completion of minimum investigative requirements, which is granted on a temporary basis, pending the completion of the full investigative requirements.

1-308.1 Limited Access Authorization (LAA)

The formal authority granted to non-US citizens to have access to specifically prescribed and limited US classified defense information and/or material.

1-308.2 Major Army Command (MACOM)

A command directly subordinate to, established by authority of, and specifically designated by HQDA. Army component commands of unified and specified commands are major Army commands.

1-309 Minor Derogatory Information

Information that, by itself, is not of sufficient importance or magnitude to justify an adverse action in a personnel security determination.

1-310 National Agency Check (NAC)

A personnel security investigation consisting of a records review of certain national agencies as prescribed in paragraph 1, Appendix B, this Regulation, including a technical fingerprint search of the files of the Federal Bureau of Investigation (FBI).

1-311 National Agency Check and Inquiry (NACI)

A personnel security investigation conducted by the Office of Personnel Management, combining a NAC and written inquiries to law enforcement agencies, former employers and supervisors, references and schools.

1-311.1 National of the United States

A citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States. The provisions of this regulation are equally applicable to US citizens and nationals of the United States.

1-312 National Security

National security means the national defense and foreign relations of the United States.

1-313 Need-to-know

A determination made by a possessor of classified information that a prospective recipient, in the interest of national security, has a requirement for access to, or knowledge, or possession of the classified information in order to perform tasks or services essential to the fulfillment of an official United States Government program. Knowledge or possession of, or access to, classified information shall not be afforded to any individual solely by virtue of the individual's office, position, or security clearance.

1-314 Personnel Security Investigation (PSI)

Any investigation required for the purpose of de-

termining the eligibility of DoD military and civilian personnel, contractor employees, consultants, and other persons affiliated with the Department of Defense, for access to classified information, acceptance or retention in the Armed Forces, assignment or retention in sensitive duties, or other designated duties requiring such investigation. PSIs include investigations of affiliations with subversive organizations, suitability information, or hostage situations (see para 2-403) conducted for the purpose of making personnel security determinations. They also include investigations of allegations that arise subsequent to adjudicative action and require resolution to determine an individual's current eligibility for access to classified information or assignment or retention in a sensitive position.

1-314.1 Polygraph examination

A polygraph examination is a voluntary examination of a person by qualified examiners using polygraph equipment approved by DA. AR 195-6 (ref(n)) applies.

1-314.2 Qualification of DD Form 398

A "yes" answer to any question in item 17 of the form or any entry of national security significance in items 16, 18, 19 or the remarks section, DD Form 398, March 1964 edition.

1-314.3 Refusal to Complete DD Form 398 in its Entirety

A refusal to complete any part of items 16, 17, 18, 19 or any claim that the information requested in these items is privileged under the US Constitution or Article 31, Uniform Code of Military Justice.

1-314.4 Revocation of Security Clearance

The cancellation of a person's eligibility for access to classified information.

1-315 Scope

The time period to be covered and the sources of information to be contacted during the prescribed course of a PSI.

1-316 Security Clearance

A determination that a person is eligible under the standards of this regulation for access to classified information.

1-317 Senior Intelligence Officer

The Senior Intelligence Officers are: the Director, National Security Agency/Central Security Service; Director, Defense Intelligence Agency; Assistant Chief of Staff for Intelligence, U.S. Army; Assistant Chief of Staff for Intelligence, U.S. Air Force; and the Director of Naval Intelligence, U.S. Navy.

1-317.1 Sensitive Compartmented Information (SCI)

All information and material that requires special controls for restricted handling within compartmented intelligence systems and for which compartmentation is established.

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1-318 Sensitive Position

Any position so designated within the Department of Defense, the occupant of which could bring about, by virtue of the nature of the position, a materially adverse effect on the national security. All civilian positions are either critical-sensitive, noncritical-sensitive, or non-sensitive as described in paragraph 3-101.

1-319 Significant Derogatory Information

Information that could, in itself, justify an adverse personnel security determination, or prompt an adjudicator to seek additional investigation or clarification.

1-320 Special Access Program

Any program imposing "need-to-know" or access controls beyond those normally provided for access to Confidential, Secret, or Top Secret information. Such a program includes, but is not limited to, special clearance, adjudication, investigative requirements, material dissemination restrictions, or special lists of persons determined to have a need-to-know.

1-321 Special Background Investigation (SBI)

A personnel security investigation consisting of all of the components of a BI plus certain additional investigative requirements as prescribed in paragraph 3, Appendix B, this Regulation. The period of investigation for an SBI is the last 15 years or since the 18th

birthday, whichever is shorter, provided that the last 2 full years are covered and that no investigation will be conducted prior to an individual's 16th birthday.

1-322 Special Investigative Inquiry

A supplemental personnel security investigation of limited scope conducted to update or assure completeness of a prior investigation or to prove or disprove relevant allegations that have arisen concerning a person upon whom a personnel security determination has been previously made and who, at the time of the allegation, holds a security clearance or otherwise occupies a position that requires a personnel security determination under the provisions of this Regulation. This also includes investigations for reconsideration of persons who were previously denied clearance or access.

1-322.1 Specific Geographical Area

The assignment location of a person determined by the Commanding General, US Army Military Personnel Center (MILPERCEN) together with the Assistant Chief of Staff for Intelligence.

1-322.2 Suspension of Access

The temporary withdrawal of a person's eligibility for access to classified information when information becomes known which casts doubt as to whether continued access is consistent with the best interests of the national security.

Section 4**RESPONSIBILITIES****1-400 Responsibilities**

a. the Deputy Assistant Secretary (DA Review Boards and Personnel Security) will insure the implementation of DoD Directive 5200.2 and DoD 5200.2-R.

b. The Assistant Chief of Staff for Intelligence (ACSI) will establish policy, control and exercise staff supervision of the Army personnel security program.

c. The Judge Advocate General (TJAG) will prepare allegations in cases which the ACSI recommends a person be rejected or discharged under provisions of this regulation.

d. The Commander, US Army Central Personnel Security Clearance Facility (CCF) is responsi-

ble for the adjudication, granting, revocation and denial of personnel security clearances and SCI access eligibility determinations.

e. Local commanders will:

(1) Initiate requests for personnel security investigations.

(2) Suspend the access to classified information.

(3) Request security clearances.

(4) Grant interim security clearances.

(5) Report adverse information.

(6) Assist personnel in completing applicable forms.

These functions are usually performed by the G2, S2, or Security Manager.

Section 5**EXCEPTIONS AND WAIVERS****1-500 Exceptions and Waivers**

Authority to grant exceptions or waivers under this regulation or to submit requests for waivers or exceptions to DoD, is retained by HQDA

(DAMI-CIS). Requests for exceptions or waivers will be submitted through command channels to HQDA (DAMI-CIS), WASH DC 20310.

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CHAPTER II POLICIES

Section 1

STANDARDS FOR ACCESS TO CLASSIFIED INFORMATION OR ASSIGNMENT TO SENSITIVE DUTIES

2-100 General

a. Only United States citizens shall be assigned to sensitive duties or granted access to classified information unless an authority designated in Appendix F has determined that, based on all available information, it is in the national interest, considering special expertise, to assign an individual who is not a citizen to sensitive duties or grant access to classified information. Non-U.S. citizens may be employed in the competitive service in sensitive civilian positions only when specifically approved by the Office of Personnel Management (reference(i)). Only in rare circumstances shall a non-U.S. citizen be granted access to classified information. Non-U.S. citizens issued clearances or assigned to sensitive duties prior to the issuance of this Regulation may continue in that status in accordance with this Regulation.

b. No person is entitled to knowledge of, possession of, or access to classified defense information solely by virtue of the person's office, position, grade, or security clearance. Such information will be entrusted only to those persons whose official military or other governmental duties require this knowledge or possession and who have

been investigated and cleared for access under the minimum standards prescribed by this regulation. Security clearances indicate that the persons concerned are eligible for access to classified information should their official duties require it.

2-101 Clearance and Sensitive Position Standard

The personnel security standard that must be applied to determine whether a person is eligible for access to classified information or assignment to sensitive duties is whether, based on all available information, the person's loyalty, reliability, and trustworthiness are such that entrusting the person with classified information or assigning the person to sensitive duties is clearly consistent with the interests of national security.

2-102 Military Service Standard

The personnel security standard that must be applied in determining whether a person is suitable under national security criteria for appointment, enlistment, induction, or retention in the Armed Forces is that, based on all available information, there is no reasonable basis for doubting the person's loyalty to the Government of the United States.

Section 2

CRITERIA FOR APPLICATION OF SECURITY STANDARDS

2-200 Criteria for Application of Security Standards

The ultimate decision in applying either of the standards set forth in paragraph 2-101 and 2-102 above must be an overall commonsense determination based on all available facts. Failure to satisfy these standards shall be based upon, but not necessarily limited to, the following criteria:

a. Commission of any act of sabotage, espionage, treason, terrorism, sedition, or attempts thereat or preparation therefor, or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, terrorism, or sedition.

b. Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation whose interests are inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government

of the United States by unconstitutional means.

c. Advocacy of use of force or violence to overthrow the Government of the United States or of the alteration of the form of Government of the United States by unconstitutional means.

d. Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons that unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or subdivision thereof by unlawful means.

e. Performing or attempting to perform official duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

f. Close continuing association with persons or organizations whose activities are of the type described in a. through e. above.

g. Conduct of the nature described in Appendix E in prior military service or civilian employment.

h. Excessive indebtedness.

i. Criminal or dishonest conduct.

j. Deliberate false statement, deception or fraud in applying for enlistment or appointment or in providing information in connection with a security clearance or assignment to a sensitive position.

k. Habitual or episodic use of intoxicating beverages to excess. x

l. Abuse of, or addiction to, narcotics, drugs, or other controlled substances.

m. Any facts, circumstances, or conduct that furnishes reasons to believe that the person concerned may be subject to coercion, influence, or pressure that could cause him to act contrary to the national security. Such facts or circumstances may include the pressure of an immediate family member, friend, or associate residing in a nation whose interests may be inimical to the interests of the United States or in satellites or occupied areas of such a nation. Immediate family includes parents, brothers, sisters, children, and spouse.

n. Any facts, circumstances, or conduct that indicates poor judgment, unreliability, or untrustworthiness thereby suggesting that the person concerned might fail to safeguard classified information, deliberately or inadvertently, or may not be suitable for assignment to sensitive duties.

o. Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the person concerned, with due regard to the transient or continuing effect of the illness and medical findings in such case.

p. Wanton or reckless disregard of public law, statutes, Executive orders, or willful disregard of security regulations.

q. Refusal or intentional failure to provide material facts in a personal history statement or security form or otherwise intentionally failing or refusing in the course of an investigation, interrogation or hearing, to answer or to authorize others to answer, any material questions regarding the matters set forth in a. through p. of this paragraph.

Section 3

TYPES AND SCOPE OF PERSONNEL SECURITY INVESTIGATIONS

2-300 General

The types of personnel security investigations authorized below vary in scope of investigative effort required to meet the purpose of the particular investigation. No other types are authorized. The scope of a PSI may be neither raised nor lowered without the approval of the Deputy Under Secretary of Defense for Policy Review.

2-301 National Agency Check

Essentially, a NAC is a record check of designated agencies of the Federal Government that maintain record systems containing information relevant to making a personnel security determination. An ENTNAC is a NAC (scope as set forth in Appendix B) conducted on inductees and first-term enlistees. A NAC is also an integral part of each BI, SBI, and Periodic Reinvestigation (PR). The Office of Personnel Management (OPM), formerly the Civil Service Commission (CSC), conducts NACs and written inquiries (NACIs) for all departments and agencies of the Federal Government, pursuant to Executive Order 10450 (reference (e)). NACs or NACIs conducted by the OPM meet the NAC investigative requirements of this Regulation. Chapter III prescribes when a NAC is required.

2-302 Background Investigation

A BI includes a NAC and consists of local record checks as well as interviews with potentially knowledgeable personal sources. It will normally cover the 5 year period immediately preceding the investigation;

however, certain of the record checks may provide information considerably beyond the 5-year period when the record examined is itself older than 5 years. Chapter III prescribes when a BI is required.

2-303 Special Background Investigation

a. Any SBI is essentially a BI providing additional coverage both in period of time as well as sources of information, scoped in accordance with the provisions of DCID 1/14 (reference (j)). While the kind of coverage an SBI provides is the investigative requirement of DCID 1/14 for determining eligibility for access to SCI, DoD has adopted this coverage for certain other Special Access programs. Chapter III prescribes when an SBI is required.

b. The OPM, FBI, Central Intelligence Agency (CIA), Secret Service, and the Department of State conduct specially scoped BIs under the provisions of DCID 1/14. Any investigation conducted by one of the above-cited agencies under DCID 1/14 standards is considered to meet the SBI investigative requirements of this Regulation.

c. The detailed scope of an SBI is set forth in Appendix B.

2-304 Special Investigative Inquiry

a. A Special Investigative Inquiry is a personnel security investigation conducted for either of the following purposes:

(1) To supplement a BI, SBI, or PR that has been closed out to the requester but subsequently

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the appropriate military department or civilian criminal investigative agency. Military department investigative agencies have primary investigative jurisdiction in cases where there is probable cause to believe that the alleged conduct will be the basis for prosecution under the Uniform Code of Military Justice. Such information will be referred to the installation or unit Provost Marshal and/or Security Manager or the US Army Criminal Investigation Command for action.

2-403 Hostage Situations

a. General. A hostage situation exists when a member of an individual's immediate family or such other person to whom the individual is bound by obligation or affection resides in a nation whose interests are inimical to the interest of the United States. The rationale underlying this category of investigation is based on the possibility that an individual in such a situation might be coerced, influenced, or pressured to act contrary to the best interests of national security.

b. DIS Jurisdiction. In the absence of evidence of any coercion, influence or pressure, hostage investigations are exclusively a personnel security matter, rather than counterintelligence, and all such investigations shall be conducted by DIS.

c. Military Department and/or FBI Jurisdiction. Should indications be developed that hostile intelligence is taking any action specifically directed against the individual concerned—or should there exist any

other evidence that the individual is actually being coerced, influenced, or pressured by an element inimical to the interests of national security—then the case becomes a counterintelligence matter (outside of investigative jurisdiction of DIS) to be referred to the appropriate military department or the FBI for investigation.

2-204 Overseas Personnel Security Investigations.

Personnel security investigations requiring investigation overseas shall be conducted under the direction and control of DIS by the appropriate military department investigative organization (AR 381-20, ref (ww) applies). Only postadjudication investigations involving an overseas subject, to include LAA cases, may be referred by the requestor directly to the military department investigative organization having investigative responsibility in the overseas area concerned (see Appendix C) and a copy of the investigative request will be sent to DIS. In such cases, the military department investigative agency will complete the investigation, forward the completed report of investigation directly to DIS, and send a copy of the completed report of investigation to the requester. In the case of Army and Air Force requesters, the copy will be sent to the U.S. Army Central Personnel Security Clearance Facility, Ft. George Meade, Maryland, and the Personnel Security Division, Headquarters, USAF, respectively. Copies of completed investigations for LAAs will not be sent to CCF.

Section 5

LIMITATIONS AND RESTRICTIONS

2-500 Requester and Personnel Security Determination Authority.

Personnel security investigations may be requested and personnel security clearances (including Special Access authorizations as indicated) may be issued only by those authorities designated in paragraph 5-101 and Appendix F.

2-501 Limit Investigations and Access

The number of persons cleared for access to classified information shall be kept to a minimum, consistent with the requirements of operations. Special attention shall be given to eliminating unnecessary requests for personnel security investigations.

2-502 Collection of Investigative Data

To the greatest extent practicable, personal information relevant to security determination shall be obtained directly from the subject of a personnel security investigation. Such additional information required to make the necessary personnel security determination shall be obtained as appropriate from knowledgeable personal sources, particularly the subject's peers, and through checks of relevant records including school,

employment, credit, medical, and law enforcement records.

2-503 Privacy Act Notification.

Whenever personal information is solicited from an individual for the purpose of initiating a personnel security investigation, the individual must be informed of (1) the authority (statute or Executive order that authorized solicitation); (2) the principal purpose or purposes for which the information is to be used; (3) the routine uses to be made of the information; (4) Whether furnishing such information is mandatory or voluntary; and (5) the effects on the individual, if any, of not providing the information. All DoD personnel security forms that are intended to be completed by the subjects of investigation will include this five-point notification within the body of the form or a separate notification shall accompany the investigative form when it is given to the individual for completion. DoD activities that furnish investigative forms directly to individuals for completion must ensure that the individuals are provided this five-point notification by one of the two methods indicated above or (when supplemental personal data is orally solicited) that the no-

Notice is given orally to the subject of investigation.

2-504 Restrictions on Investigators

Investigation shall be carried out insofar as possible to collect only as much information as is relevant and necessary for a proper personnel security determination. Questions concerning personal and domestic affairs, national origin, financial matters, and the status of physical health thus should be avoided unless the question is relevant to the criteria of paragraph 2-200 of this Regulation. Similarly, the probing of a person's thoughts or beliefs and questions about conduct that have no personnel security implications are unwarranted. When conducting investigations under the provisions of this Regulation, investigators shall:

a. Investigate only cases or persons assigned within their official duties.

b. Interview sources only where the interview can take place in reasonably private surroundings.

c. Always present credentials and inform sources of the reasons for the investigation. Inform sources of the subject's accessibility to the information to be provided and to the identity of the sources providing the information. Restrictions on investigators relating to Privacy Act advisements to subjects of personnel security investigations are outlined in paragraph 2-503.

d. Furnish only necessary identity data to a source, and refrain from asking questions in such a manner as to indicate that the investigator is in possession of derogatory information concerning the subject of the investigation.

e. Refrain from using, under any circumstances, covert or surreptitious investigative methods, devices, or techniques including mail covers, physical or photographic surveillance, voice analyzers, inspection of trash, paid informants, wiretap, or eavesdropping devices.

f. Refrain from accepting any case in which the investigator knows of circumstances that might adversely affect his fairness, impartiality, or objectivity.

g. Refrain, under any circumstances, from conducting physical searches of the subject or his property.

h. Refrain from using a polygraph in any investigation conducted under this Regulation, except as provided for in DoD Directive 5210.48 (AR 195-6) (ref(n)).

i. Refrain from attempting to evaluate material contained in medical files. Medical files shall be evaluated for personnel security program purposes only by

such personnel as are designated by DoD authorities. However, review and collection record information may be accomplished by authorized investigative personnel.

2-505 Polygraph Restrictions

The polygraph shall not be used as a security screening measure except in those instances authorized by the Secretary of Defense Directive 5210.48 (AR 195-6) (reference (n)).

2-506 Screening Out Minor Unfavorable Information

a. During the course of a personnel security investigation, some unfavorable personal information of a minor nature may be collected that has little relevance in making a personnel security determination. The forwarding of such reports of investigation is not only to use adjudicative time and divert attention from more important cases. In addition, unnecessary dissemination of such trivial data may be unnecessarily intrusive of personal privacy. Accordingly, only those reports of investigation that are necessary to screen all personnel security reports of investigation using a logic table of minor derogatory data contained in Appendix E, for the purpose of nominating unfavorable personal information of a minor nature.

b. The Director, DIS, will establish and promulgate procedures to insure that only adverse/derogatory information falling within the scope of Appendix E will be forwarded to requesters. Reports of investigation that pertain to persons for whom there is either no adverse information or only minor unfavorable information will be retained in the file and reported to the requesters by annotating the request form (DD 1879, DD 1584, or letter of transmittal) with a statement indicating (1) type of investigation, (2) the date investigation was completed, (3) that no significant information was developed, and (4) an enumeration of sources contacted (i.e., identity of agencies checked, extent of local agencies checked, residences, education, credit, medical references checked). Components whose reports are specifically excluded from the foregoing policy shall be reviewed by the Secretary of Defense or the Deputy Under Secretary of Defense for Policy Review will receive all reports of investigation. The procedures of this section do not apply to investigations of personnel nominated for Special Access programs except Navy personnel for whom access to SCI.

