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No. 3

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 3 October 1967

PERSONNEL SECURITY CLEARANCE

**LEARANCE OF PERSONNEL FOR ACCESS TO CLASSIFIED DEFENSE
INFORMATION AND MATERIAL**

AR 604-5, 28 January 1966, is changed as follows:

1. Material which has been added or changed is indicated by a bold star.
2. The following pen-and-ink change will be made:
Page 23, paragraph 24. In line 3, "23b" is changed to read "21".
3. Remove old pages and insert new pages as indicated below:

Remove pages—	Insert pages—
3 through 12	3 through 12
15 through 22.1	15 through 22.1

4. This transmittal sheet should be filed in the front of the publication for reference purposes.

[ACSI]

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
*General, United States Army,
Chief of Staff.*

Official:

KENNETH G. WICKHAM,
*Major General, United States Army,
The Adjutant General.*

Distribution:

Active Army, NG, and USAF: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General—A.

*This change supersedes DA message 820154, 20 June 1967.

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AR 604-5
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CHANGE }
No. 2 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 22 November 1966

PERSONNEL SECURITY CLEARANCE
CLEARANCE OF PERSONNEL FOR ACCESS TO CLASSIFIED DEFENSE INFORMATION AND MATERIAL

AR 604-5, 28 January 1966, is changed as follows:

1. Remove old pages and insert new pages as indicated below:

Remove pages—	Insert pages—
✓ 5 through 8.....	5 through 8.
✓ 11 and 12.....	11 and 12.
✓ 17 and 18.....	17 and 18.
✓ 21 through 22.1.....	21, 22, and 22.1.

- 2. Delete so much of paragraph 23 as is found on page 23.
- 3. Former paragraph 21 is now paragraph 23.
- 4. Material which has been added or changed is indicated by a star.
- 5. This transmittal sheet should be filed in the front of the publication for reference purposes.

[ACSI]

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
*General, United States Army,
Chief of Staff.*

Official:
KENNETH G. WICKHAM,
*Major General, United States Army,
The Adjutant General.*

Distribution:
Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General—A.

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AR 604-5
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CHANGE }
No. 1 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 20 June 1966

PERSONNEL SECURITY CLEARANCE

CLEARANCE OF PERSONNEL FOR ACCESS TO CLASSIFIED DEFENSE INFORMATION AND MATERIAL

AR 604-5, 28 January 1966, is changed as follows:

1. Make the following changes in pen and ink. Change "USACRF" to "USAIRK" in the following places:
 - ✓a. Page 13, paragraph 16c(3), lines 3 and 5.
 - ✓b. Page 23, paragraph 24c, line 3.
 - ✓c. Page 23, paragraph 24c(6), line 3.
 - ✓d. Page 23, paragraph 24d, line 9.
 - ✓e. Page 24, paragraph 25b, line 5.
2. Remove old pages and insert new pages as indicated below:

Remove pages--	Insert pages--
5 through 12	5 through 12.
17 through 22	17 through 22.1.

3. Material which has been added or changed is indicated by a bold star.
4. This transmittal sheet should be filed in the front of the publication for reference purposes.

[ACSI]

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Official:
J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:
Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel General-A.

*This change supersedes the following DA messages: DA 757580, 11 March 1966, DA 752243, 24 February 1966, DA 749435, 3 February 1966, and DA 769237, 10 June 1966.

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*AR 604-5

ARMY REGULATION }
No. 604-5

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 28 January 1966

PERSONNEL SECURITY CLEARANCE
CLEARANCE OF PERSONNEL FOR ACCESS TO CLASSIFIED DEFENSE
INFORMATION AND MATERIAL

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*This regulation supersedes AR 604-5, 6 August 1965.

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SECTION I

GENERAL

1. Purpose. This regulation prescribes the policy and establishes the procedures for the granting, denial, suspension, or revocation of security clearances to Department of the Army personnel for access to classified defense information including RESTRICTED DATA and cryptographic information.

2. Relation to other regulations. While this regulation covers the general procedure for the granting, denial, suspension, or revocation of security clearances, AR 381-130 and CPR-12 are closely associated with this regulation and must be consulted for complete information concerning requests for and scope of personnel security investigations incident to clearance for access to classified defense information.

3. Applicability. This regulation is applicable to personnel of the Department of the Army, including U.S. Army Reserve personnel not on active duty, and to persons employed by, hired on an individual contractual basis, or serving in an advisory capacity to the Department of the Army whether on a permanent, temporary, or part-time basis and whether or not they are compensated for their services from appropriated or nonappropriated funds. This includes citizens of the United States, aliens in the United States with or without immigration visa for permanent residence and aliens employed in oversea areas. This regulation is also applicable in those cases where clearance is requested for members and employees of the Army National Guard.

4. Explanation of terms. *a. Department of the Army.* Defined in AR 320-5.

b. Classified defense information. Official information which requires protection in the interests of national defense and which is classified for such purpose by appropriate classifying authority in accordance with AR 380-5.

c. Cryptographic information. Knowledge or facts pertaining to cryptographic and cryptanalytic processes, methods, equipment, cryptosystems, cryptopublications, and related material.

d. National security. The protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign

affairs, against or from espionage, sabotage, and subversion, and any and all other acts designed to weaken or destroy the United States.

★*e. Sensitive position.* Any position within the Department of the Army the occupant of which could bring about by virtue of the nature of the position a material adverse effect on the national security. Sensitive positions are of the following two categories:

(1) *Noncritical sensitive position.* Positions so designated by the Secretary of the Army or by any of the officials listed in paragraph 6, involving the following:

- (a) Any position, the duties or responsibilities of which require access to SECRET or CONFIDENTIAL defense information or material.
- (b) Any position involving education and orientation of Department of Defense personnel.
- (c) Any other position so designated by authority of the Secretary of the Army.

(2) *Critical sensitive position.* Positions so designated by authority of the Secretary of the Army or by the officials listed in paragraph 6, involving the following:

- (a) Access to TOP SECRET defense information or material.
- (b) Development or approval of war plans, plans, or particulars of future major or special operations of war, or critical and extremely important items of war.
- (c) Development or approval of plans, policies, or programs which affect the overall operations of the Department of Defense or the Department of the Army, i.e., policy-making or policy determining positions.
- (d) Investigative duties, the issuance of personnel security clearances, or duty on personnel security boards.
- (e) Fiduciary, public contact, or other duties demanding the highest degree of public trust.
- (f) Any other position so designated by authority of the Secretary of the Army.

f. Commander. For the purpose of this regula-

tion, the term "commander" includes persons occupying the positions listed in paragraph 6a and all others to whom authority to grant clearances has been properly delegated.

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

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

i. National of the United States.

- (1) A citizen of the United States, or
- (2) A person who, though not a citizen of the United States, owes permanent allegiance to the United States.

j. Foreign national. A national of a foreign country who is not also a citizen of the United States.

k. Limited access authorization. Limited access authorization as used herein means the formal authority granted in accordance with this regulation for aliens, or immigrant aliens, upon whom some aspects of a background investigation may not be possible of achievement because of geographical or political limitations, to have access to specifically prescribed classified defense information for a specified period not to exceed 1 year.

l. Polygraph examination. For the purpose of this regulation, a polygraph examination is an examination of an individual on a voluntary basis conducted by qualified operators using the Lie Detecting Set AN/USS-2(C) or other polygraph instruments or equipment approved by the Department of the Army. The examination, as a minimum, will consist of verification of questionable and critical information contained in the Statement of Personal History (DD Form 398) or Immigrant Alien Questionnaire (DD Form 49). The polygraph may be used to verify other pertinent information available or to provide leads for further investigations.

m. Derogatory information. Information of such nature as to constitute a possible basis for denial or revocation of security clearance, rejection for or separation from service or employment with the Department of the Army. It includes—

- (1) Adverse loyalty information. Information which reflects unfavorably upon the loyalty of an individual to the United States.
- ★(2) Adverse suitability information. Information which, though not reflecting on

an individual's loyalty to the United States, casts doubt upon his good character, trustworthiness, or reliability and hence raises a doubt that access to classified information would be clearly consistent with national security or which might serve as a bar to any favorable personnel action. Examples of adverse suitability information are contained in paragraphs 17a(16) through (21) and (23).

★*n. Suspension of access.* The temporary withdrawal of an individual's authorized access to classified defense information when information becomes known which indicates the individual may be a security risk. Following appropriate inquiry or investigation and adjudication of the results, the individual's access will be restored or his security clearance will be revoked.

★*o. Revocation of security clearance.* The permanent withdrawal and cancellation of an individual's security clearance for cause (para 24).

5. Policy. a. No person is entitled to knowledge of, possession of, or access to classified defense information solely by virtue of his office, position, grade, or security clearance. Such information may be entrusted only to those individuals whose official military or other governmental duties require such knowledge or possession and who have been investigated as required and cleared for access in accordance with the minimum standards prescribed by this regulation. Clearances serve to indicate that the persons concerned are eligible for access to classified defense information should their official duties so require.

b. No person will be granted a security clearance unless it is affirmatively determined, as prescribed herein, that such clearance is clearly consistent with the interests of national security.

c. No person will be granted an interim security clearance or an access pending authorization under the provisions of this regulation until such time as the clearing authority has initiated the action necessary for final clearance. The granting of interim clearances will be kept to the absolute minimum required to fulfill the mission of the U.S. Army.

d. Aliens, other than immigrant aliens, and foreign nationals are not eligible for security clearances but may in exceptional cases be granted limited access authorizations for access to classified

defense information under the provisions of paragraph 16.

e. An immigrant alien may be granted a final security clearance upon completion of a background investigation, as outlined in appendix II of AR 381-130, provided that it discloses no derogatory information indicating that such access would not be clearly consistent with the interests of national security. The use of the polygraph is authorized when it is necessary to verify information furnished by the individual which cannot be verified through the use of normal investigative methods; provided the individual consents in writing. Interim clearance for TOP SECRET and SECRET is not authorized. Interim clearance for CONFIDENTIAL is authorized after completion of a national agency check (NAC) which reveals no derogatory information and after initiation of a background investigation.

★f. In general, the minimum investigative requirements prescribed herein will be adhered to; however, authorities listed in paragraph 6 are enjoined, at the time of validation (para 22), to initiate a new NAC in those instances where the investigation upon which the current clearance is based is more than 5 years old.

g. Any person selected for duties in connection with programs involving the education and orientation of military personnel will have been the subject of a favorable NAC prior to his assignment in accordance with the provisions of AR 604-20.

★h. Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases will have been the subject of a favorable background investigation prior to his assignment, except that military personnel who have been granted a final TOP SECRET clearance based upon less stringent investigative standards than those currently prescribed or who have been granted an Interim TOP SECRET clearance in accordance with paragraph 13b(2)(b), and on whom a background investigation has been initiated, may be selected for service on military personnel security boards. This requirement applies to boards which pass upon alleged disloyal, subversive, or disaffected civilian and military personnel. The basic qualifications, applicable to all officer positions, regardless of command or staff level, for personnel engaged in

the adjudication processing of security cases are prescribed in AR 604-13.

i. Authority for granting security clearances to civilian and military members of the Department of the Army is limited to the Department of the Army.

★j. Review of a general officer's U.S. Army Investigative Records Repository (USAIRR) dossier, when required pursuant to this regulation, will be conducted at Headquarters, Department of the Army level only. Requests for such review may be submitted only by the clearance authorities specifically listed in paragraph 6. Such requests will be in writing to the Assistant Chief of Staff for Intelligence, ATTN: DSPO, Department of the Army, Washington, D.C. 20310, and will contain the general officer's full name, date and place of birth, and specific reason for dossier review. This policy does not preclude the review of a general officer's USAIRR dossier by a superior officer. Requests for this purpose will be addressed as above and will be authenticated by the intended reviewer. Paragraph 5a(5), AR 381-30 applies.

6. Clearance authority. ★a. The Secretary of the Army hereby delegates authority to the following to clear personnel within their specific areas of jurisdiction for access to classified defense information: The Under Secretary, Assistant Secretaries, and Special Assistants to the Secretary of the Army; the Director of Civil Defense; Chief of Staff of the Army; Heads of Department of the Army General and Special Staff agencies; Commanding Generals, U.S. Army Air Defense Command, U.S. Army Combat Development Command, U.S. Army Materiel Command, U.S. Army Security Agency, U.S. Army Strategic Communications Command, U.S. Continental Army Command, U.S. Army Intelligence Command, U.S. Army Recruiting Command; major oversea commands, Army components of unified and specified commands, CONUS armies, Military District of Washington, U.S. Army; Military Traffic Management and Terminal Service, DA; and Commandant, National War College. These officials may redelegate security clearance authority to commanders of subordinate field elements in order to expedite personnel security clearance actions. Notwithstanding such delegation, the persons holding the aforementioned positions continue to be responsible for all security clearance actions taken within their respective jurisdiction.

★*b.* Each person authorized to grant security clearances must possess a final TOP SECRET clearance.

★*c.* Clearance certificates on "commanders" to whom the Secretary of the Army has delegated authority to grant clearances in *a* above may be executed within their own headquarters provided the requirements of *b* above are met. Further, these commanders may appoint a staff officer to act for them in the execution of clearance certificates on personnel within their respective commands, agencies, or activities and on subordinate commanders to whom they further delegate authority to grant clearance. Each commander is responsible for insuring that any staff officer acting for him in this capacity possesses a final TOP SECRET clearance and is qualified by training and experience to make valid security clearance determinations.

d. Each commander will, before authorizing access to defense information, insure that the individual is familiar with the provisions of AR 380-5, AR 381-12, and other pertinent directives governing the safeguarding of classified information.

★*e.* Upon the granting of clearance, the commander is responsible for continuing close supervision and observation of the activities and behavior of personnel who have access to classified information. Whenever a valid reason exists for believing that an individual's conduct, activities, or attitude may jeopardize security, prompt action will be taken to suspend access or revoke his security clearance and to effect his immediate reassignment to duties not requiring access to classified information. Appropriate actions under pertinent personnel regulations will be undertaken immediately.

7. Reciprocal acceptance of previous investigations and clearances. *a.* In response to DOD policy guidance, Army clearance authorities are encouraged to accept from other commands, services and agencies on a mutual and reciprocal basis (1) the results of previous investigations and (2) previous clearances which have been granted by appropriate authority, provided the previous clearances have been based on investigative requirements which are in consonance with current standards. Such reciprocation will avoid the repetitious filing of personal history statement, the time and expense of multiple investigations and multiple clearances. However, this applies only where a prior investigation by an investigative

agency of the Government meets the standards prescribed herein. If the prior investigation does not meet such standards, supplemental or additional investigation will be conducted.

b. Generally the validity of a clearance of an individual granted by another service or agency will not be questioned. However, clearance authorities have the right to review investigative and personnel files pertaining to the individual in question. When deemed necessary additional investigation may be requested before authorizing the individual's access to classified defense information. Requests for additional investigation will be precise and describe specifically what additional investigation is deemed necessary.

8. Granting access to classified information to individuals of another service or agency.

a. Whenever it becomes necessary for the Department of the Army to authorize access to classified information in its custody to a member of another service or agency who has not previously been cleared or is in need of a higher degree of clearance, the parent service or agency will be requested to conduct the necessary investigation and grant the desired clearance. Records of the security clearance or certificate of access authorization granted by the parent service or agency will be maintained in accordance with the administrative procedures of that service or agency.

★*b.* Should it be determined that it would not be in the best interests of the national security to permit the individual to have access to classified defense information in Army custody, the commander may reassign the individual to nonsensitive duties within his organization, or if appropriate, revoke the detail or assignment, and advise the parent service or agency of the reasons therefor. The responsibility to suspend access or revoke a security clearance and initiate security proceedings rests with the parent service or agency.

★*c.* Whenever Department of the Army personnel or members are assigned or detailed for duty with another service or agency, it is Department of the Army responsibility to advise the using service or agency of any adverse information coming to its attention which relates to the individual's continued eligibility for access to classified defense information. Should the using service or agency determine that the individual cannot have access to classified defense information in its custody, it will reassign the individual to other duties within

its own organization or, if desired, revoke the detail or assignment, and request the Chief of Personnel Operations, ATTN: EPD, Department of the Army, Washington, D.C. 20315, to furnish re-assignment orders. The responsibility to suspend access or revoke a security clearance and initiate security proceedings on Department of the Army members or personnel rests with the Department of the Army.

d. Responsibility for granting security clearances to Army members who are assigned and joined to other services, DOD agencies and unified and specified commands follows.

- (1) The U.S. Army Personnel Security Group, Fort Holabird, Md. 21219, is designated the Department of the Army element for granting or denying personnel security clearances to Army members who are assigned and joined to other services, the Joint Chiefs of Staff, the Office of the Secretary of Defense and other Department of Defense agencies.
- (2) Army component commanders of unified and specified commands are designated Department of the Army elements for granting or denying personnel security clearances to Army members assigned and joined to their commands.

9. Security clearance of separated Department of the Army personnel. *a.* Clearances granted under this regulation become invalid upon

termination of the individual's service with the Department of the Army by reason of discharge, resignation, or retirement.

b. Retired general officer personnel may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 6a provided clearances in effect at the time of retirement would be adequate for the particular conference, activity, or project. Such clearances remain valid for this purpose until terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

10. Implementation of class II installations and activities. The heads of Headquarters, Department of the Army Staff agencies having command responsibilities and the commanders of separate commands directly subordinate to Headquarters, Department of the Army, are responsible for the implementation of this regulation at class II installations and activities under their respective jurisdictions.

11. Combat operations. Under combat conditions, or similar military exigencies, authorities listed in paragraph 6a may waive such provisions of this regulation as are operationally necessary and warranted by the circumstances. In all such cases the commander granting the waiver will insure that the investigative or other prerequisites waived are complied with as soon as circumstances permit.

SECTION II

INVESTIGATIONS

12. Types of investigations required for access. *a.* The types of personnel security investigations normally required as a basis for granting access to classified defense information are listed below. The definition of each of these investigations is contained in AR 381-130.

- (1) National Agency Check (NAC).
- (2) Entrance National Agency Check (ENTNAC).
- (3) National Agency Check, plus written inquiries (NACI).
- (4) Background Investigation (BI).

b. As indicated in paragraph 13, the type investigation required in any instance will depend on the defense classification of the information to which a clearance for access is required, the military or civilian status of the individual concerned, and his citizenship status.

13. Types of investigation required for access to each category of classified defense information. *a. General.* Department of the Army military members and civilian personnel may be declared eligible for access to classified defense information and granted a personnel security clearance under the minimum requirements set forth below for each category of defense information, provided that no derogatory information based upon the criteria outlined in paragraph 17 is developed, which is of sufficient gravity to justify an overall commonsense determination that the clearance of the individual is not consistent with the interests of national security. Requirements for the various classifications of defense information are set forth in *b* through *d* below.

b. TOP SECRET.

- (1) *Final clearance.*
 - (a) *Civilian personnel—U.S. citizens.* Background Investigation.
 - ★(b) *Military personnel—U.S. citizens.* Background Investigation.
 - (c) *Immigrant aliens (civilian or military).* Background Investigation.
- (2) *Interim clearance.*
 - ★(a) *Civilian personnel—U.S. citizens.* National Agency Check. Only in case of emergency will an interim clearance

be granted to employees occupying or persons being considered for assignment to critical sensitive positions. Approval for granting such clearances must be made by the Secretary of the Army or his designee and must be made a matter of record; and a National Agency Check with satisfactory results must have been completed.

- (b) *Military personnel—U.S. citizens.* National Agency Check.
- (c) *Immigrant aliens (civilian or military).* No interim clearance authorized.

c. SECRET.

(1) *Final clearance.*

(a) *Civilian personnel—U.S. citizens.*

- ★1. National Agency Check, plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended, except that the written inquiries portion of the investigation may be dispensed with for employees who have been continuously employed by the Federal Government for a period of 5 years (with no break greater than 6 months) immediately preceding the date of the current investigation, or current need for clearance.

2. A Background Investigation is required for employees occupying critical sensitive positions.

- (b) *Military personnel—U.S. citizens.* National Agency Check or an Entrance National Agency Check.

Note. An ENTNAC is not valid for the purpose of granting an interim TOP SECRET clearance.

- (c) *Immigrant aliens (civilian or military).* Background Investigation.
- (d) *Nonappropriated fund employees and employees of the Army National Guard—U.S. citizens.* National Agency Check.

- (2) *Interim clearance.*
- (a) *Civilian personnel—U.S. citizens.*
1. National Agency Check.
 2. In case of emergency, interim clearance for access to SECRET may be granted for a limited period provided a National Agency Check has been initiated and the Secretary of the Army or an authority listed in paragraph 6 finds that such action is necessary in the interests of national security and makes a record of such findings. In every case, this action will be based upon a check of available records to include those listed in paragraph 20a.
- (b) *Military personnel—U.S. citizens.* Continuous honorable active duty as a member of the Armed Forces, for a minimum of 2 consecutive years immediately preceding the date of the current investigation, plus a check of the military field 201 file, local intelligence files, provost marshal files, and medical records; or, in the case of personnel with less than 2 years service—
1. A check of files required above, plus
 2. A check of the Federal Bureau of Investigation Investigative and Identification files.
- (c) *Immigrant aliens (civilian or military).* No interim clearance authorized.

d. **CONFIDENTIAL.**

- (1) *Final clearance.*
- ★(a) *Civilian personnel—U.S. citizens.* National Agency Check, plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended, except that the written inquiries portion of the investigation may be dispensed with for employees who have been continuously employed by the Federal Government for a period of 5 years (with no break greater than 6 months) immediately preceding the date of the current investigation.
- (b) *Military personnel—U.S. citizens.* A check of the military field 201 file, local

intelligence files, provost marshal files, and medical records.

