

MS 403 Personnel Security Program

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MS 403 Personnel Security Program Procedures

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1.0 Authorities

Peace Corps Act, 22 U.S.C. 2519; Executive Order 13764; Executive Order 13488; Executive Order 13467; Executive Order 12958; Executive Order 12968; Security Executive Agent Directive 3; Security Executive Agent Directive 4; Office of Management and Budget Circular A-130; Homeland Security Presidential Directive 12; 5 CFR Part 731; Presidential Policy Directive-19.

2.0 Purpose

This Manual Section sets out the policies for the Peace Corps Personnel Security Program.

3.0 Applicability

This Manual Section applies to any individual, be it employee, intern, detailee, contractor, or other individual who requires physical and/or virtual (network) access to Peace Corps domestic facilities or any individual nominated for access to classified national security information.

4.0 Definitions

- (a) A ***Personnel Security Investigation*** is an inquiry into an individual's experience, qualifications, conduct and actions, that is used as a basis to make a determination about the individual's loyalty, suitability, and trustworthiness.
- (b) ***Pre-employment Screening*** is a review of an individual's application and other related application documents and/or National Agency Check (NAC) results that provide sufficient information for the Personnel Security Specialist to make a suitability or security determination, prior to the completion of the full investigation.
- (c) ***National Agency Check (NAC)*** is a check of the investigative and identification (name and fingerprint) files of the Federal Bureau of Investigation, the investigative files of the Office of Personnel Management and Defense Investigative Service, and other government agencies as dictated by an individual's personal history.
- (d) ***Tier 1*** (formerly ***National Agency Check and Inquiries (NACI)***) is a public trust, low risk, background investigation that is a combination of the NAC with queries to law

enforcement agencies, employers, educators, and references. If there is no break in service or a change in duties which would impact the risk and sensitivity designation, then there is typically no reinvestigation requirement. However, if a new suitability concern should arise, as part of continuous evaluation, an individual may be subject to a new background investigation in order to mitigate any new concerns that develop.

- (e) **Tier 2** (formerly **Moderate Risk Background Investigation (MBI)**) is a public trust, moderate risk, background investigations that is a combination of the NAC with queries to law enforcement agencies, employers, educators and references. Tier 2 investigations also include checks with credit bureaus and can include a subject interview if needed.

Tier 2R is a reinvestigation of an incumbent for public trust. It is typically conducted on a five-year cycle, unless new concerns arise sooner under continuous evaluation requirements.

- (f) **Tier 3** (formerly **Access National Agency Check with Inquiries (ANACI)**) is a national security background investigation that is a combination of the NAC with queries to law enforcement agencies, credit bureaus, courts, employers, education, and other sources of information. A subject interview may be required.

Tier 3R (formerly called **Periodic Reinvestigation (PRI)**) is a reinvestigation of the incumbent of certain positions requiring access to classified national security information at the Secret level and is typically conducted on a 10-year cycle unless new concerns arise sooner under continuous evaluation requirements.

- (g) **Tier 4** (formerly **Background Investigation (BI)**) is a public trust, high risk, background investigation that combines the NAC with personal interviews with the subject of the investigation, employers, educators, neighbors, references, credit bureaus, law enforcement agencies, courts, and other sources of information.

Tier 4R is a reinvestigation of the incumbent for public trust, conducted on a five-year cycle unless new concerns arise sooner under continuous evaluation requirements.

- (h) **Tier 5** (formerly **Single Scope Background Investigation (SSBI)**) is a national security background investigation that combines the NAC with personal interviews with the subject of the investigation, employers, educators, neighbors, references, credit bureaus, law enforcement agencies, courts, and other sources of information.

Tier 5R (formerly called **Periodic Reinvestigation (PRI)**) is a reinvestigation of the incumbent of certain positions requiring access to classified national security information at the Top Secret level and conducted on a 5-year cycle unless new concerns arise sooner under continuous evaluation requirements.

- (i) **Security Clearance** is a favorable determination (or re-determination), based on an appropriate investigation, that an individual does not pose a risk or danger to the security or interest of the United States, has a need for access to classified national security information at specific levels (Confidential, Secret, or Top Secret), and is deemed trustworthy for that purpose.

