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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE



NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER

Advancing Counterintelligence and Security Excellence

Fiscal Year 2016 Report on the Reciprocity of Security Clearances

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EXECUTIVE SUMMARY

The Intelligence Authorization Act (IAA) for Fiscal Year (FY) 2014 requires the Director of National Intelligence (DNI), as the Security Executive Agent (SecEA), to submit an annual *Report on the Reciprocity of Security Clearances* to Congress through 2017. The IAA directs this report to include:

1. The periods of time required by authorized adjudicative agencies for accepting background investigations and determinations completed by an authorized investigative entity or authorized adjudicative agency;
2. The total number of cases in which a background investigation or determination completed by an authorized investigative entity or authorized adjudicative agency is accepted by another agency;
3. The total number of cases in which a background investigation or determination completed by an authorized investigative entity or authorized adjudicative agency is not accepted by another agency; and,
4. Such other information or recommendations as the DNI considers appropriate.¹

Existing Intelligence Community (IC) policy reinforces the reciprocity tenets of the *Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004*, which generally provides that all background investigations and clearance determinations shall be accepted, all background investigations initiated shall be transferable, and agencies may not establish additional investigative or adjudicative requirements without approval.² Several IC policy documents reinforce the principles of reciprocity, which consist of the recognition and acceptance, without further processing, of security background investigations and access eligibility determinations which satisfy the following conditions: the requested clearance level must be equal to or less than that for which the individual is currently eligible; the date of the individual's most recent background investigation must be in-scope; the individual's security record must be devoid of exceptions; the gaining agency must not currently possess substantial information indicating the employee may not satisfy access eligibility standards; and, for IC organizations requiring polygraphs, the date of the most recent polygraph must be in-scope. In the IC, subjects with access to Sensitive Compartmented Information and controlled access programs make up the majority of reciprocity requests. Therefore, IC policy focuses on addressing this scenario.^{3,4,5,6} If reciprocity is not accepted, IC organizations may use other security clearance processing to eventually grant access, contingent on the satisfactory resolution of identified conditions and the continued need of the requestor.

¹ Intelligence Authorization Act (IAA) for FY 2014, P.L. 113-126, §504, 7 July 2014, 128 Stat 1390.

² Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), P.L. 108-458, §3001(d)(1)-(3), 17 December 2004, 118 Stat 3638.

³ IC Directive 704, *Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and Other Controlled Access Program Information*, 1 October 2008.

⁴ IC Directive 709, *Reciprocity for Intelligence Community Employee Mobility*, 10 June 2009.

⁵ IC Policy Guidance 704.4, *Reciprocity of Personnel Security Clearance and Access Determinations*, 2 October 2008.

⁶ IC Standard 700.01, *Glossary of Security Terms, Definitions, and Acronyms*, App. A, P.19, 4 April 2008.

FISCAL YEAR 2016 FINDINGS

1. The average period of time for accepting background investigations and/or determinations across the IC during the reporting period was 8.8 days.
2. The total number of requests for reciprocal acceptance of background investigations and/or determinations was 38,024.
3. Reporting elements of the IC accepted 33,191 background investigations and/or determinations.
4. Reporting elements of the IC did not accept 4,833 background investigations and/or determinations.
5. Additional information included in this report that the DNI considers appropriate is granular data pertinent to Findings two, three, and four, above.
 - a. In addition to the 38,024 reciprocity determinations made by the IC in FY 2016, 167 requests were submitted but withdrawn before a determination was rendered.
 - b. The most common reason reciprocity was not accepted across reporting elements of the IC was due to an out-of-scope background investigation.
 - c. The most common type of reciprocity request received by reporting elements of the IC was a contractor crossover.

METHODOLOGY

Reciprocity data collection occurred quarterly throughout FY 2016. The scope of this report is restricted to reciprocity requests received and acted upon by a security office.⁷ All other actions that may logically be related to various aspects of the personnel transfer process, such as those involving human resources or acquisitions functions (e.g., contracting), are outside the scope of this report. Reciprocity requests were tracked from their receipt by the gaining organization's security clearance section to the date that organization made a determination on the request.