- (c) *Immigrant aliens (civilian or military).* Background Investigation.
- (2) *Interim clearance.*
- (a) *Civilian personnel—U.S. citizens.*
1. National Agency Check.
 2. In case of emergency, interim clearance may be granted for a limited period provided a National Agency Check has been initiated and an authority listed in paragraph 6 finds that such action is necessary in the interests of national security and makes a record of such finding. In every case this action will be based upon a check of available records to include those listed in paragraph 20a.
- (b) *Military personnel—U.S. citizens.* Interim clearance not authorized.
- (c) *Immigrant aliens (civilian or military).* National Agency Check to include a check of the files of the Central Intelligence Agency plus initiation of a full Background Investigation.

★e. Authorities listed in paragraph 6 will insure that all new security clearances issued subsequent to 1 January 1968 are based upon the investigative standards contained herein.

★f. Final security clearances previously granted under less stringent standards than those set forth herein will remain in effect; however, at the time of validation, a new NAC may be initiated when the current Background Investigation, National Agency Check or Entrance National Agency Check is more than 5 years old. All requests for National Agency Checks under this provision, to include requests submitted by authorized requesters of the Army National Guard and U.S. Army Reserve, will be processed.

★14. **Access pending clearance requirements.—U.S. citizens.** a. When immediate access to classified defense information is required in an emergency in order for the individual concerned to carry out his assigned task and, because of exceptional circumstances, the delay caused by awaiting interim clearances would be harmful to the national interest, authorities listed in paragraph 6 may authorize such access to U.S. citizens, based on a favorable check of the individual's military

field 201 file or civilian personnel record, local intelligence, medical, and provost marshal files.

b. Immediate access to classified defense information will be granted only under emergency conditions where failure to take such action may jeopardize the accomplishment of the mission of the organizations authorizing the access. In each such case of granting emergency immediate access, a record of the authorization will be made and the commander, or responsible authority concerned, will have initiated the action necessary for final clearance.

15. Acceptance of investigations conducted by other governmental agencies for clearance purposes. *a. Prior investigation.* Whenever a prior investigation by an investigative agency of the Federal Government is equal in scope and meets the standards prescribed in AR 381-130, clearance may be granted upon review of the prior investigation provided that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of this prior investigation, and an inquiry of the agency of prior employment discloses no reason why clearance should not be granted. If the prior investigation does not meet the requirements of AR 381-130, supplemental or additional investigation will be conducted.

b. Acceptance of investigations conducted for civilian employment.

- (1) The following investigations may be accepted for clearance purposes within the Department of the Army provided the person has been continually in the employ of the executive branch of the Federal Government and there has been no break in service longer than 6 months since the completion of the investigation, and an inquiry to the agency of prior employment discloses no reason why clearance should not be granted.
 - (a) National Agency Check including FBI fingerprint check conducted by a U.S. Government agency pursuant to Executive Order 10450, may be accepted as the equivalent of a National Agency Check.
 - (b) A "Full Field Investigation" conducted pursuant to Executive Order 10450 by a U.S. governmental agency may be accepted, provided it is deter-

mined upon review of the investigative report that it meets the scope prescribed in appendix II of AR 381-130 for a background investigation.

- (c) A National Agency Check with written inquiries conducted by the Civil Service Commission, provided—
 1. Review of the employee's official personnel folder reveals that his Application for Federal Employment bears a stamped notation indicating the application was processed under "Section 3(a), Executive Order 10450"; or
 - ★2. Certification is received from the Civil Service Commission on CSC Form 715 (Report of Clearly Favorable Results in DOD NACI Case) that their investigation disclosed no derogatory information. Upon completion of clearance action or action required under part III of DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450) the requesting command will forward the CSC Form 715 to the U.S. Army Investigative Records Repository, Fort Holabird, Md. 21219, for inclusion in the individual's USAIRR dossier.
- (2) Where a background investigation of a civilian employee is required under the provisions of this regulation, the National Agency Check component of the background investigation need not be duplicated if it is determined that a U.S. governmental agency is conducting or has completed a National Agency Check that meets the scope prescribed in appendix I of AR 381-130, and providing that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of the National Agency Check.

16. Access by aliens and foreign nationals. Aliens and foreign nationals are not eligible for security clearances. (See para 5e for policy concerning immigrant aliens.) Such personnel may be granted limited access authorizations but only under the conditions and procedures set forth in *a* through *c* below. A limited access authorization is

not to be considered a security clearance. (The term "alien" used throughout this paragraph refers to both aliens and foreign nationals.)

a. Policy. Appropriate authority as defined in *c* below may grant an alien a limited access authorization when it is determined that the employment of an alien in duties requiring access to certain classified defense information is necessary in the interests of national security. The classified mission of the command, agency, or installation is secondary to the interest of national security in establishing authorization. It is therefore essential that strict limitations be placed on the type of positions in which aliens may be utilized and the type of information which may be disclosed. In no case will a limited access authorization be granted if the investigation discloses information which raises a reasonable doubt concerning the character, integrity, or trustworthiness of the individual or if investigation reveals possible disaffection for the United States or the intentional withholding or concealment of pertinent information pertaining to the individual's personal history.

b. Investigation. The minimum scope of investigation to be conducted for the purpose of granting a limited access authorization under the provisions of this regulation is as follows:

- (1) Such components of a background investigation (see AR 381-130) as are possible of achievement, plus a check of the files of the Central Intelligence Agency, plus
- (2) A polygraph examination to cover that portion of the individual's life which cannot be investigated because of geographical, political, or other considerations, provided the individual consents in writing. Individuals who refuse to be

polygraphed will not be granted limited access authorizations.

c. Authorization. Authorization to grant access as provided in this paragraph has been delegated as follows:

- (1) TOP SECRET—Secretary of the Army.
- (2) SECRET—Authorities listed in paragraph 6a.
- (3) CONFIDENTIAL—Authorities listed in paragraph 6a or their designees.

d. Interim limited access authorization. There is no authority for the granting of an interim limited access authorization.

e. Use and disposition of DA Form 3028-R. The appropriate authority indicated in *c* above upon granting a limited access authorization will execute DA Form 3028-R (Limited Access Authorization (Aliens, Immigrant Aliens, Foreign Nationals)) (fig. 1). Each DA Form 3028-R will include a statement specifying in detail the specific type of classified information to which the individual is authorized access and that such access is necessary in the interests of national security. A job description will be added as an inclosure to each DA Form 3028-R. This authorization will remain in effect for 1 year unless sooner revoked or rescinded by reason of change of duties, termination of employment, or similar circumstances. If revoked or rescinded, a letter reporting the circumstances of the revocation or rescission will be directed to the Commanding Officer, USAIRR, Fort Holabird, Md. 21219, for inclusion in the individual's USAIRR dossier. Renewal requests will be processed through the channels provided for original requests. Reinvestigation will be accomplished every 3 years during the period of authorization but need not include an additional polygraph examination un-

less security considerations present in an individual case warrant such reexamination (i.e., individuals with relatives residing in Communist or Soviet-bloc countries). DA Form 3028-R will be reproduced locally on 8- by 10½-inch paper. The form will be prepared in triplicate and distributed as follows:

- (1) The original will be forwarded to the organization to which the subject individual is assigned for inclusion in his field

military 201 file or civilian personnel folder.

- (2) One signed copy retained by the issuing commanders or official while the authorization is in force.
- (3) One signed copy will be forwarded through intelligence channels to the Commanding Officer, USAFRR, Fort Holabird, Md., 21219, for inclusion in the USAFRR dossier.

USAFRR c 1

LIMITED ACCESS AUTHORIZATION (Aliens, Immigrant Aliens, Foreign Nationals) (AR 604-5)		
Originating Headquarters		Date
<p>This is to verify that the following named individual has been investigated under the provisions of AR 381-130 and he is hereby authorized access only to the type of classified information described below in the course of his official duties. Employment of this individual in the duties described in inclosure 1 hereto is necessary in the interests of national security.</p>		
Name (Last - First - Middle)		
Grade	SN or SSAN	Dossier No.
Date of Birth	Place of Birth	
Description of type and degree of classified information to which access is authorized		
Date authorization expires		
Date background investigation required by para 16, AR 604-5 was completed		
Command which conducted investigation and polygraph examination		
Date polygraph examination completed	Name of polygraph operator	
Typed name, grade and title of officer granting authorization	Signature	

SECTION III

CRITERIA

17. Criteria for application of policy. *a.* The ultimate determination of whether the granting of a clearance is clearly consistent with the interests of national security must be an overall common-sense determination based upon all available information, both favorable and unfavorable. The granting, denial, or revocation of a security clearance may be a matter of far-reaching consequences to the Department of the Army as well as to the individual concerned. Therefore, arbitrary and perfunctory decisions must be avoided. The activities and associations listed below, whether current or past, may, depending upon the degree of seriousness, be the basis for denial of access to classified defense information, or revocation of clearance.

- (1) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor; or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.
- (2) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests are inimical to the interests of the United States; or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.
- (3) Advocacy of use of force or violence to overthrow the Government of the United States or of alteration of the form of Government of the United States by unconstitutional means.
- (4) Membership in, or affiliation or sympathetic association with; any foreign or domestic organization, association, movement, group or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means. (An organization movement, or group, officially designated by the Attorney General of the United States to be totalitarian, Fascist, Communist, or subversive, to advocate or approve forcible or violent denial of constitutional rights or to seek alteration of the form of Government of the United States by unconstitutional means, shall be presumed to be of a character thus designated until the contrary be established.)
- (5) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.
- (6) Failure or refusal to sign DD Form 98 (Armed Forces Security Questionnaire) or DA Form 1111 (Statement of Non-Affiliation With Certain Organizations) as applicable, pleading protection of the Fifth Amendment or of Article 31, Uniform Code of Military Justice, in refusing to completely answer questions contained in DD Form 98, DD Form 398, or DA Form 1111, or otherwise failing or refusing to answer any pertinent question propounded in the course of an official investigation, interrogation, or examination, conducted for the purpose of ascertaining the existence or extent, or both, of conduct of the nature described in (1) through (5) above, and (7) through (13) below.
- (7) Participation in the activities of an organization established as a front for an organization referred to in (4) above when his personal views are sympathetic to the subversive purposes of such organization.
- (8) Participation in the activities of an orga-

- nization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of, or sympathetic to, the infiltrating element or sympathetic to its purposes.
- (9) Participation in the activities of an organization referred to in (4) above, in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.
 - (10) Sympathetic association with a member or members of an organization referred to in (4) above or sympathetic interests in totalitarian, Fascist, Communist, or similar subversive movements.
 - (11) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in (1) through (9) above. A close continuing association may be considered to exist if the individual lives with, frequently visits, or frequently communicates with such person.
 - (12) Close continuing association of the type described in (11) above, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.
 - (13) Any facts other than as set forth in (14) through (19) below, which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests are inimical to the interests of the United States.
 - (14) Willful violation or disregard of security regulations.
 - (15) Intentional unauthorized disclosure to any person of classified information, or of other information disclosure of which is prohibited by law.
 - (16) Any deliberate misrepresentation, falsification, or omission of material fact.
 - (17) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.
 - (18) Acts of a reckless, irresponsible, or wanton nature which indicate such poor judgment and instability as to suggest that the individual might disclose security information to unauthorized persons or otherwise assist such persons, whether deliberate or inadvertently, in activities inimical to the security of the United States.
 - (19) All other behavior, activities, or associations which tend to show that the person is not reliable or trustworthy.
 - (20) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual, with due regard to the transient or continuing effect of the illness and the medical findings in such case.
 - (21) Any excessive indebtedness, recurring financial difficulties, unexplained affluence or repetitive absences without leave which furnish reason to believe that the individual may act contrary to the best interests of national security.
 - (22) Refusal to take the Oath of Allegiance or Oath of Service and Obedience.
 - ★(23) Repeated acts of carelessness leading to inadvertent loss or compromise of classified material.
- ★b. Commanders and supervisors at all echelons including company, separate detachment, or equivalent level will take immediate action to suspend an individual's access to classified information whenever credible derogatory information within the scope of a above is received. This immediate action will include notification of the clearance authority by the most expeditious means available. The clearance authority will determine whether suspension of access is reasonable and warranted. Concurrent with a suspension action, an inquiry or investigation will be initiated or requested in order to permit expeditious restoration of access or to provide a sound basis for revocation of the individual's security clearance. If any case is not finally resolved within 3 months of the date access is suspended, a report of that fact will be

submitted to the Office of the Assistant Chief of Staff for Intelligence, ATTN: DSPP, Department of the Army. This report will contain the name of the individual involved; grade, Army serial number, social security number or, in the case of civilian employees, grade, position title, and social security number; a brief statement of the basis for suspension of access; date of suspension; reasons for nonresolution; and estimated date sufficient information for final resolution will be available. Upon completion of appropriate inquiry or investigation and review of all pertinent facts, both favorable and unfavorable, the commander authorized to grant clearance will make a positive determination whether to revoke the clearance or permit it to remain in force. If the decision is to revoke the clearance, the action described in paragraph 24 will be followed. In addition, action will be initiated in accordance with AR 600-31, AR 604-10, SR 620-220-1, AR 381-115, AR 230-15, AR 640-98, AR 604-11, The Uniform Code of Military Justice, CPR S1, or other regulations, as appropriate. Commanders and supervisors must be alert on a continuing basis to detect delinquent or irrational conduct on the part of subordinates who have access to classified information.

c. In evaluating information of a suitability nature, consideration should be given to the gravity of the information in derogation, the age of the individual at the time the incident occurred, and his subsequent behavior and performance of duty. An isolated instance of youthful indiscretion must not be construed as permanent proof of unreliability or lack of character. Any determination involving such information must be tempered by an appreciation of all the facts bearing on the case.

★*d.* When an NAC or ENTNAC develops unfavorable information, any additional investigation required to resolve the case will be conducted by USAINTC. When the NAC was conducted as a basis for granting a security clearance, the commander concerned must make a security determination under the provisions of this regulation. When an ENTNAC or an NAC conducted for purposes other than clearance develops derogatory information which does not warrant unfavorable personnel action, the individual's DA Form 66 or DA Form 20, as applicable, will be annotated "Paragraph 17*d*, AR 604-5 applies." (See AR 611-103 or AR 600-200, as appropriate.) The fact that

this notation was accomplished will be noted on the original copy of the DD Form 1584 which will be forwarded with the case file to the USAIRR, Fort Holabird, Md. 21219. In the event of a subsequent need for a security clearance by a member whose records are so annotated, the commander concerned will obtain and review the individual's USAIRR investigative dossier. Based on all the information available, both favorable and unfavorable, he will either -

- (1) Issue a security clearance and grant access to classified information as needed;
- (2) Take action to deny security clearance as outlined in paragraph 24; or
- (3) Request additional investigation upon which to base definitive action under (1) or (2) above.

18. Access to atomic energy information.

Access to atomic energy information bearing the classifications TOP SECRET, SECRET, and CONFIDENTIAL, including RESTRICTED DATA as defined in the Atomic Energy Act of 1954 (68 Stat. 921, as amended 42 U.S.C. 2011 et seq.) within the Department of the Army will be governed by the clearance procedures prescribed for final TOP SECRET, SECRET, and CONFIDENTIAL defense information as set forth in paragraph 13 of this regulation and in AR 380-150.

19. Access to classified cryptographic information. *a. Authority.* Authorities listed in paragraph 6*a*, or their designees, are responsible for determining that an individual has the need-to-know and meets eligibility requirements prior to authorizing such individual access to classified cryptographic information.

b. Determination of eligibility.

- (1) U.S. citizen personnel must possess a security clearance granted in accordance with this regulation for access to classified defense information of the same or higher classification category as that of the cryptographic information to which access is required. However, as an additional requirement, a favorable National Agency Check will have been completed for those individuals who as members of the National Guard or Reserve forces require access to CONFIDENTIAL cryptographic information in connection with

short periods of active duty or for training purposes while not on active duty.

- (2) Immigrant aliens who have been granted a final type security clearance based on a background investigation may be authorized access to CONFIDENTIAL cryptographic information. They will not be—
 - (a) Authorized access to cryptographic information classified TOP SECRET or SECRET.
 - (b) Appointed as cryptographic custodians or as cryptographic security officers.
 - (c) Given access to safes where cryptographic keying material and related equipment are stored; and
 - (d) Authorized access to research and development information concerning cryptographic information.
- (3) All other aliens are ineligible for access to classified cryptographic information, except that representatives of a foreign government with which the United States has an agreement may be granted access to classified cryptographic information which has been released to that government in accordance therewith, provided the foreign government certifies that the individual has an appropriate clearance and is authorized and designated to receive the information.

c. Authorization for access. Following the determination that the individual has a need-to-know and is eligible for access to classified cryptographic information, appropriate authority referred to in *a* above will formally authorize the individual's access. The authorization for access will include an indoctrination concerning the unique nature of cryptographic information, its unusual sensitivity, the special security regulations governing its han-

dling and protection, and the penalties prescribed for the willful or inadvertent disclosure of such information. The authorization for access will be completed and made a matter of record as prescribed in paragraph 25.

d. Termination of access. When it is determined that the individual no longer meets clearance requirements, or the need-to-know no longer exists, authorization for access to classified cryptographic information will be withdrawn. Such withdrawal will be accompanied by a debriefing which includes instruction and reminders that the safeguarding of classified cryptographic information is important to the national security, that the individual is still bound by all security regulations pertaining to cryptographic information, and that he is subject to penalties prescribed for its willful or inadvertent disclosure. Termination of access will be accomplished and made a matter of record as prescribed in paragraph 25.

e. Limited access. To meet operational requirements, U.S. citizen personnel whose primary duties are not cryptographic in nature, but who may be required to have access to certain types of cryptographic material (e.g., operation codes, authentication systems, call sign ciphers), may be issued such material without formal authorization for access to cryptomaterial provided—

- (1) They are properly identified;
- (2) They have security clearances for access to the classification category equal to or higher than that of the material to be released;
- (3) They are thoroughly instructed in the proper handling and safeguarding of the cryptographic information concerned; and
- (4) The Director, National Security Agency has designated the cryptomaterial as exempt from the formal authorization requirement.

SECTION IV

ADMINISTRATION

20. Request for investigation. a. Submission. A commanding officer, his representative, or higher authority, upon determining that a personnel security investigation is required in conjunction with a security clearance action, will request such investigation in accordance with AR 381-130. (Civilian employee preappointment and preassignment NAC requests will be processed directly from the employing installations to the appropriate Civil Service Commission office in accordance with CPR I2.) A separate request will be submitted for each investigation specifying the type investigation desired and the highest classification of the information and material to which the individual will be allowed access. It will be accompanied by the appropriate forms prescribed in AR 381-130. In addition, the requester will indicate the results of a check of the following local files: field military 201 file or civilian personnel folder, intelligence files, provost marshal files, medical records (when medical records are available on civilian personnel they will be checked). Local file checks will not be conducted when requesting a routine National Agency Check on nonprior service Regular Army personnel and inductees undergoing basic training. However, local file checks will be conducted on such persons prior to the granting of a security clearance. If the results of the local file check reveal information concerning the individual which obviously disqualifies him for a security clearance, an investigation for the purpose of granting access to classified information will not be initiated. If appropriate, however, command action under other regulations will be taken. When this check indicates that a case has been processed on an individual under the provisions of AR 604-10 or SR 620-220-1, no action will be taken to grant interim or final clearance until a complete review of the USAIRR dossier has been accomplished and a determination made that such clearance is clearly consistent with the interests of national security. In no instance will an interim clearance action be taken on an individual or a request for investigation necessary to satisfy final clearance requirements be forwarded when information obtained from the individual's DD Form 398, medi-

cal record, or other record or source indicates the existence, current or past, of any mental or nervous disorder, or emotional instability unless competent medical authority certifies that the disorder or instability has been overcome or is of such a nature that it does not impair the subject's judgment or reliability. Such certifications, if made, will accompany the request for investigation and will become an integral part of the USAIRR dossier of the individual concerned.

★*b. Retention of request for investigation.* A file copy of DA Form 2784 (Request For and Results of Personnel Security Action) and/or a copy of DD Form 1584 (DOD National Agency Check Request) will be maintained in the individual's field personnel file. These copies will be removed and destroyed when the results of investigation are received and a positive determination has been made as to whether the subject of investigation will be granted or denied a security clearance.

- (1) When a determination is made to deny a security clearance, action will be taken in accordance with paragraph 24.
- (2) When a clearance is granted on the basis of a favorable Background Investigation, the original copy of DA Form 2784 will be annotated by the clearance authority to reflect the nature of the clearance action taken and forwarded to the USAIRR.

★(3) When a clearance is granted based solely on the results of a favorable NAC or ENTNAC, the original copy of DD Form 1584 will be destroyed inasmuch as the USAIRR will not maintain a dossier in such cases.

★*c. Cancellation of investigation.* When the need for a background investigation previously requested no longer exists, the control office will be notified promptly by electrical transmission in order that the investigation may be canceled. Messages will be addressed to Commanding General, U.S. Army Intelligence Command, ATTN: DCSOPS, Fort Holabird, Maryland. Requests for NAC's already submitted will not be canceled. In the event a change of assignment within Department of the Army is effected during the course of

any investigation, the control office will be notified so that the results of the investigation may be forwarded by the control office to the gaining command.

d. Preliminary report. A preliminary report will be furnished the requester whenever unfavorable information which might warrant a denial of clearance is developed either during the course of any investigation or by the National Agency Check portion of a background investigation. Following submission of a preliminary report, the investigation will be continued, except that investigations of military personnel, and DA civilians which develop the existence, current or past, of any mental disorder, nervous disorder or emotional instability will be suspended. The suspension will remain in effect until the requester furnishes the control office certification from competent medical authority that the disorder has been overcome or is of such a nature that it does not impair subject's judgment or reliability. Preliminary reports concerning contractor personnel will be submitted to the Defense Industrial Security Clearance Office (DISCO) but the investigation on such personnel will not be suspended regardless of the nature of the information developed. Commanders receiving preliminary reports containing derogatory information will take appropriate action to insure the security of their commands pending receipt of final reports.

e. Receipt of reports after change in status. Should the requester receive a report of investigation subsequent to the subject's reassignment, release from active military duty, discharge from military service, death, or termination of employment, he will dispose of such report through intelligence channels as follows:

- (1) If the subject of investigation has been reassigned and a completely favorable report is received by the requester, the report will be forwarded directly to the subject's new installation or activity. However, unfavorable reports will be forwarded through the appropriate command headquarters to the new command.
- (2) If the person has been released from active duty or his employment terminated, and he is a member of the U.S. Army Reserve, report will be forwarded for appropriate action to the CONUS army, MDW, or major commander in whose

area the person's home of record is located.

