



2017 National Security Adjudicative Guidelines Job Aid

Security Executive Agent Directive 4

The Director of National Intelligence, (DNI), signed Security Executive Agent Directive (SEAD) 4, National Security Adjudicative Guidelines, on December 10, 2016. The Directive becomes effective on June 8, 2017. This National Security Adjudicative Guidelines Job Aid highlights changes from the 2005 Guidelines. The SEAD 4 containing the new National Security Adjudicative Guidelines can be viewed at http://ogc.osd.mil/doha/SEAD4_20170608.pdf

2017 National Security Adjudicative Guidelines Job Aid

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Contents

| | |
|--|----|
| GUIDELINE A: ALLEGIANCE TO THE UNITED STATES | 2 |
| GUIDELINE B: FOREIGN INFLUENCE..... | 4 |
| GUIDELINE C: FOREIGN PREFERENCE..... | 8 |
| GUIDELINE D: SEXUAL BEHAVIOR..... | 11 |
| GUIDELINE E: PERSONAL CONDUCT..... | 13 |
| GUIDELINE F: FINANCIAL CONSIDERATIONS..... | 18 |
| GUIDELINE G: ALCOHOL CONSUMPTION | 22 |
| GUIDELINE H: DRUG INVOLVEMENT ¹ AND SUBSTANCE MISUSE..... | 25 |
| GUIDELINE I: PSYCHOLOGICAL CONDITIONS ² | 28 |
| GUIDELINE J: CRIMINAL CONDUCT ³ | 31 |
| GUIDELINE K: HANDLING PROTECTED INFORMATION | 33 |
| GUIDELINE L: OUTSIDE ACTIVITIES | 36 |
| GUIDELINE M: USE OF INFORMATION TECHNOLOGY..... | 38 |
| BOND AMENDMENT GUIDANCE | 41 |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|---|---|--|
| GUIDELINE A: ALLEGIANCE TO THE UNITED STATES | | | |
| <p>3. <i>The Concern.</i> The willingness to safeguard classified or sensitive information is in doubt if there is any reason to suspect an individual's allegiance to the United States. There is no positive test for allegiance, but there are negative indicators. These include participation in or support for acts against the United States or placing the welfare or interests of another country above those of the United States. Finally, the failure to adhere to the laws of the United States may be relevant if the violation of law is harmful to stated U.S. interests. An individual who engages in acts against the United States or provides support or encouragement to those who do has already demonstrated willingness to compromise national security.</p> | <p>4. Conditions that could raise a security concern and may be disqualifying include:(a) involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States; (b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts; and (c) association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:</p> <ol style="list-style-type: none"> (1) overthrow or influence the U.S. Government or any state or local government; (2) prevent Federal, state, or local government personnel from performing their official duties; (3) gain retribution for perceived wrongs caused by the Federal, state, or local government; and (4) prevent others from exercising their rights under the Constitution or laws of the United | <p>5. Conditions that could mitigate security concerns include:</p> <ol style="list-style-type: none"> (a) the individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these; (b) the individual's involvement was humanitarian and permitted under U.S. law; (c) involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest; and (d) the involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or allegiance. | <p>3. <i>The Concern.</i> An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.</p> <p>4. <i>Conditions that could raise a security concern and may be disqualifying include:</i></p> <ol style="list-style-type: none"> (a) involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States of America; (b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts; (c) association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to: <ol style="list-style-type: none"> (1) overthrow or influence the government of the United States or any state or local government; (2) prevent Federal, state, or local government personnel from performing their official duties; (3) gain retribution for perceived wrongs caused by the Federal, state, or local |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|-------------------------|-----------|--|
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| | States or of any state. | | <p>government; (4) prevent others from exercising their rights under the Constitution or laws of the United States or of any state.</p> <p><i>5. Conditions that could mitigate security concerns include:</i> (a) the individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these; (b) the individual's involvement was only with the lawful or humanitarian aspects of such an organization; (c) involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest; (d) the involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or loyalty.</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|---|---|---|
| GUIDELINE B: FOREIGN INFLUENCE | | | |
| <p>6. The Concern. Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated</p> | <p>7. Conditions that could raise a security concern and may be disqualifying include: (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology; (c) failure to report or fully disclose, when required, association with a foreign person, group, government, or country; (d) counterintelligence information, whether classified or unclassified, that indicates the individual's access to classified</p> | <p>8. Conditions that could mitigate security concerns include: (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States; (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; (c) contact or communication with foreign citizens is so casual and infrequent that there is little</p> | <p>6. The Concern. Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.</p> <p>7. Conditions that could raise a security concern and may be disqualifying include: (a) contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; (b) connections to a foreign person, group, government, or country that create</p> |

