

MS 611 Eligibility for Peace Corps Employment or Volunteer Service of Applicants with Intelligence Backgrounds

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MS 611 Eligibility for Peace Corps Employment or Volunteer Service of Applicants with Intelligence Backgrounds Procedures

Attachments

Attachment A – Peace Corps Intelligence Background Information (PC – 1336 [83])

1.0 Policy

1.1 Statement of Policy

The Peace Corps restricts from Peace Corps Volunteer service and Peace Corps employment any person who, within the last 10 years: (a) has been employed by an Intelligence Agency; (b) has engaged in intelligence activity; or (c) has a relationship with an Intelligence Agency or intelligence activity. The Peace Corps also permanently bars from Peace Corps Volunteer service and Peace Corps employment any person who has been employed by the Central Intelligence Agency (CIA).

The Peace Corps has entered into agreements with certain Intelligence Agencies that restrict former Peace Corps employees and Returned Peace Corps Volunteers from employment with those Intelligence Agencies, either permanently or for a specified period after leaving Peace Corps service or employment.

Procedures implementing this Manual Section are set forth in the *MS 611 Eligibility for Peace Corps Employment or Volunteer Service of Applicants with Intelligence Backgrounds Procedures*.

1.2 Rationale for Policy

The policy in this Manual Section is founded on the premise that it is crucial to the Peace Corps in carrying out its mission that there be a complete and total separation of Peace Corps from the intelligence activities of the United States Government or any foreign government, both in reality and appearance. Any semblance of a connection between the Peace Corps and the intelligence community would seriously compromise the ability of the Peace Corps to develop and maintain

the trust and confidence of the people of the host countries. To ensure that there is not the slightest basis for the appearance of any connection between Peace Corps and the intelligence community, the policy contains certain temporary and permanent bars to Peace Corps service and employment. Serious doubts about an applicant's connection with intelligence activities are to be resolved in favor of exclusion.

1.3 Post Peace Corps Employment by United States Intelligence Agencies

Pursuant to agreements between the Peace Corps and certain Intelligence Agencies, these Intelligence Agencies will not employ former Peace Corps employees or former Peace Corps Volunteers for a specified period after the end of their Peace Corps service or employment and will not use former Peace Corps employees or former Peace Corps Volunteers for certain purposes or in certain positions. Information regarding such agreements may be obtained from the Office of the General Counsel.

2.0 Scope

This Manual Section applies to applicants for positions as Volunteers, employees (including part time and temporary employees, experts, consultants and personal services contractors), and interns, as well as to contractors (non-PSCs) who have unescorted access to Peace Corps premises or access to Peace Corps IT networks and employees of contractors who have unescorted access to Peace Corps premises or access to Peace Corps IT networks.

3.0 Definitions

3.1 Intelligence Agency

“Intelligence Agency” includes: (a) any agency, division of an agency, or instrumentality of the United States Government that is a member of the United States Intelligence Community and is so identified in the Procedures; and (b) any other agency, division of an agency, or instrumentality of the United States Government or any foreign government, a substantial part of whose mission has been determined by the General Counsel to include intelligence activities.

3.2 Intelligence Activity

"Intelligence activity" includes any activities or specialized training involving or related to the clandestine collection of information, or the analysis or dissemination of such information, intended for use by the United States Government or any foreign government in formulating or implementing political or military policy in regard to other countries. The term "intelligence activity" includes any involvement in covert actions designed to influence events in foreign countries. The fact that the name of an employer or the description of a person's work uses or does not use the term “intelligence” does not, in and of itself, mean that the person has or has not engaged in intelligence activity or related work.

3.3 Employment

The terms "employment," "employee" or "employed" as used in this Manual Section refer to the existence of a relationship of employer and employee, whether full-time or part-time, permanent or temporary, whether or not the individual is engaged in intelligence activity for an employer, without regard to the length of time the relationship existed or is proposed to exist, and includes for purposes of this policy, individuals performing duties as volunteers, fellows, interns, experts, consultants, personal services contractors (PSCs), contractors (non-PSCs), detailees, or any other work-related arrangement. It also includes employees of contractors who were assigned to work for an Intelligence Agency or to engage in intelligence activities. Employees of contractors who were or are not themselves assigned to work for an Intelligence Agency or to engage in intelligence activities are not considered to have been or to be employed by an Intelligence Agency.

For the purposes of this Manual Section, contractors (non-PSCs) and employees of contractors are not covered unless they have unescorted access to Peace Corps premises or access to Peace Corps IT networks.

3.4 Peace Corps Response

For the purposes of this Manual Section the term "Peace Corps Volunteer" includes a Peace Corps Response Volunteer.

3.5 Applicant

The term "applicant" includes applicants for Peace Corps Volunteer service, applicants for employment, applicants for Personal Services Contracts (PSCs), contractors who have unescorted access to Peace Corps premises or access to Peace Corps IT networks, and employees of contractors who have unescorted access to Peace Corps premises or access to Peace Corps IT networks.

4.0 Ineligibility

4.1 Permanent Ineligibility if Employed by the Central Intelligence Agency (CIA)

An applicant currently or formerly employed by the Central Intelligence Agency shall be permanently ineligible for Peace Corps Volunteer service or employment by the Peace Corps.

4.2 Ineligibility for a Minimum of 10 Years if Employed by an Intelligence Agency

An applicant who has been employed by an Intelligence Agency other than the CIA is ineligible for a minimum of 10 years from the last day of employment by such Intelligence Agency. This bar on an applicant who is or was employed by an Intelligence Agency applies whether or not the applicant was engaged in intelligence activity for the Intelligence Agency.

