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No. 2 }

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 11 August 1971

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

*Effective 1 October 1971*

*This change contains modified criteria for the acceptance, for clearance purposes, of investigations conducted by investigative agencies of the Federal Government and adds chiefs of Army elements of unified and specified commands to the list of clearance authorities.*

AR 604-5, 29 December 1969, is changed as follows:

1. Changed material is indicated by a star.
2. Remove old pages and insert new pages as indicated below:

<i>Remove pages</i>	<i>Insert pages</i>
i	i
1-3 through 1-5	1-3 through 1-5
2-1 through 2-4	2-1 through 2-4
3-3 and 3-4	3-3 and 3-4

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is the Office of the Assistant Chief of Staff for Intelligence. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to Assistant Chief of Staff for Intelligence, ATTN: DAMI-DOS-P, Department of the Army, Washington, DC 20310.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,  
*General, United States Army,*  
*Chief of Staff.*

Official:

VERNE L. BOWERS,  
*Major General, United States Army,*  
*The Adjutant General.*

Distribution:

*Active Army, ARNG, USAR:* To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Security Clearance A (Qty Rqr Block No. 446).

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No. 1 }

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 16 April 1970

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

*Effective 1 June 1970*

*This change contains a new provision which specifically prohibits the use of facsimile signatures on DA Forms 873 (Certificate of Clearance and/or Security Determination), and administrative modifications of the basic regulation.*

AR 604-5, 29 December 1969, is changed as follows:

1. Changed material is indicated by a star.
2. Remove old pages and insert new pages as indicated below:

<i>Remove pages</i>	<i>Insert pages</i>
✓ 1 5.....	1-5
✓ 2-1 and 2-2.....	2-1 and 2-2
✓ 3-1 and 3-2.....	3-1 and 3-2
✓ 4 3 through 4-7.....	4 3 through 4-7

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By Order of the Secretary of the Army:

W. C. WESTMORELAND,  
*General, United States Army,  
Chief of Staff.*

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

Distribution:  
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No. 604-5

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 29 December 1969

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

*Effective 1 March 1970*

*This is a complete revision of AR 604-5 and changes are made throughout pertaining to the policy and procedures governing the granting, denial, and revocation of personnel security clearances. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to the Assistant Chief of Staff for Intelligence, ATTN: ACSI-CISP; other commands will furnish one copy to the next higher headquarters.*

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\*This regulation supersedes AR 604-5, 28 January 1966, including all changes.

## CHAPTER 1

### GENERAL

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

**1-2. Relation to other regulations.** While this regulation covers the procedures for the granting, denial, and 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 counterintelligence investigations incident to clearance for access to classified defense information.

**1-3. 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 contract 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 overseas areas. This regulation is also applicable in those cases where clearance is requested for members and employees of the Army National Guard.

**1-4. Explanation of terms.** *a. Department of the Army.* Defined in AR 310-25.

*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, and subversion, and any and all other acts designed to weaken or destroy the United States.

*e. Commander.* For the purpose of this regulation, the term "commander" includes persons occupying positions listed in paragraph 1-6a and all others to whom authority to grant clearance has been properly delegated.

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

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

*h. National of the United States.* A citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States. The provisions of this regulation applicable to U.S. citizens are equally applicable to nationals of the United States.

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

*j. Limited access authorization.* Limited access authorization as used herein is 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 one year.

*k. Polygraph examination.* For the purpose of this regulation, a polygraph examination is an examination of an individual on a voluntary basis conducted by qualified examiners 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 other personnel security questionnaires as set forth in AR 381-130 and DoD 5220.22R (Indus-

trial Security Regulation). The polygraph may be used to verify other pertinent information available or to provide leads for further investigation. The provisions of AR 190-32 apply.

*l. Derogatory information.* Information of such nature as to constitute a possible basis for denial or revocation of a 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, integrity, 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 favorable personnel actions. Examples of adverse suitability information are contained in paragraphs 3-1a(16) through (21) and (23).

*m. Access to classified defense information.* Defined in AR 310-25.

*n. Suspension of access.* The temporary withdrawal of an individual's 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 thereof, the individual's access will be immediately restored or revocation proceedings instituted.

*o. Critical sensitive or noncritical sensitive positions.* See AR 690-1.

*p. Revocation of security clearance.* The withdrawal and cancellation of an individual's security clearance for cause (para 4-5).

*q. Denial of security clearance.* The refusal to grant a security clearance, or the refusal to grant a higher degree of clearance to one who possesses a clearance of a lower degree.

**1-5. 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 will be entrusted only to those individuals whose official military or other governmental duties require such knowledge or possession and who have been investigated and cleared for access in accordance

with the minimum standards prescribed by this regulation. Clearances indicate that the persons concerned are eligible for access to classified information should their official duties so require.

*b.* No person will be granted a security clearance unless it has been 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 necessary action for final clearance. The granting of interim clearances will be kept to the absolute minimum to fulfill the mission of the U.S. Army. Interim clearances will be terminated immediately following the receipt and adjudication of the results of the counterintelligence investigations conducted in conjunction therewith.

*d.* Aliens, other than immigrant aliens, and foreign nationals are not eligible for security clearances but may, in exceptional circumstances, be granted limited access authorizations for access to classified defense information under the provisions of paragraph 2-5.

*e.* An immigrant alien may be granted a final security clearance based on a complete background investigation as outlined in appendix II, AR 381-130, provided there is 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. In those instances where some aspects of the background investigation may not be possible of achievement because of geographical or political limitations, a limited access authorization may be granted in accordance with paragraph 2-5.

*f.* Final security clearance certificates will not be invalidated merely because an individual has been assigned to duties that do not require access to the

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same or lower degree of classified information or because an individual's permanent station has been changed to a station outside the jurisdiction of the original clearance authority. Such certificates should be invalidated or reissued only when the clearance has been revoked in accordance with paragraph 4-5 or becomes invalid by reason of upgrading the degree of clearance (e.g., SECRET to TOP SECRET), discharge, resignation, or retirement.

g. The minimum investigative requirements prescribed in this regulation will be adhered to; however, clearance authorities are authorized to request counterintelligence investigations at any time deemed essential in the interest of national security.

h. 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 or BI in accordance with the provisions of AR 604-20 prior to his assignment.

i. 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. This requirement applies to boards which pass upon alleged disloyal, subversive, or disaffected civilian and military personnel.

j. Authority for granting, denying, and revoking security clearances pertaining to civilian and military members of the Department of the Army who are assigned or detailed to other services or agencies is limited to the Department of the Army.

k. Review of a general officer's US Army Investigative Records Repository (USAIRR) dossier, when required pursuant to this regulation, will be conducted at the US Army Intelligence Command. Requests for such review may be submitted only by the clearance authorities specifically listed in paragraph 1-6. Such requests will be made in writing to the Commanding General, US Army Intelligence Command, ATTN: Chief, USAPSG, Fort Holabird, MD 21219, and will contain the general officer's full name, date and place of birth, and specific rea-

son 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.

★1-6. 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, US Army Air Defense Command, US Army Combat Developments Command, US Army Materiel Command, US Army Security Agency, US Army Strategic Communications Command, US Continental Army Command, CONUS Armies, US Army Military District of Washington, US Army Intelligence Command, US Army Recruiting Command, Military Traffic Management and Terminal Service, DA, US Army Computer Systems Command, major oversea commands, Army component commanders and chiefs of Army elements of unified and specified commands, Commandant, National War College, and Commandant, Industrial College of the Armed Forces. These officials may redelegate security clearance authority to commanders of subordinate field elements in order to expedite security clearance actions. Such re-delegation will not normally be made to echelons below that at which the Military Personnel Records Jacket and Civilian Official Personnel Folders are maintained. 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 based on a favorable background investigation.