- (3) If the person has been released from active military duty, or his employment terminated, and he is a member of the Army National Guard, report will be forwarded to the major commander having jurisdiction over the area in which the State, district, or territory National Guard is located.
- (4) If the person is deceased, if he has been discharged from military service with no U.S. Army Reserve commitment, or if employment has been terminated and he has no U.S. Army Reserve affiliation, report will be forwarded to the USAIRR in accordance with AR 381-45.
- (5) In the case specified in (1), (2), and (3) above the commander to whom the report of investigation is forwarded for appropriate action will, after completion of such action, if any, forward the report to USAIRR in accordance with AR 381-45.

f. National Guard requests. The granting of security clearances for access to TOP SECRET and SECRET classified defense information to members of the Army National Guard is the responsibility of commanders specified in *e*(3) above. The granting of security clearances for access to CONFIDENTIAL classified defense information is the responsibility of those State adjutants general to whom the Chief of the National Guard Bureau has delegated such authority. Requests for investigation of National Guard personnel not on active duty will be processed as follows:

- (1) In accordance with procedures established by the CONUS army, MDW, or oversea command, major commanders will accept for processing, requests for personnel security investigations submitted by the respective adjutants general of the States, territories, and the District of Columbia, in order to insure that achievement of operational readiness by National Guard units will not be handicapped because of a lack of security clearance. However, clearances for access to TOP SECRET information will be limited to the following unless cogent reasons are furnished with the request:

- (a) All general officers of divisions and brigades.
- (b) General and special staff officers of divisions and brigades.
- (c) Commanding officers of separate units as deemed necessary by the respective State adjutants general.
- ★(d) Adjutants general or commanding generals of troops of the respective States, Commonwealth of Puerto Rico, and the District of Columbia.
- (e) Individuals whose duties require access to nuclear weapons or critical RESTRICTED DATA.
- ★(2) Under no circumstances will copies of reports of investigation or specific details thereof be furnished the adjutants general of the States, Commonwealth of Puerto Rico, and the District of Columbia. If an adverse determination is rendered by the major commander, the case file, together with the major commander's determination will be forwarded to the Chief, National Guard Bureau, for his determination for appointment or retention in the National Guard.
- (3) National Guard personnel serving in Air Defense Task organizations in CONUS who require immediate access pending fulfillment of clearance requirements will be granted such access by the Commanding General, U.S. Army Air Defense Command (ARADCOM). Prior to granting immediate access ARADCOM will insure that the appropriate investigative action has been requested. In addition, ARADCOM will advise the CONUS army having security clearance responsibility over the subject individual of each immediate access authorization granted. In the event the CONUS army concerned receives information sufficiently derogatory to constitute a basis for denial of security clearance, CGARADCOM will be informed immediately.

g. Reports of investigation to the Civil Service Commission. In order to comply with section 9(b), Executive Order 10450, when the investigative agencies of the Department of the Army conduct background investigations on civilian employees for personnel security purposes, the investigative

agency will prepare Standard Form 79 (Notice of Security Investigation) and will submit it to the Civil Service Commission on the same day the investigation is initiated.

h. Forwarding results. The requesting command will indicate the estimated reporting date on investigative requests when the results are to be returned to a gaining command for action. If, upon receipt of such results, the gaining command cannot locate the subject individual within 14 days of his estimated reporting date, the investigative results will be returned to the original requester. The original requester will locate the individual and forward the investigative results to the correct address.

21. Recording of security clearances. ★*a.* Interim and final security clearances granted under the provisions of this regulation will be made a matter of record on DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450) (except that CONFIDENTIAL clearance granted military personnel need only be recorded on DA Form 66 or DA Form 20 in accordance with *c* below). All copies of DA Form 873 will be signed by authority of the commander authorized to grant clearance. Final security clearance certificates, once granted, remain valid unless revoked for cogent reason(s) or become invalid by reason of upgrading the degree of security clearance (e.g., SECRET to TOP SECRET), discharge, resignation, or retirement. When a valid DA Form 873 is already filed in the Military Personnel Records Jacket (DA Form 201) or civilian personnel folder, clearance authorities may continue to permit an individual access to classified information, if required, subject to the provisions of paragraph 22. The distribution of certificates of clearance will be as follows:

(1) *Interim clearance certificates.*

- (a) *Military personnel.* One copy will be filed in the Military Personnel Records Jacket until removed for cause or replaced by a certificate of final clearance.
- (b) *Civilian personnel.* One copy will be filed on the left side of the official civilian personnel folder until removed for cause or replaced by a certificate of final clearance.

(2) *Final clearance certificates.*

- (a) *Military personnel.* The original will be placed in the Field File Section of

the individual's Military Personnel Records Jacket. Only current certificates of security clearance will be retained in the jacket. Previously issued certificates will be removed and destroyed. When member is separated from the service, certificates will be removed and destroyed.

- (b) *Civilian personnel.* The original will be filed on the left side of the official civilian personnel folder and retained therein until replaced by a more current certificate, removed for cause, or the employee is separated from the Army rolls. Only current certificates will be retained in the folder. Previously issued certificates will be removed and destroyed.
- (c) One copy will be forwarded to the Chief, U.S. Army Investigative Records Repository, Fort Holabird, Md. 21219, for inclusion in the individual's USAIRR dossier. Clearances granted solely on the basis of a favorable NAC or ENTNAC will not be forwarded since dossiers are not maintained in such cases. (The record, in the form of an index history card of the favorable NAC or ENTNAC, is maintained by the DCII.)
- (d) In the case of civilian employees who are also members of the Army National Guard or U.S. Army Reserve, additional distribution bearing a notation thereon of the military status of the individual will be made as follows:
1. One copy to the adjutant general of the appropriate State, Commonwealth of Puerto Rico, or the District of Columbia in the case of National Guard personnel.
 2. One copy to the Reserve unit concerned in the case of USAR personnel.
- (3) *Additional distribution.* Where necessary, additional distribution to other agencies within the Department of Defense and the Army National Guard is authorized, provided a record of distribution is maintained on the certificate of clearance.

b. Execution, maintenance, and filing of clearance certificates except as provided above is prohibited.

c. For military personnel, entries reflecting investigation conducted and security clearance granted will be made on DA Form 66 (Officer Qualification Record) or DA Form 20 (Enlisted Qualification Record) in accordance with AR 611-103 and AR 600-200. Such entries do not constitute basis for issuing DA Forms 873 (Certificate of Clearance and/or Security Determination Under EO 10450).

★22. Validation of final security clearances.

a. Clearance authorities specified in paragraph 6 and their delegated representatives who propose to continue access to classified information on the part of newly assigned military and civilian personnel on the basis of previously granted final TOP SECRET or SECRET clearances will take the following action:

(1) *TOP SECRET*

- (a) Check local files specified in paragraph 20a and, within 60 days of the arrival of the newly assigned member, conduct a USAIRR file check to determine that the scope, date, investigating agency, dossier number and results of previous investigation(s) are correctly indicated on the individual's DA Form 873.
- (b) Validate the clearance by completing Part VI of the DA Form 873. Enter the date USAIRR verification check was accomplished.

(2) *SECRET*

- (a) Check local files specified in paragraph 20a.
- (b) Within 60 days, validate clearance by completing Part VI of the DA Form 873 and entering thereon the date USAIRR verification was completed.

Note. USAIRR verification, as required for TOP SECRET validation, may be accomplished at the discretion of the clearing authorities.

if accomplished.

b. The requirements in a(1) and (2) above are applicable only if the gaining command proposes to continue access on the basis of a previously granted clearance. No validating action is required in those instances where the individual is to be

assigned to duties which do not require access to classified information.

23. Armed Forces Security Questionnaire (DD Form 98) and Statement of Nonaffiliation With Certain Organizations (DA Form 1111).

a. Military personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the command having custody of the unit personnel records of the individual concerned will ascertain whether a DD Form 98 has been accomplished. Whenever examination of the individual's unit personnel record reveals that a DD Form 98, up to date as of the current enlistment or tour of duty, has been accomplished, and no action under AR 604-10 is pending or contemplated, a request for clearance action may be initiated. Whenever examination of the unit personnel records reveals that an up-to-date DD Form 98 has not been accomplished, the commander having custody of the individual's records will direct that the form be accomplished and will take the following action:

- (1) If the DD Form 98 is completed without qualification, investigative or clearance action may be initiated. The DD Form 98 will be filed in the individual's field military 201 file.
- (2) If the individual refuses to execute the form in its entirety, or makes an entry therein indicating that information within the criteria outlined in paragraph 14, AR 604-10, may exist, action will be

taken in accordance with the provisions of AR 604-10.

b. Civilian personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the commander will ascertain whether DA Form 1111 has been accomplished. Whenever the records reveals that a DA Form 1111 has been completed during the current period of employment and no action under SR 620-220-1 is pending or contemplated, a request for clearance action may be initiated. Whenever the record reveals that an up-to-date DA Form 1111 has not been accomplished, the commander will direct that the form be accomplished and will take the following action:

- (1) If the DA Form 1111 is completed without qualifications, investigative or clearance action may be initiated. The DA Form 1111 will be filed as prescribed in CPR R1.
- (2) If the individual refuses to execute the form in its entirety or makes an entry thereon, indicating that information within the criteria outlined in paragraph 17, SR 620-220-1, may exist, action will be taken in accordance with SR 620-220-1.
- (3) Failure or refusal to execute and submit DA Form 1111 is a basic disqualification for employment and clearance will not be granted.

clearances for access to TOP SECRET information will be limited to the following unless cogent reasons are furnished with the request:

- (a) All general officers of divisions and brigades.
 - (b) General and special staff officers of divisions and brigades.
 - (c) Commanding officers of separate units as deemed necessary by the respective State adjutants general.
 - (d) Adjutants general or commanding generals of troops of the respective States, territories, and the District of Columbia.
 - (e) Individuals whose duties require access to nuclear weapons or critical RESTRICTED DATA.
- (2) Under no circumstances will copies of reports of investigation or specific details thereof be furnished the adjutants general of the States, territories, and the District of Columbia. If an adverse determination is rendered by the major commander, the case file, together with the major commander's determination will be forwarded to the Chief, National Guard Bureau, for his determination for appointment or retention in the National Guard.
- (3) National Guard personnel serving in Air Defense Task organizations in CONUS who require immediate access pending fulfillment of clearance requirements will be granted such access by the Commanding General, U.S. Army Air Defense Command (ARADCOM). Prior to granting immediate access, ARADCOM will insure that the appropriate investigative action has been requested. In addition, ARADCOM will advise the CONUS army having security clearance responsibility over the subject individual of each immediate access authorization granted. In the event the CONUS army concerned receives information sufficiently derogatory to constitute a basis for denial of security clearance, CGARADCOM will be informed immediately.

g. Reports of investigation to the Civil Service Commission. In order to comply with section 9(b), Executive Order 10450, when the investigative agencies of the Department of the Army conduct background investigations on civilian employees for personnel security purposes, the investigative agency will prepare Standard Form 79 (Notice of Security Investigation) and will submit it to the Civil Service Commission on the same day the investigation is initiated.

h. Forwarding results. The requesting command will indicate the estimated reporting date on investigative requests when the results are to be returned to a gaining command for action. If, upon receipt of such results, the gaining command cannot locate the subject individual within 14 days of his estimated reporting date, the investigative results will be returned to the original requester. The original requester will locate the individual and forward the investigative results to the correct address.

★21. **Recording of security clearances.** *a.* Interim and final security clearances granted under the provisions of this regulation will be made a matter of record on DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450) (except that CONFIDENTIAL clearance granted military personnel need only be recorded on DA Form 66 or DA Form 20 in accordance with *c* below). All copies of DA Form 873 will be signed by authority of the commander authorized to grant clearance. When a valid DA Form 873 is already filed in the field Military Personnel Records Jacket (DA Form 201) or civilian personnel folder, it may be validated as set forth in paragraph 22. The distribution of certificates of clearance will be as follows:

- (1) *Interim clearance certificates.* One copy will be filed in the field Military Personnel Records Jacket or civilian personnel folder until removed for cause or replaced by a certificate of final clearance.
- (2) *Final clearance certificates.*
 - (a) The original will be placed in the individual's field Military Personnel Records Jacket (DA Form 201) or official civilian personnel folder and maintained as a semipermanent record.

(b) One copy will be forwarded to the Chief, U.S. Army Investigative Records Repository, Fort Holabird, Md. 21219, for inclusion in the individual's USAIRR dossier. Clearances granted solely on the basis of a favorable NAC or ENTNAC will not be forwarded since dossiers are no longer maintained in such cases. The record, in the form of an index history card of the favorable NAC and ENTNAC, will be maintained by the DCIL.

(c) In the case of civilian employees who are also members of the Army National Guard or U.S. Army Reserve, additional distribution bearing a notation thereon of the military status of the individual will be made as follows:

1. One copy to the adjutant general of the appropriate State, Commonwealth of Puerto Rico, or the District of Columbia in the case of National Guard personnel.

2. One copy to the Reserve unit concerned in the case of USAR personnel.

(3) *Additional distribution.* Where necessary under exceptional circumstances, additional distribution to other agencies within the Department of Defense is authorized, provided a record of distribution is maintained on the certificate of clearance.

b. Execution, maintenance, and filing of clearance certificates except as provided above is prohibited.

c. For military personnel, entries reflecting investigation conducted and security clearance granted will be made on DD Form 66 (Officer Qualification Record) or DA Form 20 (Enlisted Qualification Record) in accordance with AR 611-103 and AR 600-200. Such entries do not constitute basis for issuing DA Forms 873 (Certificate of Clearance and/or Security Determination Under EO 10450).

★22. **Validation of final security clearances.** Clearance authorities specified in paragraph 6 and their delegated representatives are authorized to accept (validate) final security clearance certificates issued by previous commanders, contingent upon the following:

a. Clearances to be validated must have been granted in accordance with the prerequisites set forth in paragraph 13.

b. Each validation will be based, in part, on the results of a check of local files indicated in paragraph 20a.

c. In addition, validation of a TOP SECRET security clearance must be based upon a verification of the data shown on the individual's current DA Form 873. This verification will consist of a USAIRR file check to establish that the scope, date, investigating agency, USAIRR dossier number, and results of previous investigation(s) are correctly indicated on the DA Form 873 being validated. This verification will be accomplished within 60 days of the arrival of a member newly assigned to the jurisdiction of those commanders specifically listed in paragraph 6.

d. Validation of a SECRET security clearance will be accomplished by the authorized clearing authority, primary or delegated, within 60 days of the arrival of members whose records reflect SECRET clearances, within said clearing authority's jurisdiction. USAIRR verification, as required for TOP SECRET validation, may be accomplished at the discretion of the clearing authorities.

e. A clearance authority may afford an individual access based on DA Form 873 and action set forth in a and b above, pending validation, for a period of 60 days subsequent to the member's reporting to the clearance authority's command for duty.

f. Interim clearances will not be validated. Validation accomplished pursuant to this regulation will be recorded by annotation of Part VI of the DA Form 873, as follows:

(Degree of clearance.) Clearance validated in accordance with paragraph 22, AR 604-5; USAIRR verification check was (made) or (not made) by (validating headquarters) on (date of validation), by (signature, typed name, grade, title of validating authority).

23. **Armed Forces Security Questionnaire (DD Form 98) and Statement of Nonaffiliation With Certain Organizations (DA Form 1111).**

a. *Military personnel.* Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the command having custody of the unit personnel records of the individual

district of Columbia in the case of National Guard personnel.

2. One copy to the Reserve unit concerned in the case of USAR personnel.

c. Where necessary under exceptional circumstances, additional distribution to other agencies within the Department of Defense is authorized provided a record of distribution is maintained on the certificate of clearance.

d. Execution, maintenance, and filing of clearance certificates except as provided above is prohibited.

24. Denial or revocation of security clearances. a. Security clearances will remain effective as stated in paragraph 23b. They are not to be revoked merely to reflect a change in an individual's assignment to duties that do not require access to the same or lower degree of classified information.

b. Whenever it is proposed to deny or revoke a security clearance, the commander concerned normally will so notify the affected military member or civilian employee of the Department of the Army, explain the reason for the pending action, and offer the individual every reasonable opportunity to refute or explain the derogatory information which is the basis for the action. A final decision will be made only after consideration of such refutation or explanation. Exceptions to this procedure may be authorized in specific cases by the Under Secretary of the Army on a showing that release of the information (1) is prohibited by a non-Department of the Army agency which furnished it, (2) would compromise an investigation in progress or a confidential or family source, or (3) is otherwise contrary to the national interest. When such an exception is requested by the commander, the pertinent facts will be forwarded through intelligence channels to the Assistant Chief of Staff for Intelligence, ATTN: ACSI-DSP, Department of the Army, Washington, D.C., 20310. In cases where the reasons for adverse action are withheld to avoid compromise of an investigation in progress, the individual will be offered the opportunity of refutation or explanation where the probability of compromise no longer exists and an adverse security determination is still considered necessary.

c. As soon as the commander concerned makes a final decision to deny or revoke a clearance, he

will forward to the Commanding Officer, USA-CRR, Fort Holabird, Md., 21219, a letter report marked "FOR OFFICIAL USE ONLY" or classified in accordance with AR 380-5, which will—

- (1) Identify the individual affected, including the individual's date and place of birth;
- (2) Either affirm that before the final decision was made, the individual was notified of the tentative decision to revoke or deny the security clearance, was furnished an explanation of the reasons therefor, and was given an opportunity to refute or explain the derogatory information which led to the tentative decision; or affirm that in accordance with authority received from the Under Secretary of the Army the individual was not advised of the reasons for the tentative denial or revocation;
- (3) State the reasons for the denial or revocation, including the commander's conclusion regarding any explanation or refutation offered by the individual;
- (4) Advise what disciplinary or further administrative action concerning the individual has been undertaken or is contemplated;
- (5) Further advise, if the individual is a commissioned or warrant officer, what action concerning him has been undertaken or is contemplated pursuant to AR 604-11; and
- (6) Request, if the decision is to revoke the clearance, that the clearance certificate contained in the individual's USACRF dossier be voided.

d. When the decision is to revoke the clearance, the commander concerned will, in addition to the procedures stated above, withdraw and destroy the DA Form 873 contained in the individual's field military 201 file or official civilian personnel folder, line out entries on the DA Form 66 or DA Form 20 regarding the clearance, and forward an unclassified letter to each agency on distribution for DA Form 873 (except USA-CRR), notifying it of the revocation action and requesting that all clearance certificates on file concerning the individual be destroyed.

e. When the individual concerned is an officer or warrant officer, an information copy of the letters in *d* above will be forwarded promptly to the appropriate career management branch, Department of the Army.

f. Whenever a civilian employee of a class II installation or activity whose duties require access to classified defense information is denied clearance on the basis of adverse suitability information and the installation or activity commander determines that the individual will not be separated, the case will be forwarded to the head of the appropriate Department of the Army agency having command responsibility to determine whether personnel action in accordance with CPR S1 is appropriate.

g. When the individual concerned is a senior grade enlisted man (E-7, E-8, or E-9), an information copy of the letter in *d* above will be forwarded promptly to the Chief of Personnel Operations, EPD, Senior Enlisted Control Branch, ATTN: EPADS, Department of the Army, Washington, D.C., 20315.

h. When a security clearance is revoked, the commander concerned will insure, whenever possible, that the individual is debriefed and required [ACSI]

to execute a security termination statement in accordance with the provisions of AR 380-5.

25. DA Form 2545 (Cryptographic Access Authorization, Briefing Certificates). *a.* Parts I and II of DA Form 2545 will be accomplished for all personnel requiring access to classified cryptographic information by the command authorizing access (except under conditions stated in para 19e). The forms will be attached to the DA Form 873 filed in the individual's field military 201 file or official civilian personnel folder. DA Form 2545 will be retained as a semipermanent part of the individual's field 201 file unless it is removed for cause under *b* below.

b. If an individual's security clearance is revoked for cause, each DA Form 2545 in the individual's field file, if any, will be forwarded as an inclosure to the letter report forwarded to the USAGR as required by paragraph 24c.

c. If for any reason an individual no longer requires access to classified cryptographic information to perform his official duties, an appropriate entry indicating that debriefing was accomplished in accordance with AR 380-5 and the date will be made under part III "Remarks" of DA Form 2545. If debriefing cannot be accomplished, reasons therefor will be entered in part III.

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General—A.

S/S

Pages

SECTION I GENERAL

1. Purpose. This regulation prescribes the policy and establishes the procedures for the granting, denial, suspension, or revocation of security clearances to Department of the Army personnel for access to classified defense information including RESTRICTED DATA and cryptographic information.

2. Relation to other regulations. While this regulation covers the general procedure for the granting, denial, suspension, or revocation of security clearances, AR 381-130 and CPR-12 are closely associated with this regulation and must be consulted for complete information concerning requests for and scope of personnel security investigations incident to clearance for access to classified defense information.

