



CCI 231.04
EFFECTIVE DATE: 2 October 2020

By Order of the Assistant Secretary for Health:

ADM Brett P. Giroir, M.D.

SUBJECT: National Security and Suitability Background Investigations

1. PURPOSE: This Instruction provides policy regarding the national security and suitability background investigation requirements for appointment and/or continued service as a member of the U.S. Public Health Service (USPHS) Commissioned Corps.
2. APPLICABILITY:
 - 2-1. This Instruction applies to all candidates for appointment in the Regular Corps and the Ready Reserve Corps.
 - 2-2. This Instruction applies to all members of the Regular Corps and the Ready Reserve Corps including, but not limited to, members serving on active duty, Public Health Service (PHS) officers serving in any component of the Ready Reserve Corps (e.g., Individual Ready Reserve (IRR), Selected Ready Reserve (SELRES)), and officers participating in the Junior Commissioned Officer Student Training and Extern Program (COSTEP) or Senior COSTEP.
 - 2-3. PHS Officers detailed to a component of the Armed Forces or other non-departmental organization must meet the national security and suitability investigation requirements listed in this Instruction and any additional requirements required by such organizations.
3. AUTHORITY:
 - 3-1. [25 U.S.C. § 3207](#), "Character investigations"
 - 3-2. [34 U.S.C. § 20351](#), "Requirement for background checks"
 - 3-3. [Executive Order No. 13467](#), "Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information," dated 30 June 2008, as amended.
 - 3-4. [Executive Order No. 12968](#), "Access to Classified Information," dated 2 August 1995, as amended.
 - 3-5. [Executive Order 13764](#), "Amending the Civil Service Rules"

- 3-6. [Executive Order 13488](#), "Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust"
 - 3-7. By memorandum dated 24 July 2003, the Secretary of Health and Human Services (Secretary) delegated the authority to administer and establish policy for the USPHS Commissioned Corps to the Assistant Secretary for Health (ASH). The Secretary retained the authority to suspend or separate any person on grounds of disloyalty or subversion, restore to duty any person who has been suspended on such grounds, or reemploy any person who has been separated from any Federal position on such grounds.
 - 3-8. [Homeland Security Presidential Directive \(HSPD\)-12, dated 27 August 2004](#)
 - 3-9. [Office of Management and Budget Memorandum 05-24](#), dated 5 August 2005
 - 3-10. [Federal Information Processing Standard 201-2](#), dated August 2013
 - 3-11. Commissioned Corps Directive (CCD) [123.01](#), "Involuntary Separation"
 - 3-12. [CCD 127.01](#), "Ready Reserve"
 - 3-13. [CCD 124.01](#), "Retirement"
 - 3-14. [Security Executive Agent Directive 5 \(SEAD-5\)](#), "Collection, Use, and Retention of Publicly Available Social Media Information in Personnel Security Background Investigations and Adjudications," dated 12 May 2016.
4. PROPONENT: The proponent of this Instruction is the ASH. The Surgeon General (SG) is responsible for ensuring the day-to-day management of the USPHS Commissioned Corps.
 5. SUMMARY OF REVISIONS AND UPDATES: This is the second issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Instruction (CCI) 231.04, "Background Investigation Requirement," dated 4 March 2008. This Instruction:
 - 5-1. Extends applicability to the Ready Reserve Corps.
 - 5-2. Updates the title of this Instruction to align with new processes and procedures regarding security investigations.
 - 5-3. Updates Section 3. to include recent authorities.
 - 5-4. Updates terminology and levels of required investigations for PHS officers.
 - 5-5. Requires officers to comply with re-investigations and continuous vetting requirements.
 - 5-6. Adds the requirements for the collection and use of publicly available social media information. See Section 6-2.
 - 5-7. Clarifies the investigation requirements for transfers from the Ready Reserve Corps to the Regular Corps and inter-service transfers. See Sections 6-5. and 6-6.

6. POLICY:

6-1. Minimum National Security and Suitability Investigation Requirements.