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 classified defense information, insure that the individual is familiar with the provisions of AR 380-5, and AR 381-12.

*e.* Upon granting security clearances, 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.

**1-7. Reciprocal acceptance of previous investigations and clearances.** *a.* Army clearance authorities are encouraged to accept from other commands, services, and agencies, on a mutual and reciprocal basis the results of previous investigations and 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 and provided the investigative files are available for review by clearance authorities or Department of Army investigative agencies. Such reciprocity will avoid repetitious filing of personal history statements, the time and expense of multiple investigations and multiple clearances. However, this only applies 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.

**1-8. 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 or deny 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, or if the individual has been denied the required security clearance, the commander will 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 initiate security proceedings and to deny or revoke a security clearance 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 a Department of the Army responsibility to ad-

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vising 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 agency or service determine that the individual cannot have access to classified defense information in its custody after receipt of such information from the Department of the Army or its own sources, the agency will assign the individual to other duties within its own organization or, if desired, revoke the detail or assignment and request the Chief of Personnel Operations, Department of the Army, Washington, DC 20310, to furnish reassignment orders. If a decision is made to request reassignment instructions, the using service or agency will notify the Commanding General, US Army Intelligence Command, ATTN: Chief, USAPSG, Fort Holabird, MD 21219 of this action, including the reasons therefor. Upon receipt of reassignment orders by the using service or agency, the Commanding General, US Army Intelligence Command, ATTN: Chief, USAPSG, will be furnished a copy of such orders. The responsibility to initiate security proceedings and to deny or revoke a security clearance pertaining to Army personnel rests with the Department of the Army.

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

(1) The US Army Intelligence Command, Fort Holabird, Maryland, is designated the Department of the Army element for granting and denying personnel security clearance pertaining to Army members who are assigned or detailed 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 and

chiefs of Army elements of unified and specified commands are responsible for granting, validating, and denying personnel security clearances pertaining to Army members assigned or detailed to their commands.

**1-9. Security clearances of separated Department of the Army personnel.** *a.* Clearances granted under this regulation become invalid upon termination of the individual's service with the Army by reason of discharge, resignation or retirement.

*b.* Retired general officers may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 1-6a, 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 unless terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

**1-10. Implementation at 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.

**1-11. Combat operations.** Under combat conditions, or similar military exigencies, authorities listed in paragraph 1-6a may waive such provisions of this regulation as are operationally necessary and warranted by the circumstances. In all such cases, the commander instituting the waiver will insure that the investigative or other prerequisites waived are complied with as soon as circumstances permit.

## CHAPTER 2

### INVESTIGATIONS

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**2-1. Types of investigations required for access.** *a.* The types of personnel security investigations normally required as a basis for granting clearances for 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 2-2, the type of 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 citizenship status.

**2-2. Type of investigation required for access to 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 3-1 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—US citizens. Background Investigation.

(b) Military personnel—US citizens. Background Investigation.

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

(2) *Interim clearance.*

(a) Civilian personnel—US 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 given 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—US citizens. National Agency Check or Entrance National Agency Check.

(c) Immigrant aliens (civilian or military). No interim clearance authorized.

*e. SECRET*

(1) *Final clearance.*

(a) Civilian personnel—US citizens.

★1. National Agency Check plus written inquiries to appropriate local law enforcement agencies, former employers and supervisors, 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 12 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—US citizens, National Agency Check or an Entrance National Agency Check.

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

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

(2) *Interim clearance.*

(a) Civilian personnel—US citizens.

1. National Agency Check.

2. In case of an emergency, interim clearance for access to SECRET may be granted for a limited period providing a National Agency Check has been initiated and the Secretary of the Army or an authority listed in paragraph 1-6 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 records listed in paragraph 4-1a.

(b) Military personnel—US 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 Personnel Records Jacket, local intelligence files, provost marshal files, and medical records.

(c) Immigrant aliens (civilian or military). No interim clearance authorized.

d. *CONFIDENTIAL.*

(1) *Final clearance.*

★(a) Civilian personnel—US citizens. National Agency Check plus written inquiries. 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 12 months) immediately preceding the date of the current investigation.

(b) Military personnel—US citizens. A check of the Military Personnel Records Jacket, local intelligence files, provost marshal files, and medical records.

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

(2) *Interim clearance.*

(a) Civilian personnel—US citizens.

1. National Agency Check.

2. In case of emergency, interim clearance may be granted for a limited period pro-

vided a National Agency Check has been initiated and an authority listed in paragraph 1-6 finds such action necessary in the interest of the national security and makes a record of such finding. In every case this action will be based upon a check of records listed in paragraph 4-1a.

(b) Military personnel—US citizens. Interim clearance is 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. *Standards.* Authorities listed in paragraph 1-6a will insure that all new security clearances issued subsequent to the date of this regulation are based on the investigative standards contained herein.

f. *Previous clearances.* 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 ENTNAC, NAC, or BI is more than 5 years old. All requests for National Agency Checks under this provision, including requests submitted by authorized requesters of the Army National Guard and US Army Reserve, will be processed. When an NAC has been completed pursuant to this subparagraph, and the previous investigation was a background or full field investigation, the results of the NAC will be recorded in Part III, Remarks of the DA Form 873 (Certificate of Clearance and/or Security Determination). In those instances where the previous investigation was an NAC or an ENTNAC, a new DA Form 873 will be issued based on the new NAC.

2-3. *Access pending clearance requirements—*

US 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 tasks and, because of exceptional circumstances, the delay caused by awaiting interim clearance would be harmful to the national interest, authorities listed in paragraph 1-6a may authorize such access to

US citizens based on a favorable check of the individual's Military Personnel Records Jacket or Civilian Official Personnel Folder, local intelligence, provost marshal, and medical 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 organization authorizing the access. In each case of granting emergency immediate access, a record of the authorization will be made and the clearance authority will have initiated the action necessary for final clearance.

**★2-4. Acceptance of prior investigations conducted by Federal governmental agencies for clearance purposes.** *a. Prior investigation.*

Whenever a prior investigation by any investigative agency of the Federal Government meets the criteria set forth in paragraph 2-2 and in AR 381-130, clearance may be granted upon review of the previous investigation provided that service with the Federal Government or a Federal Government contractor (e.g., personnel employed in the Industrial Security Program) has been continuous with no break in service longer than 12 months since completion of the 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 current Department of the Army criteria, 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 subject to the conditions outlined in *a* above.

(a) National Agency Check including FBI technical fingerprint search conducted by a US Government agency pursuant to Executive Order 10450.

(b) A "Full Field Investigation" conducted pursuant to Executive Order 10450 by a US Government agency may be accepted, provided it is determined upon review of the in-

vestigative report that it meets the standards prescribed in 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 employee's Civilian Official Personnel Folder reveals that his Application for Federal Employment bears a notation indicating that 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 or other administrative action, the requesting command will forward the CSC Form 715 to the US Army Investigative Records Repository, Fort Holabird, MD 21219, for appropriate disposition.

★(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 US Government agency is conducting or has, within the past 12 months, completed a National Agency Check that meets the scope prescribed in appendix I, AR 381-130.

