SECURITY EXECUTIVE AGENT DIRECTIVE 1

SECURITY EXECUTIVE AGENT AUTHORITIES AND RESPONSIBILITIES

(EFFECTIVE: 13 MARCH 2012)

A. AUTHORITY: The National Security Act of 1947 (NSA of 1947), as amended; Executive Order (EO) 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information;* EO 12968, *Access to Classified Information*, as amended; EO 12333, *United States Intelligence Activities*, as amended; EO 13549, *Classified National Security Information Program for State, Local, Tribal and Private Sector Entities*; and other applicable provisions of law.

B. PURPOSE: This Directive consolidates and summarizes the authorities and responsibilities assigned to the Director of National Intelligence (DNI) in the role as the Security Executive Agent (SecEA) responsible for the development, implementation, and oversight of effective, efficient, and uniform policies and procedures governing the conduct of investigations and adjudications for eligibility for access to classified information or eligibility to hold a sensitive position. Nothing in this Directive shall be construed to limit the DNI's legal authorities.

C. APPLICABILITY: This Directive applies to:

1. Any individual or entity assisting the SecEA in carrying out Security Executive Agent related responsibilities;

2. Any department or agency designated to perform investigations or adjudications of persons proposed for access to classified information or for eligibility to hold a sensitive position; and

3. Individuals seeking initial or continuing access to classified information or eligibility to hold a sensitive position with the exception of the President, Vice President, Members of Congress, Justices of the Supreme Court, and Federal judges appointed by the President as exempted by 28 CFR 17.46.

D. DEFINITIONS: As used in this Directive, the following terms have the meanings set forth below:

1. "Agency": Any "Executive agency" as defined in Section 105 of Title 5, United States Code, including the "military department," as defined in Section 102 of Title 5, United States Code, and any other entity within the Executive Branch that comes into possession of classified information or has positions as sensitive, except such an entity headed by an officer who is not a covered individual.

2. "Authorized adjudicative agency": A department or agency authorized by law, regulation, or direction of the SecEA, to determine eligibility for access to classified information in accordance with EO12968, as amended, or to hold a sensitive position.

3. "Authorized investigative agency": A department or agency designated by the SecEA to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information or eligibility to hold a sensitive position or to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information or for initial and continued eligibility to hold such positions.

4. ''Classified national security information'' or ''classified information'': Information that has been determined, pursuant to EO 13526, or any predecessor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

5. "Sensitive position'': Any position within a department or agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on national security as defined in Section 3(b) in EO 10450.

E. POLICY:

1. The SecEA may delegate signature authority within the Office of the Director of National Intelligence to issue and implement policies assigned by law or EO.

2. Existing delegations of authority to any department or agency relating to granting eligibility for access to classified information and for conducting investigations shall remain in effect, subject to the exercise of authorities by the SecEA to revise or revoke such delegation.

3. As appropriate, the SecEA will coordinate with the Suitability Executive Agent and other Executive Branch officials to achieve the greatest degree of alignment possible for investigations and adjudications of persons proposed for access to classified information or for eligibility to hold a sensitive position and to build upon and not duplicate the levels of investigations and adjudications of such persons.

4. The SecEA will establish an Advisory Committee composed of appropriate Executive Agency branch representatives, whom shall meet as necessary to advise and coordinate on policies and procedures related to SecEA responsibilities.

5. The SecEA will take into account, as appropriate, the counterintelligence interests of the United States in carrying out SecEA responsibilities.

F. ROLES AND RESPONSIBILITIES:

1. The SecEA, with respect to investigations and determinations made by any agency for eligibility for access to classified information and eligibility to hold a sensitive position, is responsible for:

a. directing the oversight of such investigations and determinations;

b. developing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of investigations and adjudications, to include, but not limited to:

(1) development of a common set of investigative standards for background investigations. These standards may vary for the various levels of access and position sensitivity designations;

(2) development of minimum investigative standards for temporary access eligibility determinations, which may be granted only by security personnel authorized by the agency head; and

(3) development of a common set of reinvestigation standards, including the frequency of reinvestigations or continuous evaluations.

c. serving as the final authority to designate a department, agency, or agencies to:

(1) conduct investigations of persons who are proposed for eligibility for access to classified information or eligibility to hold a sensitive position to ascertain whether such persons satisfy the criteria for obtaining and retaining eligibility; and

(2) determine eligibility for access to classified information in accordance with EO 12968.

d. issuing guidelines and instructions to the heads of departments or agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, and timeliness in processes relating to determinations by departments or agencies;

e. ensuring reciprocal recognition among the agencies of the U.S. Government of eligibility for access to classified information and eligibility to hold a sensitive position, including acting as the final authority to arbitrate and resolve disputes among departments and agencies involving the reciprocity of investigations and eligibility determinations;

f. assigning, as appropriate, in whole or in part, any functions assigned by law or EO to the head of any agency (solely or jointly), subject to terms, conditions, approval and oversight set by the SecEA;

g. developing a common set of adjudicative guidelines for determining eligibility for access to classified information and eligibility to hold a sensitive position, including access to special access programs;

h. developing requirements and procedures, to include but not limited to, the implementation of standardized:

(1) security questionnaires;

(2) financial disclosure forms;

(3) polygraph policies and procedures;

(4) foreign travel reporting requirements; and

(5) foreign contact reporting requirements;

i. developing and overseeing policies and procedures governing uniform investigator and adjudicator training, and promulgating implementing guidance for the same;

j. approving agency requests to establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination) that exceed the requirements for eligibility to hold a sensitive position or access to classified information; and

k. improving the performance of security clearance processing including:

(1) review, coordination, and development of tools and techniques for enhancing the conduct of investigations and granting of clearances;

(2) evaluating the use of available information technology and databases to expedite investigative and adjudicative processes for all and to verify standard information submitted as part of an application for a security clearance;

(3) evaluating the extent to which a department or agency is submitting information to, and requesting information from such databases as part of a determination on whether to certify the department or agency as an authorized investigative agency or authorized adjudicative agency; and

(4) authorizing an agency to withhold information about certain individuals from the database under this subsection if the head of the agency considers it necessary for national security purposes.

2. Additional SecEA responsibilities include:

a. considering, coordinating and recommending policy directives for Executive Branch security policies, procedures, and practices per EO 12968, as amended;

b. serving as a member of the Performance Accountability Council; and

c. reporting to the appropriate committees of Congress as required by law or as requested.

3. Heads of agencies shall:

a. assist the SecEA in carrying out any function assigned to them by the SecEA, consistent with law, regulation, or EO;

b. implement any policy or procedure developed by the SecEA consistent with law, regulation, or EO;

c. make available to the SecEA, as permitted by law, such information as may be requested to implement responsibilities of the SecEA consistent with law, regulation, or EO;

d. ensure that all actions taken under this Directive, or subsequent directives, take into account the counterintelligence interests of the United States, as appropriate;

e. establish and maintain effective, uniform programs that ensure eligibility determinations for access to classified information and sensitive positions are in the interest of the national security; and

f. share best practices.

G. EFFECTIVE DATE: This SecEA Directive becomes effective on the date of signature.

James R. Clapper

Director of National Intelligence

13 MAR 2012

Date