The Office of the Director of National Intelligence (ODNI) received quarterly collection submissions for this report from IC elements with investigative and/or adjudicative authority. The Central Intelligence Agency (CIA)⁸, Defense Intelligence Agency (DIA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), National Security Agency (NSA), and IC elements of the Drug Enforcement Administration (DEA), Department of Homeland Security (DHS), Department of Energy (DoE), Department of State (DoS), Federal Bureau of Investigation (FBI), Department of the Treasury (Treasury), and United States Coast Guard (USCG) provided data for this report. The other IC elements reported that collecting reciprocity data at this level of detail would be a manual, resource-intensive process that is not currently viable. Throughout the report, data is broken down by **Core IC** agencies and **All IC** agencies. **Core IC** agencies include: CIA, DIA, NGA, NRO, and NSA. **All IC** agencies include: **Core IC** agencies, plus DEA, DHS, DoE, DoS, FBI, Treasury, and USCG.

⁷ Throughout this report, "requests" for reciprocity are considered requests for security clearance processing which are reviewed to determine whether the individual has a previous security determination on record, and whether that determination indicates that no further security processing is required for the gaining agency.

⁸ CIA also processes security clearances for ODNI employees and contractors.

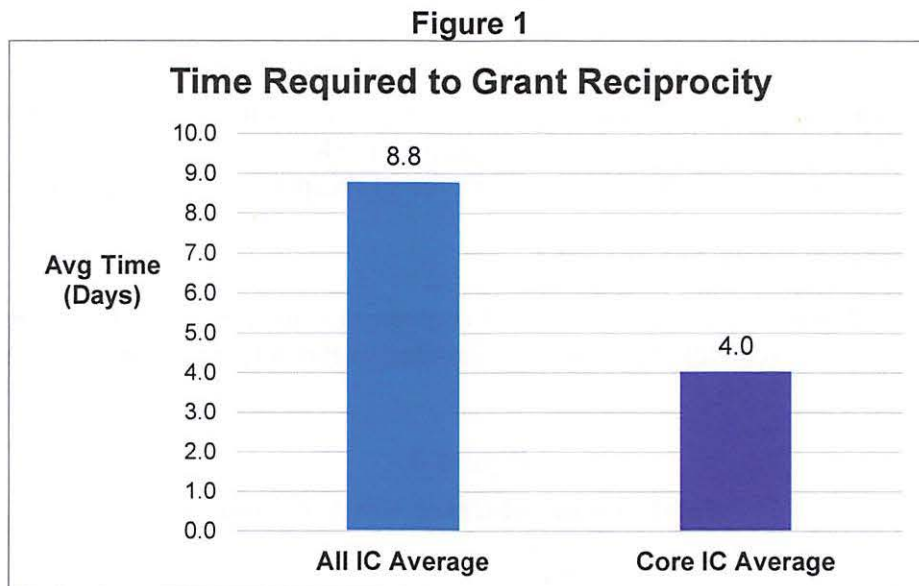
Agencies primarily extracted data elements of reciprocity from their respective case management systems. Based upon the data limitation of those specific case management systems, some agencies reported summary-level data only. This caveat is noted throughout the report, where appropriate, to provide a clearer understanding of the data presented.

RECIPROCITY PERFORMANCE ACROSS THE INTELLIGENCE COMMUNITY

The state of reciprocity in the IC during FY 2016 is depicted in the following graphics that track the metrics required by the FY 2014 IAA.

