

Department of the Interior Departmental Manual

Effective Date: 1/8/10
Series: Law Enforcement and Security
Part 441: Personnel Security and Suitability Program
Chapter 4: Investigation Requirements

Originating Office: Office of Law Enforcement and Security

441 DM 4

4.1 Basic Requirements. Background investigations, reinvestigation descriptions and scope specifications for each of type of investigation are contained in Section 4.15 and Illustration 1 of this chapter. The minimum required investigation relative to each sensitivity or risk level designations are contained in Illustration 2 of this chapter. The investigation requirements (Bureaus/Offices, at their discretion, may exceed the required investigation/reinvestigation level) are also applicable to contractor employees. If a previously completed investigation meets the scope and standards of the required investigation and the individual does not have a break in Federal service (continuous employee or contractor staff service to a Federal agency) of more than 24 months, an investigation is not required. Individuals who had any break in service and during such break were associated with a foreign government or foreign organization must have a new investigation. For Sensitive positions, Standard Form 86C (Certification) or an updated Standard Form (SF) 86, Questionnaire for National Security Positions, must be reviewed along with other applicable records. A reinvestigation is not required unless derogatory information is identified which indicates the person may no longer satisfy the standards of Executive Order (EO) 12968, Access to Classified Information.

4.2 Timing of Investigations. Investigations for post-placement employment into Non-Sensitive/Low Risk positions, Non-Critical-Sensitive and Moderate and High Risk positions, and if a waiver is authorized, Critical-Sensitive, shall be initiated by the appropriate Bureau/Office Human Resources/Personnel or Security Office within 14 working days of placement (Entry on Duty – EOD). For Special-Sensitive and Critical-Sensitive positions if a waiver is not authorized, investigations must be conducted pre-placement. The waiver process is not allowed for Special Sensitive positions.

4.3 Reciprocity. A re-investigation is not required when a closed, complete and favorably adjudicated investigation by a Federal investigative agency/office meets the scope and standards for the sensitivity or risk level of the position or contract and the individual has not been separated from Federal service or contractor staff service to a Federal agency for more than 24 months. However, the individual must complete an OF-306, Declaration for Federal Employment. The individuals most recent SF 85, 85P, 86, etc., must also be obtained by the Bureau/Office Security Officer or Human Resources/Personnel Specialist to assist in the reciprocity verification process. If the most recent SF 85, 85P, 86, etc., is not available, the individual must complete a new SF 85, 85P, 86, etc.

If suitability issues are admitted on the OF-306 or the investigative questionnaire, or if they are otherwise developed, the issues must be investigated and adjudicated. If there are no suitability issues, and the break in service does not exceed 24 months, a new investigation is not necessary. Investigations shall not be duplicated when the investigation meets the minimum scope and standards for the sensitivity or risk level of the position. Previously conducted investigations and personnel security/suitability determinations by Federal government agencies shall be mutually and reciprocally accepted. The servicing Human Resources/Personnel Office shall ensure the appropriate security/suitability data is reflected on the SF 75 (Request for Preliminary Employment Data) and/or by checking the OPM Security/Suitability Investigation Index (SII). Additionally, the Bureau/Office Security Office should contact the selectee's current security office to obtain any relevant security/suitability information. Bureau/Office security personnel shall not request the prior investigative files for review unless:

- A. Significant derogatory security/suitability information is received from the Human Resources/Personnel Office or the selectee's Security Office.
- B. Potentially disqualifying information has developed since the last favorable adjudication.
- C. The security clearance eligibility has been officially withdrawn, denied, or revoked for cause.

4.4 Waiver of Pre-appointment Investigative Requirement. A waiver of the pre-appointment investigative requirement may be authorized in "case of emergency" provided that such action is necessary in the interest of national security or the efficiency of the Federal service. The servicing Human Resources/Personnel Office shall ensure the following checks are conducted and the pertinent documentation (Section 4.4B, C, and D of this chapter) is submitted through their respective Bureau/Office Security Officer or designee to the head of the bureau/office:

- A. Review of the person's investigation form;
- B. DI 1912, Request for Waiver of Pre-appointment Investigative Requirement for a Critical-Sensitive Position (Illustration 3 of this chapter);
- C. DI 1990, Pre-appointment Background Check (Illustration 4 of this chapter); and
- D. Justification for the waiver.

