



SECURITY EXECUTIVE AGENT DIRECTIVE 7

RECIPROCITY OF BACKGROUND INVESTIGATIONS AND NATIONAL SECURITY ADJUDICATIONS

(EFFECTIVE: NOVEMBER 9, 2018)

A. AUTHORITY: The National Security Act of 1947, as amended; Intelligence Reform and Terrorism Prevention Act of 2004, as amended (50 U.S.C. 3341); Executive Order (EO) 12968, *Access to Classified Information*, as amended; EO 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information*, as amended; EO 13549, *Classified National Security Information Program for State, Local, Tribal and Private Sector Entities*; and other applicable provisions of law.

B. PURPOSE: This Security Executive Agent (SecEA) Directive establishes requirements for reciprocal acceptance of background investigations and national security adjudications for initial or continued eligibility for access to classified information or eligibility to hold a sensitive position.

C. APPLICABILITY: This Directive applies to any executive branch agency, authorized investigative agency, and any authorized adjudicative agency, as defined below, conducting background investigations and adjudications for initial or continued eligibility for access to classified information or eligibility to hold a sensitive position.

D. DEFINITIONS: As used in this Directive, the following terms have the meanings set forth below:

1. "Agency": Any "executive agency" as defined in Section 105 of Title 5, United States Code (U.S.C.), including the "military department," as defined in Section 102 of Title 5, U.S.C., and any other entity within the executive branch that comes into possession of classified information or has positions designated as sensitive.

2. "Authorized adjudicative agency": An agency authorized by law, EO, or designation by the SecEA to determine eligibility for access to classified information in accordance with EO 12968, as amended, or eligibility to hold a sensitive position.

3. "Authorized investigative agency": An agency authorized by law, EO, designation by the Suitability and Credentialing Executive Agent, or designation by the SecEA to conduct a background investigation of individuals who require a determination of suitability for government employment, eligibility for logical or physical access, contractor employee fitness, fitness of employees in the excepted service (other than a position subject to suitability), eligibility for access to classified information, or eligibility to hold a sensitive position.

4. "Classified national security information" or "classified information": Information that has been determined pursuant to EO 13526 or any predecessor or successor order, or the Atomic Energy Act of 1954, as amended, to require protection against unauthorized disclosure.

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5. "Covered individual":

a. A person who performs or seeks to perform work for or on behalf of the executive branch who has undergone a background investigation or has been determined eligible for access to classified information or eligible to hold a sensitive position; but does not include the President or (except to the extent otherwise directed by the President) employees of the President under 3 U.S.C. 105 or 107, the Vice President or (except to the extent otherwise directed by the Vice President) employees of the Vice President under 3 U.S.C. 106 or annual legislative branch appropriations acts;

b. A person who performs or seeks to perform work for or on behalf of a state, local, tribal or private sector entity, as defined in EO 13549, who has undergone a background investigation or has been determined eligible for access to classified information or eligible to hold a sensitive position, but does not include duly elected or appointed Governors of a state or territory, or an official who has succeeded to that office under applicable law;

c. A person working or seeking to work in or for the legislative or judicial branches who has undergone a background investigation or has been determined eligible for access to classified information or eligible to hold a sensitive position and the investigation or determination was conducted by the executive branch, but does not include Members of Congress; Justices of the Supreme Court; and Federal judges appointed by the President; and

d. Covered individuals are not limited to government employees and include all persons, not excluded under paragraphs (a), (b), or (c) of this definition, who have undergone a background investigation or have been determined eligible for access to classified information or eligible to hold a sensitive position, including, but not limited to, contractors, subcontractors, licensees, certificate holders, grantees, experts, consultants, and government employees.

6. "Investigative record": The official record of all data obtained on the covered individual from Trusted Information Providers¹, suitability and/or security applications and questionnaires, and any investigative activity conducted under the Federal Investigative Standards or as approved by the executive agents.

7. "National security eligibility": Eligibility for access to classified information or eligibility to hold a sensitive position, to include access to sensitive compartmented information, restricted data, and controlled or special access program information.

8. "Sensitive position": Any position within or in support of an agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on the national security, regardless of whether the occupant has access to classified information, and regardless of whether the occupant is an employee, a military service member, or a contractor.

