



**U.S. DEPARTMENT OF COMMERCE  
MANUAL OF SECURITY  
POLICIES AND PROCEDURES**

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## **Chapter 13 - Security Adjudication Criteria**

### **1301 Adjudication Determinations**

The criteria set forth in this chapter are used to support two separate but related national security adjudication determinations. One is the adjudication of investigative information to determine suitability for employment; the other is adjudication to determine a person's eligibility for access to national security information (NSI).

### **1302 National Security Determinations**

**A.** No person shall be employed or retained in the Department unless the employment of such a person is clearly consistent with the national security and/or the efficiency of the service.

**B.** No person shall be granted eligibility for access to national security information or retain access unless such access is clearly consistent with the national security.

**C.** National security adjudication determines an individual's eligibility to be granted national security access as described in Chapter 12, Eligibility for Access to Classified National Security Information. Appointment to or retention in employment is a separate determination relating to the overall risk to the national security and efficiency of the Federal service. An unfavorable national security adjudication may result in a negative employment determination when a selectee is being considered for a position that requires national security information access. In the case of a current employee, however, a separate retention decision is required by the servicing human resources management office.

### **1303 Criteria for Making National Security Determinations**

The criteria for determining suitability for employment or eligibility for access to classified information under the national security standard shall include, but not be limited to the following:

**A.** Commission of any act of sabotage, espionage, treason, terrorism, anarchy, sedition, or attempt thereof or preparation therefore, or conspiracy with or performance of other activities to aid or abet another in committing or attempting to commit any such act.

**B.** Establishment or continuance of a sympathetic association with saboteur, spy, traitor, seditionist, anarchist,



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terrorist, or revolutionist, or with an espionage or other secret agency or similar representative of a foreign nation whose interests may be inimical to interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or to alter the form of government of the United States by unconstitutional means.

**C.** Advocacy or use of force or violence to overthrow the Government of the United States or to alter the form of government of the United States by unconstitutional means.

**D.** Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or the laws of the United States or of any state, or which seeks to overthrow the Government of the United States or of any state or subdivision thereof by unlawful means.

**E.** Unauthorized disclosure, to any person, of classified or other information which is prohibited by statute, Executive Order, or regulation.

**F.** Performance or attempted performance of one's duties, acceptance and active maintenance of dual citizenship, or conduct in a manner which serves or which could be expected to serve the interests of another government in preference to the interests of the United States.

**G.** Disregard of public laws, statutes, Executive Orders, or regulations, including violation of security regulations or practices.

**H.** Criminal or dishonest conduct.

**I.** Acts of omission or commission that indicate poor judgment, unreliability, or untrustworthiness.

**J.** Any behavior or illness, including any mental condition which, in the opinion of competent medical authority, may cause a defect in judgment or in reliability, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

**K.** Vulnerabilities to coercion, influence, or pressure that may cause conduct contrary to the national interest. This may be: the presence of immediate family members or other persons to whom the applicant is bonded by affection or obligation in a nation (of areas under its domination) whose interests may be inimical to those of



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the United States; or any other circumstances that could cause the applicant to be vulnerable.

**L.** Excessive indebtedness, recurring financial difficulties, or unexplained affluence.

**M.** Habitual or episodic use of intoxicants to excess.

**N.** Illegal or improper use, possession, transfer, sale, or addiction to any controlled or psychoactive substance, narcotic, cannabis, or other dangerous drug.

**O.** Any knowing and willful falsification, cover-up, concealment, misrepresentation, or omission of a material fact from any written or oral statement, document, form or other representation or device used by the Department or by any other Federal agency.

**P.** Failure or refusal to answer or to authorize others to answer questions or provide information required by a congressional committee, court, or agency in the course of an official inquiry whenever such answers or information concern relevant and material matters pertinent to an evaluation of the individual's trustworthiness, reliability, and judgment.

**Q.** Acts of sexual misconduct or perversion indicative of moral turpitude, of poor judgment or of lack of regard for the laws of society.