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THE WHITE HOUSE

WASHINGTON

March 24, 1997

MEMORANDUM FOR GEORGE J. TENET
JOHN P. WHITE
Co-Chairmen, Security Policy Board

SUBJECT: Implementation of Executive Order 12968

The President has approved the Adjudicative Guidelines, Temporary Eligibility Standards and Investigative Standards required by Executive Order 12968, which you submitted in draft May 28, 1996. Attached are the final documents.

The Security Policy Board is requested to circulate the approved Guidelines and Standards for immediate implementation, with this memorandum attached. Within one year of circulation, the Board should furnish to the President, through the National Security Advisor, a report on the effectiveness and efficiency of these Guidelines and Standards, compliance by departments and agencies with them and any adjustments needed.

Since application of the "whole person concept" in adjudicating persons eligible for national security clearances depends on both information the subject furnishes in the SF-86 background form and the separate investigation to verify portions of that information, it is important that the scope of both provide a sufficient basis for decision. Your work in modifying the investigative scope to fit the most cost-effective model can have the desired effect, provided we do not also unnecessarily limit the scope of the SF-86 form and personal interview. The SF-86 provided by first time applicants should cover the entire adult life, fully documenting the essential factors on which an adjudication will be made. The separate investigation independently confirms selected evidence of eligibility, generally from the most recent time frame. Therefore, the SF-86 scope should be as broad as possible, while the investigation's scope complies with the Standards for efficiency.

In redrafting the SF-86 to fit the new Guidelines and Standards, you should include relevant data from the entire adult life span for first time applicants, to ensure a sufficiently documented baseline for adjudication.

While I understand that the Adjudicative Guidelines have been circulated widely, the Investigative Standards have not, because that might facilitate attempts to evade detection of disqualifying factors. The Standards are not classified, but should have limited dissemination, consistent with background investigative practice.

Since the President approved Executive Order 12968, it has been brought to my attention that some departments and agencies have continued reducing resources devoted to counterintelligence and security activities. In some cases, the downsizing of these functions may be disproportional to the threat and the workload. These new Guidelines and Standards, incorporating the lessons learned from the Ames, Nicholson and Pitts espionage cases, should be fully implemented, which cannot occur with inadequate resources. I believe that security programs are not, in total, a very expensive part of our national security budget. Therefore, in implementing these new Guidelines and Standards, you should ensure that sufficient attention is given to budgeting for the requirements contained therein.

I also wish to reemphasize the importance of reciprocity in government-wide security practices (including classified contractors). While the provisions of the Guidelines and Standards should be continuously reviewed for efficiency, lowering them in the name of monetary savings could be false economy.

Thank you, the Board, the Security Policy Forum and the Committees, for your hard work in formulating the first uniform Guidelines and Standards for government-wide security background investigations.



Samuel Berger
Assistant to the President
for National Security Affairs

Attachments

- Tab A Final Adjudicative Guidelines
- Tab B Final Temporary Eligibility Standards
- Tab C Final Investigative Standards

SUMMARY

Adjudicative Guidelines

Using these guidelines, U.S. Government adjudicators will make decisions to issue, withhold or rescind security clearances for applicants, government employees or cleared contractors. Using the "whole person concept," the adjudicator bases the decision on conduct, weighing all the positive and negative factors. Doubt is resolved in favor of national security. Specific guidance is provided on allegiance to the U.S.; foreign influence; foreign preference; sexual behavior; personal conduct; financial considerations; alcohol consumption; drug involvement; emotional, mental and personality disorders; criminal conduct; security violations; outside activities; and misuse of information technology systems. With each behavior, degree of seriousness and mitigating data are to be considered.

Investigative Standards

Background investigations for access to classified information by all cleared Americans will be based on these criteria, which are fully reciprocal among all agencies. Three standards are set: secret and confidential; top secret and compartmented; and for reinvestigation at top secret. A chart in the appendix shows when to use each standard. Separation from U.S. Government less than two years only requires updated forms, if the person still meets the standards. All standards include a completed background form, national agency check, FBI and other logical agencies checks. Secret clearances or below also require financial review, corroboration of birth and local law enforcement agency checks for the past five years. Top secret level requires a single scope background investigation, including verification of education, employment, references and former spouse interviews, neighborhood checks for the past three years, interview and, where agencies require it, a polygraph. Reinvestigations every five years for top secret are similar. All investigations may be expanded, based on issues developed.

Temporary Eligibility Investigative Standards

Minimum standards for temporary clearances allow access before completion of investigation and adjudication. Forms must be reviewed and expedited investigations requested. For top secret, FBI and appropriate agency checks must also be done. Agency heads may require additional steps, based on sensitivity.

Adjudicative Guidelines for Determining Eligibility for Access to Classified Information

1. *Introduction.* The following adjudicative guidelines are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information. They apply to persons being considered for initial or continued eligibility for access to classified information, to include sensitive compartmented information and special access programs and are to be used by government departments and agencies in all final clearance determinations.

2. *The Adjudicative Process.* (a) The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudicative process is the careful weighing of a number of variables known as the whole person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the.

following factors: (1) The nature, extent, and seriousness of the conduct;

(2) the circumstances surrounding the conduct, to include knowledgeable participation;

(3) the frequency and recency of the conduct;

(4) the individual's age and maturity at the time of the conduct;

(5) the voluntariness of participation;

(6) the presence or absence of rehabilitation and other pertinent behavioral changes;

(7) the motivation for the conduct;

(8) the potential for pressure, coercion, exploitation, or duress; and

(9) the likelihood of continuation or recurrence.

(b) Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.

(c) The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense determination based upon careful consideration of the following, each of which is to be evaluated in the context of the whole person, as explained further below:

Adjudicative Guidelines

- (1) GUIDELINE A: Allegiance to the United States;
- (2) GUIDELINE B: Foreign influence;
- (3) GUIDELINE C: Foreign preference;
- (4) GUIDELINE D: Sexual behavior;
- (5) GUIDELINE E: Personal conduct;
- (6) GUIDELINE F: Financial considerations;
- (7) GUIDELINE G: Alcohol consumption;
- (8) GUIDELINE H: Drug involvement;
- (9) GUIDELINE I: Emotional, mental, and personality disorders;
- (10) GUIDELINE J: Criminal conduct;
- (11) GUIDELINE K: Security violations;
- (12) GUIDELINE L: Outside activities;
- (13) GUIDELINE M: Misuse of Information Technology Systems.

(d) Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding, the whole person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

(e) When information of security concern becomes known about an individual who is currently eligible for access to classified information, the adjudicator should consider ..

whether the person: (1) Voluntarily reported the information;

(2) was truthful and complete in responding to questions;

(3) sought assistance and followed professional guidance, where appropriate;

(4) resolved or appears likely to favorably resolve the security concern;

(5) has demonstrated positive changes in behavior and employment;

(6) should have his or her access temporarily suspended pending final adjudication of the information.

(f) If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of the security clearance, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

GUIDELINE A

Allegiance to the United States

3. *The Concern.* An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

4. *Conditions that could raise a security concern and may be disqualifying include:* (a) Involvement in any act of.

sabotage, espionage, treason, terrorism, sedition, or other act whose aim is to overthrow the Government of the United States or alter the form of government by unconstitutional means;

(b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;

(c) association or sympathy with persons or organizations that advocate the overthrow of the United States Government, or any state or subdivision, by force or violence or by other unconstitutional means;

(d) involvement in activities which unlawfully advocate or practice 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 of any state.