2017 National Security Adjudicative Guidelines Job Aid

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|---------------------------------------|---|--|---|
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| with a risk of terrorism. | <p>information or eligibility for a sensitive position may involve unacceptable risk to national security;</p> <p>(e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;</p> <p>(f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest;</p> <p>(g) unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence entity;</p> <p>(h) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion; and</p> <p>(i) conduct, especially while</p> | <p>likelihood that it could create a risk for foreign influence or exploitation;</p> <p>(d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;</p> <p>(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests , or threats from persons , groups, or organizations from a foreign country; and</p> <p>(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual</p> | <p>a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;</p> <p>(c) counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security;</p> <p>(d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;</p> <p>(e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation;</p> <p>(f) failure to report, when required, association with a foreign national;</p> <p>(g) unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service;</p> <p>(h) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
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| | <p>traveling or residing outside the U.S., that may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.</p> | | <p>individual to possible future exploitation, inducement, manipulation, pressure, or coercion; (i) conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.</p> <p>8. Conditions that could mitigate security concerns include: (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.; (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; (c) contact or communication with</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---------------------------------------|--------------|-----------|---|
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| | | | <p>foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;</p> <p>(d) the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;</p> <p>(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country;</p> <p>(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.</p> |

2017 National Security Adjudicative Guidelines Job Aid

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|--|--|--|--|
| GUIDELINE C: FOREIGN PREFERENCE | | | |
| <p>9. The Concern. When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. By itself, the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.</p> | <p>10. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) applying for and/or acquiring citizenship in any other country;</p> <p>(b) failure to report, or fully disclose when required, to an appropriate security official, the possession of a passport or identity card issued by any country other than the United States;</p> <p>(c) failure to use a U.S. passport when entering or exiting the U.S.;</p> <p>(d) participation in foreign activities, including but not limited to:</p> <p>(1) assuming or attempting to assume any type of employment, position, or political office in a foreign government or military organization; and</p> <p>(2) otherwise acting to serve the interests of a foreign person, group, organization, or government in any way that conflicts with U.S. national security interests;</p> <p>(e) using foreign citizenship to protect financial or business interests in another country in</p> | <p>11. Conditions that could mitigate security concerns include:</p> <p>(a) the foreign citizenship is not in conflict with U.S. national security interests;</p> <p>(b) dual citizenship is based solely on parental citizenship or birth in a foreign country, and there is no evidence of foreign preference;</p> <p>(c) the individual has expressed a willingness to renounce the foreign citizenship that is in conflict with U.S. national security interests;</p> <p>(d) the exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen;</p> <p>(e) the exercise of the entitlements or benefits of foreign citizenship do not present a national security concern;</p> <p>(f) the foreign preference, if detected, involves a foreign country, entity, or association that poses a low national security risk;</p> <p>(g) civil employment or military service was authorized under U.S. law, or the employment or service</p> | <p>9. The Concern. When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.</p> <p>10. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:</p> <p>(1) possession of a current foreign passport;</p> <p>(2) military service or a willingness to bear arms for a foreign country;</p> <p>(3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;</p> <p>(4) residence in a foreign country to meet citizenship requirements;</p> <p>(5) using foreign citizenship to protect financial or business interests in another country;</p> <p>(6) seeking or holding political office in a foreign country;</p> <p>(7) voting in a foreign election;</p> |

