UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

MAY 2 0 2013

INTELLIGENCE

MEMORANDUM FOR DIRECTORS, SPECIAL ACCESS PROGRAM CENTRAL OFFICES

SUBJECT: Special Access Program Nomination Process

I am providing the attached procedures to enhance reciprocity and streamline the existing process for approving access to DoD Special Access Programs (SAPs). These procedures will bring DoD into better alignment with Executive Order 12968, "Access to Classified Information," DoD Directive 5205.07, "Special Access Program Policy," and my memorandum, dated August 9, 2011, "Compartmented Program Collaboration, Reciprocity, and Oversight." DoD Components should implement the attached guidance within 60 days.

These procedures will be included in the forthcoming DoD 5205.07-M Volume 2. DoD SAP personnel should refer any questions to their Component Special Access Program Central Office. The Office of the Under Secretary of Defense for Intelligence points of contact are Mr. Bill Sticklen at (703) 604-1152 or William.Sticklen@osd.mil and Ms. Eileen Brophy at (703) 604-1216 or Eileen.Brophy@osd.mil.

Michael G. Vickers

Attachment:
As stated

SPECIAL ACCESS PROGRAM NOMINATION PROCESS IMPLEMENTATION GUIDANCE

1. INTRODUCTION. The Special Access Program Nomination Process (SAPNP) provides a timely and standardized review of the candidate's nomination package for access to a DoD Special Access Program (SAP). It is not an investigation or adjudication; rather it is a standardized security management process that applies enhanced security procedures to determine personnel suitability for access to DoD SAPs.

2. NOMINATION REQUIREMENTS. Candidate prerequisites:

a. Must be a U.S. citizen;

b. Must possess a final TOP SECRET or SECRET clearance as appropriate to the SAP access requested;

c. Must have a current investigation validated by the Cognizant Authority Special Access Program Central Office (CA SAPCO) or Oversight Authority Special Access Program Office (OA SAPCO);

d. Contractor nominees must have a DD Form 254 or consultant agreement authorizing SAP access;

e. When requirements of 2(b), (c), or (d) cannot be met, requestor will submit a letter of compelling need (LOCN) providing facts to determine that it is in the national interest for the CA/OA SAPCO to approve access;

f. Candidates with existing DoD SAP access are considered current for additional SAP access provided the requirements in paragraph 2(b),(c) and (d) are met, and no new derogatory information is disclosed as determined by following the procedures in paragraph 5;

g. Intelligence Community (IC) candidates with current SCI access are eligible for DoD SAP access following evaluation and approval of the SAP nomination package submitted in accordance with paragraph 3; including responses to the SAP personnel security pre-screening questionnaire (and resolution of information disclosed therein);

h. Non-US citizens' access to DoD SAPs will be evaluated in accordance with DoD Directive 5205.07, "Special Access Program (SAP) Policy," July 1, 2010.

3. NOMINATION PACKAGES:

a. The Program Access Request (PAR) will be used to nominate a candidate for SAP access. A single PAR may be prepared for multiple SAPs under the cognizance of the same Access Approval Authority (AAA).

b. Request for a candidate's SAP access may only be made by an individual already accessed to the SAP. The requestor will complete the PAR or provide the following information to the individual filling

out the PAR detailing the candidate's personal information, qualifications, his/her potential material contribution to the SAP, and need to know (NTK).

c. All nomination packages for access to a DoD SAP will contain:

(1) A SAP Personnel Security Pre-Screening Questionnaire completed within the last 365 days (see paragraph 6 for questionnaire template);

(2) PAR.

d. The SAP Personnel Security Pre-Screening Questionnaire is current for one year, or until a change in status occurs under paragraph 5a, and may be used for multiple requests for access to DoD SAPs. The questionnaire, and any supplemental information supplied by the candidate, will be maintained in the appropriate SAP access management database or personal information file (PIF). All previously unreported derogatory information revealed through answers to the SAP Personnel Pre-Screening Questionnaire will be forwarded by the candidate via SF86C to the local security manager (SM) or special security officer (SSO) for submission to the appropriate Central Adjudication Facility (CAF).

