

vol. 18

Spring 07

PDSD

Personnel & Document Security Division

USDA/DA/OSS/PDSD

A QUARTERLY NEWSLETTER PROMOTING SECURITY AWARENESS

Phase Two of SETS Modernization

Phase 1 of the Security Entry Tracking System (SETS) Modernization Project has been completed!

The modernized SETS will be a web-based application that encompasses the functionalities of PDSD's local MS Access database, the Personnel Security Database (PSD), the existing SETS application, and the Sensitive Compartmented Information (SCI) spreadsheet. This system will meet the tracking needs of OPM's centralized Clearance Verification System, OMB tracking requirements for Reciprocity, and assist in the verification/data exchange of investigation information required by HSPD-12.

We are now moving into Phase 2 of this extensive project with plans of going into live production by the end of this fiscal year. Phase 2 is going to add some fantastic features to include an extensive list of reporting capabilities for all users, and additional tracking screens that will breakdown certain aspects of the personnel security process such as Reciprocity and Adjudication Management.

Carrie Moore, Senior Personnel Security Specialist, along with Susan Gulbranson, Chief of the Personnel & Document Security Division, conducted three SETS demonstrations for management officials to highlight the benefits that this new enhanced system will bring to USDA's security programs. We thank everyone for their support.

How will this new system help you? If you are an agency security point-of-contact (POC), you will be able to pull clearance listings for your agency, retrieve reinvestigation tasking reports for the time period of your choice, obtain a report of employees due for their annual refresher briefing, and use the many screens to track each step of the personnel security process.

Human Resource personnel will be able to pull reports of new appointments who have not been tasked for an investigation and initiate in e-QIP through the SETS site. You will be able to track contractors, access investigative data for HSPD-12, and more! Phase 3 will include imaging documents and investigation reports.

Questions? Contact Carrie Moore at carrie.moore@usda.gov.



OPM meets initial investigations processing deadline



Facility Security Officer sentenced for ID Theft



Recent Federal Investigations Notices (FIN's) and PDSD Bulletin 07-02



Learning Corner: Personnel Security ruling



DID YOU KNOW...

1
The 2004 Intelligence Reform law requires 80 percent of all clearance applications be acted upon within 120 days – investigations completed within 90 days and adjudication of clearance decisions within 30 days.

2
Average OPM processing times for investigations initiated in fiscal 2007: 75 days for Top Secret and 61 days for Secret/Confidential.

3
Reinvestigation due dates are based on the CLOSING date of the investigation and not the date the clearance was actually granted: Top Secret every 5 years, Secret every 10 years (with exceptions), and Confidential every 15 years.

4
OPM is currently averaging 279 days to complete the majority of their reinvestigations. Given this long delay, it is best to task employees 6 months in advance of their reinvestigation due date.

1.8 MILLION

NUMBER OF INVESTIGATIONS INITIATED BY OPM IN FY06

According to the Office of Personnel Management, in FY06 they initiated 1,808,897 total investigations to include national security, public trust, non-sensitive, and regulatory investigations. As of February 2007, OPM had initiated 626,761 investigations with a projection for all of FY07 to reach 1,777,417.

In October 2006, OPM closed 45,850 initial national security investigations in an average of 174 days with 66 percent closed in 90 days or less.

In November 2006, OPM closed 52,829 cases in an average of 160 days with 75 percent closed within 90 days or less. In December 2006, OPM closed 56,174 cases in an average of 152 days with 71 percent closed in 90 days or less. The February 2007 report from the Office of Management and Budget (OMB) Security Clearance Oversight Group found OPM made their deadline with having 80 percent of initial investigations and adjudications processed in 118 days. The report also cited an increase in OPM staffing levels to required to meet this goal from 8,590 in 2006 to 9,367 as of January 07.



LET'S TALK TRASH

A recent newspaper article indicated an international airport had thrown away sensitive plans and maps labeled "sensitive security information" that should not be released without a "need to know." Now they are scrambling to find out how documents such as the airport's layout, fuel-storage facilities, communications systems, and power lines wound up in a dumpster.