CHAPTER III PERSONNEL SECURITY INVESTIGATIVE REQUIREMENTS

Section 1 SENSITIVE POSITIONS

3-100 Designation of Sensitive Positions

Certain civilian positions within the Department of Defense entail duties of such a sensitive nature, including access to classified information, that the misconduct, malfeasance, or nonfeasance of an incumbent in any such position could result in an unacceptably adverse impact upon the national security. These positions are referred to in this Regulation as sensitive positions. It is vital to the national security that great care be exercised in the selection of individuals to fill such positions. Similarly, it is important that only positions which truly meet the criteria set forth in paragraph 3-101 be designated as sensitive. A sensitive position will not be downgraded or reclassified as nonsensitive solely to aid the recruitment of personnel.

3-101 Criteria for Security Designation of Positions

Each civilian position within the Department of Defense shall be categorized, with respect to security sensitivity, as either nonsensitive, noncritical-sensitive, or critical-sensitive.

a. The criteria to be applied in designating a position as sensitive are:

(1) Critical-sensitive

- (a) Access to Top Secret Information.
- (b) Development or approval of plans, policies, or programs that effect the overall operations of the Department of Defense or of a DoD Component.
- (c) Development or approval of war plans, plans or particulars of future major or special operations of war, or critical and extremely important items of war.
- (d) Investigative and certain investigative support duties, the issuance of personnel security clearances or access authorizations, or the making of personnel security determinations.

(e) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

(f) Duties falling under Special Access programs.

g. Category I automated data program positions.

(h) Any other position so designated by the head of the Component or designee.

(2) Noncritical-sensitive

(a) Access to Secret or Confidential information.

(b) Security police/provost marshal-type duties involving the enforcement of law and security duties involving the protection and safeguarding of DoD personnel and property.

(c) Category II automated data program positions.

(d) Duties involving education and orientation of DoD personnel.

(e) Duties involving the design, operation, or maintenance of intrusion detection systems deployed to safeguard DoD personnel and property.

(f) Any other position so designated by the head of the Component or designee.

b. All other positions shall be designated as nonsensitive.

3-102 Authority to Designate Sensitive Positions

The authority to designate sensitive positions is limited to those authorities designated in Appendix F, paragraph G. These authorities shall designate each position within their jurisdiction as to its security sensitivity and maintain these designations current vis-a-vis the specific duties of each position.

3-103 Limitation of Sensitive Positions

It is the responsibility of those authorities authorized to designate sensitive positions to insure that (1) only those positions are designated as sensitive that meet the criteria of paragraph 3-101 above and (2) that the designation of sensitive positions is held to a minimum consistent with mission requirements. Designating authorities shall maintain an annual accounting of the number of sensitive positions by category and specific designation criteria.

Section 2 CIVILIAN EMPLOYMENT

3-200 General

The appointment of each civilian employee in any DoD Component is subject to investigation, except for reappointment when the break in employment is less than 12 months. The type of investigation required is set forth in this section according to position sensitivity.

3-201 Nonsensitive Positions

A NACI shall be requested no more than 3 work days after appointment to nonsensitive positions.

3-201.1 Exceptions to Investigative Requirements

The following exceptions have been granted DA by the Office of Personnel Management (OPM):

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a. When a person, either a US citizen or an alien (who will work within the US and its territories or possessions), is to be assigned to a nonsensitive position on a temporary basis not to exceed 6 months, a NACI is not automatically required. The person will be subject to this investigation as is consistent with the circumstances and duties involved as determined by the commander or head of the activity. In no case will this investigation be less than the preemployment inquiries prescribed by CPR 296-31, appendix B, S731-3. Commanders will assure maximum and proper use of this exception.

b. A non-US citizen to be assigned to a nonsensitive position outside the US and its territories and possessions will be subject to so much of the investigation outlined below as it is feasible to conduct.

(1) A check of the national investigative agencies of the foreign government.

(2) A check of appropriate local law enforcement agencies at the place or places where the person has resided for the past 5 years.

(3) A check of the appropriate US military intelligence files.

c. The requirement for the "written inquiries" portion of the NACI in connection with summer hire personnel being considered for assignment to sensitive positions has been waived. A NACI will be required if a summer hire employee subsequently receives appointment as a permanent civilian employee.

d. A NACI will not be requested for a military or civilian family member employee hired under 5 CFR 213.3106 (b)(6). Commanders will assure that this employment will not be adverse to US interests.

3-202 Noncritical-sensitive Positions

A NACI shall be requested and the NAC portion

favorably completed prior to appointment to noncritical-sensitive positions (for exceptions see paragraph 3-204).

3-203 Critical-sensitive Positions

A BI shall be completed favorably prior to appointment to critical-sensitive positions (for exceptions see paragraph 3-204). Certain critical-sensitive positions require a preappointment SBI in accordance with section 5 of this chapter. Preappointment BIs and SBIs will be conducted by DIS.

3-204 Exceptions

a. Noncritical-sensitive. In an emergency, a noncritical-sensitive position may be occupied pending the completion of the NAC portion of the NACI if the head of the requesting organization finds that the delay in appointment would be harmful to the national security and such finding shall be reduced to writing and made part of the civilian personnel record. In such instances, the position may be filled only after the NACI has been requested.

b. Critical-sensitive. In an emergency, a critical-sensitive position may be occupied pending completion of the BI (or SBI, as appropriate) if the head of the requesting organization finds that the delay in appointment would be harmful to the national security and such finding shall be reduced to writing and made a part of the civilian personnel record. In such instances, the position may be filled only when the NAC portion of the BI (or SBI) has been completed and favorably adjudicated.

c. For use with the exceptions a and b above, a delay in appointment may be considered harmful to national security if—

(1) Regulatory requirements, mission essential functions, or responsibilities cannot be met.

(2) No other personnel are available, on a temporary basis, to complete these requirements.

Section 3

MILITARY APPOINTMENT, ENLISTMENT, AND INDUCTION

3-300 General

The appointment, enlistment, and induction of each member of the Armed Forces or their Reserve Components shall be made subject to investigation. The types of investigation required are set forth in this section.

3-301 Entrance Investigation

An ENTNAC shall be conducted on each enlisted member of the Armed Forces at the time of initial entry into the service as well as reentry when there is a break of service greater than 12 months, and a full NAC shall be conducted on each commissioned officer, except as permitted by paragraph 3-303 of this section.

tion, warrant officer, cadet, midshipman, and Reserve Officers Training Candidate, at the time of appointment. A full NAC shall be conducted upon reentry of any of the above when there has been a break in service greater than 12 months. A precommission NAC for an ROTC student is acceptable for appointment and clearance purposes even if the investigation is over 12 months old at time of appointment. The student must not have had a break of more than 12 months in the academic progression from the date of investigation to time of appointment. If there is a break of more than 12 months in the academic progression between the

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investigation and appointment, a new NAC is required. If an officer or warrant officer candidate has been the subject of a favorable NAC or ENTNAC and there has not been a break in service of more than 12 months, a new NAC is not authorized.

3-302 Reserve Components and National Guard

Reserve Component and National Guard personnel not on active duty are subject to the investigative requirements of this chapter.

3-303 Exceptions for Certain Commissioned Officers of Reserve Components

The requirements for entrance investigation shall

be rigidly adhered to except as follows. Health professionals, chaplains, and attorneys may be commissioned in the Reserve Components prior to completion of a NAC provided that:

a. A NAC is initiated at the time and application for a commission is received; and

b. The applying health professional, chaplain, or attorney agrees in writing that, if the results of the investigation are unfavorable, he or she will be subject to discharge if found to be ineligible to hold a commission. Under this exception, commissions in Reserve Components other than the National Guard may be tendered to immigrant alien health professionals, chaplains, and attorneys.

Section 4

SECURITY CLEARANCE

3-400 General

Military personnel, DoD civilian personnel, and persons who are employed by or serving in a consultant capacity to the DoD, may be considered for access to classified information when such access is required in connection with official duties. Such individuals may be granted either a final or interim personnel security clearance provided the investigative requirements set forth below are complied with, and provided further that all information has been adjudicated and a finding made that such clearance would be clearly consistent with the interests of national security.

3-401 Investigative Requirements for Clearance (US citizens).

a. Top Secret

(1) Requirement for final clearance

(a) Civilian employee and consultants: BI.

(b) Military: BI. (Top Secret clearances granted before the date of the original issuance of this regulation based on a NAC plus 10 years continuous, active, honorable service will not require initiation of a BI.)¹

(2) Requirement for interim clearance

(a) Civilian employees and consultants: NAC provided that a BI has been requested (see paragraphs 3-800 and 3-204).¹

(b) Military: NAC/ENTNAC provided that a BI has been required (see paragraph 3-800).¹

b. Secret

(1) Requirements for final clearance

(a) Civilian employees and consultants: NACI

conducted by OPM or an advance NAC conducted by DIS in connection with a BI or SBI; except for summer hires who may be granted final clearance on the basis of a favorably completed NAC conducted by DIS.

(b) Military: NAC or ENTNAC.¹

(2) Requirements for interim clearance²

(a) Civilian employees and consultants: NACI has been initiated and an authority designated in appendix F finds that a delay in such appointment and issuance of clearance would be harmful to the national security and makes a record of such finding (see paragraph 3-800 and 3-204).¹

(b) Military: A check of the Defense Central Index of Investigations (DCII).¹

c. Confidential

(1) Requirements for final clearance

(a) Civilian employees and consultants: NACI conducted by OPM; or an Advance NAC conducted by DIS in connection with a BI or SBI; except for summer hires who may be granted final clearance on the basis of a favorably completed NAC conducted by DIS.

(b) Military: NAC or ENTNAC.

(2) Requirements for interim clearance

(a) Civilian employees and consultants:

1 NAC portion of a NACI.

2 NACI has been initiated and an authority designated in appendix F finds that a delay in issuing the clearance would be harmful to the national security and makes a record of such finding (see paragraph 3-800 and 3-204).¹

(b) Military: A check of the DCII and local personnel files.¹

d. Interim security clearances. Only the authorities, or designees, identified in paragraph 3-800 may grant interim personnel security clearances. The exceptions stated in paragraph 3-204 apply only to emergency appointment of civilian employees, not the granting of interim security clearances.

¹ The final or interim clearance may be issued only after personnel, base/military police, medical, and security records have been reviewed with favorable results. The DCII check may be either telephonically or in writing by the DoD Component organization authorized to request personnel security investigation. If the check reveals the existence of an investigative file must be reviewed favorably by the element designated by the component to adjudicate personnel investigations.

3-402 Security Clearances for Non-United States Citizens

Subject to the general policy stated in paragraph 2-100 of this Regulation, the following applies:

a. Immigrant Aliens

(1) An immigrant alien may be granted only a final Secret or Confidential clearance upon completion of a BI (scoped for 15 years) provided that it discloses no derogatory information relating to the criteria set forth in paragraph 2-200 of this Regulation indicating that such access would not be clearly consistent with the interests of national security. Neither Top Security nor interim Secret clearance is authorized. Interim clearance for Confidential is authorized in emergency situations provided that (1) a personal interview is conducted by an investigator, personnel security, or counterintelligence specialist with favorable results, (2) a NAC is completed with favorable results, and (3) the required BI has been initiated. A polygraph examination may be conducted under AR 195-6 (ref (n)) to verify information that cannot be verified through other investigative means. The examination is strictly voluntary and the person must give written consent.

(2) When a individual is admitted to the United States for a permanent residence, there is established a presumption that there has been a change of national allegiance from the native country to that of the United States. When an individual becomes eligible for citizenship but elects not to become a citizen, the presumption of primary national allegiance to the United States is placed in doubt. Accordingly, if an immigrant alien does not become a citizen within 12 months after becoming eligible for citizenship, any personnel security clearance shall be administratively reviewed by the person's commander to determine if it is clearly consistent with the national security to continue the clearance. Non-U.S. citizens currently holding clearances who are eligible for U.S. citizenship may continue to have the clearance for a period of 12 months after which their status will be reviewed by the commander to determine continuing need in accordance with this Regulation.

b. Nonimmigrant Aliens (Foreign Nationals)

Aliens, other than those covered in a. above, shall not be granted personnel security clearances.

3-403 Limited Access Authorizations for Non-United States Citizens

Every effort shall be made to insure that non-United States citizens are not employed in duties that require access to classified information. Commanders will attempt to fill any vacant or newly created position that requires access to classified information first with US citizens (military personnel, civilian employees, their family members if quali-

ified or contractors if appropriate, then qualified immigrant aliens. If the position cannot be filled with a clearable US citizen or immigrant alien, the commander may then consider requesting an LAA for a foreign national. However, when it is determined that employment of a non United States citizen in duties requiring access to certain classified information relating to a specific program is necessary in furthering the mission of the Department of Defense and when such access is clearly consistent with the interests of national security such an individual may be granted a "Limited Access Authorization" for classified information relating to that program under the following conditions:

a. In each case, there shall have been completed with favorable results a BI (scoped for 15 years). If geographical and political situations prevent the full completion of a BI, as prescribed by paragraph 2-302 of this regulation, access shall not be authorized unless the investigative information obtainable is sufficiently complete and reliable to enable the authority empowered to grant access to determine that such access is clearly consistent with the interests of national security. A polygraph examination may be conducted to cover that portion of the individual's life which cannot be investigated because of geographical, political, or other considerations, provided the person consents in writing. Non-US persons who refuse to be polygraphed will not be granted an LAA.

b. Limited Access Authorizations to Top Secret information shall be kept to the minimum consistent with the requirements of national security and may be granted only upon the written and personal authorization of the authorities designated in paragraph B, appendix F. In each case of granting such access, a record of the authorization shall be made to include:

(1) The identity of the individual to whom access is granted;

(2) The specific nature and description of the material to which access is authorized; and

(3) The reasons for granting the access authorization. A report of each determination granting a Limited Access Authorization to Top Secret information shall be furnished, through the OACSI, to the Deputy Under Secretary of Defense for Policy Review.

c. Limited Access Authorizations to Secret and Confidential information may be granted by officials designated by those authorities specified in paragraphs B.2. and 3., appendix F. Each case approved shall be made a matter of official record and will contain that information required by b, above.

(1) The appropriate authority, upon granting an LAA, will prepare DA Form 3028-R (Limited Access Authorization). DA Form 3028-R will be reproduced locally on 8½ by 11 inch paper. A copy

investigative requirement for personnel performing such duties is:

(1) Critical Position: BI. In the event that it becomes necessary to consider an individual for a critical position and the required BI has not been completed, interim certification may be made under carefully controlled conditions as set forth below.

(a) The individual has had a favorable NAC (or ENTNAC) within the past 5 years without a break in service or employment in excess of 1 year.

(b) The BI has been requested.

(c) All other requirements of the PRP screening process have been fulfilled.

(d) The individual is identified to supervisory personnel as being certified on an interim basis.

(e) The individual is not used in a two-man team with another such individual.

(f) Justification of the need for interim certification is documented by the certifying official.

(g) Should the BI not be completed within 150 days from the date of the request, the certifying officials shall query the Component clearance authority who shall ascertain from DIS the status of the investigation. On the basis of such information, the certifying official shall determine whether to continue or to withdraw the interim certification.

(2) Controlled Position: NAC.

(a) An ENTNAC completed for the purpose of first term enlistment or induction into the Armed Forces satisfies this requirement.

(b) Interim certification is authorized for an individual who does not meet the requirement of a current ENTNAC/NAC, i.e., completed within the past 5 years, subject to the following conditions:

1 The individual has had a favorable ENTNAC/NAC, or higher investigation, that is more than 5 years old and has not had a break in service or employment in excess of 1 year.

2 A new NAC has been requested.

3 All other requirements of the PRP screening process have been fulfilled.

4 Should the ENTNAC/NAC not be completed within 90 days from the date of the request, the procedures set forth above for ascertaining the delay of the investigation in the case of a critical position shall apply.

(3) Additional requirements apply.

(a) The investigation upon which certification is based must have been completed within the last 5

years from the date of initial assignment to a PRP position and there must not have been a break in service or employment in excess of 1 year between completion of the investigation and initial assignment.

(b) In those cases in which the investigation was completed more than 5 years prior to initial assignment or in which there has been a break in service or employment in excess of 1 year subsequent to completion of the investigation, a reinvestigation is required.

(c) Subsequent to initial assignment to the PRP, reinvestigation is not required so long as the individual remains in the PRP.

(d) A medical evaluation of the individual as set forth in DoD Directive 5210.42 (AR 50-5) (reference (q)).

(e) Review of the individual's personnel file and other official records and information locally available concerning behavior or conduct which is relevant to PRP standards.

(f) A personal interview with the individual for the purpose of informing him of the significance of the assignment, or reliability standards and of the need for reliable performance, and of ascertaining his attitude with respect to the PRP.

3-505 North Atlantic Treaty Organization (NATO)

Staff

a. A BI, scoped to cover the last 10 years of the individual's life, shall be favorably completed on United States military and civilian personnel within 5 years prior to assignment to the NATO staff if the duty position requires access to NATO COSMIC (TOP SECRET) information. Otherwise, assignment to NATO staff positions require only a NAC/ENTNAC completed within the past 5 years.

b. A security clearance is not required for access to NATO RESTRICTED information. AR 380-15 (ref (ss)) applies.

3-506 Other Special Access Programs

Special investigative requirements for Special Access programs not provided for in this paragraph may not be established without the written approval of the Deputy Under Secretary of Defense for Policy Review.

3-507 Automated Data Processing (ADP) Positions

A favorable ENTNAC, NAC, or NACI, as a minimum, is required for personnel in ADP positions. AR 380-380 (ref (uu)) applies.

Section 6

CERTAIN POSITIONS NOT NECESSARILY REQUIRING ACCESS TO CLASSIFIED INFORMATION

3-600 General

DoD Directive 5200.8 (AR 380-20) (reference (r)) outlines the authority of military commanders under

the Internal Security Act of 1950 to issue orders and regulations for the protection of property or places under their command. Essential to carrying out this re-

sponsibility is a commander's need to protect the command against the action of untrustworthy persons. Normally, the investigative requirements prescribed in this Regulation for access to classified information should suffice to enable a commander to determine the trustworthiness of individuals whose duties require access to classified information or appointment to positions that are sensitive for reasons not involving such access. However, there are certain categories of positions or duties which, although not requiring access to classified information, if performed by untrustworthy persons, could enable them to jeopardize the security of the command or otherwise critically endanger the national security. The investigative requirements for such positions or duties are detailed in this section.

3-601 Unescorted Entry of DoD Contractor Employees to Restricted Areas

a. Normally entry into restricted areas shall be limited either to persons who have undergone the appropriate security investigation or to other persons who are under the escort of appropriately cleared personnel. However, contractor employees requiring regular (at least weekly) access to restricted areas, whose duties do not otherwise require access to classified information, may be afforded such unescorted entry when the critical importance of a commander's mission to national security and its vulnerability to sabotage require a determination as to the trustworthiness of such persons. In those cases, at least a NAC shall be completed prior to permitting such unescorted entry.

b. Requests for investigation under the provisions of this paragraph should be kept to a minimum. In those instances considered to meet this limited criterion, the Component concerned shall request approval of the Deputy Under Secretary of Defense for Policy Review for authority to request NACs on those contractor employees requiring unescorted entry to a restricted area. A detailed justification shall accompany the request, clearly detailing the importance of the command's mission to national security, its susceptibility to sabotage, and the need for unescorted entry. Requests will be submitted by the installation commander through command channels to HQDA(DAMI-CIS) WASH DC 20310.

3-602 Nonappropriated Fund Employees

a. All Nonappropriated Fund Instrumentalities personnel employed by DoD, as part of the employment requirements of reference (s), shall have been the subject of a NAC favorably completed no longer than the 12 months prior to employment or a favorable prior investigation with no break in Federal service greater than 12 months.

b. If a Nonappropriated Fund employee requires a security clearance, the commander of the host installation will request issuance of a personnel security clearance from CCF.

3-603 Customs Inspectors

DoD employees appointed as customs inspectors under waivers approved in accordance with DoD 5030.49-R (AR 190-41) (reference (t)), shall have undergone a NAC favorably completed within the past 5 years unless there has been a break in DoD employment greater than 1 year in which case a current NAC is required.

3-604 Red Cross/United Service Organizations (USO) Personnel

a. A NAC shall be favorably completed on Red Cross or United Service Organizations personnel as prerequisite for assignment with the Armed Forces overseas (DoD Directive 5210.25 (AR 380-49) (reference (u)).

b. NACs on Red Cross or USO employees will be processed by the Defense Industrial Security Clearance Office UP DoD 5210.25 (AR 380-49) (ref (u)).

c. If a Red Cross or USO employee requires a security clearance, the commander of the host installation will request issuance of a personnel security clearance from CCF.

d. NAC provisions of a and b above do not apply to foreign nationals employed by the Red Cross or USO. Determinations for this category of employee will be governed by local hiring policies and procedures.