4.3 Ineligibility for a Minimum of 10 Years – Engagement in Intelligence Activity

An applicant who has been engaged in intelligence activities shall be ineligible for service as a Volunteer or for employment for a period of 10 years from the last date on which the applicant engaged in intelligence activities.

4.4 Ineligibility for a Period in Excess of 10 Years

An applicant may be ineligible for service or employment for a period in excess of 10 years if the General Counsel determines that the applicant's background or work history with regard to intelligence activities warrants such action.

4.5 Waiver for Employment by Foreign Intelligence Agency

The eligibility standards in Section 4.0 for any person who is an applicant for employment by Peace Corps overseas and has been employed by a foreign Intelligence Agency, may be waived by the General Counsel. Such a waiver is not available for (i) applicants for Volunteer service; or (ii) applicants for employment in positions located within the United States.

4.6 Relationship to Intelligence Agency or Activity

4.6.1 Potential Ineligibility for Relationships

Applicants for Peace Corps Volunteer service or employment whose background discloses a relationship to an Intelligence Agency or intelligence activity may be ineligible to serve as Peace Corps Volunteers or as employees of the Peace Corps. The term "relationship" means any association with an Intelligence Agency or with an intelligence activity, if such association could be the basis for an inference or the appearance that an applicant was engaged in an intelligence activity. The association could include, but not be limited to, one based upon a familial, personal or financial connection to an Intelligence Agency or with an intelligence activity.

Determinations of the eligibility or periods of ineligibility of such applicants will be made by the General Counsel on a case by case basis using the criteria set forth below. Examples of the type of relationships among others that could lead to ineligibility are applicants whose spouses, domestic partners, or parents are or were involved in actual intelligence activities, or members of the immediate family of prominent highly placed officials in an Intelligence Agency who might be the target of harassment or violence overseas as the result of family connections. Employment by an organization that has been funded by an Intelligence Agency may also lead to ineligibility.

4.6.2 Factors to be Considered in Determining Ineligibility Based on Relationships

In determining whether an applicant's relationship to an Intelligence Agency or intelligence activity makes the applicant ineligible for service or employment, or in determining the duration of any ineligibility, the General Counsel shall consider the following factors as appropriate:

- (a) Nature of the relationship.
- (b) The Intelligence Agency with which the applicant has the relationship.
- (c) Duration of the relationship.

- (d) Length of time that has elapsed since the last connection to the Intelligence Agency.
- (e) Where the intelligence activity or work was performed.
- (f) Nature of the connection with intelligence activity or work.
- (g) Whether or not the intelligence activity or work involved contact with foreign nationals.
- (h) Whether the connection was known or unknown to the applicant at the time it occurred.
- (i) Training received, if any.
- (j) Regularity of the contact with foreign nationals, and nature of duties, if any.
- (k) Public knowledge of the activity or connection.
- (l) Any other information which bears on the relationship of an applicant to an Intelligence Agency or intelligence activity.

5.0 Applicants for Employment

5.1 Screening of Applications for Employment

The Chief Human Capital Officer in the Office of Human Resources (HR) is responsible for the initial screening of employment applications for compliance with the provisions of this Manual Section. In cases where the Chief Human Capital Officer in HR is unable to make a determination regarding the eligibility of an applicant, the individual's application will be referred to the General Counsel, who will make the final determination as to eligibility.

5.2 Screening of Bids for Contracts and Applications for Personal Service Contractors

The office or individual assigned responsibility for recruiting applicants to fill a position or award a contract is responsible for the initial screening of applicants for compliance with the provisions of this Manual Section:

- (a) who submit responses to Requests for Proposals (RFPs), to Requests for Quotations (RFQs), or bids for contracts;
- (b) who are employees of a contractor who have unescorted access to Peace Corps premises or access to Peace Corps IT networks; or
- (c) who submit PSC employment applications.

In cases such office or individual is unable to make a determination regarding eligibility, the issue will be referred to the General Counsel, who will make the final determination as to eligibility.

5.3 Appeal

The office or individual screening applications will inform all applicants promptly in writing of any decision disqualifying them and the reasons for that decision.

Applicants will also be informed that they have 15 calendar days from the date of receipt of the letter from such office or individual to appeal the decision to the Director of the Peace Corps. The decision of the Director of the Peace Corps shall be final.

6.0 Applicants for Volunteer Service

6.1 Screening

The Office of Volunteer Recruitment and Selection (VRS) is responsible for the initial screening of Peace Corps Volunteer applications for compliance with the provisions of this Manual Section. In cases where that office is unable to make a decision regarding the eligibility of an applicant under this Manual Section, the individual's application will be referred to the General Counsel, who will make the final determination on eligibility.

6.2 Appeal

VRS will inform all applicants promptly and in writing of any decision to disqualify them and the reasons for that decision. Applicants will also be informed that they have 15 days from the date of receipt of the letter from the VRS to appeal the decision to the Director of the Peace Corps. The decision of the Director of the Peace Corps shall be final.

7.0 Procedures

Procedures implementing this Manual Section are set forth in MS 611 *Eligibility for PC Employment or Volunteer Service of Applicants with Intelligence Backgrounds Procedures*, which must be approved by the Office of Human Resources, Office of Volunteer Recruitment and Selection, Office of Acquisition and Contracts Management, Office of Safety and Security, and Office of the General Counsel.

8.0 Effective Date

This Manual Section takes effect on the date of issuance.