

MEMORANDUM

Page | 1

TO: Director, Extended Workforce Vetting and Fitness Division (EWVFD), Student Experience and Aid Delivery (SEAD), Federal Student Aid

FROM: Chief Operating Officer, Federal Student Aid

SUBJECT: Delegation of Authority: Contractor Personnel Security Program

I. DELEGATION

Under the authority vested in me by a delegation from the Assistant Secretary of the Office of Finance and Operations, delegation control EK/EN/97, certified on November 8, 2021, I hereby delegate to you, your successor in function, and anyone serving for you in an acting capacity, or delegated the authority to perform the functions and duties of your position, the authority to conduct the pre-employment background investigation (BI) waiver approval process and make adjudication determinations for low and moderate risk public trust contractor positions. You shall adequately maintain and control the pre-employment background investigation waiver program, and make adjudicative determinations in accordance with all applicable Executive Orders, directives, policies and guidance.

These programs are authorized by 5 U.S.C. Sections 3301, 3571, 7531, and 7532; Executive Orders 12968, 10450, 13467, 13488, 13741, 13764, 13767 and 10577, as amended; Federal Information Security Modernization Act of 2014 (FISMA 2014); Office of Management and Budget (OMB) Circular No. A-130; 5 CFR Parts 302, 315, 731, 732, and 736; Homeland Security Presidential Directive 12 (HSPD-12), "Policy for a Common Identification Standard for Federal Employees and Contractors"; OMB M-11-11; OMB M-05-24; 48 CFR 52.204-9; 5 CFR 1400; Federal Information Processing Standards Publication (FIPS PUB) 200 and 201-2. This authority must be exercised in accordance with the above authorities and their implementing guidance.

The Extended Workforce Vetting and Fitness Division (EWVFD), located within FSA's Student Experience and Aid Delivery's (SEAD), Delivery Systems and Extended Workforce Support Directorate (DS&EWS) is hereby delegated the following authorities:

1. The authority to develop, implement, and manage, within FSA a Contractor Personnel Security Program in accordance with the established Department of Education Contractor Personnel Security Directive or supplemental written guidance; and
2. The authority to make Employment Security Determinations, with the exceptions that are stated herein.

The Office of Finance and Operations (OFO), Office of Personnel Security will monitor and have oversight responsibilities for the FSA Contractor Personnel Security Program. In order to effectively fulfill those responsibilities, Federal Student Aid must utilize the established applications within the Education Security Tracking and Reporting system (EDSTAR) to maintain current background investigation information, as well as any contract employee personnel security files containing the appropriate background investigation documentation.

The Office of Personnel Security will continue to be the approving authority for all foreign national contractors. Should any foreign national contractor, regardless of country, need access to Department of Education information, systems or facilities, written authorization must first be obtained from the Office of the Chief Information Officer (OCIO), Chief Information Security Officer (CISO) or designee prior to submission to the Office of Personnel Security.

This delegation is only for the processing, pre-employment waiver approval(s) and adjudication of non-classified, low, and moderate risk/public trust contractors. Clearances for contractors who require access to classified information must be cleared through the Office of Personnel Security under the provisions of the National Industrial Security Program established by Executive Order 12829.

You must comply with the Privacy Act requirements concerning the maintenance of a system of records pursuant to 5 U.S.C. § 552a.

II. RESERVATION

This delegation is subject to the following conditions. This authority:

1. does not include waivers that contain the issues listed in Attachment A;
2. does not include waivers for national security positions (those requiring completion of the Standard Form (SF) 86, "Questionnaire for National Security Positions");
3. does not include waivers for high-risk public trust positions or reciprocity requests for all position sensitivity levels; and
4. does not waive the authority of the Assistant Secretary of the Office of Finance and Operations to make any waiver determinations that have been delegated.

III. REDELEGATION

This authority may not be redelegated.

I retain oversight of this delegation and reserve the right to withdraw or cancel this delegation of authority. The Office of Personnel Security will provide implementing guidance and facilitate any necessary training. Additionally, the Office of Personnel Security will conduct periodic compliance reviews of your security program in accordance with established policies.

Finally, the duties listed above will be delegated in accordance with a developed and approved transition plan.

IV. CERTIFICATION AND EFFECTIVE DATE

Page | 3

This delegation is effective upon certification of the Department's Delegations Control Officer.

I hereby ratify actions within the scope of this delegation taken by you prior to certification of this delegation.

_____/s/_____

Richard Cordray

OGC Concurrence and Date: Debbie Friendly 12/13/2021

Departmental Delegations Control Officer: Jim Clemmens

Date Certified

Control Number: EN/ENCCDO/98

Attachment A

Pre-employment waivers that contain the following issues must be forwarded to the Office of Finance and Operations, Office of Personnel Security for review and approval determination.

Criminal History:

1. Any felony charge (including pending charges) or conviction
2. Multiple arrests that suggest a pattern of criminal activity
3. Any arrest involving violence by the subject

Citizenship:

1. Any Non-US citizen applicants

Alcohol Use:

1. Treatment for alcohol abuse within the past two years
2. More than one alcohol related arrest within the past two years

Foreign Activities:

1. Applicants not meeting the Department's Residency Requirement

Drug Use:

1. Any treatment for drug use in the past two years

Psychological Conditions:

1. Applicants whose judgment is impaired as determined by an appropriate mental health or medical professional