2017 National Security Adjudicative Guidelines Job Aid

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|--|--|--|--|
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| | <p>violation of U.S. law; and (f) an act of expatriation from the United States such as declaration of intent to renounce U.S. citizenship, whether through words or actions.</p> | <p>was otherwise consented to as required by U.S. law; and (h) any potentially disqualifying activity took place after receiving the approval by the agency head or designee.</p> | <p>(b) action to acquire or obtain recognition of a foreign citizenship by an American citizen; (c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest; (d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.</p> <p><i>11. Conditions that could mitigate security concerns include:</i> (a) dual citizenship is based solely on parents' citizenship or birth in a foreign country; (b) the individual has expressed a willingness to renounce dual citizenship; (c) exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor; (d) use of a foreign passport is approved by the cognizant security authority; (e) the passport has been destroyed, surrendered to the cognizant security</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|--------------|-----------|--|
| GUIDELINE C: FOREIGN PREFERENCE | | | |
| | | | authority, or otherwise invalidated; (f) the vote in a foreign election was encouraged by the United States Government. |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|--|---|---|
| GUIDELINE D: SEXUAL BEHAVIOR | | | |
| <p>12. The Concern. Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.</p> | <p>13. Conditions that could raise a security concern and may be disqualifying include: (a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted; (b) a pattern of compulsive, self-destructive, or high-risk sexual behavior that the individual is unable to stop; (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and (d) sexual behavior of a public nature or that reflects lack of discretion or judgment.</p> | <p>14. Conditions that could mitigate security concerns include: (a) the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature; (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment; (c) the behavior no longer serves as a basis for coercion, exploitation, or duress; (d) the sexual behavior is strictly private, consensual, and discreet; and (e) the individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the</p> | <p>12. The Concern. Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence or coercion, exploitation, or duress can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. No adverse inference concerning the standards in the Guideline may be raised solely on the basis of the sexual orientation of the individual.</p> <p>13. Conditions that could raise a security concern and may be disqualifying include: (a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted; (b) a pattern of compulsive, self-destructive, or high-risk sexual behavior that the person is unable to stop or that may be symptomatic of a personality disorder; (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; (d) sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|-------------------------------------|--------------|--|---|
| GUIDELINE D: SEXUAL BEHAVIOR | | | |
| | | <p>behavior is readily controllable with treatment.</p> | <p>14. Conditions that could mitigate security concerns include:</p> <ul style="list-style-type: none"> (a) the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature; (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; (c) the behavior no longer serves as a basis for coercion, exploitation, or duress; (d) the sexual behavior is strictly private, consensual, and discreet. |

2017 National Security Adjudicative Guidelines Job Aid

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|---|---|---|--|
| GUIDELINE E: PERSONAL CONDUCT | | | |
| <p>15. The Concern. Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:</p> <p>(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security</p> | <p>16. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; (b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;</p> <p>(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which,</p> | <p>17. Conditions that could mitigate security concerns include:</p> <p>(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully; (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;</p> | <p>15. The Concern. Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.</p> <p>The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:</p> <p>(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, and cooperation with medical or psychological evaluation;</p> <p>(b) refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection</p> |

2017 National Security Adjudicative Guidelines Job Aid

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|--|--|--|--|
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| <p>investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and</p> <p>(b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.</p> | <p>when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;</p> <p>(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:</p> <p>(1) untrustworthy or unreliable behavior to include breach of</p> | <p>(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;</p> <p>(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;</p> <p>(f) the information was unsubstantiated or from a source of questionable reliability; and</p> <p>(g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.</p> | <p>with a personnel security or trustworthiness determination.</p> <p>16. Conditions that could raise a security concern and may be disqualifying also include:</p> <p>(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;</p> <p>(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative;</p> <p>(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other</p> |