3-605 Officials Authorized to Issue Security Clearances

Any person authorized to issue personnel security clearances shall have been the subject of a favorably complete BI.

3-605.1 Officials Authorized to Grant Access to SCI

Any person authorized to grant access to SCI will have been the subject of a favorably completed SBI.

3-606 Personnel Security Clearance Adjudication Officials

Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases shall have been the subject of a favorably completed BI.

3-607 Persons Requiring DoD Building Passes

Pursuant to DoD Directive 5210.46 (AR 380-4) (reference (v)), each person determined by the designated authorities of the Components concerned as having an official need for access to DoD buildings in the National Capitol Region shall be the subject of a favorable NAC prior to issuance of a DoD building pass.

3-608 Foreign National Employees Overseas Not Requiring Access to Classified Information

Foreign nationals employed by DoD organizations

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and other special security measures. In such instances, a Component Senior Intelligence Officer may, with the approval of the Deputy Under Secretary of Defense for Policy Review, request PRs at intervals of less than 5 years with greater scope of coverage than that set forth in Appendix B. Such requests shall include justification and a recommendation as to the frequency and scope. The frequency and scoping of such PRs shall be determined by the Deputy Under Secretary of Defense for Policy Review with due consideration for:
a. The potential damage that might result from the individual's defection or abduction.

b. The availability and probable effectiveness means other than reinvestigation to evaluate factors concerning the individual's suitability for continued SCI access.

3-707 Foreign Nationals Employed by DoD Organizations Overseas

Foreign nationals employed by DoD organizations overseas who have been granted a "Limited Access Authorization" pursuant to paragraph 3-403 shall be the subject of a PR, on a 5-year basis scoped as set forth in Appendix B.

Section 8

AUTHORITY TO WAIVE INVESTIGATIVE REQUIREMENTS

3-800 Authorized Officials

Only an official designated in paragraph A, Appendix F, or designee, is empowered to waive the investigative requirements for access to classified information pending completion of the investigation required by this chapter. Such waiver shall be based upon certification in writing by an authorized official that such action is necessary to the national security. However, when all other information developed on an individual during the course of a prescribed investigation is favorable, a minor investigative element that has not been met should not preclude favorable adjudication—nor should this require a waiver.

Under combat conditions, mobilization or similar military exigencies, authorities listed in appendix F, to protect national security, may waive such provisions of this regulation as are operationally necessary and warranted by the circumstances. In all such cases, the commander instituting the waiver will insure that the investigative or other prerequisites waived are complied with as soon as circumstances permit. Notification of interim clearances granted under this paragraph will be made to Commander, US Army Central Personnel Security Clearance Facility, ATTN: PCCF-PRR, Fort Meade, MD 20755.

3-801 Combat Operations

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CHAPTER V

REQUESTING PERSONNEL SECURITY INVESTIGATIONS

5-100 General

Requests for personnel security investigations shall be submitted only by those requesters designated in 5-101 below. Those authorities are responsible for determining if persons under their jurisdiction require personnel security investigation. Proper planning must be affected to insure that investigative requests are submitted sufficiently in advance to allow completion of the investigation prior to the time it is needed to grant the required clearance or otherwise make the necessary personnel security determination. If no significant derogatory information is developed during the course of the investigation, it can be expected that a NAC/ENTNAC will take approximately 30 days to complete, an SBI or a BI approximately 90 days, and a PR 75 days (this is the time beginning with the receipt of the request by DIS to the mailing of the completed investigation by DIS to the requester).

5-101 Authorized Requesters

Requests for personnel security investigation shall be accepted only from the requesters designated below:

- a. Military Departments
 - (1) Army
 - (a) Central Clearance Facility.
 - (b) All activity commanders.
 - (c) Chiefs of recruiting stations.
 - (d) State Adjutants General for Army National Guard.
 - (2) Navy (including Marine Corps)
 - (a) Commanders and commanding officers of organizations listed on the Standard Navy Distribution List.
 - (b) Chiefs of recruiting stations.
 - (3) Air Force
 - (a) Chief, Personnel Security Division, HQ, USAF.
 - (b) Assistant Chief of Staff for Intelligence.
 - (c) All activity commanders.
 - (d) Chiefs of recruiting stations.
- b. Defense Agencies—Directors of Security and activity commanders.
- c. Organization of the Joint Chiefs of Staff—Chief, Security Division.
- d. Office of the Secretary of Defense—Director for Personnel and Security, Washington Headquarters Services.
- e. Commanders of Unified and Special Commands or their designees.
- f. Such other requesters approved by the Deputy Under Secretary of Defense for Policy Review.

5-102 Criteria for Requesting Investigations

Authorized requesters shall use the tables set forth in Appendix D to determine the types of investigation that shall be requested to meet the investigative requirement of the specific position or duty concerned.

5-103 Request Procedures

To insure efficient and effective completion of required investigations, all requests for personnel security investigations shall be prepared and forwarded in accordance with Appendix C hereto and the investigative jurisdictional policies set forth in Section 4, Chapter II of this Regulation.

5-104 Priority Requests

To insure that personnel security investigations are conducted in an orderly and efficient manner, requests for priority for individual investigations or categories of investigations shall be kept to a minimum. DIS shall not assign priority to any personnel security investigations or categories of investigations without written approval of the Deputy Under Secretary of Defense for Policy Review.

5-105 Personal Data Provided by the Subject of the Investigation

a. To conduct the required investigation, it is necessary that the investigative agency be provided certain relevant data concerning the subject of the investigation. The Privacy Act of 1974 (reference (k)) requires that, to the greatest extent practicable, personal information shall be obtained directly from the subject individual when the information may result in adverse determinations affecting an individual's rights, benefits, and privileges under Federal programs.

b. Accordingly, it is incumbent upon the subject of each personnel security investigation to provide the personal information required by this Regulation. At a minimum, the individual shall complete the appropriate investigative forms, provide fingerprints of a quality acceptable to the FBI, and execute a signed release (DD Form 2221 (DoD Authority for Release of Information and Record)), as necessary, authorizing custodians of police, credit, education, employment, and medical and similar records, to provide relevant record information to the investigative agency. When the FBI returns a fingerprint card indicating that the quality of the fingerprints is not acceptable, an additional set of fingerprints will be obtained from the subject. In the event the FBI indicates that the additional fingerprints are also unacceptable, no further attempt to obtain more fingerprints will be made; this aspect of the investigation will then be processed on the basis of the name check of the FBI

files. As an exception, a minimum of three attempts will be made (1) for all Presidential Support cases, (2) for SCI access nominations if the requester so indicates, and (3) in those cases in which more than minor derogatory information exists. Each subject of a personnel security investigation conducted under the provisions of this Regulation shall be furnished a Privacy Act Statement (Supplement to the DD Form 398, 26 September 1975) advising of (1) the authority for obtaining the personal data, (2) the principal purpose(s) for obtaining it, (3) the routine uses, (4) whether disclosure is mandatory or voluntary, and (5) the effect on the individual if it is not provided.

c. Refusal to provide or permit access to the relevant information required by this Regulation shall result in the termination of further administrative processing, and no requests for investigation shall be made.

5-106 Cancellation of Requests for Investigations and/or Clearances

a. Whenever a clearance or investigation is no longer required, requesters will immediately notify the Commander, CCF. Cancellations will include full identifying data, action requested, and the reason for the cancellation. CCF will notify the investigative agency involved.

b. If the cancellation is requested because the individual is transferred, include the effective date and new unit of assignment. If the individual has departed for a new assignment prior to the Security Officer being notified of the transfer, the losing command will advise the gaining command of the open investigation by letter or message.

c. If the individual is separated from active duty, indicate whether he/she was discharged or released from active duty, and the basis for the separation action.

CHAPTER VI ADJUDICATION

6-100 General

a. The standard which must be met for clearance or assignment to sensitive duties is that, based on all available information, the person's loyalty, reliability, and trustworthiness are such that entrusting the person with classified information or assigning the person to sensitive duties is clearly consistent with the interests of national security.

b. The principle objective of the DoD personnel security adjudicative function, consequently, is to assure selection of persons for sensitive positions who meet this standard. The adjudication process involves the effort to assess the probability of future behavior which could have an effect adverse to the national security. Since few, if any, situations allow for positive, conclusive evidence of certain future conduct, it is an attempt to judge whether the circumstances of a particular case, taking into consideration prior experience with similar cases, reasonably suggest a degree of probability of prejudicial behavior not consistent with the national security. It is invariably a subjective determination, considering the past but necessarily anticipating the future. Rarely is proof of trustworthiness and reliability or untrustworthiness and unreliability beyond all reasonable doubt.

c. Establishing relevancy is one of the key objectives of the personnel security adjudicative process in evaluating investigative material. It involves neither the judgement of criminal guilt nor the determination of general suitability for a given position; rather, it is the assessment of a person's trustworthiness and fitness for a responsibility which could, if abused, have unacceptable consequences for the national security.

d. While equity demands optimal uniformity in evaluating individual cases, assuring fair and consistent assessment of circumstances from one situation to the next, each case must be weighed on its own merits, taking into consideration all relevant facts, and prior experience in similar cases. All information of record, both favorable and unfavorable, must be considered and assessed in terms of accuracy, completeness, relevance, seriousness, and overall significance. In all adjudications the protection of the national security shall be the paramount determinant.

6-101 Central Adjudication

a. To assure uniform application of the requirements of this Regulation and to insure that DoD personnel security determinations are effected consistent with existing statutes and Executive Orders, the head of each DoD Component, to the extent practicable, shall establish a single Central Adjudication Facility for his/her Component. The function of such facility

shall be limited to evaluating personnel security investigations and cases and making personnel security determinations. The chief of each Central Adjudication Facility shall have the authority to act on behalf of the head of the Component concerned with respect to personnel security determinations. All information relevant to determining whether a person meets the appropriate personnel security standard prescribed by this Regulation shall be reviewed and evaluated by specialists specifically designated by the head of the Component concerned, or designee.

b. The US Army Central Personnel Security Clearance Facility is designated as the Central Adjudication Facility for DA.

6-102 Evaluating Personnel Security Information

a. The criteria to be used in applying this policy are set forth in paragraph 2-200 of this Regulation. The ultimate consideration in making a favorable personnel security determination is whether such determination is clearly consistent with the interests of national security and shall be an overall commonsense evaluation based on all available information. Such determination shall include consideration of the following factors:

- (1) The nature and seriousness of the conduct;
- (2) The circumstances surrounding the conduct;
- (3) The frequency and recency of the conduct;
- (4) The age of the individual;
- (5) The voluntariness of participation; and
- (6) The absence or presence of rehabilitation.

b. Guidelines to assist adjudicators in determining whether a person is eligible for access to classified information or assignment to sensitive duties are contained in appendix I.

c. Allegations, charges, or other derogatory information against a person which meets the criteria of paragraph 2-200 will be forwarded to CCF for a security determination. CCF will evaluate the information to determine if retention, denial, or revocation of a personnel security clearance and/or SCI access is clearly consistent with the interests of national security. If a security clearance is not currently in effect, CCF will retain the information for review in any future security clearance request.

6-103 Adjudicative Record

The rationale underlying each adverse adjudicative action shall be reduced to writing and is subject to the provisions of DoD Directive 5400.7 (AR 340-17) (reference (y)) and DoD Directive 5400.11 (AR 340-21) reference (z)). The Commander, CCF, will maintain a record of each adjudicative action.

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6-104 Reporting Results of Security or Suitability Determinations For Civilian Employees

The results of a security or suitability determination, based on the results of an initial BI or SBI, will be sent OPM on SF 72 (Report of Action After Agency Full Field Investigation) by the em-

ploying activity. The report of action taken will be forwarded within 30 days after the final determination has been made. Reports should be sent to: Chief, Investigations Evaluation Branch, United States Office of Personnel Management, Washington, DC 20415.

CHAPTER VII

ISSUING CLEARANCE AND GRANTING ACCESS

7-100 General

a. The issuance of a personnel security clearance (as well as the function of determining that an individual is eligible for access to Special Access program information, or is suitable for assignment to sensitive duties or such other duties that require a trustworthiness determination) is a function distinct from that involving the granting of access to classified information.

b. Only the authorities designated in Appendix F are authorized to issue personnel security clearances or to grant Special Access Authorizations.

c. All commanders and heads of DoD organizations have the responsibility for determining those position functions in their jurisdiction that require access to classified information and the authority to grant access to incumbents of such positions who have been cleared under the provisions of this Regulation.

7-101 Issuing Clearance

a. Authorities designated in Appendix F shall record the issuance of a personnel security clearance. This record shall become a permanent part of either an individual's military personnel file or official personnel folder which shall be retained throughout the period of service or employment.

b. A personnel security clearance remains valid until (1) the individual is separated from the Armed Forces, (2) separated from DoD civilian employment, (3) has no further official relationship with DoD, or (4) official action has been taken to suspend or revoke the clearance. If an individual resumes the original status of (1), (2) or (3) above, and the break in the individual's relationship with DoD has been not longer than 12 months, clearance may be reissued provided no significant derogatory information is available.

c. The clearance of any individual, civilian or military, shall be issued only by the designated authorities of the parent Military Department or Defense agency. Issuance or reissuance of a personnel security clearance by a Military Department or Defense agency to personnel of another department or agency who have been detailed or assigned to a tour of duty with the receiving department or agency is not authorized. As an exception, commanders may issue interim clearances to personnel under their administrative jurisdiction, pending a final eligibility determination by the individual's parent department or agency. Whenever a receiving department, agency, or organization issues an interim clearance to an individual from another department or agency, written notice of the action shall be provided to the parent department or agency.

d. Interim clearance shall be recorded in the same manner as final clearance.

e. The ACSI and Commander, CCF, are designated as officials authorized to grant, revoke, or deny personnel security clearances (TOP SECRET, SECRET, and CONFIDENTIAL).

f. The Commander, CCF, will publish procedures, with the concurrence of HQDA(DAMI-CIS), for requesting final personnel security clearance, granting interim clearances and reporting derogatory information for all Army personnel. Authority to grant interim clearances will be delegated to field commanders by the Commander, CCF. The procedures are at Annex A to Appendix C.

g. Personnel security clearances will be recorded on DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450). This form will be placed in the person's personnel records folder and will not be removed except to make a copy, correct an administrative error or by direction of CCF.

7-102 Granting Access

a. Access to classified information shall be granted to persons whose official duties require such access and who have the appropriate personnel security clearance. Access determinations (other than for Special Access Programs) are not an adjudicative function relating to an individual's suitability for such access. Rather they are decisions made by the commander that access is officially required.

b. In the absence of derogatory information on the individual concerned, DoD commanders and organizational managers shall accept a personnel security clearance determination, issued by the DoD authority authorized by this Regulation to issue personnel security clearances, as the basis for granting access, when access is required, without requesting additional investigation or investigative files.

c. Commanders will insure that persons are familiar with the requirements for handling classified information before access is granted. AR 380-5 (ref (o)) and AR 381-12 (ref (vv)) apply.

d. Once a person's security clearance has been granted by the Commander CCF, special access for NATO, SIOP-ESI, or other programs, will be granted by the commander responsible for their control under appropriate Army regulations. The Commander, CCF, will make all eligibility determinations for SCI access.

e. Access to classified information or material by persons of another service or agency may be granted after verification of—

(1) Person's security clearance and/or access eligibility.

(2) The commander's certification of "need to

know."

f. A person whose access to classified information has been suspended under paragraph 8-102, may have access restored pending review by CCF. The following procedures apply to security clearance and SCI access:

(1) The local commander who initially suspended access—

(a) Strongly recommends reinstatement of access and is completely convinced the element of a risk no longer remains.

(b) Determines that the person has been cleared of all charges. Restoration of access will not normally occur in those cases where factors such as dismissal of charges, acquittal because of legal technicalities, plea bargaining, and absence of a speedy trial, are involved. These factors cannot be construed as a clearing of all charges.

(c) Determines that the alleged offense or derogatory information has been disproven or found groundless. The commander's investigation resulted in a finding that there is no basis for the charges or derogatory information.

(d) May grant interim security clearance in the name of the Commander, CCF.

(e) Will notify CCF of the above actions.

(2) In cases where the local commander is considering suspending or has suspended a person's access due to a suspected or actual psychological problem, he or she may elect to retain the person in status or reinstate access under the following conditions:

(a) A current medical evaluation indicates the condition was a one-time occurrence.

(b) The condition has no lasting effects on the person that would affect judgement.

(c) There is no requirement for further medical consultation relating to the condition.

(d) The examining physician recommends the person be returned to full duty status.

(e) The person exhibits no unacceptable behavior after the favorable medical evaluation.

(f) The local commander firmly believes the person does not pose a risk to the security of classified information.

(g) Only CCF may reinstate access where the person attempted suicide.

(3) If the local commander has any doubts about the person's current acceptability for access, even though the above provisions have been met, the case will be referred to CCF for a decision.

7-103 Administrative Withdrawal

As set forth in paragraph 7-101.b., personnel security clearances continue on a relatively permanent basis. Consequently, there is no need for administrative withdrawals unless a situation described in 7-101.b.(1), (2), or (3) occurs.

7-104 Security Clearance of Separated DA Personnel

a. Clearance granted under this Regulation becomes invalid upon termination of the individual's service with the Army.

b. Retired general officers may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in appendix F. This is true so long as clearances in effect at the time of retirement are adequate for the particular conference, activity, or project. These clearances remain valid for this purpose unless terminated by the ACSI, DA.

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CHAPTER VIII ADVERSE ACTIONS

Section I REQUIREMENTS

8-100 General

For the purpose of this Regulation, an adverse action includes:

- a. Denial or revocation of clearance for access to classified information;
- b. Denial or revocation of access to classified information;
- c. Denial or revocation of a Special Access authorization (including access to SCI);
- d. Nonappointment to or nonselection for appointment to a sensitive position;
- e. Nonappointment to or nonselection for any other position requiring a trustworthiness determination under this regulation;
- f. Reassignment to a position of lesser sensitivity or to a nonsensitive position;
- g. Termination of employment; and
- h. Nonacceptance for or discharge from the Armed Forces, when any of the foregoing actions are taken as the result of a personnel security determination.

8-101 Referral for Action

a. Whenever derogatory information relating to the criteria set forth in paragraph 2-200 of this Regulation is developed or otherwise becomes available to any DoD element, it shall be referred by the most expeditious means to the commander or the security officer of the organization to which the individual is assigned for duty. The commander of the organization to which the subject of the information is assigned shall review the information in terms of its security significance and completeness. If further information is needed to confirm or disprove the allegations, additional investigation should be requested. The commander of the duty organization shall insure that the parent Component of the individual concerned is informed promptly concerning (1) the derogatory information developed and (2) any actions taken or anticipated with respect thereto.

b. Derogatory information on military and civilian personnel, to include contractors when SCI access is authorized, will be reported as follows:

(1) The Security Manager will forward the derogatory information to the person's commander for review.

(2) The Security Manager will provide CCF a copy of the derogatory information for review. If a security clearance or SCI access is in effect, or has been requested, CCF will review the derogatory information to determine if denial or revoca-

tion action is warranted.

c. Derogatory information on contractor employees will be forwarded to the Defense Industrial Security Clearance Office according to DoD 5220.22-R (AR 380-49)(ref a) for action. If access to SCI is involved, the derogatory information will be forwarded to CCF for review to determine if suspension or revocation of access eligibility is warranted.

d. Unfavorable information on military personnel, grade E-6 and above, will be referred to the DA Suitability Review Board. The Board will determine if the information will be included in the OMPF. AR 600-37 (ref (u)) applies.

8-102 Suspension

a. The commander of the duty organization shall determine whether, on the basis of all the facts available upon receipt of the initial derogatory information, it is in the interests of national security to continue subject's status unchanged or to take interim action to suspend subject's access to classified information or assignment to sensitive duties (or other duties requiring a trustworthiness determination) until a final determination is made by the appropriate authority designated in Appendix F.

b. Commander, CCF, will publish procedures, with the concurrence of HQDA(DAMI-CIS), to provide for suspension of access to classified information pending review of the derogatory information. The procedures are at Annex A to Appendix C.

c. In national security cases, a suspension action (a nonduty and nonpay status) is normally accomplished whenever a letter of charges is delivered to a civilian employee, if not in a suspended status already. A suspension action in national security cases will be for an indefinite period. If the letter of charges is not delivered to the employee within 30 days after suspension without pay (including the first full day of the suspension), the authority for continued suspension expires; it then becomes necessary to return the employee to duty. Leave without pay beyond the 30 day period would be equivalent to suspension without pay and is not authorized unless the employee consents in writing.

