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Fact Sheet for Congressional Requesters

September 1986

INFORMATION AND PERSONNEL SECURITY

Data on Employees Affected by Federal Security Programs



131404

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United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

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September 29, 1986

The Honorable Jack Brooks
Chairman, Committee on Government
Operations
House of Representatives

The Honorable William A. Ford
Chairman, Committee on Post Office
and Civil Service
House of Representatives

On November 7, 1985, you requested that we update the information we provided in 1984 concerning the federal government's policies on polygraph testing and prepublication review procedures.¹ On December 5, 1985, you sent a questionnaire to those agencies that handle classified information (as you had done in 1984), and asked them to return the responses to us. The purpose of the questionnaire, in addition to updating the previous survey, was to make a broader inquiry into the agencies' policies regarding information and personnel security programs, including a general survey of information classification activity and special access programs.

Most of the agencies responded to the questionnaire. However, the Executive Office of the President, which had informed us that it would be responding for nine of the questionnaire recipients, had not responded by September 29, 1986. A list of all agencies is included as appendix I. The responding agencies' data are included in summary form in appendix II. The information includes actual figures, as well as some estimates where data was not readily available. We did not verify the information reported by the agencies, but we did compare it with their previous responses and in many cases requested clarification.

We counted responses from the Department of Defense (DOD), including the military services, as one response; however, we did provide the individual services' responses, as well as

¹Polygraph and Prepublication Review Policies of Federal Agencies, GAO/NSIAD-84-134, June 11, 1984.

all agency responses, to your offices. Questionnaires were not sent to the National Security Agency and Central Intelligence Agency. Overall, the 41 responding agencies estimated that about 2.2 million federal and 1.4 million contractor employees held security clearances at the end of 1985. This is a net decrease from the number of employees with clearances at the end of 1984 (2.8 million federal and 1.6 million contractor employees). The decrease is primarily the result of a clearance-reduction program within DOD. The following sections summarize the information received relative to prepublication review requirements, polygraph examinations, and unauthorized disclosures of classified information.

PREPUBLICATION REVIEW REQUIREMENTS

Since 1981, with the issuance of Form 4193 (app. III), agency employees with sensitive compartmented information (SCI)² access have been required to sign nondisclosure agreements with lifetime prepublication review requirements. The President formalized this policy by issuing National Security Decision Directive 84 on March 11, 1983, requiring all individuals with SCI access to sign nondisclosure agreements with a prepublication review requirement. Under the directive, a revised Form 4193 (app. IV) was promulgated to replace the 1981 version. Although the President suspended the prepublication review provision of the Directive on February 15, 1984, the suspension has had little effect on prepublication review requirements. This is because employees are still required to sign the prior version of Form 4193 before being granted access to SCI. Since the agreements apply for the life of the employee, they cover both current and former employees.

Twenty agencies reported that, as of December 31, 1985, 138,245 of their employees were involved in SCI programs and that, as far as they knew, almost all had signed the agreements which contain the lifetime prepublication review requirement. Of the 138,245 current federal employees with SCI access, 125,088 were DOD employees. In addition to federal employees with SCI access, 1,332 contractor employees had SCI access as of December 31, 1985.

²SCI refers to intelligence or intelligence-related material that requires special handling. The Director of Central Intelligence is responsible for protecting this information.

Because the agencies did not know the number of former employees covered by these agreements, the total number of agreements now in effect is unknown. However, agencies reported that at least 240,776 individuals have signed the agreements.

In addition to SCI nondisclosure agreements with prepublication review requirements, employees working on other non-SCI special access programs may be required to sign similar agreements. At the end of 1985, the numbers of non-SCI special access programs had grown to over 160, from about 100 in 1983 and 30 in 1979. While the number of government employees involved in non-SCI special access programs declined slightly from the number in our last report (from about 27,500 in 1983 to about 25,000 in 1985), the number of contractor employees involved in those programs has more than doubled (from about 21,600 in 1983 to about 56,700 in 1985).

The Federal Bureau of Investigation requires all employees to sign its own nondisclosure agreements containing a lifelong prepublication review provision. To date, about 45,000 Bureau employees have signed these agreements. In addition, the Defense Intelligence Agency requires some of its employees to sign its own nondisclosure agreement that contains a prepublication review provision. To date, about 4,300 employees have signed this agreement.

In addition to contractual requirements, 11 agencies (including DOD) indicated that, as a matter of agency regulation, current employees must comply with prepublication review requirements. The number of employees subject to the prepublication review regulations was 3,534,481 as of December 31, 1985. This figure includes many of the employees covered by SCI agreements.

POLYGRAPH EXAMINATIONS

Ten agencies told us that their employees and applicants for employment were given 15,428 polygraph examinations in 1984; eight agencies said that 18,213 such examinations were given in 1985. (The Department of Labor and the Veterans Administration did not use the polygraph in 1985.) The majority of the examinations were given in connection with criminal or specific incident investigations; however, about 32 percent of the 1984 and 35 percent of the 1985 examinations were given for screening purposes (before being granted access to classified information, reinvestigations, and aperiodic examinations) and were not conducted in connection with a specific event. DOD accounts for most of the polygraph examinations administered in the government. Table 1 shows the total number of polygraph examinations, as well as a

breakout of screening examinations, given by DOD in 1981 through 1985.

Table 1: Total Number of Polygraph and Screening Examinations Given by DOD

<u>Examinations</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Total	6,556	8,657	10,502	11,128	13,786
Screening only	45	1,176	3,105	3,649	4,863

The Postal Service and the Departments of Defense, Justice, and Treasury employed 222 and 267 polygraph operators at the end of calendar years 1984 and 1985, respectively. DOD plans eventually to hire an additional 84 polygraph operators, and the Department of Treasury plans to hire an additional 7 operators.

