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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

December 27, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: RAND BEERS

FROM: EDWARD J. APPEL

SUBJECT: Implementation of Executive Order 12968

Background

Executive Order 12968 required the Security Policy Board to formulate Adjudicative Guidelines, Temporary Eligibility Investigative Standards and Investigative Standards for Background Investigations for Access to Classified Information.

The Board developed a draft of the Adjudicative Guidelines and circulated it to selected Congressional staff, the American Bar Association, government unions, professional security and classification organizations and others. The draft was then reviewed and edited further with significant improvements prior to the Board's final approval.

The two sets of Investigative Standards were not circulated outside government, to prevent exposure of techniques through wide dissemination. They were, however, extensively discussed within interagency fora. The Security Policy Board approved all three drafts on March 25, 1996 and the Co-Chairs of the Board forwarded them to you for the President on May 28, 1996 (Tab III).

Following review of all three drafts by NSC staff and White House Counsel Jack Quinn, additional changes were made. The changes made in the drafts were for clarity, to strengthen checks on subjects who were arrested, to improve handling of drug and mental health issues, to conform more closely to language in Executive Order 12968 and to achieve greater precision. The final versions of the three drafts, at Tabs A, B and C, are now ready for Presidential approval.

Upon the President's approval, your memorandum at Tab II transmits the three final documents back to the Security Policy Board and asks the Board to circulate them. Within one year, the Board is instructed to report on the efficiency, effectiveness,

compliance and adjustments needed to the Guidelines and Standards.

In addition, your transmittal memorandum provides guidance concerning the SF-86 form (background application form for a clearance). The Investigative Standards approved by the Board have variable investigative scopes for checks made on a subject's residence, employment, arrest records, etc. The scopes approved were designed for maximum effectiveness and productivity. For example, checking with neighbors for residences over five years old has been found to be of negligible value. On the other hand, the separate SF-86 form need not be limited to the investigative scope. Since most applicants furnish truthful and complete information on their SF-86 forms, we gain added efficiency and more evidence of eligibility by requiring full adult life span data on that form for first time applicants, even though most of the data will not require investigative verification for older initial applicants.

The SF-86 was revised well over a year ago, prior to completion of Executive Order 12968 and its implementing guidelines. In addition to the scope discrepancies which will be corrected in the revised SF-86, an interagency group has noted several other desirable changes such as full adult life span data for first time applicants. The guidance provided in Tab II concerning the SF-86 is designed to encourage inclusion of data useful for the adjudicator, which could provide indicators of issues requiring additional investigation or additional proof of eligibility.

Additional guidance is included in your memorandum transmitting the Guidelines and Standards to stress that agencies' budgets should be consistent with them and with lessons learned from recent cases. This guidance is designed to forestall unilateral attempts to alter the Guidelines and Standards to save money, as is the case in a recent Defense Investigative Service effort. Any amendments can be considered in due course, but they should be fully vetted by the interagency mechanism and approved in the same manner used for the attached Guidelines and Standards. Furthermore, the language relating to budget in your transmittal memorandum suggests that additional funds should be provided, as appropriate, in agency budgets to ensure that we do not under fund this important area.

Concurrence by:

James S. Baker

RECOMMENDATIONS

1. That you sign the memorandum to the President at Tab I, recommending that he approve the Guidelines and Standards.
2. That upon the President's approval, you sign the memorandum at Tab II, communicating the President's approval and forwarding the Guidelines and Standards, attached at Tabs A, B and C, and your instructions for implementation to the Security Policy Board.

Attachments

Tab I	Memorandum to the President
Tab A	Adjudicative Guidelines
Tab B	Temporary Eligibility Investigative Standards
Tab C	Investigative Standards for Background Investigations
Tab II	Memorandum to Co-Chairs
Tab III	Incoming Correspondence

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THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE

SUBJECT: Implementation of Executive Order 12968

Purpose

To obtain your approval for adoption of security policies relating to background investigations, granting of clearances and temporary eligibility, as recommended by the Security Policy Board.

