

# NICE Webinar Series

NATIONAL INITIATIVE FOR CYBERSECURITY EDUCATION



Shedding Light on Security Clearances: Process, Requirements,  
and Considerations

July 19, 2017



# The Personnel Security Program

July 2017



## NBIB INTRODUCTION

Established on October 1, 2016, NBIB has the responsibility of conducting background investigations for over 100 Federal agencies – approximately 95% of the total background investigations government wide

*NBIB Presenter*

***Jim Onusko***

**National Background Investigation  
Bureau**

**Deputy Assistant Director**

**Federal Investigative Records Enterprise**



### ***Mission***

Delivering efficient and effective background investigations to safeguard the integrity and trustworthiness of the Federal workforce



### ***Vision***

Transforming the culture, business, processes, and technological infrastructure needed to be the nation's primary background investigative service through interagency cooperation and a focus on national security

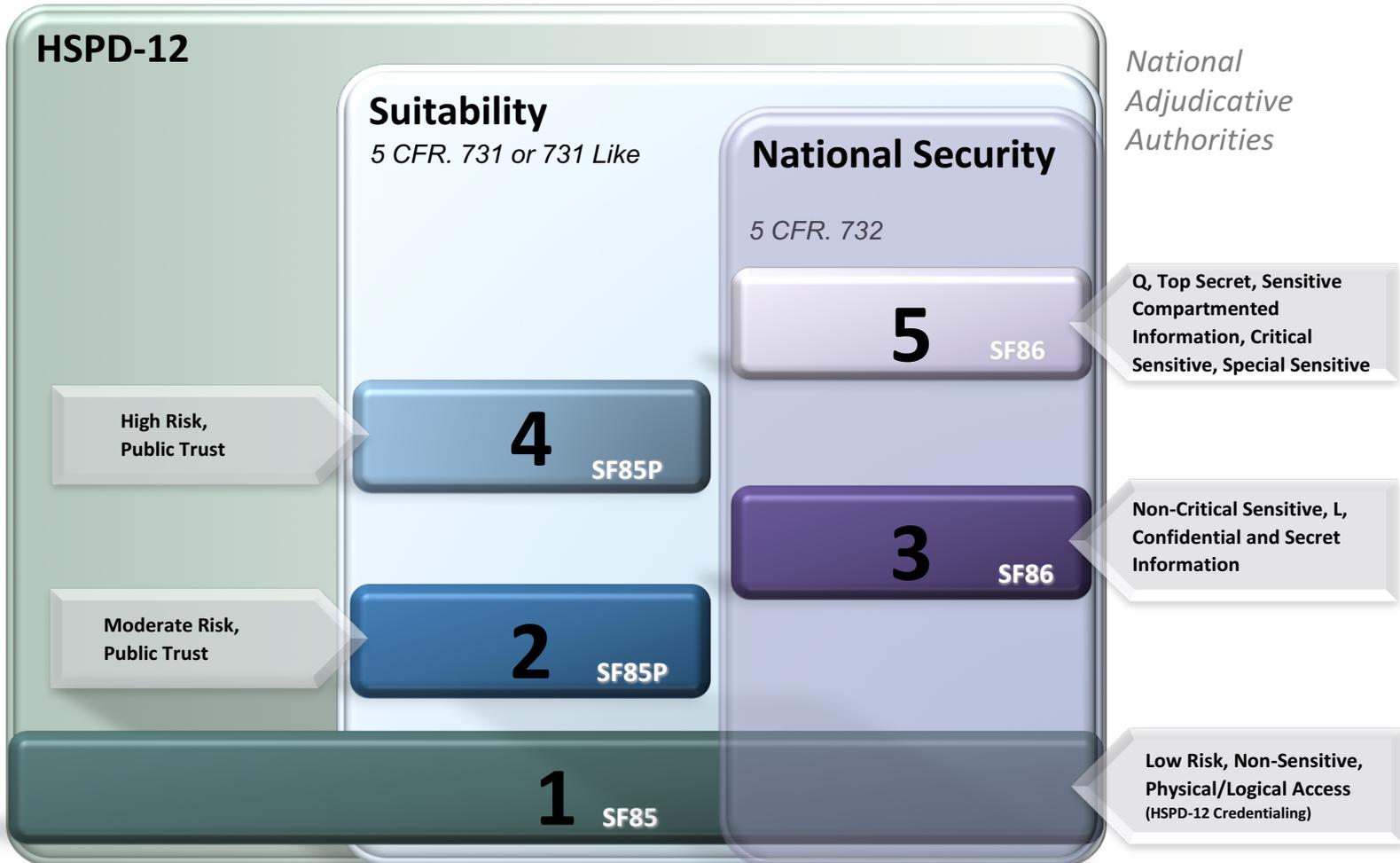


### ***Locations***

- Headquarters – Washington, DC
- Operations Facility – Boyers, PA
- Field Offices – Throughout the United States
- International investigative capabilities