National Security Decision Directive (NSDD) 196, issued on November 1, 1985, includes a provision for the use of aperiodic, non-life style, counterintelligence-type polygraph examinations for all individuals with access to certain classified information. In response to a question about how agencies have adopted, or plan to adopt, the use of polygraph examinations as outlined in NSDD 196, the responding agencies noted that nothing had been done to implement that provision of the directive. The agencies said that they were awaiting implementing instructions for the directive. As of September 2, 1986, the National Security Planning Group had issued no such instructions.

UNAUTHORIZED DISCLOSURES

Seven agencies reported having 151 unauthorized disclosures of classified information during calendar year 1984, 105 of which were not reported to the Department of Justice. The number of unauthorized disclosures made through published writings or speeches by then-current employees was six; by former employees, two. For the calendar year 1985, nine agencies reported having 165 unauthorized disclosures of classified information, 113 of which were not reported to the Department of Justice. The number made through published writings or speeches by then-current employees was five; by former employees, two.

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Unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 30 days from the date of this letter. At that time, we will send copies to all agencies that provided information and to other interested parties upon request.

If we can be of further assistance, please contact me at 275-8412.

A handwritten signature in black ink, appearing to read "Martin M. Ferber". The signature is fluid and cursive, with the first name "Martin" and last name "Ferber" clearly distinguishable.

Martin M. Ferber
Associate Director

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QUESTIONNAIRE RECIPIENTSAGENCIES RESPONDING TO QUESTIONNAIRE

Agency for International Development
Arms Control and Disarmament Agency
Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Environmental Protection Agency
Export-Import Bank
Farm Credit Administration
Federal Communications Commission
Federal Emergency Management Agency
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Reserve System
General Services Administration
International Trade Commission
Interstate Commerce Commission
Marine Mammal Commission
National Aeronautics and Space Administration
National Archives and Records Administration
National Science Foundation
Nuclear Regulatory Commission
Office of Personnel Management
Overseas Private Investment Corporation
Peace Corps
Securities and Exchange Commission
Selective Service
Small Business Administration
Tennessee Valley Authority
U.S. Information Agency
U.S. Postal Service
Veterans Administration

AGENCIES NOT RESPONDING TO QUESTIONNAIRE

Executive Office of the President:

- Assistant to the President for National Security Affairs
- Board for International Broadcasting
- Council of Economic Advisers
- Office of Administration
- Office of Management and Budget
- Office of Science and Technology
- President's Foreign Intelligence Advisory Board
- President's Intelligence Oversight Board
- United States Trade Representative

Responses to Questions of the
House Committee on Government Operations
and the
House Committee on Post Office and Civil Service

On December 5, 1985, questionnaires were sent to 50 executive branch agencies that handle classified information. The Executive Office of the President, which was to have responded for 9 questionnaire recipients, had not responded as of September 29, 1986. Appendix I is a listing of the 50 agencies. The combined responses are presented below. The totals do not include figures from the National Security Agency or the Central Intelligence Agency because they were not sent questionnaires.

QUESTION 1

Approximately how many full- and part-time people were employed by the federal government as of December 31, 1984, and as of December 31, 1985?

RESPONSE

The responding agencies had 5,269,151 military and federal civilian personnel in 1984 and 5,330,402 in 1985.

QUESTION 2

Approximately how many federal and contractor employees had security clearances as of December 31, 1984, and as of December 31, 1985?

RESPONSE

About 2.8 million federal and 1.6 million contractor employees of the responding agencies had security clearances at the end of 1984. About 2.2 million federal and 1.4 million contractor employees had security clearances at the end of 1985. The decrease in the numbers of security clearances from 1984 to 1985 was due mainly to the DOD clearance-reduction program. Of the total number of federal employees--5,330,402--about 9 percent had top secret clearances, and 33 percent had secret clearances in 1985. Table II.1 shows the number of employees with security clearances at the different levels in 1984 and 1985, respectively.

Table II.1: Number of Employees With Security Clearances

<u>Level of clearance</u>	1984	
	<u>Federal employees</u>	<u>Contractor employees</u>
Top secret	542,073	273,185
Secret	2,251,565	1,030,728
Confidential	28,113	305,942
Total	2,821,751 =====	1,609,855 =====

<u>Level of clearance</u>	1985	
	<u>Federal employees</u>	<u>Contractor employees</u>
Top secret	464,065	270,127
Secret	1,751,612	948,920
Confidential	26,925	198,589
Total	2,242,602 =====	1,417,636 =====

QUESTION 3

How many Sensitive Compartmented Information (SCI) and non-SCI special access programs were there at the close of calendar years 1984 and 1985, and how many agency and contractor employees were granted special access authorizations for them in those years?

RESPONSE

Twenty agencies reported having employees participating in 59 SCI special access programs in 1984, and 21 agencies reported employees participating in 64 programs in 1985. Sixteen agencies reported having employees participating in over 100 non-SCI special access programs in 1984, and 17 reported having employees participating in over 160 non-SCI special access programs in 1985. The number of non-SCI programs reported for 1984 and 1985 was 111 and 177, respectively; however, because the programs were not identified, there could have been duplicative reporting of the programs. Table II.2 shows the number of employees with special access authorizations.

Table II.2: Number of Employees With Special Access Authorizations

<u>Agency</u>	<u>1984</u>		<u>1985</u>	
	<u>SCI</u>	<u>Non-SCI</u>	<u>SCI</u>	<u>Non-SCI</u>
DOD	125,138	21,194	125,088	23,724
State	4,000	0	4,513	0
Justice	4,230	46	4,230	51
Other agencies	3,865	644	4,414	1,232
Total	137,233	21,884	138,245	25,007
	=====	=====	=====	=====
Contractor	1,245	54,999	1,332	56,747
	=====	=====	=====	=====
Total	138,476	76,883	139,577	81,754
	=====	=====	=====	=====

QUESTION 4

How many new personnel security clearances were granted to agency and contractor employees during calendar years 1984 and 1985?