(1) The following remark will be entered in the "Remarks" section of SF 50: "Immediate suspension is deemed necessary and advisable in the

interest of national security pending adjudication of your case under AR 604-5." Two copies of the SF 50 will be immediately sent through command channels to the Secretary of the Army (SA). This will notify the SA of action in a national security case. A copy of the SF 50 will be furnished HQDA (DAMI-CIS).

(2) Suspension under authority of this Regulation will not be used as a disciplinary action.

(3) The local commander is authorized to terminate an emergency suspension from a non-duty and nonpay status authorized by him or her at any time before the letter of charges is issued when it is determined that return to duty would not be contrary to the interests of national security.

(4) After a letter of charges has been formally issued, only the SA may authorize a return to duty for the employee.

8-103 Final Adverse Actions

The authority to make personnel security determinations that will result in an adverse action is limited to those authorities designated in Appendix F, except that the authority to terminate a civilian employee of a military department is vested solely in the Secretary of the military department concerned and in such other statutory official as may be designated. Action to terminate civilian employees of the Office of

the Secretary of Defense and DoD Components other than those of the military departments shall be submitted to the Deputy Under Secretary of Defense for Policy Review for determination. DoD civilian employees or members of the Armed Forces shall not be removed from employment or separated from the Service under provisions of this Regulation if removal or separation can be effected under OPM regulations or administrative (nonsecurity) regulations of the military departments.

8-104 Reporting Adverse Actions

a. Each adverse action taken by any DoD Component based on a personnel security investigation conducted by DIS shall be reported to DIS. The Director, DIS, shall insure that each adverse action is recorded in the DCII. Further, the Director, DIS, will submit to the Deputy Under Secretary of Defense for Policy Review analyses of adverse action annually, 90 days after the completion of each fiscal year's operations.

b. CCF will report all adverse actions involving security clearances and/or SCI access to DIS by electronic means.

c. Local commanders will report all adverse actions to DIS on DA Form 5249-R (Report of Adverse or Unfavorable Action). DoD policy exempts this form from a Reports Control Symbol. A copy for reproduction purposes is located at the back of this regulation.

Section 2 PROCEDURES

8-200 General

✓ No final personnel security determination shall be made on a member of the Armed Forces, an employee of the Department of Defense, a consultant to the Department of Defense, or any other person affiliated with the Department of Defense without granting the individual concerned the procedural benefits set forth in 8-201 below, when such determination results in an adverse action (see paragraph 8-100). As an exception, Red Cross/United Service Organization employees shall be afforded the procedures prescribed by DoD Directive 5210.25 (reference (u)).

8-201 Adverse Action Procedures

✱ Except as provided for below, no adverse action shall be taken under the authority of this Regulation unless the person concerned has been given:

a. A written statement of the reasons why the adverse action is being taken. The statement shall be as comprehensive and detailed as the protection of sources afforded confidentiality under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) (reference (k)) and national security permit. Prior to issuing a statement of reasons to a civilian employee for suspension or removal action, the issuing authority must

comply with the provisions of Federal Personnel Manual, Chapter 732 Subchapter 1, paragraph 1-6b (reference (aa)); ?

b. An opportunity to reply in writing to such authority as the head of the Component may designate;

c. A written response to any submission under subparagraph b. stating the final reasons therefor, which shall be as specific as privacy and national security considerations permit; and

✱ d. An opportunity to appeal to a higher level of authority designated by the Component concerned.

e. The Commander, CCF, will publish procedures, with the concurrence of HQDA(DAMI-CIS) which allow persons to respond to proposed adverse actions involving the denial or revocation of personnel security clearances and/or access to SCI. The procedures are at Annex A to appendix C.

f. The ACSI, HQDA, is the Final Appeal Authority for DA for all appeals pertaining to personnel security clearances and/or SCI access. All appeals should be addressed to HQDA(DAMI-CIS), WASH, DC 20310. It is not mandatory to appeal a CCF denial or revocation action. An appeal is an option offered to the person. If the person elects to ap-

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peal, the appeal must be submitted to OACSI within 60 days notification of the final CCF decision. The appeal may be sent directly to OACSI by the person or may be forwarded through command channels.

8-201.1 Adverse Action Procedures for DA Civilian Personnel in National Security Cases.

The procedures described in this paragraph are to be used when retention in DA may not be in the interests of national security. In those cases, the following procedures apply:

a. General.

(1) Authority to suspend and terminate employment of DA civilian personnel is vested in the SA under Section 7532, Title 5, United States Code.

(2) The use of the suspension and removal procedures authorized under Section 7532, Title 5, United States Code, will be limited to cases in which the interests of national security are involved. The criteria of paragraphs 2-200 a through f and m apply in national security cases.

(3) Nothing contained in this regulation will be deemed to limit or affect the responsibility of a commander to reassign persons to nonsensitive positions or duties when the interest of national security require the reassignment.

(4) No classified information, any other information which might compromise investigative sources or methods or the identity of confidential informants will be disclosed to any person not authorized to receive the information in these cases.

(5) Initial evaluations or derogatory information are the responsibility of the local commander. Evaluations will be based on derogatory information, the duties of the employee involved, and the mission and operations of the employing activity. Security Managers will provide assistance in evaluating the extent of risk involved and the advisability of recommending a removal action. Civilian personnel officers will provide an opinion as to whether action to remove an employee under OPM regulations would be appropriate.

(6) The local commander may detail an employee to a nonsensitive position or restrict the employee to nonsensitive duties without loss of pay in national security cases as long as the interests of national security are served. In these cases, the employee will be notified that he or she may be suspended without pay at any time before a final decision in the case.

b. Action at the employing activity.

(1) The derogatory information will be reviewed to decide if the information is of a suitability nature as defined in Chapter 732 of the FPM.

(2) If the information reflects only on the suitability of the person, the employing activity will decide if the employee may be retained in a position or that removal action is warranted under FPM Chapter 752 (Adverse Actions) as supplemented by AR 690-700, Chapter 752 (ref (m)).

(3) When the employing activity decides the information to be of a security nature, the retention of the employee is not in the interest of national security, and civil service removal procedures are neither applicable nor appropriate in the case, the case will be forwarded through command channels to CCF. Cases submitted to CCF should contain the following:

(a) The full name of the employee, social security number, grade, title, salary of the position, and copy of the job description.

(b) Whether the position is critical-sensitive or noncritical-sensitive and the basis for the determination.

(c) Whether nonsensitive positions exist at the employing activity or elsewhere to which the employee could be reassigned without reduction in pay.

(d) The steps taken by the employing activity to protect the national security.

(e) Whether the employee has served a probationary or trial period or when the period will end.

(f) Whether the employee is a US citizen or alien.

(g) Two copies of documents (such as SFs 61, 85, 86 or DD Form 398) whenever charges of falsification or deliberate noncompletion of these documents are involved with respect to any of the criteria of paragraphs 2-200 a through f and m.

(h) DA Form 873, if appropriate.

(i) The derogatory information or investigative report which was basis for initiating the action.

c. Action by HQDA.

(1) After receipt of a national security case, CCF will coordinate a review with OACSI, OTJAG, and the Office of the Deputy Chief of Staff for Personnel (ODCSPER). If the review indicates that there is no basis or insufficient basis for action under Section 7532, Title 5, United States Code, the case will be returned through command channels to the employing activity by CCF citing the findings. Any further action taken must be according to civilian personnel regulations.

(2) When the review indicates a basis for initiating action under Section 7532, Title 5, United States Code, OTJAG will prepare a letter of charges. The letter of charges will be forwarded through the Office of the Secretary of the Army

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(OSA) to the Office of the General Counsel (OGC), DoD. The OGC, DoD will consult with representatives of the Department of Justice (DOJ) to assure that the procedural benefits of the employee are fully considered, determine if the proposed charges are fully supportable, and the extent to which confrontation and cross-examination of witnesses will be required. If DOJ determines the proposed charges are not supportable, the OGC, DoD, will notify OSA. The case will then be returned to the employing activity according to c(1) above. If the letter of charges is deemed to be legally sufficient, the OACSI will forward the letter to the employee via certified mail, receipt requested. A copy of the letter of charges will be given to each level of command and the employing activity involved. The specific content of the letter of charges is explained in paragraph 8-201.1f.

(3) If the employee fails to answer to the letter of charges, the case will be evaluated on the available information. The OACSI will coordinate a recommendation with the OTJAG. The OACSI will then forward the case and recommendation to the SA for a final determination.

(4) When the employee answers the letter of charges, a review will be conducted by ODCSPER, OACSI, and OTJAG. If the response is considered to negate, nullify, or refute the original charges, the case may be returned to the employing activity according to c(1) above.

(5) When the reply to the letter of charges is not considered sufficient to negate, nullify, or refute the original charges, the OACSI will coordinate a reply to the employee with ODCSPER and OTJAG. The reply will state the reasons for the determination and advise the employee that he or she may appeal the determination. The appeal may be either a written appeal directly to the SA or a hearing may be requested before a Security Hearing Board. The case and recommendation will then be forwarded by OACSI to the SA.

(6) If the employee fails to submit a written appeal or request a hearing, the SA will make a final determination based on the available information.

(7) When the employee submits an appeal to the SA, it will be considered and a final determination made. If the employee requests a hearing, the Board will hear the case and provide a recommendation to the SA for a final determination.

d. Security Hearing Boards. These boards are established by the SA to hear the testimony of employees and other witnesses in answer to letters of charges issued under this regulation. A Security Hearing Board is convened when an employee requests a board hearing on appeal to the SA on a

proposed removal action under Section 7532, Title 5, United States Code. These boards serve in an advisory capacity and are responsible to the SA.

(1) A Security Hearing Board will be composed of at least three members, a majority of whom will be civilians employed by DoD. Members will be selected by the MACOM commander from the highest ranking military and civilian personnel available in the area where the board will convene. It is preferable that members of the board be field grade officers or civilians in the grade of GS-12 or higher. Each member of the board must be the subject of a favorably completed BI. The MACOM commander will designate a chairperson and an alternate chairperson from the standing members of the board.

(2) The following information on each designated board member will be sent to the OPM regional office serving the area in which the board will meet:

- (a) Full name, grade or rank.
- (b) Position title.
- (c) Office in which employed.
- (d) Telephone number.
- (e) Name and address of employing activity.
- (f) A short, personal background statement giving age, education, civilian or military experience.
- (g) The type of personnel security investigation.
- (h) The commander's statement regarding the ability, character, discretion, integrity and that service on the Security Hearing Board would be clearly consistent with the interests of national security.

e. Hearing Procedures.

(1) A qualified attorney will be assigned to act as counsel for the hearing board. He or she will assist the hearing board to insure the record is as complete as practicable. He or she will question DoD witnesses and cross-examine witnesses produced by the hearing; the hearing board may also question any witness.

(2) To reduce the issues in controversy and to simplify the hearing, the hearing board counsel is authorized to consult directly with the employee or his or her counsel, as appropriate, for the purpose of reaching mutual agreement on such matters as—

- (a) The clarification of the issue.
- (b) The taking of depositions.
- (c) Stipulations with respect to testimony; such stipulation will be binding on the employee and DA for the purpose of these proceedings.
- (d) The contents of documents and other physical evidence.

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(3) Hearings before Security Hearing Boards will be conducted expeditiously in an orderly manner with dignity and decorum. Should the conduct of the employee or his or her counsel be such that the orderly and prompt disposition of the matters before the Board are impaired, or rulings ignored or flouted deliberately, the chairperson is authorized in his or her discretion to recess the hearing. Further proceedings may be held only after satisfactory assurances are made to the chairperson by the offending party that he or she is prepared to abide by the rulings of the chairperson.

(4) Testimony before hearing boards will be given under oath or affirmation.

(5) The hearing board will take whatever action is necessary to insure the employee of full and fair consideration of his or her case. The employee will be informed by the chairperson of his or her rights under this regulation.

(6) After the hearing has been convened, the letter of charges will be read, as well as the statements and affidavits submitted by the employee in answer to the letter of charges, unless the reading is waived by mutual consent of the chairperson and the employee. In any event, this material will be incorporated as a part of the record of the hearing.

(7) The DA and the employee may introduce evidence responsive to the issues. Rules of evidence will not be binding on the Board. The chairperson may impose reasonable restrictions as to the relevance, competency, and materiality of matters considered, so that the hearings will not be unduly prolonged. Investigative information not made available to the employee whose removal is sought under Section 7532, Title 5, United States Code, will not be furnished to the Board subject to the following exception: If the investigative information constitutes classified information the Board may receive and consider this information provided the employee is furnished as comprehensive and detailed an unclassified summary of the information as the national security permits.

(8) The employee will control the sequence of calling his or her witnesses. Reasonable cross-examination of witnesses by the employee will be permitted.

(9) The hearing board will give due consideration to documentary evidence developed by investigation, including but not limited to, such matters as membership cards, petitions bearing the employee's signature, personnel and security forms executed by the employee, and transcripts of relevant testimony before other duly constituted authorities. The fact that such evidence has been

considered will be made a part of the transcript of the hearing, together with a complete identification of the document in question, including date, place, and other designative information.

(10) The chairperson, in his or her discretion, may invite any person to appear at the hearing and testify, and may cross-examine the person. The employee may be called to testify. Where an employee's refusal to testify or to answer questions regarding the issues in his or her case prevents the Board from reaching a determination that his or her employment is clearly consistent with the interests of national security, the Board may adjourn the hearing and take action as provided in (16) below.

(11) The hearing board will conduct the hearing proceedings in such a manner as to protect information, the disclosure of which would adversely affect the national security, or tend to disclose or compromise investigative sources or methods.

(12) Hearings will be private. The following will be present at the hearing—

- (a) The members of the hearing board.
- (b) The hearing board counsel.
- (c) The stenographer or stenographers.
- (d) The employee.
- (e) His or her counsel.
- (f) DoD officials concerned.
- (g) Witnesses when actually testifying.

(13) Where the hearing board determines that further investigation is essential to arrive at a proper decision in the case, the Board will specify the particular areas to be investigated. This will be done on an expeditious basis through the Director, Civilian Employees Security Program, OSA.

(14) The hearing board, in making its recommendation, will take into consideration the fact that the employee may have been handicapped by the nondisclosure to him or her of classified defense information. The Board will also take into consideration the inability of the employee to attack the credibility and accuracy of any person furnishing information about the employee who fails to appear as a witness. Where persons are not confidential informants, their failure to appear, together with the reason for their absence, will be considered by the Board, as well as the fact that the Board cannot pay witness fees or reimburse them for their travel or other expenses. The Board will reach its conclusions and base its determination on the transcript of the hearing, together with such classified defense information as may be submitted to it. This classified information will be identified and included in the classified portion of the record for review by the SA, together with the information disclosed to the employee accord-

ing to (7) above. Where such information has not been shown to the employee, the reasons for the action will be stated.

(15) A complete verbatim stenographic transcript will be made of the hearing by qualified reporters. This will be made a permanent part of the record. The employee will be furnished a copy of the transcript without cost. The transcript will not include classified information submitted to the Board, but will include an unclassified summary if national security considerations permit.

(16) The hearing board will make findings of fact with respect to each charge in the letter of charges and a recommendation whether retention of the employee is clearly consistent with the interest of the national security. The report of the Board will be in writing. It will also be signed by all members of the Board. If a determination is not unanimous, a signed minority report will be submitted.

(17) The record of the case, including the findings and the recommendation of the hearing board, will be forwarded to the SA for review and final determination.

f. Procedural benefits for employees. A US citizen employee of DA having a permanent or indefinite appointment, regardless of whether the employee has completed the probationary or trial period, whose removal from DA under Section 7532, Title 5, United States Code, is proposed will be granted the following procedural benefits:

(1) The employee will be given a letter of charges which may be subject to amendment within 30 days thereafter, stating the reasons for the proposed removal from employment with DA under Section 7532, Title 5, United States Code. The letter will be as specific as national security considerations permit. Each specific charge will be directly related to one or more of the criteria of paragraphs 2-100 a through f and m. The letter will advise the employee to reply to each of the charges and specifically admit, deny, or disclaim any knowledge, as appropriate, of all of the charges. The employee will be given 30 calendar days to answer the letter plus an additional 30 days if the letter of charges has been amended. If the employee does not reply to the letter, a decision will be made by the SA based on the available information.

(2) In cases where the employee does reply to the letter of charges and the review by HQDA determines that the continued employment is not in the interests of national security, the employee will be notified, in writing, of the reasons for the determination. The notification will include the provision that the employee may appeal the deter-

mination. The appeal may be either a written appeal directly to the SA or a request for a hearing before a Security Hearing Board.

(3) An appeal submitted to the SA by the employee will be considered and a final decision rendered.

(4) When the employee elects a board hearing on the appeal, he or she will be informed of the following provisions of a Security Hearing Board action. The employee—

(a) May be represented by legal counsel of his choice.

(b) May testify on own behalf.

(c) May present witnesses and offer evidence under oath or affirmation.

(d) May cross-examine any witness offered in support of the charges.

(e) Will be deemed to have relinquished the option to appeal in the case, should he or she fail to submit a written appeal to the SA or request a board hearing within 30 calendar days. In those cases, the SA will make a final decision based on the available information. Additionally, if the employee does not appear before a scheduled hearing, without explanation acceptable to the board chairperson, the board will consider the case on the available information and make a recommendation to the SA for a final decision.

g. Personnel actions.

(1) Resignations. Resignations will be accepted even though the employee's case may be in process. A resignation will automatically terminate processing of the case under this regulation in the employee—

(a) Resigns after he or she has been suspended or has received the letter of charges proposing removal under Section 7532, Title 5, United States Code. SF 50 will be annotated as follows, "Resigned while action pending to separate for security reasons under Section 7532, Title 5, United States Code." The employee will be informed of this annotation.

(b) Resigns before suspension or receipt of a letter of charges proposing removal under Section 7532, Title 5, United States Code. SF 50 will contain only standard data with no reference to the security case.

(2) Separations.

(a) As long as the employee is not under suspension, reduction-in-force (RIF) or removals under civil service rules and regulations, separation action should be carried to normal completion. After an employee is suspended and letter of charges issued, all types of separation actions which are under the control of the employing installation should be held in abeyance, if possible,

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until final adjudication under this regulation is made. However, removals ordered by the OPM should be effected and notification supplied to the SA through the channels used in processing the case. After separation for any reason, investigative files supplied by the OPM or the FBI will be disposed of under AR 381-45 (ref(xx)).

(b) If an employee is reached by a RIF during a period of suspension under this regulation, all necessary processing with the reduction-in-force will be accomplished except that SF 50 will not be issued. The final separation by RIF will be held in abeyance until the final determination by the SA is received. When removal on security grounds is ordered, no further action on the RIF is necessary. If restoration on security grounds is ordered it will be accomplished and the RIF then made effective if still applicable.

(3) Change in status while a case is in process. When a case is in process, reassignments and all types of separations must be reported immediately to the SA directly and also to the OACSI, through channels followed in processing a case under this regulation, so that the case can be closed promptly without unnecessary action. All separations from the rolls of the DA will automatically stop proceedings under this regulation.

(4) Notice requirements. Pursuant to EO 10450, as amended, and to assist the OPM in discharging its responsibilities under that Order, the employing activities of the DA will notify the OPM of the action taken as soon as possible after the receipt of the final investigative report on a civilian employee. In case of a completely favorable investigation, notification will be made within 30 days. In the case of an unfavorable investigation, notifi-

cation will be made within 90 days. In both situations, if special circumstances have precluded accomplishing the reports to the OPM within the time limits, continuing reports will be made every 30 days until accomplished. The notice will conform to the requirements of the OPM stipulated in chapter 736, appendix B-1, FPM. The SF 72 will be used for this purpose and forwarded to OPM at the address shown in paragraph 6-104.

h. Record of action taken. A record of all actions taken in a national security case, to include Security Hearing Board transcripts, will be made and included in the investigative dossier retained in the US Army Investigative Records Repository (USAIRR) pertaining to the person.