3. Applicability. This regulation is applicable to personnel of the Department of the Army, including U.S. Army Reserve personnel not on active duty, and to persons employed by, hired on an individual contractual basis, or serving in an advisory capacity to the Department of the Army whether on a permanent, temporary, or part-time basis and whether or not they are compensated for their services from appropriated or nonappropriated funds. This includes citizens of the United States, aliens in the United States with or without immigration visa for permanent residence and aliens employed in oversea areas. This regulation is also applicable in those cases where clearance is requested for members and employees of the Army National Guard.

4. Explanation of terms. *a. Department of the Army.* Defined in AR 320-5.

b. Classified defense information. Official information which requires protection in the interests of national defense and which is classified for such purpose by appropriate classifying authority in accordance with AR 380-5.

c. Cryptographic information. Knowledge or facts pertaining to cryptographic and crypto-analytic processes, methods, equipment, cryptosystems, cryptopublications, and related material.

d. National security. The protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign

affairs, against or from espionage, sabotage, and subversion, and any and all other acts designed to weaken or destroy the United States.

e. Sensitive position. Any position within the Department of the Army the occupant of which could bring about by virtue of the nature of the position a material adverse effect on the national security. Such positions including the following:

- (1) Any position, the duties or responsibility of which require access to defense information classified under AR 380-5 as TOP SECRET, SECRET, or CONFIDENTIAL.
- (2) Positions filled by commissioned officers or warrant officers.
- (3) Personnel engaged in troop information or troop education activities.
- (4) Any other position so designated by the Secretary of the Army or by any of the officials listed in paragraph 6.

f. Sensitive position (critical). A position that in addition to meeting the criteria set forth in *e* above involves responsibility for the development of war plans; development or approval of plans or particulars of future major special operations of war; development or approval of critical and extremely important items of war; development or approval of policies and programs which affect the overall operations of the Department of the Army, the Department of Defense, or the other military departments; or as a member of a security screening, hearing, or review board regardless of the degree of clearance required. See CPR 12.

g. Ultra-Sensitive Positions (USP). A position which affords the incumbent continuing access to TOP SECRET information of the highest level of sensitivity requiring special handling and protection. Such positions will be designated in writing by the officials listed in paragraph 6a. Care will be exercised to restrict the USP designation to positions which are genuinely the most sensitive. Included in this category are—

- (1) High-level sensitive-critical positions.
- (2) Positions whose incumbents have nuclear weapon stockpile data as noted in AR 380-157.

- (3) Positions whose incumbents have authority to make decisions or influence policies which could significantly affect the national defense posture.

h. Commander. For the purpose of this regulation, the term "commander" includes persons occupying the positions listed in paragraph 6a and all others to whom authority to grant clearances has been properly delegated.

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

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

k. National of the United States.

- (1) A citizen of the United States, or
- (2) A person who, though not a citizen of the United States, owes permanent allegiance to the United States.

l. Foreign national. A national of a foreign country who is not also a citizen of the United States.

m. Limited access authorization. Limited access authorization as used herein means the formal authority granted in accordance with this regulation for aliens, or immigrant aliens, upon whom some aspects of a background investigation may not be possible of achievement because of geographical or political limitations, to have access to specifically prescribed classified defense information for a specified period not to exceed 1 year.

n. Polygraph, examination. For the purpose of this regulation, a polygraph examination is an examination of an individual on a voluntary basis conducted by qualified operators using the Lie Detecting Set AN/USS-2(C) or other polygraph instruments or equipment approved by the Department of the Army. The examination, as a minimum, will consist of verification of questionable and critical information contained in the Statement of Personal History (DD Form 398) or Immigrant Alien Questionnaire (DD Form 49). The polygraph may be used to verify other pertinent information available or to provide leads for further investigations.

o. Derogatory information. Information of such nature as to constitute a possible basis for denial or revocation of security clearance, rejection for or separation from service or employment with the Department of the Army. It includes—

(1) *Adverse loyalty information.* Information which reflects unfavorably upon the loyalty of an individual to the United States.

(2) *Adverse suitability information.* Information which, though not reflecting on an individual's loyalty to the United States, casts doubt upon his good character, trustworthiness, or reliability and hence raises a doubt that access to classified information would be clearly consistent with national security or which might serve as a bar to any favorable personnel action. Examples of adverse suitability information are contained in paragraphs 17a (16) through (21).

p. Suspension of a security clearance. The temporary withdrawal of an individual's authorized access to classified defense information when information becomes known which indicates the individual may be a security risk. Following appropriate inquiry or investigation and adjudication of the results, the individual's security clearance will either be reinstated or revoked.

g. Revocation of security clearance. The permanent withdrawal and cancellation of an individual's security clearance for cause (para 17b).

5. Policy. *a.* No person is entitled to knowledge of, possession of, or access to classified defense information solely by virtue of his office, position, grade, or security clearance. Such information may be entrusted only to those individuals whose official military or other governmental duties require such knowledge or possession and who have been investigated as required and cleared for access in accordance with the minimum standards prescribed by this regulation. Clearances serve to indicate that the persons concerned are eligible for access to classified defense information should their official duties so require.

b. No person will be granted a security clearance unless it is affirmatively determined, as prescribed herein, that such clearance is clearly consistent with the interests of national security.

c. No person will be granted an interim security clearance or an access pending authorization under the provisions of this regulation until such time as the clearing authority has initiated the action necessary for final clearance. The granting of interim clearances will be kept to the absolute

minimum required to fulfill the mission of the U.S. Army.

d. Aliens, other than immigrant aliens, and foreign nationals are not eligible for security clearances but may in exceptional cases be granted limited access authorizations for access to classified defense information under the provisions of paragraph 16.

e. An immigrant alien may be granted a final security clearance upon completion of a background investigation, as outlined in appendix II of AR 381-130, provided that it discloses no derogatory information indicating that such access would not be clearly consistent with the interests of national security. The use of the polygraph is authorized when it is necessary to verify information furnished by the individual which cannot be verified through the use of normal investigative methods, provided the individual consents in writing. Interim clearance for TOP SECRET and SECRET is not authorized. Interim clearance for CONFIDENTIAL is authorized after completion of a national agency check (NAC) which reveals no derogatory information and after initiation of a background investigation.

f. The minimum investigative requirements prescribed herein may be raised in any particular case or category of cases, if deemed essential from a security standpoint by the authorities listed in paragraph 6a. The U.S. Army Intelligence Command (USAINTC) and oversea commands functioning as control offices for the conduct of investigations will deny requests for those personnel security investigations of a scope beyond that prescribed in this regulation unless sufficient justification is furnished with the request.

g. A prerequisite for assignment of an individual to an USP is a TOP SECRET security clearance based on a favorably completed background investigation less than 5 years old. To assist commanders and supervisors in their obligation to be knowledgeable of a subordinate's continued suitability for access to highly sensitive information, those individuals selected for assignment to positions designated Ultra-Sensitive (para 4g) will be reinvestigated as a requisite for such assignment if their security clearance is based on a background investigation more than 5 years old. The security clearance of personnel occupying positions designated Ultra-Sensitive will be

reevaluated 5 years from the date of their last security investigation. The reevaluation will be based on the results of a current reinvestigation under the provision of AR 381-130, a review of the individual's personnel and medical records, and a personal interview by the commander/supervisor authorizing access. During the interview, the individual will be questioned concerning his physical, mental, and emotional health, and reminded of the serious nature of his security responsibilities. His motivation towards his assignment will also be ascertained.

h. Reinvestigations directed in the preceding paragraph of individuals in the USP category will not routinely be conducted on persons in positions of a lesser degree of sensitivity. Commanders will request reinvestigation at any time credible derogatory information concerning a cleared individual is received. See paragraph 17b.

i. Strict application of the need-to-know principle will be adhered to when granting access to highly sensitive code-name projects or other areas of special security interest. Individuals requiring such access will have been the subject of an appropriate investigation in accordance with the provisions of this regulation and be currently cleared for access to at least the category of classification assigned to the project or area. Special security clearance criteria and categories of classification, other than those provided for in AR 380-5, will not be utilized. This policy does not abrogate any special requirements established by law or higher authority.

j. Any person selected for duties in connection with programs involving the education and orientation of military personnel will have been the subject of a favorable NAC prior to his assignment in accordance with the provisions of AR 604-20.

k. Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases will have been the subject of a favorable background investigation prior to his assignment, except that military personnel who have been granted a final TOP SECRET in accordance with the provisions of paragraph 13b(1)(b)2, and on whom a background investigation has been initiated, may be selected for service on military personnel security boards. This requirement applies to boards which pass upon alleged disloyal, subversive, or dis-

affected civilian and military personnel. The basic qualifications, applicable to all officer positions, regardless of command or staff level, for personnel engaged in the adjudication processing of security cases are prescribed in AR 604-13.

l. Personnel security investigations favorably completed on ROTC cadets, after enrollment in the ROTC advanced course, are valid for the purpose of issuing security clearances for 1 year subsequent to date of commissioning as an officer. Pending completion of a new investigation, interim SECRET clearances may be issued to ROTC graduates who enter active duty after 1 year, but less than 18 months from the date of commissioning. An ROTC graduate who does not enter active duty until after 12 months from the date of commissioning will have a new NAC or a bring-up background investigation initiated by the appropriate major Army commander at the time the officer is ordered to active duty.

m. Authority for granting security clearances to civilian and military members of the Department of the Army is limited to the Department of the Army.

★n. Review of a general officer's U.S. Army Investigative Records Repository (USAIRR) dossier, when required pursuant to this regulation (e.g., as required for USP personnel), will be conducted at Headquarters, Department of the Army level only. Requests for such review may be submitted only by the clearance authorities specifically listed in paragraph 6. Such requests will be in writing to the Assistant Chief of Staff for Intelligence, ATTN: DSPO, Department of the Army, Washington, D.C. 20310, and will contain the general officer's full name, date and place of birth, and specific reason for dossier review. This policy does not preclude the review of a general officer's USAIRR dossier by a superior officer. Requests for this purpose will be addressed as above and will be authenticated by the intended reviewer. Paragraph 5a(5), AR 381-50 applies.

6. Clearance authority. a. The Secretary of the Army hereby delegates authority to the following to clear personnel within their specific areas of jurisdiction for access to classified defense information: The Under Secretary, Assistant Secretaries, and Special Assistants to the Secretary of the Army; Chief of Staff of the Army; Heads of Department of the Army General and Special

Staff agencies; Commanding Generals, U.S. Army Air Defense Command, U.S. Army Combat Development Command, U.S. Army Materiel Command, U.S. Army Security Agency, U.S. Army Strategic Communications Command, U.S. Continental Army Command, U.S. Army Intelligence Command; major oversea commands, Army components of unified and specified commands, CONUS armies, Military District of Washington, U.S. Army; Military Traffic Management and Terminal Service, DA; and Commandant, National War College. These officials may redelegate security clearance authority to commanders of subordinate field elements in order to expedite personnel security clearance actions. Notwithstanding such delegation, the persons holding the aforementioned positions continue to be responsible for all security clearance actions taken within their respective jurisdiction.

b. Each person authorized to grant clearances must himself have been subject of an investigation meeting the requirements for a final TOP SECRET clearance.

c. Clearance certificates on "commanders" to whom the Secretary of the Army has delegated authority to grant clearances in a above may be executed within their own headquarters provided the requirements of b above are met. Further, these commanders may appoint a staff officer to act for them in the execution of clearance certificates on personnel within their respective commands, agencies, or activities and on subordinate commanders to whom they further delegate authority to grant clearance. Each commander is responsible for insuring that his staff officer who is acting for him in this capacity is himself cleared for TOP SECRET and is qualified by training and experience to make valid security clearance determinations.

d. Each commander will, before authorizing access to defense information, insure that the individual is familiar with the provisions of AR 380-5, AR 381-12, and other pertinent directives governing the safeguarding of classified information.

e. Upon the granting of clearance, the commander is responsible for continuing close supervision and observation of the activities and behavior of personnel who have access to classified information. Whenever a valid reason exists for believing that an individual's conduct, activities,

or attitude may jeopardize security, prompt action will be taken to suspend or revoke his security clearance and to effect his immediate reassignment to duties not requiring access to classified information. Appropriate actions under pertinent personnel regulations will be undertaken immediately.

7. Reciprocal acceptance of previous investigations and clearances. *a.* In response to DOD policy guidance, Army clearance authorities are encouraged to accept from other commands, services and agencies on a mutual and reciprocal basis (1) the results of previous investigations and (2) previous clearances which have been granted by appropriate authority, provided the previous clearances have been based on investigative requirements which are in consonance with current standards. Such reciprocation will avoid the repetitious filing of personal history statement, the time and expense of multiple investigations and multiple clearances. However, this applies only where a prior investigation by an investigative agency of the Government meets the standards prescribed herein. If the prior investigation does not meet such standards, supplemental or additional investigation will be conducted.

b. Generally the validity of a clearance of an individual granted by another service or agency will not be questioned. However, clearance authorities have the right to review investigative and personnel files pertaining to the individual in question. When deemed necessary additional investigation may be requested before authorizing the individual's access to classified defense information. Requests for additional investigation will be precise and describe specifically what additional investigation is deemed necessary.

8. Granting access to classified information to individuals of another service or agency.

a. Whenever it becomes necessary for the Department of the Army to authorize access to classified information in its custody to a member of another service or agency who has not previously been cleared or is in need of a higher degree of clearance, the parent service or agency will be requested to conduct the necessary investigation and grant the desired clearance. Records of the security clearance or certificate of access authorization granted by the parent service or agency will be maintained in accordance with the administrative procedures of that service or agency.

b. Should it be determined that it would not be in the best interests of the national security to permit the individual to have access to classified defense information in Army custody, the commander may reassign the individual to nonsensitive duties within his organization, or if appropriate, revoke the detail or assignment, and advise the parent service or agency of the reasons therefor. The responsibility to suspend or revoke a security clearance and initiate security proceedings rests with the parent service or agency.

c. Whenever Department of the Army personnel or members are assigned or detailed for duty with another service or agency, it is Department of the Army responsibility to advise the using service or agency of any adverse information coming to its attention which relates to the individual's continued eligibility for access to classified defense information. Should the using service or agency determine that the individual cannot have access to classified defense information in its custody, it will reassign the individual to other duties within its own organization or, if desired, revoke the detail or assignment, and request the Chief of Personnel Operations, ATTN: EPD, Department of the Army, Washington, D.C. 20315, to furnish reassignment orders. The responsibility to suspend or revoke a security clearance and initiate security proceedings on Department of the Army members or personnel rests with the Department of the Army.

d. Responsibility for granting security clearances to Army members who are assigned and joined to other services, DOJ agencies and unified and specified commands follows.

- (1) The U.S. Army Personnel Security Group, Fort Holabird, Md. 21219, is designated the Department of the Army element for granting or denying personnel security clearances to Army members who are assigned and joined to other services, the Joint Chiefs of Staff, the Office of the Secretary of Defense and other Department of Defense agencies.
- (2) Army component commanders of unified and specified commands are designated Department of the Army elements for granting or denying personnel security clearances to Army members assigned and joined to their commands.

9. Security clearance of separated Department of the Army personnel. *a.* Clearances granted under this regulation become invalid upon termination of the individual's service with the Department of the Army by reason of discharge, resignation, or retirement.

b. Retired general officer personnel may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 6*a* provided clearances in effect at the time of retirement would be adequate for the particular conference, activity, or project. Such clearances remain valid for this purpose until terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

10. Implementation of class II installations

and activities. The heads of Headquarters, Department of the Army Staff agencies having command responsibilities and the commanders of separate commands directly subordinate to Headquarters, Department of the Army, are responsible for the implementation of this regulation at class II installations and activities under their respective jurisdictions.

★11. Combat operations. Under combat conditions, or similar military exigencies, authorities listed in paragraph 6*a* may waive such provisions of this regulation as are operationally necessary and warranted by the circumstances. In all such cases the commander granting the waiver will insure that the investigative or other prerequisites waived are complied with as soon as circumstances permit.

SECTION II

INVESTIGATIONS

12. Types of investigations required for access. ★*a.* The types of personnel security investigations normally required as a basis for granting access to classified defense information are listed below. The definition of each of these investigations is contained in AR 381-130.

- (1) National Agency Check (NAC).
- (2) Entrance National Agency Check (ENTNAC).
- (3) National Agency Check, plus written inquiries (NACI).
- (4) Background Investigation (BI).

b. As indicated in paragraph 13, the type investigation required in any instance will depend on the defense classification of the information to which a clearance for access is required, the military or civilian status of the individual concerned, and his citizenship status.

c. Additional investigation is not required for those individuals granted final security clearances under procedures in effect prior to the date of this regulation.

13. Types of investigation required for access to each category of classified defense information. *a. General.* Department of the Army military members and civilian personnel may be declared eligible for access to classified defense information and granted a personnel security clearance under the minimum requirements set forth below for each category of defense information, provided that no derogatory information based upon the criteria outlined in paragraph 17 is developed, which is of sufficient gravity to justify an overall commonsense determination that the clearance of the individual is not consistent with the interests of national security. Requirements for the various classifications of defense information are set forth in *b* through *d* below.

b. TOP SECRET.

- (1) *Final clearance.*
 - (a) *Civilian personnel—U.S. citizens.* Background Investigation.
 - (b) *Military personnel—U.S. citizens.*
 1. Background Investigation, or
 2. National Agency Check, plus
 - (a) Continuous honorable active duty as a member of the Armed Forces,

or a combination of such active duty and civilian employment in the Federal Government service on a continuous basis, with no break greater than 6 months, for a minimum of 15 consecutive years immediately preceding the date of the current investigation, or current need for clearance, plus

- (b) Check of the military field 201 file, local intelligence files, provost marshal files, and medical records.
- (c) *Immigrant aliens (civilian or military).* Background Investigation.
- (2) *Interim clearance.*
 - (a) *Civilian personnel—U.S. citizens.* National Agency Check. Only in case of emergency will an interim clearance be granted to employees occupying or persons being considered for assignment to sensitive critical or ultra-sensitive positions. Approval for granting such clearances must be made by the Secretary of the Army or his designee and must be made a matter of record; and, a National Agency Check with satisfactory results must have been completed.
 - (b) *Military personnel—U.S. citizens.* National Agency Check.
 - (c) *Immigrant aliens (civilian or military).* No interim clearance authorized.

c. SECRET.

- (1) *Final clearance.*
 - (a) *Civilian personnel—U.S. citizens.*
 1. National Agency Check, plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended, except that the written inquiries portion of the investigation may be dispensed with for employees who have been continuously employed for a period of 5 years (with no break greater than 6 months) immediately preceding the

date of the current investigation, or current need for clearance.

2. A Background Investigation is required for employees occupying sensitive positions (critical).

(b) *Military personnel—U.S. citizens.*

★1. National Agency Check or an Entrance National Agency Check.

*Note. An ENTNAC is not valid for the purpose of granting an interim TOP SECRET clearance.

2. Check of the military field 201 file, local intelligence files, provost marshal files, and medical records.

(c) *Immigrant aliens (civilian or military).* Background Investigation.

(d) *Nonappropriated fund employees and employees of the Army National Guard—U.S. citizens.* National Agency Check.

(2) *Interim clearance.*

(a) *Civilian personnel—U.S. citizens.*

1. National Agency Check.

2. In case of emergency, interim clearance for access to SECRET may be granted for a limited period provided a National Agency Check has been initiated and the Secretary of the Army or an authority listed in paragraph 6 finds that such action is necessary in the interests of national security and makes a record of such findings. In every case, this action will be based upon a check of available records to include those listed in paragraph 20a.

(b) *Military personnel—U.S. citizens.* Continuous honorable active duty as a member of the Armed Forces, for a minimum of 2 consecutive years immediately preceding the date of the current investigation, plus a check of the military field 201 file, local intelligence files, provost marshal files, and medical records; or, in the case of personnel with less than 2 years service—

1. A check of files required above, plus

2. A check of the Federal Bureau of Investigation Investigative and Identification Files.

(c) *Immigrant aliens (civilian or mili-*

tary). No interim clearance authorized.

d. **CONFIDENTIAL.**

(1) *Final clearance.*

(a) *Civilian personnel—U.S. citizens.* National Agency Check, plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended, except that the written inquiries portion of the investigation may be dispensed with for employees who have been continuously employed for a period of 5 years (with no break greater than 6 months) immediately preceding the date of the current investigation.

(b) *Military personnel—U.S. citizens.* A check of the military field 201 file, local intelligence files, provost marshal files, and medical records.

(c) *Immigrant aliens (civilian or military).* Background Investigation.

(2) *Interim clearance.*

(a) *Civilian personnel—U.S. citizens.*

1. National Agency Check.

2. In case of emergency, interim clearance may be granted for a limited period provided a National Agency Check has been initiated and an authority listed in paragraph 6 finds that such action is necessary in the interests of national security and makes a record of such finding. In every case this action will be based upon a check of available records to include those listed in paragraph 20a.

(b) *Military personnel—U.S. citizens.* Interim clearance not authorized.

(c) *Immigrant aliens (civilian or military).* National Agency Check to include a check of the files of the Central Intelligence Agency plus initiation of a full Background Investigation.

e. TOP SECRET and SECRET clearances granted prior to 6 February 1963 (wherein service performed in active U.S. Army Reserve and Army National Guard units was counted as "active duty" time in computing the number of consecutive years of continuous active duty) remain in effect.