Did you know that USDA National Capital Region recycled paper is sold to the highest bidder "as is" internationally through a GSA contractor? Did you also know that if you have been entrusted with a person's privacy act information, you must properly protect it from unauthorized access or you may be held personally liable?

What is your office throwing away? What is going into the recycle bin? Did you know you can recycle sensitive information, but you should shred it first?

Examples of information that would be inappropriate to throw in the trash or recycle without shredding include:

- a. Schematics of our buildings
- b. Laboratory or Building Security Information
- c. Trade Negotiations
- d. Food Security Issues
- e. Proprietary Information
- f. Financial Data
- g. Social Security Numbers
- h. Performance Appraisals or Standards
- i. Security Vulnerabilities
- j. Inspection Plans or Results

Shred 1st

Any questions concerning the above topic can be addressed to PDSD's Information Security Staff at pdsd@usda.gov or by calling 202/720-7373.



Maryland Man with Top Secret Security Clearance Sentenced

XAVIER VIDAL JENNETTE, 33, of the Washington, D. C. area, was sentenced to 121 months imprisonment for his crimes. Last fall, a jury in Raleigh, NC convicted **JENNETTE** of conspiracy, fraud, and aggravated identity theft.

JENNETTE worked as the Facilities Security Officer, or “FSO”, for a United States government contractor in Alexandria, Virginia. The contractor provided software and services to various government military and intelligence agencies. As FSO, and with a “Top Secret” security clearance, **JENNETTE** was entrusted with the personal identification information of the contractor’s 120+ employees. The information included social security numbers as well as information concerning the employees’ security clearances. **JENNETTE** was responsible for using this personal identification information to assist employees with their security clearances at government work-sites.

The evidence at trial demonstrated that, when **JENNETTE** left his employment with the contractor in late 2004, he stole the personal information he had been entrusted with and brought it to North Carolina. In North Carolina, **JENNETTE**, along with three co-defendants, used the stolen information in a broad identity theft scheme. The defendants launched the scheme by opening credit accounts with cell phone companies and various “big box” retailers.

EARTH DAY WAS APRIL 22ND

[Click here to get tips
on protecting the
environment!](#)