8-202 Exceptions to Policy

a. Notwithstanding paragraph 8-101 above or any other provision of this Regulation, nothing in this Regulation shall be deemed to limit or affect the responsibility and powers of the Secretary of Defense to find that a person is not suitable for entrance or retention in the Armed Forces, or is ineligible for a security clearance or assignment to sensitive duties, if the national security so requires. Such authority may not be delegated and may be exercised only when it is determined that the procedures prescribed in paragraph 8-101 above are not appropriate. Such determination shall be conclusive.

b. Notification of adverse action need not be given to—

(1) Military personnel who have been dropped from the rolls of their organization for absence without authority.

(2) To persons who have been convicted of a criminal offense by a civilian court or court martial and are incarcerated.

Section 3

REINSTATEMENT OF CIVILIAN EMPLOYEES

8-300 General

Any person whose civilian employment in the Department of Defense is terminated under the provision of this Regulation shall not be reinstated or restored to duty or employed in the Department of Defense unless the secretary of Defense, or the head of a DoD Component, finds that such reinstatement, restoration, or re-employment is clearly consistent with the interests of national security, which finding shall be made a part of the personnel security record. Requests for acceptance of persons for employment with DA, whose previous Federal employment was terminated under Section 7532, Title 5, United States Code, will

be sent to HQDA(DAMI-CIS), WASH, DC 20310 for review. OACSI will coordinate the review with OTJAG AND ODCSPER and provide a recommendation to the SA for final determination.

8-301 Reinstatement Benefits

A DoD Civilian employee whose employment has been suspended or terminated under the provisions of this Regulation and who is reinstated or restored to duty under the provisions of Section 3571 of Title 5, U.S. Code (reference (bb)) is entitled to benefits as provided for by Section 3 of Public Law 89-380 (reference (cc)).

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APPENDIX A REFERENCES, Continued

(d) Public Law 86-36, "National Security Agency—Officers and Employees"

(e) Executive Order 10450, "Security Requirements for Government Employment," dated April 27, 1953

(f) Executive Order 12036, "United States Intelligence Activities," dated January 24, 1978

(g) DoD Directive 5210.45, "Personnel Security in the National Security Agency," May 9, 1964

(h) Executive Order 12065, "National Security Information," dated June 28, 1978

(i) Executive Order 11935, "Citizenship Requirements for Federal Employment," dated September 2, 1976

(j) Director of Central Intelligence Directive (DCID) No. 1/14, "Minimum Personnel Security Standards and Practices Governing Access to Sensitive Compartmented Information," dated May 13, 1976

(k) Privacy Act of 1974, Title 5-552A, United States Code.

(l) DoD Directive 5100.23, "Administrative Arrangements for the National Security Agency," dated May 17, 1967.

(m) Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation, dated April 5, 1979

(n) DoD Directive 5210.48, "The Conduct of Polygraph Examinations and the Selection, Training and Supervision of DoD Polygraph Examiners," dated October 6, 1975. AR 195-6 (Department of the Army Polygraph Activities)

(o) DoD 5200.1-R, "Information Security Program Regulation, dated December 1978. AR 380-5 (Department of the Army Information Security Program Regulation)

(p) DoD Directive 5210.55, "Selection of DoD Military and Civilian Personnel and Contractor Employees for Assignment to Presidential Support Activities," dated July 6, 1977. AR 614-3 (Selection of US Army and Civilian Personnel and Contractor Employees for Assignment to Presidential Support Activities)

(q) DoD Directive 5210.42, "Nuclear Weapon Personnel Reliability Program", dated April 26, 1978. AR 50-5 (Nuclear Surety)

(r) DoD Directive 5200.8, "Authority of Military Commanders Under the Internal Security Act of 1950 to Issue Security Orders and Regulations for the Protection of Property or Places under Their Command," dated August 20, 1954. AR 380-20 (Restricted Areas)

(s) DoD Personnel Policy Manual for Non-Appropriated Fund Instrumentalities, dated September 6, 1974. AR 230-2 (Personnel Policies and Procedures)

(t) DoD 5030.49-R, "Customs Inspection Regulation," dated September 23, 1975. AR 190-41 (Customs Law Enforcement)

(u) DoD Directive 5210.25, "Assignment of American National Red Cross and United Service Organizations (USO) Employees to Duty with the Armed Forces," dated November 21, 1977. AR 380-49 (Industrial Security)

(v) DoD Directive 5210.46, "Department of Defense Building Security for the National Capital Region," dated September 23, 1975. AR 380-4 (Department of Defense Building Security for the National Capitol Region)

(w) DoD Directive 5210.65, "Chemical Agent Security Program," dated February 9, 1979. AR 50-6 (Chemical Surety)

(x) DoD Directive 5210.2 (Access to and Dissemination of Restricted Data," dated January 12, 1978. AR 380-150, (Access to and Dissemination of Restricted Data)

(y) DoD Directive 5400.7, "Availability to the Public of Department of Defense Information," dated February 14, 1975. AR 340-17 (Release of Information and Records from Army files)

(z) DoD Directive 5400.11, "Personal Privacy and Rights of Individuals Regarding Their Personal Records," dated August 4, 1975. AR 340-21 (The Army Privacy Program)

(aa) Federal Personnel Manual, Chapter 732, Subchapter 1, paragraph 1-6b and Chapters 731 and 736

(bb) Section 3571, Title 5, United States Code

(cc) Section 3, Public Law 89-380

(dd) Executive Order 9835, "Prescribing Procedures for the Administration of an Employee Loyalty Program in the Executive Branch of the Government," issued 1947 (superseded by Executive Order 10450)

(ee) Atomic Energy Act of 1954, as amended

(ff) AR 15-6 (Procedures for Investigating Officers and Boards of Officers Conducting Investigations)

(gg) AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army)

(hh) AR 135-101 (Appointment as Reserve Commissioned Officers for Assignment to the Medical, Dental, Veterinary, and Medical Service Corps Branches of the Army Medical Department)

(ii) AR 135-175 (Separation of Officers)

Annex A

US ARMY CENTRAL PERSONNEL SECURITY CLEARANCE FACILITY (CCF) PROCEDURES

1. Purpose. These instructions prescribe the policy and establish the procedures to grant, deny, revoke security clearances, and access to SCI; the suspension of access to classified information; and the processing of national security cases.

2. Applicability. This annex is applicable to DA personnel including the following:

a. Army members assigned or detailed to other services, the Joint Chiefs of Staff, the Office of the Secretary of Defense, and other Department of Defense agencies.

b. Members and employees of the Army National Guard.

c. US Army Reserve personnel.

d. Persons employed by, hired on an individual basis, or serving in an advisory capacity to the DA whether on a permanent, temporary, or part-time basis and whether or not they are compensated for their services from appropriated or nonappropriated funds.

e. Members of the Reserve Officers Training Corps (ROTC).

f. SCI access determinations for contractor personnel (contractor security clearances are processed by the Defense Industrial Security Clearance Office).

g. US citizens, US nationals, and aliens in the United States with or without immigration visas for permanent residence.

3. Definitions. As applicable to this annex, see section 3, Chapter I.

4. Policy.

a. An existing DA Form 873 (Certificate of clearance and/or Security Determination), as well as clearance certificates issued by other DOD components, will be honored provided:

(1) There has been no break in Federal Service exceeding 12 months since the investigative date shown on the DA Form 873;

(2) A check of local records discloses no unfavorable information. A check of the Defense Central Index of Investigations (DCII) will be conducted for possible subsequent derogatory information when accepting a clearance granted by another DOD component. However, immediate access to classified information will not be delayed pending completion of the records check or DCII check. Access will be granted and continued if the checks are favorable. DA Form 873 will not be removed from the Military Personnel Records

Jacket (MPRJ) or Official Personnel Folder (OPF) while a local records check is being conducted. A security clearance will not be requested from CCF if the person's personnel records already contain a valid clearance certificate for the level of access required. If the existing clearance requires upgrading see paragraph 6, below.

b. Security clearances will not be downgraded or removed from a person's MPRJ or OPF solely because there is a current access requirement. A valid DA Form 873 will not be removed from a person's MPRJ or OPF except under one of the following circumstances:

(1) Access to classified information is suspended (para 9, below).

(2) Security clearance is revoked by the Commander, CCF (para 9, below).

(3) A new DA Form 873 is issued from CCF.

(4) Temporary removal by the G-2, S-2, or Security Manager for the purpose of reproduction is authorized.

c. CCF will normally grant the highest level of clearance authorized by the scope of the PSI on record. Exceptions to this policy are—

(1) Immigrant aliens will be granted only the level of clearance required to perform their duties, not to exceed SECRET;

(2) New clearances granted to restore access after suspension action will not normally exceed the original level of clearance;

(3) Clearances granted after proposed denial will not normally exceed the level originally requested.

d. The degree of access to classified defense information is determined by the commander within the limits of the clearance granted. The method of recording the degree of access authorized will be determined by the commander.

e. Clearances previously granted under less stringent investigative requirements will remain valid. If the degree of clearance requires upgrading, the investigative requirements of this regulation will apply.

f. When a person requires a clearance and the following conditions exist, commanders will submit a request for security clearance to CCF, or a request for investigation to DIS, as appropriate:

(1) Significant derogatory information developed after the date of the last clearance is known to the commander.

(2) The person is being considered for a higher level of clearance or access authorization.

(3) There has been a break in Federal Service greater than 1 year.

(4) No record of clearance is available in a person's personnel file.

g. A commander will issue DA Forms 873 for clearances to personnel assigned to or employed by his or her command only for interim clearances specified in paragraph 6, below.

h. Commanders may appoint a person to act for them in the execution of clearance certificates for personnel within their respective commands, agencies, or activities. The person authorized to grant an interim clearance must be eligible for a TOP SECRET clearance.

i. Nonimmigrant aliens and foreign nationals are not eligible for security clearances. LAAs may be granted to these persons by MACOM's under paragraph 3-403.

j. Immigrant aliens may be granted CONFIDENTIAL or SECRET security clearances based on a favorably completed BI only if it is determined that the special expertise standards outlined in paragraph 2-100 apply. All requests for BIs for immigrant aliens will be forwarded to CCF, ATTN: PCCF-OSA for certification of the validity of the request to DIS. Immigrant aliens are not eligible for TOP SECRET clearances, but may be granted an LAA for access to TOP SECRET information provided that the Secretary of the Army determines:

(1) The access is essential.

(2) The person has been determined to be reliable and trustworthy.

(3) A BI has been favorably completed (para 3-403).

k. US citizens who are subjects of investigation as candidates for security clearances, will be required to present documentation that will verify their citizenship. Persons serving in or employed by the US Army who presently have security clearances will not be required to present evidence of citizenship. Uncleared members or employees being considered for first-time clearances or for assignment to White House support duties will be required to provide proof of citizenship.

l. Do not request a security clearance if information obtained from the person's DD Form 398, medical record, or other source indicates the existence, current or past, of any mental or nervous disorder, or emotional instability. In these cases, interim or final clearances will not be granted and requests for PSI's will not be submitted unless competent medical authority (US military, US Government employed or contract psychiatrist

(M.D.) certifies that the disorder or instability has been overcome or is of such a nature that it will not cause a defect in the person's judgment or reliability. If CCF requests a psychiatric evaluation before a final adjudication can be made, the evaluation must be from a certified Government or contract psychiatrist (M.D.) unless a prior waiver has been obtained from CCF.

m. Requests for PSIs for security clearances will not be submitted on immigrant aliens who indicate their intent not to become a US citizen or who have not taken action to file for US citizenship within 12 months of eligibility. An exception to this policy is when—

(1) It is in the national interest.

(2) The person possesses a special expertise or skill.

(3) The person's reason for not obtaining US citizenship is clearly consistent with national security (for example, circumstances beyond the person's control have prevented filing for US citizenship). See paragraph 3-402. Justification for submission of the request for investigation or request for security clearance will be placed on DD Form 1879 or DA Form 5247-R (Request for Security Determination), as appropriate.

n. Security clearances will be requested on DA Form 5247-R or message format described in paragraph 6a.

5. Interim security clearance authority delegated by Commander, CCF.

a. TOP SECRET (Military) US citizen.

(1) Commanders may grant an interim TOP SECRET clearance for 60 days in the name of the Commander, CCF, if—

(a) A DA Form 873 or a clearance certificate issued by another DOD component or other Federal Agency (para 4-103) for other than TOP SECRET exists in a person's MPRJ that indicates the favorable completion of a Full Field Investigation (FFI), CID Character Investigation (CIDCI), BI, or SBI.

(b) There has been no break in Federal Service exceeding 12 months since completion of the investigation.

(c) Local records checks are favorable.

(d) A request for final TOP SECRET clearance has been submitted to CCF noting that an interim clearance was granted and including verification of citizenship, if required under para 8a.

(2) Commanders may grant an interim TOP SECRET clearance for 225 days in the name of the Commander, CCF, if—

(a) A DA Form 873 or a clearance certificate issued by another DOD component or other Federal Agency (para 4-103) exists in a person's

MPRJ that indicates a clearance was granted based on a NACI, NAC, ENTNAC, or a DD Form 1584, DA Form 2784 exists in a person's MPRJ indicating a completely favorable NACI, NAC or ENTNAC has been completed.

(b) There has been no break in Federal Service exceeding 12 months since completion of the investigation.

(c) Local record checks are favorable.

(d) A request for BI or SBI has been submitted to DIS.

b. TOP SECRET (Civilian) US Citizen.

(1) Commanders may grant an interim TOP SECRET clearance in the name of the Commander, CCF, for 60 days, if—

(a) The Official Personnel File (OPF) contains a DA Form 873 (for other than TOP SECRET) or, a clearance certificate issued by another DOD component or other Federal Agency (para 4-103) or a SF 75 is received from the losing command indicating a clearance based on an SBI, BI, CIDCI, or FFI.

(b) There has been no break in Federal Service exceeding 12 months since completion of the investigation.

(c) Local records checks are favorable.

(d) A request for final TOP SECRET clearance has been submitted to CCF noting that an interim clearance was granted and including verification of citizenship, if required, under paragraph 8a.

(2) Under emergency conditions, when a delay would be harmful to the national interest, authorities specified in appendix F may issue an interim TOP SECRET clearance for 225 days in the name of the Commander, CCF, provided:

(a) A DA Form 873 or clearance certificate issued by another DOD component or other Federal Agency (para 4-103) exists in a person's OPF which indicated a security clearance was granted based on an ENTNAC, NAC, NACI, or an SF 171 is present which is annotated "Processed under Section 3(a), Executive Order (EO) 10450."

(Note: During the period 30 March 1980 to 1 April 1981, the annotation placed on the SF 171 by OPM made no distinction between favorable and unfavorable results.) CSC Form 715 (Report of Clearly Favorable Results in a DOD NACI case) exists in the OPF, or a SF 75 certification has been received from the losing command indicating that a favorable NACI has been completed by the OPM (formerly the Civil Service Commission (CSC)).

(b) There has been no break in Federal Service exceeding 12 months since the completion of investigation.

(c) Local records checks are favorable.

(d) A request for a BI or SBI has been submitted to DIS.

(e) Written notification for emergency access has been made a matter of record by including the original copy, signed by the requesting official, in the OPF.

c. SECRET (Military) US Citizen.

(1) Commanders may grant an interim SECRET clearance for 60 days in the name of the Commander, CCF, if—

(a) A DA Form 873 or a clearance certificate issued by another DOD component or other Federal Agency (para 4-103) at the CONFIDENTIAL level, DD Form 1584, DA Form 2784, or DIS Form 1 exists in a person's personnel records indicating a favorably completed BI, SBI, FFI, CIDCI, NACI, NAC, or ENTNAC.

(b) There has been no break in Federal Service exceeding 12 months since completion of the investigation.

(c) Local records checks are favorable.

(d) A request for final SECRET clearance has been submitted to CCF noting that an interim clearance was granted and including verification of citizenship, if required, under paragraph 8a.

(2) Commanders may grant an interim SECRET clearance for 180 days in the name of the Commander, CCF, provided the conditions exist in paragraph 3-401b(1)(b). A "No Record" DCII check may be considered favorable for the purpose of granting an interim clearance provided a NAC or ENTNAC (first-term enlistee) has been submitted to DIS.

d. SECRET (Civilian) US Citizen. *31 on 12/27*

(1) Commanders may grant an interim SECRET clearance in the name of the Commander, CCF, for 60 days, if—

(a) A DA Form 873 or clearance certificate issued by another DOD component or other Federal Agency (para 4-103) at the CONFIDENTIAL level has been granted on the basis of an SBI, BI, FFI, CIDCI, NACI, ENTNAC, NAC, a SF 171 annotated "Processed under Section 3(a), Executive Order (EO) 10450," a CSC Form 715 (Report of Clearly Favorable Results in a DOD NACI case) exists in the OPF or a SF 75 has been received from the losing command indicating that the OPF contains a clearance based on or evidence of a favorably completed investigation indicated above.

(b) There has been no break in the Federal Service exceeding 12 months since the completion of investigation.

(c) Local records checks are favorable.

(d) A request for final SECRET clearance has been submitted to CCF noting that an interim clearance was granted including verification of citizenship, if required, under paragraph 8a. If an

interim clearance is based on a NAC or ENTNAC, a NACI request must have been initiated.

(2) Under emergency conditions, an interim SECRET clearance may be granted for a period of 180 days, in the name of the Commander, CCF, provided the conditions exist in paragraph 3-401b(2)(a).

e. CONFIDENTIAL (Military) US Citizen. The provisions of paragraph 3-401c(2)(b) apply. A "No Record" DCII check may be considered favorable for the purpose of granting an interim clearance provided a request for NAC or ENTNAC has been submitted to DIS.

f. CONFIDENTIAL (Civilian) US Citizen. The provisions of paragraph 3-401c(2)(a) apply.

g. Issuance of Interim Clearances. Whenever an interim clearance is granted, a DA Form 873 will be issued reflecting the interim clearance. Part III of the form will indicate the appropriate expiration date and be annotated "Granted by authority of Commander, CCF."

h. Red Cross Employees (US Citizen). Employees of the American Red Cross who are assigned to duty with DA may be granted a SECRET or CONFIDENTIAL clearance by Commander, CCF, based on a favorable NAC. Commanders may grant an interim clearance in the name of the Commander, CCF, for 60 days if a favorable security acceptability determination is on file in the person's records and US citizenship has been verified. A copy of that determination will be forwarded to CCF with the request for final clearance.

i. Immigrant Aliens. Neither TOP SECRET nor interim SECRET clearance is authorized for immigrant aliens. Under emergency conditions, commanders may grant an interim CONFIDENTIAL clearance for 225 days under paragraph 3-402a(1).

j. Interim Clearance Extensions. If an interim clearance is about to expire because a final clearance has not been received, commanders may extend the interim for a period equal to the original length of the interim clearance. Commanders must immediately notify CCF that an extension has been granted because the final clearance has not been received. This notification must include the subject's full name, SSN, date and place of birth, and clearance requested so CCF can determine reasons for delay. Additionally, all previous correspondence pertaining to the subject should be referenced in this notification. If DA Form 5247-R was originally submitted, a copy of this original request will be attached to the notification.

6. Request for Final Security Clearances.

a. When a final clearance is requested on a person, the commander will submit a request for clearance (DA Form 5247-R) to CCF according to the instructions in Table A-1 of this annex. Where information reflecting existence of a PSI (DA Form 1584, DD Form 1879, DA Form 2784 or DA Form 1) is contained in a person's records, a copy will be forwarded to CCF with the request for clearance. If the request for clearance is in message format, the message will identify the form and certify that investigation was favorable and no sensitive investigative data. On civilians, whenever a SF 171 certification from the losing command, a SF 171 (annotated "processed under Section 3(a), E.O. 10450"), or a DA Form 873 exists, a legible copy will be forwarded to CCF with the request for clearance. For favorably completed NACIs, or certification of the favorably completed investigation should be entered in Item 11 (Remarks) section of DA Form 5247-R. A copy of the NACI is not required. Information should be stated, "Completely favorable NACI by OPM, completed (date), file No. _____."