(1) Time Required to Grant Reciprocity

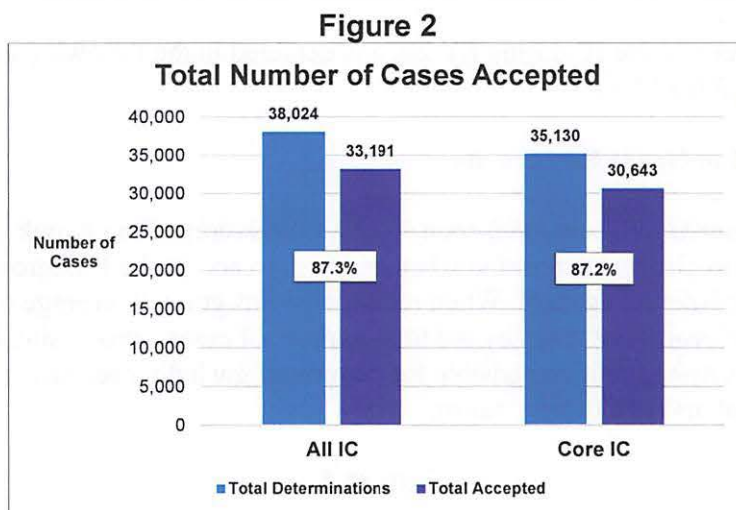
Figure 1, *Time Required to Grant Reciprocity*, shows the average time it took for one IC agency to apply the principles of reciprocity and determine whether or not to accept the background investigation and security determination of another IC agency. When reciprocity was granted, average time was computed by dividing the total number of processing days by the total number of cases. Processing begins on the date the case is received by the security element responsible for determining whether reciprocity applies, and ends on the date the security element makes a determination.



The average time it took for **All IC** agencies to apply the principles of reciprocity and determine whether or not to accept the background investigation and security determination of another IC agency was 8.8 days. The **Core IC** took 4.0 days to apply the principles of reciprocity and accept the background investigation and security determination of another IC agency.

(2) Total Number of Cases Accepted

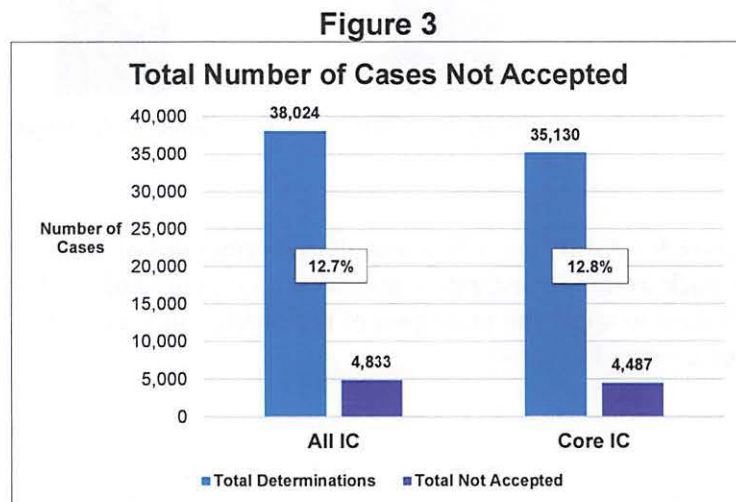
Figure 2, *Total Number of Cases Accepted*, shows the total number of IC cases reviewed and closed, the total number of cases where a background investigation and determination were accepted (approved), and the approval rate. The approval rate was calculated by dividing the total number of cases accepted (approved) by the total number of completed reciprocity request determinations.



In FY 2016, **All IC** agencies reviewed and closed 38,024 reciprocity requests. Of these, 33,191 were accepted (approved). This resulted in an overall acceptance rate of 87.3%. The **Core IC** reviewed and closed 35,130 requests and accepted (approved) 30,643 of these, for an acceptance (approval) rate of 87.2%.

(3) Total Number of Cases Not Accepted

Figure 3, *Total Number of Cases Not Accepted*, compares the total number of IC cases reviewed and closed to the number of cases where the background investigation and determination of another agency were not accepted.



In FY 2016, **All IC** agencies reviewed and closed 38,024 requests for reciprocity. Of these, 4,833 (12.7%) were not accepted. The **Core IC** reported that, they did not accept 4,487 (12.8%) of 35,130 reciprocity determinations.