4. SAP NOMINATION REVIEW PROCESS.

a. The SAP nomination review process will be performed by an SO, designated in writing by the CA or OA SAPCO or designee, and who has completed requisite training. The DoD SAPCO, in coordination with the Defense Security Service (DSS) Center for Development of Security Excellence (CDSE) will establish training guidelines and curriculum.

b. The SAP Personnel Security Pre-Screening Questionnaire in accordance with paragraph 6 shall be considered current and reciprocally accepted by all DoD Components if completed with the last year, and the answers to all questions are "NO".

c. The responsible SAP Security Official (SO) (e.g. Program Security Officer(PSO), Government SAP Security Officer (GSSO), Contractor Program Security Officer(CPSO)) will review the nomination package for completeness, accuracy and to confirm the candidate meets the prerequisites for SAP access. The SO will check the approved DoD security clearance database to validate the candidate has the appropriate clearance, ensure his/her investigation is in scope, and then execute the SAPNP questionnaire. Based on this review, the SO will make an access recommendation to the AAA on the PAR. The Government Program Manager (GPM) may also review the PAR for the candidate's material contribution and NTK and concur or non-concur on the PAR. The AAA provides the final access decision (approval/disapproval) on the PAR.

d. If the candidate's investigation is not in scope, the SO will refer the candidate to the candidate's Security Manager or SSO to initiate e-QIP(SF-86). Once completed, the SO will prepare the nomination package according to paragraph 3 and execute the SAPNP questionnaire. If the questionnaire contains no derogatory information, the SO will make a recommendation to the CA/OA SAPCO to approve exception and access.

e. Whether or not the candidate's investigation is in scope, if the questionnaire contains derogatory information specifically related to the questionnaire then the SO must take appropriate action in accordance with paragraph 5.

f. The SO may not disqualify a candidate for SAP access.

g. A candidate is recommended for SAP access under the following conditions:

(1) Clearance database of record (JPAS/Scattered Castles) reflects clearance eligibility granted and is in scope;

(2) The SAP Personnel Security Pre-Screening Questionnaire has been completed within the last 365 days and the answers to all questions are "NO".

h. A candidate requires additional review by the SO under the following conditions:

(1) Clearance database of record (JPAS/Scattered Castles) reflects the investigation is out of scope. Refer to paragraph 4d and e above for resolution;

(2) The SAP Personnel Security Pre-Screening Questionnaire has been completed within the last 365 days and the answer to any question is "YES". Refer to paragraph 5d for resolution.

5. CONTINUED ELIGIBILITY. Continued eligibility for SAP access is contingent on the individual's compliance with requirements below:

a. SAP accessed personnel have an affirmative and immediate responsibility to report any changes in status which may affect their access eligibility;

b. SAP accessed personnel annually revalidate access eligibility by either recertifying answers provided or completing the Pre-Screening Questionnaire;

c. Failure to comply with the above requirements will result in suspension and/or revocation of SAP access.

d. SO's will refer previously unreported derogatory information to the local SM or SSO for submission to the appropriate CAF and forward nomination packages to the appropriate CA/OA SAPCO for decision to approve or to continue access pending CAF review of derogatory information.

e. Any decision by the CAF to suspend or revoke the candidate's clearance supersedes the SAP nomination process.

6. Pre-Screening Questionnaire:

a. Foreign Affections: Are any of your immediate family members[1] citizens of a country other than the US or do you or anyone in your immediate family claim dual citizenship?

b. Foreign Associations: Do you, your spouse or cohabitant have any close or continuing contact with citizens of another country; or any financial interests or assets in another country?

c. Other than official Government Foreign Travel: Have you visited any foreign countries not previously reported since your last investigation and not previously reported in an annual response to this question? If so, please provide dates, countries and reasons.

d. Personal Conduct: Have you had your clearance or access suspended, denied or revoked; or have you been arrested since your last completed investigation;? If yes, please explain.

e. Financial Responsibility: Have you had any bills referred to a collection agency, had your wages garnished, have any tax liens against you or filed for bankruptcy since your last investigation? If yes, please explain.

7. DISAPPROVALS: The AAA may disapprove candidates for access by appropriately annotating and summarizing the reason for disapproval in the remarks section of the PAR. Candidates disapproved for access may be resubmitted at the discretion of the requestor.

[1] A Subjects spouse, parents, siblings, children and cohabitant. This includes any step-parents, half and step-siblings, and step-children of the subject.

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b. Foreign Associations: Do you, your spouse or cohabitant have any close or continuing contact with citizens of another country; or any financial interests or assets in another country?

c. Other than official Government Foreign Travel: Have you visited any foreign countries not previously reported since your last investigation and not previously reported in an annual response to this question? If so, please provide dates, countries and reasons.

d. Personal Conduct: Have you had your clearance or access suspended, denied or revoked; or have you been arrested since your last completed investigation;? If yes, please explain.

e. Financial Responsibility: Have you had any bills referred to a collection agency, had your wages garnished, have any tax liens against you or filed for bankruptcy since your last investigation? If yes, please explain.

7. DISAPPROVALS: The AAA may disapprove candidates for access by appropriately annotating and summarizing the reason for disapproval in the remarks section of the PAR. Candidates disapproved for access may be resubmitted at the discretion of the requestor.

