

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

Responsible Office: Office of the Director/Office of the General Counsel

1.0 Purpose

These Procedures implement MS 611 *Eligibility for Peace Corps Employment or Volunteer Service of Applicants with Intelligence Backgrounds* and describe how MS 611 will be applied to applicants for Peace Corps Employment and Peace Corps Volunteer service.

2.0 Definitions

Terms are used as defined in the policy MS 611 *Eligibility for Peace Corps Employment or Volunteer Service of Applicants with Intelligence Backgrounds*.

2.1 Intelligence Agency

“Intelligence Agency” includes specifically, but is not limited to, the following:

- (a) Central Intelligence Agency;
- (b) Department of Energy, Office of Intelligence and Counterintelligence;
- (c) Department of Homeland Security, Office of Intelligence and Analysis;
- (d) Department of State, Bureau of Intelligence and Research;
- (e) Department of Treasury, Office of Intelligence and Analysis;
- (f) Defense Intelligence Agency;
- (g) Drug Enforcement Administration, Office of National Security Intelligence;
- (h) Federal Bureau of Investigation, National Security Branch;
- (i) National Geospatial Intelligence Agency;
- (j) National Reconnaissance Office;
- (k) National Security Agency;
- (l) Office of the Director of National Intelligence;
- (m) U.S. Air Force Intelligence, Surveillance and Reconnaissance Agency;
- (n) U.S. Army Military Intelligence Corps;
- (o) U.S. Coast Guard Intelligence;
- (p) U. S. Marine Corps Intelligence Activity;

- (q) U.S. Navy, Office of Naval Intelligence; and
- (r) any other 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 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.

3.0 Procedures for Employment Applicants

3.1 Background Information

All applicants for employment must provide sufficient information to permit a determination of their eligibility under MS 611 and these Procedures prior to their appointment or contract award.

3.2 Vacancy Announcements

All vacancy announcements for positions subject to this Manual Section must contain the following notification:

Peace Corps Manual Section 611 is applicable to this position. This section prohibits the employment of certain persons previously engaged in intelligence activities or connected with intelligence agencies within the past 10 years. If you have ever worked for the Central Intelligence Agency (CIA), you are not eligible for employment at the Peace Corps in any capacity, and you should not apply for employment.

Applications must be accompanied by a completed PC-1336 form (see Attachment A), or narrative signed statement, indicating whether the applicant has been involved in or has had any connection with intelligence activities or related work and, if so, the nature and dates of his or her involvement. Failure to meet this requirement will result in the applicant being rated ineligible for consideration.

If you have any other type of possible intelligence connection, your application will not be considered until you submit this form.

Except when the CIA or the National Security Agency (NSA) is involved (see below), if your connection with an Intelligence Agency involves an immediate family member who works or has worked in intelligence, the immediate family member should complete the form, not the applicant. Usually relying on memory is sufficient to answer most if not all of the questions.

If you have an immediate family member who works or has worked for the CIA, you should not give them this form to complete. Please contact your relative **in person**—not by phone, email, social networking, or any other means

that is not in person— and ask him or her to contact the Office of General Counsel at the CIA.

If your intelligence connection involves the NSA, you (or, if the connection is with a family member, that person) must contact NSA's Office of the General Counsel at 410-854-3910 before submitting this form to Peace Corps.

3.3 Individual Contractors, PSCs, and Employees of Contractors who have unescorted access to Peace Corps premises or access to Peace Corps IT networks

In the case of individual contractors, PSCs, and other positions filled pursuant to Requests for Quotations (RFQs), Requests for Proposals (RFPs), or other types of bid solicitations and other positions which are not filled through vacancy announcements, the office or any individual assigned responsibility for recruiting to fill the position and awarding the contract shall include the following notice in all RFQs, RFPs, and other solicitations involving employment:

Peace Corps Manual Section 611 is applicable to this contract and to individuals employed under this contract who have unescorted access to Peace Corps premises or access to Peace Corps IT networks.