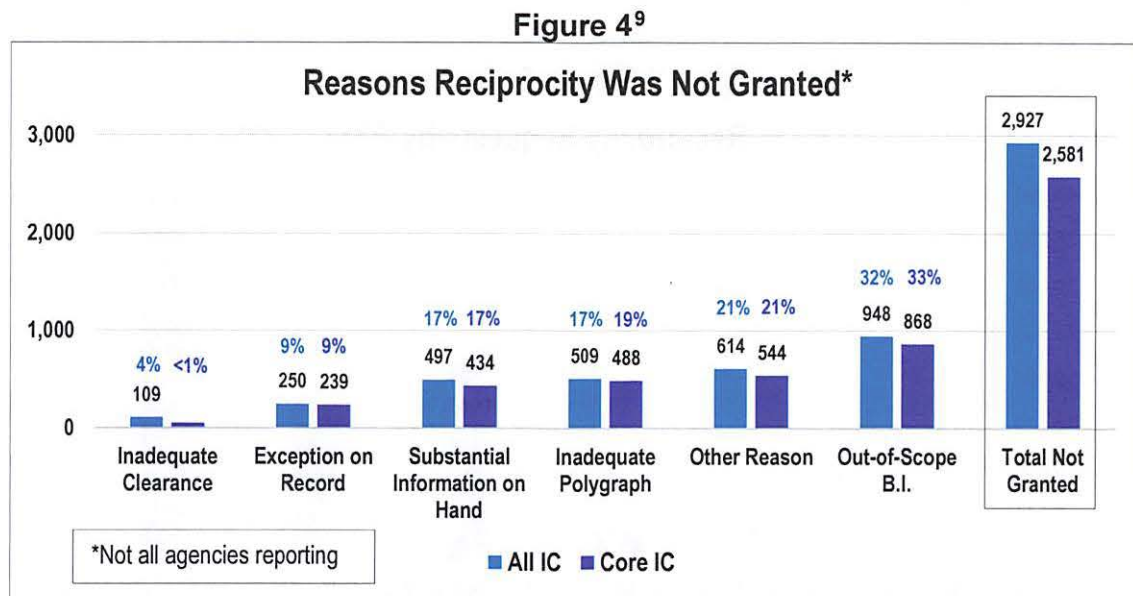
Additionally, **All IC** agencies reported that 167 requests were withdrawn by the requestor because either the agency no longer had a valid need or the subject of the investigation was no longer available. Throughout the **Core IC**, there were 124 withdrawals.

Through their respective security clearance processing procedures, organizations may eventually grant access, contingent on satisfactory resolution of identified concerns and conditions. Therefore, cases not immediately accepted for reciprocity may flow directly into a department or agency's regular security clearance processing queue.

(4) Other Information or Recommendations

The following charts present information that is relevant to the state of reciprocity throughout the IC.

Figure 4, *Reasons Reciprocity Was Not Granted*, depicts the reasons that agencies cited for not accepting the background investigation and security clearance determination of another IC agency.



⁹ **Inadequate clearance** – clearance not at the appropriate level needed for reciprocal acceptance

Exception on record – an adjudicative decision to grant or continue access eligibility despite failure to meet adjudicative or investigative standards

Substantial information on hand – any information, or aggregate of information, that raises a significant question about the prudence of granting access eligibility

Inadequate polygraph – polygraph type or polygraph results not acceptable by receiving agency