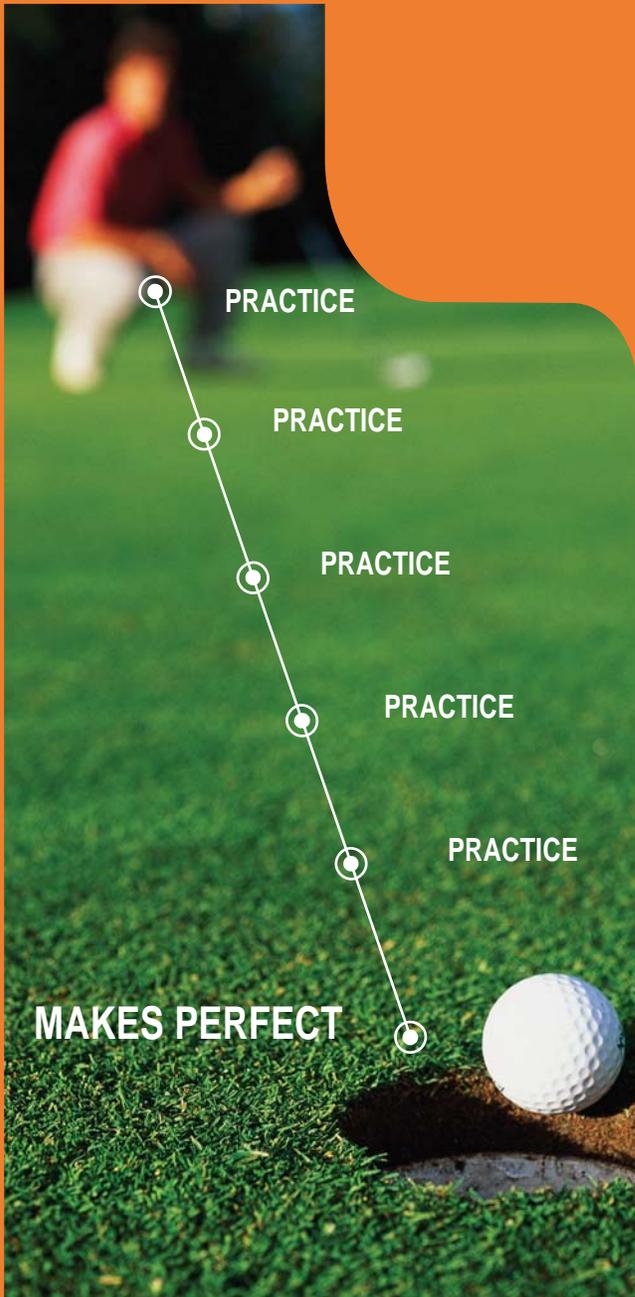


S. 274: FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

A bill to amend chapter 23 of title 5, United States Code, was introduced by Sen. Daniel Akaka [D-HI] and referred to the Committee on Homeland Security and Governmental Affairs on January 11, 2007. The bill is to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes. This bill is in the first step in the legislative process. Introduced bills go first to committees that deliberate, investigate, and revise bills before they go to general debate.

Akaka stated “The legislation clarifies congressional intent that Federal employees are protected for any disclosure of waste, fraud, or abuse-- including those made as part of an employee's job duties; provides an independent determination as to whether the loss or denial of a security clearance is retaliation against a whistleblower; and suspends the Federal Circuit Court of Appeals' sole jurisdiction over Federal employee whistleblower cases for 5 years, which would ensure a fuller review of a whistleblower's claim.”

Read the bill at: <http://www.govtrack.us/congress/billtext.xpd?bill=s110-274>.



E-QIP/SECURITY FORMS TRAINING

e-QIP/Security forms training was provided on 4/3/07 by Vet Thorpe and Anthony Balbosa of PDSD to the Departmental Administration (DA), Human Resources Division, Natural Resources Conservation Service (NRCS). These training sessions will now be held on a semi-annual basis.

The next class is scheduled for October 2007. Seating is limited to 15 people and is reserved on a first come basis. Priority is given to new personnel security points-of-contact and HR personnel.

Contact Vet Thorpe at 202/720-7373 for more information.



SECURITY PROFESSIONAL EDUCATION AND DEVELOPMENT (SPED)

USDA can take advantage of this program. SPED is a brand new training and certification program for the DoD security workforce that defines a clear career path and core curriculum for the development of DoD security professionals. They are offering:

- A. Single discipline certifications for Information, Personnel, Physical, and Industrial Security.
- B. 2 multi-discipline certification programs for Certified Defense Security Professional and Executive Certified Defense Security Professional.
- C. Tri-level modular training program which includes Level 1 – Entry, Level 2 – Skilled, and Level 3 – Expert.

For more information, go to <http://www.dss.mil>.



“My challenge to the community is to challenge the very foundation of why do we do it this way,” said Mike McConnell, Director of National Intelligence on adopting a commercial sector model in security clearance reform. “We’re starting on that path...we’re in the early stages and changing the standard is a challenge.”

PDSD STAFF ANNOUNCEMENTS!

We are pleased to announce our new Chief of the Personnel Security Branch (PSB), Mr. John Loveless. Mr. Loveless brings to USDA extensive experience in the personnel security field, including 10 years with the Defense Security Service and nearly 10 years at the Washington Headquarters Services, Consolidated Adjudications Facility with the Department of Defense as a team leader and a Supervisory Personnel Security Specialist, Branch Chief.

Mr. Loveless can be reached at john.loveless@usda.gov or at 202/720-7373.

Welcome back Mike Radford! Mr. Radford, a former USIS contractor with PDSD, has returned to USDA as a federal Personnel Security Specialist.

Mr. Radford can be reached at michael.radford@usda.gov or 202/720-7844.

Farewell Diana Barker! Ms. Barker, a USIS contractor with PDSD as a Personnel Security Specialist, has moved on to another personnel security contract with USIS. We wish her the best!

Valerie Ramirez, USIS contractor, Personnel Security Specialist, can now be reached at 202/720-9388.