14. Access pending clearance requirements—

U.S. citizens. *a.* When immediate access to classified defense information is required in an emergency in order for the individual concerned to carry out his assigned task and, because of exceptional circumstances, the delay caused by awaiting interim clearances would be harmful to the national interest, authorities listed in paragraph 6 may authorize such access to U.S. citizens, based on a favorable check of the individual's military field 201 file or civilian personnel record, local intelligence, medical, and provost marshal files.

b. Immediate access to classified defense information will be granted only under emergency conditions where failure to take such action may jeopardize the accomplishment of the mission of the organizations authorizing the access. In each such case of granting emergency immediate access, a record of the authorization will be made and the commander, or responsible authority concerned, will have initiated the action necessary for final clearance.

c. Persons occupying positions defined in paragraphs 4*f* and *g* will not be granted access pending clearances.

15. Acceptance of investigations conducted by other governmental agencies for clearance purposes. *a. Prior investigation.* Whenever a prior investigation by any investigative agency of the Federal Government is equal in scope and meets the standards prescribed in AR 381-130, clearance may be granted upon review of the prior investigation provided that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of this prior investigation, and an inquiry of the agency of prior employment discloses no reason why clearance should not be granted. If the prior investigation does not meet the requirements of AR 381-130, supplemental or additional investigation will be conducted.

b. Acceptance of investigations conducted for civilian employment.

- ★(1) The following investigations may be accepted for clearance purposes within the Department of the Army provided the person has been continually in the employ of the executive branch of the Federal Government and there has been no break in service longer than 6 months since the completion of the investigation, and an inquiry to the agency of prior employ-

ment discloses no reason why clearance should not be granted.

- (a) National Agency Check including FBI fingerprint check conducted by a U.S. governmental agency pursuant to Executive Order 10450, may be accepted as the equivalent of a National Agency Check.
- (b) A "Full Field Investigation" conducted pursuant to Executive Order 10450 by a U.S. governmental agency may be accepted, provided it is determined upon review of the investigative report that it meets the scope prescribed in appendix II of AR 381-130 for a background investigation.
- (c) A National Agency Check with written inquiries conducted by the Civil Service Commission, provided—
1. Review of the employee's official personnel folder reveals his Application for Federal Employment bears a stamped notation indicating the application was processed under "Section 3(a), Executive Order 10450"; or
 - ★2. Certification is received from the Civil Service Commission on CSC Form 715 (Report of Clearly Favorable Results in DOD NACI Case) that their investigation disclosed no derogatory information. Upon completion of clearance action or action required under part III of DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450) the requesting command will forward the CSC Form 715 to the U.S. Army Counterintelligence Records Facility, Fort Holabird, Md. 21219, for inclusion in the individual's USAIRR dossier.
- (2) Where a background investigation of a civilian employee is required under the provisions of this regulation, the National Agency Check component of the background investigation need not be duplicated if it is determined that a U.S. governmental agency is conducting or has completed a National Agency Check that meets the scope prescribed in appendix I

of AR 381-130, and providing that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of the National Agency Check.

16. ★Access by aliens and foreign nationals.

Aliens and foreign nationals are not eligible for security clearances. (See para 5e for policy concerning immigrant aliens.) Such personnel may be granted limited access authorizations but only under the conditions and procedures set forth in *a* through *e* below. A limited access authorization is not to be considered a security clearance. (The term "alien" used throughout this paragraph refers to both aliens and foreign nationals.)

a. Policy. Appropriate authority as defined in *c* below may grant an alien a limited access authorization when it is determined that the employment of an alien in duties requiring access to certain classified defense information is necessary in the interests of national security. The classified mission of the command, agency, or installation is secondary to the interest of national security in establishing authorization. It is therefore essential that strict limitations be placed on the type of positions in which aliens may be utilized and the type of information which may be disclosed. In no case will a limited access authorization be granted if the investigation discloses information which raises a reasonable doubt concerning the character, integrity, or trustworthiness of the individual or if investigation reveals possible disaffection for the United States or the intentional withholding or concealment of pertinent information pertaining to the individual's personal history.

b. Investigation. The minimum scope of investigation to be conducted for the purpose of granting a limited access authorization under the provisions of this regulation is as follows:

- (1) Such components of a background investigation (see AR 381-130) as are possible of achievement, plus a check of the files of the Central Intelligence Agency, plus

- (2) A polygraph examination to cover that portion of the individual's life which cannot be investigated because of geographical, political, or other considerations, provided the individual consents in writing. Individuals who refuse to be polygraphed will not be granted limited access authorizations.

c. Authorization. Authorization to grant access as provided in this paragraph has been delegated as follows:

- (1) TOP SECRET—Secretary of the Army.
- (2) SECRET—Authorities listed in paragraph 6a.
- (3) CONFIDENTIAL—Authorities listed in paragraph 6a or their designees.

d. Interim limited access authorization. There is no authority for the granting of an interim limited access authorization.

★e. Use and disposition of DA Form 3028-R. The appropriate authority indicated in *c* above upon granting a limited access authorization will execute DA Form 3028-R (Limited Access Authorization (Aliens, Immigrant Aliens, Foreign Nationals)) (fig. 1). Each DA Form 3028-R will include a statement specifying in detail the specific type of classified information to which the individual is authorized access and that such access is necessary in the interests of national security. A job description will be added as an inclosure to each DA Form 3028-R. This authorization will remain in effect for 1 year unless sooner revoked or rescinded by reason of change of duties, termination of employment, or similar circumstances. If revoked or rescinded, a letter reporting the circumstances of the revocation or rescission will be directed to the Commanding Officer, USAIRR, Fort Holabird, Md. 21219, for inclusion in the individual's USAIRR dossier. Renewal requests will be processed through the channels provided for original requests. Reinvestigation will be accomplished every 3 years during the period of authorization but need not include an additional polygraph examination un-

SECTION III

CRITERIA

17. Criteria for application of policy. *a.* The ultimate determination of whether the granting of a clearance is clearly consistent with the interests of national security must be an overall common-sense determination based upon all available information, both favorable and unfavorable. The granting, denial, or revocation of a security clearance may be a matter of far-reaching consequences to the Department of the Army as well as to the individual concerned. Therefore, arbitrary and perfunctory decisions must be avoided. The activities and associations listed below, whether current or past, may, depending upon the degree of seriousness, be the basis for denial of access to classified defense information, or revocation of clearance.

- (1) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor; or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.
- (2) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests are inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.
- (3) Advocacy of use of force or violence to overthrow the Government of the United States or of alteration of the form of Government of the United States by unconstitutional means.
- (4) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means. (An organization movement, or group, officially designated by the Attorney General of the United States to be totalitarian, Fascist, Communist, or subversive, to advocate or approve forcible or violent denial of constitutional rights or to seek alteration of the form of Government of the United States by unconstitutional means, shall be presumed to be of a character thus designated until the contrary be established.)
- (5) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.
- (6) Failure or refusal to sign DD Form 98 (Armed Forces Security Questionnaire) or DA Form 1111 (Statement of Non-Affiliation With Certain Organizations) as applicable, pleading protection of the Fifth Amendment or of Article 31, Uniform Code of Military Justice, in refusing to completely answer questions contained in DD Form 98, DD Form 398, or DA Form 1111, or otherwise failing or refusing to answer any pertinent question propounded in the course of an official investigation, interrogation, or examination, conducted for the purpose of ascertaining the existence or extent, or both, of conduct of the nature described in (1) through (5) above, and (7) through (13) below.
- (7) Participation in the activities of an organization established as a front for an organization referred to in (4) above when his personal views are sympathetic to the subversive purposes of such organization.
- (8) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive

- groups under circumstances indicating that the individual was a part of, or sympathetic to, the infiltrating element or sympathetic to its purposes.
- (9) Participation in the activities of an organization referred to in (4) above, in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.
 - (10) Sympathetic association with a member or members of an organization referred to in (4) above or sympathetic interests in totalitarian, Fascist, Communist, or similar subversive movements.
 - (11) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in (1) through (9) above. A close continuing association may be considered to exist if the individual lives with, frequently visits, or frequently communicates with such person.
 - (12) Close continuing association of the type described in (11) above, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.
 - (13) Any facts other than as set forth in (14) through (19) below, which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests are inimical to the interests of the United States.
 - (14) Willful violation or disregard of security regulations.
 - (15) Intentional unauthorized disclosure to any person of classified information, or of other information disclosure of which is prohibited by law.
 - (16) Any deliberate misrepresentation, falsification, or omission of material fact.
 - (17) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.
 - (18) Acts of a reckless, irresponsible, or wanton nature which indicate such poor judgment and instability as to suggest that the individual might disclose security information to unauthorized persons or otherwise assist such persons, whether deliberate or inadvertently, in activities inimical to the security of the United States.
 - (19) All other behavior, activities, or associations which tend to show that the person is not reliable or trustworthy.
 - (20) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual, with due regard to the transient or continuing effect of the illness and the medical findings in such case.
 - (21) Any excessive indebtedness, recurring financial difficulties, unexplained affluence or repetitive absences without leave which furnish reason to believe that the individual may act contrary to the best interests of national security.
 - (22) Refusal to take the Oath of Allegiance or Oath of Service and Obedience.
 - b. Commanders and supervisors at all echelons including company, separate detachment, or equivalent level will take immediate action to suspend an individual's access to classified information whenever credible derogatory information within the scope of a above is received. In this connection, full use will be made of medical and military police reports. The responsible official withdrawing access will promptly notify the clearance authority of such action and initiate or request appropriate investigation in order to permit expeditious restoration of access or to provide a sound basis upon which to effect revocation of the individual's security clearance. Upon completion of appropriate inquiry or investigation and review of all pertinent facts, both favorable and unfavorable, the commander authorized to grant clearance will make a positive determination whether to revoke the clearance or permit it to remain in force. If the decision is to revoke the clearance, the action

described in paragraph 24 will be followed. In addition, action will be initiated in accordance with AR 600-31, AR 604-10, SR 620-220-1, AR 381-115, AR 230-15, AR 640-98, AR 604-11, The Uniform Code of Military Justice, CPR S1, or other regulations, as appropriate. Commanders and supervisors must be alert on a continuing basis to detect delinquent or irrational conduct on the part of subordinates who have access to classified information. This is particularly critical in cases of personnel who occupy USP.

c. In evaluating information of a suitability nature, consideration should be given to the gravity of the information in derogation, the age of the individual at the time the incident occurred, and his subsequent behavior and performance of duty. An isolated instance of youthful indiscretion must not be construed as permanent proof of unreliability or lack of character. Any determination involving such information must be tempered by an appreciation of all the facts bearing on the case.

★*d.* When an NAC or ENTNAC develops unfavorable information, any additional investigation required to resolve the case will be conducted by USAINTC. When the NAC was conducted as a basis for granting a security clearance, the commander concerned must make a security determination under the provisions of this regulation. When an ENTNAC or an NAC conducted for purposes other than clearance develops derogatory information which does not warrant unfavorable personnel action, the remarks section of the individual's DA Form 66 or DA Form 20 will be annotated "Paragraph 17*d*, AR 604-5 applies." The fact that this annotation was accomplished will be noted on the original copy of the DA Form 3027 which will be forwarded with the case file to the USAIRR, Fort Holabird, Md. 21219. In the event of a subsequent need for a security clearance by a member whose records are so annotated, the commander concerned will obtain and review the individual's USAIRR investigative dossier. Based on all the information available, both favorable and unfavorable, he will either—

- (1) Issue a security clearance and grant access to classified information as needed;
- (2) Take action to deny security clearance as outlined in paragraph 24; or
- (3) Request additional investigation upon which to base definitive action under (1) or (2) above.

18. Access to atomic energy information. Access to atomic energy information bearing the classifications TOP SECRET, SECRET, and CONFIDENTIAL, including RESTRICTED DATA as defined in the Atomic Energy Act of 1954 (68 Stat. 921, as amended 42 U.S.C. 2011 et seq.) within the Department of the Army will be governed by the clearance procedures prescribed for final TOP SECRET, SECRET, and CONFIDENTIAL defense information as set forth in paragraph 13 of this regulation and AR 380-150.

19. Access to classified cryptographic information. *a. Authority.* Authorities listed in paragraph 6*a*, or their designees, are responsible for determining that an individual has the need-to-know and meets eligibility requirements prior to authorizing such individual access to classified cryptographic information.

b. Determination of eligibility.

- (1) U.S. citizen personnel must possess a security clearance granted in accordance with this regulation for access to classified defense information of the same or higher classification category as that of the cryptographic information to which access is required. However, as an additional requirement, a favorable National Agency Check will have been completed for those individuals who as members of the National Guard or Reserve forces require access to CONFIDENTIAL cryptographic information in connection with short periods of active duty or for training purposes while not on active duty.
- (2) Immigrant aliens who have been granted a final type security clearance based on a background investigation may be authorized access to CONFIDENTIAL cryptographic information. They will not be—
 - (*a*) Authorized access to cryptographic information classified TOP SECRET or SECRET.
 - (*b*) Appointed as cryptographic custodians or as cryptographic security officers.
 - (*c*) Given access to safes where cryptographic keying material and related equipment are stored; and
 - (*d*) Authorized access to research and development information concerning cryptographic information.

- (3) All other aliens are ineligible for access to classified cryptographic information, except that representatives of a foreign government with which the United States has an agreement may be granted access to classified cryptographic information which has been released to that government in accordance therewith, provided the foreign government certifies that the individual has an appropriate clearance and is authorized and designated to receive the information.

c. Authorization for access. Following the determination that the individual has a need-to-know and is eligible for access to classified cryptographic information, appropriate authority referred to in *a* above will formally authorize the individual's access. The authorization for access will include an indoctrination concerning the unique nature of cryptographic information, its unusual sensitivity, the special security regulations governing its handling and protection, and the penalties prescribed for the willful or inadvertent disclosure of such information. The authorization for access will be completed and made a matter of record as prescribed in paragraph 25.

d. Termination of access. When it is determined that the individual no longer meets clearance requirements, or the need-to-know no longer exists, authorization for access to classified cryptographic information will be withdrawn. Such

withdrawal will be accompanied by a debriefing which includes instruction and reminders that the safeguarding of classified cryptographic information is important to the national security, that the individual is still bound by all security regulations pertaining to cryptographic information, and that he is subject to penalties prescribed for its willful or inadvertent disclosure. Termination of access will be accomplished and made a matter of record as prescribed in paragraph 25.

e. Limited access. To meet operational requirements, U.S. citizen personnel whose primary duties are not cryptographic in nature, but who may be required to have access to certain types of cryptographic material (e.g., operation codes, authentication systems, call sign ciphers), may be issued such material without formal authorization for access to cryptomaterial provided—

- (1) They are properly identified;
- (2) They have security clearances for access to the classification category equal to or higher than that of the material to be released;
- (3) They are thoroughly instructed in the proper handling and safeguarding of the cryptographic information concerned; and
- (4) The Director, National Security Agency has designated the cryptomaterial as exempt from the formal authorization requirement.

SECTION IV
ADMINISTRATION

20. Request for investigation. ★*a. Submission.* A commanding officer, his representative, or higher authority, upon determining that a personnel security investigation is required in conjunction with a security clearance action, will request such investigation in accordance with AR 381-130. (Civilian employee preappointment and preassignment NAC requests will be processed directly from the employing installations to the appropriate Civil Service Commission office in accordance with CPR 12.) A separate request will be submitted for each investigation specifying the type investigation desired and the highest classification of the information and material to which the individual will be allowed access. It will be accompanied by the appropriate forms prescribed in AR 381-130. In addition, the requester will indicate the results of a check of the following local files: field military 201 file or civilian personnel folder, intelligence files, provost marshal files, medical records (when medical records are available on civilian personnel they will be checked). Local file checks will not be conducted when requesting a routine National Agency Check on nonprior service Regular Army personnel and inductees undergoing basic training. However, local file checks will be conducted on such persons prior to the granting of a security clearance. If the results of the local file check reveal information concerning the individual which obviously disqualifies him for a security clearance, an investigation for the purpose of granting access to classified information will not be initiated. If appropriate, however, command action under other regulations will be taken. When this check indicates that a case has been processed on an individual under the provisions of AR 604-10 or SR 620-220-1, no action will be taken to grant interim or final clearance until a complete review of the USAIRR dossier has been accomplished and a determination made that such clearance is clearly consistent with the interests of national security. In no instance will an interim clearance action be taken on an individual or a request for investigation necessary to satisfy final clearance requirements be forwarded when information obtained from the individual's DD Form 398, medi-

cal record, or other record or source indicates the existence, current or past, of any mental or nervous disorder, or emotional instability unless competent medical authority certifies that the disorder or instability has been overcome or is of such a nature that it does not impair the subject's judgment or reliability. Such certifications, if made, will accompany the request for investigation and will become an integral part of the USAIRR dossier of the individual concerned.

★*b. Retention of request for investigation.* A file copy of DA Form 2784 (Request For and Results of Personnel Security Action) and/or a copy of DA Form 3027 (U.S. Army Request for National Agency Check) will be maintained in the individual's field personnel file. These copies will be removed and destroyed when the results of investigation are received and a positive determination has been made as to whether the subject of investigation will be granted or denied a security clearance.

- (1) When a determination is made to deny a security clearance, action will be taken in accordance with paragraph 24.
- (2) When a clearance is granted on the basis of a favorable Background Investigation, the original copy of DA Form 2784 will be annotated by the clearance authority to reflect the nature of the clearance action taken and forwarded to the USAIRR.
- (3) When a clearance is granted based solely on the results of a favorable NAC or ENTNAC, the original copy of DA Form 3027 will be destroyed inasmuch as the USAIRR will not maintain a dossier in such cases.

c. Cancellation of investigation. When the need for a background investigation previously requested no longer exists because of such reasons as discharge, separation, death or in those cases where the subject of the investigation has a history of mental disorder, nervous disorder, or emotional instability which competent medical authority is unable to certify as having been overcome or is currently of such nature as not to impair sub-

ject's judgment or reliability, the control office will be notified promptly in order that the investigation may be canceled. Requests for NAC's already submitted will not be canceled. In the event a change of assignment within Department of the Army is effected during the course of any investigation, the control office will be notified so that the results of the investigation may be forwarded by the control office to the gaining command.

d. Preliminary report. A preliminary report will be furnished the requester whenever unfavorable information which might warrant a denial of clearance is developed either during the course of any investigation or by the National Agency Check portion of a background investigation. Following submission of a preliminary report, the investigation will be continued, except that investigations of military personnel, and DA civilians which develop the existence, current or past, of any mental disorder, nervous disorder or emotional instability will be suspended. The suspension will remain in effect until the requester furnishes the control office certification from competent medical authority that the disorder has been overcome or is of such a nature that it does not impair subject's judgment or reliability. Preliminary reports concerning contractor personnel will be submitted to the Defense Industrial Security Clearance Office (DISCO) but the investigation on such personnel will not be suspended regardless of the nature of the information developed. Commanders receiving preliminary reports containing derogatory information will take appropriate action to insure the security of their commands pending receipt of final reports.

e. Receipt of reports after change in status. Should the requester receive a report of investigation subsequent to the subject's reassignment, release from active military duty, discharge from military service, death, or termination of employment, he will dispose of such report through intelligence channels as follows:

- (1) If the subject of investigation has been reassigned and a completely favorable report is received by the requester, the report will be forwarded directly to the subject's new installation or activity. However, unfavorable reports will be forwarded through the appropriate command headquarters to the new command.
- (2) If the person has been released from ac-

tive duty or his employment terminated, and he is a member of the U.S. Army Reserve, report will be forwarded for appropriate action to the ZI army, MDW, or major commander in whose area the person's home of record is located.

- (3) If the person has been released from active military duty, or his employment terminated, and he is a member of the Army National Guard, report will be forwarded to the major commander having jurisdiction over the area in which the State, district, or territory National Guard is located.

★(4) If the person is deceased, if he has been discharged from military service with no U.S. Army Reserve commitment, or if employment has been terminated and he has no U.S. Army Reserve affiliation, report will be forwarded to the USAIRR in accordance with AR 381-45.

★(5) In the case specified in (1), (2), and (3) above the commander to whom the report of investigation is forwarded for appropriate action will, after completion of such action, if any, forward the report to USAIRR in accordance with AR 381-45.

f. National Guard requests. The granting of security clearances for access to TOP SECRET and SECRET classified defense information to members of the Army National Guard is the responsibility of commanders specified in e(3) above. The granting of security clearances for access to CONFIDENTIAL classified defense information is the responsibility of those State adjutants general to whom the Chief of the National Guard Bureau has delegated such authority. Requests for investigation of National Guard personnel not on active duty will be processed as follows:

- (1) In accordance with procedures established by the ZI army, MDW, or oversea command, major commanders will accept for processing, requests for personnel security investigations submitted by the respective adjutants general of the States, territories, and the District of Columbia, in order to insure that achievement of operational readiness by National Guard units will not be handicapped because of a lack of security clearance. However,

concerned will ascertain whether a DD Form 98 has been accomplished. Whenever examination of the individual's unit personnel record reveals that a DD Form 98, up to date as of the current enlistment or tour of duty, has been accomplished, and no action under AR 604-10 is pending or contemplated, a request for clearance action may be initiated. Whenever examination of the unit personnel records reveals that an up-to-date DD Form 98 has not been accomplished, the commander having custody of the individual's records will direct that the form be accomplished and will take the following action:

- (1) If the DD Form 98 is completed without qualification, investigative or clearance action may be initiated. The DD Form 98 will be filed in the individual's field military 201 file.
- (2) If the individual refuses to execute the form in its entirety, or makes an entry therein indicating that information within the criteria outlined in paragraph 14, AR 604-10, may exist, action will be taken in accordance with the provisions of AR 604-10.

b. Civilian personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to

the granting of a security clearance when investigation is not required, the commander will ascertain whether DA Form 1111 has been accomplished. Whenever the records reveal that a DA Form 1111 has been completed during the current period of employment and no action under SR 620-220-1 is pending or contemplated, a request for clearance action may be initiated. Whenever the record reveals that an up-to-date DA Form 1111 has not been accomplished, the commander will direct that the form be accomplished and will take the following action:

- (1) If the DA Form 1111 is completed without qualifications, investigative or clearance action may be initiated. The DA Form 1111 will be filed as prescribed in CPR R1.
- (2) If the individual refuses to execute the form in its entirety or makes an entry thereon, indicating that information within the criteria outlined in paragraph 17, SR 620-220-1, may exist, action will be taken in accordance with SR 620-220-1.
- (3) Failure or refusal to execute and submit DA Form 1111 is a basic disqualification for employment and clearance will not be granted.