**2-5. Access by aliens and foreign nationals.**

Aliens and foreign nationals are not eligible for a security clearance. (See paragraph 1-5e 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 as 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 secur-

ity. 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. The commander granting access must insure that access is strictly controlled. 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 1-6a.

(3) CONFIDENTIAL—Authorities listed in paragraph 1-6a 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, as indicated in c above, upon granting a limited access authorization will execute DA Form 3028-R (Limited Access Authorization) (fig. 2-1). 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 Director, US Army Investigative Records Repository (USAIRR), Fort Holabird, MD 21219, for inclusion in the individual's dossier. Renewal requests will be processed through the channels provided for original requests. Reinvestigation will be accomplished every 3 years (minimum) during the period of authorization but need not include an additional polygraph examination unless security considerations present in an individual case warrant such re-examination (e.g., individuals with relatives residing in Communist or Soviet-bloc countries or other areas where the Department of the Army has no investigative capability). DA Form 3028-R will be reproduced locally on 8- by 10½-inch paper (image size, 7 inches by 9½ inches). The form will be prepared in triplicate and distributed as follows:

(1) The original will be forwarded to the organization to which the individual is assigned for inclusion in his Military Personnel Records Jacket or Civilian Official Personnel Folder, as appropriate.

(2) One signed copy will be retained by the issuing authority while the authorization is in force.

(3) One signed copy will be forwarded through intelligence channels to the Director, US Army Investigative Records Repository, Fort Holabird, MD 21219 for inclusion in the USAIRR dossier.

<b>LIMITED ACCESS AUTHORIZATION</b> (Aliens, Immigrant Aliens, Foreign Nationals)		
For use of this form, see AR 604-5; the proponent agency is Office of Assistant Chief of Staff for Intelligence.		
Originating Headquarters	Date	
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.		
Name (Last - First - Middle)		
Grade	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 paragraph 2-5, AR 604-5 was completed		
Command which conducted investigation and polygraph examination		
Date polygraph examination completed	Name of polygraph examiner	
Typed name, grade and title of officer granting authorization	Signature	

DA FORM 3028-R, 1 Dec 69

Replaces edition of 1 Feb 66, which is obsolete.  
(Paper size, 8" x 10½"; image size, 7" x 9½")

Figure 2-1

## CHAPTER 3

## CRITERIA

**3-1. 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 commonsense 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 or 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 to the Constitution of the United States 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 organizations.

(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 subject 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 any 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 deliberately 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 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: CISP, Department of the Army. This report will contain the name of the individual involved; grade and social security account number (SSAN) or, in the case of civilian employees, grade, position title, and SSAN; 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. In those instances where the aforementioned report is submitted, a terminal report will be rendered when the case has been resolved. Upon completion of the appropriate inquiry or investigation and review of all pertinent

★facts, both favorable and unfavorable, the commander authorized to grant clearance will make a determination whether to permit the clearance to remain in force or to take action in accordance with paragraph 4-5. Additional action, if appropriate, may be initiated in accordance with AR 600-31, AR 604-10, AR 690-1, AR 381-115, AR 230-15, AR 640-98, AR 604-11, The Uniform Code of Military Justice, CPR S1, or other pertinent directives. Commanders and supervisors must be continuously alert in order to promptly detect delinquent, irresponsible or irrational conduct on the part of subordinates cleared for 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 any counterintelligence investigation conducted for purposes other than clearance develops derogatory information which does not warrant unfavorable personnel action, the individual's DA Form 66 (Officer Qualification Record) or DA Form 20 (Enlisted Qualification Record), as applicable, will be annotated "Paragraph 3-1d, 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 (National Agency Check Request) or DA Form 2784 (Request for and Results of Personnel Security Action), as appropriate, which will be forwarded with the case file to the USAIRR, Fort Holabird, MD

21219. In the instances of newly commissioned officers being ordered to active duty for whom a DA Form 66 has not yet been established, the individual's orders to active duty will reflect the type and date of completion of the investigation, agency that conducted it, and contain the statement "Paragraph 3-1d, AR 604-5 applies." The commander of the individual's first duty station will insure that the information is entered on the DA Form 66 when prepared. 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 required;

(2) Take action to deny security clearance as outlined in paragraph 4-5; or

(3) Request additional investigation upon which to base definitive action under (1) or (2) above.

**3-2. 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 TOP SECRET, SECRET, and CONFIDENTIAL defense information as set forth in paragraph 2-2 of this regulation, AR 50-3 and AR 380-150.

**3-3. Access to classified cryptographic information.** a. *General.* Authorities listed in paragraph 1-6a, 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) US citizens must possess a security clearance granted in accordance with this regulation for access to classified defense informa-

tion 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.

(d) Authorized access to research and development information concerning cryptographic information.

(3) All other aliens are ineligible for access to classified 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. (See AR 380-10.)

*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 authori-

zation for access will include as 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 4-6.

*d. Termination of access.* When it is determined that an 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 instructions and reminders that the safeguarding of classified cryptographic information is important to the national security, that the individual is 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 4-6.

*e. Limited access.* To meet operational requirements, US citizens 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;

(4) The Director, National Security Agency has designated the cryptomaterial as exempt from the formal authorization requirement.

## CHAPTER 4

### ADMINISTRATION

**4-1. Request for investigation.** *a. Submission.* A commanding officer, his representative, or higher authority, upon determining that a counterintelligence investigation is required in conjunction with a security clearance action, will request such investigation in accordance with AR 381-130. (Civilian 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 of 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: Military Personnel Records Jacket or Civilian Official Personnel Folder, intelligence files, provost marshal files, medical records (when medical records pertaining to civilians are available, they will be checked). If the results of the local files 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 AR 690 -1, no action will be taken to grant an interim or final clearance until a complete review of the individual's 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 to satisfy final clearance requirements be forwarded when information obtained from the individual's DD Form 398, medical record or other source indicates the existence, current or past, of any mental or nervous disorder, or emotional instability unless competent medical authority certifies the disorder or instability has been overcome

or is of such a nature that it does not impair the individual'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. Local file checks are not required when requesting routine Entrance National Agency Checks or National Agency Checks on nonprior service Regular Army personnel and inductees undergoing basic training. However, in all cases, local files will be checked prior to the granting of a security clearance.

*b. Retention of request for investigation.* A file copy of DA Form 2784 and/or a file copy of DD Form 1584 will be maintained in the individual's Military Personnel Records Jacket or Civilian Official Personnel Folder, as appropriate. These file copies will be removed and destroyed when the results of investigations are received and a determination has been made as to whether the subject of the 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 4-5.

(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 does not maintain a dossier in such cases.

*c. Cancellation of investigation.* When the need for a Background Investigation 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: ICDI, Fort Holabird, Maryland. Requests for NAC's already submitted will not be canceled. In the event the subject of an in-

vestigation is reassigned within the Department of the Army during the course of any investigation, the control office will be notified so that the results of the investigation may be forwarded to the gaining command.

*d. Preliminary report.* A preliminary report will be furnished the requester whenever unfavorable information which might warrant a denial of a 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. 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 Army National Guard unit 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 instances 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 the 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 the commanders of appropriate CONUS Armies, MDW, and oversea commands. The granting of security clearances for access to CONFIDENTIAL classified defense information is the responsibility of the 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 appropriate CONUS Army, MDW, or oversea command, major commanders will accept for processing, requests for personnel security investigations submitted by the Adjutants General of the states, the District of Columbia, and the Commonwealth of Puerto Rico, in order to insure that achievement of operational readiness by National Guard units will not be handicapped because of a lack of security clearances. 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, the

District of Columbia, and the Commonwealth of Puerto Rico.