RESPONSE

Table II.3 shows, by level, the number of clearances granted during 1984 and 1985.

Table II.3: Number of Clearances Granted to Employees During 1984 and 1985

<u>Level of clearance granted</u>	<u>1984</u>		<u>1985</u>	
	<u>Agency</u>	<u>Contractor</u>	<u>Agency</u>	<u>Contractor</u>
Top secret	119,550	58,108	117,581	53,260
Secret	346,990	225,344	445,715	220,897
Confidential	1,044	1,965	1,032	2,314
Total	467,584	285,417	564,328	276,471
	=====	=====	=====	=====
SCI/Non-SCI access	109,706 ^a	1,228	112,813 ^a	1,546

^aThe majority of these are DOD figures which combine agency and contractor employees and include determinations for access to SCI, non-SCI special access programs, and other programs such as presidential support assignments.

QUESTION 5

How many security clearance requests were in process at the end of calendar years 1984 and 1985?

RESPONSE

Table II.4 shows the number of clearances in process at the end of calendar years 1984 and 1985.

Table II.4: Number of Clearances in Process at End of Calendar Year

	<u>1984</u>		<u>1985</u>	
<u>Level of clearances in process</u>	<u>Agency</u>	<u>Contractor</u>	<u>Agency</u>	<u>Contractor</u>
Top secret	19,524	12,243	16,566	7,866
Secret	101,858	2,932	125,524	3,101
Confidential	<u>271</u>	<u>62</u>	<u>289</u>	<u>63</u>
Total	121,653	15,237	142,379	11,030
	=====	=====	=====	=====
SCI/Non-SCI access	24,352 ^a	370	23,780 ^a	406

^aThe majority of these are for DOD, which combine agency and contractor employees and include requests for access to SCI, non-SCI special access programs, and other programs such as presidential support assignments.

QUESTION 6

What was the average time required to complete the investigative work incident to granting a top secret and secret clearance and SCI and non-SCI access during calendar years 1984 and 1985?

RESPONSE

Table II.5 shows the ranges of average times agencies reported they needed to complete the investigative work incident to granting clearances.

Table II.5: Ranges of Average Times to Complete Investigative Work to Grant Clearances

<u>Level of clearance</u>	<u>Average number of days</u>	
	<u>1984</u>	<u>1985</u>
Top secret	30 to 300	30 to 250
Secret	30 to 270	45 to 270
SCI access	30 to 180	30 to 170
Non-SCI access	45 to 150	55 to 180

QUESTION 7

How many requests for security clearances and special accesses for agency and contractor employees were denied in calendar years 1984 and 1985, and how many clearances and accesses were revoked for reasons of risk or potential risk to national security or because of insufficient need during those years?

RESPONSE

The number of denials of requests and revocations of security clearances for agency and contractor employees, respectively, in 1984 and 1985 is shown in table II.6. The large increase in revocations in 1985 is in large part due to the DOD clearance-reduction program. (Totals do not always agree with individual figures since some agencies [including DOD] could not always determine the level or reason for revocations and provided only total numbers.)

Table II.6: Number of Denials of Requests and Revocations of Security Clearances

<u>Level of clearance/type of access</u>						
<u>AGENCY EMPLOYEES</u>						
<u>1984</u>	<u>Top</u>		<u>Confidential</u>	<u>SCI</u>	<u>Non-SCI</u>	<u>Total</u>
Denials	secret	Secret	0	29	128	345
	=====	=====	=====	=====	=====	=====
Revocations:						
For risk	6	11	0	6	0	23
Administrative	1,597	5,639	306	529	49	8,120
Total revocations	1,606	16,235	306	3,119	49	21,315
	=====	=====	=====	=====	=====	=====
<u>1985</u>						
Denials	179	76	0	26	259	540
	=====	=====	=====	=====	=====	=====
Revocations:						
For risk	20	37	1	11	0	64
Administrative	2,226	3,857	354	572	115	7,124
Total revocations	2,247	232,136	355	3,184	347	238,271
	=====	=====	=====	=====	=====	=====
<u>CONTRACTOR EMPLOYEES</u>						
<u>1984</u>						
Denials	41	24	0	4	68	331
	=====	=====	=====	=====	=====	=====
Revocations:						
For risk	20	6	0	1	0	409
Administrative	3	35	0	63	30	131
Total revocations	23	41	0	107	30	734
	=====	=====	=====	=====	=====	=====
<u>1985</u>						
Denials	40	46	0	2	137	471
	=====	=====	=====	=====	=====	=====
Revocations:						
For risk	20	9	0	3	0	751
Administrative	9,717	92,197	107,521	96	40	209,571
Total revocations	9,737	92,208	107,521	218	40	209,724
	=====	=====	=====	=====	=====	=====

QUESTION 8

How many reinvestigations of previously cleared individuals were conducted in calendar years 1984 and 1985, and what was the average time required for the completion of those reinvestigations?

RESPONSE

The number of completed reinvestigations of agency and contractor employees is shown in table II.7. The average times required to complete reinvestigations in 1985 ranged from 5 to 237 days for top secret and 30 to 180 days for secret reinvestigations. For SCI and non-SCI reinvestigations, time ranges were 30 to 365 days and 60 to 90 days, respectively.

Table II.7: Number of Completed Reinvestigations of Agency and Contractor Employees

	<u>Level of clearance/type of access</u>					
	<u>Top Secret</u>	<u>Secret</u>	<u>Confidential</u>	<u>SCI</u>	<u>Non- SCI</u>	<u>Total</u>
<u>1984</u>						
Agency employees	11,357	578	15	33,273	23	45,234
Contractor employees	2,715	10	0	320	0	3,045
<u>1985</u>						
Agency employees	6,011	1,202	24	24,825	12	32,379
Contractor employees	1,877	13	0	318	0	2,208

QUESTION 9

How much money was spent in calendar years 1984 and 1985 for security clearance investigations, reinvestigations, special investigations, and adjudications?