Background

Based on E.O. 12968, Access to Classified Information, an interagency group, working under the Security Policy Board, has composed, and the Board has recommended that you adopt, the following, relating to access to classified information:

- Adjudicative Guidelines (for granting clearances)
- Temporary Eligibility Standards
- Background Investigations Standards

During the process, the Board sought the views of interested parties outside and inside government, including the American Bar Association, professional security organizations, Congressional staff and government unions. Based on input from legal and policy advisors at the NSC and the White House, including Counsel Jack Quinn, further edits were made, to clarify and improve the text.

Upon your approval, I will transmit the approved Guidelines and Standards to the Security Policy Board with instructions to promulgate them and report back in one year through the National Security Advisor to you on their efficiency, effectiveness, compliance and any adjustments needed.

cc: Vice President
Chief of Staff

Recent espionage cases make this an excellent time for immediate implementation of these Guidelines and Standards. They can, of course, be amended as appropriate.

RECOMMENDATION

That you approve the Guidelines and Standards. Upon your approval, I will transmit them to the Security Policy Board.

Approve _____

Disapprove _____

Attachments

Tab A Adjudicative Guidelines
Tab B Temporary Eligibility Investigative Standards
Tab C Investigative Standards for Background Investigation

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 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

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 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

Temporary Eligibility

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*.

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.

Investigative Standards

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

Investigative Standards

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.

Investigative Standards

(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

Investigative Standards

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.

Investigative Standards

(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.

Investigative Standards

(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 on 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.

Investigative Standards

(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 uns oin 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.

Appendix
Decision Tables

TABLE 1: WHICH INVESTIGATION TO REQUEST

If the requirement is for	And the person has this access	Based on this investigation	Then the investigation required is	Using standard
CONFIDENTIAL SECRET; "L"	none	none	NACLC	A
		out of date NACLC or SSBI		
	CONF, SEC; "L"			
TOP SECRET, SCI; "Q"	none	none	SSBI	B
	none; CONF, SEC; "L"	current or out of date NACLC		
	TS, SCI; "Q"	out of date SSBI	SSBI-PR	C

TABLE 2: REINVESTIGATION REQUIREMENTS

If the requirement is for	And the age of the investigation is	Type required if there has been a break in service of ____	
		0-23 months	24 months or more
CONFIDENTIAL	0 to 14 yrs. 11 mos.	none (NOTE 1)	NACLC
	15 yrs. or more	NACLC	
SECRET; "L"	0 to 9 yrs. 11 mos.	none (NOTE 1)	
	10 yrs. or more	NACLC	
TOP SECRET, SCI; "Q"	0 to 4 yrs. 11 mos.	none (NOTE 1)	SSBI
	5 yrs. or more	SSBI-PR	

NOTE 1: As a minimum, review an updated Standard Form 86 and applicable records. A reinvestigation (NACLC or SSBI-PR) is not required unless the review indicates the person may no longer satisfy the standards of Executive Order 12968.

THE WHITE HOUSE
WASHINGTON

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.

Anthony Lake
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

SECURITY POLICY BOARD
Arlington, Virginia 22202

28 May 1996

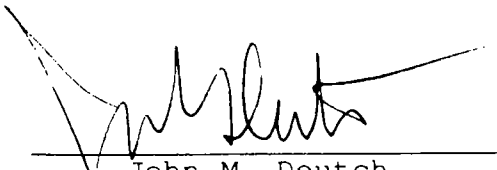
MEMORANDUM FOR: The Honorable Anthony Lake
Assistant to the President for National
Security Affairs
National Security Council

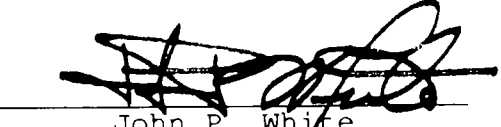
FROM: The Honorable John M. Deutch
Cochairman, Security Policy Board

The Honorable John P. White
Cochairman, Security Policy Board

SUBJECT: Implementation of Executive Order 12968

This memorandum transmits to you the attached
Adjudicative Guidelines, Temporary Eligibility Standards, and
Investigative Standards required by Executive Order 12968,
Access to Classified Information, as approved by the Security
Policy Board on 25 March 1996. The Order directs us to
forward them to the President through you for final approval.



John M. Deutch

John P. White

Attachments:

- A. Adj Guidelines
- B. Inv Stds
- C. Temp Eligibility

Attachments will be held in
Intelligence Directorate

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Wm R
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rest area

Jimmie Selby
Richard

Ken Hanson