## TIERED INVESTIGATIVE MODEL





## SUITABILITY DETERMINATIONS

***A person's character traits and conduct determine whether employment would protect the integrity or promote the efficiency of the service.***

- ✓ **Qualifications of the position**
- ✓ **Suitability Determination (including unique position requirements)**
- ✓ **Agency heads may establish additional suitability standards based on that agency's mission**
- ✓ **Fitness determination: Standards of character and conduct applied to contractors**



## SUITABILITY STANDARDS & CRITERIA

	ISSUE	CRITERIA
	<ul style="list-style-type: none"> <li>Evidence of dishonesty or fraud in the competitive examination or appointment process</li> <li>Any statutory debarment issue</li> <li>Any loyalty or terrorism issue</li> </ul>	Always refer, regardless of the date of occurrence
<b>MAJOR &amp; SUBSTANTIAL ISSUES</b>	<ul style="list-style-type: none"> <li>Patterns of conduct</li> <li>Other than honorable military discharge</li> <li>Felony Offense</li> <li>Illegal drug manufacturing, trafficking, or sale</li> <li>Major honesty issue</li> <li>Serious violent behavior</li> <li>Sexual misconduct</li> <li>Illegal use of firearms or explosives</li> <li>Hatch Act violation</li> <li>Employment related conduct involving dishonest, criminal, or violent behavior</li> </ul>	<p>Refer all within 3 years</p> <p>For patterns, the conduct may begin prior to, but must extend into, the last 3 years</p>
<b>MODERATE ISSUES</b>	<ul style="list-style-type: none"> <li>Driving while intoxicated</li> <li>Drug-related offense</li> <li>Petty Theft or Forgery</li> <li>Assault, criminal mischief, harassment</li> <li>Employment related misconduct involving insubordination, absenteeism, rules violation</li> </ul>	<p>Refer for 2 or more occurrences within 3 years</p> <p>May be a combination of Moderate and Minor issues within 3 years</p>
<b>MINOR ISSUES</b>	<ul style="list-style-type: none"> <li>Minor liquor law violation</li> <li>Minor traffic violation</li> <li>Bad check</li> <li>Minor disruptive conduct</li> <li>Minor employment related misconduct</li> </ul>	<p>Refer for 2 or more occurrences within 3 years</p> <p>May be a combination of Moderate and Minor issues within 3 years</p>



## SECURITY CLEARANCE ADJUDICATION

### ***Security clearances are awarded based on a person's:***

- ✓ Loyalty to U.S.
- ✓ Strength of character
- ✓ Trustworthiness
- ✓ Freedom from conflicting allegiances and potential for coercion
- ✓ Willingness and ability to abide by regulations governing the use, handling and protection of classified information
- ✓ Honesty
- ✓ Reliability
- ✓ Discretion and sound judgment