- a. Regular Corps Active Duty. Members must obtain and maintain a favorably adjudicated Tier 3 national security background investigation with an additional State criminal history child care check for appointment and/or continued service on active duty.
- b. Ready Reserve Corps. Members of all components of the Ready Reserve Corps (e.g., SELRES, IRR, Ready Reserve on Active Duty (Active Reserve)) must obtain and maintain a favorably adjudicated Tier 3 national security background investigation with an additional State criminal history child care check for appointment and/or continued service, except as outlined in this Subsection.
 - (1) Junior COSTEP. A favorably adjudicated Tier 1 non-sensitive suitability investigation is required for appointment and/or continued service as a Junior COSTEP.
 - (2) Senior COSTEP. A minimum of a favorably adjudicated Tier 1 suitability investigation is required for appointment and/or continued service as a Senior COSTEP. Senior COSTEPs who become candidates for appointment into the Regular Corps or the Ready Reserve Corps must obtain and maintain a favorably adjudicated Tier 3 national security investigation.
- c. Re-investigations and Continuous Vetting. All members of the USPHS Commissioned Corps must promptly comply with the requirements for a periodic re-investigation that is initiated by the USPHS Commissioned Corps or that is initiated by the Operating Division (OPDIV), Staff Division (STAFFDIV), or non-Health and Human Services (HHS) organization to which the PHS officer is assigned. When the USPHS Commissioned Corps and/or OPDIV/STAFFDIV/ non-HHS organization to which an officer is assigned implements continuous vetting the officer must comply with all requirements to ensure that the officer maintains a favorably adjudicated national security or suitability investigation with an additional State criminal history child care check.

6-2. Use of Publicly Available Social Media Information. As outlined in SEAD-5:

- a. HHS OPDIVs/STAFFDIVs and non-HHS Agencies. Agencies where candidates/members of the Regular Corps and the Ready Reserve Corps may be/are assigned may collect publicly available social media information while conducting a national security or suitability investigation. The scope of this collection will be limited to that which is needed to determine initial or continuing security suitability.
- b. Investigating Agency. Investigative agencies may collect, use, and retain publicly available social media information as part of a candidate's/member's national security or suitability investigation. Investigating agencies will not create accounts or use existing social media accounts for the purpose of accessing a candidate's or member's non-publicly available social media information.
- c. Signed Release of Information. Agencies may collect publicly available social media information only after a candidate/member of the Regular Corps or the Ready Reserve Corps signs an Authorization of Release of Information, which includes a notice of the collection of publicly available social media information.

- d. Collection of information from other individuals. Absent a national security concern, or a criminal reporting requirement, information inadvertently collected on individuals who are not the subject of the national security or suitability investigation will not be reported or pursued. Agencies will not retain information on such individuals.
- 6-3. Appointment Standard. All candidates for appointment into the Regular Corps or Ready Reserve Corps (i.e., direct appointment into the IRR, SELRES, Junior COSTEP, and Senior COSTEP) must be compliant with HSPD-12, Federal Information Processing Standard 201-2, and Office of Management and Budget Memorandum 05-24 at the time of being commissioned or appointed into the USPHS Commissioned Corps. All candidates must fully complete and submit all required investigative documents, have a favorable fingerprint check, and a scheduled national security or suitability investigation with an additional State criminal history child care check with the Office of Personnel Management (OPM) prior to being appointed into the USPHS Commissioned Corps. Commissioned Corps Headquarters (CCHQ) will not issue interim approvals prior to an applicant's commissioning or appointment. All individuals who are appointed to the USPHS Commissioned Corps must obtain a favorably adjudicated national security or suitability investigation with an additional State criminal history child care check, as outlined in Section 6-1., to be retained as a PHS officer.
- 6-4. Separation. All Regular Corps and Ready Reserve Corps officers are required to have a favorably adjudicated national security or suitability investigation on file with CCHQ as outlined in Section 6-1. In addition:
- a. Probationary Period. The SG will terminate the commission of Regular Corps and Ready Reserve Corps officers who fail to obtain, or do not maintain, a favorably adjudicated national security or suitability investigation with an additional State criminal history child care check within their probationary period. However, if the failure to obtain and/or maintain eligibility for a national security or suitability investigation with an additional State criminal history child care check is based on any of the conditions outlined in [18 U.S.C. Chapter 115](#), the SG shall refer such officer's records to the HHS Secretary.
 - b. Less than 20 Years and More than 3 Years Retirement Credit. The Director, CCHQ, may refer to an Involuntary Termination Board (ITB) (see [CCD 123.01](#), "Involuntary Separation"), any member of the Regular Corps or the Ready Reserve Corps with less than 20 years and more than 3 years of creditable service for retirement who does not obtain and/or maintain a favorably adjudicated national security or suitability investigation with an additional State criminal history child care check.
 - (1) If the failure to remain eligible for a national security or suitability investigation is based on any of the conditions outlined in [18 U.S.C. Chapter 115](#). The USPHS Commissioned Corps shall refer such officer's records to the HHS Secretary upon a criminal conviction by a civil or military court or after a review by a Board of Inquiry (BOI) for the Secretary's decision on whether the officer's commission will be terminated.
 - (2) For cases involving matters other than disloyalty or subversion, the SG will render the decision regarding reassignment or termination when deemed necessary or advisable in the interest of national security.