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minimum required to fulfill the mission of the U.S. Army.

d. Aliens, other than immigrant aliens, and foreign nationals are not eligible for security clearances but may in exceptional cases be granted limited access authorizations for access to classified defense information under the provisions of paragraph 16.

e. An immigrant alien may be granted a final security clearance upon completion of a background investigation, as outlined in appendix II of AR 381-130, provided that it discloses no derogatory information indicating that such access would not be clearly consistent with the interests of national security. The use of the polygraph is authorized when it is necessary to verify information furnished by the individual which cannot be verified through the use of normal investigative methods, provided the individual consents in writing. Interim clearance for TOP SECRET and SECRET is not authorized. Interim clearance for CONFIDENTIAL is authorized after completion of a national agency check (NAC) which reveals no derogatory information and after initiation of a background investigation.

f. The minimum investigative requirements prescribed herein may be raised in any particular case or category of cases, if deemed essential from a security standpoint by the authorities listed in paragraph 6a. The U.S. Army Intelligence Command (USAINTC) and oversea commands functioning as control offices for the conduct of investigations will deny requests for those personnel security investigations of a scope beyond that prescribed in this regulation unless sufficient justification is furnished with the request.

g. A prerequisite for assignment of an individual to an USP is a TOP SECRET security clearance based on a favorably completed background investigation less than 5 years old. To assist commanders and supervisors in their obligation to be knowledgeable of a subordinate's continued suitability for access to highly sensitive information, those individuals selected for assignment to positions designated Ultra-Sensitive (para 4g) will be reinvestigated as a requisite for such assignment if their security clearance is based on a background investigation more than 5 years old. The security clearance of personnel occupying positions designated Ultra-Sensitive will be

reevaluated 5 years from the date of their last security investigation. The reevaluation will be based on the results of a current reinvestigation under the provision of AR 381-130, a review of the individual's personnel and medical records, and a personal interview by the commander/supervisor authorizing access. During the interview, the individual will be questioned concerning his physical, mental, and emotional health, and reminded of the serious nature of his security responsibilities. His motivation towards his assignment will also be ascertained.

h. Reinvestigations directed in the preceding paragraph of individuals in the USP category will not routinely be conducted on persons in positions of a lesser degree of sensitivity. Commanders will request reinvestigation at any time credible derogatory information concerning a cleared individual is received. See paragraph 17b.

i. Strict application of the need-to-know principle will be adhered to when granting access to highly sensitive code-name projects or other areas of special security interest. Individuals requiring such access will have been the subject of an appropriate investigation in accordance with the provisions of this regulation and be currently cleared for access to at least the category of classification assigned to the project or area. Special security clearance criteria and categories of classification, other than those provided for in AR 380-5, will not be utilized. This policy does not abrogate any special requirements established by law or higher authority.

j. Any person selected for duties in connection with programs involving the education and orientation of military personnel will have been the subject of a favorable NAC prior to his assignment in accordance with the provisions of AR 604-20.

k. Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases will have been the subject of a favorable background investigation prior to his assignment, except that military personnel who have been granted a final TOP SECRET in accordance with the provisions of paragraph 13b(1)(b)2, and on whom a background investigation has been initiated, may be selected for service on military personnel security boards. This requirement applies to boards which pass upon alleged disloyal, subversive, or dis-

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affected civilian and military personnel. The basic qualifications, applicable to all officer positions, regardless of command or staff level, for personnel engaged in the adjudication processing of security cases are prescribed in AR 604-13.

l. Personnel security investigations favorably completed on ROTC cadets, after enrollment in the ROTC advanced course, are valid for the purpose of issuing security clearances for 1 year subsequent to date of commissioning as an officer. Pending completion of a new investigation, interim SECRET clearances may be issued to ROTC graduates who enter active duty after 1 year, but less than 18 months from the date of commissioning. An ROTC graduate who does not enter active duty until after 12 months from the date of commissioning will have a new NAC or a bring-up background investigation initiated by the appropriate major Army commander at the time the officer is ordered to active duty.

★m. Authority for granting security clearances to civilian and military members of the Department of the Army is limited to the Department of the Army.

6. Clearance authority. ★a. The Secretary of the Army hereby delegates authority to the following to clear personnel within their specific areas of jurisdiction for access to classified defense information: The Under Secretary, Assistant Secretaries, and Special Assistants to the Secretary of the Army; Chief of Staff of the Army; Heads of Department of the Army General and Special Staff agencies; Commanding Generals, U.S. Army Air Defense Command, U.S. Army Combat Development Command, U.S. Army Materiel Command, U.S. Army Security Agency, U.S. Army Strategic Communications Command, U.S. Continental Army Command, U.S. Army Intelligence Command; major oversea commands, Army components of unified and specified commands, ZI armies, Military District of Washington, U.S. Army; Military Traffic Management and Terminal Service, DA; and Commandant, National War College. These officials may redelegate security clearance authority to commanders of subordinate field elements in order to expedite personnel security clearance actions. Notwithstanding such delegation, the persons holding the aforementioned positions continue to be responsi-

ble for all security clearance actions taken within their respective jurisdiction.

b. Each person authorized to grant clearances must himself have been subject of an investigation meeting the requirements for a final TOP SECRET clearance.

c. Clearance certificates on "commanders" to whom the Secretary of the Army has delegated authority to grant clearances in a above may be executed within their own headquarters provided the requirements of b above are met. Further, these commanders may appoint a staff officer to act for them in the execution of clearance certificates on personnel within their respective commands, agencies, or activities and on subordinate commanders to whom they further delegate authority to grant clearance. Each commander is responsible for insuring that his staff officer who is acting for him in this capacity is himself cleared for TOP SECRET and is qualified by training and experience to make valid security clearance determinations.

d. Each commander will, before authorizing access to defense information, insure that the individual is familiar with the provisions of AR 380-5, AR 381-12, and other pertinent directives governing the safeguarding of classified information.

e. Upon the granting of clearance, the commander is responsible for continuing close supervision and observation of the activities and behavior of personnel who have access to classified information. Whenever a valid reason exists for believing that an individual's conduct, activities, or attitude may jeopardize security, prompt action will be taken to suspend or revoke his security clearance and to effect his immediate reassignment to duties not requiring access to classified information. Appropriate actions under pertinent personnel regulations will be undertaken immediately.

7. Reciprocal acceptance of previous investigations and clearances.

★a. In response to DOD policy guidance, Army clearance authorities are encouraged to accept from other commands, services and agencies on a mutual and reciprocal basis (1) the results of previous investigations and (2) previous clearances which have been granted by appropriate authority, provided the previous clearances have been based on investigative requirements which are in conso-

nance with current standards. Such reciprocation will avoid the repetitious filing of personal history statement, the time and expense of multiple investigations and multiple clearances. However, this applies only where a prior investigation by an investigative agency of the Government meets the standards prescribed herein. If the prior investigation does not meet such standards, supplemental or additional investigation will be conducted.

b. Generally the validity of a clearance of an individual granted by another service or agency will not be questioned. However, clearance authorities have the right to review investigative and personnel files pertaining to the individual in question. When deemed necessary additional investigation may be requested before authorizing the individual's access to classified defense information. Requests for additional investigation will be precise and describe specifically what additional investigation is deemed necessary.

8. Granting access to classified information to individuals of another service or agency.

a. Whenever it becomes necessary for the Department of the Army to authorize access to classified information in its custody to a member of another service or agency who has not previously been cleared or is in need of a higher degree of clearance, the parent service or agency will be requested to conduct the necessary investigation and grant the desired clearance. Records of the security clearance or certificate of access authorization granted by the parent service or agency will be maintained in accordance with the administrative procedures of that service or agency.

b. Should it be determined that it would not be in the best interests of the national security to permit the individual to have access to classified defense information in Army custody, the commander may reassign the individual to nonsensitive duties within his organization, or if appropriate, revoke the detail or assignment, and advise the parent service or agency of the reasons therefor. The responsibility to suspend or revoke a security clearance and initiate security proceedings rests with the parent service or agency.

c. Whenever Department of the Army personnel or members are assigned or detailed for duty with another service or agency, it is Department of the Army responsibility to advise the using service or agency of any adverse information com-

ing to its attention which relates to the individual's continued eligibility for access to classified defense information. Should the using service or agency determine that the individual cannot have access to classified defense information in its custody, it will reassign the individual to other duties within its own organization, or, if desired, revoke the detail or assignment, and request the Chief of Personnel Operations, ATTN: EPD, Department of the Army, Washington, D.C., 20315, to furnish reassignment orders. The responsibility to suspend or revoke a security clearance and initiate security proceedings on Department of the Army members or personnel rests with the Department of the Army.

★d. Responsibility for granting security clearances to Army members who are assigned and joined to other services, DOD agencies and unified and specified commands follows.

(1) The U.S. Army Personnel Security Group, Fort Holabird, Md., 21219, is designated the Department of the Army element for granting or denying personnel security clearances to Army members who are assigned and joined to other services, the Joint Chiefs of Staff, the Office of the Secretary of Defense and other Department of Defense agencies.

(2) Army component commanders of unified and specified commands are designated Department of the Army elements for granting or denying personnel security clearances to Army members assigned and joined to their commands.

9. Security clearance of separated Department of the Army personnel. a. Clearances granted under this regulation become invalid upon termination of the individual's service with the Department of the Army by reason of discharge, resignation, or retirement.

b. Retired general officer personnel may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 6a provided clearances in effect at the time of retirement would be adequate for the particular conference, activity, or project. Such clearances remain valid for this purpose until terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

10. Implementation of class II installations and activities. The heads of Headquarters, Department of the Army Staff agencies having command responsibilities and the commanders of separate commands directly subordinate to Headquarters, Department of the Army, are responsible for the implementation of this regulation at class

II installations and activities under their respective jurisdictions.

11. Combat operations. Under combat conditions or other military exigencies, authorities listed in paragraph 6a may waive such provisions of this regulation as are warranted by the circumstances.

U.S. citizens. *a.* When immediate access to classified defense information is required in an emergency in order for the individual concerned to carry out his assigned task and, because of exceptional circumstances, the delay caused by awaiting interim clearances would be harmful to the national interest, authorities listed in paragraph 6 may authorize such access to U.S. citizens, based on a favorable check of the individual's military field 201 file or civilian personnel record, local intelligence, medical, and provost marshal files.

b. Immediate access to classified defense information will be granted only under emergency conditions where failure to take such action may jeopardize the accomplishment of the mission of the organizations authorizing the access. In each such case of granting emergency immediate access, a record of the authorization will be made and the commander, or responsible authority concerned, will have initiated the action necessary for final clearance.

c. Persons occupying positions defined in paragraphs 4 *f* and *g* will not be granted access pending clearances.

15. Acceptance of investigations conducted by other governmental agencies for clearance purposes. *a. Prior investigation.* Whenever a prior investigation by any investigative agency of the Federal Government is equal in scope and meets the standards prescribed in AR 381-130, clearance may be granted upon review of the prior investigation provided that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of this prior investigation, and an inquiry of the agency of prior employment discloses no reason why clearance should not be granted. If the prior investigation does not meet the requirements of AR 381-130, supplemental or additional investigation will be conducted.

b. Acceptance of investigations conducted for civilian employment.

- ★(1) The following investigations may be accepted for clearance purposes within the Department of the Army provided the person has been continually in the employ of the executive branch of the Federal Government and there has been no break in service longer than 6 months since the completion of the investigation, and an inquiry to the agency of prior employ-

ment discloses no reason why clearance should not be granted.

- (a) National Agency Check including FBI fingerprint check conducted by a U.S. governmental agency pursuant to Executive Order 10450, may be accepted as the equivalent of a National Agency Check.
- (b) A "Full Field Investigation" conducted pursuant to Executive Order 10450 by a U.S. governmental agency may be accepted, provided it is determined upon review of the investigative report that it meets the scope prescribed in appendix II of AR 381-130 for a background investigation.
- (c) A National Agency Check with written inquiries conducted by the Civil Service Commission, provided—
1. Review of the employee's official personnel folder reveals his Application for Federal Employment bears a stamped notation indicating the application was processed under "Section 3(a), Executive Order 10450"; or
 - ★2. Certification is received from the Civil Service Commission on CSC Form 715 (Report of Clearly Favorable Results in DOD NACI Case) that their investigation disclosed no derogatory information. Upon completion of clearance action or action required under part III of DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450) the requesting command will forward the CSC Form 715 to the U.S. Army Counterintelligence Records Facility, Fort Holabird, Md., 21219, for inclusion in the individual's USAIRR dossier.
- (2) Where a background investigation of a civilian employee is required under the provisions of this regulation, the National Agency Check component of the background investigation need not be duplicated if it is determined that a U.S. governmental agency is conducting or has completed a National Agency Check that meets the scope prescribed in appendix I

of AR 381-130, and providing that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of the National Agency Check.

16. Access by aliens, immigrant aliens, and foreign nationals. Immigrant aliens on whom the completion of a background investigation is not possible because of geographic, political, or other considerations, aliens, and foreign nationals are not eligible for security clearances. Such personnel may be granted limited access authorization but only under the conditions and procedures set forth in *a* through *c* below. A limited access authorization is not to be considered a security clearance. For the purpose of brevity, the term "alien" is used throughout this paragraph to cover all categories of aliens mentioned above. See paragraph 5*e* for security clearance policy concerning immigrant aliens on whom full completion of a background investigation is possible.

a. Policy. Appropriate authority as defined in *c* below may grant an alien a limited access authorization when it is determined that the employment of an alien in duties requiring access to certain classified defense information is necessary in the interests of national security. The classified mission of the command, agency, or installation is secondary to the interest of national security in establishing authorization. It is therefore essential that strict limitations be placed on the type of positions in which aliens may be utilized and the type of information which may be disclosed. In no case will a limited access authorization be granted if the investigation discloses information which raises a reasonable doubt concerning the character, integrity, or trustworthiness of the individual or if investigation reveals possible disaffection for the United States or the intentional withholding or concealment of pertinent information pertaining to the individual's personal history.

b. Investigation. The minimum scope of investigation to be conducted for the purpose of granting a limited access authorization under the provisions of this regulation is as follows:

(1) Such components of a background in-

vestigation (see AR 381-130) as are possible of achievement, plus a check of the files of the Central Intelligence Agency, plus

(2) A polygraph examination to cover that portion of the individual's life which cannot be investigated because of geographical, political, or other considerations, provided the individual consents in writing. Individuals who refuse to be polygraphed will not be granted limited access authorizations.

c. Authorization. Authorization to grant access as provided in this paragraph has been delegated as follows:

- (1) TOP SECRET—Secretary of the Army.
- (2) SECRET—Authorities listed in paragraph 6*a*.
- (3) CONFIDENTIAL—Authorities listed in paragraph 6*a* or their designees.

d. Interim limited access authorization. There is no authority for the granting of an interim limited access authorization.

★*e. Authorization.* The appropriate authority indicated in *c* above upon granting a limited access authorization will execute DA Form 3028-R (Limited Access Authorization (Aliens, Immigrant Aliens, Foreign Nationals)) (fig. 1). Each DA Form 3028-R will include a statement specifying in detail the specific type of classified information to which the individual is authorized access and that such access is necessary in the interests of national security. A job description will be added as an inclosure to each DA Form 3028-R. This authorization will remain in effect for 1 year unless sooner revoked or rescinded by reason of change of duties, termination of employment, or similar circumstances. If revoked or rescinded, a letter reporting the circumstances of the revocation or rescission will be directed to the Commanding Officer, USAIRR, Fort Holabird, Md., 21219, for inclusion in the individual's USAIRR dossier. Renewal requests will be processed through the channels provided for original requests. Reinvestigation will be accomplished every 3 years during the period of authorization but need not include an additional polygraph examination un-

described in paragraph 24 will be followed. In addition, action will be initiated in accordance with AR 600-31, AR 604-10, SR 620-220-1, AR 381-115, AR 230-15, AR 640-98, AR 604-11, The Uniform Code of Military Justice, CPR S1, or other regulations, as appropriate. Commanders and supervisors must be alert on a continuing basis to detect delinquent or irrational conduct on the part of subordinates who have access to classified information. This is particularly critical in cases of personnel who occupy USP.

c. In evaluating information of a suitability nature, consideration should be given to the gravity of the information in derogation, the age of the individual at the time the incident occurred, and his subsequent behavior and performance of duty. An isolated instance of youthful indiscretion must not be construed as permanent proof of unreliability or lack of character. Any determination involving such information must be tempered by an appreciation of all the facts bearing on the case.

★d. When an ENTNAC develops unfavorable information, additional investigation as required to resolve the case will be conducted by USAINTC. In those cases where the commander, after review of the case, determines that the derogatory information is such that unfavorable personnel action is not warranted, and that the individual has no need for access to classified information, he will annotate the remarks section of the individual's DA Form 20: "Paragraph 17d, AR 604-5 applies," and forward the case file to the USAIRR, Fort Holabird, Md., 21219. In the event of a subsequent need for granting persons in this category access to classified information, the commander concerned will call for and review the individual's dossier. Based upon the information available, both favorable and unfavorable, he will either--

- (1) Issue a security clearance and grant access to classified information as needed;
- (2) Propose to deny security clearance and take action as outlined in paragraph 24 of this regulation; or
- (3) Request additional investigation.

18. Access to atomic energy information.

Access to atomic energy information bearing the classifications TOP SECRET, SECRET, and CONFIDENTIAL, including RESTRICTED DATA as defined in the Atomic Energy Act of 1954 (68 Stat. 921, as amended 42 U.S.C. 2011 et

seq.) within the Department of the Army will be governed by the clearance procedures prescribed for final TOP SECRET, SECRET, and CONFIDENTIAL defense information as set forth in paragraph 13 of this regulation and AR 380-150.

19. Access to classified cryptographic information. a. Authority. Authorities listed in paragraph 6a, or their designees, are responsible for determining that an individual has the need-to-know and meets eligibility requirements prior to authorizing such individual access to classified cryptographic information.

b. Determination of eligibility.

- (1) U.S. citizen personnel must possess a security clearance granted in accordance with this regulation for access to classified defense information of the same or higher classification category as that of the cryptographic information to which access is required. However, as an additional requirement, a favorable National Agency Check will have been completed for those individuals who as members of the National Guard or Reserve forces require access to CONFIDENTIAL cryptographic information in connection with short periods of active duty or for training purposes while not on active duty.
- (2) Immigrant aliens who have been granted a final type security clearance based on a background investigation may be authorized access to CONFIDENTIAL cryptographic information. They will not be--
 - (a) Authorized access to cryptographic information classified TOP SECRET or SECRET.
 - (b) Appointed as cryptographic custodians or as cryptographic security officers.
 - (c) Given access to safes where cryptographic keying material and related equipment are stored; and
 - (d) Authorized access to research and development information concerning cryptographic information.
- (3) All other aliens are ineligible for access to classified cryptographic information, except that representatives of a foreign government with which the United States has an agreement may be granted access

to classified cryptographic information which has been released to that government in accordance therewith, provided the foreign government certifies that the individual has an appropriate clearance and is authorized and designated to receive the information.

c. Authorization for access. Following the determination that the individual has a need-to-know and is eligible for access to classified cryptographic information, appropriate authority referred to in *a* above will formally authorize the individual's access. The authorization for access will include an indoctrination concerning the unique nature of cryptographic information, its unusual sensitivity, the special security regulations governing its handling and protection, and the penalties prescribed for the willful or inadvertent disclosure of such information. The authorization for access will be completed and made a matter of record as prescribed in paragraph 25.

d. Termination of access. When it is determined that the individual no longer meets clearance requirements, or the need-to-know no longer exists, authorization for access to classified cryptographic information will be withdrawn. Such withdrawal will be accompanied by a debriefing which includes instruction and reminders that the safeguarding of classified cryptographic informa-

tion is important to the national security, that the individual is still bound by all security regulations pertaining to cryptographic information, and that he is subject to penalties prescribed for its willful or inadvertent disclosure. Termination of access will be accomplished and made a matter of record as prescribed in paragraph 25.

e. Limited access. To meet operational requirements, U.S. citizen personnel whose primary duties are not cryptographic in nature, but who may be required to have access to certain types of cryptographic material (e.g., operation codes, authentication systems, call sign ciphers) may be issued such material without formal authorization for access to cryptomaterial provided—

- (1) They are properly identified;
- (2) They have security clearances for access to the classification category equal to or higher than that of the material to be released;
- (3) They are thoroughly instructed in the proper handling and safeguarding of the cryptographic information concerned; and
- (4) The Director, National Security Agency has designated the cryptomaterial as exempt from the formal authorization requirement.

clearances for access to TOP SECRET information will be limited to the following unless cogent reasons are furnished with the request:

- (a) All general officers of divisions and brigades.
 - (b) General and special staff officers of divisions and brigades.
 - (c) Commanding officers of separate units as deemed necessary by the respective State adjutants general.
 - (d) Adjutants general or commanding generals of troops of the respective States, territories, and the District of Columbia.
 - (e) Individuals whose duties require access to nuclear weapons or critical RESTRICTED DATA.
- (2) Under no circumstances will copies of reports of investigation or specific details thereof be furnished the adjutants general of the States, territories, and the District of Columbia. If an adverse determination is rendered by the major commander, the case file, together with the major commander's determination will be forwarded to the Chief, National Guard Bureau, for his determination for appointment or retention in the National Guard.
- ★(3) National Guard personnel serving in Air Defense Task organizations in CONUS who require immediate access pending fulfillment of clearance requirements will be granted such access by the Commanding General, U.S. Army Air Defense Command (ARADCOM). Prior to granting immediate access, ARADCOM will insure that the appropriate investigative action has been requested. In addition, ARADCOM will advise the ZI army having security clearance responsibility over the subject individual of each immediate access authorization granted. In the event the ZI army concerned receives information sufficiently derogatory to constitute a basis for denial of security clearance, CGARADCOM will be immediately informed.

g. Reports of investigation to the Civil Service Commission. In order to comply with section

9(b), Executive Order 10450, when the investigative agencies of the Department of the Army conduct background investigations on civilian employees for personnel security purposes, the investigative agency will prepare Standard Form 79 (Notice of Security Investigation) and will submit it to the Civil Service Commission on the same day the investigation is initiated.

h. Forwarding results. The requesting command will indicate the estimated reporting date on investigative requests when the results are to be returned to a gaining command for action. If, upon receipt of such results, the gaining command cannot locate the subject individual within 14 days of his estimated reporting date, the investigative results will be returned to the original requester. The original requester will locate the individual and forward the investigative results to the correct address.

