



Department of Defense

DIRECTIVE

NUMBER 5200.2

April 9, 1999

ASD(C3I)

SUBJECT: DoD Personnel Security Program

References: (a) DoD Directive 5200.2, subject as above, May 6, 1992 (hereby canceled)
(b) Executive Order 12968, "Access to Classified Information," August 2, 1995
(c) Section 781 of title 50, United States Code
(d) Sections 831 through 835 of title 50, United States Code
(e) Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953
(f) Executive Order 12958, "Classified National Security Information," April 17, 1995
(g) through (q), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update the policy and responsibilities for the DoD Personnel Security Program under references (b) through (h).

1.2. Continues to authorize the publication of DoD 5200.2-R (reference (i)) in accordance with DoD 5025.1-M (reference (j)).

2. APPLICABILITY

This Directive applies to:

2.1. The Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department

of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.2. DoD civilian personnel, members of the Armed Forces (excluding the Coast Guard in peacetime), contractor personnel and other personnel affiliated with the Department of Defense. Except that the unfavorable administrative action procedures pertaining to contractor personnel requiring access to classified information are contained in DoD 5220.22-R (reference (k)) and in DoD Directive 5220.6 (reference (l)).

3. POLICY

It is DoD policy that:

3.1. The objective of the personnel security program is that military, civilian, and contractor personnel assigned to and retained in sensitive positions, in which they could potentially damage national security, are and remain reliable and trustworthy, and there is no reasonable basis for doubting their allegiance to the United States.

3.2. No person shall be appointed or retained as a civilian employee in a sensitive position of the Department of Defense, as provided in reference (e), accepted for entrance into the Armed Forces of the United States, or assigned to duties that require a personnel security investigation as provided in 3.9., below, unless such appointment, acceptance, or assignment is clearly consistent with the interests of national security.

3.3. No person shall be deemed to be eligible for access to classified information unless such access is clearly consistent with the interests of national security as provided for in reference (b). Eligibility for access shall not be granted merely by reason of Federal service or contracting, licensee, certificate holder, or grantee status, or as a matter of right or privilege, or as a result of any particular title, rank, position, or affiliation.

3.4. Except as provided in 3.6., below, eligibility for access to classified information or assignment to sensitive duties shall be granted only to individuals who are United States citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information. However, in exceptional circumstances where official functions must be performed prior to completion of the investigative and adjudication process, temporary eligibility for access to classified information may be granted to an individual.

3.5. A determination of eligibility for access to classified information or assignment to sensitive duties is a discretionary security decision based on judgments by appropriately trained adjudicative personnel.

3.6. As an exception, a non-U.S. citizen may be assigned to sensitive duties or granted a Limited Access Authorization for access to classified information in support of a specific DoD program, project, or contract that cannot be filled by a cleared or clearable U.S. citizen provided it is approved by an authorized official (as specified in DoD 5200.2-R, reference (i)).

3.7. In determining eligibility for access to classified information, the Department of Defense may investigate and consider any matter that relates to the determination of whether access is clearly consistent with the interests of national security. No inference concerning the standard in paragraph 3.4., above, may be raised solely on the basis of the sexual orientation of the individual.

3.8. No negative inference may be raised solely on the basis of mental health counseling. Such counseling can be a positive factor in eligibility determinations. However, mental health counseling, where relevant to the adjudication of access to classified information, may justify further inquiry to determine whether the standards of paragraph 3.4., above, are satisfied, and mental health may be considered where it directly relates to those standards.

3.9. DoD 5200.2-R (reference (i)) shall identify those positions and duties that require a personnel security investigation (PSI). A PSI is required for:

3.9.1. Appointment to a sensitive civilian position.

3.9.2. Entry into military service.

3.9.3. The granting of a security clearance or approval for access to classified information.

3.9.4. Assignment to other duties that require a personnel security or trustworthiness determination.

3.9.5. Continuing eligibility for retention of a security clearance and approval for access to classified information or for assignment to other sensitive duties.

3.10. Reference (i) shall contain personnel security criteria and adjudicative guidance to assist in determining whether an individual meets the clearance and sensitive position standards referred to in paragraphs 3.2. and 3.4., above.