2017 National Security Adjudicative Guidelines Job Aid

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|--------------------------------------|---|-----------|---|
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| | <p>client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;</p> <p>(2) any disruptive, violent, or other inappropriate behavior;</p> <p>(3) a pattern of dishonesty or rule violations; and</p> <p>(4) evidence of significant misuse of Government or other employer's time or resources;</p> <p>(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:</p> <p>(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing;</p> <p>(2) while in another country, engaging in any activity that is illegal in that country;</p> <p>(3) while in another country, engaging in any activity that, while legal there, is illegal in the United States;</p> | | <p>characteristics indicating that the person may not properly safeguard protected information;</p> <p>(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:</p> <p>(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;</p> <p>(2) disruptive, violent, or other inappropriate behavior in the workplace;</p> <p>(3) a pattern of dishonesty or rule violations;</p> <p>(4) evidence of significant misuse of Government or other employer's time or resources;</p> <p>(e) personal conduct or concealment of</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| GUIDELINE E: PERSONAL CONDUCT | | | |
| | <p>(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and</p> <p>(g) association with persons involved in criminal activity.</p> | | <p>information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;</p> <p>(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment;</p> <p>(g) association with persons involved in criminal activity.</p> <p><i>17. Conditions that could mitigate security concerns include:</i></p> <p>(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;</p> <p>(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--------------------------------------|--------------|-----------|---|
| GUIDELINE E: PERSONAL CONDUCT | | | |
| | | | <p>instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;</p> <p>(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;</p> <p>(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;</p> <p>(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;</p> <p>(f) association with persons involved in criminal activities has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|---|--|---|
| GUIDELINE F: FINANCIAL CONSIDERATIONS | | | |
| <p>18. The Concern. Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is</p> | <p>19. Conditions that could raise a security concern and may be disqualifying include: (a) inability to satisfy debts; (b) unwillingness to satisfy debts regardless of the ability to do so; (c) a history of not meeting financial obligations; (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust; (e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators; (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required; (g) unexplained affluence, as shown by a lifestyle or standard of</p> | <p>20. Conditions that could mitigate security concerns include: (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances; (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; (d) the individual initiated and is</p> | <p>18. The Concern. Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts.</p> <p>19. Conditions that could raise a security concern and may be disqualifying include: (a) inability or unwillingness to satisfy debts; (b) indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt. (c) a history of not meeting financial obligations;</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|--|--|---|
| GUIDELINE F: FINANCIAL CONSIDERATIONS | | | |
| also a security concern insofar as it may result from criminal activity, including espionage. | living, increase in net worth, or money transfers that are inconsistent with known legal sources of income; (h) borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts; and (i) concealing gambling losses, family conflict, or other problems caused by gambling. | adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue; (f) the affluence resulted from a legal source of income; and (g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements. | (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust; (e) consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis; (f) financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern. (g) failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same; (h) unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject's known legal sources of income; (i) compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, "chasing losses" (i.e. increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|--------------|-----------|---|
| GUIDELINE F: FINANCIAL CONSIDERATIONS | | | |
| | | | <p>by gambling.</p> <p>20. Conditions that could mitigate security concerns include:</p> <p>(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;</p> <p>(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g. loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;</p> <p>(c) the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;</p> <p>(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;</p> <p>(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|--------------|-----------|---|
| GUIDELINE F: FINANCIAL CONSIDERATIONS | | | |
| | | | the issue; (f) the affluence resulted from a legal source of income. |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|--|--|--|
| GUIDELINE G: ALCOHOL CONSUMPTION | | | |
| <p>21. The Concern. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.</p> | <p>22. Conditions that could raise a security concern and may be disqualifying include: (a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder; (b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder; (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder; (d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist,</p> | <p>23. Conditions that could mitigate security concerns include: (a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment; (b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations; (c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and (d) the individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in</p> | <p>21. The Concern. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.</p> <p>22. Conditions that could raise a security concern and may be disqualifying include: (a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; (b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; (d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|---|---|---|
| GUIDELINE G: ALCOHOL CONSUMPTION | | | |
| | <p>or licensed clinical social worker) of alcohol use disorder</p> <p>(e) the failure to follow treatment advice once diagnosed;</p> <p>(f) alcohol consumption, which is not in accordance with treatment recommendations after a diagnosis of alcohol use disorder; and</p> <p>(g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.</p> | <p>accordance with treatment recommendations.</p> | <p>abuse or alcohol dependence;</p> <p>(e) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;</p> <p>(f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program;</p> <p>(g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.</p> <p><i>23. Conditions that could mitigate security concerns include:</i></p> <p>(a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;</p> <p>(b) the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);</p> <p>(c) the individual is a current employee</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|--------------|-----------|--|
| GUIDELINE G: ALCOHOL CONSUMPTION | | | |
| | | | <p>who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress;</p> <p>(d) the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|---|--|---|
| GUIDELINE H: DRUG INVOLVEMENT¹ AND SUBSTANCE MISUSE | | | |