5. *Conditions that could mitigate security concerns include:* (a) The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;

(b) the individual's involvement was only with the lawful or humanitarian aspects of such an organization;

(c) involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;

(d) the person has had no recent involvement or association with such activities.

GUIDELINE B

Foreign Influence

6. *The Concern.* A security risk may exist when an individual's immediate family, including cohabitants and other persons to whom he or she may be bound by affection, influence, or obligation are not citizens of the United States or may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

7. *Conditions that could raise a security concern and may be disqualifying include:* (a) An immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country;

(b) sharing living quarters with a person or persons, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists;

(c) relatives, cohabitants, or associates who are connected with any foreign government;

(d) failing to report, where required, associations with foreign nationals;

(e) unauthorized association with a suspected or known collaborator or employee of a foreign intelligence service;

(f) conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government;

(g) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, coercion or pressure;

(h) a substantial financial interest in a country, or in any foreign owned or operated business that could make the individual vulnerable to foreign influence.

8. *Conditions that could mitigate security concerns include:* (a) A determination that the immediate family member(s) (spouse, father, mother, sons, daughters, brothers, sisters), cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States;

(b) contacts with foreign citizens are the result of official United States Government business;

(c) contact and correspondence with foreign citizens are casual and infrequent;

(d) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons or organizations from a foreign country;

(e) foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.

GUIDELINE C

Foreign Preference

9. *The Concern.* When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

10. *Conditions that could raise a security concern and may be disqualifying include:* (a) The exercise of dual citizenship;

(b) possession and/or use of a foreign passport;

(c) military service or a willingness to bear arms for a foreign country;

(d) accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country;

(e) residence in a foreign country to meet citizenship requirements;

(f) using foreign citizenship to protect financial or business interests in another country;

(g) seeking or holding political office in the foreign country;

(h) voting in foreign elections; and

(i) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

11. *Conditions that could mitigate security concerns include:* (a) Dual citizenship is based solely on parents' citizenship or birth in a foreign country;

(b) indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship;

(c) activity is sanctioned by the United States;

(d) individual has expressed a willingness to renounce dual citizenship.

GUIDELINE D

Sexual Behavior

12. *The Concern.* Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, may subject the individual to coercion, exploitation, or duress, or reflects lack of judgment or discretion.¹ Sexual orientation or preference may not be used as a basis for or a disqualifying factor in determining a person's eligibility for a security clearance.

¹ The adjudicator should also consider guidelines pertaining to criminal conduct (Guideline J) and emotional, mental, and personality disorders (Guideline I) in determining how to resolve the security concerns raised by sexual behavior.

13. *Conditions that could raise a security concern and may be disqualifying include:* (a) Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

(b) compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive or high-risk behavior or that which is symptomatic of a personality disorder;

(c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;

(d) sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.

14. *Conditions that could mitigate security concerns include:* (a) The behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature;

(b) the behavior was not recent and there is no evidence of subsequent conduct of a similar nature;

(c) there is no other evidence of questionable judgment, irresponsibility, or emotional instability;

(d) the behavior no longer serves as a basis for coercion, exploitation, or duress.

GUIDELINE E

Personal Conduct

15. *The Concern.* Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility: (a) Refusal to undergo or cooperate with required security processing, including medical and psychological testing; or

(b) refusal to complete required security forms, releases, or provide full, frank and truthful answers to lawful questions of investigators, security officials or other official representatives in connection with a personnel security or trustworthiness determination.

16. *Conditions that could raise a security concern and may be disqualifying also include:* (a) reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances;

(b) the deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or

status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

(c) deliberately providing false or misleading information concerning relevant and material matters to an investigator, security official, competent medical authority, or other official representative in connection with a personnel security or trustworthiness determination;

(d) personal conduct or concealment of information that may increase an individual's vulnerability to coercion, exploitation, or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail;

(e) a pattern of dishonesty or rule violations, including violation of any written or recorded agreement made between the individual and the agency;

(f) association with persons involved in criminal activity.

17. *Conditions that could mitigate security concerns include:* (a) The information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability;

(b) the falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily;

(c) the individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts;

(d) omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided;

(e) the individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress;

(f) a refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information;

(g) association with persons involved in criminal activities has ceased.

GUIDELINE F

Financial Considerations

18. *The Concern.* An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts.

19. *Conditions that could raise a security concern and may be disqualifying include:*

(a) A history of not meeting financial obligations;

(b) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;

(c) inability or unwillingness to satisfy debts;

(d) unexplained affluence;

(e) financial problems that are linked to gambling, drug abuse, alcoholism, or other issues of security concern.

20. *Conditions that could mitigate security concerns include:* (a) the behavior was not recent;

(b) it was an isolated incident;

(c) the conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation);

(d) the person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control;

(e) the affluence resulted from a legal source; and

(f) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

GUIDELINE G

Alcohol Consumption

21. *The Concern.* Excessive alcohol consumption often leads to the exercise of questionable judgment,

unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness.

22. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use;

(b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job;

(c) diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;

(d) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;

(e) habitual or binge consumption of alcohol to the point of impaired judgment;

(f) consumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional and following completion of an alcohol rehabilitation program.

23. *Conditions that could mitigate security concerns include:* (a) The alcohol related incidents do not indicate a pattern;

(b) the problem occurred a number of years ago and there is no indication of a recent problem;

(c) positive changes in behavior supportive of sobriety;

(d) following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participated frequently in meetings of Alcoholics Anonymous or a similar organization, has abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

GUIDELINE H

Drug Involvement

24. *The Concern.* (a) Improper or illegal involvement with drugs raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information.

(b) Drugs are defined as mood and behavior altering substances, and include: (1) drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) inhalants and other similar substances.

(c) Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

25. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) Any drug abuse (see above definition);
- (b) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution;
- (c) diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;

(d) evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;

(e) failure to successfully complete a drug treatment program prescribed by a credentialed medical professional. Recent drug involvement, especially following the granting of a security clearance, or an expressed intent not to discontinue use, will almost invariably result in an unfavorable determination.

26. *Conditions that could mitigate security concerns include:* (a) The drug involvement was not recent;

(b) the drug involvement was an isolated or aberrational event;

(c) a demonstrated intent not to abuse any drugs in the future;

(d) satisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional.

GUIDELINE I

Emotional, Mental, and Personality Disorders

27. *The Concern.* Emotional, mental, and personality disorders can cause a significant deficit in an individual's psychological, social and occupational functioning. These disorders are of security concern because they may indicate a defect in judgment, reliability, or stability. A credentialed mental health professional (e.g., clinical psychologist or psychiatrist), employed by, acceptable to or approved by the government, should be utilized in evaluating potentially disqualifying and mitigating information fully and properly, and particularly for consultation with the individual's mental health care provider.

28. *Conditions that could raise a security concern and may be disqualifying include:*

(a) An opinion by a credentialed mental health professional that the individual has a condition or treatment that may indicate a defect in judgment, reliability, or stability;

(b) information that suggests that an individual has failed to follow appropriate medical advice relating to

treatment of a condition, e.g., failure to take prescribed medication;

(c) a pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior;

(d) information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

29. *Conditions that could mitigate security concerns include:* (a) There is no indication of a current problem;

(b) recent opinion by a credentialed mental health professional that an individual's previous emotional, mental, or personality disorder is cured, under control or in remission and has a low probability of recurrence or exacerbation;

(c) the past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the individual is no longer emotionally unstable.