21. Armed Forces Security Questionnaire (DD Form 98) and Statement of Nonaffiliation With Certain Organizations (DA Form 1111).

a. Military personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the command having custody of the unit personnel records of the individual concerned will ascertain whether a DD Form 98 has been accomplished. Whenever examination of the individual's unit personnel record reveals that a DD Form 98, up to date as of the current enlistment or tour of duty, has been accomplished, and no action under AR 604-10 is pending or contemplated, a request for clearance action may be initiated. Whenever examination of the unit personnel records reveals that an up-to-date DD Form 98 has not been accomplished, the commander having custody of the individual's records will direct that the form be accomplished and will take the following action:

- (1) If the DD Form 98 is completed without qualification, investigative or clearance action may be initiated. The DD Form 98 will be filed in the individual's field military 201 file.
- (2) If the individual refuses to execute the form in its entirety, or makes an entry therein indicating that information within the criteria outlined in paragraph 14, AR 604-10, may exist, action will be

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taken in accordance with the provisions of AR 604-10.

b. Civilian personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the commander will ascertain whether DA Form 1111 has been accomplished. Whenever the records reveal that a DA Form 1111 has been completed during the current period of employment and no action under SR 620-220-1 is pending or contemplated, a request for clearance action may be initiated. Whenever the record reveals that an up-to-date DA Form 1111 has not been accomplished, the commander will direct that the form be accomplished and will take the following action:

- (1) If the DA Form 1111 is completed without qualifications, investigative or clearance action may be initiated. The DA Form 1111 will be filed as prescribed in CPR RI.
- (2) If the individual refuses to execute the form in its entirety or makes an entry thereon, indicating that information within the criteria outlined in paragraph 17, SR 620-220-1, may exist, action will be taken in accordance with SR 620-220-1.
- (3) Failure or refusal to execute and submit DA Form 1111 is a basic disqualification for employment and clearance will not be granted.

★22. **Validation of DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450).** *a.* When a gaining command, or agency, accepts a previous security clearance issued by another command, agency, or activity, and a review of the individual's USAIRR investigative dossier has not been made, part VI of the DA Form 873 contained in the individual's military field 201 file or civilian personnel folder will be validated as follows:

Validated in accordance with paragraph 22a, AR 604-5, by (validating headquarters) on (date of validation) by (signature, typed name, grade, title of validating authority).

b. When a gaining command or agency accepts a previous security clearance issued by another command, agency, or activity, and a review of the individual's USAIRR investigative dossier has

been made, part VI of the DA Form 873 contained in the individual's field military 201 file or civilian personnel folder will be validated as follows:

Validated in accordance with paragraph 22b, AR 604-5 by (validating headquarters) on (date of validation) by (signature, typed or stamped name, rank, title of validating authority).

c. Prior to validating a previous clearance, the following local files will be reviewed:

- (1) Field military 201 file or civilian personnel folder.
- (2) Medical records (when medical records of civilian personnel are available, they will be checked).

d. The provisions of *a* above do not apply when validating the clearance of an individual selected for assignment to a USP. The USAIRR dossier as well as the files listed in *c* above will be reviewed in each such case.

23. **Record of security clearance.** ★*a.* Interim and final security clearances granted under this regulation will be made a matter of record and a copy of the most recently issued final clearance (DA Form 873) will become a permanent part of the individual's USAIRR file and a semi-permanent part of his field military 201 file or official civilian personnel folder, as appropriate. In the case of military personnel, entries must also be made on DA Form 66 (Officer Qualification Record) or DA Form 20 (Enlisted Qualification Record) in accordance with AR 611-103 and AR 600-200.

b. An unclassified DA Form 873 will be executed on all interim and final security clearances for access to TOP SECRET, SECRET, and CONFIDENTIAL information unless an appropriate certificate of final clearance, based upon current investigative standards, is already posted in the field military 201 file or civilian personnel folder (except that CONFIDENTIAL clearance granted military personnel need only be recorded on the DA Form 66 or DA Form 20 in accordance with *a* above). All copies will be signed by authority of the commander authorized to grant clearance. Final clearance certificates once granted remain valid unless revoked for cogent reason(s) or become invalid by reason of upgrading the degree of security clearance (e.g., SECRET to TOP SECRET), discharge, resignation, or retirement. The distribution of certificates of clearance will be as follows:

- (1) *Interim clearance certificates.* One copy will be placed within the field military 201 file or official civilian personnel folder until removed for cause or replaced by a certificate granting final clearance.
- (2) *Final clearance certificates.*
 - (a) The original will be placed in the individual's field Personnel Records Jacket (DA Form 201) or official civilian personnel folder and maintained as a semi-permanent record.
 - ★(b) One copy will be forwarded to the Chief, U.S. Army Investigative Records Repository, Fort Holabird, Md., 21219, for inclusion in the individual's USAIRR dossier. Clearances granted solely on the basis of a favorable NAC or ENTNAC will not be forwarded since USAIRR no longer maintains a dossier in such cases.
- (c) In the case of civilian employees who are also members of the Army National Guard or U.S. Army Reserve, additional distribution bearing a notation thereon of the military status of the individual will be made as follows:
 1. One copy to the adjutant general of the appropriate State, Commonwealth of Puerto Rico, or the Dis-

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minimum required to fulfill the mission of the U.S. Army.

d. Aliens, other than immigrant aliens, and foreign nationals are not eligible for security clearances but may in exceptional cases be granted limited access authorizations for access to classified defense information under the provisions of paragraph 16.

e. An immigrant alien may be granted a final security clearance upon completion of a background investigation, as outlined in appendix II of AR 381-130, provided that it discloses no derogatory information indicating that such access would not be clearly consistent with the interests of national security. The use of the polygraph is authorized when it is necessary to verify information furnished by the individual which cannot be verified through the use of normal investigative methods, provided the individual consents in writing. Interim clearance for TOP SECRET and SECRET is not authorized. Interim clearance for CONFIDENTIAL is authorized after completion of a national agency check (NAC) which reveals no derogatory information and after initiation of a background investigation.

f. The minimum investigative requirements prescribed herein may be raised in any particular case or category of cases, if deemed essential from a security standpoint by the authorities listed in paragraph 6a. The U.S. Army Intelligence Command (USAINTC) and oversea commands functioning as control offices for the conduct of investigations will deny requests for those personnel security investigations of a scope beyond that prescribed in this regulation unless sufficient justification is furnished with the request.

g. A prerequisite for assignment of an individual to an USP is a TOP SECRET security clearance based on a favorably completed background investigation less than 5 years old. To assist commanders and supervisors in their obligation to be knowledgeable of a subordinate's continued suitability for access to highly sensitive information, those individuals selected for assignment to positions designated Ultra-Sensitive (para 4g) will be reinvestigated as a requisite for such assignment if their security clearance is based on a background investigation more than 5 years old. The security clearance of personnel occupying positions designated Ultra-Sensitive will be re-

evaluated 5 years from the date of their last security investigation. The reevaluation will be based on the results of a current reinvestigation under the provision of AR 381-130, a review of the individual's personnel and medical records, and a personal interview by the commander/supervisor authorizing access. During the interview, the individual will be questioned concerning his physical, mental, and emotional health, and reminded of the serious nature of his security responsibilities. His motivation towards his assignment will also be ascertained.

h. Reinvestigations directed in the preceding paragraph of individuals in the USP category will not routinely be conducted on persons in positions of a lesser degree of sensitivity. Commanders will request reinvestigation at any time credible derogatory information concerning a cleared individual is received. See paragraph 17b.

i. Strict application of the need-to-know principle will be adhered to when granting access to highly sensitive code-name projects or other areas of special security interest. Individuals requiring such access will have been the subject of an appropriate investigation in accordance with the provisions of this regulation and be currently cleared for access to at least the category of classification assigned to the project or area. Special security clearance criteria and categories of classification, other than those provided for in AR 380-5, will not be utilized. This policy does not abrogate any special requirements established by law or higher authority.

j. Any person selected for duties in connection with programs involving the education and orientation of military personnel will have been the subject of a favorable NAC prior to his assignment in accordance with the provisions of AR 604-20.

k. Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases will have been the subject of a favorable background investigation prior to his assignment, except that military personnel who have been granted a final TOP SECRET in accordance with the provisions of paragraph 13b(1)(b)2, and on whom a background investigation has been initiated, may be selected for service on military personnel security boards. This requirement applies to boards which pass upon alleged disloyal, subversive, or dis-

affected civilian and military personnel. The basic qualifications, applicable to all officer positions, regardless of command or staff level, for personnel engaged in the adjudication processing of security cases are prescribed in AR 604-13.

7. Personnel security investigations favorably completed on ROTC cadets, after enrollment in the ROTC advanced course, are valid for the purpose of issuing security clearances for 1 year subsequent to date of commissioning as an officer. Pending completion of a new investigation, interim SECRET clearances may be issued to ROTC graduates who enter active duty after 1 year, but less than 18 months from the date of commissioning. An ROTC graduate who does not enter active duty until after 12 months from the date of commissioning will have a new NAC or a bring-up background investigation initiated by the appropriate major Army commander at the time the officer is ordered to active duty.

6. **Clearance authority.** *a.* The Secretary of the Army hereby delegates authority to the following to clear personnel within their specific areas of jurisdiction for access to classified defense information: The Under Secretary, Assistant Secretaries, and Special Assistants to the Secretary of the Army; Chief of Staff of the Army; Heads of Department of the Army General and Special Staff agencies; Commanding Generals, U.S. Army Air Defense Command, U.S. Army Combat Development Command, U.S. Army Materiel Command, U.S. Army Security Agency, U.S. Army Strategic Communications Command, U.S. Continental Army Command, U.S. Army Intelligence Command; major oversea commands, Army components of unified and specified commands, ZI armies, Military District of Washington, U.S. Army; and Commandant, National War College. These officials may redelegate security clearance authority to commanders of subordinate field elements in order to expedite personnel security clearance actions. Notwithstanding such delegation, the persons holding the aforementioned positions continue to be responsible for all security clearance actions taken within their respective jurisdiction.

b. Each person authorized to grant clearances must himself have been subject of an investigation meeting the requirements for a final TOP SECRET clearance.

c. Clearance certificates on "commanders" to

whom the Secretary of the Army has delegated authority to grant clearances in *a* above may be executed within their own headquarters provided the requirements of *b* above are met. Further, these commanders may appoint a staff officer to act for them in the execution of clearance certificates on personnel within their respective commands, agencies, or activities and on subordinate commanders to whom they further delegate authority to grant clearance. Each commander is responsible to insure that his staff officer who is acting for him in this capacity is himself cleared for TOP SECRET and is qualified by training and experience to make valid security clearance determinations.

d. Each commander will, before authorizing access to defense information, insure that the individual is familiar with the provisions of AR 380-5, AR 381-12, and other pertinent directives governing the safeguarding of classified information.

e. Upon the granting of clearance, the commander is responsible for continuing close supervision and observation of the activities and behavior of personnel who have access to classified information. Whenever a valid reason exists for believing that an individual's conduct, activities, or attitude may jeopardize security, prompt action will be taken to suspend or revoke his security clearance and to effect his immediate reassignment to duties not requiring access to classified information. Appropriate actions under pertinent personnel regulations will be undertaken immediately.

7. **Reciprocal acceptance of previous investigations and clearances.** *a.* Responsible authorities within the Armed Forces and other agencies of the Department of Defense will accept from each other on a mutual and reciprocal basis the results of previous investigations and previous clearances which have been based on investigative requirements which are in consonance with current standards. Such reciprocation will avoid the repetitious filing of personal history statements, and the time and expense of multiple investigations and multiple clearances. This, however, applies only where a prior investigation by an investigative agency of the Government meets the standards prescribed herein. If the prior investigation does not meet such standards, supplemental or additional investigation will be conducted.

b. Generally the validity of a clearance of an individual granted by another service or agency

will not be questioned. However, clearance authorities have the right to review investigative and personnel files pertaining to the individual in question. When deemed necessary additional investigation may be requested before authorizing the individual's access to classified defense information. Requests for additional investigation will be precise and describe specifically what additional investigation is deemed necessary.

8. Granting access to classified information to individuals of another service or agency.

a. Whenever it becomes necessary for the Department of the Army to authorize access to classified information in its custody to a member of another service or agency who has not previously been cleared or is in need of a higher degree of clearance, the parent service or agency will be requested to conduct the necessary investigation and grant the desired clearance. Records of the security clearance or certificate of access authorization granted by the parent service or agency will be maintained in accordance with the administrative procedures of that service or agency.

b. Should it be determined that it would not be in the best interests of the national security to permit the individual to have access to classified defense information in Army custody, the commander may reassign the individual to nonsensitive duties within his organization, or if appropriate, revoke the detail or assignment, and advise the parent service or agency of the reasons therefor. The responsibility to suspend or revoke a security clearance and initiate security proceedings rests with the parent service or agency.

c. Whenever Department of the Army personnel or members are assigned or detailed for duty with another service or agency, it is Department of the Army responsibility to advise the using service or agency of any adverse information coming to its attention which relates to the individual's continued eligibility for access to classified defense information. Should the using service or agency determine that the individual cannot have access to classified defense information in its custody, it will reassign the individual to other duties within its own organization, or, if desired, revoke the detail or assignment, and request the Chief of Personnel Operations, ATTN: EPD, Department of the Army, Washington, D.C., 20315, to furnish reassignment orders. The responsibility to suspend

or revoke a security clearance and initiate security proceedings on Department of the Army members or personnel rests with the Department of the Army.

d. (1) The Joint Chiefs of Staff have authorized commanders in chief of unified and specified commands to grant interim clearances to members of the Department of the Army within their specific areas of jurisdiction. Before granting interim clearances the CINC's have been directed to assure that the minimum requirements established for such clearances have been met and the Department of the Army has been requested to initiate a final clearance of the same degree.

(2) Army component commanders of unified and specified commands are designated Department of the Army elements to accomplish the parent service duties for processing and granting final security clearances to Army personnel assigned to their commands.

9. Security clearance of separated Department of the Army personnel. *a.* Clearances granted under this regulation become invalid upon termination of the individual's service with the Department of the Army by reason of discharge, resignation, or retirement.

b. Retired general officer personnel may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 6*a* provided clearances in effect at the time of retirement would be adequate for the particular conference, activity, or project. Such clearances remain valid for this purpose until terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

10. Implementation of class II installations and activities. The heads of Headquarters, Department of the Army Staff agencies having command responsibilities and the commanders of separate commands directly subordinate to Headquarters, Department of the Army, are responsible for the implementation of this regulation at class II installations and activities under their respective jurisdictions.

11. Combat operations. Under combat conditions or other military exigencies, authorities listed in paragraph 6*a* may waive such provisions of this regulation as are warranted by the circumstances.

SECTION II

INVESTIGATIONS

12. Types of investigations required for access. *a.* The types of personnel security investigations normally utilized incident to granting access to classified defense information are listed below. The definition for and the component parts of each of these investigations are contained in AR 381-130.

- (1) National agency check (NAC).
- (2) National agency check, plus written inquiries (NACI).
- (3) Background investigation (BI).

b. As indicated in paragraph 13, the type investigation required in any instance will depend on the defense classification of the information to which a clearance for access is required, the military or civilian status of the individual concerned, and his citizenship status.

c. Additional investigation is not required for those individuals granted final security clearances under procedures in effect prior to the date of this regulation.

13. Types of investigation required for access to each category of classified defense information. *a. General.* Department of the Army military members and civilian personnel may be declared eligible for access to classified defense information and granted a personnel security clearance under the minimum requirements set forth below for each category of defense information, provided that no derogatory information based upon the criteria outlined in paragraph 17 is developed, which is of sufficient gravity to justify an overall commonsense determination that the clearance of the individual is not consistent with the interests of national security. Requirements for the various classifications of defense information are set forth in *b* through *d* below.

b. TOP SECRET.

- (1) *Final clearance.*
 - (a) *Civilian personnel—U.S. citizens.* Background investigation.
 - (b) *Military personnel—U.S. citizens.*
 1. Background investigation, or
 2. National agency check, plus
 - (a) Continuous honorable active duty as a member of the Armed Forces, or a combination of such active

duty and civilian employment in the Federal Government service on a continuous basis, with no break greater than 6 months, for a minimum of 15 consecutive years immediately preceding the date of the current investigation, or current need for clearance, plus

- (b) Check of the military field 201 file, local intelligence files, provost marshal files, and medical records.
 - (c) *Immigrant aliens (civilian or military).* Background investigation.
- (2) *Interim clearance.*
- (a) *Civilian personnel—U.S. citizens.* National agency check. Only in case of emergency will an interim clearance be granted to employees occupying or persons being considered for assignment to sensitive-critical or ultra-sensitive positions. Approval for granting such clearances must be made by the Secretary of the Army or his designee and must be made a matter of record; and, a national agency check with satisfactory results must have been completed.
 - (b) *Military personnel—U.S. citizens.* National agency check.
 - (c) *Immigrant aliens (civilian or military).* No interim clearance authorized.
- c. SECRET.*

- (1) *Final clearance.*
 - (a) *Civilian personnel—U.S. citizens.*
 1. National agency check, plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended, except that the written inquiries portion of the investigation may be dispensed with for employees who have been continuously employed for a period of 5 years (with no break greater than 6 months) immediately preceding the

date of the current investigation, or current need for clearance.

2. A background investigation is required for employees occupying sensitive positions (critical).
- (b) *Military personnel—U.S. citizens.*
1. National agency check.
 2. Check of the military field 201 file, local intelligence files, provost marshal files, and medical records.
- (c) *Immigrant aliens (civilian or military).* Background investigation.
- (d) *Nonappropriated fund employees and employees of the Army National Guard—U.S. citizens.* National agency check.
- (2) *Interim clearance.*
- (a) *Civilian personnel—U.S. citizens.*
1. National agency check.
 2. In case of emergency, interim clearance for access to SECRET may be granted for a limited period provided a national agency check has been initiated and the Secretary of the Army or an authority listed in paragraph 6 finds that such action is necessary in the interests of national security and makes a record of such findings. In every case, this action will be based upon a check of available records to include those listed in paragraph 20a.
- (b) *Military personnel—U.S. citizens.* Continuous honorable active duty as a member of the Armed Forces, for a minimum of 2 consecutive years immediately preceding the date of the current investigation, plus a check of the military field 201 file, local intelligence files, provost marshal files, and medical records; or, in the case of personnel with less than 2 years service—
1. A check of files required above, plus
 2. A check of the Federal Bureau of Investigation Investigative and Identification Files.
- (c) *Immigrant aliens (civilian or military).* No interim clearance authorized.

d. CONFIDENTIAL.

(1) *Final clearance.*

- (a) *Civilian personnel—U.S. citizens.* National agency check, plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended, except that the written inquiries portion of the investigation may be dispensed with for employees who have been continuously employed for a period of 5 years (with no break greater than 6 months) immediately preceding the date of the current investigation.
- (b) *Military personnel—U.S. citizens.* A check of the military field 201 file, local intelligence files, provost marshal files, and medical records.
- (c) *Immigrant aliens (civilian or military).* Background investigation.

(2) *Interim clearance.*

- (a) *Civilian personnel—U.S. citizens.*
1. National agency check.
 2. In case of emergency, interim clearance may be granted for a limited period provided a national agency check has been initiated and an authority listed in paragraph 6 finds that such action is necessary in the interests of national security and makes a record of such finding. In every case this action will be based upon a check of available records to include those listed in paragraph 20a.
- (b) *Military personnel—U.S. citizens.* Interim clearance not authorized.
- (c) *Immigrant aliens (civilian or military).* National agency check to include a check of the files of the Central Intelligence Agency plus initiation of a full background investigation.

e. TOP SECRET and SECRET clearances granted prior to 6 February 1963 (wherein service performed in active U.S. Army Reserve and Army National Guard units was counted as "active duty" time in computing the number of consecutive years of continuous active duty) remain in effect.

14. Access pending clearance requirements—U.S. citizens. a. When immediate access to clas-

sified defense information is required in an emergency in order for the individual concerned to carry out his assigned task and, because of exceptional circumstances, the delay caused by awaiting interim clearances would be harmful to the national interest, authorities listed in paragraph 6 may authorize such access to U.S. citizens, based on a favorable check of the individual's military field 201 file or civilian personnel record, local intelligence, medical, and provost marshal files.

b. Immediate access to classified defense information will be granted only under emergency conditions where failure to take such action may jeopardize the accomplishment of the mission of the organizations authorizing the access. In each such case of granting emergency immediate access, a record of the authorization will be made and the commander, or responsible authority concerned, will have initiated the action necessary for final clearance.

c. Persons occupying positions defined in paragraphs 4 *f* and *g* will not be granted access pending clearances.