(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 adjutants general of the States, the District of Columbia, or the Commonwealth of Puerto Rico. If an adverse determination is made 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 of each access authorization granted. In the event the CONUS Army concerned receives information sufficiently derogatory to constitute a basis for denial of a security clearance, Commanding General, ARADCOM will be informed immediately.

g. *Reports of investigation to the Civil Service Commission.* Refer to AR 604-305 and AR 690-1 for specific guidance pertaining to mandatory reporting procedures by Control Offices and employing installations/activities.

h. *Forwarding results.* The requesting command will indicate the estimated reporting date on investigative requests when the requests are forwarded to a gaining command for action. If, upon receipt of such results, the gaining command cannot locate the subject of an investigation 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 concerned and forward the investigative results to the correct address. The investigative results will not be forwarded to the USAIRR for action.

4-2. Recording of security clearances. ★a. In-

terim and final security clearances granted under the provisions of this regulation will be made a matter of record on DA Form 873 except that CONFIDENTIAL clearances granted military personnel need only be recorded on DA Form 66 or DA Form 20, as appropriate, in accordance with c below. All copies of DA Form 873 will be signed by authority of the commander authorized to grant clearance. (Facsimile signatures on DA Forms 873 are not acceptable.) When a valid DA Form 873 is already filed in the Military Personnel Records Jacket or Official Civilian Personnel Folder, clearance authorities may continue to permit access to classified information, if required, subject to the provisions of paragraph 4-3. 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. If interim certificate is removed for cause, paragraph 4-5 applies.

(b) *Civilian personnel.* One copy will be filed on the right side of the Official Civilian Personnel Folder until replaced by a certificate of final clearance. If interim certificate is removed for cause, paragraph 4-5 applies.

(2) *Final clearance certificates.*

(a) For military personnel the original will be placed in the military history 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. Upon discharge or relief from active duty, the last certificate issued will be retained in the Military Personnel Records Jacket as a permanent document.

(b) For civilian personnel the original will be filed on the right side of the Official Civilian Personnel Folder.

(c) In the case of officers and warrant officers on active duty, one copy will be forwarded to The Adjutant General, Department of the Army, ATTN: Personnel Records Division, Washington, DC 20315 for inclusion in the officer's Official Military Personnel Folder. Only the last certificate issued will be retained in this file.

★(d) In the case of enlisted personnel on

active duty, one copy will be forwarded to the Commanding Officer, United States Army Enlisted Personnel Support Center, Fort Benjamin Harrison, IN 46249 for inclusion in the member's Official Military Personnel Folder. Only the last certificate issued will be retained in this file.

(e) One copy will be forwarded to the Director, U.S. Army Investigative Records Repository, Fort Holabird, MD 21219 for inclusion in the individual's USAIRR dossier. However, clearances granted solely on the basis of a favorable ENTNAC, NAC, or NACI 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 ENTNAC, NAC, or NACI, is maintained by the Defense Central Index of Investigations (DCII).)

(f) 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, District of Columbia, or the Commonwealth of Puerto Rico in the case of National Guard personnel.

2. One copy to the Reserve unit concerned in the case of unit personnel, or to the USAR Control Group to which the individual is assigned in the case of non-unit personnel who are members of the U.S. Army Reserve.

(3) *Additional distribution.* When 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 all copies of 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 or DA Form 20 in accordance with AR 611-103 or AR 600-200, as appropriate. Such entries do not constitute a basis for issuing DA Forms 873.

**4-3. Validation of final security clearances.** a. Clearance authorities specified in paragraph 1-6a 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 and SECRET clearances will take the following action:

(1) *TOP SECRET.*

(a) Check local files specified in paragraph 4-1a and, within 60 days of the arrival of the newly assigned member, conduct a USAIRR file check to determine that the type, 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 V of the DA Form 873. Enter the date USAIRR verification check was accomplished in Part III, Remarks.

(2) *SECRET.*

(a) Check local files specified in paragraph 4-1a. (If this check reveals that the individual has been processed under the provisions of AR 604-10 or paragraph 3-1d, this regulation, the USAIRR file will be reviewed prior to validation.)

(b) Within 60 days, validate clearance by completing Part V of the DA Form 873 and enter the date USAIRR verification was completed in Part III, Remarks, if verification was accomplished.

b. The requirements in a(1) and (2) above are mandatory only if the gaining command proposes to allow access on the basis of a previously granted clearance. No validation action is required in those instances where the individual is to be assigned to duties which do not require access to classified information.

c. Security clearances issued or validated by clearance authorities listed in paragraph 1-6, or their delegated representatives, need not be validated or revalidated due solely to transfer of an individual between units, activities, or stations within the jurisdiction of any one of the clearance authorities specifically designated in paragraph 1-6.

**4-4. 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 predicated upon need for a security clearance action, or prior to the granting of a security clearance when investigation is not required, the command having cus-

tody 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 personnel records 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 a 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 Military Personnel Records Jacket.

(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 chapter 2, AR 604-10 may exist, action will be taken in accordance with the aforementioned regulation.

*b. Civilian personnel.* Prior to the initiation of a request for a personnel security investigation required as basis for 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 AR 690-1 is pending or contemplated, a request for clearance action may be initiated. Whenever the records reveal 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 qualification, investigative or clearance action may be initiated. The DA Form 1111 will be filed on the left side of the Civilian Official Personnel Folder.

(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 13, AR 690-1 may exist, action

will be taken in accordance with the aforementioned regulation.

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

**4-5. Denial or revocation of security clearances.** *a.* Whenever it is proposed to deny or revoke a security clearance, the commander concerned will so notify the affected military member or civilian employee of the Department of the Army, explain the reasons for the contemplated action, and offer the individual every reasonable opportunity to refute or explain the derogatory information which is the basis for the contemplated action. A final decision will be made only after consideration of such refutation or explanation. Notification need not be given to military personnel who have been dropped from the rolls of their organization for absence without authority or to individuals who have been convicted of a criminal offense by a civilian court, or a court-martial and incarcerated. Other 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 is prohibited by a non-Department of the Army agency which furnished it; would compromise an investigation in progress or a confidential or family source; is clearly contrary to the national interest; or may be detrimental to the mental health of the individual concerned. When such an exception is requested by the commander, the detailed pertinent facts and rationale will be forwarded through intelligence channels to the Assistant Chief of Staff for Intelligence, ATTN: ACSI-CISP, Department of the Army, Washington, DC 20310. In cases where 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 when the probability of compromise no longer exists and an adverse security determination is still considered necessary.

*b.* As soon as the commander concerned makes a final decision to deny or revoke a clearance, he will forward a letter report, through channels, to the Commanding General, U.S. Army Intelligence Command, ATTN: ICIRR, Fort Holabird, MD 21219, marked "FOR OFFICIAL USE ONLY"

or classified in accordance with AR 380-5. The letter report will be reviewed at the U.S. Army Intelligence Command and if it fails to meet the requirements of this subparagraph, it will be returned to the command concerned for appropriate action. The aforementioned report 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 denial or revocation; 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 rationale and conclusion regarding any explanation or refutation offered by the individual.

(4) Advise what disciplinary or further administrative action concerning the individual has been taken or is contemplated.