E. POLICY:

1. Reciprocity is the acknowledgement and acceptance of an existing background investigation conducted by an authorized investigative agency; the acceptance of a national security eligibility adjudication determined by an authorized adjudicative agency; and the acceptance of an active national security eligibility determination granted by an executive branch agency (please see paragraph E.7).

¹ As defined in the Federal Investigative Standards, December 14, 2012

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a. Agencies shall conduct a review in Scattered Castles, the Joint Personnel Adjudication System within the Department of Defense, the Central Verification System database within the U.S. Office of Personnel Management, or successor databases to determine if any prior or current background investigations or national security eligibility adjudications exist on a covered individual for reciprocity purposes.

b. Agencies shall accept background investigations completed by an authorized investigative agency that meet all or part of the investigative requirements² for a national security background investigation, except as identified in paragraph E.2.

c. Agencies shall accept national security eligibility adjudications conducted by an authorized adjudicative agency at the same or higher level, except as identified in paragraph E.2.

d. In either case, agencies may request the covered individual to identify any changes since the last SF-86 submission, subject to applicable requirements of the Paperwork Reduction Act and the Privacy Act. Agencies may conduct the appropriate personnel security interview or inquiry pertaining to the changes.

2. Background investigations and national security eligibility adjudications, conducted by an authorized investigative agency or authorized adjudicative agency, respectively, shall be reciprocally accepted for all covered individuals, except as follows:

a. New information of national security adjudicative relevance has been reported, developed, or known to agency officials since the last investigation that indicates the individual may no longer satisfy adjudicative requirements;

b. The most recent background investigation is more than seven years old unless otherwise directed by the SecEA. While not required, agencies may accept background investigations more than seven years old on a case-by-case basis. Upon accepting an investigation more than seven years old, the accepting agency shall immediately initiate a reinvestigation;

c. The most recent national security eligibility adjudication was recorded with an exception, as defined in Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines*. Agencies may accept national security eligibility adjudications recorded with an exception based on their own risk assessment;

d. A Bond Amendment disqualifier applies as identified in SEAD 4 and the covered individual requires access to sensitive compartmented information, special access programs, or restricted data;

e. The SecEA has specifically approved additional national security investigative or adjudicative requirements that are necessary to address significant needs unique to the agency involved, to protect national security, or to satisfy a requirement imposed by law;

f. The covered individual's national security eligibility was granted on a temporary (interim), limited, or one-time basis; or

² When a prior background investigation meets part of the investigative requirements, the agency should review the investigative record and conduct the necessary investigative checks through an authorized investigative agency to bring the investigation up to the standard for the type of investigation required.

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g. The covered individual's national security eligibility is currently denied, revoked, or suspended³. Absent the presence of mitigating factors or other reasons, covered individuals found to be ineligible for access to classified information or to hold a sensitive position should remain ineligible for national security duty for a minimum of one year from the date of a denial or revocation.

3. When a national security eligibility determination includes a requirement for a polygraph examination, polygraph examinations conducted in accordance with SEAD 2, *Use of Polygraph in Support of Personnel Security Determinations for Initial or Continued Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, that are current and consistent with the type and age of examination required by the receiving agency, shall be reciprocally accepted when the investigation and national security eligibility adjudication meet the requirements for reciprocal acceptance.

4. Reciprocal acceptance of a background investigation or national security eligibility adjudication shall not be denied due to the need for a polygraph examination when the investigation and adjudication meet the requirements for reciprocity. When a polygraph examination is required, the receiving agency shall make a preliminary reciprocity determination for the background investigation or national security eligibility adjudication and then schedule the individual for a polygraph examination. The final determination will be based upon adjudication of the results of the polygraph examination and any other authorized investigative activity. The additional processing time for completion and adjudication of the polygraph examination shall not be counted as processing time for the reciprocity determination.

5. Only the SecEA may disallow the reciprocal recognition of a background investigation and national security eligibility adjudication when determined necessary for national security purposes and none of the exceptions in E.2 apply.