3.11. No unfavorable personnel security determination shall be made except in accordance with procedures set forth in reference (i); Director of Central Intelligence Directive 1/14 (DCID 1/14) (reference (m)); DoD Directive 5220.6 (reference (l)) or as otherwise authorized by law.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

4.1.1. Serve as the Department of Defense Senior Agency Official for the Personnel Security Program under Section 6.1(a) of E.O. 12968, reference (b) and Special Access Programs under Section 5.6(c)(1) of E.O. 12958, reference (f).

4.1.2. Direct, administer, and oversee the DoD Personnel Security Program to ensure that the program is consistent, cost-effective, and efficient, and balances the rights of individuals with the interests of national security.

4.1.3. Approve, when appropriate, requests for exceptions to the DoD Personnel Security Program, except for access to NATO classified information. Requests for exceptions, which involve access to NATO classified information shall be sent to the Deputy Undersecretary of Defense (Policy) for Policy Support.

4.1.4 Issue and maintain reference (i), consistent with DoD 5025.1-M (reference (j)).

4.1.5. Ensure that research is conducted to assess and improve the effectiveness of the DoD Personnel Security Program (DoD Directive 5210.79 (reference (n))).

4.1.6. Ensure that the Defense Security Service (DSS) is operated pursuant to DoD Directive 5105.42 (reference (o)).

4.1.7 Ensure that the DSS provides the education, training, and awareness support to the DoD Personnel Security Program under DoD Directive 5200.32 (reference (p)).

4.1.8 Ensure that the personnel security program at the National Security Agency is consistent with the requirements of 50 U.S.C. Sections 831-835 (reference (d) and reference (m)).

4.2. The General Counsel of the Department of Defense shall:

4.2.1. Be responsible for providing advice and guidance as to the legal sufficiency of procedures and standards implementing the DoD Personnel Security Program.

4.2.2. Exercise oversight of personnel security program appeals procedures to verify that the rights of individuals are being protected consistent with the Constitution, laws of the United States, Executive orders, Directives, or Regulations that implement the DoD Personnel Security Program, and with the interests of national security.

4.2.3. Perform such functions relating to the DoD Personnel Security Program in accordance with DoD Directive 5145.1 (reference (q)) as the Secretary or Deputy Secretary of Defense may assign.

4.3. The Heads of the DoD Components shall:

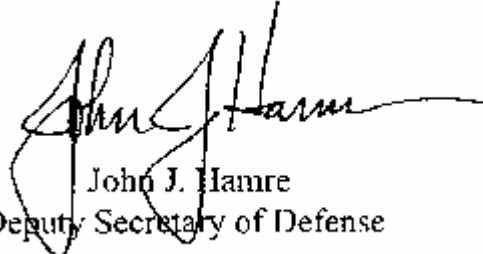
4.3.1. Designate a senior official who shall be responsible for implementing the DoD Personnel Security Program within their DoD Components.

4.3.2. Ensure that the DoD Personnel Security Program is properly administered under this Directive within their DoD Components.

4.3.3. Ensure that information and recommendations on any aspect of this Directive and the DoD Personnel Security Program are provided to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

5. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (g) Executive Order 10865, "Safeguarding Classified Information Within Industry," February 20, 1960
- (h) Executive Order 12333, "United States Intelligence Activities," December 4, 1981
- (i) DoD 5200.2-R, "Personnel Security Program," January 1987
- (j) DoD 5025.1-M, "Department of Defense Directives System Procedures," August 1994
- (k) DoD 5220.22-R, "Industrial Security Regulation," December 4, 1985
- (l) DoD Directive 5220.6, "Defense Industrial Personnel Security Clearance Review Program," January 2, 1992
- (m) Director of Central Intelligence Directive 1/14, "Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information (SCI)," July 2, 1998
- (n) DoD Directive 5210.79, "Defense Personnel Security Research Center (PERSEREC)," July 9, 1992
- (o) DoD Directive 5105.42, "Defense Investigative Service," June 14, 1985
- (p) DoD Directive 5200.32, "Department of Defense Security Countermeasures (SCM) and Polygraph Education, Training, and Program Support," February 26, 1996
- (q) DoD Directive 5145.1, "General Counsel of the Department of Defense," December 15, 1989