(5) Request, if the decision is to revoke the clearance, that all clearance certificates contained in the individual's USAIRR dossier be voided.

★(6) If the individual whose clearance is being revoked is an officer, warrant officer, civilian or senior grade enlisted member (E-7, E-8, or E-9), a statement will be included verifying compliance with paragraph 4-5*d, e, or f*, as appropriate.

*Note.* The provisions of (2) above and that portion of (3) above requiring the commander's conclusion regarding any explanation of refutation are not applicable to military personnel dropped from the rolls of their organization for AWOL or individuals convicted and incarcerated for commission of a criminal offense.

*c.* When a decision is made to revoke a clearance, the commander concerned will, in addition to complying with the procedures outlined above, take the following action:

(1) *Military personnel.*

(a) Withdraw and destroy the DA Form 873 contained in the individual's Military Personnel Records Jacket.

(b) Line out the entries on the DA Form

66 or DA Form 20, as appropriate, regarding the clearance.

(c) Forward an unclassified letter to each agency on distribution for the DA Form 873 (except the USAIRR) advising of the revocation action and requesting that all clearance certificates pertaining to the individual be destroyed.

(2) *Civilian personnel.*

(a) Void all clearance certificates in the individual's Official Civilian Personnel Folder. This will be accomplished by printing or stamping "REVOKED" on the face of the certificate and citing the authority therefor.

(b) Forward an unclassified letter to each agency on distribution for the DA Form 873 (except the USAIRR) advising of the revocation action and requesting that all clearance certificates pertaining to the individual be destroyed.

*d.* When the individual concerned is an officer or warrant officer, an information copy of the letter referred to in *c(1)(c)* above will be forwarded promptly to the Chief of Personnel Operations, Department of the Army, Washington, DC 20310, marked for the attention of the appropriate career branch.

*e.* When the individual concerned is a senior grade enlisted person (E-7, E-8, or E-9), an information copy of the letter referred to in *c(1)(c)* above will be forwarded promptly to the Chief of Personnel Operations, EPD, Senior Enlisted Control Branch, ATTN: EPADS, Department of the Army, Washington, DC 20310.

*f.* When a security clearance is revoked, the commander concerned will insure, whenever possible, that the individual is debriefed and required to execute a security termination statement in accordance with the provisions of AR 380-5.

**4-6. 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 3-3*e*). The completed forms will be filed in the individual's Military Personnel Records Jacket or on the left side of the Official Civilian Personnel Folder, as appropriate. The DA Form 2545 will be retained in the aforementioned files until

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cryptographic access is no longer required within the command granting access or is removed for cause under *b* below.

*b.* If an individual's security clearance is revoked, the DA Form 2545 in the individual's file will be forwarded as an inclosure to the letter re-

port forwarded to the USAIRR as required by paragraph 4-5*c*.

*c.* If for any reason an individual no longer requires access to classified cryptographic information to perform assigned official duties, debriefing will be accomplished in accordance with AR 380-5.

29 December 1969

AR 604-5

The proponent agency of this regulation is the Office of the Assistant Chief of Staff for Intelligence. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to Assistant Chief of Staff for Intelligence, ATTN: ACSI-CISP, Department of the Army, Washington, DC 20310.

By Order of the Secretary of the Army:

Official:

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

**W. C. WESTMORELAND,**  
*General, United States Army,*  
*Chief of Staff.*

Distribution:

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ARMY REGULATION

No. 604-5

C/2,

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 29 December 1969

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

*Effective 1 March 1970*

*This is a complete revision of AR 604-5 and changes are made throughout pertaining to the policy and procedures governing the granting, denial, and revocation of personnel security clearances. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to the Assistant Chief of Staff for Intelligence, ATTN: ACSI-CISP; other commands will furnish one copy to the next higher headquarters.*

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\*This regulation supersedes AR 604-5, 28 January 1966, including all changes.

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same or lower degree of classified information or because an individual's permanent station has been changed to a station outside the jurisdiction of the original clearance authority. Such certificates should be invalidated or reissued only when the clearance has been revoked in accordance with paragraph 4-5 or becomes invalid by reason of upgrading the degree of clearance (e.g., SECRET to TOP SECRET), discharge, resignation, or retirement.

*g.* The minimum investigative requirements prescribed in this regulation will be adhered to; however, clearance authorities are authorized to request counterintelligence investigations at any time deemed essential in the interest of national security.

*h.* 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 or BI in accordance with the provisions of AR 604-20 prior to his assignment.

*i.* 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. This requirement applies to boards which pass upon alleged disloyal, subversive, or disaffected civilian and military personnel.

*j.* Authority for granting, denying, and revoking security clearances pertaining to civilian and military members of the Department of the Army who are assigned or detailed to other services or agencies is limited to the Department of the Army.

*k.* Review of a general officer's U.S. Army Investigative Records Repository (USAIRR) dossier, when required pursuant to this regulation, will be conducted at the U.S. Army Intelligence Command. Requests for such review may be submitted only by the clearance authorities specifically listed in paragraph 1-6. Such requests will be made in writing to the Commanding General, U.S. Army Intelligence Command, ATTN: Chief, USAPSG, Fort Holabird, MD 21219, 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.

**1-6. 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 Developments Command, U.S. Army Materiel Command, U.S. Army Security Agency, U.S. Army Strategic Communications Command, U.S. Continental Army Command, CONUS Armies, Military District of Washington, U.S. Army Intelligence Command, U.S. Army Recruiting Command, Military Traffic Management and Terminal Service, DA, U.S. Army Computer Systems Command, major oversea commands, Army component commanders of unified and specified commands, and Commandant, National War College. These officials may redelegate security clearance authority to commanders of subordinate field elements in order to expedite security clearance actions. Such redellegation will not normally be made to echelons below that at which the Military Personnel Records Jacket and Civilian Official Personnel Folders are maintained. 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 based on a favorable background investigation.

*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 classified defense information, insure that the individual is familiar with the provisions of AR 380-5, and AR 381-12.

*e.* Upon granting security clearances, 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.

**1-7. Reciprocal acceptance of previous investigations and clearances.** *a.* Army clearance authorities are encouraged to accept from other commands, services, and agencies, on a mutual and reciprocal basis the results of previous investigations and 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 and provided the investigative files are available for review by clearance authorities or Department of Army investigative agencies. Such reciprocation will avoid repetitious filing of personal history statements, the time and expense of multiple investigations and multiple clearances. However, this only applies 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.

**1-8. 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 or deny 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, or if the individual has been denied the required security clearance, the commander will 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 initiate security proceedings and to deny or revoke a security clearance 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 a 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 agency or service determine that the individual cannot have access to classified defense information in its custody after receipt of such information from the Department of the Army or its own sources, the agency will assign the individual to other duties within its own organization or, if desired, revoke the detail or assignment and request the Chief of Personnel Operations, Department of the Army, Washington, DC 20310, to furnish reassignment orders. If a decision is made to request reassignment instructions, the using service or agency will notify the Commanding General, U.S. Army Intelligence Command, ATTN: Chief, USAPSG,

Fort Holabird, MD 21219 of this action, including the reasons therefor. Upon receipt of reassignment orders by the using service or agency, the Commanding General, U.S. Army Intelligence Command, ATTN: Chief, USAPSG, will be furnished a copy of such orders. The responsibility to initiate security proceedings and to deny or revoke a security clearance pertaining to Army personnel rests with the Department of the Army.