GUIDELINE J

Criminal Conduct

30. *The Concern.* A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

31. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;

(b) a single serious crime or multiple lesser offenses.

32. *Conditions that could mitigate security concerns include:* (a) the criminal behavior was not recent;

(b) the crime was an isolated incident;

(c) the person was pressured or coerced into committing the act and those pressures are no longer present in that person's life;

(d) the person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur;

(e) acquittal;

(f) there is clear evidence of successful rehabilitation.

GUIDELINE K

Security Violations

33. *The Concern.* Noncompliance with security regulations raises doubt about an individual's trustworthiness, willingness, and ability to safeguard classified information.

34. *Conditions that could raise a security concern and may be disqualifying include:*

(a) unauthorized disclosure of classified information;

(b) violations that are deliberate or multiple or due to negligence.

35. *Conditions that could mitigate security concerns include actions that:* (a) Were inadvertent;
(b) were isolated or infrequent;
(c) were due to improper or inadequate training;
(d) demonstrate a positive attitude towards the discharge of security responsibilities.

GUIDELINE L

Outside Activities

36. *The Concern.* Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

37. *Conditions that could raise a security concern and may be disqualifying include any service, whether compensated, volunteer, or employment with:* (a) a foreign country;

(b) any foreign national;
(c) a representative of any foreign interest;
(d) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology.

38. *Conditions that could mitigate security concerns include:* (a) Evaluation of the outside employment or

activity indicates that it does not pose a conflict with an individual's security responsibilities;

(b) the individual terminates the employment or discontinues the activity upon being notified that it is in conflict with his or her security responsibilities.

GUIDELINE M

Misuse of Information Technology Systems

39. *The Concern.* Noncompliance with rules, procedures, guidelines, or regulations pertaining to information technology systems may raise security concerns about an individual's trustworthiness, willingness, and ability to properly protect classified systems, networks, and information. Information Technology Systems include all related equipment used for the communication, transmission, processing, manipulation, and storage of classified or sensitive information.

40. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Illegal or unauthorized entry into any information technology system;

(b) illegal or unauthorized modification, destruction, manipulation or denial of access to information residing on an information technology system;

(c) removal (or use) of hardware, software, or media from any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations;

(d) introduction of hardware, software, or media into any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations.

41. *Conditions that could mitigate security concerns include:* (a) The misuse was not recent or significant;

(b) the conduct was unintentional or inadvertent;

(c) the introduction or removal of media was authorized;

(d) the misuse was an isolated event;

(e) the misuse was followed by a prompt, good faith effort to correct the situation.

Investigative Standards for Background Investigations for Access to Classified Information

1. *Introduction.* The following investigative standards are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information, to include Sensitive Compartmented Information and Special Access Programs, and are to be used by government departments and agencies as the investigative basis for final clearance determinations. However, nothing in these standards prohibits an agency from using any lawful investigative procedures in addition to these requirements in order to resolve any issue identified in the course of a background investigation or reinvestigation.

2. *The Three Standards.* There are three standards (Table 1 in the Appendix summarizes when to use each one):

(a) The investigation and reinvestigation standards for "L" access authorizations and for access to CONFIDENTIAL and SECRET (including all SECRET-level Special Access Programs not specifically approved for enhanced investigative requirements by an official authorized to establish Special Access Programs by sect. 4.4 of Executive Order 12958);

Investigative Standards

(b) The investigation standard for "Q" access authorizations and for access to TOP SECRET (including TOP SECRET Special Access Programs) and Sensitive Compartmented Information; and

(c) The reinvestigation standard for continued access to the levels listed in para. 2(b).

3. *Exception to Periods of Coverage.* Some elements of standards specify a period of coverage (e.g., seven years). Where appropriate, such coverage may be shortened to the period from the subject's eighteenth birthday to the present or to two years, whichever is longer.

4. *Expanding Investigations.* Investigations and reinvestigations may be expanded under the provisions of Executive Order 12968 and other applicable statutes and Executive Orders.

5. *Transferability.* Investigations that satisfy the requirements of a given standard and are current meet the investigative requirements for all levels specified for the standard. They shall be mutually and reciprocally accepted by all agencies.

6. *Breaks in Service.* If a person who requires access has been retired or separated from US government employment for less than two years and is the subject of an investigation that is otherwise current, the agency regranting the access will, as a minimum, review an updated Standard Form 86 and applicable records. A reinvestigation is not required unless the review indicates the person may

Investigative Standards

no longer satisfy the standards of Executive Order 12968 (see Table 2).

7. *The National Agency Check.* The National Agency Check is a part of all investigations and reinvestigations. It consists of a review of (a) investigative and criminal history files of the FBI, including a technical fingerprint search;

(b) OPM's Security/Suitability Investigations Index;

(c) DoD's Defense Clearance and Investigations Index;

and

(d) such other national agencies (e.g., CIA, INS) as appropriate to the individual's background.

STANDARD A

National Agency Check with Local Agency Checks and Credit Check (NACLC)

8. *Applicability.* Standard A applies to investigations and reinvestigations for (a) access to CONFIDENTIAL and SECRET (including all SECRET-level Special Access Programs not specifically approved for enhanced investigative requirements by an official authorized to establish Special Access Programs by sect. 4.4 of Executive Order 12958), and

(b) "L" access authorizations.

9. *For Reinvestigations: When to Reinvestigate.* The reinvestigation may be initiated at any time following completion of, but not later than ten years (fifteen years

Investigative Standards

for CONFIDENTIAL) from the date of, the previous investigation or reinvestigation. (Table 2 reflects the specific requirements for when to request a reinvestigation, including when there has been a break in service.)

10. *Investigative Requirements.* Investigative requirements are as follows: (a) *Completion of Forms:* Completion of Standard Form 86, including applicable releases and supporting documentation.

(b) *National Agency Check:* Completion of a National Agency Check.

(c) *Financial Review:* Verification of the subject's financial status, including credit bureau checks covering all locations where the subject has resided, been employed, or attended school for six months or more for the past seven years.

(d) *Date and Place of Birth:* Corroboration of date and place of birth through a check of appropriate documentation, if not completed in any previous investigation; a check of Bureau of Vital Statistics records when any discrepancy is found to exist.

(e) *Local Agency Checks:* As a minimum, all investigations will include checks of law enforcement agencies having jurisdiction where the subject has lived, worked, and/or attended school within the last five years, and, if applicable, of the appropriate agency for any identified arrests.

11. *Expanding the Investigation.* The investigation may be expanded if necessary to determine if access is clearly consistent with the national security.

STANDARD B

Single Scope Background Investigation (SSBI)

12. *Applicability.* Standard B applies to initial investigations for (a) access to TOP SECRET (including TOP SECRET Special Access Programs) and Sensitive Compartmented Information; and

(b) "Q"access authorizations.

13. *Investigative Requirements.* Investigative requirements are as follows: (a) *Completion of Forms:* Completion of Standard Form 86, including applicable releases and supporting documentation.

(b) *National Agency Check:* Completion of a National Agency Check.

(c) *National Agency Check for the Spouse or Cohabitant (if applicable):* Completion of a National Agency Check, without fingerprint cards, for the spouse or cohabitant.

(d) *Date and Place of Birth:* Corroboration of date and place of birth through a check of appropriate documentation; a check of Bureau of Vital Statistics records when any discrepancy is found to exist.