Note: Granting a waiver does not provide authorization for access to classified national security information or delegation of law enforcement authority. Request for approval of all commissioned law enforcement waivers must be processed through the Office of Law Enforcement and Security (OLES) and approved by the Director. Waivers are optional for positions designated Non-Critical-Sensitive, High Risk or Moderate Risk.

4.5 Critical-Sensitive Positions. A waiver can be requested when appointing an individual to a Critical-Sensitive position prior to completion of the required background investigation. An advance National Agency Check (NAC) shall be requested as part of the 35-day service background investigation.

4.6 Special-Sensitive Positions. The pre-appointment investigative requirement will not be waived for positions designated Special-Sensitive.

4.7 National Security Duties Performed by Contractors. All non-Federal employees needing security clearances must be processed through the National Industrial Security Program per DM Part 443.

4.8 Contractor/Consultant Positions and Other Classifications of Individuals. The investigative requirements stipulated in this Part apply equally to all contractors, subcontractors, and consultants performing under a contract and/or consultant agreement to perform activities of the Department, as well as other classes of individuals. Existing contractors/consultants who were not subject to a pre-appointment investigation must subsequently meet the investigation requirements in a timely manner. Prior to initiating the investigation, the Bureau/Office Security Office will review the investigation forms for any potential suitability issues. If the forms contain disqualifying information, the Bureau/Office Security Officer may find the individual unsuitable for access to sensitive systems and/or data. In such cases an investigation will not be requested and the individual will not be allowed access to the sensitive systems and/or data. Each individual must be a U.S. Citizen or a non-U.S. Citizen who meets the requirements of the Federal appropriations ban, immigration rules, and executive order restrictions on appointing non-citizens in the competitive service. For purposes of conducting required background investigations, non-U.S. Citizens must have continuously resided in the United States for the last three years. Contracting Officers will ensure that the contracts include the investigation and citizenship requirements. Individuals will use the same forms required for Federal service employees unless otherwise instructed by the investigative agency. Effective October 1, 2007, all Federal departments and agencies must ensure that their new contractor hires have been verified through the Employment Eligibility Verification Program (E-Verify). This program complements existing implementation plans in support of Homeland Security Presidential Directive 12 (HSPD-12). The program allows employers to verify name, date of birth, and social security number, along with immigration information for non-citizens, against Federal databases in order to verify the employment eligibility of both citizen and non-citizen new hires.

Note: Additional policy regarding non-U.S. Citizens is in the process of being drafted by the Office of Personnel Management (OPM) (as a result of HSPD-12) and will supersede the aforementioned guidelines.

4.9 Initiating Investigations. OPM's Federal Investigative Services Division, through Federal and/or contracting staff, conducts all investigations for DOI. Before requesting an investigation through OPM, the bureau/office submitting office shall review all documents used to initiate the investigation to ensure that all items are properly completed. Errors/omissions in completing the forms will cause delays in the processing of the investigation.

4.10 Investigation Forms. The SF 86, Questionnaire for National Security Positions, is the appropriate form to request investigations for all positions designated Special-Sensitive, Critical-Sensitive, and Non-Critical-Sensitive. The SF 85P, Questionnaire for Public Trust Positions, is used for positions designated High and Moderate Risk. The SF 85, Questionnaire for Non-Sensitive Positions, is used for all Non-Sensitive/Low Risk positions. The SF 87, fingerprint card, is used for all Federal employees and the FD 258 is required for contractor employees.

4.11 Exceptions to Investigative Requirements for Non-Sensitive Positions.

A. Certain Non-Sensitive positions are exempt from the investigative requirements, provided that the employing bureau/office conducts such checks as it deems appropriate to ensure that the employment or retention of such a person is clearly consistent with the interest of the Federal service. Regardless of the type of appointment, 446 DM 2, Personnel Qualifications and Standards, requires all permanent and temporary/seasonal law enforcement positions, as defined in 446 DM 1.3E, be designated, at a minimum, Critical-Sensitive. The above positions are not exempt from the investigative requirements. Positions that may be exempt are:

- (1) Intermittent, Seasonal, Per Diem, or Temporary, not to exceed an aggregate of 180 days in either a single continuous appointment or series of appointments; or
- (2) Aliens employed outside the United States.