- (j) ***Suitability Determination*** is a finding, based on an appropriate investigation that an individual meets the standards of qualification and personal conduct that would be likely to allow the individual to be able to carry out the duties of a Federal position or Federal contractor position with appropriate integrity, efficiency, and effectiveness.
- (k) ***Position Sensitivity*** is a designation assigned to a specific position or statement of work that takes into consideration the degree of adverse impact the holder and the duties of the position could have on the mission of the Peace Corps and/or the national security.
- (l) ***Position Risk*** is a designation assigned to a specific position or statement of work that takes into consideration the position's potential for adverse impact on the efficiency and integrity of federal service.
- (m) ***Critical Sensitive Positions*** involve duties of major importance to the agency with primary program responsibilities and have the potential for exceptionally grave impact or damage to national security or agency mission and can include access to classified information up to and including TOP SECRET information.

Positions at the critical sensitive level initially require a Tier 5 with a Tier 5R reinvestigation every five years thereafter.

- (n) ***Non-Critical Sensitive Positions*** involve duties of considerable importance to the agency with significant program responsibility and have the potential for significant or serious impact to national security or the agency mission and may include access to classified information up to and including SECRET information.

Positions at the non-critical sensitive level will require a Tier 3 with a T3R reinvestigation every 10 years thereafter

- (o) ***Non-Sensitive Positions*** have the potential for limited impact involving the agency mission.

Positions at the non-sensitive level require, at a minimum, a Tier 1 investigation. A reinvestigation is required for those in Tier 2, moderate risk or Tier 4, high risk positions every five years. Those in Tier 1, low risk positions, do not require a reinvestigation unless there is a break in Federal service, to include Federal contractor service.

- (p) ***PPD-19*** means ***Presidential Directive – 19*** issued by the President on October 10, 2012 and the following terms used in Section 7.1 of this Manual Section have the meanings given to them in PPD-19:

- (1) Eligibility for Access to Classified Information; and
- (2) Protected Disclosure.

- (q) ***Staff*** means an individual employed by, detailed or assigned to, the Peace Corps; an expert or consultant to the Peace Corps; a contractor, licensee, certificate holder or grantee of the Peace Corps, including subcontractors; a personal services contractor; or

any other individual who acts for or on behalf of the Peace Corps as determined by the Director of the Peace Corps.

5.0 Policies

5.1 Position Risk & Sensitivity Designations

All positions in the Peace Corps will be designated as to the degree of their risk, sensitivity, and/or requirements for access to classified information.

5.2 Investigations

All individuals requiring access to classified national security information and/or unescorted access to Peace Corps domestic facilities will be subjected to an investigation commensurate with the risk and sensitivity of the position to be encumbered or the level of classified information to which access will be required.

5.3 Due Process

At the Peace Corps, the process of investigation and adjudication will be conducted in a manner that will protect an individual's rights, including the right to privacy and due process, while adhering to the primary purpose of the Personnel Security Program, to protect national security interests, the mission of the Peace Corps and adhering to the requirements in Executive Orders, 12968, 13764, 13488, and 13467.

5.4 Loyalty Issues

The Peace Corps is required to refer any information that raises questions of loyalty to the United States to the Federal Bureau of Investigation (FBI).

5.5 Protection of Whistleblowers with Access to Classified Information

- (a) Employees of the Peace Corps who have authority to take, direct others to take, recommend, or approve any action affecting an employee's Eligibility for Access to Classified Information shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, any action affecting an employee's Eligibility for Access to Classified Information as a reprisal for a Protected Disclosure.
- (b) Every employee has the right to appeal any action affecting the employee's Eligibility for Access to Classified Information, including the denial, reduction or revocation of access to classified information, if the employee alleges that such action was in violation of PPD-19. In such a case, the employee may access the review process provided in the procedures attachment to this manual section.

6.0 Personnel Security Activities

See section 4.0 of MS 403 *Personnel Security Program Procedures* for the procedural guidance pertaining to personnel security activities.

6.1 Position Sensitivity Designation Process

The Information and Personnel Security Division (SS/DO/IPS) of the Office of Safety and Security will periodically conduct position sensitivity surveys of existing positions and in addition conduct a position risk and sensitivity survey of any new or substantially changed position. A survey may include interviews with program managers responsible for positions being surveyed to insure proper designation.

SS/IPS will provide the Office of Human Resources (HR) a list consisting of the most recent designation of the sensitivity of each position in the Peace Corps. That list will be used by HR to code within the automated hiring system the level of investigation that will be requested on new or reassigned employees.