| <p>24. <i>The Concern.</i> The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. Controlled substance means any "controlled substance" as defined in 21 U.S.C. 802. Substance misuse is the generic term adopted in this guideline to describe any of the behaviors listed above.</p> | <p>25. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) any substance misuse (see above definition);</p> <p>(b) testing positive for an illegal drug;</p> <p>(c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;</p> <p>(d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of substance use disorder;</p> <p>(e) failure to successfully complete a drug treatment program prescribed by a duly qualified medical or mental health professional;</p> <p>(f) any illegal drug use while granted access to classified information or holding a sensitive position; and</p> <p>(g) expressed intent to continue drug involvement and substance misuse, or failure to clearly and</p> | <p>26. Conditions that could mitigate security concerns include:</p> <p>(a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;</p> <p>(b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:</p> <p>(1) disassociation from drug-using associates and contacts;</p> <p>(2) changing or avoiding the environment where drugs were used; and</p> <p>(3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;</p> | <p>24. <i>The Concern.</i> Use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations.</p> <p>(a) Drugs are defined as mood and behavior altering substances, and include:</p> <p>(1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) inhalants and other similar substances;</p> <p>(b) drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.</p> <p>25. <i>Conditions that could raise a security concern and may be disqualifying include:</i></p> <p>(a) Any drug abuse (see above definition);</p> <p>(b) testing positive for illegal drug use;</p> <p>(c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|---|--|--|
| GUIDELINE H: DRUG INVOLVEMENT¹ AND SUBSTANCE MISUSE | | | |
| | convincingly commit to discontinue such misuse . | (c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and (d) satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional. | possession of drug paraphernalia; (d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence; (e) evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program; (f) failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional; (g) any illegal drug use after being granted a security clearance; (h) expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use. <i>26. Conditions that could mitigate security concerns include:</i> (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; (b) a demonstrated intent not to abuse any drugs in the future, such as: (1) dissociation from drug-using associates and contacts; |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|--------------|-----------|---|
| GUIDELINE H: DRUG INVOLVEMENT¹ AND SUBSTANCE MISUSE | | | |
| | | | (2) changing or avoiding the environment where drugs were used; (3) an appropriate period of abstinence; (4) a signed statement of intent with automatic revocation of clearance for any violation; (c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; (d) satisfactory completion of a prescribed drug treatment program, including but not limited to rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional. |
| <p><i>¹ Reference Appendix B of this document (SEAD 4) regarding statutory requirements contained in Public Law 110-118 (Bond Amendment) applicable to this guideline.</i></p> | | | |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|--|---|---|
| GUIDELINE I: PSYCHOLOGICAL CONDITIONS² | | | |
| <p>27. <i>The Concern.</i> Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.</p> | <p>28. Conditions that could raise a security concern and may be disqualifying include: (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors; (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness; (c) voluntary or involuntary inpatient hospitalization; (d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to</p> | <p>29. Conditions that could mitigate security concerns include: (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan; (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional; (c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation; (d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and</p> | <p>27. <i>The Concern.</i> Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline. No negative inference concerning the standards in this Guideline may be raised solely on the basis of seeking mental health counseling.</p> <p>28. <i>Conditions that could raise a security concern and may be disqualifying include:</i> (a) behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior; (b) an opinion by a duly qualified mental health professional that the individual has a condition not covered under any other</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|--|---|--|
| GUIDELINE I: PSYCHOLOGICAL CONDITIONS² | | | |
| | <p>attend required counseling sessions; and</p> <p>(e) pathological gambling, the associated behaviors of which may include unsuccessful attempts to stop gambling; gambling for increasingly higher stakes, usually in an attempt to cover losses; concealing gambling losses; borrowing or stealing money to fund gambling or pay gambling debts; and family conflict resulting from gambling.</p> | <p>the individual no longer shows indications of emotional instability;</p> <p>(e) there is no indication of a current problem.</p> | <p>guideline that may impair judgment, reliability, or trustworthiness;</p> <p>(c) the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g. failure to take prescribed medication.</p> <p><i>29. Conditions that could mitigate security concerns include:</i></p> <p>(a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;</p> <p>(b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;</p> <p>(c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;</p> <p>(d) the past emotional instability was a temporary condition (e.g., one caused by</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|--------------|-----------|--|
| GUIDELINE I: PSYCHOLOGICAL CONDITIONS² | | | |
| | | | a death, illness, or marital breakup), the situation has been resolved, and the individual no longer shows indications of emotional instability; (e) there is no indication of a current problem. |
| <p>² <i>Reference Appendix B of this document (SEAD 4) regarding statutory requirements contained in Public Law 110-118 (Bond Amendment) applicable to this guideline.</i></p> | | | |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|--|---|--|---|
| GUIDELINE J: CRIMINAL CONDUCT³ | | | |
| <p>30. The Concern. Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations</p> | <p>31. Conditions that could raise a security concern and may be disqualifying include: (a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; (b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted; (c) individual is currently on parole or probation; (d) violation or revocation of parole or probation, or failure to complete a court-mandated rehabilitation program; and (e) discharge or dismissal from the Armed Forces for reasons less than "Honorable."</p> | <p>32. Conditions that could mitigate security concerns include: (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; (b) the individual was pressured or coerced into committing the act and those pressures are not prescribed, and abuse has since ended; and no longer present in the person's life; (c) no reliable evidence to support that the individual committed the offense; and (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.</p> | <p>30. The Concern. Criminal activity creates doubt about a person's judgment, reliability and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.</p> <p>31. Conditions that could raise a security concern and may be disqualifying include: (a) a single serious crime or multiple lesser offenses; (b) discharge or dismissal from the Armed Forces under dishonorable conditions; (c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted; (d) individual is currently on parole or probation; (e) violation of parole or probation, or failure to complete a court-mandated rehabilitation program.</p> <p>32. Conditions that could mitigate security concerns include: (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's</p> |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
|---|--------------|-----------|--|
| GUIDELINE J: CRIMINAL CONDUCT³ | | | |
| | | | reliability, trustworthiness, or good judgment; (b) the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life; (c) evidence that the person did not commit the offense; (d) there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement. |
| <p>³ <i>Reference Appendix B of this document (SEAD 4) regarding statutory requirements contained in Public Law 110-118 (Bond Amendment) applicable to this guideline.</i></p> | | | |