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SAP Personnel Security Pre-Screening Questionnaire

Your responses to the below questions are intended to aid Special Access Program (SAP) security personnel in determining your eligibility to access information protected under Executive Order 13526. The Department of Defense is authorized to ask the following questions under Executive Orders 10450, 10865, 12333, and 12968; sections 3301, 3302, and 9101 of title 5, United States Code (U.S.C.); sections 2165 and 2201 of title 42, U.S.C.; chapter 23 of title 50, U.S.C,: and parts 2, 5, 731, 732, and 736 of title 5, Code of Federal Regulations (CFR).

Candidate's Name: _____ SSN: _____

Candidate's Signature: _____ Date: _____ (DD-MMM-YYYY)

QUESTION	(Y/N)
1. Are any of your immediate family members[1] citizens of a country other than the US or do you or anyone in your immediate family claim dual citizenship?	
2. Do you, your spouse or cohabitant have any close or continuing contact with citizens of another country; or any financial interests or assets in another country?	
3. Other than official Government Foreign Travel: Have you visited any foreign countries not previously reported since your last investigation and not previously reported in an annual response to this question? If so, please provide dates, countries and reasons.	
4. Have you had your clearance or access suspended, denied or revoked; or have you been arrested since your last completed investigation? If yes, please explain.	
5. Have you had any bills referred to a collection agency, had your wages garnished, have any tax liens against you or filed for bankruptcy since your last investigation? If yes, please explain.	

For all "Yes" responses please provide additional information below.

QUESTION #	EXPLANATION
	(Please attach additional pages as necessary to fully explain each "Yes" response)

[1] A candidate's spouse, parents, siblings, children and cohabitant(s). This includes any step-parents, half siblings, step-siblings, and step-children of the candidate.

*NOTICE: The Privacy Act 5, U.S.C. 522a, requires that federal agencies inform individuals, at the time information is solicited from them, whether the disclosure is mandatory or voluntary, by what authority such information is solicited, and what uses will be made of the information. You are hereby advised that authority for soliciting your Social Security Account Number (SSAN) is Executive Order 9397.

Questionnaire template dtd 29 Aug 2013 (See Reverse)

Individuals accessed to classified information are required to provide the security officers' with any information, which may impact their continued eligibility for access. Information regarding the following items must be immediately reported in accordance with DoD 5200.2-R. Para C9.1.4.2:

a. Any form of contact, intentional or otherwise, with individuals of any nationality, whether within or outside the scope of the employee's official activities, in which:

1. Illegal or unauthorized access is sought to classified or otherwise sensitive information.
2. The employee is concerned that he or she may be the target of exploitation by a foreign entity.

b. Commission of any act of sabotage, espionage, treason, terrorism, anarchy, sedition, or attempts thereat or preparation therefore, or conspiring with or aiding or abetting another to commit or attempt to commit any such act.

c. Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, revolutionist, or with an espionage, or other secret agent or similar representative of a foreign nation whose interests may be 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 to alter the form of Government of the United States by unconstitutional means.

d. Advocacy or use of force or violence to overthrow the Government of the United States or to alter the form of Government of the United States by unconstitutional means.

e. Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in any foreign or domestic organization, association, movement, group or combination of persons (hereafter referred to as organization), which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

f. Unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by Statue, Executive Order or Regulation.

g. Performing or attempting to perform one's duties, acceptance and active maintenance of dual citizenship, or other acts conducted in a manner which serve or which could be expected to serve the interests of another government in reference to the interests of the United States.

h. Disregard of public, Statues, Executive Orders or Regulations including violation of security regulations or practices.

i. Criminal or dishonest conduct.

j. Acts of omission or commission that indicate poor judgment, unreliability or untrustworthiness.

k. Any behavior or illness, including any mental condition, which, in the opinion of a competent medical authority, may cause a defect in judgment or reliability with due regard to the transient or continuing effect of the illness and the medical findings in such case.

I. Vulnerability to coercion, influence, or pressure that may cause conduct contrary to the national interest. This may be:

1. The presence of immediate family members or other persons to whom the applicant is bonded by affection or obligation in a nation (or areas under its domination) whose interests may be inimical to those of the United States; or
2. Any other circumstances that could cause the applicant to be vulnerable.

m. Excessive indebtedness, recurring financial difficulties, or unexplained affluence.

n. Habitual or episodic use of intoxicants to excess.

o. Illegal or improper use, possession, transfer, sale, or addition to any controlled or psychoactive substance, narcotic, cannabis, or other dangerous drug.

p. Any knowing and willful falsification, cover up, concealment, misrepresentation, or omission of material fact from any written or oral statement, document, form or other representation or device used by the Department of Defense or any other Federal Agency.

q. Failing or refusing to answer or to authorize others to answer questions or provide information required by congressional committee, court, or agency in the course of an official inquiry whenever such answers or information concern relevant and material matters pertinent to an evaluation of the individual's trustworthiness, reliability, and judgment.

r. Acts of sexual misconduct or perversion indicative of moral turpitude, poor judgment, or lack of regard for the laws of society.