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

★(1) The U.S. Army Intelligence Command, Fort Holabird, Maryland, is designated the Department of the Army element for granting and denying personnel security clearance pertaining to Army members who are assigned or detailed 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 responsible for granting, validating, and denying personnel security clearances pertaining to Army members assigned or detailed to their commands.

**1-9. Security clearances of separated Department of the Army personnel.** *a.* Clearances granted under this regulation become invalid upon termination of the individual's service with the

Army by reason of discharge, resignation or retirement.

*b.* Retired general officers may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 1-6*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 unless terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

**1-10. Implementation at 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.

**1-11. Combat operations.** Under combat conditions, or similar military exigencies, authorities listed in paragraph 1-6*a* may waive such provisions of this regulation as are operationally necessary and warranted by the circumstances. In all such cases, the commander instituting the waiver will insure that the investigative or other prerequisites waived are complied with as soon as circumstances permit.

## CHAPTER 2

### INVESTIGATIONS

**2-1. Types of investigations required for access.** *a.* The types of personnel security investigations normally required as a basis for granting clearances for 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 2-2, the type of 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 citizenship status.

**2-2. Type of investigation required for access to 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 3-1 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 given 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 or Entrance 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, 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:

(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 an emergency, interim clearance for access to SECRET may be granted for a limited period providing a National Agency Check has been initiated and the Secretary of the Army or an authority listed in paragraph 1-6 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 records listed in paragraph 4-1a.

(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 Personnel Records Jacket, local intelligence files, provost marshal files, and medical records.

(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. 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 Personnel Records Jacket, 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 1-6 finds such action necessary in the interest of the national security and makes a record of such finding. In every case this action will be based upon a check of records listed in paragraph 4-1a.

(b) **Military personnel—U.S. citizens.** Interim clearance is 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. *Standards.* Authorities listed in paragraph 1-6a will insure that all new security clearances issued subsequent to the date of this regulation are based on the investigative standards contained herein.

f. *Precious clearances.* 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 ENTNAC, NAC, or BI is more than 5 years old. All requests for National Agency Checks under this provision, including requests submitted by authorized requesters of the Army National Guard and U.S. Army Reserve, will be processed. When an NAC has been completed pursuant to this subparagraph, and the previous investigation was a background or full field investigation, the results of the NAC will be recorded in Part III, Remarks of the DA Form 873 (Certificate of Clearance and/or Security Determination). In those instances where the previous investigation was an NAC or an ENTNAC, a new DA Form 873 will be issued based on the new NAC.

2-3. **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 tasks and, because of exceptional circumstances, the delay caused by awaiting interim clearance would be harmful to the national interest, authorities listed in paragraph 1-6a may authorize such access to U.S. citizens based on a favorable check of the individual's Military Personnel Records Jacket or Civilian Official Personnel Folder, local intelligence, provost marshal, and medical 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 organization authorizing the access. In each case of granting emergency immediate access, a record of the authorization will be made and the clearance authority will have initiated the action necessary for final clearance.

2-4. **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 meets the criteria set forth in paragraph 2-2 and 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 longer than 6 consecutive months since

completion of the 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 current Department of the Army criteria, 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 subject to the conditions outlined in *a* above.

(a) National Agency Check including FBI technical fingerprint search conducted by a U.S. Government agency pursuant to Executive Order 10450.

(b) A "Full Field Investigation" conducted pursuant to Executive Order 10450 by a U.S. Government agency may be accepted, provided it is determined upon review of the investigative report that it meets the standards prescribed in 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 employee's Civilian Official Personnel Folder reveals that his Application for Federal Employment bears a notation indicating that 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 or other administrative action, the requesting command will forward the CSC Form 715 to the U.S. Army Investigative Records Repository, Fort Holabird, MD 21219, for appropriate disposition.

(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. Government agency is conducting or has, within the past 6 months, completed a National Agency Check that meets the scope prescribed in appendix I, 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.

**2-5. Access by aliens and foreign nationals.** Aliens and foreign nationals are not eligible for a security clearance. (See paragraph 1-5e 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 as 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. The commander granting access must insure that access is strictly controlled. 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 1-6a.
- (3) CONFIDENTIAL—Authorities listed in paragraph 1-6a 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, as indicated in *c* above, upon granting a limited access authorization will execute DA Form 3028-R (Limited Access Authorization) (fig. 2-1). 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 Director, U.S. Army Investigative

Records Repository (USAIRR), Fort Holabird, MD 21219, for inclusion in the individual's dossier. Renewal requests will be processed through the channels provided for original requests. Reinvestigation will be accomplished every 3 years (minimum) during the period of authorization but need not include an additional polygraph examination unless security considerations present in an individual case warrant such re-examination (e.g., individuals with relatives residing in Communist or Soviet-bloc countries or other areas where the Department of the Army has no investigative capability). DA Form 3028-R will be reproduced locally on 8- by 10½-inch paper (image size, 7 inches by 9½ inches). The form will be prepared in triplicate and distributed as follows:

(1) The original will be forwarded to the organization to which the individual is assigned for inclusion in his Military Personnel Records Jacket or Civilian Official Personnel Folder, as appropriate.

(2) One signed copy will be retained by the issuing authority while the authorization is in force.

(3) One signed copy will be forwarded through intelligence channels to the Director, U.S. Army Investigative Records Repository, Fort Holabird, MD 21219 for inclusion in the USAIRR dossier.

facts, both favorable and unfavorable, the commander authorized to grant clearance will make a determination whether to permit the clearance to remain in force or to take action in accordance with paragraph 4-5. In addition action will be initiated in accordance with AR 600-31; AR 604-10, AR 690-1, AR 381-115, AR 230-15, AR 640-98, AR 604-11, The Uniform Code of Military Justice, CPR S1, or other pertinent directives, if appropriate. Commanders and supervisors must be continuously alert in order to promptly detect delinquent, irresponsible or irrational conduct on the part of subordinates cleared for 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 any counterintelligence investigation conducted for purposes other than clearance develops derogatory information which does not warrant unfavorable personnel action, the individual's DA Form 66 (Officer Qualification Record) or DA Form 20 (Enlisted Qualification Record), as applicable, will be annotated "Paragraph 3-1*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 (National Agency Check Request) or DA Form 2784 (Request for and Results of Personnel Security Action), as appropriate, which will be forwarded with the case file to the USAIRR, Fort Holabird, MD 21219. In the instances of newly commissioned officers being ordered to active duty for whom a DA Form 66 has not yet been established, the individual's orders to active duty will reflect the type and date of com-

pletion of the investigation, agency that conducted it, and contain the statement "Paragraph 3-1*d*, AR 604-5 applies." The commander of the individual's first duty station will insure that the information is entered on the DA Form 66 when prepared. 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 required;
- (2) Take action to deny security clearance as outlined in paragraph 4-5; or
- (3) Request additional investigation upon which to base definitive action under (1) or (2) above.

**3-2. 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 TOP SECRET, SECRET, and CONFIDENTIAL defense information as set forth in paragraph 2-2 of this regulation, AR 50-3 and AR 380-150.

**3-3. Access to classified cryptographic information.** *a. General.* Authorities listed in paragraph 1-6*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. citizens 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.

(d) Authorized access to research and development information concerning cryptographic information.

(3) All other aliens are ineligible for access to classified 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 related 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. (See AR 380-10.)

*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 4-6.

*d. Termination of access.* When it is determined that an 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 instructions and reminders that the safeguarding of classified cryptographic information is important to the national security, that the individual is 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 4-6.