RESPONSE

The total costs for 1984 and 1985 were \$155,037,861 and \$162,954,602, respectively. Table II.8 gives a breakdown of the costs by inhouse costs, reimbursements to other federal agencies, and contracted investigative services costs.

Table II.8: Breakdown of Costs Incurred for Investigations and Adjudications

<u>Type of cost</u>	<u>1984</u>	<u>1985</u>
Agency inhouse	\$108,140,321	\$116,658,583
Reimbursements to other agencies	43,873,172	39,171,769
Contracted services	<u>3,024,368</u>	<u>7,124,250</u>
Total	\$155,037,861 =====	\$162,954,602 =====

QUESTION 10

How many agency employees were authorized to classify information at the top secret and secret levels as of December 31, 1984, and December 31, 1985?

RESPONSE

Table II.9 shows the number of employees with original and derivative classification authority in 1984 and 1985.

Table II.9: Number of Employees With Original and Derivative Classification Authority

	<u>Number of classifiers</u>			
	<u>1984</u>		<u>1985</u>	
<u>Level of information classified</u>	<u>Original authority</u>	<u>Derivative authority</u>	<u>Original authority</u>	<u>Derivative authority</u>
Top secret and below	1,250	473,170	1,305	393,184
Secret and below	4,117	2,250,810	4,272	1,751,497

QUESTION 11

How many agencies require their classifiers to be certified? What are their certification requirements, and how many require training for their classifiers?

RESPONSE

Eight agencies required certification of their classifiers: Peace Corps, U.S. Information Agency, Federal Communications Commission, Nuclear Regulatory Commission, National Archives, and the Departments of Commerce, Interior, and Treasury. Certification requirements ranged from the holding of a top secret clearance to attending briefings and formal training courses.

Thirteen agencies required training for their classifiers: Peace Corps, U.S. Information Agency, Federal Communications Commission, Nuclear Regulatory Commission, Export-Import Bank, U.S. Postal Service, National Aeronautics and Space Administration, and the Departments of Commerce, Education, Labor, State, Interior, and Energy.

QUESTION 12

How many agencies use classification guides, and how many guides were issued as of December 31, 1984, and December 31, 1985? Classification guides are documents issued by authorized original classifiers that prescribe the level of classification to be used when information is classified derivatively. Classification guides are supposed to be issued for each classified system, program, plan, or project.

RESPONSE

Fourteen agencies reported using classification guides. They issued 1,709 classification guides as of December 31, 1984, and 1,805 guides as of December 31, 1985.

QUESTION 13

How many agencies employed polygraph operators in calendar years 1984 and 1985?

RESPONSE

Four agencies employed polygraph operators during 1984 and 1985. The agencies were the U.S. Postal Service and the Departments of Defense, Justice, and Treasury.

QUESTION 14

As of December 31, 1984, and December 31, 1985, how many polygraph operators were employed by federal agencies, and how many contracts for polygraph examinations did the agencies have?

RESPONSE

As of December 31, 1984, 222 polygraph operators were employed by four agencies. As of December 31, 1985, the number of operators was 267. Table II.10 shows the number of operators employed by each of the four agencies.

Table II.10: Number of Polygraph Operators Employed as of December 31

<u>Agency</u>	<u>Number of operators</u>	
	<u>1984</u>	<u>1985</u>
Postal Service	9	10
Defense	124	160
Justice	57	59
Treasury	32	38
Total	222	267
	===	===

During the 2-year period, only one contract for polygraph examinations was granted--by the Department of Labor in 1984.

QUESTION 15

How many agencies plan to employ additional polygraph operators or contract out for polygraph services? How many additional employees or contracts are planned for?

RESPONSE

Two agencies--DOD and Treasury--plan to hire 91 additional polygraph operators. No agencies plan to contract out for polygraph services.

QUESTION 16

As of December 31, 1984, and December 31, 1985, how many polygraph machines did the agencies possess? How many were procured during 1984 and 1985, and how many additional machines were expected to be procured?

RESPONSE

At the end of 1984, four agencies had 419 machines on hand and had procured 35 machines during the year. At the end of 1985, those agencies had 446 machines on hand and had procured 84 during the year. During this period, they had discarded 57 older machines. Three of the agencies expect to procure 173 additional machines. Table II.11 shows the number of machines each agency had at the end of 1984 and 1985 and the number of additional machines they plan to procure.

Table II.11: Number of Polygraph Machines

<u>Agency</u>	<u>On hand, 1984</u>	<u>On hand, 1985</u>	<u>Future procurements</u>
Postal Service	8	11	3
Defense	271	290	152
Justice	99	100	1
Treasury	<u>41</u>	<u>45</u>	<u>17</u>
Total	419	446	173
	===	===	===

QUESTION 17

Approximately how many polygraph tests were conducted on agency employees or applicants for employment by, or for the agencies, during calendar years 1984 and 1985? How many of these tests resulted in a security clearance action (denial, revocation, suspension, or other)?

RESPONSE

Table II.12 shows the number of polygraph examinations given to agency employees or applicants for employment for various reasons during 1984 and 1985, and how many clearance actions (denials, revocations, etc.) resulted from those examinations.