B. Requests for exemptions from the investigative requirements for positions in other circumstances shall be forwarded to OLES for appropriate action.

4.12 Background Investigations and Periodic-Reinvestigations. Bureaus/Offices may, at their discretion, have a higher level background investigation or reinvestigation conducted than is specified as a minimum required level within this chapter. The incumbent of a position designated either Special-Sensitive or Critical-Sensitive with access to Top Secret classified information is subject to a reinvestigation 5 years after placement and once each succeeding 5 years. Positions designated Critical-Sensitive and Non-Critical-Sensitive with access to Secret and/or Confidential classified information require a reinvestigation every 10 years. Positions designated High, Moderate and Low Risk/Non-Sensitive do not require a reinvestigation; however, each bureau/office may place a reinvestigation requirement for its employees. Reinvestigation requirements for law enforcement positions are specified in 446 DM 2.

4.13 Movement from Public Trust Positions to National Security Positions. Individuals moving from Public Trust positions to National Security positions must complete the SF 86 prior to placement. If the individual has received the required investigation for the Public Trust position, that investigation must be upgraded or updated to meet the standard for the National Security position.

4.14 Adjudication. The Bureau/Office Security Officer is responsible for ensuring the adjudication of both National Security and Public Trust positions for all employees and, as appropriate, other positions for contractors and other classes of employees (i.e., volunteers, guest researcher, interns, etc.). Bureau/Office Security Officers and all designees who adjudicate (i.e.,

Human Resource/Personnel Office staff) must be Federal employee(s) and have favorably adjudicated background investigations at a level equal to or greater than the investigation that they are adjudicating. See 441 DM 5 for more specific details.

4.15 Types of Investigations. The following are the most frequently requested investigations:

A. Access National Agency Check and Inquiries (ANACI). Minimum investigation required for Secret or Confidential clearance under EO12968 or DOE “L” clearances. This investigation is generally used for those positions designated as Low Risk requiring Secret access and was developed to comply with EOs 10450 and 12968.

B. Background Investigation (BI). Generally used for High Risk Public Trust positions, non-managerial commissioned law enforcement positions, or Non-Critical Sensitive positions with a high risk point component that requires access to secret information.

C. Limited Background Investigation (LBI). Generally used for Moderate Risk Public Trust positions with a high position risk point value, non-managerial commissioned law enforcement temporary positions, or Non-Critical Sensitive positions with a moderate risk high point component that require access to secret information.

D. Minimum Background Investigation (MBI). Generally used for Moderate Risk Public Trust positions or Non-Critical Sensitive positions with a moderate risk low point component that requires access to secret information.

E. National Agency Check (NAC). The NAC is part of every OPM background investigation. It consists of searches of the Office of Personnel Management Security/Suitability Investigations Index (SII), Defense Clearance and Investigations Index (DCII), the Federal Bureau of Investigation (FBI) Identification Division and FBI Headquarters files.

F. National Agency Check and Inquiries (NACI). Minimum investigation required for Non-Sensitive/Low Risk positions. All coverage is obtained through written inquiry and computer linkages. A review of documents and records, including a NAC with written inquiries to law enforcement agencies, former employers and supervisors, listed references, and schools is performed.

G. National Agency Check with Local Agency Checks and Credit Check (NACLCLC). Minimal investigation required by EO 12968 on contractors or consultants for access to Secret or Confidential classified information. This is the reinvestigation for a secret clearance for Low Risk Federal employees.

H. Single Scope Background Investigation (SSBI). The SSBI meets the coverage requirements of EO 12968 for Top Secret, Sensitive Compartmented Information (SCI), and DOE “Q” access. A personnel investigation that provides extensive information regarding an individual that consists, if applicable, of a NAC, a spouse or cohabitant NAC, date and place of birth corroboration, citizenship, education, agency checks, public records, and subject interview.

I. Child Care National Agency Check and Inquiries (CNACI). Since June 1, 1997, OPM Investigations Service has been offering an investigative product exclusively designed for child care provider positions. The Child Care National Agency Check with Written Inquiries (CNACI) was designed by a consortium of Federal agencies that offer child care services.