2017 National Security Adjudicative Guidelines Job Aid

Note: **Red** denotes new content/change from 2005 Adjudicative Guidelines

| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
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| GUIDELINE K: HANDLING PROTECTED INFORMATION | | | |
| <p>33. The Concern. Deliberate or negligent failure to comply with rules and regulations for handling protected information-which includes classified and other sensitive government information, and proprietary information-raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.</p> | <p>34. Conditions that could raise a security concern and may be disqualifying include: (a) deliberate or negligent disclosure of protected information to unauthorized persons, including, but not limited to, personal or business contacts, the media, or persons present at seminars, meetings, or conferences; (b) collecting or storing protected information in any unauthorized location; (c) loading, drafting, editing, modifying, storing, transmitting, or otherwise handling protected information, including images, on any unauthorized equipment or medium; (d) inappropriate efforts to obtain or view protected information outside one's need to know; (e) copying or modifying protected information in an unauthorized manner designed to conceal or remove classification or other document control markings; (f) viewing or downloading information from a secure system</p> | <p>35. Conditions that could mitigate security concerns include: (a) so much time has elapsed since the behavior, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; (b) the individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities; (c) the security violations were due to improper or inadequate training or unclear instructions; and (d) the violation was inadvertent, it was promptly reported, there is no evidence of compromise, and it does not suggest a pattern.</p> | <p>33. The Concern. Deliberate or negligent failure to comply with rules and regulations for protecting classified or other sensitive information raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.</p> <p>34. Conditions that could raise a security concern and may be disqualifying include: (a) deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences; (b) collecting or storing classified or other protected information in any unauthorized location; (c) loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, gameboard, handheld, "palm" or pocket device or other adjunct</p> |

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
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| GUIDELINE K: HANDLING PROTECTED INFORMATION | | | |
| | <p>when the information is beyond the individual's need-to-know; (g) any failure to comply with rules for the protection of classified or sensitive information; (h) negligence or lax security practices that persist despite counseling by management; and (i) failure to comply with rules or regulations that results in damage to the national security, regardless of whether it was deliberate or negligent.</p> | | <p>equipment; (d) inappropriate efforts to obtain or view classified or other protected information outside one's need to know; (e) copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings; (f) viewing or downloading information from a secure system when the information is beyond the individual's need to know; (g) any failure to comply with rules for the protection of classified or other sensitive information; (h) negligence or lax security habits that persist despite counseling by management; (i) failure to comply with rules or regulations that results in damage to the National Security, regardless of whether it was deliberate or negligent.</p> <p><i>35. Conditions that could mitigate security concerns include:</i> (a) so much time has elapsed since the behavior, or it happened so infrequently or under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good</p> |