Security managers must certify that they have personally reviewed the NACI and found it to be favorable.

b. When there is no evidence of an investigation in the person's records or in the DCII which meet the investigative requirements for the clearance necessary, a request for investigation should be submitted to the appropriate investigative agency according to appendix B.

c. When the commander forwards results of ENTNAC containing derogatory information to CCF for security clearance determination, the request should certify that appropriate waivers were granted for enlistment or that determination has been made that the individual is eligible for retention in military service. Supporting documents, if available, will be attached as inclosures to the request. On civilians, when a commander forwards results of a NACI containing derogatory information to CCF for security clearance determination, the request should indicate that the information was reviewed with civilian personnel officials and a favorable employment determination was made under CPR's. If SF 171 bears notation "Results of Investigation under Section 3a, E.O. 10450 furnished requesting agency" or "Investigation under E.O. 10450," but the Security Manager does not have the results of the NACI, attach a copy of the SF 171 (and the SF 873 if available) to DA Form 5247-R (RFSD) and indicate in item 11 (Remarks) that results of NACI are not available locally. CCF will then request the i

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investigation from OPM and adjudicate for security clearance eligibility.

d. Requests for investigation (DD Form 1879 or DD Form 1584) will be submitted directly to DIS according to appendix B. No other request for clearance or notification to CCF is required. DIS will forward the completed investigation to CCF, who will make a clearance determination and inform the requestor.

e. Certificates of clearance, DA Form 873, will be forwarded to the command whose Unit Identification Code (UIC) is on the DA Form 5247-R (RFSD), DD Form 1879, or DD Form 1584.

7. Upgrading Security Clearances. Requests for upgrading security clearances will be submitted in the same manner as stated in paragraph 6, above.

8. Verification of Citizenship/Immigrant Alien Status.

a. The request for clearance or investigation (DA Form 5247-R (RFSD), DD Form 1584, or DD Form 1879) must identify the document which was reviewed to verify US citizenship or immigrant alien status and the person who examined the document. Certification that the proof has been examined will be entered in item 10a of DA Form 5247-R (RFSD), Item 20 of DD Form 1879, Item 18 of DD Form 1584, Item 21 of Standard Form 85, or Item 28 of Standard Form 86. If the form containing the certification is not signed by a certifying official authorized below, the verification statement must be signed by an official identified with typed name and title. Certifying officials may be commissioned or warrant officers, non-commissioned officers in grades E6-E9, civilian security specialists, hiring officials, or persons administering the oath of office to new employees. See appendix B for samples of certificates for verification of US citizenship and/or immigrant alien status.

b. Interim clearances may be granted under paragraph 5a above, to persons who appear to be US citizens pending receipt of verification of citizenship; however, DA Form 5247-R, requesting final security clearance will then include certification that citizenship has been verified. (Exceptions: Certificate verifying citizenship may be omitted for naturalized US citizens if there is evidence of an investigation completed after naturalization because the investigative scope requires an INS check to verify naturalization. Certificate verifying citizenship may also be omitted if there is evidence of a BI or SBI completed before 1 August 1979 because verification of birth or naturalization was within the scope of a BI or SBI.)

c. Acceptable documents to verify citizenship

and immigrant alien status are described in paragraph 2c, appendix B. DD Form 1966 and DA Forms 2 and 2-1 may not be used to verify naturalized citizenship.

d. For civilian employee, the appointment of "new hires" for critical-sensitive or noncritical sensitive positions which specify a need for security clearance must include citizenship verification as specified in FPM Chapter 338, Subchapter 1, that is, a review of the appropriate citizenship document described in paragraph 2c, appendix B. The provisions of FPM Supplement 296-31, which permit acceptance of an applicant's certification on SF 61-B, will apply only to the appointment of applicants to nonsensitive positions or those sensitive positions not requiring a security clearance.

9. TOP SECRET LAA for Immigrant Alien. All requests for BI's for TOP SECRET LAA's for immigrant aliens will omit the term "US Army" from the "Return Results to" block of DD Form 1879 to allow results to be returned directly to the requester. Requester will forward the completed BI description of material to be accessed and complete justification to HQDA (DAMI-CIS) for coordination with OSA.

10. Requests for Clearance. Request for Clearance will be submitted on DA Form 5247-R (RFSD) or by comparable message. Units may not submit DA Form 5247-R (RFSD) in any format other than as prescribed by this annex. Request for clearance submitted to CCF will be identified as "Initial" or "Tracer" and must contain full identifying data as indicated on DA Form 5247-R. DA Form 5247-R (RFSD) will be submitted in one copy to:

Commander

US Army Central Personnel Security Clearance Facility

ATTN: PCCF-OAS

Fort George G. Meade, Maryland 20755

If an immediate response is required, commanders may submit a request for clearance by message in DA Form 5247-R (RFSD) format to: CDR CCF FT MEADE MD//PCCF-OAS//.

a. Initial.

(1) Requests will be submitted on DA Form 5247-R or comparable message format.

(2) If a request for a PSI has been submitted to DIS and a length of time (180 days for BI or SBI, 60 days for NAC) has passed, submit a request (initial) to CCF on DA Form 5247-R (RFSD) or in comparable message format. If status of pending investigation is required earlier, follow the procedures outlined in paragraph 10c, below.

b. Tracer. Tracer actions may be submitted on:

(1) A new DA Form 5247-R (RFSD) with

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"Tracer" written out in Block 8.

(2) A legible copy of the original DA Form 5247-R with "Tracer" marked diagonally across the face. This may be used in place of preparing a new form.

(3) A comparable message with "Tracer" indicated in Item 8. All information furnished in the original request or previous "Tracer" requests must be included in the "Tracer" message or a complete reference to the initial message must be given.

c. Status Checks: CCF personnel will answer status checks concerning clearance action on file, investigations on file, or pending investigations. These checks may be submitted in message or letter format. CCF will respond with the type of clearance and/or investigation shown in the DCII. These requests must clearly indicate they are checks. They must include, as a minimum, full name, and aliases or former names, date and place of birth, and SSN of the person. CCF will neither begin adjudicative action nor request dossier for security clearance purposes on a person solely on the basis of a status check.

11. Telephone/Terminal System. CCF's telephone/terminal system provides immediate access to the DCII to all authorized requesters (AUTOVON 923-7075). The DCII contains a complete record of a person's investigative case history and the status of investigations currently in progress at DIS. It also shows clearance actions currently pending at CCF and clearances granted by CCF. The following rules apply to the use of this system:

a. Limit calls to—

(1) Cases of vital interest.
 (2) Cases where a written or message request to CCF would excessively delay an action by the requester.

(3) Cases where the DCII could reasonably be expected to contain information necessary to finalize an action.

b. Normally, only two names may be checked immediately. More names may be checked, but the requestor may have to call back for these results.

c. Be prepared to provide information in this sequence:

(1) Social security number.
 (2) Last name, first name, middle initial.
 (3) Date of birth with year (first), month (second) and day (last).

d. If the DCII shows no record and the requester has the results of a favorable NACI, be prepared to provide the NACI date, the individual's full name and state in which born.

e. Call during the hours of 0600 to 1800 Eastern

Standard Time, Monday through Friday, except holidays.

f. CCF will not send a message or letter confirming any information provided unless specifically requested. Derogatory information will not be provided during telephonic inquiries.

12. Request for Investigation.

a. NAC for security clearance only will be submitted to DIS on DD Form 1584 or DD Form 398-2 according to instructions in appendix C and appendix M. Requestors will complete the "Return Results To" block by inserting in capital letters, "US Army," centered at the top of the block followed by their specific mailing addresses or the address of the gaining command, when appropriate. Requestors will attach a copy of all unfavorable information and will enter in the upper righthand corner of the "Return Results To" block, the USAIRR Requester Account Control Number and UIC of the unit to which the clearance certificate should be sent. Verification of US citizenship or immigrant alien status should be included as stated in paragraph 8, above.

b. With the exception of immigrant aliens, a BI will be submitted to DIS on DD Form 1879 according to the instructions provided in appendix C. Requestors will complete the "Return Results To" block by inserting in capital letters, "US Army," centered at the top of the block followed by their specific mailing addresses or the address of the gaining command, when appropriate. Requestors will attach a copy of all unfavorable information and will enter in the upper righthand corner of the "Return Results To" block, the UIC of their unit or parent unit. Verification of US citizenship or immigrant alien status should be included as stated in paragraph 8, above.

(1) All requests for BI for immigrant aliens will be sent to CCF, ATTN: PCCF-OSA. DIS will not conduct the investigation unless CCF has certified its validity and a statement of special expertise is reflected in the "Remarks" section of DD Form 1879. The statement of special expertise must include justification for the request and certification of special expertise that demonstrates that the individual possesses some skill or training which makes him/her the logical person to do the job and that a U.S. citizen with equivalent expertise is not available to do the job.

(2) Initial BIs or SBIs received from DIS on DA civilians will be forwarded to the employing command with the security clearance determination to allow review for determination as to employment and/or appointment.

(3) Forwarding of SF 72 (in DA civilian cases) will be accomplished by the employing activity.

c. SBIs requested for SCI access will be processed according to paragraph 20 through 22 of this annex. SBIs for other than SCI access will be processed in the same manner as BIs described above. The specific reason for the investigation must be indicated.

d. Special Investigative Inquiries for a security clearance determination will be requested from DIS. Item 7, DD Form 1879, will contain the requester's address, omitting "US Army." After the investigation is completed by DIS, the file will be returned to the requester for review and command action. Afterwards, the completed investigation packet, documentation of command action, and recommendation regarding the individual's security clearance will be forwarded to CCF, under the cover of DA Form 5247-R (RFSD) for final clearances and/or access determination.

e. A NACI, required on a civilian employee or applicant, will be submitted to the OPM according to CPRs. Item 20 of the SF 85 will show the address of the employing agency's Security Manager. Eligibility for employment or appointment should be determined through coordination with the appropriate civilian personnel office before requesting a security clearance determination. When forwarding results of a NACI to CCF for clearance determination, the original SF 85 and SF 171 will be retained in the OPF. If the NACI is completely favorable, a statement attesting to that fact and the date the NACI was completed will be entered in the "Remarks" block of DA Form 5247-R (RSFD). If the NACI contains derogatory information, a copy of the entire NACI will be submitted to CCF. The original NACI may be retained by the Security Manager as long as the person is employed and may be transferred within DOD.

f. Investigations requested primarily for USAR or RA appointment, Federal recognition, or for other personnel actions when no security clearance is immediately required, should not contain the notation "US Army" in the "Return Results To" block of the DD Form 1879, DD Form 1584, or DD Form 398-2. This will allow the results to be returned directly to the requester. If favorable determination is made regarding the personnel action, and a security clearance is required, a request will be submitted to CCF under paragraph 6a, above.

g. Allegations reflecting on a person's loyalty to the US and or hostage situations stated in paragraphs 2-200 a. through f. and m. will be forwarded to Commander, CCF, for action. CCF will request appropriate investigation and advise of the determination.

13. Cancellation of Requests for Investigations and/or Clearances.

a. Whenever a clearance or investigation is no longer required, the requester will notify DIS and CCF, ATTN: PCCF-OSA. Cancellation will include—

- (1) Full identifying data.
- (2) Action requested.
- (3) The agency to whom the action was addressed.
- (4) The reason for cancellation.

b. If the cancellation is requested because the person is transferred, include the effective date and new unit of assignment. If a BI or SBI is still in progress when the person is transferred, the losing commander will notify the gaining command that a BI or SBI is in progress. The gaining commander can then forward DA Form 5247-R (RSFD) to CCF requesting a clearance or requesting cancellation of the investigation. If the person is "separated" from active service, indicate whether he or she was discharged or released from active duty. If the person has departed for a new assignment before the Security Manager is notified of the transfer, the losing command will advise the gaining command of the pending action by letter or message.

14. Suspension of Access and Reporting Derogatory Information.

a. Commander's Options. When the commander becomes aware of credible derogatory information on a person that falls within the scope of paragraph 2-200 and who has a security clearance, he or she will do one of the following:

(1) Suspend the person's access to classified information, conduct an inquiry or request investigation from the proper investigative agency as appropriate, complete DA Form 5248-R (Report of Unfavorable Information for Security Determination) and forward to CCF with DA Form 873 attached. DA Form 5248-R will be reproduced locally on 8½ x 11 inch paper. A copy for reproduction purposes is located at the back of this regulation.

(2) Suspend individual's access and forward all derogatory information to CCF on DA Form 5248-R with commander's recommendation and DA Form 873 attached. Item 11 of DA Form 5248-R will indicate that information forwarded is considered sufficient for determination and that no further inquiry or investigation is pending or contemplated.

(3) In cases where information available to the Commander is insufficient to warrant suspension of access, or in borderline cases in which propriety of suspension action is questionable, for-

ward the derogatory information to CCF on DA Form 5248-R. Indicate access has not been suspended pending final determination by CCF.

(4) If the person is currently indoctrinated for SCI access, suspension action will be processed according to paragraph 21.

b. Procedures for Reporting Derogatory Information.

(1) DA Form 5248-R. This form is used to report credible derogatory information, whether a person has clearance or not, when surfaced at the local level. Message in DA Form 5248-R format may also be used. All reports of derogatory information will include full identifying data on the person. Instructions for completing DA Form 5248-R are contained in Table A-2.

(2) Initial Reports. Reports of access suspension will include a summary of the information which caused the suspension. It will indicate what action the commander or appropriate authorities are taking (for example, conducting an inquiry or investigation) to resolve the incident.

(3) Follow-Up Reports. Reports will be submitted at 60-day intervals if the commander has not taken final action or, as an example, the subject is still pending action by civil court. A summary is all that is needed by CCF until the final action is taken by the commander.

(4) Final Reports. At the conclusion of command action, a final report will be forwarded to CCF indicating the action taken. The final report should contain recommendations of the command concerning restoration of the person's access or revocation of the security clearance. Include documentation of the derogatory information, for example, MP reports or blotter entries, AR 15-6 investigations, commander's inquiries, results of limited investigations, copies of courts-martial or Article 15's, medical reports or psychiatric examinations. CCF does not consider it to be a final report if the person is pending discharge under AR 635-200. If the person is discharged, a copy of the discharge order will be forwarded to CCF as an inclosure to DA Form 5248-R. If the person is retained in service or released to the USAR, advise CCF by forwarding a final DA Form 5248-R. This will allow CCF to resume security clearance action.

c. Restoration of Access. The Commander, CCF, is the only person designated to restore access when suspended by the local commander, unless the provisions of paragraph 7-102f apply. Restoration of access will be accomplished by CCF executing a new DA Form 873.

d. Elimination from Military Service Prior to Security Determination. When revocation action

is recommended and the person is also being considered or being processed for elimination from the US Army, the commander will monitor the person's elimination. The Commander will take all appropriate measures to expedite the resolution of the proposed revocation before elimination. If the person is eliminated from military service before a final security determination by CCF, the following actions will be completed:

(1) CCF will be notified that the person has been discharged. Notification will include full identifying data and will reference the report of access suspension. A copy of the order authorizing discharge will be forwarded as an inclosure to DA Form 5248-R.

(2) If the DA Form 873 was not previously forwarded to CCF, it will be withdrawn from the person's MPRJ, the "Remarks" block annotated "Eliminated from the US Army for cause—(date)", and forwarded to CCF.

e. Derogatory information on persons not having a security clearance. When commanders become aware of derogatory information falling within the criteria of paragraph 2-200 pertaining to persons who do not possess or require a security clearance, it will be reported to CCF on DA Form 5248-R. Reports of derogatory information pertaining to these persons should be limited to that significant information which could have an impact on any future request for clearance and to that which is not retrievable from files of investigative agencies (for example, DIS or CRC). Only final reports will be submitted on persons who do not possess a security clearance.

15. Denial and/or Revocation of Security Clearances:

a. Commander, CCF, is the DA authority for denial and/or revocation of security clearances under paragraph 1-400d.

b. When credible derogatory information is received at CCF and an adverse security clearance is considered, CCF will forward a Letter of Intent (LOI) to deny or revoke a security clearance to the person, through the commander, under paragraph 8-201. This LOI will furnish the reason why the adverse action is being considered and offer the person an opportunity to reply in writing with an explanation or reflection of the issues outlined in the LOI. A period of 60 days from date of receipt will be allowed for the reply to the LOI to reach CCF.

c. The commander will insure that the person acknowledges receipt of the LOI by signing and dating the form letter enclosed with the LOI. The person will indicate his or her intention regarding submission of a rebuttal. The form letter acknowl-

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edging receipt of the LOI will be immediately forwarded to CCF by the official who presents the letter to the person.

d. All replies to LOI will be indorsed to the Commander, CCF, by the person's immediate commander through channels. Indorsements should address the issues outlined in the LOI and include commander's recommendation(s) whether the person should or should not retain a security clearance. Commander's comments should not be restricted to an evaluation of the person's duty performance. Comments include the following:

- (1) Include a length of time a commander has known the person.
- (2) Indicate whether the person has or has not taken any steps to change his or her conduct or behavior.
- (3) Personal knowledge of the person's character traits.
- (4) Any other information which tends to show whether the person is or is not a security risk.

e. The additional time required to forward the person's response through channels must be considered in the 60 days allowed for return of the LOI to CCF. Commanders will give the person a realistic suspense date in which to reply to the LOI to allow adequate mailing time through channels. If unusual circumstances will prevent the person's reply from reaching CCF within 60 days from the date of receipt of the LOI, an extension must be requested before the 60 day suspense explaining the reason for the delay and indicating the date that the reply may be expected.

f. When CCF receives the response to the LOI, it will be considered and then a final determination will be made. The final determination will be furnished to the commander who will advise the person.

g. Whenever a LOI or final letter of revocation or denial is received concerning a person who is no longer assigned to the command, one of the following actions will be taken:

- (1) If the person is transferred, indorse the LOI or revocation or denial to the gaining command to complete the action and forward an information copy of the indorsement to the Commander, CCF.
- (2) If the person has been released from active duty and has a reserve obligation, forward the LOI or denial or revocation to the US Army Reserve Components and Administration Center, ATTN: AGUZ-SOC, St. Louis, Missouri 63132. Forward an information copy of the indorsement to the Commander, CCF.
- (3) If the person has been discharged from mil-

itary service with no reserve obligation, advise CCF and furnish a copy of the orders.

h. When a person is incarcerated by military or civilian authorities as a result of a conviction of a criminal offense, or when a person is dropped from the rolls as a deserter, the commander will immediately take the following actions:

- (1) Withdraw the DA Form 873 from the person's MPRJ or OPF and stamp or print across the face, "Revoked by authority of Commander, CCF, Deserted—(date)" or "Revoked by authority of Commander, CCF, Incarcerated as a result of Civil Conviction or Court Martial—(Date)", as appropriate for military and civilian personnel.
- (2) Forward the DA Form 873 with a DA Form 5248-R explaining circumstances to the commander, CCF.

i. Under paragraph 5-6, AR 600-37, CCF is required to provide unfavorable information developed during the conduct of the PSI to both the DA Suitability Evaluation Board (DASEB) and the appropriate MILPERCEN, Army Reserve or NGB personnel management office (PMO) on all senior enlisted, commissioned or warrant officer personnel. Specifically included is any information which results in denial or revocation of a security clearance. However, the regulation does not exclude providing other significant unfavorable information which does not result in an adverse security clearance action. The responsibility for determining which information is to be retained in a person's OMPF remains with the DASEB. CCF will notify those persons through command channels on whom information and/or files are being forwarded to either the DASEB or the PMO.

16. Civilian Applicant for Noncritical-Sensitive and Critical-sensitive positions.

a. Under emergency conditions, a waiver of investigative requirements for appointment to a sensitive position may be authorized only by one of the authorities specified in paragraph G, appendix F. The emergency finding will become a matter of record in the OPF, including a statement of justification as to why inherent delay in appointment pending completion of the required investigation will be harmful to the national interest. See paragraph 3-204.

b. Interim security clearance granted for civilian applicants appointed under emergency conditions to sensitive positions will be processed according to paragraphs 5c(2) and 5d(1), above (see para 3-800.)

17. Foreign National Personnel. Upon request, CCF conducts a check of the DCII and requests that the investigative agency forward any existing investigative file to the requester. Request for

checks may be submitted by message, letter, or DA Form 2784-R, and will clearly indicate "Foreign National" in the "Remarks" block. Notification of a DCII "No Record" is forwarded to requester, if appropriate.

18. Special Access. Once a person's clearance has been granted by CCF, special accesses such as NATO, CENTO, CNWDI, SIOP-ESI, etc., will be issued by the commander responsible for controlling these accesses, according to appropriate Army regulations. However, authority to grant access eligibility to SCI is retained by the Commander, CCF.