FPPS CODE	TYPE OF INVESTIGATION	SCOPE: EXPLANATION OF INQUIRY
5	MBI	<p>(Same as NACI)</p> <ul style="list-style-type: none"> • Employment 5 years • Education 5 years and highest degree verified • Residence 3 years • References (not mandatory) • Law Enforcement 5 years • NACs <p>Additions to standard NACI</p> <ul style="list-style-type: none"> • PRSI (Personal Subject Interview) • Credit 7 years
2 & 5	LBI	<p>Primarily conducted for Moderate Risk Public Trust or Non-Critical Sensitive positions with a moderate risk high point component. Example: Secret clearance for an individual with a position risk designation of Moderate with a high range of points as determined by the risk designation process.</p> <p>(Enhancement of MBI but coverage is personal not via inquiry)</p> <ul style="list-style-type: none"> • Employment 3 years • Education 1 year and highest degree verified • Residence 1 year • References (not mandatory) • Law Enforcement 5 years • NACs • PRSI (Personal Subject Interview) • Credit 7 years <p>Additions to MBI</p> <ul style="list-style-type: none"> • Court Records 5 years)
6	Background Investigation (BI)	<p>(Enhancement of LBI, coverage is personal not via inquiry)</p> <ul style="list-style-type: none"> • Employment 5 years • Education 5 years and highest degree verified • Residence 3 years • References (not mandatory) • Law Enforcement 5 years • NACs • PRSI (Personal Subject Interview) • Credit 7 years • Court Records 5 years)

FPPS CODE	TYPE OF INVESTIGATION	EXPLANATION OF INQUIRY
2	NACL	<p>(Same as NACI)</p> <ul style="list-style-type: none"> • Employment 5 years • Education 5 years and highest degree verified • Residence 3 years • References (not mandatory) • Law Enforcement 5 years • NACs <p>Additions to standard NACI</p> <ul style="list-style-type: none"> • Law Enforcement (by Record if not covered by Inquiry) • Credit 7 years
3 & 4	Single Scope Background Investigation – Periodic Reinvestigation (SSBI-PR)	<p>This is the required reinvestigation for Top Secret clearances and SCI access conducted every 5 years. The SSBI-PR meets the requirement of EO 12968.</p> <ul style="list-style-type: none"> • PRSI (Personal Subject Interview) • Employment 5 years • Education 5 • Residence 5 years • Law Enforcement 5 years • Court Records 5 years • Former Spouse 5 years • References • Subject, Spouse/Cohabitant National Agency Checks (NACs) • Citizenship (Subject and legal status of foreign-born family, if not previously covered)
6	Periodic Reinvestigation (PRI)	<p>This reinvestigation is primarily conducted for High Risk positions usually conducted every 5 years. Coverage includes:</p> <ul style="list-style-type: none"> • PRSI (Personal Subject Interview) • References • Law Enforcement 5 years • Credit 5 years • NACs

Minimum Investigative Requirements for National Security Positions

Position Sensitivity Designation Level	Access	Security Form	Required Investigation *	Required Reinvestigation
Special-Sensitive	Sensitive Compartmented Information (SCI)	SF-86	Single Scope Background Investigation (SSBI)	Every 5 Years – Single Scope Background Investigation – Periodic Reinvestigation (SSBI-PR)
Critical-Sensitive	Top Secret, Q Access	SF-86	Single Scope Background Investigation (SSBI)	Every 5 Years – Single Scope Background Investigation – Periodic Reinvestigation (SSBI-PR)
Critical-Sensitive	Secret	SF-86	Background Investigation (BI)	Every 10 Years – National Agency Check with Law and Credit (NACLC)
Non-critical-Sensitive	Secret, L Access	SF-86	Access National Agency Check and Inquiries (ANACI) *	Every 10 Years – National Agency Check with Law and Credit (NACLC)

*** NOTE: The Public Trust component of the position risk/sensitivity designation may require a higher-level investigation.**