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|--|--------------|-----------|--|
| GUIDELINE K: HANDLING PROTECTED INFORMATION | | | |
| | | | <p>judgment;</p> <p>(b) the individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities;</p> <p>(c) the security violations were due to improper or inadequate training.</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
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| GUIDELINE L: OUTSIDE ACTIVITIES | | | |
| <p>36. The Concern. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified or sensitive information.</p> | <p>37. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) any employment or service, whether compensated or volunteer, with:</p> <p>(1) the government of a foreign country;</p> <p>(2) any foreign national, organization, or other entity;</p> <p>(3) a representative of any foreign interest; and</p> <p>(4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology; and</p> <p>(b) failure to report or fully disclose an outside activity when this is required.</p> | <p>38. Conditions that could mitigate security concerns include:</p> <p>(a) evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States; and</p> <p>(b) the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities .</p> | <p>36. The Concern. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.</p> <p>37. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) any employment or service, whether compensated or volunteer, with:</p> <p>(1) the government of a foreign country;</p> <p>(2) any foreign national, organization, or other entity;</p> <p>(3) a representative of any foreign interest;</p> <p>(4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology;</p> <p>(b) failure to report or fully disclose an outside activity when this is required.</p> <p>38. Conditions that could mitigate security concerns include:</p> <p>(a) evaluation of the outside employment</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| GUIDELINE L: OUTSIDE ACTIVITIES | | | |
| | | | <p>or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States;</p> <p>(b) the individual terminates the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| CONCERN | DISQUALIFIER | MITIGATOR | 2005 GUIDELINES |
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| GUIDELINE M: USE OF INFORMATION TECHNOLOGY | | | |
| <p>39. <i>The Concern.</i> Failure to comply with rules, procedures, guidelines, or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information.</p> <p>Information Technology includes any computer-based, mobile, or wireless device used to create, store, access, process, manipulate, protect, or move information. This includes any component, whether integrated into a larger system or not, such as hardware, software, or firmware, used to enable or facilitate these operations</p> | <p>40. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) unauthorized entry into any information technology system;</p> <p>(b) unauthorized modification, destruction, or manipulation of, or denial of access to, an information</p> <p>(c) use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;</p> <p>(d) downloading, storing, or transmitting classified, sensitive, proprietary, or other protected information on or to any unauthorized information technology system;</p> <p>(e) unauthorized use of any information technology system</p> <p>(f) introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system when prohibited by rules, procedures, guidelines, or regulations or when otherwise not authorized;</p> <p>(g) negligence or lax security practices in handling information</p> | <p>41. Conditions that could mitigate security concerns include:</p> <p>(a) so much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;</p> <p>(b) the misuse was minor and done solely in the interest of organizational efficiency and effectiveness;</p> <p>(c) the conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification to appropriate personnel; and</p> <p>(d) the misuse was due to improper or inadequate training or unclear instructions.</p> | <p>39. <i>The Concern.</i> Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information. Information Technology Systems include all related computer hardware, software, firmware, and data used for the communication, transmission, processing, manipulation, storage, or protection of information.</p> <p>40. Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) illegal or unauthorized entry into any information technology system or component thereof;</p> <p>(b) illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware in an information technology system;</p> <p>(c) use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;</p> <p>(d) downloading, storing, or transmitting</p> |

2017 National Security Adjudicative Guidelines Job Aid

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| GUIDELINE M: USE OF INFORMATION TECHNOLOGY | | | |
| | <p>technology that persists despite counseling by management; and (h) any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.</p> | | <p>classified information on or to any unauthorized software, hardware, or information technology system; (e) unauthorized use of a government or other information technology system; (f) introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations. (g) negligence or lax security habits in handling information technology that persist despite counseling by management; (h) any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.</p> <p><i>41. Conditions that could mitigate security concerns include:</i> (a) so much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur or does not cast doubt on the individual's reliability, trustworthiness, or good judgment; (b) the misuse was minor and done only in the interest of organizational efficiency and effectiveness, such as letting another</p> |