-----

### ***Interim Security Clearances***

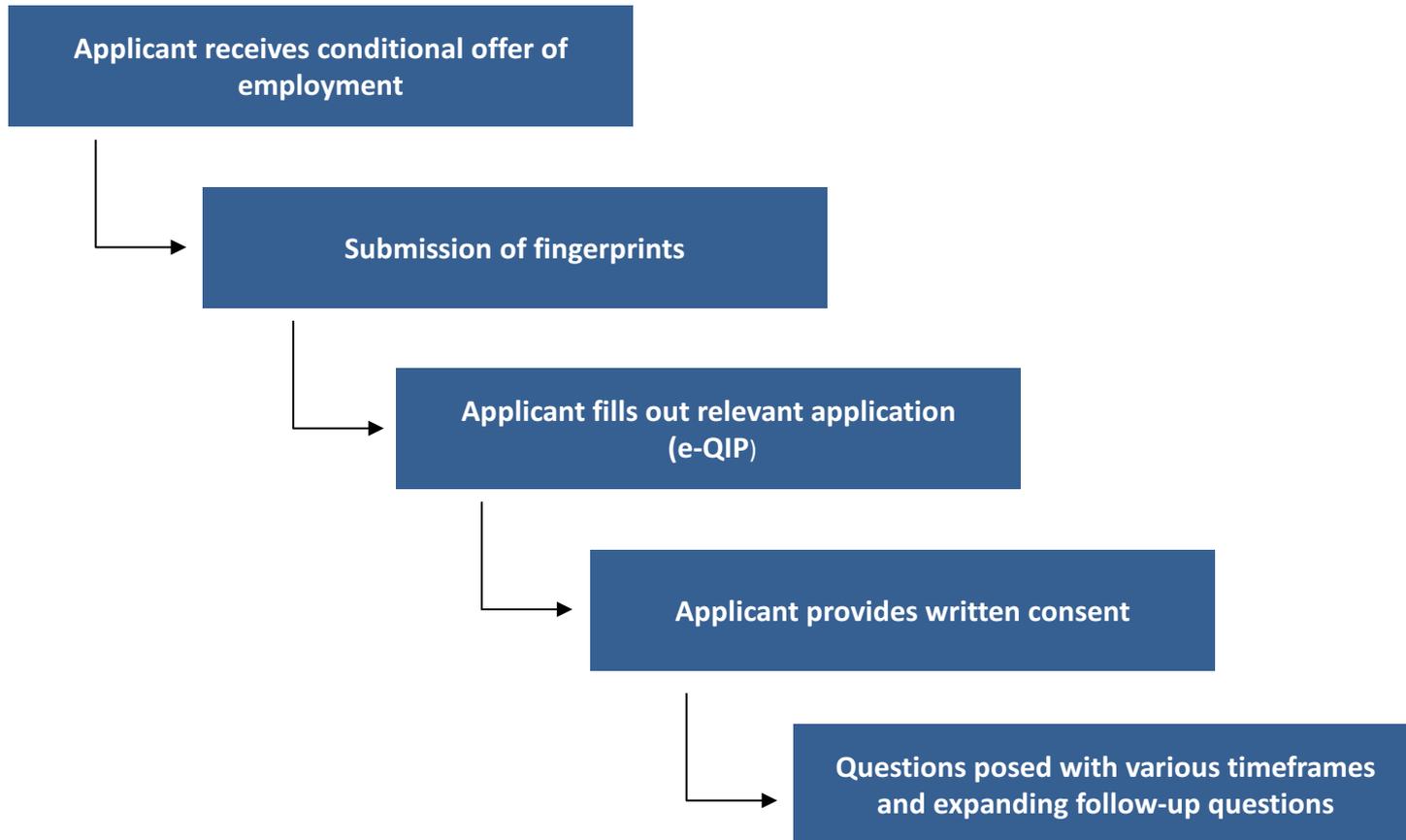
An agency may make a risk-based decision to issue an interim security clearance when exigent circumstances justify the need.



## BACKGROUND INVESTIGATION PROCESS

**Background Investigation:** The examination of a sufficient level of a person's background to determine their suitability/fitness for employment and eligibility for the award of a security clearance.

---





## FALSE OFFICIAL STATEMENT OR ENTRIES

### TITLE 18 U.S.C., SECTION 1001

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:

- Falsifies, conceals, or covers up by any trick, scheme, or device a material fact
- Makes any materially false, fictitious, or fraudulent statement or representation
- Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry

**The truth is generally always better than the result of being dishonest**



## COVERAGE EXAMPLES & ADJUDICATIVE GUIDELINES

### Investigative Coverage Examples

- Criminal History – Federal, State, Local (name, AKA's, fingerprints)
- Identity Verification
- Immigration Verification
- Credit History
- Court Records (civil and criminal)
- Education Verification
- Employment History Verification
- Tax Verification
- References
  - Listed
  - Developed
- Publicly available Records
- Polygraph use (agency head determination)
- Others