(e) *Citizenship:* For individuals born outside the United States, verification of US citizenship directly from the appropriate registration authority; verification of US

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citizenship or legal status of foreign-born immediate family members (spouse, cohabitant, father, mother, sons, daughters, brothers, sisters).

(f) *Education:* Corroboration of most recent or most significant claimed attendance, degree, or diploma. Interviews of appropriate educational sources if education is a primary activity of the subject during the most recent three years.

(g) *Employment:* Verification of all employments for the past seven years; personal interviews of sources (supervisors, coworkers, or both) for each employment of six months or more; corroboration through records or sources of all periods of unemployment exceeding sixty days; verification of all prior federal and military service, including discharge type. For military members, all service within one branch of the armed forces will be considered as one employment, regardless of assignments.

(h) *References:* Four references, of whom at least two are developed; to the extent practicable, all should have social knowledge of the subject and collectively span at least the last seven years.

(i) *Former Spouse:* An interview of any former spouse divorced within the last ten years.

(j) *Neighborhoods:* Confirmation of all residences for the last three years through appropriate interviews with neighbors and through records reviews.

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(k) *Financial Review:* Verification of the subject's financial status, including credit bureau checks covering all locations where subject has resided, been employed, and/or attended school for six months or more for the last seven years.

(l) *Local Agency Checks:* A check of appropriate criminal history records covering all locations where, for the last ten years, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration. (NOTE: If no residence, employment, or education exceeds six months, local agency checks should be performed as deemed appropriate.)

(m) *Public Records:* Verification of divorces, bankruptcies, and other court actions, whether civil or criminal, involving the subject.

(n) *Subject Interview:* A subject interview, conducted by trained security, investigative, or counterintelligence personnel. During the investigation, additional subject interviews may be conducted to collect relevant information, to resolve significant inconsistencies, or both. Sworn statements and unsworn declarations may be taken whenever appropriate.

(o) *Polygraph (only in agencies with approved personnel security polygraph programs):* In departments or agencies with policies sanctioning the use of the polygraph for personnel security purposes, the investigation may include a

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polygraph examination, conducted by a qualified polygraph examiner.

14. *Expanding the Investigation.* The investigation may be expanded as necessary. As appropriate, interviews with anyone able to provide information or to resolve issues, including but not limited to cohabitants, relatives, psychiatrists, psychologists, other medical professionals, and law enforcement professionals may be conducted.

STANDARD C

Single-Scope Background Investigation-Periodic

Reinvestigation (SSBI-PR)

15. *Applicability.* Standard C applies to reinvestigations for (a) access to TOP SECRET (including TOP SECRET Special Access Programs) and Sensitive Compartmented Information; and

(b) "Q" access authorizations.

16. *When to Reinvestigate.* The reinvestigation may be initiated at any time following completion of, but not later than five years from the date of, the previous investigation (see Table 2).

17. *Reinvestigative Requirements.* Reinvestigative requirements are as follows: (a) *Completion of Forms:* Completion of Standard Form 86, including applicable releases and supporting documentation.

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(b) *National Agency Check*: Completion of a National Agency Check (fingerprint cards are required only if there has not been a previous valid technical check of the FBI).

(c) *National Agency Check for the Spouse or Cohabitant (if applicable)*: Completion of a National Agency Check, without fingerprint cards, for the spouse or cohabitant. The National Agency Check for the spouse or cohabitant is not required if already completed in conjunction with a previous investigation or reinvestigation.

(d) *Employment*: Verification of all employments since the last investigation. Attempts to interview a sufficient number of sources (supervisors, coworkers, or both) at all employments of six months or more. For military members, all service within one branch of the armed forces will be considered as one employment, regardless of assignments.

(e) *References*: Interviews with two character references who are knowledgeable of the subject; at least one will be a developed reference. To the extent practical, both should have social knowledge of the subject and collectively span the entire period of the reinvestigation. As appropriate, additional interviews may be conducted, including with cohabitants and relatives.

(f) *Neighborhoods*: Interviews of two neighbors in the vicinity of the subject's most recent residence of six months or more. Confirmation of current residence regardless of length.

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(g) *Financial Review:* (1) *Financial Status:* Verification of the subject's financial status, including credit bureau checks covering all locations where subject has resided, been employed, and/or attended school for six months or more for the period covered by the reinvestigation;

(2) *Check of Treasury's Financial Data Base:* Agencies may request the Department of the Treasury, under terms and conditions prescribed by the Secretary of the Treasury, to search automated data bases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, and transactions under \$10,000 that are reported as possible money laundering violations.

(h) *Local Agency Checks:* A check of appropriate criminal history records covering all locations where, during the period covered by the reinvestigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration. (NOTE: If no residence, employment, or education exceeds six months, local agency checks should be performed as deemed appropriate.)

(i) *Former Spouse:* An interview with any former spouse unless the divorce took place before the date of the last investigation or reinvestigation.

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(j) *Public Records:* Verification of divorces, bankruptcies, and other court actions, whether civil or criminal, involving the subject since the date of the last investigation.

(k) *Subject Interview:* A subject interview, conducted by trained security, investigative, or counterintelligence personnel. During the reinvestigation, additional subject interviews may be conducted to collect relevant information, to resolve significant inconsistencies, or both. Sworn statements and unsworn declarations may be taken whenever appropriate.

18. *Expanding the Reinvestigation.* The reinvestigation may be expanded as necessary. As appropriate, interviews with anyone able to provide information or to resolve issues, including but not limited to cohabitants, relatives, psychiatrists, psychologists, other medical professionals, and law enforcement professionals may be conducted.

Investigative Standards for Temporary Eligibility for Access

1. *Introduction.* The following minimum investigative standards, implementing section 3.3 of Executive Order 12968, *Access to Classified Information*, are established for all United States Government and military personnel, consultants, contractors, subcontractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information before the appropriate investigation can be completed and a final determination made.

2. *Temporary Eligibility for Access.* Based on a justified need meeting the requirements of sect. 3.3 of Executive Order 12968, temporary eligibility for access may be granted before investigations are complete and favorably adjudicated, where official functions must be performed prior to completion of the investigation and adjudication process. The temporary eligibility will be valid until completion of the investigation and adjudication; however, the agency granting it may revoke it at any time based on unfavorable information identified in the course of the investigation.

3. *Temporary Eligibility for Access at the CONFIDENTIAL and SECRET Levels and Temporary Eligibility for "L" Access Authorization.* As a minimum, such temporary eligibility

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requires completion of the Standard Form 86, including any applicable supporting documentation, favorable review of the form by the appropriate adjudicating authority, and submission of a request for an expedited National Agency Check with Local Agency Checks and Credit (NACLC).

4. *Temporary Eligibility for Access at the TOP SECRET and SCI Levels and Temporary Eligibility for "Q" Access Authorization: For Someone Who Is the Subject of a Favorable Investigation Not Meeting the Investigative Standards for Access at Those Levels.* As a minimum, such temporary eligibility requires completion of the Standard Form 86, including any applicable supporting documentation, favorable review of the form by the appropriate adjudicating authority, and expedited submission of a request for a Single Scope Background Investigation (SSBI).