19. Surety Programs. Security clearance determinations for surety position nominees under AR 50-5, AR 50-6, and AR 380-380 will be made by CCF. Personnel reliability/surety program determinations remain the responsibility of the unit commander.

a. Nuclear Surety Program (AR 50-5).

(1) All clearance requests will be submitted to CCF on DA Form 5247-R or in comparable message format under paragraph 6b, above. The request will indicate "AR 50-5 (Nuclear Surety) supplies" and specify the position as "Critical" or "Controlled" in item 11.

(2) Request for investigation submitted to DIS will indicate "Nuclear Weapons Position" in item 6b of DD Form 1879. Requesters will conspicuously annotate the "Remarks" Block of DD Form 1584, DD Form 398-2, or DD Form 1879 with "Nuclear Surety (Controlled)" or "Nuclear Surety (Critical)", as appropriate.

b. Chemical Surety Program (AR 50-6).

(1) All clearance requests will be submitted to CCF on DA Form 5247-R or in comparable message format under paragraph 6b above, and will indicate "AR 50-6 (Chemical Surety) applies" in item 11.

(2) Request for investigation submitted to DIS will indicate the degree of access required and "Other" in item 6b of DD Form 1879. Requesters will conspicuously annotate the "Remarks" Block of DD Form 1584, DD Form 398-2, or DD Form 1879 with "Chemical Surety."

c. Automated Systems. Security (ADP) (AR 380-380).

(1) All clearance requests will be submitted to CCF on DA Form 5247-R or in comparable message format under paragraph 6b, above, and will indicate "AR 380-380 (ADP Surety) applies" in item 13.

(2) Request for investigation submitted to DIS will indicate "Automated Systems Surety" in the "Remarks" block of DD Form 1584, DD Form 398-2, or DD Form 1879. Item 6 of DD Form 1879

will indicate the degree of access required and "Other."

d. Surety Program Determination. Currently, CCF is routinely reviewing all cases for PRP/Surety consideration. Therefore, if the investigative file contains no disqualifying information, the following comment will appear in the remarks section of the DA Form 873: "PRP/SURETY CONSIDERED." If the clearance request processed at CCF after 1 August 1981 indicates that the person is being considered for a PRP/Surety position and the comment "PRP/SURETY CONSIDERED" is not annotated in the remarks section of the DA Form 873 issued by CCF, the file will automatically be forwarded to the local commander under separate cover for his or her PRP/Surety determination. The comment "PRP/SURETY CONSIDERED" means that as of the date of this security clearance no disqualifying information was known by CCF. If a substantial period of time has elapsed between the date of the clearance and the date the person is being considered for a PRP/Surety position, recommend that a DA Form 5247-R or message in DA Form 5247-R format be submitted. If no subsequent disqualifying information has been developed, CCF will issue a current DA Form 873. As PRP Surety was not always routinely considered by CCF, the absence of this comment on a DA Form 873 granted before 1 August 1981 does not automatically indicate that the investigative file contains information which must be considered by the commander. Copies of completed investigations will be forwarded to the requester by CCF—

(1) When clearance is granted. However, the investigation contains information which may be of a disqualifying nature as indicated in one of the above PRP/surety programs.

(2) When the investigation on which the clearance is granted does not meet the 5 year time requirement for assignment to surety duties and the information in the previous investigation may be of a disqualifying nature. This will allow the commander to consider the prior derogatory information which may preclude the assignment and eliminate requests for investigations.

20. Nomination and Eligibility Determination Procedures for SCI.

a. Nomination Procedures. A person requiring SCI access should be nominated to CCF as soon as he/she is identified. This will permit a timely eligibility determination. These procedures apply to routine nominations, requests for one time SCI access, and SCI access formerly referred to as "Compelling Need." Paragraph 1103a of DOD Directive S-5200.17(M2) requires annotation or coding of

requisitions for military personnel who will require access to SCI. Submission of a nomination before the person's arrival in the command, even though complete personnel data may not be available, will save time in many instances. However, the social security number and full name are needed as a minimum. Nominations will be submitted by either the losing or gaining SSO as soon as it becomes apparent the person will require SCI access at his or her new assignment. DA Form 5247-R or message in DA Form 5247-R format will be used to submit nominations.

(1) Time remaining in a command or position is not a bar to submitting a nomination. As a guideline, persons should not be nominated for access unless there is reasonable assurance that they will be retained in an authorized billet. This should be at least a year from the date of indoctrination in a long tour area and 6 months in short tour area.

(2) Every attempt will be made to submit nominations in an unclassified format. Compartmented information will be included only when absolutely essential and classified accordingly.

(3) Nominees for SCI access will be personally interviewed under appendix G whenever possible to eliminate requests for SBIs for potentially unqualified persons.

(a) When it is not feasible to conduct the required personal interview before requesting the SBI, the DD Form 1879 will be annotated in item 20 citing the reason. When the interview is conducted, Item 20 of the DD Form 1879 will include the statement, "Personal interview conducted by" (cite the name and title of the designated official and his or her duty assignment).

(b) The personal interview will be conducted to determine if any of the criteria listed in paragraph 2-200 exists. The guidelines in appendix G apply.

(c) Unfavorable or questionable information developed through the personal interview will be detailed on DD Form 1879 under Item 20 in all instances in which an SBI is requested.

(4) Before submitting a request for an SBI, the following guidelines will be used to determine the propriety of requesting an SBI for SCI access:

(a) The person must not be under flagging action under AR 600-31.

(b) The person must not be currently under psychiatric care or participating in any drug and alcohol rehabilitation program.

(c) The person must not have any adverse action pending under paragraph 8-201.

(d) The person must not have any civil litigation pending.

(e) The person and spouse, parents, brother, sister, children, or other persons with whom he or she is bound by affection or obligation must be US citizens. Requests for waiver of this criterion based on a compelling operational requirement will be forwarded to CCF through SSO channels. CCF must approve the request before submission of the SBI to DIS. The waiver authority will be cited in Item 20 of the DD Form 1879 upon submission to DIS. See paragraph 22 below for specific guidelines concerning foreign national affiliations.

(f) Unresolved derogatory information should not normally be used to disqualify a person without a complete investigation. Information of this type will be adjudicated by CCF after completion of the investigation. If the commander feels the derogatory information furnished by the person or developed during the local records check clearly warrants denial of SCI access, the nomination derogatory information will be forwarded to CCF with the SBI packet attached.

b. Eligibility Determination Procedures. A person must be the subject of a favorably completed SBI or SBI-PR within the past 5 years to be declared eligible for SCI access except as noted in b(3) and d below. After receipt of a nomination, CCF will review all files available and determine the person's SCI access eligibility.

(1) If a favorable determination is made, SCI access will be granted concurrently with a TOP SECRET clearance. Notification to this effect will be sent to the nominating SSO or other appropriate authorities, followed by a DA Form 873 to the UIC listed in the nomination.

(2) If the person lacks the investigative basis for granting SCI access, the requestor will be notified to submit a request for an SBI to DIS. However, if it is reasonably certain the person has no SBI or the SBI is no longer valid (14b(3)), the supported command will submit a request for SBI to DIS and nominate the person to CCF no earlier than 30 days after the submission of the SBI request to DIS.

(3) When the SBI is 4 years, 9 months old, an SBI-PR would normally be submitted to DIS.

(4) If the person is determined to be ineligible for SCI access, the case will be processed under paragraph 8-201. The requestor will be notified of the person's SCI access and clearance determination.

(5) If the person is determined to be eligible for SCI access, then elects not to execute the SCI Nondisclosure Agreement (NDA), the indoctrination process will be terminated. The person will be notified that SCI access will not be authorized

based on the lack of consent to sign an NDA. CCF will be notified of the refusal to execute the NDA.

c. Nomination for One Time SCI Access. In most cases, an approved billet will exist before the incumbent is nominated for SCI access. Exceptions are nominations for one time access to attend a conference, briefing or other situations in which temporary SCI access appears warranted, but establishment of a permanent billet is not.

(1) For one time SCI access, a nomination message will be forwarded to SSO DA//IASSG-OS-M//with an information copy to SSO MEADE//PCCF-PR//. Use DA Form 5247-R format requesting the person be granted one time SCI access. The subject of the message will be changed to read "Nomination for One Time SCI Access" and will include justification and date(s) needed. If the justification for one time access is approved by CDR, USASSG, the requesting SSO will be notified.

(2) Normal SCI investigative standards (favorable SBI completed within the past 5 years) apply in cases involving one time SCI access. CCF will make eligibility determination and notify the requesting SSO. Before indoctrination, the nominating SSO will insure that he or she has received the approval from both CDR, USASSG, and CCF.

(3) If there is an exceptional requirement for SCI access before completion of the investigation, the provisions of paragraph 20d below, apply.

d. Interim SCI Access.

(1) Interim SCI access may be granted when the need for access to SCI is of such urgency that the benefits to be gained by indoctrination would far outweigh the security risk involved. This term is not to be confused with the "need to know" criterion which establishes the billet.

(2) All requests for exceptions to personnel security or investigative standards must clearly state and describe the compelling need. Requests must show how denial of access will impact on the ability of the organization to accomplish its assigned mission. To minimize the need for the use of interim SCI access requests, command or organization personnel management procedures will insure that SCI coded personnel requisitions are used for all persons who will require SCI access. Only a person in the grade of O-5 (civilian equivalent) or above acting in the capacity of commander, organization chief, senior intelligence official, or other senior/command officers can request exceptions to the personnel security or investigative standards for interim SCI access.

(3) When nominating a person and interim SCI access is required, the following actions will be taken:

(a) Send a nomination message through SSO channels to CCF using DA Form 5247-R format. Change the subject of the message to read, "Nomination for Interim SCI Access."

(b) Include in the Remarks Section of DA Form 5247-R the results of the personal interview conducted under paragraph a(3) above. If unfavorable information is surfaced during the personal interview or the local files checks, the nomination will not be submitted as an interim SCI access request. However, the follow-up SBI by DIS may be submitted to resolve any questions except as indicated in a(4) above.

(c) SSO will provide an evaluation and recommendation.

(d) If an SBI is pending at DIS and later determined that interim SCI access is required, nominations for interim SCI access should not be submitted to CCF until the SBI has been opened at DIS for a minimum of 45 days.

Note: The reason for this time restriction is that it takes DIS 30-45 days to acquire all pertinent files for review.

(e) If SCI access will be required for a person, and an SBI has not been submitted to DIS, a nomination for interim SCI access will be submitted to CCF for an initial determination before submitting the SBI request to DIS. After receipt of a favorable interim SCI access determination, and before indoctrination, the SBI request will be submitted to DIS.

(f) The nomination must indicate the person (if military) has been or will be granted, as a minimum, an interim TOP SECRET clearance, under paragraph 5a. If the person is a DA civilian, he or she must, as a minimum, have an interim TOP SECRET clearance granted before the nomination under paragraph 5b. If the person is a contractor, he or she must have, as a minimum, an interim TOP SECRET clearance granted by DISCO.

21. Suspension and Termination of SCI Access. Paragraph 16, DCID 1/14, requires that security programs be tailored in such a way that "no issue will escape notice or be left unresolved which brings into question a person's loyalty and integrity or suggests the possibility of his being subject to undue influence or duress through foreign relations or exploitable conduct." In that regard, both Security managers and SSOs have the responsibility to establish and maintain close and continuous coordination in order to administer an effective and mutually supporting security program.

a. When a commander or SSO becomes aware of adverse or derogatory information falling within the scope of paragraph 2-200 pertaining to an indoctrinated person, prompt consideration will be given by the SSO to suspending SCI access. SSOs

will not debrief a person under these conditions without prior authority from CCF. Whether or not the person's access is suspended, the adverse information will be reported to CCF on DA Form 5248-R or message in DA Form 5248-R format. The supported command's Security Manager will determine whether the person's access to classified information should also be suspended under paragraph 14.

b. In addition to the criteria outlined in paragraph 2-200, the engagement, marriage or close associations with a foreign national may be cause for suspension of access. See paragraph 22 for details.

c. Concurrent with suspension action, an investigation or commander's inquiry is normally initiated or requested to permit a complete and timely adjudication at CCF.

d. After completion of an investigation or inquiry, DA Form 5248-R will be forwarded to the Commander, CCF. This will contain the commander's evaluation and recommendations concerning eligibility for SCI access and security clearance. Any other pertinent documentation or information which would aid in the adjudication of the case will be included.

e. After receipt of the final DA Form 5248-R and all pertinent investigative files, CCF will make a determination on the person's continued eligibility for SCI access and security clearance. The SSO and other appropriate authorities will be notified of both the SCI access and security clearance determination. The Commander, CCF, is the sole authority for reinstatement of SCI access once a suspension action has been taken except under conditions described in paragraph 7-102f.

f. SCI indoctrinated personnel who seek professional guidance from psychiatrists, psychologists, other mental health practitioners, or alcohol and drug abuse personnel will report these requests for assistance to their Security Manager and local SSO.

(1) After notification of an indoctrinated person's participation in one of the above programs, SCI access may be suspended by the SSO depending on the circumstances. Regardless of whether suspension action is taken, participation and the reason(s) will be reported to CCF as outlined in paragraph a above to the local Security Manager of the supported command.

(2) After completion of the rehabilitation program, the person's Security Manager will report all the details, to include written professional evaluations of the rehabilitation, to CCF by DA Form 5248-R. Include recommendations to continue or withdraw SCI access. CCF will make a final

determination in the same manner shown in e, above.

(3) In all cases where an indoctrinated person obtains professional counselling from a mental health practitioner, the Security Manager will obtain a current evaluation by a qualified psychiatrist (M.D.). The psychiatrist must be US Government employed or contracted.

g. While SSOs have the authority to suspend SCI access after receipt of adverse information, they do not have the authority to debrief the person for cause. Formal debriefing for cause will be taken only after CCF approval or for other reasons cited in TB 380-35.

22. Foreign National Affiliation.

a. Paragraph 5b, DCID 1/14, requires that both the subject and members of his or her immediate family be US citizens. Immediate family is defined as the person's spouse, parents, brothers, sisters, and children. The members of the person's immediate family and any person to whom he or she is bound by affection or obligation should neither be subject to physical, mental or other forms of duress by a foreign power. Neither should they advocate the use of force or violence to overthrow the Government of the US or the alteration of the form of Government of the US by unconstitutional means.

b. If the subject is foreign born:

(1) Established criteria may be waived if subject was—

(a) Born in a non-communist country and is now a US citizen. Subject maintains no close foreign ties and has not had extensive residence in or near his or her native country since his or her original entry into the US, except as a result of directed Federal service. Voluntary foreign service may not necessarily be considered directed Federal service when the foreign service was requested by subject or directed according to the subject's preference for residence in a foreign country.

(b) Born in what is now a Communist Bloc Country (CBC) but has not resided under a communist regime, is a US citizen and maintains no ties in a CBC.

(2) Established criteria normally may not be waived if—

(a) Subject was born in a CBC, has resided under a communist regime, and has relatives or associates residing in a CBC with whom he or she maintains close ties.

(b) Subject maintains close ties in a CBC, regardless of country of birth or residence.

(c) Subject is not a US citizen.

(d) Subject is a US citizen (native or naturalized) but has had extensive residence in or near his

or her native country or country of ancestral origin that was not a result of directed Federal service. Voluntary foreign service may not necessarily be directed Federal service when the foreign service was requested by subject or directed accordingly to the subject's preference for residence in a foreign country.

c. If a nominee for SCI access has a foreign national spouse, he or she is normally not eligible for SCI access. The prenomination interview required by paragraph 20a(3) should reveal the presence of a foreign national spouse and will normally preclude further processing of the SBI paperwork to DIS. This is particularly true in cases requiring a compelling need when the nominee is identified by the losing command as requiring SCI access for a projected assignment. The losing command cannot determine the existence of a compelling need situation at the gaining command. When this situation arises, MILPERCEN should be immediately notified and further SCI processing should be suspended pending notification by MILPERCEN.

(1) The DCID 1/14 criteria may be waived for nominees with foreign born spouses only if the following factors apply:

(a) Spouse was born in and is a citizen of a CANUKUS (Canada, Australia, New Zealand, United Kingdom and United States) country.

(b) Spouse was born in a non-communist country other than CANUKUS and is a US citizen.

(c) Spouse was born in what is now a CBC, but has not resided under a communist regime, maintains no ties with anyone in a CBC, and is a US citizen.

(d) Spouse was born in a non-communist country other than CANUKUS, has demonstrated by observable action an allegiance to the United States, and has declared an intent to become a US citizen. The supported command must also validate a compelling need for the nominee to have SCI access and there must be no evidence of anti-American feelings demonstrated by the spouse. The above applies if the spouse was born in what is now a communist country, but has never resided under a communist regime, and maintains no CBC ties.

(2) Established criteria normally may not be waived if—

(a) Spouse was born a citizen of a CBC, has resided under a communist regime and/or maintains ties with person(s) residing in a CBC. Spouse's obtaining US citizenship does not alter the circumstances.

(b) Spouse is not a US citizen nor a citizen of a CANUKUS country, has not demonstrated by observable action an allegiance to the US, and de-

clared the intent not to become a citizen.

d. If a nominee for SCI access has parents, brothers, sisters or children who are not US citizens, he or she is not eligible for SCI access.

(1) The DCID 1/14 criteria may be waived, provided there is no evidence of anti-American feeling, and the parents, brothers, and sisters or children were—

(a) Born in CANUKUS country.

(b) Born in a non-communist country, other than CANUKUS, and residing in the US.

(c) Born in a non-communist country, other than CANUKUS, and residing in that country. The nominee must not be subject to coercion or pressure through these family members and contact must not be excessive.

(2) DCID 1/14 criteria may also be waived, provided that the supported command validated a compelling need according to this paragraph and the nominee's parents, brothers and sisters, or children were—

(a) Born in CBC, but reside in the US.

(b) Born in what is now a CBC, but have not resided under a communist regime, maintain no communist bloc country ties, or reside in other than the US or their native country.

(3) Established DCID 1/14 criteria will not normally be waived, even with a valid compelling need, if parents, brothers and sisters or children of the nominees are citizens and residents of a CBC, regardless of the degree of contact with the nominee.

e. SCI indoctrinated personnel who marry a foreign national may be permitted continued SCI access upon approval of a waiver of the DCID 1/14 criteria by CCF. This will be accomplished after a compelling need for their services has been declared by the supported command and the security risk is determined to be negligible. Waivers may only be requested by—

(1) Officers on indefinite status.

(2) Enlisted personnel on second or subsequent enlistments.

(3) Enlisted personnel in CMF 33 or 98.

(4) Career civilian employees.

(5) Contractors.

(6) Other personnel determined by the command to be absolutely essential to the command's mission.

(7) Personnel who have had extensive prior SCI access and who are now married to foreign nationals and fall into one of the aforementioned categories.

f. Requests for waiver for personnel in CMF 33 or 98 need not be accompanied by a compelling need statement since possession of either CMF has

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APPENDIX D

TABLES FOR REQUESTING INVESTIGATIONS

Table D-1

GUIDE FOR REQUESTING BACKGROUND INVESTIGATIONS (BI)			
RULE	A	B	C
	If the individual is a	and duties require	then a BI is required before
1	U.S. national military member or civilian employee	Top Secret Clearance	granting final clearance
2	U.S. national civilian employee	assignment to a "Critical-sensitive position"	assignment to the position
3	U.S. national military member or civilian employee	occupying a "critical" position in the Personnel Reliability Program (PRP)	occupying a "critical" position
4	U.S. national military member or civilian employee	granting, denying clearances	performing clearance functions
5	U.S. national military member or civilian employee	membership on security screening, hearing, or review board	appointment to the board
6	immigrant alien	Secret or Confidential clearance	granting clearance
7	non-U.S. national employee excluding immigrant alien	limited access to Secret or Confidential classified information	authorizing limited access
8	U.S. national military member or civilian employee	assignment to a category two Presidential Support position	assignment

Table D-2

GUIDE FOR REQUESTING SPECIAL BACKGROUND INVESTIGATIONS (SBI)			
RULE	A	B	C
	If the individual is a	and duties require	then a SBI is required before
1	U.S. national military member or civilian employee	access to SCI	granting access ¹
2		assignment to a category one Presidential Support position	assignment
3		access to SIOP-ESI	granting access ¹
4		assignment to the National Security Agency	assignment ¹
5		access to any other Special Access programs	granting access ¹
6		assignment to personnel security, counterintelligence, or criminal investigation support duties	assignment ¹

¹ Do not request SBI if previous SBI is less than 5 years old, there has been no break in military service or DoD employment greater than year, and there is no record of significant derogatory information since completion of the previous SBI.