*e. Limited access.* To meet operational requirements, U.S. citizens 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;
- (4) The Director, National Security Agency has designated the cryptomaterial as exempt from the formal authorization requirement.

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Fort Holabird, MD 21219, of this action, to include the reasons therefor. Upon receipt of reassignment orders by the using service or agency, the Commanding General, U.S. Army Intelligence Command, ATTN: Chief, USAFSG, will be furnished a copy of such orders. The responsibility to initiate security proceedings and to deny or revoke a security clearance pertaining to Army personnel rests with the Department of the Army.

*d.* Responsibility for granting security clearances to Army members who are assigned or detailed to other services, DoD agencies and unified and specified commands follows:

(1) The U.S. Army Intelligence Command, Fort Holabird, Maryland 21219, is designated the Department of the Army element for granting, validating, and denying personnel security clearance pertaining to Army members who are assigned or detailed 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 responsible for granting, validating, and denying personnel security clearances pertaining to Army members assigned or detailed to their commands.

**1-9. Security clearances of separated Department of the Army personnel.** *a.* Clearances granted under this regulation become invalid upon termination of the individual's service with the

Army by reason of discharge, resignation or retirement.

*b.* Retired general officers may participate in classified conferences, or a particular activity or project, under the supervision and at the request of one of the officials designated in paragraph 1-6*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 unless terminated by the Assistant Chief of Staff for Intelligence, Department of the Army.

**1-10. Implementation at 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.

**1-11. Combat operations.** Under combat conditions, or similar military exigencies, authorities listed in paragraph 1-6*a* may waive such provisions of this regulation as are operationally necessary and warranted by the circumstances. In all such cases the commander instituting the waiver will insure that the investigative or other prerequisites waived are complied with as soon as circumstances permit.

Fort Holabird, MD 21219 of this action, including the reasons therefor. Upon receipt of reassignment orders by the using service or agency, the Commanding General, U.S. Army Intelligence Command, ATTN: Chief, USAPSG, will be furnished a copy of such orders. The responsibility to initiate security proceedings and to deny or revoke a security clearance pertaining to Army personnel rests with the Department of the Army.

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## CHAPTER 2

### INVESTIGATIONS

**2-1. Types of investigations required for access.** *a.* The types of personnel security investigations normally required as a basis for granting clearances for 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 2-2, the type of 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 citizenship status.

**2-2. Type of investigation required for access to 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 3-1 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.
- (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 assign-

ment to, critical sensitive positions. Approval for granting such clearances must be given 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 or Entrance 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, 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.

(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 an emergency, interim clearance for access to SECRET may be granted for a limited period providing a National Agency Check has been initiated and the Secretary of the Army or an authority listed in paragraph 1-6 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 records listed in paragraph 4-1a.

(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 Personnel Records Jacket, local intelligence files, provost marshal files, and medical records.

(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. 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 Personnel Records Jacket, 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 1-6 finds such action necessary in the interest of the national security and makes a record of such finding. In every case this action will be based upon a check of records listed in paragraph 4-1a.

(b) Military personnel—U.S. citizens. Interim clearance is 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. Standards.* Authorities listed in paragraph 1-6a will insure that all new security clearances issued subsequent to the date of this regulation are based on the investigative standards contained herein.

*f. Previous clearances.* 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 ENTNAC, NAC, or BI 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. When an NAC has been completed pursuant to this subparagraph, and the previous investigation was a background or full field investigation, the results of the NAC will be recorded in Part III, Remarks of the DA Form 873 (Certificate of Clearance and/or Security Determination). In those instances where the previous investigation was an NAC or an ENTNAC, a new DA Form 873 will be issued based on the new NAC.

**2-3. 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 tasks and, because of exceptional circumstances, the delay caused by awaiting interim clearance would be harmful to the national interest, authorities listed in paragraph 1-6a may authorize such access to U.S. citizens, based on a favorable check of the individual's Military Personnel Records Jacket or Civilian Official Personnel Folder, local intelligence, provost marshal, and medical 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 organization authorizing the access. In each case of granting emergency immediate access, a record of the authorization will be made and the clearance authority will have initiated the action necessary for final clearance.

**2-4. 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 meets the criteria set forth in paragraph 2-2 of this regulation and 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 longer than 6 consecutive months since

## CHAPTER 3

### CRITERIA

**3-1. 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 commonsense 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 or access to classified defense information, or revocation of clearance.

(1) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereof or preparation thereof; 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 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 to the Constitution of the United States 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 organizations.

(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, Communists, 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 subject 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 any 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 deliberately or inadvertently, in activities inimical to the security of the United States.

(19) All other behavior, activities, or asso-

ciations 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 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: CISP, Department of the Army. This report will contain the name of the individual involved; grade and Social Security Account Number (SSAN) or, in the case of civilian employees, grade, position title, and SSAN; 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. In those instances where the aforementioned report is submitted, a terminal report will be rendered when the case has been resolved. Upon completion of the appropriate inquiry or investigation and review of all pertinent

District of Columbia, and the Commonwealth of Puerto Rico.

(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 Adjutants General of the states, the District of Columbia, or the Commonwealth of Puerto Rico. If an adverse determination is made 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 of each access authorization granted. In the event the CONUS Army concerned receives information sufficiently derogatory to constitute a basis for denial of a security clearance, Commanding General, ARADCOM will be informed immediately.

*g. Reports of investigation to the Civil Service Commission.* Refer to AR 604-305 and AR 690-1 for specific guidance pertaining to mandatory reporting procedures by Control Offices and employing installations/activities.

*h. Forwarding results.* The requesting command will indicate the estimated reporting date on investigative requests when the requests are forwarded to a gaining command for action. If, upon receipt of such results, the gaining command cannot locate the subject of an investigation 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 concerned and forward the investigative results to the correct address. The investigative results will not be forwarded to the USAIRR for action.

**4-2. 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 except that CONFIDENTIAL clearances granted military personnel need only be recorded on DA Form 66 or DA Form 20, as appropriate, 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 Military Personnel Records Jacket or Official Civilian Personnel Folder, clearance authorities may continue to permit access to classified information, if required, subject to the provisions of paragraph 4-3. 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. If interim certificate is removed for cause, paragraph 4-5 applies.

(b) *Civilian personnel.* One copy will be filed on the right side of the Official Civilian Personnel Folder until replaced by a certificate of final clearance. If interim certificate is removed for cause, paragraph 4-5 applies.

(2) *Final clearance certificates.*

(a) For military personnel the original will be placed in the military history 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. Upon discharge or relief from active duty, the last certificate issued will be retained in the Military Personnel Records Jacket as a permanent document.

(b) For civilian personnel the original will be filed on the right side of the Official Civilian Personnel Folder.

(c) In the case of officers and warrant officers on active duty, one copy will be forwarded to The Adjutant General, Department of the Army, ATTN: Personnel Records Division, Washington, DC 20315 for inclusion in the officer's Official Military Personnel Folder. Only the last certificate issued will be retained in this file.

(d) In the case of enlisted personnel on

active duty, one copy will be forwarded to the Commanding Officer, United States Army Personnel Services Support Center, Fort Benjamin Harrison, IN 46249 for inclusion in the member's Official Military Personnel Folder. Only the last certificate issued will be retained in this file.

(e) One copy will be forwarded to the Director, U.S. Army Investigative Records Repository, Fort Holabird, MD 21219 for inclusion in the individual's USAIRR dossier. However, clearances granted solely on the basis of a favorable ENTNAC, NAC, or NACI 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 ENTNAC, NAC, or NACI is maintained by the Defense Central Index of Investigations (DCII).)