Table II.12: Number and Results of Polygraph Examinations Given Employees and Applicants at All Agencies

<u>Reason for polygraph test</u>	<u>1984</u>		<u>1985</u>	
<u>Criminal or specific incident investigations</u>	<u>Tests</u>	<u>Clearance actions</u>	<u>Tests</u>	<u>Clearance actions</u>
Conducted by agency	<u>11,460</u>	<u>5</u>	<u>13,016</u>	<u>1</u>
Conducted by other agencies or contractors	<u>17</u>	<u>0</u>	<u>21</u>	<u>0</u>
<u>Preemployment screening</u>				
Conducted by agency	<u>142</u>	<u>3</u>	<u>105</u>	<u>0</u>
Conducted by other agencies or contractors	<u>97</u>	<u>72</u>	<u>106</u>	<u>76</u>
<u>Preaccess screening</u>				
Conducted by agency	<u>2,524</u>	<u>3</u>	<u>2,977</u>	<u>2</u>
Conducted by other agencies or contractors	<u>0</u>	<u>0</u>	<u>57</u>	<u>0</u>
<u>Subsequent screening</u>				
Conducted by agency	<u>1,188</u>	<u>0</u>	<u>1,931</u>	<u>0</u>
Conducted by other agencies or contractors	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Total</u>				
Conducted by agency	<u>15,314</u>	<u>11</u>	<u>18,029</u>	<u>3</u>
Conducted by other agencies or contractors	<u>114</u>	<u>72</u>	<u>184</u>	<u>76</u>
Total	<u>15,428</u>	<u>83</u>	<u>18,213</u>	<u>79</u>
	=====	=====	=====	=====

Tables II.13 and II.14 provide this information for DOD and the Department of Justice, the two agencies where the largest number of examinations were given. (Note: The information given in tables II.13 and II.14 is included in table II.12.)

Table II.13: Number and Results of Polygraph Examinations Given Employees and Applicants at DOD

<u>Reason for polygraph test</u>	<u>1984</u>		<u>1985</u>	
	<u>Tests</u>	<u>Clearance actions</u>	<u>Tests</u>	<u>Clearance actions</u>
Criminal or specific incident investigations	7,479	0	8,923	0
Preaccess screening	2,461	3	2,932	2
Subsequent screening	1,188	0	1,931	0
Total	11,128	3	13,786	2
	=====	=====	=====	=====

Table II.14: Number and Results of Polygraph Examinations Given Employees and Applicants at the Department of Justice

<u>Reason for Polygraph Test</u>	<u>1984</u>		<u>1985</u>	
	<u>Tests</u>	<u>Clearance actions</u>	<u>Tests</u>	<u>Clearance actions</u>
Criminal or specific incident investigations	2,719	2	2,767	1
Preemployment screening	130	0	83	0
Preaccess screening	63	0	45	0
Total	2,882	2	2,765	1
	=====	=====	=====	=====

QUESTION 18

What have agencies done to adopt the use of polygraph examinations as outlined in National Security Decision Directive 196?

RESPONSE

All of the responding agencies noted that nothing had been done as of June 1986 to implement that provision of the directive which was issued on November 1, 1985. The agencies said that they were waiting for implementing instructions for the directive. As of September 2, 1986, the National Security Planning Group had issued no such instructions.

QUESTION 19

How many agencies require any of their employees to submit to any prepublication review procedure (other than to review official statements on behalf of the agency)?

RESPONSE

Eleven agencies require their employees to submit to prepublication review: Federal Reserve Board, Peace Corps, U.S. Information Agency, Agency for International Development, Securities and Exchange Commission, Tennessee Valley Authority, Arms Control and Disarmament Agency, and the Departments of State, Energy, Defense, and Justice.

QUESTION 20

How many agency employees covered by prepublication-review procedures implemented through agreements and contracts have signed such agreements or contracts as of December 31, 1985?

RESPONSE

According to the 11 agencies that require prepublication review, the number of current and former agency employees who have signed these agreements or contracts is 290,001. The majority of these (240,776) are SCI agreements, and the remainder are employment agreements of the Federal Bureau of Investigation (44,925) and the Defense Intelligence Agency (4,300).

QUESTION 21

How many books, articles, speeches, and other materials, by category, were reviewed through agency prepublication-review processes during calendar years 1984 and 1985?

RESPONSE

Table II.15 shows the number of books, articles, speeches, or other (research papers, technical reports, newsletters, etc.) that were reviewed before being published in 1984 and 1985.

Table II.15: Material That Received Prepublication Review in 1984 and 1985

<u>Calendar year</u>	<u>Type of material</u>			
	<u>Books</u>	<u>Articles</u>	<u>Speeches</u>	<u>Other</u>
1984	103	5,291	3,390	12,934
1985	139	5,053	3,484	14,144

QUESTION 22

What was the average number of working days that elapsed from the date of receipt of a request for prepublication review of a document to the date that the requester was informed of the final result?

RESPONSE

Table II.16 shows the reported range of time for the prepublication review process.

Table II.16: Reported Range of Time for Prepublication Review

<u>Type of material</u>	<u>No. of days</u>
Books	7 to 53
Articles	3 to 30
Speeches	3 to 25
Others	7 to 12

QUESTION 23

During calendar years 1984 and 1985, approximately how many employees were assigned, and how many working days were used for prepublication reviews?

RESPONSE

In 1984, approximately 139 employees used about 12,496 working days for prepublication reviews. In 1985, approximately 136 employees used about 12,810 working days for prepublication reviews.

QUESTION 24

How many agency and contractor employees signed Standard Form 189 or a similar form requiring nondisclosure of classified information during calendar years 1984 and 1985?

RESPONSE

During 1984, 123,077 agency employees and 286 contractor employees signed Standard Form 189. The respective figures for 1985 were 194,015 and 15,489. During 1984, 18,795 agency and 23,466 contractor employees signed other agreements with nondisclosure provisions. The numbers for 1985 were 25,381 and 23,800, respectively.

QUESTION 25

During calendar years 1984 and 1985, how many agencies experienced unauthorized disclosures of classified information?

RESPONSE

In 1984, seven agencies experienced unauthorized disclosures of classified information. In 1985, the number was nine.

QUESTION 26

For calendar years 1984 and 1985, what was the total number of unauthorized disclosures of classified information? What was the number not reported to the Department of Justice, and what was the number made through books, articles, or speeches, written by then-current or former employees?

