INTELLIGENCE COMMUNITY POLICY GUIDANCE
NUMBER 704.4

RECIPROCITY OF PERSONNEL SECURITY CLEARANCE AND ACCESS DETERMINATIONS

(EFFECTIVE: 02 OCTOBER 2008)

A. AUTHORITY: The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 12968 and EO 13355.

B. APPLICABILITY: This Intelligence Community Policy Guidance (ICPG) document applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI), and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for access to Sensitive Compartmented Information (SCI).

C. GUIDANCE

1. Heads of IC Elements shall accept Single Scope Background Investigations, Single Scope Background Investigations – Periodic Reinvestigations, and Phased Periodic Reinvestigations less than seven years old ("in scope") as the basis for initial or continuing access to SCI and other controlled access programs. Agencies may accept investigations that are more than seven years old on a case-by-case basis. Upon accepting an investigation more than five years old, the receiving agency shall ensure that its investigative element has received all necessary documentation to conduct a periodic reinvestigation.

2. Unless otherwise specified herein, any other Head of an IC Element shall accept all in-scope security clearance or access determinations (without waivers, conditions, or deviations as defined herein).

3. Nothing in this ICPG shall affect decisions on suitability for employment.

4. An authorized investigative or adjudicative agency shall not establish additional requirements exceeding requirements in executive orders without the approval of the DNI and the Director, Office of Management and Budget (OMB). The DNI, with the approval of the Director, OMB, and the Assistant to the President for National Security Affairs, is responsible

for developing and implementing uniform policies and procedures for access to SCI and intelligence Special Access Programs (SAPs), which includes policies regarding additional investigative or adjudicative procedures. Eligibility decisions, including the presence of exceptions, shall be a matter of record accessible to all Heads of IC Elements. A denial of reciprocity for an eligibility determination that is in-scope and without exceptions shall be reported to and approved by the DNI. The DNI, per OMB Memorandum M-05-17, 30 June 2005, may disallow the reciprocal recognition of security clearances or access approvals when necessary for national security purposes.

5. Any agency rejecting another Agency's eligibility determination shall notify all adjudicative authorities having an interest in such determination.

6. To ensure uniformity and proper application of reciprocity in all aspects of the clearance process, all investigative and adjudicative personnel shall receive standardized initial and ongoing training. This training shall include familiarization with counterintelligence issues, the findings of contemporary research in the security and medical disciplines, legal issues, and techniques to ensure the uniform application of investigative standards and adjudicative guidelines.

7. Intelligence Community Directive 704 eligibility for access determinations shall be mutually acceptable throughout IC security elements and shall not be re-adjudicated unless:

a. New information has surfaced since the last investigation that indicates the subject may not satisfy the adjudicative requirements contained therein or the original adjudication was recorded with an exception since the last adjudication; or

b. The original adjudication was recorded with an exception, i.e., a waiver, condition, or deviation annotated to the case.

8. When an agency or organization has unique additional but not duplicative requirements (e.g., foreign connections inimical to a specific SAP), the actual granting of access will be contingent upon resolution of those concerns. Failure to meet these requirements may not necessarily adversely affect a person's continued eligibility for reciprocal access with other IC elements. The agency granting the original eligibility determination may use new information obtained by another organization to re-adjudicate the case.

9. Persons found to be ineligible for SCI access will remain so for a minimum of one year from the date of the disqualifying decision. Heads of IC Elements may waive this requirement in individual cases based on operational necessity and the determination of no unacceptable security risk.

10. Agencies may accept or reject clearances or access approvals carrying exceptions based on their own risk assessments.

D. CROSSOVER CASES

1. Changes in sponsorship of clearances or access approvals from one agency to another for a contractor employee, or for a government employee being hired as a contractor employee, shall be referred to as "crossover" cases. In crossover cases, the current clearance or access level shall be the same as or higher than the level that the gaining sponsor requires.

2. When contractor personnel change employment from one company to another with the same clearance-sponsoring agency, their current clearance and SCI access eligibility remain valid. In such circumstances, the government sponsor shall update its records to reflect the new

employment affiliation and the clearance and SCI access approval eligibility. Government-to-government or contractor-to-government transfers shall not be considered crossover cases because employment suitability issues will invariably be considered.

E. SPECIAL CONSIDERATIONS IN RECIPROCITY DECISIONS

1. Non-compliance with the DNI personnel security standards shall be documented so as to be available to gaining organizations or other authorized requestors in making reciprocity decisions. Examples of such non-compliance are:

a. The current clearance is temporary; and

b. The current organization accepted greater risk by granting an exception to a normally disqualified individual for a highly sensitive program.

F. POLYGRAPH AND RECIPROCITY: Those IC organizations that use polygraph examinations as an additional tool to acquire, clarify, or mitigate information in the adjudicative process may extend the polygraph requirement in the granting of personnel security reciprocity. In these instances, reciprocity of an SCI eligibility determination is conditioned upon satisfactory completion of the gaining Head of an IC Element's polygraph requirement.

G. DENIALS AND REVOCATIONS OF ACCESS DETERMINATIONS: All denials or revocations of access eligibility are subject to the review proceedings outlined in ICPG 704.3, Denial or Revocation of Access to Sensitive Compartmented Information and other Controlled Access Program Information, and Appeals Processes.

H. DEFINITIONS

1. Exceptions: An adjudicative decision to grant initial or continued access eligibility despite failure to meet the full adjudicative or investigative standards. Regarding SCI access eligibility, only the concerned Heads of IC Elements or the DNI will make the adjudicative decision. In the case of foreign nationals, only the DNI, or designee, can approve access to SCI. An exception precludes reciprocity without review of the case by the gaining organization. Exceptions are of three types:

a. Waiver: Access eligibility granted or continued despite the presence of substantial issue information that would normally preclude access. The DNI, Heads of IC Elements, or the Head of an IC Element's principal designee shall approve waivers pursuant to their authorities only when the benefit of access clearly outweighs any security concerns. A waiver may require prescribed limitations on access such as additional security monitoring. ICPG 704.2, Personnel Security Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information, and Other Controlled Access Program Information, governs the granting of waivers pertaining to SCI access eligibility.

b. Deviation: Access eligibility granted or continued despite either a significant gap in coverage or scope in the investigation or an out-of-date investigation. "Significant gap" for this purpose means either complete lack of coverage for a period of six months or more within the most recent five years investigated or the lack of a Federal Bureau of Investigation name check or technical check or the lack of one or more relevant investigative scope components (e.g., employment checks, financial review) in its entirety.

c. Condition: Access eligibility granted or continued with the provision that additional security measures shall be required. Such measures include, but are not limited to, additional security monitoring, access restrictions, submission of periodic financial statements, and attendance at counseling sessions.

I. EFFECTIVE DATE: This ICPG is effective on the date of signature.

David R. Shedd

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for Policy, Plans and Requirements

October 2, 2008

Date

APPENDIX A – ACRONYMS

ICPG 704.4 -- Reciprocity of Personnel Security Clearance and Access Determinations

DNI	Director of National Intelligence
EO	Executive Order
IC	Intelligence Community
ICPG	Intelligence Community Policy Guidance
OMB	Office of Management and Budget
SAP	Special Access Program