6. The SecEA serves as the final authority to arbitrate and resolve reciprocity disputes among agencies.

7. Agencies shall accept an active national security determination and may not request updated security information for a covered individual who currently has access to classified information or occupies a sensitive position with another agency for the following purposes: interagency visits, coordination, information exchange, or other official activities, regardless of the age of the investigation and/or whether the access was granted with an exception as defined in SEAD 4. This does not apply to temporary (interim) eligibility determinations, when taking security sponsorship over the covered individual, or to joint duty, detailee, task force, or similar assignments.

8. Agencies shall ensure that current security processing information, to include the presence of unresolved issues and reciprocity denials, is promptly and clearly identified in either Scattered Castles, the Joint Personnel Adjudication System within the Department of Defense, or the Central Verification System database within the U.S. Office of Personnel Management or successor databases, unless authorized by the SecEA to withhold information from the database for national security purposes, to inform on a covered individual's national security eligibility for reciprocity purposes.

³ This does not include an administrative termination due to a change of need-to-know, a departure from a sensitive position, or the individual is no longer affiliated with the U.S. Government.

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9. This Directive is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit, or trust responsibility substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

F. SECURITY PROCESSING:

1. If background investigations, national security eligibility adjudications, and polygraph examinations meet the requirements for reciprocal acceptance, the following prohibitions apply except as noted in paragraphs F.2 below:

- a. A new Standard Form 86 (SF86), *Questionnaire for National Security Positions*, shall not be requested;
- b. The current background investigation, or the SF86 upon which it was based, will not be reviewed or re-adjudicated for national security purposes; and
- c. No new investigative checks will be initiated.

2. Agencies should initiate additional security processing if any of the following circumstances apply:

a. When a background investigation has not been adjudicated or does not meet the standard for the type of investigation required, the agency should review the investigative record and conduct the necessary investigative checks through an authorized investigative agency to bring the investigation up to date and to the standard for the type of investigation required. The agency should not duplicate investigative elements that are unlikely to change.

b. If the agency requests updated security information from the last SF86 submission and the covered individual indicates there has been a change in the information provided for the last background investigation, the agency should review the investigative record and conduct the necessary investigative checks and leads for the changed information.

c. When a polygraph examination is required and has not been previously completed or does not meet the type and age requirements, the agency may review the investigative record and request updated security information.

G. TIMELINESS AND REPORTING:

1. Reciprocity determinations for national security background investigations and adjudications shall be made within five business days of receipt by the agency's personnel security program for security processing. Processing for employment, suitability, or fitness requirements is considered outside the scope of national security reciprocity determinations and will not be counted or reported as part of the security processing to make a national security reciprocity determination. Agencies are encouraged to review and minimize the end-to-end processing of these actions since they ultimately impact timely mobility of the cleared population.

2. When additional investigative checks are authorized, the additional processing time for completion and adjudication of the investigative checks shall not be counted or reported as part of the security processing to make a reciprocity determination.

3. When a polygraph examination is required, the additional processing time for completion and adjudication of the polygraph examination shall not be counted or reported as part of the security processing to make a reciprocity determination.

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4. When review of the investigative record is authorized by this directive, the time required to obtain the investigative record will not be counted or reported as part of the security processing to make a reciprocity determination.

5. Agencies in possession of the investigative record shall comply with requests for the investigative record within 10 business days. If the agency in possession is not the originating investigative service provider (ISP), the agency shall refer the requesting agency to the originating ISP, who will provide the investigative record within 10 business days of receiving the request.

6. Reporting shall be in accordance with guidance from the SecEA.

H. RESPONSIBILITIES:

1. The SecEA will:

- a. Provide guidance for reporting reciprocity actions;
- b. Monitor the efficiency and effectiveness of reciprocity;
- c. Oversee agency compliance; and
- d. Resolve reciprocity disputes among agencies.

2. Heads of agencies shall:

- a. Make and record reciprocity determinations within five business days of receipt by the agency's personnel security program for personnel security processing;
- b. Report reciprocity actions to the Office of the Director of National Intelligence, National Counterintelligence and Security Center in accordance with SecEA guidance;
- c. Cooperate with the SecEA in assessing the continued efficiency and effectiveness of reporting reciprocity determinations; and
- d. Ensure resources are properly allocated for the associated reciprocity implementation and reporting.

I. EFFECTIVE DATE: This Directive becomes effective on the date of signature.



Daniel R. Coats
Security Executive Agent



Date