(f) 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, District of Columbia, or the Commonwealth of Puerto Rico in the case of National Guard personnel.

2. One copy to the Reserve unit concerned in the case of unit personnel, or to the USAR Control Group to which the individual is assigned in the case of non-unit personnel who are members of the U.S. Army Reserve.

(3) *Additional distribution.* When 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 all copies of 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 or DA Form 20 in accordance with AR 611-103 or AR 600-200, as appropriate. Such entries do not constitute a basis for issuing DA Forms 873.

4-3. **Validation of final security clearances.** a. Clearance authorities specified in paragraph 1-6a 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 and SECRET clearances will take the following action:

(1) *TOP SECRET.*

(a) Check local files specified in paragraph 4-1a and, within 60 days of the arrival of the newly assigned member, conduct a USAIRR file check to determine that the type, 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 V of the DA Form 873. Enter the date USAIRR verification check was accomplished in Part III, Remarks.

(2) *SECRET.*

(a) Check local files specified in paragraph 4-1a. (If this check reveals that the individual has been processed under the provisions of AR 604-10 or paragraph 3-1d, this regulation, the USAIRR file will be reviewed prior to validation.)

(b) Within 60 days, validate clearance by completing Part V of the DA Form 873 and enter the date USAIRR verification was completed in Part III, Remarks, if verification was accomplished.

b. The requirements in a (1) and (2) above are mandatory only if the gaining command proposes to allow access on the basis of a previously granted clearance. No validation action is required in those instances where the individual is to be assigned to duties which do not require access to classified information.

c. Security clearances issued or validated by clearance authorities listed in paragraph 1-6, or their delegated representatives, need not be validated or revalidated due solely to transfer of an individual between units, activities or stations within the jurisdiction of any one of the clearance authorities specifically designated in paragraph 1-6.

4-4. **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 predicated upon need for a security 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. When ever examination of the individual's personnel records 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 a 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 Military Personnel Records Jacket.

(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 chapter 2 AR 604-10 may exist, action will be taken in accordance with the aforementioned regulation.

*b. Civilian personnel.* Prior to the initiation of a request for a personnel security investigation required as basis for 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 AR 690-1 is pending or contemplated, a request for clearance action may be initiated. Whenever the records reveal 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 qualification, investigative or clearance action may be initiated. The DA Form 1111 will be filed on the left side of the Civilian Official Personnel Folder.

(2) If the individual refuses to execute the form in its entirety or makes an entry thereon, indicating that information within the criteria out-

lined in paragraph 13, AR 690-1 may exist, action will be taken in accordance with the aforementioned regulation.

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

**4-5. Denial or revocation of security clearances.** *a.* Whenever it is proposed to deny or revoke a security clearance, the commander concerned will so notify the affected military member or civilian employee of the Department of the Army, explain the reasons for the contemplated action, and offer the individual every reasonable opportunity to refute or explain the derogatory information which is the basis for the contemplated action. A final decision will be made only after consideration of such refutation or explanation. Notification need not be given to military personnel who have been dropped from the rolls of their organization for absence without authority or to individuals who have been convicted of a criminal offense by a civilian court or a court-martial and incarcerated. Other 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 is—prohibited by a non-Department of the Army agency which furnished it; would compromise an investigation in progress or a confidential or family source; is clearly contrary to the national interest; or may be detrimental to the mental health of the individual concerned. When such an exception is requested by the commander, the detailed pertinent facts and rationale will be forwarded through intelligence channels to the Assistant Chief of Staff for Intelligence, ATTN: ACSI-CISP, Department of the Army, Washington, DC 20310. In cases where 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 when the probability of compromise no longer exists and an adverse security determination is still considered necessary.

*b.* As soon as the commander concerned makes a final decision to deny or revoke a clearance, he will forward a letter report, through channels, to the Commanding General, U.S. Army Intelligence Command, ATTN: ICIRR, Fort Holabird, MD 21219, marked "FOR OFFICIAL USE ONLY"

or classified in accordance with AR 380-5. The letter report will be reviewed at the U.S. Army Intelligence Command and if it fails to meet the requirements of this subparagraph, it will be returned to the command concerned for appropriate action. The aforementioned report 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 denial or revocation; 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 rationale and conclusion regarding any explanation or refutation offered by the individual;

(4) Advise what disciplinary or further administrative action concerning the individual has been taken or is contemplated;

(5) Request, if the decision is to revoke the clearance, that all clearance certificates contained in the individual's USAIRR dossier be voided.

(6) If the individual whose clearance is being revoked is an officer, warrant officer, civilian or senior grade enlisted member (E-7, E-8, or E-9), a statement will be included verifying compliance with paragraph 24 *d*, *e*, or *f*, as appropriate.

*Note.* The provisions of (2) above and that portion of (3) above requiring the commander's conclusion regarding any explanation or refutation are not applicable to military personnel dropped from the rolls of their organization for AWOL or individuals convicted and incarcerated for commission of a criminal offense.

*c.* When a decision is made to revoke a clearance, the commander concerned will, in addition to complying with the procedures outlined above, take the following action:

(1) *Military personnel.*

(a) Withdraw and destroy the DA Form 873 contained in the individual's Military Personnel Records Jacket.

(b) Line out the entries on the DA Form 66 or DA Form 20, as appropriate, regarding the clearance.

(c) Forward an unclassified letter to each agency on distribution for the DA Form 873 (except the USAIRR) advising of the revocation action and requesting that all clearance certificates pertaining to the individual be destroyed.

(2) *Civilian personnel.*

(a) Void all clearance certificates in the individual's Official Civilian Personnel Folder. This will be accomplished by printing or stamping "REVOKED" on the face of the certificate and citing the authority therefor.

(b) Forward an unclassified letter to each agency on distribution for the DA Form 873 (except the USAIRR) advising of the revocation action and requesting that all clearance certificates pertaining to the individual be destroyed.

*d.* When the individual concerned is an officer or warrant officer, an information copy of the letter referred to in *c*(1)(*c*) above will be forwarded promptly to the Chief of Personnel Operations, Department of the Army, Washington, DC 20310, marked for the attention of the appropriate career branch.

*e.* When the individual concerned is a senior grade enlisted person (E-7, E-8, or E-9), an information copy of the letter referred to in *c*(1)(*c*) above will be forwarded promptly to the Chief of Personnel Operations, EPD, Senior Enlisted Control Branch, ATTN: EPADS, Department of the Army, Washington, DC 20310.

*f.* When a security clearance is revoked, the commander concerned will insure, whenever possible, that the individual is debriefed and required to execute a security termination statement in accordance with the provisions of AR 380-5.

**4-6. 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 paragraph 3-3*e*). The completed forms will be filed in the individual's Military Personnel Records Jacket or on the left side of the Official Civilian Personnel Folder, as appropriate. The DA Form

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2545 will be retained in the aforementioned files until cryptographic access is no longer required within the command granting access or is removed for cause under *b* below.

*b.* If an individual's security clearance is revoked, the DA Form 2545 in the individual's file will be forwarded as an inclosure to the letter re-

port forwarded to the USAIRR as required by paragraph 4-5*c*:

*c.* If for any reason an individual no longer requires access to classified cryptographic information to perform assigned official duties, debriefing will be accomplished in accordance with AR 380-5.



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