5. *Temporary Eligibility for Access at the TOP SECRET and SCI Levels and Temporary Eligibility for "Q" Access Authorization: For Someone Who Is Not the Subject of a Current, Favorable Personnel or Personnel-Security Investigation of Any Kind.* As a minimum, such temporary eligibility requires completion of the Standard Form 86, including any applicable supporting documentation, favorable review of the form by the appropriate adjudicating authority, immediate submission of a request for an expedited Single Scope Background Investigation (SSBI), and completion and favorable review by the appropriate

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adjudicating authority of relevant criminal history and investigative records of the Federal Bureau of Investigation and of information in the Security/Suitability Investigations Index (SII) and the Defense Clearance and Investigations Index (DCII).

6. *Additional Requirements by Agencies.* Temporary eligibility for access must satisfy these minimum investigative standards, but agency heads may establish additional requirements based on the sensitivity of the particular, identified categories of classified information necessary to perform the lawful and authorized functions that are the basis for granting temporary eligibility for access. However, no additional requirements shall exceed the common standards for background investigations developed under section 3.2(b) of Executive Order 12968. Temporary eligibility for access is valid only at the agency granting it and at other agencies who expressly agree to accept it and acknowledge understanding of its investigative basis. It is further subject to limitations specified in sections 2.4(d) and 3.3 of Executive Order 12968, *Access to Classified Information*.

TAB D



Director of
Central
Intelligence

Director of Central Intelligence Directive No. 1/14

Personnel Security Standards and
Procedures Governing Eligibility for
Access to Sensitive Compartmented
Information (SCI)

DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/14¹PERSONNEL SECURITY STANDARDS AND
PROCEDURES GOVERNING ELIGIBILITY FOR
ACCESS TO SENSITIVE COMPARTMENTED
INFORMATION (SCI)

(Effective 22 January 1992)

Pursuant to the provisions of Section 102 of the National Security Act of 1947 and Executive Order 12333, the following personnel security standards, procedures, and continuing security programs are hereby established for all US Government civilian and military personnel, consultants, contractors, employees of contractors, and other individuals who require access to sensitive compartmented information (SCI). Individual departments and agencies may establish such additional security steps as may be deemed necessary and appropriate to resolve issues and/or address employment standards unique to them to ensure that effective security is maintained.

1. Definitions

- a. Cohabitant—A person living in a spouse-like relationship with the individual requiring access to sensitive compartmented information, but not necessarily dependent on sexual relations.
- b. Compelling Need—A signed determination by a Senior Official of the Intelligence Community or his/her designee that the services of an individual are deemed essential to operation or mission accomplishment.
- c. Determination Authority—A designee of a Senior Official of the Intelligence Community authorized to render a decision with respect to sensitive compartmented information access eligibility or ineligibility.
- d. Immediate Family—The spouse, parents, brothers, sisters, children, and cohabitant of the individual requiring sensitive compartmented information access.
- e. Intelligence Community—Those US Government organizations and activities identified in EO 12333 or successor orders as making up such Community.
- f. Senior Officials of the Intelligence Community (SOICs)—The heads of organizations within the Intelligence Community, as defined by EO 12333, or their designated representatives.
- g. Sensitive Compartmented Information—Classified information concerning or derived from intelligence sources, methods, or analytical processes requiring handling exclusively within formal access control systems established by the Director of Central Intelligence.

2. Purpose

The purpose of this directive is to enhance the security protection of SCI through the application of personnel security standards, procedures, and continuing security programs and to facilitate the security certification process among government departments and agencies.

¹ This directive supersedes DCID 1/14, effective 14 April 1986.

3. *Applicability*

The provisions of this directive will apply to all persons (other than elected officials of the US Government, Federal judges, and those individuals for whom the Director of Central Intelligence [DCI] makes a specific exception) without regard to civilian or military status, form of employment, official rank or position, or length of service. This directive does not apply to situations involving the duly authorized disclosure of SCI to representatives of foreign governments and international organizations.

4. *General*

- a. Individuals who do not meet the security criteria contained herein and who are, therefore, denied access to SCI will not, solely for this reason, be considered ineligible for access to other classified information. Individuals whose access to SCI has been authorized as an exception granted in accordance with paragraph 6 of this directive will not, solely for that reason, be considered eligible for access to other classified information.
- b. The granting of access to SCI will be controlled under the strictest application of the "need-to-know" principle and in accordance with the personnel security standards and procedures set forth in this directive. In accordance with National Security Decision Directive 84 and the supplement to DCID 1/19, *DCI Security Policy Manual for SCI Control Systems*, signature of a DCI-authorized nondisclosure agreement that includes a provision for prepublication review is a condition of access to SCI.

5. *Personnel Security Standards*

Criteria for security approval of an individual on a need-to-know basis for access to SCI follow:

- a. The individual must be stable; trustworthy; reliable; of excellent character, judgment, and discretion; and of unquestioned loyalty to the United States.
- b. The individual requiring access to SCI must be a US citizen.
- c. The individual's immediate family must also be US citizens. An exception to this requirement may be granted when compelling need exists as defined in paragraph 1.b., and a determination has been made by a competent authority as described in paragraph 6 below that under the circumstances the security risk is negligible.
- d. Members of the individual's immediate family and any other persons 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 or by persons who may be or have been engaged in criminal activity, nor advocate the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

6. *Exceptions to Personnel Security Standards*

Exceptions to paragraph 5.b. may be granted only by the DCI based on a request by the appropriate SOIC. Exceptions to paragraph 5.c. and d. above may be granted only by the SOIC of the appropriate organization or his/her designee unless such authority has been specifically delegated to the head of an office or organization as set forth in interdepartmental agreements. All exceptions granted will be common sense determinations based on all available information that the risk to national security is negligible and will be recorded by the organization making the exception. In those cases in which the individual has lived outside of the United States for a substantial period of his or her life, a thorough assessment of the adequacy of the investigation in

terms of fulfillment of the investigative requirements and judicious review of the information therein must be made before an exception is considered.

7. Investigative Requirements

- a. The investigation conducted on an individual under consideration for access to SCI will be thorough and designed to develop information as to whether the individual clearly meets the SCI personnel security standards.
- b. The investigation will be accomplished through records checks and personal interviews of various sources by trained investigative personnel in order to establish affirmatively to the adjudicating agency complete continuity of identity to include birth, residences, education, employment, unemployment, and military service.
- c. The individual will furnish a current signed personal history statement, fingerprints of a quality acceptable to the Federal Bureau of Investigation, and signed release(s), as necessary, authorizing custodians of police, credit, financial, education, and medical records to provide record information to the investigative agency. Photographs of the individual will also be obtained where additional corroboration of identity is required.
- d. When conditions indicate, investigation of immediate family members will be conducted to the extent necessary to permit a determination by the adjudicating agency that the provisions of paragraph 5 of this directive are met.
- e. Where a previous investigation has been conducted within the past five years that meets the standards in paragraph 8, it will serve as a basis for granting access approval provided a review of the security file or other information source does not reveal substantial changes in the individual's security eligibility. If a previous investigation does not meet the paragraph 8 standards or if it is more than five years old, a current investigation will be required but may be limited to that necessary to bring the individual's file up-to-date in accordance with the investigative requirements set forth in paragraph 8 of this directive. Should new information be developed during the current investigation that bears unfavorably on the individual's activities covered by the previous investigation, the current inquiries will be expanded as necessary to develop full details of this information. Notwithstanding the status of an individual's background investigation, departments and agencies with policies sanctioning the use of the polygraph for personnel security purposes may require polygraph examinations when deemed necessary by the department or agency head to be in the national security interest of the United States.