6.2 Personnel Investigative Process

Individuals subject to investigation include all staff requiring unescorted physical and/or virtual (network) access to Peace Corps domestic facilities. Individuals hired for sensitive positions will require additional investigations commensurate with the risk and sensitivity level of the position that is to be encumbered and/or the work to be performed.

6.3 Notification of Investigative Process

Individuals requiring unescorted access, either physical and/or network access, to Peace Corps domestic facilities, will be notified by their Sponsor (defined below) that placement and/or retention in any position is contingent upon the favorable adjudication of a personnel investigation. This information must be included in all the offers of employment and contractor agreements. The Sponsors are: the Office of Human Resources (HR) for U.S. Direct Hire employees; the supervisor for work study students, interns, etc., or the Contracting Officer Representative (COR) for contractors.

6.4 Document Completion, Registration and Investigative Scheduling

SS/DO/IPS provides the appropriate paper or online documents to an individual subject to the investigative process. Once the required documents are returned by the individual, along with the individual's required fingerprints, an adjudicative review will be conducted and, if found favorable, SS/DO/IPS schedules the required investigation, if reciprocity, which is the practice of accepting background investigations, suitability decisions and security decisions conducted by other authorized agencies, is not granted.

6.5 HSPD-12 approval for PIV Card Issuance

Upon completion of the security documents, fingerprinting, and any other necessary requirements, as long as there is not a requirement for a security clearance, an individual will be

approved for issuance of a Personal Identity Verification (PIV) card by the Office of Domestic Operations.

6.6 Reciprocity of Investigative Processes and Security Clearances

Where possible, security clearances granted by one Federal agency will be accepted by Peace Corps, and duplicative investigations will not be conducted. However, an individual must still submit documentation required by SS/DO/IPS. When it is determined that an investigative report currently exists that meets all or part of the investigative requirements, the scope of the current investigation will be shortened or eliminated as appropriate.

6.7 Other Investigations

The initiation of additional investigative activity is set out below.

6.7.1 Questions of Continued Suitability for Employment or Clearance

When a complaint or other information is received by the Peace Corps that raises questions as to an individual's continued suitability for either Peace Corps employment or continued access to classified national security information, an investigation will be initiated to resolve the concerns. Pending resolution, the individual's security clearance or access to Peace Corps facilities may be suspended. Results of the investigation will be adjudicated, and appropriate action will be taken which could include termination of employment, revocation of security clearance and/or other necessary administrative actions.

Should any indication of waste, fraud or abuse of Peace Corps programs, or matters otherwise under the jurisdiction of the Office of Inspector General (OIG), be received or disclosed, they must be referred to the OIG for action.

6.7.2 Position Upgrade

If an individual moves from a lower to a higher position sensitivity level, or requires access to classified national security information because of promotion, reassignment, or re-designation of the position, the individual may have to undergo an upgrade investigation to meet the requirements of the new position. SS/DO/IPS will notify the individual of the requirements and conduct upgrade investigations as required.

6.7.3 Re-Investigations

Individuals requiring access to classified national security information must be re-investigated periodically. SS/DO/IPS will contact individuals requiring a re-investigation at the appropriate time. Failure to complete the required documentation for the re-investigation may result in the suspension of the individual's security clearance and access to classified national security information.

6.7.4 Foreign Service Nationals

A Foreign Service National (FSN) hire is required to have a security and suitability investigation conducted by the Regional Security Officer (RSO) or Post Security Officer (PSO) at the servicing U.S. Embassy in accordance with 3 FAM 7222. An FSN may not be appointed until at least a temporary security certification, good for 120 days, has been issued by the RSO/PSO. The RSO/PSO may issue extensions of the initial 120 day temporary security certification. Additionally, the RSO/PSO must conduct an update investigation every five years for the purpose of reissuing the security certification. Contact the RSO/PSO for instructions and appropriate forms. Refer to MS 691, *Direct Hire Employment of Foreign Service Nationals*.

6.7.5 Foreign National Spouse

As a condition of employment, all U.S. citizens employed overseas (including personal service contractors deemed eligible for access to national security information) are required to obtain and maintain a security clearance at the TOP SECRET level.