- c. 20 Years or More Retirement Credit. The Director, CCHQ, may refer to an involuntary retirement board (see [CCI 385.01](#), "Involuntary Retirement (20 Years)") members of the Regular Corps or the Ready Reserve Corps with 20 or more years of creditable service for retirement who are unable to obtain and/or maintain a favorably adjudicated national security or suitability investigation with an additional State criminal history child care check. The USPHS Commissioned Corps also may refer the records of such an officer to a BOI if warranted.
- d. Retention on Active Duty. Under extraordinary circumstances, the SG, ASH, and/or Secretary may continue to keep an officer on active duty if the officer fails to obtain and/or maintain a favorably adjudicated Tier 3 national security or suitability investigation with an additional State criminal history child care check. The SG will reevaluate such officers who have less than 20 years creditable service for retirement at 20 years of service to determine if continued retention on active duty is warranted.

Note: Extraordinary circumstances are those circumstances in which the officer possesses unique or special skills which do not otherwise exist within the Department, and the Secretary, the ASH, or the SG determine that the officer's continued service on active duty is required to meet the mission of the HHS and the USPHS Commissioned Corps.

- 6-5. Transfer from the Ready Reserve Corps to the Regular Corps. Officers are required to have a favorably adjudicated Tier 3 national security or suitability investigation with an additional State criminal history child care check to be appointed to the Regular Corps.
- 6-6. Inter-service Transfers. Officers seeking an inter-service transfer into the USPHS Commissioned Corps (transfer from any component of a sister uniformed service into any component within the USPHS Commissioned Corps) must meet the national security or suitability investigation with an additional State criminal history child care check requirement set forth in this Instruction prior to appointment to the USPHS Commissioned Corps.

7. RESPONSIBILITIES:

- 7-1. SG. The SG is responsible for the day-to-day management of the USPHS Commissioned Corps. The SG, or designee, may issue a Personnel Operations Memorandum (POM), through the eCCIS to set forth any required paperwork and national security or suitability investigation requirement procedures for candidates and for PHS officers in the Regular Corps and Ready Reserve Corps.
- 7-2. CCHQ. The Director, CCHQ, advises the SG on the day-to-day management of the USPHS Commissioned Corps, manages the systems requirement for the appointment and retention of officers, and implements the policies of the ASH involving USPHS Commissioned Corps operations. The Director, CCHQ, administers the national security or suitability investigation program and exercises program evaluation and oversight of the national security or suitability investigation program consistent with this Instruction. The Director, CCHQ, or designee, may issue additional implementation procedures to implement the national security or suitability investigation program. The Director, CCHQ, is responsible for ensuring that CCHQ is prepared for the transition to and implementation of continuous vetting as defined in Executive Order 13467.
- 7-3. Regular Corps and Ready Reserve Corps members. Each officer is responsible for adhering to the guidelines established in this Instruction and any operational guidelines established by the SG.

- a. It is the officer's responsibility to be familiar with the published policies that apply to all officers and maintain an ongoing awareness of updates and changes to USPHS Commissioned Corps policies, including any periodic changes to policies regarding national security or suitability investigations with an additional State criminal history child care check.
- b. An officer must maintain current and updated contact information (e.g., e-mail, phone, address) in order to facilitate the USPHS Commissioned Corps' communication of information to the officer.

8. PROCEDURES:

- 8-1. CCHQ. CCHQ will initiate and fund the initial national security or suitability investigation with an additional State criminal history child care check for all applicants to the Regular Corps, and will initiate and fund the initial and subsequent/continuous vetting national security or suitability investigation for applicants to and members of the Ready Reserve Corps.
- 8-2. HHS OPDIVs/STAFFDIVs and non-HHS agencies where Regular Corps members are assigned. The duty station to which a member of the Regular Corps is assigned will initiate and fund any subsequent/continuous vetting national security or suitability investigations with an additional State criminal history child care check while the member remains on active duty.
- 8-3. Appointment. All candidates will initiate and complete the required investigative paperwork prior to being called to active duty plus submit written acknowledgement to CCHQ that the SG will immediately terminate the candidate's commission if the national security or suitability investigation with an additional State criminal history child care check is deemed unsatisfactory or is not favorably adjudicated.

9. HISTORICAL NOTES: This is the second issuance of this Instruction within the eCCIS.

- 9-1. CCI 231.04, "Background Investigation Requirement," dated 4 March 2008.