8. Standards for the Investigation

- a. Scope—Past 10 years or to age 18, whichever is less.
- b. Expansion of Investigation—When conditions indicate, and to the extent necessary to permit a determination by the adjudicating agency that the provisions of the SCI personnel security standards are met, the investigation may be expanded to resolve issues and/or address employment standards unique to individual agencies.
- c. National Agency Check—Check on subject and spouse/cohabitant of investigative and criminal history files of the Federal Bureau of Investigation, including submission of subject's fingerprint charts, and such other national agencies (Defense Central Index of Investigations, Immigration and Naturalization Service, Office of Personnel Management, Central Intelligence Agency, etc) as appropriate to the individual's background.

- d. Subject Interview—A subject interview will be required in all cases and will be conducted by trained security, investigative, or counterintelligence personnel to ensure full investigative coverage. An additional personal interview will be conducted when necessary to resolve any significant adverse information and/or inconsistencies developed during the investigation. In departments or agencies with policies sanctioning the use of the polygraph for personnel security purposes, the personal interview may include a polygraph examination conducted by a qualified polygraph examiner.
- e. Birth—Independent certification of date and place of birth received directly from appropriate registration authority.
- f. Citizenship: Independent verification of citizenship will be accomplished directly from appropriate registration authority. For foreign-born immediate family members, verification of citizenship or legal status is also required.
- g. Education—Independent verification of the most recent or significant claimed attendance at an educational institution and/or degree/diploma within the past 10 years will be accomplished via sealed transcript received directly from the institution. If all education is outside of the investigative scope, the last education above high school will be verified.
- h. Employment—Direct verification of all periods of employment during the past 10 years or since age 18, whichever is the shorter period, but in any event the most recent two years. Personal interviews with two sources (supervisor/coworker) for each employment of six months or more shall be attempted. In the event no employment exceeds six months, interviews of supervisor/coworker shall be attempted. All periods of unemployment in excess of 60 days shall be verified through records and/or sources.
- i. References—Interviews with a sufficient number of knowledgeable sources (a minimum of one listed and three developed) having, to the extent practical, social knowledge of the subject and collectively span the 10 years or scope of the investigation. As appropriate, additional interviews may include cohabitant, ex-spouse(s), and relatives. Interviews with psychological/medical personnel are to be accomplished as required to resolve issues.
- j. Neighborhood—Interviews with neighbors in the vicinity of all of subject's residences in excess of six months throughout the most recent five-year period. Confirmation of current residence will be accomplished regardless of length, to include a review of rental records if necessary. In the event no residence exceeds six months, interviews of neighbors should be undertaken.
- k. Credit—Verification of the subject's financial status and credit habits through checks of appropriate credit and/or financial institutions where subject has resided, been employed, or attended school for six months or more for the last seven years.
- l. Local Agency Checks—A check of appropriate police records covering all locations where the subject has resided, been employed, or attended school for six months or more, to the most recent 10 years or since age 18, whichever is the shorter period. In the event that no residence, employment, or education exceeds six months, local agency checks should be performed.
- m. Public Records—All prior Federal/military service and type of discharge(s) shall be verified. Verification of divorce(s), bankruptcy, etc., and any other court (civil or criminal) actions to which the subject has been or is a party within the scope of the investigation, when known or developed.

n. **Overseas Verification Procedure**—Where employment, education, or residence has occurred in foreign countries (except for periods of less than one year for personnel on US Government assignment and less than 90 days for other purposes) during the past 10 years or since age 18, a check of the records will be made at the Department of State and/or other appropriate agencies. Efforts shall be made to develop sources, generally in the United States, who knew the subject overseas in order to cover significant employment, education, or residence and to attempt to determine if any lasting foreign contacts or connections were established during this period. However, in all cases where the subject has worked or lived outside the US continuously for over one year, the investigation will be expanded to cover fully this period in his or her life through the use of such investigative assets and checks of record sources as may be available to the US Government in the foreign country(ies) in which the subject resided.

o. **Transferability**—Paragraph 7.e. above outlines transferability requirements.

9. *Exceptions to Investigative Requirements*

- a. In exceptional cases, including national emergency situations and hostilities involving US personnel, the SOIC or his designee may determine that it is necessary or advisable in the national interest to authorize access to SCI before completion of the full investigation noted in paragraph 8. In this situation, such investigative checks as are immediately possible will be made at once and will include a personal interview of the individual by trained security, investigative, or counterintelligence personnel. Access in such cases will be strictly controlled. A full investigation and final evaluation will be completed at the earliest practicable moment unless an exception is granted by the DCI. Certification to other organizations of individuals authorized access in such cases will include explicit notification of the exception.
- b. In extremely rare instances, the SOIC or his designee may approve one-time, limited access to SCI, which is deemed necessary to accomplish unique mission requirements. Limited SCI access may only be considered for individuals who have been granted a Top Secret clearance based on a background investigation and who have undergone a favorable personnel security interview. SCI access will not exceed 90 days and will be limited to the absolute minimum duration to accomplish the task or assignment. Indoctrination briefings will be modified to the basic information necessary to ensure protection of the SCI to which exposed, and appropriate nondisclosure agreements will be signed by the individual gaining access.

10. *Periodic Reinvestigations*

- a. Programs will be instituted requiring the periodic reinvestigation of personnel provided access to SCI. These reinvestigations will be conducted on a five-year recurrent basis, but on a more frequent basis where the individual has shown some questionable behavioral pattern, or his or her activities are otherwise suspect. A reinvestigation may also be conducted when a break in service of one year or more has occurred, or as otherwise deemed necessary by the SOIC or his designee.
- b. The scope of reinvestigations will be determined by the SOIC concerned based on such considerations as the potential damage that might result from the individual's defection or willful compromise of SCI and the availability and probable effectiveness of other means to evaluate continually those factors related to the individual's suitability for continued access. The individual will furnish a current signed personal history statement and signed releases as necessary. In all cases, the reinvestigation will include reference interviews, appropriate residence coverage, national and local agency checks,

overseas checks where appropriate, and credit checks. A personal interview with the individual will be conducted by trained investigative, security, or counterintelligence personnel. In departments or agencies with policies sanctioning the use of the polygraph for personnel security purposes, the personal interview may include a polygraph examination conducted by a qualified polygraph examiner. When conditions so indicate, additional investigation may be conducted as determined by the SOIC or his designee.

11. Outside Activities

Individuals who hold, or are being considered for, SCI access approval will have made available to them for reading, the second and third paragraphs of the "Outside Activities" section of Annex A of this directive and will be instructed to report in writing to their security officer any existing or contemplated outside employment or activity that appears to meet the criteria of those paragraphs. Written reports must be submitted before accepting any outside employment or participating in any activity as defined in Annex A of this directive. In addition, initial or updated personal history statements must include details of outside employment or activities (as defined in Annex A). Investigation must cover the reported outside employment or activities. Information concerning actual or planned outside employment or activities that would create a potential risk to the security of SCI will be evaluated in accordance with the factors specified in Annex A to determine whether the circumstances create an unacceptable risk of unauthorized disclosure.

12. Determinations of Access Eligibility

The evaluation of the information developed by investigation of an individual's loyalty and suitability will be accomplished under the cognizance of the SOIC concerned by analysts of broad knowledge, good judgment, and wide experience in personnel security and/or counterintelligence. When all other information developed on an individual is favorable, a minor investigative requirement that has not been met should not preclude favorable adjudication. In all evaluations, the protection of the national interest is paramount. Any doubt concerning personnel having access to SCI should be resolved in favor of the national security, and the access should be denied or revoked. The ultimate determination of whether the granting of access is clearly consistent with the interest of national security will be an overall common sense determination based on all available information.