This section prohibits the employment of certain persons who have in the last 10 years engaged in intelligence activities or been connected with intelligence agencies. If a candidate for a contract has ever worked for the Central Intelligence Agency (CIA), they are not eligible for employment at the Peace Corps in any capacity and should not apply for employment under a contract.

Responses/offers to RFQs, RFPs, and other types of bid solicitations and applications to other positions which are not filled through vacancy announcements must be accompanied by a completed PC-1336 form (see Attachment A), or narrative signed statement, indicating whether the individual contractor or any of the contractor's employees who have unescorted access to Peace Corps premises or access to Peace Corps IT networks in performing work for the Peace Corps have been involved in or have had any connection with intelligence activities or related work and, if so, the nature and dates of this involvement. Failure to meet this requirement will result in the individual contractor being rated ineligible for consideration.

If the individual contractor or any of the contractor's employees who have unescorted access to Peace Corps premises or access to Peace Corps IT networks in performing work for the Peace Corps have any other type of possible intelligence connection, the offer/response/application will not be considered until this form is submitted.

Except when the CIA or the National Security Agency (NSA) is involved (see below), if a connection with an Intelligence Agency involves an immediate family member who works or has worked in intelligence, the immediate family member

should complete the form, not the contractor. Usually relying on memory is sufficient to answer most if not all of the questions.

If an individual contractor has an immediate family member who works or has worked for the CIA, s/he should not give them this form to complete. Rather, s/he must contact the relative in person—not by phone, email, social networking, or any other means that is not in person—and ask him or her to contact the Office of General Counsel at the CIA.

If the intelligence connection involves the NSA, the contractor (or, if the connection is with a family member, that person) must contact NSA’s Office of the General Counsel at 410-854-3910 before submitting this form to Peace Corps.

3.4 Requests for Additional Information

Any applicant whose PC-1336 form or narrative statement does not indicate involvement in or connection with intelligence activities or related work, or employment by an Intelligence Agency, but whose background contains an indication that the applicant may be otherwise ineligible under MS 611 will be sent a notification by the Office of Human Resource Management of the substance of this policy, and a request for further information. Any further investigation necessary to determine the eligibility of an applicant for employment under MS 611 will be performed by the Office of Human Resource Management.

3.5 Failure to Disclose Information

Failure to disclose information relevant to a determination under MS 611 or these Procedures may result in disqualification of an applicant or disciplinary action including removal.

4.0 Procedures for Volunteer Applicants

4.1 Background Information

Prior to their selection for Peace Corps assignment, all applicants for Volunteer service will be required to provide sufficient information to permit a determination of their eligibility under MS 611 and these Procedures.

4.2 Recruitment Responsibility

Peace Corps recruiters will be responsible for explaining the importance of the intelligence policy to all applicants and directing their attention to the appropriate section of the Peace Corps application which pertains to the policy.

The Peace Corps application must contain the following:

Intelligence Background

The Peace Corps has a longstanding policy excluding individuals who have engaged in intelligence activity or related work or who have been employed by or connected with an intelligence agency from Peace Corps Volunteer service, either for a specific period of time or permanently depending on the agency. For more information, including definitions of “intelligence activity” and “intelligence agency,” please go to www.peacecorps.gov/legalinfo.

If you are a current or former employee of the Central Intelligence Agency (CIA), you are **permanently** ineligible for Peace Corps Volunteer service. If you are currently or were formerly employed by another intelligence agency, you are ineligible for Peace Corps Volunteer service for at least 10 years from the end date of such employment.

In addition, you may be disqualified for service because your background or history discloses a substantial connection with an intelligence activity or related work other than through employment. Even family relationships to an employee of an intelligence agency may be considered a disqualifying connection. The duration of any such disqualification will ordinarily not exceed 10 years and will depend on the nature of your involvement in or relationship to intelligence activities or agencies.