Other Reason – agency specific reason not listed in other categories

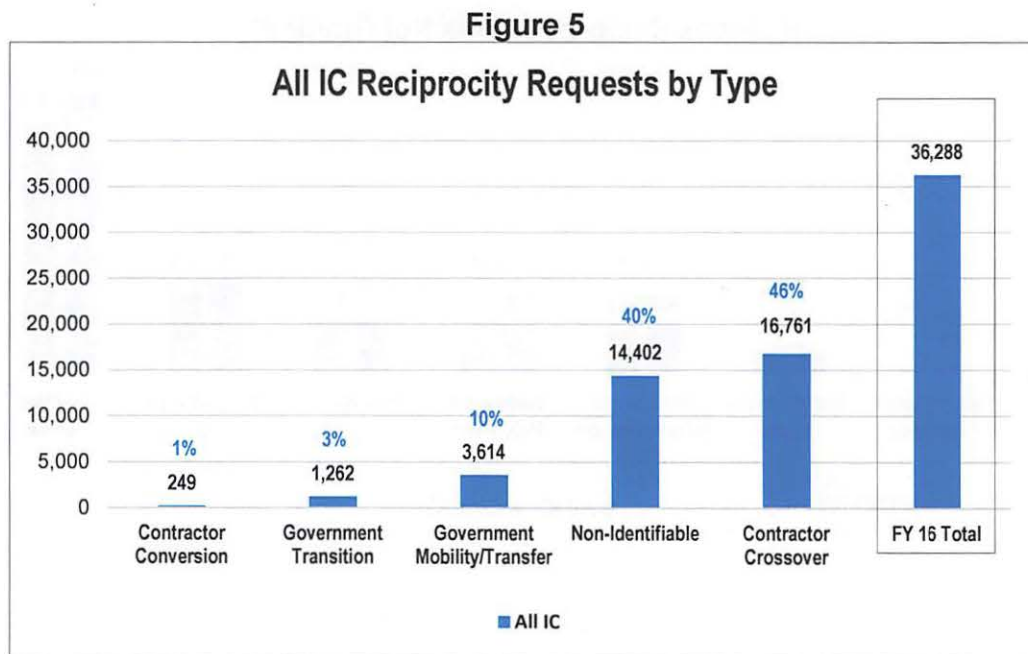
Out-of-scope B.I. – the investigation upon which the existing clearance is based, is beyond acceptable timeframe

The data in Figure 4 was drawn from IC organizations with case management systems able to categorize the reasons for denying requests. The “Other Reason” category represents cases that do not fall into any of these specified categories. Of the agencies that provided details for the “Other Reason” category, the majority are applicants who failed certain agency specific suitability issues or issues were present in the background investigation, but did not have an “exception on the record.” Modifications have been made to future collection sheets to ensure limited “Other Reasons” are reported moving forward.

All IC: Of the 2,927 cases reviewed, the majority—948 (32%)—were denied due to out-of-scope background investigations. The remaining cases were denied due to: inadequate polygraph in 509 cases (17%); possession by the gaining organization of substantial information in 497 cases (17%); exceptions noted in the subject’s security record in 250 cases (9%); and, inadequate clearance eligibility level in 109 cases (4%). The “Other Reason” category accounted for 614 cases (21%).

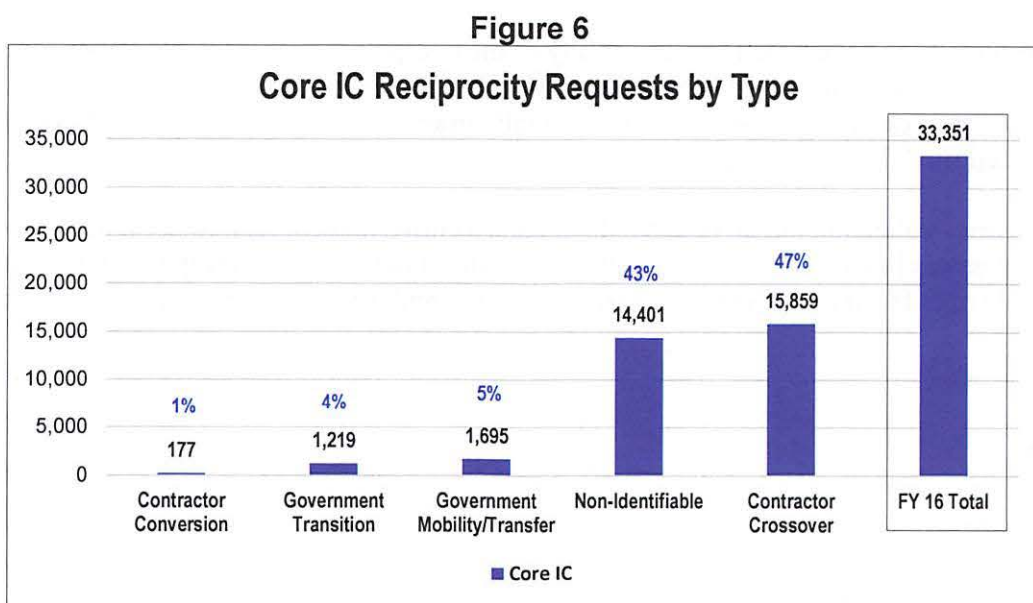
Core IC: Of the 2,581 cases reviewed, the majority—868 (33%)—were denied due to out-of-scope background investigations. The remaining cases were denied due to: inadequate polygraph in 488 cases (29%); possession by the gaining organization of substantial information in 434 cases (17%); exceptions noted in the subject’s security record in 239 cases (9%); and, inadequate clearance eligibility level in eight cases (less than 1%). The “Other Reason” category accounted for 544 cases (21%).