15. Acceptance of investigations conducted by other governmental agencies for clearance purposes.

a. Prior investigation. Whenever a prior investigation by any investigative agency of the Federal Government is equal in scope and meets the standards prescribed in AR 381-130, clearance may be granted upon review of the prior investigation provided that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of this prior investigation, and an inquiry of the agency of prior employment discloses no reason why clearance should not be granted. If the prior investigation does not meet the requirements of AR 381-130, supplemental or additional investigation will be conducted.

b. Acceptance of investigations conducted for civilian employment.

- (1) The following investigations may be accepted for clearance purposes within the Department of the Army provided the person has been continually in the employ of the executive branch of the Federal Government and there has been no break longer than 6 months since the completion of the investigation, and an inquiry to the agency of prior employment discloses no

reason why clearance should not be granted. However, a new national agency check will be completed in cases wherein the previous investigation was completed 5 years prior to date of current clearance requirement.

- (a) National agency check including FBI fingerprint check conducted by a U.S. governmental agency pursuant to Executive Order 10450, may be accepted as the equivalent of a national agency check.
- (b) A "Full Field Investigation" conducted pursuant to Executive Order 10450 by a U.S. governmental agency may be accepted, provided it is determined upon review of the investigative report that it meets the scope prescribed in appendix II of AR 381-130 for a background investigation.
- (c) A national agency check with written inquiries conducted by the Civil Service Commission, provided—
 1. Review of the employee's official personnel folder reveals his Application for Federal Employment bears a stamped notation indicating the application was processed under "Section 3(a), Executive Order 10450"; or
 2. Certification is received from the Civil Service Commission on CSC Form 715 (Report of Clearly Favorable Results in DOD NACI Case) that their investigation disclosed no derogatory information. Upon completion of clearance action or action required under part III of DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450) the requesting command will forward the CSC Form 715 to the U.S. Army Counterintelligence Records Facility, Fort Holabird, Md., 21219, for inclusion in the individual's USACRF dossier.
- (2) Where a background investigation of a civilian employee is required under the provisions of this regulation, the national agency check component of the back-

ground investigation need not be duplicated if it is determined that a U.S. governmental agency is conducting or has completed a national agency check that meets the scope prescribed in appendix I of AR 381-130, and providing that service with the Federal Government has been continuous with no break in service longer than 6 consecutive months since completion of the national agency check.

16. Access by aliens, immigrant aliens, and foreign nationals. Immigrant aliens on whom the completion of a background investigation is not possible because of geographic, political, or other considerations, aliens, and foreign nationals are not eligible for security clearances. Such personnel may be granted limited access authorization but only under the conditions and procedures set forth in *a* through *c* below. A limited access authorization is not to be considered a security clearance. For the purpose of brevity, the term "alien" is used throughout this paragraph to cover all categories of aliens mentioned above. See paragraph 5*e* for security clearance policy concerning immigrant aliens on whom full completion of a background investigation is possible.

a. Policy. Appropriate authority as defined in *c* below may grant an alien a limited access authorization when it is determined that the employment of an alien in duties requiring access to certain classified defense information is necessary in the interests of national security. The classified mission of the command, agency, or installation is secondary to the interest of national security in establishing authorization. It is therefore essential that strict limitations be placed on the type of positions in which aliens may be utilized and the type of information which may be disclosed. In no case will a limited access authorization be granted if the investigation discloses information which raises a reasonable doubt concerning the character, integrity, or trustworthiness of the individual or if investigation reveals possible disaffection for the United States or the intentional withholding or concealment of pertinent information pertaining to the individual's personal history.

b. Investigation. The minimum scope of investigation to be conducted for the purpose of

granting a limited access authorization under the provisions of this regulation is as follows:

- (1) Such components of a background investigation (see AR 381-130) as are possible of achievement, plus a check of the files of the Central Intelligence Agency, plus
- (2) A polygraph examination to cover that portion of the individual's life which cannot be investigated because of geographical, political, or other considerations, provided the individual consents in writing. Individuals who refuse to be polygraphed will not be granted limited access authorizations.

c. Authorization. Authorization to grant access as provided in this paragraph has been delegated as follows:

- (1) TOP SECRET—Secretary of the Army.
- (2) SECRET—Authorities listed in paragraph 6*a*.
- (3) CONFIDENTIAL—Authorities listed in paragraph 6*a* or their designees.

d. Interim limited access authorization. There is no authority for the granting of an interim limited access authorization.

e. Authorization. The appropriate authority indicated in *c* above upon granting a limited access authorization will execute DA Form 3028-R (Limited Access Authorization (Aliens, Immigrant Aliens, Foreign Nationals)) (fig. 1). Each DA Form 3028-R will include a statement specifying in detail the specific type of classified information to which the individual is authorized access and that such access is necessary in the interests of national security. A job description will be added as an inclosure to each DA Form 3028-R. This authorization will remain in effect for 1 year unless sooner revoked or rescinded by reason of change of duties, termination of employment, or similar circumstances. If revoked or rescinded, a letter reporting the circumstances of the revocation or rescission will be directed to the Commanding Officer, USACRF, Fort Holabird, Md., 21219, for inclusion in the individual's USACRF dossier. Renewal requests will be processed through the channels provided for original requests. Reinvestigation will be accomplished every 3 years during the period of authorization but need not include an additional polygraph examination un-

described in paragraph 24 will be followed. In addition, action will be initiated in accordance with AR 600-31, AR 604-10, SR 620-220-1, AR 381-115, AR 230-15, AR 640-98, AR 604-11, The Uniform Code of Military Justice, CPR S1, or other regulations, as appropriate. Commanders and supervisors must be alert on a continuing basis to detect delinquent or irrational conduct on the part of subordinates who have access to classified information. This is particularly critical in cases of personnel who occupy USP.

c. In evaluating information of a suitability nature, consideration should be given to the gravity of the information in derogation, the age of the individual at the time the incident occurred, and his subsequent behavior and performance of duty. An isolated instance of youthful indiscretion must not be construed as permanent proof of unreliability or lack of character. Any determination involving such information must be tempered by an appreciation of all the facts bearing on the case.

18. Access to atomic energy information. Access to atomic energy information bearing the classifications TOP SECRET, SECRET, and CONFIDENTIAL, including RESTRICTED DATA as defined in the Atomic Energy Act of 1954 (68 Stat. 921, as amended 42 U.S.C. 2011 et seq.) within the Department of the Army will be governed by the clearance procedures prescribed for final TOP SECRET, SECRET, and CONFIDENTIAL defense information as set forth in paragraph 13 of this regulation and AR 380-150.

19. Access to classified cryptographic information. a. *Authority.* Authorities listed in paragraph 6a, or their designees, are responsible for determining that an individual has the need-to-know and meets eligibility requirements prior to authorizing such individual access to classified cryptographic information.

b. *Determination of eligibility.*

- (1) U.S. citizen personnel must possess a security clearance granted in accordance with this regulation for access to classified defense information of the same or higher classification category as that of the cryptographic information to which access is required. However, as an additional requirement, a favorable national agency check will have been completed

for those individuals who as members of the National Guard or Reserve forces require access to CONFIDENTIAL cryptographic information in connection with short periods of active duty or for training purposes while not on active duty.

- (2) Immigrant aliens who have been granted a final type security clearance based on a background investigation may be authorized access to CONFIDENTIAL cryptographic information. They will not be—
 - (a) Authorized access to cryptographic information classified TOP SECRET or SECRET.
 - (b) Appointed as cryptographic custodians or as cryptographic security officers.
 - (c) Given access to safes where cryptographic keying material and related equipment are stored; and
 - (d) Authorized access to research and development information concerning cryptographic information.
- (3) All other aliens are ineligible for access to classified cryptographic information, except that representatives of a foreign government with which the United States has an agreement may be granted access to classified cryptographic information which has been released to that government in accordance therewith, provided the foreign government certifies that the individual has an appropriate clearance and is authorized and designated to receive the information.

c. *Authorization for access.* Following the determination that the individual has a need-to-know and is eligible for access to classified cryptographic information, appropriate authority referred to in a above will formally authorize the individual's access. The authorization for access will include an indoctrination concerning the unique nature of cryptographic information, its unusual sensitivity, the special security regulations governing its handling and protection, and the penalties prescribed for the willful or inadvertent disclosure of such information. The authorization for access will be completed and made a matter of record as prescribed in paragraph 25.

d. *Termination of access.* When it is determined that the individual no longer meets clear-

ance requirements, or the need-to-know no longer exists, authorization for access to classified cryptographic information will be withdrawn. Such withdrawal will be accompanied by a debriefing which includes instruction and reminders that the safeguarding of classified cryptographic information is important to the national security, that the individual is still bound by all security regulations pertaining to cryptographic information, and that he is subject to penalties prescribed for its willful or inadvertent disclosure. Termination of access will be accomplished and made a matter of record as prescribed in paragraph 25.

e. Limited access. To meet operational requirements, U.S. citizen personnel whose primary duties are not cryptographic in nature, but who may be required to have access to certain types of crypto-

graphic material (e.g., operation codes, authentication systems, call sign ciphers) may be issued such material without formal authorization for access to cryptomaterial provided—

- (1) They are properly identified;
- (2) They have security clearances for access to the classification category equal to or higher than that of the material to be released;
- (3) They are thoroughly instructed in the proper handling and safeguarding of the cryptographic information concerned; and
- (4) The Director, National Security Agency has designated the cryptomaterial as exempt from the formal authorization requirement.

SECTION IV

ADMINISTRATION

20. Request for investigation. *a. Submission.* A commanding officer, his representative, or higher authority, upon determining that a personnel security investigation is required in conjunction with a security clearance action, will request such investigation in accordance with AR 381-130. (Civilian employee preappointment and preassignment NAC requests will be processed directly from the employing installations to the appropriate Civil Service Commission office in accordance with CPR I2.) A separate request will be submitted for each investigation specifying the type investigation desired and the highest classification of the information and material to which the individual will be allowed access. It will be accompanied by the appropriate forms prescribed in AR 381-130. In addition, the requester will indicate the results of a check of the following local files: field military 201 file or civilian personnel folder, intelligence files, provost marshal files, medical records (when medical records are available on civilian personnel they will be checked). Local file checks will not be conducted when requesting a routine national agency check on nonprior service Regular Army personnel and inductees undergoing basic training. However, local file checks will be conducted on such persons prior to the granting of a security clearance. If the results of the local file check reveal information concerning the individual which obviously disqualifies him for a security clearance, an investigation for the purpose of granting access to classified information will not be initiated. If appropriate, however, command action under other regulations will be taken. When this check indicates that a case has been processed on an individual under the provisions of AR 604-10 or SR 620-220-1, no action will be taken to grant interim or final clearance until a complete review of the USACRF dossier has been accomplished and a determination made that such clearance is clearly consistent with the interests of national security. In no instance will an interim clearance action be taken on an individual or a request for investigation necessary to satisfy final clearance requirements be forwarded when information obtained from the individual's DD Form 398, medi-

cal record, or other record or source indicates the existence, current or past, of any mental or nervous disorder, or emotional instability unless competent medical authority certifies that the disorder or instability has been overcome or is of such a nature that it does not impair the subject's judgment or reliability. Such certifications, if made, will accompany the request for investigation and will become an integral part of the USACRF dossier of the individual concerned.

b. Retention of request for investigation. A file copy of DA Form 2784 (Request for and Results of Personnel Security Action) and/or a copy of DA Form 3027 (U.S. Army Request for National Agency Check) will be maintained in the individual's field military 201 file or official civilian personnel folder. These copies will be removed and destroyed when the investigation has been completed and a positive determination has been made as to whether the subject of the investigation will be granted or denied a security clearance. The original copies of these forms will be annotated by the clearance authority to reflect the nature of the clearance action taken and forwarded to USACRF.

c. Cancellation of investigation. When the need for a background investigation previously requested no longer exists because of such reasons as discharge, separation, death or in those cases where the subject of the investigation has a history of mental disorder, nervous disorder, or emotional instability which competent medical authority is unable to certify as having been overcome or is currently of such nature as not to impair subject's judgment or reliability, the control office will be notified promptly in order that the investigation may be canceled. Requests for NAC's already submitted will not be canceled. In the event a change of assignment within Department of the Army is effected during the course of any investigation, the control office will be notified so that the results of the investigation may be forwarded by the control office to the gaining command.

d. Preliminary report. A preliminary report will be furnished the requester whenever unfavorable information which might warrant a denial of clearance is developed either during the course of

any investigation or by the national agency check portion of a background investigation. Following submission of a preliminary report, the investigation will be continued, except that investigations of military personnel, and DA civilians which develop the existence, current or past, of any mental disorder, nervous disorder or emotional instability will be suspended. The suspension will remain in effect until the requester furnishes the control office certification from competent medical authority that the disorder has been overcome or is of such a nature that it does not impair subject's judgment or reliability. Preliminary reports concerning contractor personnel will be submitted to the Defense Industrial Security Clearance Office (DISCO) but the investigation on such personnel will not be suspended regardless of the nature of the information developed. Commanders receiving preliminary reports containing derogatory information will take appropriate action to insure the security of their commands pending receipt of final reports.

e. Receipt of reports after change in status. Should the requester receive a report of investigation subsequent to the subject's reassignment, release from active military duty, discharge from military service, death, or termination of employment, he will dispose of such report through intelligence channels as follows:

- (1) If the subject of investigation has been reassigned and a completely favorable report is received by the requester, the report will be forwarded directly to the subject's new installation or activity. However, unfavorable reports will be forwarded through the appropriate command headquarters to the new command.
- (2) If the person has been released from active duty or his employment terminated, and he is a member of the U.S. Army Reserve, report will be forwarded for appropriate action to the ZI army, MDW, or major commander in whose area the person's home of record is located.
- (3) If the person has been released from active military duty, or his employment terminated, and he is a member of the Army National Guard, report will be forwarded to the major commander having jurisdiction over the area in which the

State, district, or territory National Guard is located.

- (4) If the person is deceased, if he has been discharged from military service with no U.S. Army Reserve commitment, or if employment has been terminated and he has no U.S. Army Reserve affiliation, report will be forwarded to the USACRF in accordance with AR 381-45.
- (5) If the case specified in (1), (2), and (3) above the commander to whom the report of investigation is forwarded for appropriate action will, after completion of such action thereon, if any, forward the report to USACRF in accordance with AR 381-45.

f. National Guard requests. The granting of security clearances for access to TOP SECRET and SECRET classified defense information to members of the Army National Guard is the responsibility of commanders specified in e(3) above. The granting of security clearances for access to CONFIDENTIAL classified defense information is the responsibility of those State adjutants general to whom the Chief of the National Guard Bureau has delegated such authority. Requests for investigation of National Guard personnel not on active duty will be processed as follows:

- (1) In accordance with procedures established by the ZI army, MDW, or oversea command, major commanders will accept for processing requests for personnel security investigations submitted by the respective adjutants general of the States, territories, and the District of Columbia, in order to insure that achievement of operational readiness by National Guard units will not be handicapped because of a lack of security clearance. However, clearances for access to TOP SECRET information will be limited to the following unless cogent reasons are furnished with the request:
 - (a) All general officers of divisions and brigades.
 - (b) General and special staff officers of divisions and brigades.
 - (c) Commanding officers of separate units as deemed necessary by the respective State adjutants general.



- (d) Adjutants general or commanding generals of troops of the respective States, territories, and the District of Columbia.
 - (e) Individuals whose duties require access to nuclear weapons or critical RESTRICTED DATA.
- (2) Under no circumstances will copies of reports of investigation or specific details thereof be furnished the adjutants general of the States, territories, and the District of Columbia. If an adverse determination is rendered by the major commander, the case file, together with the major commander's determination will be forwarded to the Chief, National Guard Bureau, for his determination for appointment or retention in the National Guard.

g. Reports of investigation to the Civil Service Commission. In order to comply with section 9(b), Executive Order 10450, when the investigative agencies of the Department of the Army conduct background investigations on civilian employees for personnel security purposes, the investigative agency will prepare Standard Form 79 (Notice of Security Investigation) and will submit it to the Civil Service Commission on the same day the investigation is initiated.

h. Forwarding results. The requesting command will indicate the estimated reporting date on investigative requests when the results are to be returned to a gaining command for action. If, upon receipt of such results, the gaining command cannot locate the subject individual within 14 days of his estimated reporting date, the investigative results will be returned to the original requester. The original requester will locate the individual and forward the investigative results to the correct address.

21. Armed Forces Security Questionnaire (DD Form 98) and Statement of Nonaffiliation With Certain Organizations (DA Form 1111).

a. Military personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the command having custody of the unit personnel records of the individual concerned will ascertain whether a DD Form 98 has been accomplished. Whenever examination of

the individual's unit personnel record reveals that a DD Form 98, up to date as of the current enlistment or tour of duty, has been accomplished, and no action under AR 604-10 is pending or contemplated, a request for clearance action may be initiated. Whenever examination of the unit personnel records reveals that an up-to-date DD Form 98 has not been accomplished, the commander having custody of the individual's records will direct that the form be accomplished and will take the following action:

- (1) If the DD Form 98 is completed without qualification, investigative or clearance action may be initiated. The DD Form 98 will be filed in the individual's field military 201 file.
- (2) If the individual refuses to execute the form in its entirety, or makes an entry therein indicating that information within the criteria outlined in paragraph 14, AR 604-10, may exist, action will be taken in accordance with the provisions of AR 604-10.

b. Civilian personnel. Prior to the initiation of a request for a personnel security investigation upon which to base a clearance action, or prior to the granting of a security clearance when investigation is not required, the commander will ascertain whether DA Form 1111 has been accomplished. Whenever the records reveal that a DA Form 1111 has been completed during the current period of employment and no action under SR 620-220-1 is pending or contemplated, a request for clearance action may be initiated. Whenever the record reveals that an up-to-date DA Form 1111 has not been accomplished, the commander will direct that the form be accomplished and will take the following action:

- (1) If the DA Form 1111 is completed without qualifications, investigative or clearance action may be initiated. The DA Form 1111 will be filed as prescribed in CPR R1.
- (2) If the individual refuses to execute the form in its entirety or makes an entry thereon, indicating that information within the criteria outlined in paragraph 17, SR 620-220-1, may exist, action will be taken in accordance with SR 620-220-1.

- (3) Failure or refusal to execute and submit DA Form 1111 is a basic disqualification for employment and clearance will not be granted.

22. Validation of DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450). *a.* When a gaining command, or agency, accepts a previous security clearance issued by another command, agency, or activity, and a review of the individual's USACRF investigative dossier has not been made, part VI of the DA Form 873 contained in the individual's military field 201 file or civilian personnel folder will be validated as follows:

Validated in accordance with paragraph 22a, AR 604-5, by (validating headquarters) on (date of validation) by (signature, typed name, grade, title of validating authority).

b. When a gaining command or agency accepts a previous security clearance issued by another command, agency, or activity, and a review of the individual's USACRF investigative dossier has been made, part VI of the DA Form 873 contained in the individual's field military 201 file or civilian personnel folder will be validated as follows:

Validated in accordance with paragraph 22b, AR 604-5 by (validating headquarters) on (date of validation) by (signature, typed or stamped name, rank, title of validating authority).

c. Prior to validating a previous clearance, the following local files will be reviewed:

- (1) Field military 201 file or civilian personnel folder.
- (2) Medical records (when medical records of civilian personnel are available, they will be checked).

d. The provisions of *a* above do not apply when validating the clearance of an individual selected for assignment to a USP. The USACRF dossier as well as the files listed in *c* above will be reviewed in each such case.

23. Record of security clearance. *a.* Interim and final security clearances granted under this regulation will be made a matter of record and a copy of the most recently issued final clearance (DA Form 873) will become a permanent part of the individual's USACRF file and a semipermanent part of his field military 201 file or official civilian personnel folder, as appropriate. In the

case of military personnel, entries must also be made on DA Form 66 (Officer Qualification Record) or DA Form 20 (Enlisted Qualification Record) in accordance with AR 611-103 and AR 600-200.

b. An unclassified DA Form 873 will be executed on all interim and final security clearances for access to TOP SECRET, SECRET, and CONFIDENTIAL information unless an appropriate certificate of final clearance, based upon current investigative standards, is already posted in the field military 201 file or civilian personnel folder (except that CONFIDENTIAL clearance granted military personnel need only be recorded on the DA Form 66 or DA Form 20 in accordance with *a* above). All copies will be signed by authority of the commander authorized to grant clearance. Final clearance certificates once granted remain valid unless revoked for cogent reason(s) or become invalid by reason of upgrading the degree of security clearance (e.g., SECRET to TOP SECRET), discharge, resignation, or retirement. The distribution of certificates of clearance will be as follows:

- (1) *Interim clearance certificates.* One copy will be placed within the field military 201 file or official civilian personnel folder until removed for cause or replaced by a certificate granting final clearance.
- (2) *Final clearance certificates.*
 - (a) The original will be placed in the individual's field Personnel Records Jacket (DA Form 201) or official civilian personnel folder and maintained as a semi-permanent record.
 - (b) One copy will be forwarded to the Commanding Officer, U.S. Army Counterintelligence Records Facility (USACRF), Fort Holabird, Md., for inclusion in the individual's USACRF dossier.
 - (c) In the case of civilian employees who are also members of the Army National Guard or U.S. Army Reserve, additional distribution bearing a notation thereon of the military status of the individual will be made as follows:
 1. One copy to the adjutant general of the appropriate State, Commonwealth of Puerto Rico, or the Dis-