You should also be aware that, if you serve as a Peace Corps Volunteer, you may be ineligible for employment with U.S. government intelligence agencies for a specified period following your service as a Volunteer.

If you or a family member works for or has worked for the CIA or the National Security Agency, go to www.peacecorps.gov/legalinfo for further instructions before answering the question below.

In all other cases, if you indicate that either you or a family member has been employed by or connected with an intelligence agency, or engaged in intelligence activity or related work, a Peace Corps representative will contact you after your application is submitted to obtain additional information and determine your eligibility for Peace Corps Volunteer service.

Based upon the preceding, please answer the following question:

“Have you or a family member ever been employed by or connected with an intelligence agency, or engaged in intelligence activity or related work?”

4.3 Request for Additional Information

Any applicant whose Peace Corps application does not indicate involvement in or connection with intelligence activities or related work, or a particular intelligence activity or work, but whose background contains an indication that the applicant may be ineligible under MS 611 will be sent a notification by the Office of Placement of the Office of Volunteer Recruitment and Selection of the substance of MS 611 and a request for further information. Any further

investigation necessary to determine the eligibility of an applicant for Peace Corps service will be performed by the Office of Placement.

4.4 Failure to Disclose Information

Failure to disclose information relevant to a determination under MS 611 may result in the disinvitation or separation of the individual from the Peace Corps.

5.0 Procedures for Eligibility Evaluation

5.1 Referral to the General Counsel

Under MS 611, in cases where the responsible office is unable to make a decision regarding the eligibility of an applicant, or where a waiver is sought under MS 611 sub-section 4.1.4 Waiver for Employment by Foreign Intelligence Agency, the application will be referred to the General Counsel, who will make the final determination whether the applicant is eligible.

5.2 MS 611 Committee

The General Counsel is authorized to establish a MS 611 Committee composed of at least three attorneys from the Office of the General Counsel. The MS 611 Committee may be delegated the authority to determine eligibility issues under MS 611. Final decisions of the MS 611 Committee must be by agreement of all the members. If the members can not arrive at a unanimous decision, they must refer the matter to the General Counsel for a final decision.

5.3 Final Decision

As soon as a final decision regarding eligibility has been made, the General Counsel or MS 611 Committee, as the case may be, must send the decision to the office which asked for the determination. Such office will send the decision to the applicant, advising the applicant of the right to appeal under the procedures in Section 6.0.

6.0 Appeal Procedures

6.1 Timing and Contents of Appeals

Each appeal from a final decision of the General Counsel regarding the eligibility of an applicant for Peace Corps Volunteer service or the eligibility of an applicant for employment shall be filed with the Director within 15 days of the applicant's receipt of the decision finding ineligibility. Each appeal must contain a statement of the reasons why the applicant believes that the decision is in error.

6.2 Response to the Appeal

When an appeal is received by the Director from a final decision of the General Counsel, the General Counsel shall submit to the Director within 30 days of the receipt of the appeal a statement of the facts and reasons on which the appealed-from decision is based.

6.3 Decision of the Peace Corps Director

The decision of the Peace Corps Director shall issue within 60 days of receipt of the appeal and shall be the final decision of the Peace Corps. There is no further appeal.

6.4 Appeal Sustained

6.4.1 6.4.1 Applicants for Peace Corps Volunteer Service

Applicants who otherwise would have been eligible for selection for a Peace Corps program and whose appeals are sustained shall be granted priority consideration for the next program for which they are qualified.

6.4.2 Applicants for Peace Corps Employment

Applicants for employment, PSC applicants, and individual contractors who would otherwise have been within the range of selection for a position, PSC, or other contract who have submitted applications or bids/offers, and whose appeals are sustained, shall be granted priority consideration for any current vacant position, RFQ, RFP, bid solicitation or offering for which they qualify or for the next similar such position, RFQ, RFP, bid solicitation or offering for which they are qualified.