Minimum Investigative Requirements for Law Enforcement Positions, per 446 DM 2

Position Sensitivity	Clearable for Access	Security Form	Required Investigation	Required Reinvestigation
Critical-Sensitive (446 DM 2.3A, Permanent Law Enforcement Positions)	Secret	SF-86	Background Investigation (BI)	Every 5 Years – Periodic Reinvestigation with Residence Coverage (PRIR)
Critical-Sensitive (446 DM 2.3B, Temporary/Seasonal Law Enforcement Positions)	Secret	SF-86	Limited Background Investigation (LBI) by Agreement with OPM (Upgrade to BI when employees convert to full-time permanent status)	Each year, prior to commissioning, a returning temporary law enforcement officer must have a National Agency Check (NAC) conducted by OPM

Minimum Investigative Requirements for Public Trust Positions

Position Risk Designation Level	Security Form	Required Investigation
High Risk	SF-85P	Background Investigation (BI)
Moderate Risk	SF-85P	Minimum Background Investigation (MBI) **
Low Risk Low Risk and contact with children	SF-85	National Agency Check plus Inquiries (NACI) Child Care NACI Reinvestigation recommended at 10 year intervals.

** Bureau/Office may require an LBI for its employees based upon OPM guidance for position risk designation for some Moderate Risk positions.

**U.S. DEPARTMENT OF THE INTERIOR
REQUEST FOR WAIVER OF PRE-APPOINTMENT INVESTIGATIVE REQUIREMENT
FOR A CRITICAL-SENSITIVE POSITION**

ORIGINATING OFFICE

NAME/ TITLE
POSITION

PROPOSED

ORGANIZATION

PROPOSED EOD (DATE)

A waiver of pre-appointment investigative requirement is being requested for emergency reasons and such action is necessary in the national interest. A justification for this request is attached. If approved, I will ensure the individual will not have access to any classified national security information prior to the granting of a national security clearance (if a requirement of the position). Forms required for the investigation were submitted to the Bureau/Office security officer on _____ (date).

IMMEDIATE SUPERVISOR SIGNATURE & DATE

PRINTED NAME

HIGHER LEVEL SUPERVISOR SIGNATURE & DATE

PRINTED NAME

BUREAU/OFFICE HUMAN RESOURCES/ PERSONNEL OFFICER

Based on my review of the individual's previous employment record and knowledge of this candidate's background, there appears to be no derogatory information which would preclude employment in a Critical-Sensitive position pending completion of the required investigation.

SIGNATURE & DATE

PRINTED NAME

BUREAU/OFFICE SECURITY OFFICER

The results of the mandatory checks listed in 441 DM 5, or for law enforcement positions the results of the mandatory Pre-appointment Background Check in 446 DM 2, are attached.

SIGNATURE & DATE

PRINTED NAME

**HEAD OF BUREAU/OFFICE – APPROVAL - except
(Director, DOI-OLES for Law Enforcement positions)**

SIGNATURE & DATE

PRINTED NAME

ATTACHMENTS: (1) JUSTIFICATION FOR THIS REQUEST, AND (2) RESULTS OF MANDATORY CHECKS

ORIGINAL: EMPLOYEE'S OPF
cc: EMPLOYEE'S SECURITY FILE - 1

DI-1912
(Rev. 1/07)

Illustration 4

U.S. Department of the Interior
Pre-appointment Background Check

Report Number: _____

Date: _____

Subject: Pre-Employment Screening

Name: _____

DOB: _____

SSN: _____

Address: _____

Marital Status: _____

Position Applied For: _____

CHECKS

- Drivers License (Verification of Record) : Yes ___ No ___
- OPM/Security Investigation Index (SII): Yes ___ No ___
- Military Records: Yes ___ No ___
- National Crime Information Center: (NCIC) Yes ___ No ___ (Law Enforcement Applicants only)
- Local Law Enforcement Agencies Yes ___ No ___
- Credit History Yes ___ No ___
- Employment History Yes ___ No ___
- Residence History Yes ___ No ___
- Education/Training Yes ___ No ___
- References: Yes ___ No ___
- Other Checks/Information: Yes ___ No ___

Subject Interview (narrative): _____

Report Conducted By: _____

Report Concurred By: _____

Print Name & Signature
Personnel or Security Officer

HR / Personnel Security or Security Officer

Date & Office Telephone Number

Date & Office Telephone Number

Note: *ATTACHMENTS: List all pertinent reference material (including results of interviews, record checks, vouchers, etc.) and attach a copy of all available documents.

DI-1990
(Rev. 1/07)