13. Appeals Procedures

Annex B prescribes common appeals procedures to be followed when an individual's SCI access has been denied or revoked.

14. Continuing Security Programs

- a. In order to facilitate attainment of the highest standard of personnel security and to augment both the access approval criteria and the investigative requirements established by this directive, member departments and agencies shall institute continuing security programs for all individuals having access to SCI. In addition to security indoctrinations (see Annex C, "Standards for SCI Security Awareness Programs in the US Intelligence Community"), these programs will be tailored to create mutually supporting procedures under which no issue will escape notice or be left unresolved that brings into question an individual's loyalty and integrity or suggests the possibility of his or her being subject to undue influence or duress through foreign relationships or exploitable personal conduct. When an individual is assigned to perform sensitive work requiring access to SCI, the SOIC for the department, agency, or government program to which the individual is assigned will assume security supervision of that individual throughout the period of his or her assignment.

b. The continuing security programs will include the following:

- (1) Individuals are required to inform the department or agency that grants their SCI access about any personal problem or situation that may have a possible bearing on their eligibility for continued access to SCI and to seek appropriate guidance and assistance. Security counseling should be made available. This counseling should be conducted by individuals having extensive background and experience regarding the nature and special vulnerabilities of the particular type of compartmented information involved.
 - (2) SCI security education programs of the member departments and agencies will be established and maintained pursuant to the requirements of Annex C of this directive.
 - (3) Security supervisory programs will be established and maintained to ensure that supervisory personnel recognize and discharge their special responsibility to safeguard SCI, including the need to assess continued eligibility for SCI access. These programs will provide practical guidance on indicators that may signal matters of security concern. Specific instructions concerning reporting procedures will be disseminated to enable the appropriate authority to take timely corrective action to safeguard the security of the United States as well as to provide all necessary help to the individual concerned to neutralize his or her vulnerability.
 - (4) Security review programs to ensure that appropriate security authorities always receive and exchange, in a timely manner, all information bearing on the security posture of persons having access to SCI. Personal history information will be kept current. Security and related files will be kept under continuing review.
 - (5) Where permitted by agency policy, security review programs may include the use of polygraph examinations conducted by a qualified polygraph examiner.
- c. Whenever adverse or derogatory information is discovered or inconsistencies arise that could impact on an individual's security status, appropriate investigation will be conducted on a timely basis. The investigation will be of sufficient scope necessary to resolve the specific adverse or derogatory information or inconsistency in question so that a determination can be made as to whether the individual's continued utilization in activities requiring SCI is clearly consistent with the interest of national security.

15. Implementation

Existing directives, regulations, agreements, and other guidance governing access to SCI as defined herein will be revised accordingly.

ANNEX A

Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information (SCI)

PURPOSE

The following adjudicative guidelines are established for all U.S. government civilian and military personnel, consultants, contractors, employees of contractors and other individuals who require access to SCI. They apply to persons being considered for initial or continued eligibility for access to SCI and are to be used by government departments and agencies in all final SCI access determinations.

ADJUDICATIVE PROCESS

The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk. Eligibility for access to SCI is predicated upon the individual meeting these personnel security guidelines. The adjudication process is the careful weighing of a number of variables known as the whole person concept. All available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

The nature, extent, and seriousness of the conduct

The circumstances surrounding the conduct, to include knowledgeable participation

The frequency and recency of the conduct

The individual's age and maturity at the time of the conduct

The voluntariness of participation

The presence or absence of rehabilitation and other pertinent behavioral changes

The motivation for the conduct

The potential for pressure, coercion, exploitation,
or duress

The likelihood of continuation or recurrence

Each case must be judged on its own merits and final determination remains the responsibility of the specific department or agency. Any doubt concerning personnel being considered for access to SCI will be resolved in favor of the national security and considered final.

The ultimate determination of whether the granting or continuing of SCI access eligibility is clearly consistent with the interests of national security must be an overall common sense determination based upon careful consideration of the following:

- A. Allegiance to the United States
- B. Foreign influence
- C. Foreign preference
- D. Sexual behavior
- E. Personal conduct
- F. Financial considerations
- G. Alcohol consumption
- H. Drug involvement
- I. Emotional, mental, and personality disorders
- J. Criminal conduct
- K. Security violations
- L. Outside activities

Each of the foregoing should be evaluated in the context of the whole person. Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern

of questionable judgment, irresponsibility, or emotionally unstable behavior. However, notwithstanding the whole person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

When information of security concern becomes known about an individual who is currently eligible for access to SCI, the adjudicator should consider whether the person: (1) voluntarily reported the information; (2) sought assistance and followed professional guidance, where appropriate; (3) resolved or appears likely to favorably resolve the security concern; (4) has demonstrated positive changes in behavior and employment; (5) should have his or her SCI access temporarily suspended pending final adjudication of the information.

If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of SCI access, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

The information in bold print at the beginning of each adjudicative guideline provides a brief explanation of its relevance in determining whether it is clearly consistent with the interest of national security to grant or continue a person's eligibility for access to SCI.

ADJUDICATIVE GUIDELINES

A. ALLEGIANCE TO THE UNITED STATES

An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

Conditions that signal security concern and may be disqualifying include: (1) involvement in any act of sabotage, espionage, treason, terrorism, sedition, or other act whose aim is to overthrow the Government of the United States or alter the form of government by unconstitutional means; (2) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts; (3) association or sympathy with persons or organizations that advocate the overthrow of the United States Government, or any state or subdivision, by force or violence or by other unconstitutional means; (4) involvement in activities which unlawfully advocate or practice 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 of any state.

Conditions that could mitigate security concerns include: (1) the individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these; (2) the individual's involvement was only with the lawful or humanitarian aspects of such an organization; (3) involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest; (4) the person has had no recent proscribed involvement or association with such activities.

B. FOREIGN INFLUENCE

A security risk may exist when an individual's immediate family, including cohabitants, and other persons to whom he or she may be bound by affection, influence, or obligation are: (1) not citizens of the United States or (2) may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

Conditions that signal security concern and may be disqualifying include: (1) an immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country; (2) sharing living quarters with a person or persons, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists; (3) relatives, cohabitants, or associates who are connected with any foreign government; (4) failing to report, where required, associations with foreign nationals; (5) unauthorized association with a suspected or known collaborator or employee of a foreign intelligence service; (6) conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government; (7) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, coercion or pressure; (8) a substantial financial interest in a country, or in any foreign owned or operated business that could make the individual vulnerable to foreign influence.

Conditions that could mitigate security concerns include: (1) a determination that the immediate family member(s), cohabitant, or associate(s) in question would not constitute an unacceptable security risk; (2) contacts with foreign citizens are the result of official U.S. Government business; (3) contact and correspondence with foreign citizens are casual and infrequent; (4) the individual has promptly reported to proper authorities all contacts, requests, or threats from persons or organizations from a foreign country, as required; (5) foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.

C. FOREIGN PREFERENCE

When an individual acts in such a way as to indicate [less than complete loyalty to the United States or] a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

Conditions that signal security concern and may be disqualifying include: (1) the exercise of dual citizenship; (2) possession and/or use of a foreign passport; (3) military service or a willingness to bear arms for a foreign country; (4) accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country; (5) residence in a foreign country to meet citizenship requirements; (6) using foreign citizenship to protect financial or business interests in the country; (7) seeking or holding political office in the foreign country; (8) voting in foreign elections; and (9) acting as an agent or representative of a foreign country.