5	5	2	4	5	3	7	7	4	41	5	4	3	4	6	3	6	5	3	39	4	5	3	3	5	4	3	5	4	36
FIN 07-02										FIN 07-03										PDSD BULLETIN 07-02									

FEDERAL INVESTIGATIONS NOTICE (FIN) 07-02, VERIFICATION OF IMMIGRATION / CITIZENSHIP STATUS, WAS RELEASED ON FEBRUARY 9, 2007



The Office of Personnel Management (OPM) Federal Investigative Services Division (FISD) will attempt to verify the citizenship or immigration status of foreign-born individuals when such verification is a required component of the requested investigation or when specifically requested by an agency. As of December 2004, OPM began using the Systematic Alien Verification of Entitlements (SAVE) program maintained by the Department of Homeland Security (DHS) for verification. Successful searches through SAVE are contingent upon the subject providing an accurate alien registration number, naturalization certificate number, or citizenship certificate number on the investigation form. If the SAVE program determines the person is not a U.S. citizen as claimed, the item result will be "Issues." If no result can be obtained, the result will show "Resubmit Doc." A photocopy of the individual's immigration documents need to be submitted to USCIS for analysis using the G-485 form (Document Verification Request) at <http://www.uscis.gov/files/form/g-845.pdf>. It is the responsibility of the agency to verify the citizenship of an applicant during the hiring process (see FIN 03-01).

FEDERAL INVESTIGATIONS NOTICE (FIN) 07-03, REQUEST FOR DETERMINATION OR ADVISORY, INV 60 (FORMERLY OFI 86A), WAS RELEASED ON FEBRUARY 5, 2007

The Office of Personnel Management (OPM) has issued a new Form INV 60 to replace the OFI 86A, Request for Determination or Advisory. The new INV 60 has been reformatted and obsolete language has been removed. The form has also been renumbered to eliminate confusion with the Standard Form 86A, Continuation Sheet for Questionnaires SF 86, SF 85P, and SF 85. The new form is available at <http://www.opm.gov/forms/html/inv.asp>. Agencies may begin using the INV 60 immediately; however, OPM will still accept the OFI 86A until the current supplies are depleted.

The INV 60 is used to request suitability determinations and advisory opinions from OPM's Federal Investigative Services Division (FISD), Suitability Branch.

UNDER SECTION 731 OF TITLE 5, CODE OF FEDERAL REGULATIONS (CFR), OPM RETAINS JURISDICTION IN COMPETITIVE SERVICE CASES INVOLVING EVIDENCE OF MATERIAL FALSIFICATION OR DECEPTION OR FRAUD IN EXAMINATION OR APPOINTMENT.



PDSD BULLETIN 07-02, NEW POLICY ON GRANTING INTERIM CLEARANCES, WAS ISSUED FEBRUARY 1, 2007.

VIEW THE ENTIRE TEXT OF THE BULLETIN AT [HTTP://WWW.USDA.GOV/DA/PDSD/BULLETINS.HTM](http://www.usda.gov/DA/PDSD/BULLETINS.HTM).

BACKGROUND

An interim security clearance is an initial eligibility determination that is granted in exceptional circumstances where official functions must be performed before completion of the investigative and adjudicative process. This is not a final decision regarding the employee's eligibility for a security clearance. The interim security clearance will only be issued where facts and circumstances indicate access to classified information is clearly consistent with the national security interest of the United States.

NEW PROCEDURE

Interim clearances will be based on a review and assessment of information contained in the employee's "Questionnaire for National Security Positions" (SF-86) and the results of an Advanced National Agency Check (NAC). When such access is requested, the background investigation **must** be expedited (Priority Service).





DUE PROCESS & CLEARANCE SUSPENSIONS

REGINALD CHENEY VS. DEPARTMENT OF JUSTICE, C.A.F.C. NO. 06-3124, DECIDED MARCH 2, 2007

At the time of his suspension, Mr. Cheney was a GS-14 criminal investigator and the Resident Agent in Charge (“RAC”) of DEA’s Cleveland office. Mr. Cheney had been employed by DEA for approximately 18 years. His position, as do all positions within DEA, required a security clearance.

The Department of Justice Office of Professional Responsibility (OPR) opened an investigation of Cheney centering on allegations that he had abused his authority. Because of the ongoing OPR investigation, Cheney’s security clearance was suspended until the investigation was complete. The suspended clearance resulted in the agency indefinitely suspending Cheney from employment.

