



INTELLIGENCE
AND SECURITY

UNDER SECRETARY OF DEFENSE
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DEC 02 2022

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, DEFENSE COUNTERINTELLIGENCE AND
SECURITY AGENCY
DIRECTOR, DEFENSE INTELLIGENCE AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
DIRECTOR, NATIONAL SECURITY AGENCY/CENTRAL
SECURITY SERVICE
DIRECTOR, WASHINGTON HEADQUARTERS SERVICES

SUBJECT: Department of Defense Personnel Security Program Reform

References: (a) Acting Under Secretary of Defense for Intelligence and Security (USD(I&S)) Memorandum, "Simplifying, Centralizing, and Unifying the Established Administrative Process for Unfavorable Security Clearance Eligibility Hearings and Appeals, Including National Industrial Security Program (NISP) Contractor Employee Unfavorable Sensitive Compartmented Information Eligibility Hearings and Appeals," January 14, 2021
(b) DoD Manual 5200.02, "Procedures for the DoD Personnel Security Program (PSP)" effective April 3, 2017; Incorporating Change 1 on October 29, 2020
(c) DoD Directive 5220.6, "Defense Industrial Personnel Security Clearance Review Program," January 2, 1992, as amended

On January 14, 2021, then Acting USD(I&S) Ezra Cohen issued Reference (a) that directed all hearings, appeals, and final denials and revocations of security clearance eligibility to be performed by the Defense Office of Hearings and Appeals (DOHA) with the established administrative due process procedures applicable to Defense Industrial Personnel. Reference (a) was to be effective no later than September 30, 2022.

On February 18, 2021, the Defense Security Enterprise Advisory Group (DSEAG) established working groups (WGs) that included representatives from the Army, Navy, Air Force, DOHA, Defense Counterintelligence and Security Agency (DCSA), Defense Personnel and Security Research Center (PERSEREC), and Defense Intelligence Components to identify the necessary resources and options for implementing all or parts of Reference (a). Despite the ongoing efforts of these WGs, there are still unresolved issues related to necessary resources, requirements, and authorities to implement and synchronize these reforms with other related efforts, such as Trusted Workforce (TW) 2.0.

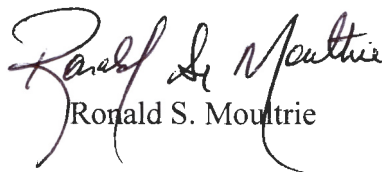
To allow time to expeditiously conclude these unresolved issues, the USD(I&S) rescinds Reference (a) to the extent that it provides a September 30, 2022 effective date and a requirement

for DoD General Counsel (GC) certification. Furthermore, the USD(I&S) amends Reference (a) to extend its implementation of the remaining terms to no later than March 31, 2023. The undersigned reserves the right to determine, in consultation with the DoD GC, whether to implement Reference (a) or to pursue other reforms.

In order to ensure the Department develops appropriate data-driven policy and procedures for process and appeals reform efforts, the USD(I&S) directs the Director for Defense Intelligence (Counterintelligence, Law Enforcement, and Security) (DDI (CL&S)), in consultation with the Office of General Counsel and other stakeholders identified in Reference (b), Appendix 7A.1., to develop an implementation plan by February 17, 2023. This plan, at a minimum, must clearly define the problem, the supporting data regarding the identified problem, the solution, and the resources, policies, procedures, communication, and training required to implement the solution. To that end, the USD(I&S) directs all DoD Components with responsibilities in Reference (b) to expeditiously provide data to support this effort upon request by the DDI (CL&S).

The option for any individual to wait for a DOHA hearing and adjudication pending implementation of Reference (a) is hereby rescinded. However, any individual who has already elected to exercise this option pursuant to Reference (a), or whose clearance eligibility was revoked or denied between September 30, 2022 and the date of this memorandum, shall be afforded the opportunity to pursue the DOHA hearing and appeal process set forth in Reference (c). Any military member or civilian employee of the Department whose clearance eligibility is revoked or denied after the date of this memorandum will be required to follow the processes in Reference (b) until March 31, 2023, when the undersigned issues new guidance.

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