

OBTAINING A SECURITY CLEARANCE FOR YOUR 8(A) COMPANY AND/OR EMPLOYEES

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What is a security clearance? A security clearance is a determination by the United States government that a person or company is eligible for access to classified information. There are two types of clearances: Personnel Security Clearances (PCL) and Facility Security Clearance (FCL). Government agencies that issue clearances often refer to clearances as "eligibility for access."

What are the security clearance levels? Security clearances can be issued by many United States government agencies, including the Department of Defense (DoD), the Department of Homeland Security, the Department of Energy (DoE), the Department of Justice, and the Central Intelligence Agency. DoE clearances include the "L," and "Q" levels. DOD issues more than 80% of all clearances. There are three levels of DOD security clearances:

- **Confidential**
- **Secret**
- **Top Secret**

What type of information is requested on a security clearance application? The application form requires personal identifying data, as well as information regarding residence, education and employment history; family and associates; and foreign connections/travel. Additionally, it asks for information about arrests, illegal drug involvement, financial delinquencies, mental health counseling, alcohol counseling, military service, prior clearances, civil court actions, and subversive activities. The number of years of information required on the form depends on the level of clearance involved. For instance, residence, education, and employment history for a Top Secret clearance requires ten years of information, whereas a Secret clearance requires seven years.

Can I obtain a security clearance on my own? No. You must be sponsored by a cleared contractor or a government entity. To be sponsored you must be employed by a cleared contractor (or hired as a consultant) in a position that requires a clearance. As an exception, a candidate for employment may be submitted for a clearance if the cleared

contractor has made a binding offer of employment and the candidate has accepted the offer. Both the offer and acceptance must be in writing. The offer of employment must indicate that employment will begin within 30 days of receiving the clearance.

Can an 8(a) Participant be offered an offer without a security clearance? Maybe. The contracting officer and the agency end user may decide that it is in the government's best interest to make an award to a company without clearance with the specific requirement that an interim clearance be obtained within a certain number of days after contract award. An interim clearance (also known as "interim eligibility") is based on the completion of minimum investigative requirements and granted on a temporary basis, pending the completion of the full investigative requirements for the final clearance. Interim Secret clearances can be issued rather quickly once the clearance granting authority receives a properly completed application. Interim Top Secret clearances take two or three months longer. Interim clearances can be denied, if unfavorable information is listed on the application form or at any time unfavorable information is developed during the investigation. All applicants are considered for interim clearances by the Defense Industrial Security Clearance Office. With some exceptions an interim clearance permits a person to have access to classified material at all levels of classification up to the level of the clearance requested. Interim Secret clearances are not sufficient for access to special categories of classified information, such as COMSEC, NATO, and Restricted Data. Interim Top Secret clearances are sufficient for access to COMSEC, NATO, and Restricted Data at the Secret and Confidential levels only.

To summarize, the only entity that can grant a security clearance is the federal Government. Clearances are required by the government based on the specific needs of certain positions. This means an 8(a) firm won't be able to apply for a clearance on its own. In order to obtain a Security Clearance, an individual must first obtain sponsorship from a cleared US contactor or a federal agency. The government or its contractors are the only groups that can start the clearance process; the government pays for this process, not the contractor or the employee. The process begins when an offer is extended. The person is asked to fill out the National Security Questionnaire, which when submitted kicks off the security clearance process. Two separate procedures follow: the background investigation and the adjudication process. The background investigation, conducted by employees of the Office of Personnel Management (OPM) or its contractors involves:

- A National Agency Check, during which investigators review records held by federal agencies such as the Federal Bureau of Investigations and OPM.
- A Local Agency Check, which calls in criminal history records held by local law enforcement agencies such as police departments and sheriffs with jurisdiction over the areas where you have lived, gone to school or worked.

- Financial checks.
- Field interviews of individuals including co-workers, employers, friends, educators and neighbors. The candidate provides a list of contacts, though the investigator may (and often does) talk with others beyond the names submitted.
- Checks of records held by employers, courts and rental offices.
- A personal interview.

After the background investigation, the investigators give every report to adjudicators, who begin their work -- "an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance".

How long does it take to process a security clearance? In September 2006 defense contractors reported average end-to-end processing time of over one year for Top Secret clearances. Part of the answer is that for over a decade insufficient resources have been allocated to clearance processing, causing a large backlog of cases. The other part of the answer involves the applicant and requires a better understanding of the process. There are three phases to clearance processing: 1) application processing, 2) investigation, and 3) adjudication. Most of the delays in getting a clearance are caused by either: "queuing" time (the time a case sits waiting to be acted on); poorly completed security applications; extended periods of residence outside the United States, and/or; serious security/suitability issues. The average times for processing are:

- **Application processing: 111 days**
- **Investigation: 286 days**
- **Adjudication: 39 days**

Where can I find more information about the process of obtaining a security clearance? The Defense Industrial Security Clearance Office (DISCO), which is part of the Defense Security Service (DSS), is an agency of the Department of Defense (DOD) that processes and adjudicates Personnel Clearances (PCL) and Facility Clearances (FCL) for defense contractor personnel and defense contractor facilities. It is one of eight Central Adjudication Facilities (CAF) within DOD. For additional information on how to obtain a security clearance, 8(a) participants should approach the DOD Security Services Center at 1-888-282-7682. They can be found on the web at https://www.dss.mil/GW/ShowBinary/DSS/about_dss/contact_dss/dod_sec_services_center.html.