One factor applicable to an employee obtaining or maintaining security clearance is an assessment of the employee's non-U.S. citizen family members, relative to national security concerns. Marriage to a non-U.S. citizen may affect the clearance holder's eligibility for continued access to classified national security information. Consequently, an evaluation of the impact of the marriage on the clearance holder's continued eligibility to hold a security clearance must be made prior to the marriage. If it is determined that a proposed marriage would result in the revocation of an employee's security clearance, and the individual chooses to marry despite this determination, the individual's employment with Peace Corps will be terminated or other necessary and appropriate action taken.

6.7.6 U.S. Citizens Hired Abroad

All U.S. citizen employees hired abroad must be investigated and approved commensurate with their position sensitivity level and requirement for access to classified information. The identity verification and investigative processes required of domestic employees described in sections 6.2 to 6.5 of this Manual Section apply. Refer also to MS 693 *Direct Hire Employment of U.S. Citizens Abroad*.

6.8 Exemptions from Investigation Requirements

Temporary employees in non-sensitive positions who serve less than 120 cumulative (not necessarily consecutive) days do not require a personnel security investigation if pre-employment screening, detailed in 6.4 above, have been conducted. The applicant for a temporary position is still required to complete the PIV process described in Sections 6.3 to 6.5 of this Manual Section.

7.0 Adjudication for Security Clearances

Guidelines are established for all United States government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and

their employees and other individuals who require access to classified national security information. These guidelines apply to individuals being considered for initial or continued eligibility for access to classified information, and are to be used by government departments and agencies in all final clearance determinations.

See section 5.0 of MS 403 *Personnel Security Program Procedures* for the procedural guidance pertaining to the adjudication for security clearances.

8.0 Adjudication of Suitability for Federal Employment

Any individual seeking employment with the Peace Corps, including those who require a security clearance, must be investigated and found suitable for Peace Corps employment. Suitability is defined as identifiable character traits and conduct sufficient to determine whether an individual is likely or not likely to be able to carry out the duties of a Federal position with appropriate integrity, efficiency, and effectiveness. It is the policy of the Peace Corps that SS/IPS will investigate and make suitability recommendations. OHR delegates to SS/IPS the authority to make favorable suitability determinations and the authority to make initial adverse suitability determinations subject to review and action by OHR. OHR retains authority to make final Suitability determinations in adverse cases.

See section 6.0 of MS 403 *Personnel Security Program Procedures* for the procedural guidance pertaining to the adjudication of suitability for federal employment.

9.0 Adjudication of Suitability for All Others Requiring Unescorted Access

All individuals requiring unescorted access to Federal facilities undergo the same investigation and suitability determination to which Federal employees are subjected, to ensure a safe and secure working environment. SS/DO/IPS will investigate and make suitability determinations for all individuals who are not Federal employees, but require unescorted access to Peace Corps domestic facilities; this includes contractor employees, work study students, interns and any other individual requiring unescorted access to Peace Corps domestic facilities.

See section 7.0 of MS 403 *Personnel Security Program Procedures* for the procedural guidance pertaining to the adjudication of suitability for all others requiring unescorted access.

10.0 Accreditation of Access and Security Clearances

SS/DO/IPS has the responsibility for accrediting Peace Corps employees when access clearance certification is required.

See section 8.0 of MS 403 *Personnel Security Program Procedures* for the procedural guidance.

11.0 Classified Information Training and Assistance

SS/DO/IPS provides individual and group training and assistance to domestic and overseas staff in matters related to access, handling, processing, and storage of classified national security information.

All individuals who have access to national security classified information must receive periodic training on the proper receipt, handling, storage, dissemination, and destruction of such material. SS/IPS will provide this training in coordination with the Office of Staff Learning and Development, and/or other offices as needed.

Training for domestic staff will be conducted as soon as possible after an individual has received notice of access clearance approval. Access to classified national security information will not be granted prior to this training.

Training for overseas staff will be provided during regularly scheduled overseas staff development programs.

Training for staff hired overseas who will be entering on duty prior to receiving training at HQ must obtain a briefing, prior to beginning service, from the U.S. Embassy Regional Security Officer.

12.0 Personnel Security Background Investigations Files and Records

Investigative information contained in the agency's personnel security background investigation files is protected against unauthorized disclosure and shall be maintained, stored and released in accordance with applicable laws and regulations.

13.0 Procedures

Procedures implementing this Manual Section must be approved by the Office of Safety and Security and Office of the General Counsel and are effective upon issuance.

14.0 Effective Date

The effective date of this Manual Section is the date of issuance.