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|---|--------------|-----------|--|
| GUIDELINE M: USE OF INFORMATION TECHNOLOGY | | | |
| | | | <p>person use one's password or computer when no other timely alternative was readily available;</p> <p>(c) the conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification of supervisor.</p> |

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BOND AMENDMENT GUIDANCE **Appendix B in the Guidelines (SEAD 4)**

On 28 January 2008, Congress amended the IRTPA of 2004, adding statutory restrictions on certain eligibility determinations and establishing waiver and congressional reporting requirements. These modifications are collectively referred to as the "Bond Amendments" and were made effective on 1 January 2008.⁴ For the reasons identified in paragraph E.2 above, application of the Bond Amendment's statutory restrictions will be applied to all adjudications covered under this Directive.

1. PROHIBITION: Heads of agencies are prohibited from granting or renewing national security eligibility for any covered individual who is an unlawful user of a controlled substance or is an addict as defined below. If an authorized adjudicative agency has a case pending review that involves an unlawful user of a controlled substance or an addict, the statutory prohibition must be applied and the individual will receive the agency's established administrative review procedures. A meritorious waiver may not be authorized with reference to this prohibition. For purposes of this prohibition:

(a) an "addict" is any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare; or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) a "controlled substance" means any "controlled substance" as defined in 21 USC 802.

2017 National Security Adjudicative Guidelines Job Aid

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2. DISQUALIFICATION: The Bond Amendment also contains disqualification provisions which apply only to those covered individuals seeking access to Sensitive Compartmented Information (SCI), Special Access Programs (SAP), or Restricted Data (RD).

Heads of agencies may not grant or renew access to SCI, SAP, or RD to a covered individual who:

(a) has been convicted in any court of the U.S. of a crime, was sentenced to imprisonment for a term exceeding one year, and was incarcerated as a result of that sentence for not less than one year;

(b) has been discharged or dismissed from the Armed Forces under dishonorable conditions; or

(c) is determined to be mentally incompetent; an individual is "mentally incompetent" when he or she has been declared mentally incompetent as determined by competency proceedings conducted in a court or administrative agency with proper jurisdiction.

3. WAIVER STANDARD AND PROCEDURES: When a disqualifier reflected in paragraph

2(a) - (c) above exists, the adjudicator will proceed with the adjudication using the appropriate mitigation conditions found in these adjudicative guidelines. If the adjudicator would have arrived at a favorable decision but for the Bond Amendment disqualification, a meritorious waiver may be appropriate.

2017 National Security Adjudicative Guidelines Job Aid

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(a) Meritorious waivers will be considered an "Exception" to the adjudicative guidelines and will be annotated as a "Waiver" in the adjudicative decision recorded in the appropriate databases listed in para. E.5. Adjudicators will provide a detailed justification for the meritorious waiver in the final adjudicative report.

(b) If, after applying the appropriate mitigating factors listed in these adjudicative guidelines, a meritorious waiver is not appropriate, the SCI, SAP, or RD access will be denied or revoked with a written explanation that cites the adjudicative guidelines applied and the Bond Amendment disqualifier. The authorized adjudicative agency's established administrative review procedures shall be followed in all such cases.

(c) Each authorized adjudicative agency shall maintain a record of the number and type of meritorious waivers granted, to include the rationale for each waiver, and shall report this data annually to the SecEA in advance of the annual report to Congress. Authorized adjudicative agencies will also maintain a record of all disqualifications, broken down by type, due to Bond

Amendment requirements.

4. Authorized adjudicative agencies often have no ability to predict whether the covered individual for whom national security eligibility determinations are being made will also require access to SCI, SAP, or RD. Accordingly, the following guidance applies to all national security adjudicative determinations:

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(a) All adjudicators will determine whether any of the Bond Amendment disqualifiers in paragraphs 2(a) - (c) apply to the case being adjudicated.

(b) If a disqualifier exists, adjudicators shall annotate that fact in one of the databases identified in paragraph E.5 to ensure that any subsequent requests for access to SCI, SAP, or RD for the individual will undergo appropriate re-adjudication and waiver procedures in meritorious cases.