Figure 5, All IC Reciprocity Requests by Type, presents the number of requests reviewed and closed by the type of reciprocity action requested.



In FY 2016, 36,288 reciprocity determinations in the IC were categorized by the type of administrative action needed. Of these, 16,761 requests (46%) were submitted in support of contractor crossovers¹⁰; 3,614 (10%) supported government mobility assignments or interagency transfers; 1,262 (3%) supported requests for government employee transition to contractor employment; and, 249 requests (1%) were for contractor conversion to government employment. IC agencies reported processing 14,402 requests (40%) that were not identified by type. Those cases not identifiable by type were the result of an agency's data submission of summary level data without case details. Modifications have been made to future collection sheets to ensure agencies are submitting reciprocity data by type.

Figure 6, Core IC Reciprocity Requests by Type, breaks down the number of requests reviewed and closed by the type of reciprocity action requested for those agencies that were able to report that data.



For the **Core IC**, 33,351 reciprocity determinations were categorized by the type of administrative action needed. Of these, 15,859 requests (47%) were submitted in support of contractor crossovers; 1,695 (5%) supported government mobility assignments or interagency transfers; 1,219 (4%) supported requests for government employee transition to contractor employment; and, 177 requests (1%) were for contractor conversion to government employment. **Core IC** agencies reported processing 14,401 requests (43%) that were not identified by type. Those cases not identifiable by type are the result of an agency's data submission of summary level data without case details. Modifications have been made to future collection sheets to ensure agency's are submitting reciprocity data by type.

¹⁰ "Contractor crossovers" describes changes in sponsorship of clearances or access approvals from one agency to another for contractor employees.

CONCLUSION

The data presented in this report indicates that IC security clearance organizations are generally applying security clearance reciprocity policies and procedures appropriately. In FY 2016, the time required to grant reciprocity in **All IC** agencies was 8.8 days. **All IC** agencies reviewed and made determinations on 38,024 cases; reciprocity was granted in 33,191 (87.3%) of those cases and not granted in 4,833 (12.7%) of those cases. In the **Core IC**, the time required to grant reciprocity was 4.0 days. **Core IC** agencies reviewed and made determinations on 35,130 cases; reciprocity was granted in 30,643 (87.2%) of those cases and not granted in 4,487 (12.8%) of those cases.

When reciprocity is not granted because of any of the exceptions allowed under policy, agencies may either return the case to the requestor or submit the case for processing under customary security clearance procedures. In the latter case, organizations may eventually grant access contingent on satisfactory resolution of the concerns identified in the original case.

As this metrics collection initiative expands to the executive branch, reciprocity practices will be understood with greater clarity. This insight, in turn, will inform the SecEA's continued assessment of best practices and challenges faced in achieving greater reciprocity, and drive future policy development and training initiatives.

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