### Adjudication Guidelines

- (1) Guideline A: Allegiance to the United States
- (2) Guideline B: Foreign Influence
- (3) Guideline C: Foreign Preference
- (4) Guideline D: Sexual Behavior
- (5) Guideline E: Personal Conduct
- (6) Guideline F: Financial Considerations
- (7) Guideline G: Alcohol Consumption
- (8) Guideline H: Drug Involvement
- (9) Guideline I: Psychological Conditions
- (10) Guideline J: Criminal Conduct
- (11) Guideline K: Handling Protected Information
- (12) Guideline L: Outside Activities
- (13) Guideline M: Use of Information Technology Systems



## SECURITY CLEARANCE ADJUDICATION

### *Adjudications*

**The adjudicator weighs Security Concerns and Mitigating Factors.**

**If denied or revoked, the individual has the right of due process**

### *National Security Adjudicative Guidelines Mitigating Factors*

- ✓ The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- ✓ The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;
- ✓ The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;



## SECURITY CLEARANCE ADJUDICATION

**Myth:** Once granted, a security clearance belongs to a person that they carry with them.



**False:** A security clearance is awarded for the position a person holds that requires a clearance in the performance of their duties.

**Security clearance eligibility remains intact for 24 months when gaps occur, as long as the background investigation is within scope.**



## SECURITY CLEARANCE TIPS

**Maintain a high level of character and integrity**

**Seek out internships and opportunities that will provide you with a security clearance**

**Follow Rules and Procedures in jobs/school**

Professional, punctual, good performer, good steward of resources, follow cyber policies, provide proper notice, etc.

**Maintain your own SF-86 info and document all required bosses, references, family, phone numbers, addresses, e-mail, passport numbers, etc.**

**Keep your internet footprint in good standing**

**Provide references who are widely available**

**“If you have a misstep, focus on the mitigating factors to demonstrate that the behavior will not reoccur”**



## FUTURE INITIATIVES

### Automation

- NBIB is automating data throughout federal records repositories; state/local law enforcement agencies; and commercial data sources
- This initiative will improve timeliness, costs, and quality

### Continuous Evaluation

- NBIB meets the ODNI's 2017 phased implementation requirements with the Continuous Evaluation product line
- NBIB's robust service development will continue to meet the evolving CE standards
- With other Federal agencies seeking to leverage our product, NBIB is currently in the process of completing eighteen (18) additional MOUs

### Social Media Pilot

- NBIB is conducting a social media pilot to assess the impact of social media checks on
- Each stage of the investigative process
  - The mechanics of incorporating this type of report into a background investigation and adjudication
  - The effects on quality, costs and timeliness

### RapBack Program

- NBIB works closely with the FBI to implement biometric enrollments in RapBack, to "push" real-time arrest data and increase access to other key data sources
- RapBack will provide the Federal community with a centralized repository for identifying and reconciling arrest information and the associated adjudicative actions, aiding in Reciprocity across Government and Industry



# *Questions?*

*For inquiries, contact us at:*

**[Inquiry@NBIB.GOV](mailto:Inquiry@NBIB.GOV)**



# CyberDIVISION

FEDERAL BUREAU OF INVESTIGATION



## National Initiative for Cybersecurity Education (NICE) Webinar Series

### *“Clearances and Background Investigations”*

# FBI Security Clearances & Background Investigations

- **What things should I consider prior to obtaining clearance?**
  - Below are specific elements that will automatically disqualify job candidates for employment with the FBI. These include:
    - Non-U.S. citizenship
    - Conviction of a felony (Special Agents only: conviction of a domestic violence misdemeanor or more serious offense)
    - Violation of the FBI Employment Drug Policy
    - Default on a student loan insured by the U.S. Government
    - Failure of an FBI-administered urinalysis drug test
    - Failure to register with the Selective Service System (for males only, exceptions apply)
    - Knowingly or willfully engaged in acts or activities designed to overthrow the U.S. government by force
    - Failure to pay court ordered child support
    - Failure to file federal, state, or local income tax returns

**If you are disqualified by any of the above, you are not eligible for employment with the FBI.**

# Disqualifiers – FBI Drug Policy

- Candidates for employment with the FBI who are currently using illegal drugs, misusing or abusing legal drugs or other substances at the time of the application process will be found unsuitable for employment
  - **Marijuana Usage:**
    - Candidates cannot have used marijuana within the three (3) years preceding the date of their application for employment, regardless of the location of use (even if marijuana usage is legal in the candidate's home state). The various forms of marijuana include cannabis, hashish, hash oil, and tetrahydrocannabinol (THC), in both synthetic and natural forms.
    - A candidate's use of marijuana in its various forms for medical reasons, regardless of whether or not it was prescribed by a licensed practicing physician, cannot be used as a mitigating factor.