RESPONSE

The total number of known unauthorized disclosures in 1984 was 151. Of these, 105 were not reported to the Department of Justice. The number in 1984 made through published writings or speeches by then-current employees was 6 and by former employees was 2. In 1985, the number of known disclosures was 165, of which 113 were not reported to the Department of Justice. The number in 1985 made through published writings or speeches by then-current employees was 5 and by former employees was 2.

QUESTION 27

How many cases of unauthorized disclosures were investigated by the affected agency, and how many were referred to another agency for investigation during calendar years 1984 and 1985?

RESPONSE

Agencies investigated 151 of their own cases of unauthorized disclosures in calendar year 1984 and referred 9 of these to another agency for investigation. No cases were referred to another agency for investigation that were not first investigated by the affected agency. In 1985, agencies investigated 164 of their own cases and referred 9 of these to another agency. One case was referred to another agency in 1985 that was not first investigated by the affected agency.

QUESTION 28

How many agency and contractor employees were denied further access to classified information, or subjected to other administrative sanctions, because of their unwillingness to cooperate with the investigation of an unauthorized disclosure (because the use of the polygraph was involved or for other reasons)?

RESPONSE

Table II.17 shows the number of agency and contractor employees that were denied further access or had other administrative actions taken against them because of their unwillingness to cooperate with the investigation of an unauthorized disclosure.

Table II.17: Reasons and Sanctions for Non-Cooperation

<u>Sanctions</u>	<u>Reasons for unwillingness to cooperate</u>			
	<u>1984</u>		<u>1985</u>	
	<u>Polygraph involved</u>	<u>Other reasons</u>	<u>Polygraph involved</u>	<u>Other reasons</u>
Denied further access				
Agency employees	0	11	0	10
Contractor employees	0	10	0	10
Other administrative sanctions				
Agency employees	0	1	0	3
Contractor employees	0	0	0	0

FORM 4193

SENSITIVE COMPARTMENTED INFORMATION NONDISCLOSURE AGREEMENT

An Agreement Between _____ and the United States

(Name - Printed or Typed)

1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to information protected within Special Access Programs, hereinafter referred to in this Agreement as Sensitive Compartmented Information (SCI). I have been advised that SCI involves or derives from intelligence sources or methods and is classified or classifiable under the standards of Executive Order 12065 or other Executive order or statute. I understand and accept that by being granted access to SCI, special confidence and trust shall be placed in me by the United States Government.

2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of SCI, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and I understand these procedures. I understand that I may be required to sign subsequent agreements upon being granted access to different categories of SCI. I further understand that all my obligations under this Agreement continue to exist whether or not I am required to sign such subsequent agreements.

3. I have been advised that direct or indirect unauthorized disclosure, unauthorized retention, or negligent handling of SCI by me could cause irreparable injury to the United States or be used to advantage by a foreign nation. I hereby agree that I will never divulge such information to anyone who is not authorized to receive it without prior written authorization from the United States Government department or agency (hereinafter Department or Agency) that last authorized my access to SCI. I further understand that I am obligated by law and regulation not to disclose any classified information in an unauthorized fashion.

4. In consideration of being granted access to SCI and of being assigned or retained in a position of special confidence and trust requiring access to SCI, I hereby agree to submit for security review by the Department or Agency that last authorized my access to such information, all information or materials, including works of fiction, which contain or purport to contain any SCI or description of activities that produce or relate to SCI or that I have reason to believe are derived from SCI, that I contemplate disclosing to any person not authorized to have access to SCI or that I have prepared for public disclosure. I understand and agree that my obligation to submit such information and materials for review applies during the course of my access to SCI and thereafter, and, I agree to make any required submissions prior to discussing the information or materials with, or showing them to, anyone who is not authorized to have access to SCI. I further agree that I will not disclose such information or materials to any person not authorized to have access to SCI until I have received written authorization from the Department or Agency that last authorized my access to SCI that such disclosure is permitted.

5. I understand that the purpose of the review described in paragraph 4 is to give the United States a reasonable opportunity to determine whether the information or materials submitted pursuant to paragraph 4 set forth any SCI. I further understand that the Department or Agency to which I have submitted materials will act upon them, coordinating within the Intelligence Community when appropriate, and make a response to me within a reasonable time, not to exceed 30 working days from date of receipt.

6. I have been advised that any breach of this Agreement may result in the termination of my access to SCI and retention in a position of special confidence and trust requiring such access, as well as the termination of my employment or other relationships with any Department or Agency that provides me with access to SCI. In addition, I have been advised that any unauthorized disclosure of SCI by me may constitute violations of United States criminal laws, including the provisions of Sections 793, 794, 798, and 952, Title 18, United States Code, and of Section 783(b), Title 50, United States Code. Nothing in this Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation.

7. I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement. I have been advised that the action can be brought against me in any of the several appropriate United States District Courts where the United States Government may elect to file the action. Court costs and reasonable attorneys fees incurred by the United States Government may be assessed against me if I lose such action.

8. I understand that all information to which I may obtain access by signing this Agreement is now and will forever remain the property of the United States Government. I do not now, nor will I ever, possess any right, interest, title, or claim whatsoever to such information. I agree that I shall return all materials, which may have come into my possession or for which I am responsible because of such access, upon demand by an authorized representative of the United States Government or upon the conclusion of my employment or other relationship with the United States Government entity providing me access to such materials. If I do not return such materials upon request, I understand this may be a violation of Section 793, Title 18, United States Code, a United States criminal law.

9. Unless and until I am released in writing by an authorized representative of the Department or Agency that last provided me with access to SCI, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to SCI, and at all times thereafter.

10. Each provision of this Agreement is severable. If a court should find any provision of this Agreement to be unenforceable, all other provisions of this Agreement shall remain in full force and effect. This Agreement concerns SCI and does not set forth such other conditions and obligations not related to SCI as may now or hereafter pertain to my employment by or assignment or relationship with the Department or Agency.