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Table D-3

GUIDE FOR REQUESTING PERIODIC REINVESTIGATIONS (PR) ¹			
RULE	A	B	C
	If the individual is	and duties involve	then a PR is required
1	U.S. national military member or civilian employee	access to SCI	to be submitted 4 years 9 months after date of last SBI or SBI/PR while assigned to an SCI position
2		assignment to Presidential Support activities	4 years 9 months after date of last BI/SBI ¹ or PR, while assigned to position
3		assignment to a critical position in the PRP	before assignment to position, if prior investigation is 5 years old
4		assignment to a controlled position in the PRP	before assignment to position if prior ENTNAC/NAC/NACI is over 5 years old
5	U.S. national civilian employee	assignment to a Critical-sensitive position	at 5-year intervals after initial assignment
6	Non-U.S. national employee	current limited access to Secret or Confidential classified information	at 5-year intervals after having access

¹ According to whether subject is in category one or two position.

Table D-4

GUIDE FOR REQUESTING NATIONAL AGENCY CHECKS (NAC)			
RULE	A	B	C
	If the individual is a	and duties require	then a NAC is required
1	U.S. national military member or civilian employee	Secret clearance	before granting clearance (note 1)
2		Interim Top Secret	before granting interim clearance (note 2)
3		retention in the Armed Forces (including National Guard and Reserve)	to be initiated NLT three work days after entry (note 3)
4	reentering after break in military service or Federal employment exceeding 1 year		to be initiated NLT three work days after reentry
5	applicant for appointment as a commissioned officer	commission in the Armed Forces	before appointment (after appointment for health professionals, chaplains, and attorneys, under conditions authorized by paragraph 3-303 of this Regulation)
6	Naval Academy Midshipman, Military Academy Cadet, or Air Force Academy Cadet	enrollment	to be initiated 90 days after entry
7	Reserve Officer Training Corps Cadet or Midshipman	entry to advance course or College Scholarship Program	to be initiated 90 days after entry
8	nominee for military education and orientation program	education and orientation of military personnel	before performing duties
9	U.S. national military member or civilian employee	unescorted entry to areas defined in paragraph 2-501.a.	before authorizing entry
10	U.S. national military or civilian employee	occupying a controlled position in Nuclear Weapon PRP (reference (q))	before assignment
11	immigrant alien	interim Confidential clearance	before granting clearance
12	nonappropriated fund instrumentality (NAFI) employee (reference (s))	appointment as NAFI custodian	before appointment
13		accountability for nonappropriated funds	before completion of probationary period
14		fiscal responsibility as determined by NAFI custodian	
15	U.S. national civilian employee nominee for customs inspections	waiver under provisions of reference (t)	before appointment (note 4)
16	U.S. national Red Cross/United Service Organization personnel	assignment with the Armed Forces overseas	before assignment

- Notes: 1. NAC not required if individual has current ENTNAC.
 2. New NAC not required if prior NAC less than 12 months old.
 3. Request ENTNAC only.
 4. A NAC not over 5 years old suffices unless there has been a break in employment over 12 months. Then a current NAC is required.

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Table D-4—Continued

GUIDE FOR REQUESTING NATIONAL AGENCY CHECKS (NAC)

RULE	A	B	C
	If the individual is a	and duties require	then a NAC is required
17	U.S. national	DoD building pass	prior to issuance
18	Foreign national employed overseas	no access to classified information	prior to employment (note 5)

NOTES: 5. In such cases, the NAC shall consist of: (a) Host government law enforcement and security agency record checks at the city, state, (province), and national level, and (b) DCII.

APPENDIX F

PERSONNEL SECURITY DETERMINATION AUTHORITIES

A. Officials authorized to issue personnel security clearance (Top Secret, Secret, and Confidential):

1. Secretary of Defense and/or designees
2. Secretary of Army and/or designees
3. Secretary of Navy and/or designees
4. Secretary of Air Force and/or designees
5. Chairman, Joint Chiefs of Staff and/or designees
6. Directors of the Defense Agencies and/or designees
7. Commanders of the Unified and Specified Commands and/or designees
8. Assistant Chief of Staff for Intelligence, HQDA and/or designees
9. Commander, US Army Central Personnel Security Clearance Facility and/or designees

B. Officials authorized to grant Limited Access Authorizations:

1. Top Secret
 - a. Secretaries of the Military Departments
 - b. Deputy Under Secretary of Defense for Policy Review for OSD
 - c. Chairman, JCS for OJCS and Unified and Specified Commands
 - d. Directors of the Defense Agencies
 2. Secret
 - a. Heads of Components and commanders of major commands designated by them
 - b. Commanders, Component centralized clearance facilities
 - c. Assistant Chief of Staff for Intelligence, HQDA
 - d. Commander-in-Chief, US Army Europe and Seventh Army
 - e. Commander, Eighth United States Army
 - f. Commander, United States Army Japan
 - g. Commander, US Army Western Command
 - h. Commander, US Army Material Development and Readiness Command
 - i. Commander, US Army Communications Command
 - j. Commander, US Army Criminal Investigations Command
 - k. Commander, US Army Intelligence and Security Command
 - l. Commander, US Army Health Services Command
 - m. Commander, US Army Training and Doctrine Command
 - n. Commander, US Army Forces Command
 - o. Commander, US Army Military District of Washington
 - p. Commander, US Army Finance and Accounting Center
 - q. Commander, US Army Computer Systems Command
 - r. Commander, US Army Recruiting Command
 - s. Commander, Military Traffic Management Command
 - t. Commander, US Army Southern Command
 - u. Chief of Engineers, US Army
 - v. Chief, National Guard Bureau
 3. Confidential—Any of the officials authorized to issue Limited Access Authorization under 1. and 2. above.
- C. Officials authorized to grant access to SCI:
- Director, NSA—for NSA
- Director, DIA—for OSD, OJCS, and Defense Agencies
- Senior Intelligence Officers of the Army (Assistant Chief of Staff for Intelligence, HQDA), Navy, and Air Force and/or designees—for their respective Military Departments.
- D. Officials authorized to certify personnel under their jurisdiction for access to

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Restricted data (to include Critical Nuclear Weapon Design Information): see enclosure to DoD Directive 5210.2 (AR 380-150)(reference (x)).

E. Officials authorized to approve personnel for assignment to Presidential Support activities: The Special Assistant to the Secretary and Deputy Secretary of Defense or designee.

F. Officials authorized to grant access to SIOP-ESI:

1. Director of Strategic Target Planning
2. Director, Joint Staff, OJCS
3. Chief of Staff, U.S. Army
4. Chief of Naval Operations
5. Chief of Staff, U.S. Air Force
6. Commandment of the Marine Corps
7. Commanders of Unified and Specified Commands
8. The authority to grant access delegated above may be further delegated in writing by the above officials to the appropriate subordinates.

G. Officials authorized to designate sensitive positions:

1. Heads of DoD components or their designees for critical-sensitive position:
 - a. Under Secretary of the Army
 - b. Assistant Secretaries of the Army
 - c. Deputy Assistant Secretaries of the Army
 - d. Chief of Staff
 - e. Heads of DA Staff Agencies
 - f. Commander-in-Chief, US Army Europe and Seventh Army
 - g. Commander, Eighth United States Army
 - h. Commander, United States Army Japan
 - i. Commander, US Army Western Command
 - j. Commander, US Army Materiel Development and Readiness Command
 - k. Commander, US Army Communications Command
 - l. Commander, US Army Criminal Investigations Command
 - m. Commander, US Army Intelligence and Security Command
 - n. Commander, US Army Health Service Command
 - o. Commander, US Army Forces Command
 - p. Commander, US Army Training and Doctrine Command
 - q. Commander, US Army Military District of Washington
 - r. Commander, US Army Finance and Accounting Center
 - s. Commander, US Army Computer Systems Command
 - t. Commander, US Army Recruiting Command
 - u. Commander, Military Traffic Management Command
 - v. Commander, US Army Southern Command
 - w. Chief of Engineers, US Army
 - x. Chief, National Guard Bureau

Note: These officials may redelegate this authority to subordinate commanders as deemed necessary.

2. Organizational commanders for noncritical-sensitive positions.

have they

APPENDIX I ADJUDICATION GUIDELINES INTRODUCTION

The attached guidelines have been developed to assist DoD personnel security adjudicators in making determinations with respect to an individual's eligibility for employment or retention in sensitive duties or access to classified information. While equity demands reasonable consistency in evaluating individual cases, the nature and complexities of human behavior preclude the development of a single formula that is equally applicable in every personnel security case. Accordingly, the guidelines are not intended nor should they be interpreted as being hard and inflexible rules of procedure. On the contrary, the guidelines are intentionally broad and general, demanding continued dependence on the adjudicator's sound judgement, mature thinking and careful analysis. Each case must be weighed on its own merits, taking into considerations all relevant factors, and prior experience in similar cases. Each adjudication is to be an overall commonsense determination based upon considerations and assessment of all available information, both favorable and unfavorable, with particular emphasis being placed on the seriousness, recency, and motivation for the individual's conduct; the extent to which conduct was voluntary and undertaken with knowledge of the circumstances involved; and, to the extent it can be estimated, the probability that conduct will or will not continue in the future. In all adjudications the protection of the national security shall be the paramount determinant. In the last analysis the final decision in each case must be arrived at by applying the standard that the issuance of the clearance or assignment to the sensitive position is "clearly consistent with the interests of national security."

Financial Irresponsibility

Basis: Failure to meet just and avoidable financial obligations voluntarily incurred.

Factors Which May be Considered in Determining Whether to Deny or revoke Clearances:

1. History of bad debts and unmanageable indebtedness.
2. Recent bankruptcy with continuing financial problems.
3. Indebtedness aggravated or caused by gambling, alcohol, drug abuse, or mental or emotional defects.
4. A history or pattern of writing checks not covered by sufficient funds.
5. Unfavorable judgments, liens, or repossessions.
6. Deceit or deception, embezzlement, or change of address without advising creditors.
7. Applicant's indifference to financial obligations in the future.
8. Financial mismanagement or irresponsible expenditures that exceed income or other assets.

Mitigating Factors:

1. Systematic efforts to satisfy creditors.
2. Favorable change in financial habits.
3. Stable employment record and favorable references.
4. Circumstances beyond the individual's control contributing to indebtedness; e.g., major illness, debilitation, decrease or cutoff of income, and indebtedness due to court order.
5. Business-related bankruptcy.

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Criminal Conduct

Basis: Any criminal violation of a federal, state, or local law.

Factors Which May be Considered in Determining Whether to Deny or Revoke

Clearance:

1. Criminal conduct involving:
 - a. Force, coercion, or intimidation.
 - b. Firearms or explosives.
 - c. Dishonesty or false statements.
 - d. Obstruction or corruption of government functions.
 - e. Deprivation of civil rights.
 - f. Violence against persons or property.
2. Criminal conduct punishable by confinement for 1 year or more.
3. An established pattern of criminal conduct.
4. Failure to complete a rehabilitation program resulting from disposition of a criminal proceeding.
5. Criminal conduct that is so recent in time as to preclude a determination that recurrence is unlikely.
6. Close and continuing association with persons known to be involved in criminal activities.
7. Criminal conduct indicative of a serious mental aberration, lack of remorse, or insufficient probability of rehabilitative success.
8. Disposition
 - a. Conviction.
 - b. Disposition on a legal issue not going to the merits of the crime.
 - c. Arrest or indictment pending trial.
9. Arrest record. In evaluating an arrest record, information that indicates that the individual was acquitted, that the charges were dropped or the subject of a stet or nolle presequi, that the record was expunged, or that the case was dismissed due to error not going to the merit does not necessarily negate the security significance of the indictment. Personnel security determinations are to be made on the basis of all available information concerning a person's conduct and actions rather than the legal outcome of a criminal proceeding.

Mitigating Factors:

1. Immaturity of the individual at the time of offense.
2. Extenuating circumstances of the offense.
3. Circumstances indicating that the actual offense was less serious than the offense charged.
4. Isolated nature of the conduct.
5. Conduct occurring in the distant past (such as, more than 5 years in the past) in the absence of subsequent criminal conduct.
6. Transitory condition contributing to the conduct (such as, divorce action, death in the family) in the absence of subsequent criminal conduct.

Sexual Misconduct

Basis: Sexual behavior that makes applicable the guidance for criminal misconduct or mental or emotional illness, or which indicates that the applicant may be subjected to coercion, pressure, or influence to act contrary to the interests of the United States or which suggests recklessness, irresponsibility, or poor judgement.

Factors Which May be Considered in Determining Whether to Deny or Revoke

Clearance:

1. The misconduct has been recent or frequent.
2. The applicant indicated explicitly or implicitly an intention to repeat the misconduct

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3. The applicant appears to be susceptible to blackmail.
5. The misconduct involves:
 - a. Open or public behavior;
 - b. A person under the age of 18;
 - c. Inducement or coercion by force or intimidation of another person;
 - d. Prostitution;
 - e. Sexual harrassment.

Mitigating Factors:

1. Sexual misconduct on a limited number of occasions during or preceding adolescence, with no evidence of subsequent misconduct, and clear indication that the individual has no intention of participating in sexual misconduct in the future.
2. Activity occurred more than 3 years ago.
3. Subject does not appear to be susceptible to blackmail.
4. The applicant was a minor involved in an incestuous relationship.

Mental or Emotional Illness

Basis: An abnormal mental condition that may cause a significant defect in the judgment or reliability of the individual concerned.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearances:

1. Conduct reflecting abnormal behavior indicative of mental illness even though there is no confirming medical history.
2. Refusal by the individual concerned to furnish medical information or to allow medical information to be obtained for the purpose of determining the significance of bizarre behavior or conduct.
3. Documented spouse or child abuse.
4. Diagnosis by competent medical authority that an earlier incapacitating medical illness is of a type that has a high incidence of recurrence even though the individual concerned currently manifests no symptoms of mental or emotional illness.

Mitigating Factors:

1. No evidence of a psychotic condition for the past 20 years, a serious or disabling neurotic disorder for the past 10 years, or serious character or personality disorder for the past 10 years.
2. Medical records and physicians interview reflect that the person's illness or condition has not caused a significant defect in judgement or reliability.
3. The factor(s) causing the mental conditions have been rectified.
4. Testimony of medical authority that continued maintenance of prescribed medication is likely to preclude recurrence of a condition effecting a significant defect in judgment or reliability.

Hostage and Foreign Countries

Basis: An applicant who has immediate family members or other persons to whom he or she is bonded by affection or obligation residing in a communist country or other countries currently hostile to the United States. These countries are of two categories:

Category I. Countries which, based on current assessment of the U.S. Intelligence Community, possess an intelligence organization with a demonstrated capability of recruiting and exploiting U.S. personnel for intelligence purposes.

Category II. Countries which, although having national intelligence objectives inimical to the United States do not have the capability of exploiting U.S. personnel for intelligence purposes or have not undertaken to target U.S. personnel for such purposes.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Residence of a member of immediate family or a person to whom the individual is bound by affection or obligation in a Category I country.
2. Travel, correspondence, or financial aid to Category I and II countries on a regular basis without satisfactory explanation.
3. Dating or cohabiting with a foreign national from Category I country.

Mitigating Factors:

1. Individual has a member of his or her immediate family or person to whom they are bound by affection or obligation in a Category II country.
2. Individual's personal or financial interest in the U.S. appears sufficient to counter any potential pressure that might be brought to bear, such as home owner with strong civic and community ties.

Subversive Activity

Basis: Unlawfully advocating or practicing the commission of acts of force or violence to either prevent others from exercising their rights under the Constitution or laws of the United States, or to overthrow or alter the form of Government of the United States by unconstitutional means. Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, movement, group, or combination of persons that support the above-cited activities.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Organization is one which has been characterized by the Department of Justice as one which meets the above-cited criteria.
2. Participation in acts that involve force or violence to prevent others from exercising their rights under the Constitution or to overthrow or alter the form of government of the United States.
3. Monetary contributions, service, or other support of the organization with the intent of furthering the unlawful objectives of the organization.
4. Deliberate misrepresentation of association with the organization.
5. Evidence of continuing sympathy with the unlawful aims and objectives of the organization.
6. Holding a position of major doctrinal or managerial influence in the organization.

Mitigating Factors:

1. Lack of understanding of the unlawful aims or objectives of the organization.
2. Staleness of affiliation or activity.
3. Temporary affiliation out of curiosity or academic interest.
4. Sympathy or support limited to the stated, lawful objectives of the organization.
5. Immaturity at the time of conduct.

Alcohol Abuse

Basis: The consumption of alcohol on an episodic or recurring basis that results in impairment of the individual's ability to perform assigned duties or to adequately safeguard classified information.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Use of alcohol which results in behavior that adversely affects a person's judgement, reliability or discretion.

2. Repeated alcohol-related incidents.
3. Alcohol consumption resulting in the deterioration of the individual's physical health, as determined by competent medical authority.

Mitigating Factors:

1. Successfully undergoing recognized treatment program or completion of such a program.
2. Individual has discontinued alcohol abuse for at least 2 years.

Drug Abuse

Basis: The illegal or improper use of any psychoactive substance to include any narcotic,¹ dangerous drug² or Cannabis³.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Experimental abuse⁴ of any narcotic or dangerous drug within the past 12 months.
2. Occasional abuse⁵ of any narcotic or dangerous drug within the last 3 years.
3. Regular abuse⁶ or addiction⁷ to any narcotic or dangerous drug within the last 5 years.
4. Regular abuse of Cannabis within the last 12 months.
5. Illegal trafficking, cultivation, processing, manufacturing, sale, distribution or purchase of any narcotic, dangerous drug, or Cannabis whether or not the individual was arrested for such activity.
6. Information that the individual intends to continue to use (regardless of frequency) any narcotic, dangerous drug, or Cannabis.

Mitigating Factors:

1. Individual has abstained from the illegal or improper use of any narcotic or dangerous drug for the least 3 years and:
 - a. Appears to have a stable lifestyle, including a satisfactory employment record; and
 - b. States that he or she will not use narcotics or dangerous drugs in the future.
2. Experimental abuse of narcotics or dangerous drugs occurred more than 12 months ago, there is no subsequent indication of drug abuse, and the individual has stated intention not to abuse such drugs in the future.
3. Abuse of Cannabis occurred more than 12 months ago and the individual has indicated intention not to use or possess Cannabis in the future.
4. Experimental or occasional abuse of Cannabis within the past 12 months provided the individual has:
 - a. Not evidenced any indications of physical¹ or psychological dependence²;

¹ Narcotic. Opium and opium derivatives or synthetic substitutes.

² Dangerous Drugs. Any of the nonnarcotic drugs which are habit forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect.

³ Cannabis. The intoxicating products of the hemp plant, Cannabis Sativa, including but not limited to marihuana, hashish and hashish oil.

⁴ Experimental Abuse. Abuse occurring not more than a few times for reasons of curiosity, peer pressure, or other similar reasons.

⁵ Occasional Abuse. Recurrent but infrequent abuse of drugs; no consistent pattern of drug abuse.

⁶ Regular Abuse. Drug abuse on a frequent recurrent basis to the point of habituation.

⁷ Addiction. Psychological or physical dependency to the point of compulsive use.

¹ Psychological Dependency. The craving for the pleasurable mental or emotional effects of a psychoactive substance and the desire for this drug-induced state in preference to the normal state such that repeated use is seen as necessary for well-being.

² Physical Dependence. The adaptive alteration in the body produced by the prolonged use of a psychoactive substance, which results in withdrawal symptoms when the substance's use is stopped.

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- b. Has had not more than one drug-related arrest within the past 2 years;
- and
- c. Has a stable lifestyle, including a satisfactory employment record.

Security Violations

Basis: Failure to comply with policies and procedures established for the purpose of safeguarding classified information.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Intentional disclosure of classified information to unauthorized persons.
2. Deliberate disregard of security regulations which results in the compromise of classified information.
3. Recent deliberate violations of security regulations, such as taking classified information home or carrying classified while in travel status without proper authorization.
4. Nondeliberate security violations which indicate a pattern of negligence or carelessness.

Mitigating Factors:

1. Violation of security procedures was caused or contributed to by an improper or inadequate security briefing.
2. Individual is personally responsible for a large volume of classified information and the violation was administrative in nature, such as inaccurate entry on document log or certificate of destruction.