

Security Clearance Holder Ranks Grow; NSA & CIA Lead Denials/Revocations

By Mathew B. Tully

Even as the nation reduces its roles in Afghanistan and Iraq, the government's need for people who can be trusted with sensitive information is not abating. Illustrative of this ever-growing demand for trustworthy workers, the ranks of federal employees and contractors who held a security clearance rose by 3.3 percent in the 2011 fiscal year to 4,863,552, according to a new report from the Office of the Director of National Intelligence (ODNI).

Despite this growth in the number of people holding security clearances, intelligence community agencies did not grant this status to everyone. For the first time, the ODNI revealed the denial and revocation rates at seven agencies with authority to conduct security clearance investigations or adjudications.

The NSA topped the list, denying 8 percent and revoking 1.6 percent of the security clearance cases it adjudicated in the 2011 fiscal year. Following it was the CIA, with a 5.3 percent denial rate and a 0.5 percent revocation rate. Next on the list was the National Reconnaissance Office, with a 3.8 percent denial rate and 0.4 percent revocation rate. The National Geospatial-Intelligence Agency actually had a zero percent denial rate. The NGA does not perform revocations. The DEA and Departments of Homeland Security, Energy, Army, Navy, Coast Guard, and Air Force were not included in these denial/revocation rate statistics.

It is always disheartening to hear that a federal employee or contractor had his or her security clearance denied or revoked, because with the loss of this status these workers lose out on good, high-paying jobs. Depending on the level of security clearance, agencies will conduct reinvestigations every 15, 10, or five years. When an investigator uncovers any information that calls into question an employee's trustworthiness, such as financial, foreign influence, or drug abuse concerns, the agency will likely issue a Letter of Intent or Statement of Reasons (LOI/SOR) detailing its intention to revoke the employee's clearance. Consequently, the employee may be placed on indefinite suspension until the adjudication is completed. A termination notice will likely follow a revocation. Therefore, it is crucial for employees who receive an LOI/SOR to immediately recruit the assistance of an experienced national security law attorney to fight for them at an administrative hearing.

At agencies such as the FBI and NRO, foreign influence concerns was the top single factor behind security clearance cases that had been open for at least a year. Federal employees and contractors need to know that in some cases these concerns can be overcome. They could, for example, highlight any honorable military service or how they have casual and infrequent interactions with family members living abroad. Recipients of an SOR have

between 20 and 45 days to respond, so they should not delay in contacting a national security law attorney.