11. I have read this Agreement carefully and my questions, if any, have been answered to my satisfaction. I acknowledge that the briefing officer has made available Sections 793, 794, 798, and 952 of Title 18, United States Code, and Section 783(b) of Title 50, United States Code, and Executive Order 12065, as amended, so that I may read them at this time, if I so choose.

12. I hereby assign to the United States Government all rights, title and interest, and all royalties, remunerations, and emoluments that have resulted, will result, or may result from any disclosure, publication, or revelation not consistent with the terms of this Agreement.

13. I make this Agreement without any mental reservation or purpose of evasion.

SIGNATURE _____

DATE _____

The execution of this Agreement was witnessed by the undersigned who accepted it on behalf of the United States Government as a prior condition of access to Sensitive Compartmented Information.

WITNESS and ACCEPTANCE: _____

SIGNATURE _____

DATE _____

SECURITY BRIEFING ACKNOWLEDGMENT

I hereby acknowledge that I was briefed on the following SCI Special Access Program(s):

(Special Access Programs by Initials Only)

Signature of Individual Briefed _____

Date Briefed _____

Printed or Typed Name _____

Social Security Number (See Notice Below) _____

Organization (Name and Address) _____

I certify that the above SCI access(es) were approved in accordance with relevant SCI procedures and that the briefing presented by me on the above date was also in accordance therewith.

Signature of Briefing Officer _____

Printed or Typed Name _____

Organization (Name and Address) _____

Social Security Number (See Notice Below) _____

* * * * *

SECURITY DEBRIEFING ACKNOWLEDGMENT

Having been reminded of my continuing obligation to comply with the terms of this Agreement, I hereby acknowledge that I was debriefed on the following SCI Special Access Program(s):

(Special Access Programs by Initials Only)

Signature of Individual Debriefed _____

Date Debriefed _____

Printed or Typed Name _____

Social Security Number (See Notice Below) _____

Organization (Name and Address) _____

I certify that the debriefing presented by me on the above date was in accordance with relevant SCI procedures.

Signature of Debriefing Officer _____

Printed or Typed Name _____

Organization (Name and Address) _____

Social Security Number (See Notice Below) _____

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 (SSN) is Executive Order 9397. Your SSN will be used to identify you precisely when it is necessary to 1) certify that you have access to the information indicated above, 2) determine that your access to the information indicated has terminated, or 3) certify that you have witnessed a briefing or debriefing. Although disclosure of your SSN is not mandatory, your failure to do so may impede such certifications or determinations.

Revised Form 4193

AUG 24 1983

SENSITIVE COMPARTMENTED INFORMATION NONDISCLOSURE AGREEMENT

An Agreement Between _____ and the United States
(Name-Printed or Typed)

- 1 1. Intending to be legally bound, I hereby accept the obligations
2 contained in this Agreement in consideration of my being granted
3 access to information known as Sensitive Compartmented Information
4 (SCI). I have been advised and am aware that SCI involves or
5 derives from intelligence sources or methods and is classified or
6 classifiable under the standards of Executive Order 12356 or under
7 other Executive order or statute. I understand and accept that by
8 being granted access to SCI, special confidence and trust shall be
9 placed in me by the United States Government.
- 1 2. I hereby acknowledge that I have received a security indoctrination
2 concerning the nature and protection of SCI, including the procedures
3 to be followed in ascertaining whether other persons to whom I
4 contemplate disclosing this information have been approved for
5 access to it, and that I understand these procedures. I understand that
6 I may be required to sign subsequent agreements as a condition of
7 being granted access to different categories of SCI. I further
8 understand that all my obligations under this Agreement continue to
9 exist whether or not I am required to sign such subsequent agreements.
- 1 3. I have been advised and am aware that direct or indirect unauthorized
2 disclosure, unauthorized retention, or negligent handling of SCI by
3 me could cause irreparable injury to the United States or could be
4 used to advantage by a foreign nation. I hereby agree that I will
5 never divulge such information unless I have officially verified
6 that the recipient has been properly authorized by the United States
7 Government to receive it or I have been given prior written notice of
8 authorization from the United States Government Department or Agency
9 (hereinafter Department or Agency) last granting me either a security
10 clearance or an SCI access approval that such disclosure is permitted.
- 1 4. I further understand that I am obligated to comply with laws and
2 regulations that prohibit the unauthorized disclosure of classified
3 information. As used in this Agreement, classified information is
4 information that is classified under the standards of E.O. 12356, or
5 under any other Executive order or statute that prohibits the
6 unauthorized disclosure of information in the interest of national
7 security.
- 1 5. In consideration of being granted access to SCI and of being
2 assigned or retained in a position of special confidence and trust
3 requiring access to SCI and other classified information, I hereby
4 agree to submit for security review by the Department or Agency
5 last granting me either a security clearance or an SCI access
6 approval all materials, including works of fiction, that I contemplate
7 disclosing to any person not authorized to have such information,

8 or that I have prepared for public disclosure, which contain or
9 purport to contain:

- 10 (a) any SCI, any description of activities that produce or
- 11 relate to SCI, or any information derived from SCI;
- 12 (b) any classified information from intelligence reports
- 13 or estimates; or
- 14 (c) any information concerning intelligence activities,
- 15 sources or methods.

16 I understand and agree that my obligation to submit such information
17 and materials for review applies during the course of my access to
18 SCI and at all times thereafter. However, I am not required to
19 submit for review any such materials that exclusively contain
20 information lawfully obtained by me at a time when I have no employment,
21 contract or other relationship with the United States Government,
22 and which are to be published at such time.

