



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
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DEPUTY DIRECTOR
FOR MANAGEMENT

November 14, 2007

MEMORANDUM FOR DEPUTIES OF EXECUTIVE DEPARTMENTS AND
AGENCIES

FROM: Clay Johnson III
Deputy Director for Management

SUBJECT: Reciprocal Recognition of Existing Personnel Security Clearances

The OMB memoranda of December 12, 2005, and July 17, 2006, on this same subject indicated that there are only two authorized exceptions to reciprocity if an individual has a current access eligibility determination based upon the requisite investigation in terms of scope and currency. One is when an agency used its discretion and decided to grant or continue the existing security clearance for an individual despite a failure to meet adjudicative or investigative standards. The other is when the gaining program or organization is already in possession of substantial information indicating that, notwithstanding the existing clearance, the adjudicative standards may not be satisfied in light of the new information. In both instances, other agencies are allowed to reinvestigate or readjudicate the case prior to granting another security clearance.

Successful implementation of these two limited exceptions to reciprocity requires a consistent understanding of what constitutes a condition, waiver or deviation as well as what constitutes substantial issue information. To that end, the Personnel Security Working Group of the Records Access and Information Security Policy Coordinating Committee has adopted the attached definitions relating to exceptions to reciprocity to be used by all agencies when making an access eligibility determination.

These instructions are issued pursuant to the authority of the Director of the Office of Management and Budget under section 2 of the Executive Order 13381, "Strengthening Processes Relating to Determining Eligibility for Access to Classified National Security Information," as amended, and subject to section 5(a) of that order, and are effective immediately.

Attachment

Definitions Relating to Exceptions

EXCEPTION. An adjudicative decision to grant or continue access eligibility despite a failure to meet adjudicative or investigative standards. The head of the agency concerned or designee will make such decisions. (Exceptions with regard to eligibility for Sensitive Compartmented Information (SCI) will be processed according to procedures established by the Director of National Intelligence (DNI).) For purposes of reciprocity, the presence of an exception permits the gaining organization or program to review the case before assuming security sponsorship and to accept or decline sponsorship based on that review. When accepting sponsorship, the gaining organization or program will ensure that the exception remains a matter of record. There are three types:

1. CONDITION. Access eligibility granted or continued with the proviso that one or more additional measures will be required. Such measures include additional security monitoring, restrictions on access, and restrictions on an individual's handling of classified information.
2. DEVIATION. Access eligibility granted or continued despite a significant gap in coverage or scope in the supporting background 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 an FBI name check or an FBI fingerprint check or the lack of one or more investigative scope requirements in its entirety (e.g., the total absence of local agencies checks within an investigation would constitute a deviation, but the absence of local agencies checks for some but not all places of residence would not constitute a deviation).
3. WAIVER. Access eligibility granted or continued despite the presence of substantial issue information that would normally preclude access. Agency heads or designees approve waivers only when the benefit of access clearly outweighs any security concern raised by the shortcoming. A waiver may require special limitations on access, additional security monitoring, and other restrictions on the person's handling of classified information beyond normal need-to-know.

ISSUE INFORMATION. Any information that could adversely affect a person's eligibility for classified information. There are two types:

MINOR ISSUE INFORMATION. Information that meets a threshold of concern set out in "Adjudicative Guidelines for Determining Eligibility for Access to Classified Information," but for which adjudication determines that adequate mitigation, as provided for by the Guidelines, exists. Minor issue information does *not* provide the basis for a waiver or condition.

SUBSTANTIAL ISSUE INFORMATION. Any information, or aggregate of information, that raises a significant question about the prudence of granting access eligibility. Substantial issue information constitutes the basis for granting access eligibility with waiver or condition, or for denying or revoking access eligibility.