CHAPTER IV

RECIPROCAL ACCEPTANCE OF PRIOR INVESTIGATIONS AND PERSONNEL SECURITY DETERMINATIONS

4-100 General .

Previously conducted investigations and previously rendered personnel security determinations shall be accepted within DoD in accordance with the policy set forth below.

4-101 Prior Investigations Conducted by DoI) Investigative Organizations

As long as there is no break in military service/civilian employment greater than 12 months, any previous personnel security investigation conducted by DoD investigative organizations that essentially is equivalent in scope to an investigation required by this Regulation will be accepted without requesting additional investigation. There is no time limitation as to the acceptability of such investigations, subject to the provisions of paragraphs 2-307 and 4-102.b. of this Regulation.

4-102 Prior Personnel Security Determi'nations Made by DoD Authorities

a. Adjudicative determinations for appointment in sensitive positions, assignment to sensitive duties or access to classified information (including those pertaining to SCI) made by designated DoD authorities will be mutually and reciprocally accepted by all DoD Components without requiring additional investigation, unless there has been a break in the individual's military service/civilian employment of greater than 12 months or unless derogatory information that occurred subsequent to the last prior security determination becomes known. A check of the DCII should be conducted to accomplish this task.

b. Whenever a valid DoD security clearance or Special Access authorization (including one pertaining to SCI) is on record, Components shall not request DIS or other DoD investigative organizations to forward prior investigative files for review unless:

(1) Significant derogatory information or investigation completed subsequent to the date of last clearance or Special Access authorization, is known to the requester; or

(2) The individual concerned is being considered for a higher level clearance (e.g., Secret or Top Secret) or the individual does not have a Special Access authorization and is being considered for one; or

(3) There has been a break in the individual's military service/civilian employment of greater than 12 months subsequent to the issuance of a prior clearance.

(4) The most recent SCI access authorization of the individual concerned was based on a waiver.

c. Requests for prior investigative files authorized by this Regulation shall be made in writing, shall cite the specific justification for the request (i.e., upgrade of clearance, issue Special Access authorization? etc.), and shall include the date, level, and issuing organization of the individual's current or most recent security clearance or Special Access authorization.

d. All requests for non-DoD investigative files, authorized under the criteria prescribed by paragraphs a, b(l), (2), (3), and (4) and c, above, shall be:

(1) Submitted on DD Form 398-2 to DIS;

(2) Annotated as a "Single Agency Check" of whichever agency or agency developed the investigative file or to obtain the check of a single national agency.

e. When further investigation is desired, in addition to an existing non-DoD investigative file, a DD Form 1879 will be submitted to DIS with the appropriate security forms attached. The submission of a Single Agency Check via DD Form 398-2 will be used to obtain an existing investigative file or check a single national agency.

f. Whenever a civilian or military member transfers from one DoD activity to another, the losing organization's security office is responsible for advising the gaining organization of any pending acton to suspend, deny or revoke the individual's security clearance as well as any adverse information that may exist in security, personnel or other files. In such instances the clearance shall not be reissued until the questionable information has been adjudicated.

4-103 Investigations Conducted and Clearances Granted by Other Agencies of the Federal Government

a. Whenever a prior investigation or personnel security determination (including clearance for access to information classified under Executive Order 12356 (reference (j)) of another agency of the Federal Government meets the investigative scope and standards of this Regulation, such investigation or clearance may be accepted for the investigative or clearance purposes of this Regulation, provided that the employment with the Federal agency concerned has been continuous and there has been no break longer than 12 months since completion of the prior investigation, and further provided that inquiry with the agency discloses no reason why the clearance should not be accepted. If it is determined that the prior investigation does not meet the provisions of this paragraph, supplemental investigation shall be requested.

b. A NACI conducted by OPM shall be accepted and considered equivalent to a DNACI for the purposes of this Regulation.

c. Department of Defense policy on reciprocal acceptance of clearances with the Nuclear Regulatory Commission and the Department of Energy is set forth in DoD Directive 5210.2 (reference (z)).