1 6. I agree to make the submissions described in paragraph 5 prior
2 to discussing the information or materials with, or showing them to
3 anyone who is not authorized to have access to such information. I
4 further agree that I will not disclose such information or materials
5 unless I have officially verified that the recipient has been
6 properly authorized by the United States Government to receive it or
7 I have been given written authorization from the Department or
8 Agency last granting me either a security clearance or an SCI
9 access approval that such disclosure is permitted.

1 7. I understand that the purpose of the review described in paragraph 5
2 is to give the United States a reasonable opportunity to determine
3 whether the information or materials submitted pursuant to paragraph 5
4 set forth any SCI or other information that is subject to classification
5 under E.O. 12356 or under any other Executive order or statute that
6 prohibits the unauthorized disclosure of information in the interest
7 of national security. I further understand that the Department or
8 Agency to which I have submitted materials will act upon them,
9 coordinating with the Intelligence Community or other agencies when
10 appropriate, and substantively respond to me within 30 working days
11 from date of receipt.

1 8. I have been advised and am aware that any breach of this Agreement
2 may result in the termination of any security clearances and SCI
3 access approvals that I may hold; removal from any position of
4 special confidence and trust requiring such clearances or access
5 approvals; and the termination of my employment or other relationships
6 with the Departments or Agencies that granted my security clearances
7 or SCI access approvals. In addition, I have been advised and am
8 aware that any unauthorized disclosure of SCI or other classified
9 information by me may constitute a violation or violations of United
10 States criminal laws, including the provisions of Sections 641, 793,
11 794, 798, and 952, Title 18, United States Code, the provisions

12 of Section 783(b), Title 50, United States Code, and the provisions
13 of the Intelligence Identities Protection Act of 1982. I recognize
14 that nothing in this Agreement constitutes a waiver by the United
15 States of the right to prosecute me for any statutory violation.

1 9. I hereby assign to the United States Government all royalties,
2 remunerations, and emoluments that have resulted, will result, or
3 may result from any disclosure, publication, or revelation not
4 consistent with the terms of this Agreement.

1 10. I understand that the United States Government may seek any
2 remedy available to it to enforce this Agreement including, but not
3 limited to, application for a court order prohibiting disclosure of
4 information in breach of this Agreement.

1 11. I understand that all information to which I may obtain access
2 by signing this Agreement is now and will forever remain the property
3 of the United States Government. I do not now, nor will I ever,
4 possess any right, interest, title, or claim whatsoever to such
5 information. I agree that I shall return all materials which have
6 or may come into my possession or for which I am responsible
7 because of such access, upon demand by an authorized representative
8 of the United States Government or upon the conclusion of my employment
9 or other relationship with the Department or Agency that last
10 granted me either a security clearance or an SCI access approval.
11 If I do not return such materials upon request, I understand that
12 this may be a violation of Section 793, Title 18, United States
13 Code, a United States criminal law.

1 12. Unless and until I am released in writing by an authorized
2 representative of the United States Government, I understand that
3 all conditions and obligations imposed upon me by this Agreement
4 apply during the time I am granted access to SCI and at all times
5 thereafter.

1 13. Each provision of this Agreement is severable. If a court should
2 find any provision of this Agreement to be unenforceable, all other
3 provisions of this Agreement shall remain in full force and effect.

1 14. I have read this Agreement carefully and my questions, if any,
2 have been answered to my satisfaction. I acknowledge that the
3 briefing officer has made available to me Sections 641, 793, 794,
4 798, and 952 of Title 18, United States Code, Section 783(b) of
5 Title 50, United States Code, the Intelligence Identities Protection
6 Act of 1982, and Executive Order 12356 so that I may read them at
7 this time, if I so choose.

1 15. I make this Agreement without mental reservation or purpose of
2 evasion.

SIGNATURE_____
DATE_____
SOCIAL SECURITY NUMBER
(SEE NOTICE BELOW)_____
ORGANIZATION

- 1 The execution of this Agreement was witnessed by the undersigned,
- 2 who, on behalf of the United States Government, agreed to its terms
- 3 and accepted it as a prior condition of authorizing access to
- 4 Sensitive Compartmented Information.

WITNESS and ACCEPTANCE:

SIGNATURE_____
DATE_____
ORGANIZATION

SECURITY BRIEFING ACKNOWLEDGEMENT

I hereby acknowledge that I was briefed on the following SCI Special Access Program(s):

(Special Access Programs by Initials Only)_____
Signature of Individual Briefed_____
Date Briefed_____
Printed or Typed Name_____
Social Security Number (See Notice
Below)_____
Organization (Name and Address)

I certify that the above SCI access(es) were approved in accordance with relevant SCI procedures and that the briefing presented by me on the above date was also in accordance therewith.

Signature of Briefing Officer_____
Printed or Typed Name_____
Organization (Name and Address)_____
Social Security Number (See Notice
Below)

SECURITY DEBRIEFING ACKNOWLEDGEMENT

Having been reminded of my continuing obligation to comply with the terms of this Agreement, I hereby acknowledge that I was debriefed on the following SCI Special Access Program(s):

(Special Access Programs by Initials Only)

Signature of Individual Debriefed

Date Debriefed

Printed or Typed Name

Social Security Number (See Notice Below)

Organization (Name and Address)

I certify that the debriefing presented by me on the above date was in accordance with relevant SCI procedures.

Signature of Debriefing Officer

Printed or Typed Name

Organization (Name and Address)

Social Security Number (See Notice Below)

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5 be made of the information. You are hereby advised that authority
6 for soliciting your Social Security Account Number (SSN) is Executive
7 Order 9397. Your SSN will be used to identify you precisely when
8 it is necessary to 1) certify that you have access to the information
9 indicated above, 2) determine that your access to the information
10 indicated has terminated, or 3) certify that you have witnessed
11 a briefing or debriefing. Although disclosure of your SSN is not
12 mandatory, your failure to do so may impede the processing of such
13 certifications or determinations.

(391557)

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