# Disqualifiers – FBI Drug Policy Cont.

- **Illegal Drugs:**
  - Candidates cannot have used any illegal drug, other than marijuana, within the ten (10) years preceding the date of the application for employment.
  - Candidates cannot have sold, distributed, manufactured, or transported any illegal drug or controlled substance without legal authorization.
  
- **Prescription Drugs/Legally Obtainable Substances:**
  - Candidates cannot have used anabolic steroids without a prescription from a licensed practicing physician within the past ten (10) years preceding the date of the application for employment.
  - Candidates cannot have sold, distributed, manufactured, or transported any prescription drug without legal authorization.

# FBI Security Clearances & Background Investigations Cont.

## Implementation of Federal Investigative Standards Tiered Investigations

Tiered Investigation Standards							
Why We Investigate	Public Trust			National Security			
Reason	Suitability			Access to Classified Information			
Position	Low-Risk	Moderate Risk	High Risk	Confidential	Secret	Top Secret	SCI
Position Sensitivity	Non-Sensitive			Non-Critical Sensitive		Critical Sensitive	Special Sensitive
Tiered Investigation Associated	Tier 1	Tier 2	Tier 4	Tier 3	Tier 3	Tier 5	Tier 5
Current Type Investigation	NACI	MBI	BI	NACLIC/ANACI		SSBI	
Standard Form Used	SF-85	SF-85P		SF-86			
Who Submits	Government Agencies (not NISP contractors)			FSOs			

Three basic reasons for conducting background investigations:

- National Security – Access to Classified Information – Executive Order 12968
- Suitability/Fitness for government employment – Intelligence Community Directive (ICD) 704
- Physical access to facilities and/or logical access to systems

✓Credit for chart: Defense Security Service (DSS) – [dss.mil](http://dss.mil)

# FBI Security Clearances & Background Investigations Cont.

- **Who determines whether I get the clearance?**
  - The FBI Security Division determines who is approved for employment with the FBI.
  - All FBI employees must undergo an FBI Background Investigation and receive an FBI Top Secret security clearance. Once you have received and accepted a conditional job offer, the FBI will initiate an intensive background investigation.
  - You must go through this background investigation, and you must pass, before moving forward with employment. The preliminary employment requirements include:
    - Completing an SF-86, Personnel Security Interview (PSI), a test for illegal drug usage, polygraph examination;
    - Credit and records checks; and extensive interviews with former and current colleagues, neighbors, friends, professors, etc; and
    - Investigating foreign contacts and associations, foreign travel, and foreign influence.

**Before applying for any FBI position, candidates should make sure that the FBI Employment Disqualifiers do not apply to them.**

# FBI Security Clearances & Background Investigations Cont.

- **How long does the investigation take?**
  - A background investigation can take anywhere from six (6) months to one (1) year; however, depending if a candidate has foreign influence it can take longer to investigate and approve for FBI employment.
  
- **Do my actions five (5) years ago affect my eligibility?**
  - It depends, refer to the automatic disqualifiers. In addition, depending on what negative information is revealed during the extensive background will also disqualify candidates from FBI employment.
  
- **Does the process differ for federal employees versus contractors?**
  - Contractors are approved and vetted through their contracting company. However, a Visit Access Request (VAR) must be sent to the FBI to validate an individual's security clearance. VARS are only good for one (1) year. If a contractor requires access to Sensitive Compartmented Information (SCI), they will have to undergo a Counterintelligence (CI) polygraph. Contractors converting over to FBI employee status will go through the same process as initial candidates.

# FBI Security Clearances & Background Investigations Cont.

# QUESTIONS

# ?

# Thank You for Joining Us!

**Register Now:** [NICE Conference](#) and [NICE K-12 Cybersecurity Education Conference](#)

**Submit Comments by August 2, 2017:** [RFI on Cybersecurity Workforce](#)

**Register:** [Workshop on Cybersecurity Workforce Development](#)

**September Webinar Topic:** [NICE Cybersecurity Workforce Framework](#)