Conditions that could mitigate security concerns include: (1) dual citizenship is based solely on parents' citizenship or birth in a foreign country; (2) indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship; (3) activity is sanctioned by the United States; (4) individual has expressed a willingness to renounce dual citizenship.

D. SEXUAL BEHAVIOR

Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, subjects the individual to undue influence or coercion, or reflects lack of judgment or discretion.*

Conditions that signal security concern and may be disqualifying include: (1) sexual behavior of a criminal nature, whether or not the individual has been prosecuted; (2) compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive or high-risk behavior or that which is symptomatic of a personality disorder; (3) sexual behavior that causes an individual to be vulnerable to undue influence or coercion; (4) sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.

Conditions that could mitigate security concerns include: (1) the behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature; (2) the behavior was not recent and there is no evidence of subsequent conduct of a similar nature; (3) there is no other evidence of questionable judgment, irresponsibility, or emotional instability; (4) the behavior no longer serves as a basis for undue influence or coercion.

* The adjudicator should also consider guidelines pertaining to criminal conduct (criterion J), or emotional, mental, and personality disorders (criterion I), in determining how to resolve the security concerns raised by sexual behavior.

E. PERSONAL CONDUCT

Conduct involving questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information.

The following will normally result in an unfavorable SCI access action or administrative termination of further processing for access eligibility: (1) Refusal to undergo or cooperate with required security processing, including medical and psychological testing; or (2) refusal to complete required security forms, releases, or provide full, frank and truthful answers to lawful questions of investigators, security officials or other official representatives in connection with a personnel security or trustworthiness determination.

Conditions that signal security concern and may be disqualifying also include: (1) reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances; (2) the deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine SCI access eligibility or trustworthiness, or award fiduciary responsibilities; (3) deliberately providing false or misleading information concerning relevant and material matters to an investigator, security official, competent medical authority, or other official representative in connection with a personnel security or trustworthiness determination; (4) personal conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation or pressure; (5) a pattern of dishonesty or rule violations*; (6) association with persons involved in criminal activity.

* To include violation of any written or recorded agreement made between the individual and the agency.

Conditions that could mitigate security concerns include: (1) the information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability; (2) the falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily; (3) the individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts; (4) omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided; (5) the individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or pressure; (6) a refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information; (7) association with persons involved in criminal activities has ceased.

F. FINANCIAL CONSIDERATIONS

An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts.

Conditions that signal security concern and may be disqualifying include: (1) a history of not meeting financial obligations; (2) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust; (3) inability or unwillingness to satisfy debts; (4) unexplained affluence; (5) financial problems that are linked to gambling, drug abuse, alcoholism, or other issues of security concern.

Conditions that could mitigate security concerns include: (1) the behavior was not recent; (2) it was an isolated incident; (3) the conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation); (4) the person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control; (5) the affluence resulted from a legal source; and (6) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

G. ALCOHOL CONSUMPTION

Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness.

Conditions that signal security concern and may be disqualifying include: (1) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use; (2) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job; (3) diagnosis by a credentialed medical professional* of alcohol abuse or alcohol dependence; (4) habitual or binge consumption of alcohol to the point of impaired judgment; (5) consumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional* and following completion of an alcohol rehabilitation program

Conditions that could mitigate security concerns include: (1) the alcohol related incidents do not indicate a pattern; (2) the problem occurred a number of years ago and there is no indication of a recent problem; (3) positive changes in behavior supportive of sobriety; (4) following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participates frequently in meetings of Alcoholics Anonymous or a similar organization, abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional.*

* credentialed medical professional: licensed physician, licensed clinical psychologist, or board certified psychiatrist

H. DRUG INVOLVEMENT

Improper or illegal involvement with drugs, raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information.

Drugs are defined as mood and behavior altering: (a) drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens) and (b) inhalants and other similar substances. Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

Conditions that signal security concern and may be disqualifying include: (1) any drug abuse (see above definition); (2) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; (3) failure to successfully complete a drug treatment program prescribed by a credentialed medical professional.* Current drug involvement, especially following the granting of SCI access, or an expressed intent not to discontinue use, will normally result in an unfavorable determination.

Conditions that could mitigate security concerns include: (1) the drug involvement was not recent; (2) the drug involvement was an isolated or infrequent event; (3) a demonstrated intent not to abuse any drugs in the future; (4) satisfactory completion of a drug treatment program prescribed by a credentialed medical professional.*

* credentialed medical professional: licensed physician, licensed clinical psychologist, or board certified psychiatrist

I. EMOTIONAL, MENTAL, AND PERSONALITY DISORDERS

Emotional, mental, and personality disorders can cause a significant deficit in an individual's psychological, social and occupational functioning. These disorders are of security concern because they may indicate a defect in judgment, reliability or stability.

When appropriate, a credentialed mental health professional,* acceptable to or approved by the government, should be consulted so that potentially disqualifying and mitigating information may be fully and properly evaluated.

Conditions that signal security concern and may be disqualifying include: (1) a diagnosis by a credentialed mental health professional* that the individual has a disorder that could result in a defect in psychological, social, or occupational functioning; (2) information that suggests that an individual has failed to follow appropriate medical advice relating to treatment of a diagnosed disorder, e.g. failure to take prescribed medication; (3) a pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior; (4) information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

Conditions that could mitigate security concerns include: (1) there is no indication of a current problem; (2) recent diagnosis by a credentialed mental health professional* that an individual's previous emotional, mental, or personality disorder is cured or in remission and has a low probability of recurrence or exacerbation; (3) the past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the individual is no longer emotionally unstable.

* credentialed mental health professional: licensed clinical psychologist, licensed social worker, or board certified psychiatrist

J. CRIMINAL CONDUCT

A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

Conditions that signal security concern and may be disqualifying include: (1) any criminal conduct, regardless of whether the person was formally charged; (2) a single serious crime or multiple lesser offenses.

Conditions that could mitigate security concerns include: (1) the criminal behavior was not recent; (2) the crime was an isolated incident; (3) the person was pressured or coerced into committing the act and those pressures are no longer present in that person's life; (4) the person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur; (5) there is clear evidence of successful rehabilitation.

K. SECURITY VIOLATIONS

Noncompliance with security regulations raises doubt about an individual's ability to safeguard classified information.

Conditions that signal security concern and may be disqualifying include: (1) unauthorized disclosure of classified information; (2) violations that are deliberate or multiple or due to negligence.

Conditions that could mitigate security concerns include actions that: (1) were inadvertent; (2) were isolated or infrequent; (3) were due to improper or inadequate training; (4) demonstrate a positive attitude towards the discharge of security responsibilities.

L. OUTSIDE ACTIVITIES

Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

Conditions that signal security concern and may be disqualifying include any service, compensated or volunteer, or employment with: (1) a foreign country; (2) any foreign national; (3) a representative of any foreign interest; (4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology.

Conditions that could mitigate security concerns include: (1) evaluation of the outside employment or activity indicates that it does not pose a conflict with an individual's security responsibilities; (2) the individual terminates the employment or discontinues the activity upon being notified that it is in conflict with his or her security responsibilities.