The issue before the Board and the court was whether Cheney was afforded that due process required by 5 U.S.C. §7513 in his indefinite suspension. In the back and forth leading up to his suspension, Cheney sought and obtained extensions while he made several different requests for more details on the basis for suspending his security clearance and received more and more details from the agency in the process. The question was whether the agency had provided enough specificity for the security clearance suspension, which was the basis for the indefinite employment suspension.

Here is what the agency eventually told Cheney before making the final decision to suspend him:

“The decision to suspend your security clearance is based upon allegations that you inappropriately queried or caused to be queried Law Enforcement Data Bases and abused the Administrative Subpoena process. Additionally, it is believed that you are in violation of the confidentiality agreement you entered into with the Office of Professional Responsibility during their investigation into these issues.”

In his dissent, Chief Judge McKinney summarized the issue succinctly: “This case illustrates the tension that exists between security clearance determinations, which are not reviewable by the Board or the court, and adverse employment actions governed by 5 U.S.C. §7513, a situation that implicates due process concerns. The issue before the court is whether Cheney received the statutory procedural protections....specifically whether Cheney received sufficient notice of the reasons for his proposed employment suspension so that he had a meaningful opportunity to respond to the proposal.” (Dissent p. 1)

The 2-judge majority concluded that the answer to this question was “no.” Judge McKinney disagreed but did not prevail. Therefore, agencies now face the dilemma in security clearance suspension cases as to just how much information is enough to meet the due process requirement if an adverse action is taken based on the clearance suspension.

You can view this case at

<http://www.fedsmith.com/articles/references/Chaney06-3124.pdf>.



Helpful Security Links

Equipment:

<http://www.archives.gov/isoo/security-forms/>
<http://www.nsa.gov/ia/government/mdg.cfm>
https://portal.navfac.navy.mil/portal/page?_pageid=181.4914415&_dad=portal&_schema=PORTAL
<http://www.hamiltonproductsgroup.com/>
<http://www6.diebold.com/nasagsa/email.htm>

INFOSEC:

<http://www.archives.gov/isoo/index.html>
http://www.access.gpo.gov/nara/cfr/waisidx_01/32cfr2004_01.html
<http://www.fas.org/sgp/library/nispom.htm>
<http://www.fas.org/main/home.jsp>
http://www.usa.gov/Agencies/Federal/All_Agencies/index.shtml
<https://opmis.xsp.org/>

Security:

<http://www.globalsecurity.org/>
<https://www.intelink.gov/>
[https://www.opensource.gov/login/login.fcc?TYPE=33554433&REALMOID=06-0005c357-460d-1240-80bf-8348fefff3b&GUID=&SMAUTHREASON=0&METHOD=GET&SMAGENTNAME=osc-frontdoor&TARGET=\\$SM\\$http%3a%2f%2fwww%2eopensource%2egov%2flogin%2findex%2html%3fdoAction%3dtrue](https://www.opensource.gov/login/login.fcc?TYPE=33554433&REALMOID=06-0005c357-460d-1240-80bf-8348fefff3b&GUID=&SMAUTHREASON=0&METHOD=GET&SMAGENTNAME=osc-frontdoor&TARGET=SMhttp%3a%2f%2fwww%2eopensource%2egov%2flogin%2findex%2html%3fdoAction%3dtrue)
<http://www.loyola.edu/dept/politics/intel.html>

Newsletters & Online Terror Information:

<http://www.infosecnews.org>
<http://www.ag-security.com/>
http://nsi.org/Security_NewsWatch/NewsWatch/3.27.07.html
<http://www.terroristwarning.com/>
http://www.janes.com/security/international_security/
<http://www.nationalterroralert.com/>

Training:

<http://www.asisonline.org/>
<http://www.dss.mil>

This newsletter is intended for internal USDA use only.

Would you like to suggest a topic for a future edition?

Do you have questions in Personnel Security or Information Security that you would like to see addressed in this format? Would you like to add your name to the distribution list?

Email Carrie Moore at carrie.moore@usda.gov

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