



DEC 13 2008

MEMORANDUM FOR: See Distribution

SUBJECT: Approval of the Federal Investigative Standards

**The attached Federal Investigative Standards are approved.** These Standards apply to investigations performed in support of determinations of eligibility for access to classified information, eligibility to hold a sensitive position, suitability for government employment, and eligibility for physical and logical access. The Standards comply with Executive Order (EO) 13467 requirements to align suitability and national security investigations using consistent criteria. The new Standards support a more streamlined and efficient investigative process, with each successively higher level of investigation building upon, but not duplicating, the one below it.

Implementation of the Standards is dependent upon the availability of automated capabilities and procedural changes to support operations, including some under development within the the Joint Security and Suitability Reform Team (Joint Reform Team). As with the Standards revisions, the Joint Reform Team will organize and integrate implementation planning efforts beginning in January 2009. An implementation strategy will be developed by March 2009 to provide for incremental deployment in select populations anticipated to begin in the second quarter of calendar year 2009. With the revised Standards providing the target for future operations, Agencies and Departments will be integral to the development of these implementation plans. In the meantime, agencies will continue to use the existing Investigative Standards (dated March 1997) until their planned implementation date.

During the many months of review, the Joint Reform Team worked with representatives from many organizations who were critical assets to the revision process. We appreciate their participation in developing the new Federal Investigative Standards. The cross-government expertise and experience of these representatives enriched and improved the new Investigative Standards.

If you have questions regarding the new Federal Investigative Standards or implementation planning, please contact Mr. John Fitzpatrick, Acting Assistant Deputy Director of National Intelligence for Security at (703) 482-5108 or Ms. Joy Fairtile, Deputy Associate Director, Federal Investigative Services Division, Office of Personnel Management at (202) 606-1042.

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Attachment:  
Federal Investigative Standards

## ATTACHMENT

**FEDERAL INVESTIGATIVE STANDARDS****1. INTRODUCTION**

1.1. Consistent with Executive Order 13467, "Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information," June 30, 2008, the following standards are established for national security and suitability investigations of all individuals working for or on behalf of the executive branch of the federal Government or who seek to perform work for or on behalf of the executive branch, and individuals with access to federally controlled facilities and information systems.

1.2. When designated for use to conduct investigations, the new standards herein supersede the standards previously approved by the President under section 6.3(a) of Executive Order 12968, "Access to Classified Information," August 2, 1995. To the extent there is any conflict between the new standards and those previously approved, the new standards will prevail.

1.3. Agencies may not establish additional investigative requirements that exceed these standards without the approval of the Security Executive Agent or the Suitability Executive Agent, as appropriate. The Executive Agents shall ensure that any approval to establish additional requirements shall be limited to circumstances where additional requirements are necessary to address significant needs unique to the agency involved or to protect national security, and ensure that security and suitability investigations remain aligned.

**2. DEFINITIONS**

2.1. Automated Record Checks (ARC). A centralized and integrated set of information technology (IT) services to request, collect, and validate electronically accessible, adjudicatively-relevant data using the most efficient and cost-effective technology and methods available. ARC are a lawfully acceptable replacement of legacy and non-automated record checks. Ultimately, ARC entails fully automatic, machine-to-machine interaction to request, collect, and validate machine-readable data and inform subsequent steps in an end-to-end electronic case management system.

2.2. Cohabitant. An individual with whom the Subject resides in a spouse-like relationship.

2.3. Continuous Evaluation. Reviewing the background of an individual who has been determined to be eligible for access to classified information (including additional or new checks of commercial and Government databases and other lawfully available information) at any time during the period of eligibility to determine whether that individual continues to meet the requirements for eligibility for access to classified information.

2.4. Corroborate. Comparing information from any investigative source with that provided by the Subject to confirm the information or identify discrepancies.

2.5. Credential. A Personal Identity Verification Card issued to an individual that contains stored biometric information so that the claimed identity of the cardholder can be verified against the stored information manually or by an automated process.

2.6. Electronic Application (e-Application). A web-based tool for self-reporting biographic details, declarations, clarifications, and mitigating information necessary to conduct investigations.



2.7. Enhanced Subject Interview. An in-depth discussion between a trained and certified investigator and the Subject conducted as a required part of an investigation, or to offer the Subject an opportunity to explain, refute, or mitigate issue or discrepant information.

2.8. Fitness. The level of character and conduct determined necessary for an individual to perform work for or on behalf of a federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee.

2.9. Immediate Family. The spouse, parents, siblings, children, and cohabitant of the Subject. This includes any step parents, half and step siblings, and step children of the Subject.

2.10. Investigative Record. The official record of all data obtained on the Subject from Trusted Information Providers, from suitability and/or security applications and questionnaires, and any investigative activity conducted under these standards.

2.11. Logical Access. Access to federally controlled information systems.

2.12. Physical Access. Access to federally controlled facilities, other than on an occasional or intermittent basis.

2.13. Position Designation. The assessment of the potential for adverse impact on the efficiency and integrity of the service, and the degree to which, by the nature of the position, the occupant could bring about a material adverse effect on the national security.

2.14. Public Trust. Public Trust positions has the meaning provided in 5 CFR part 731.

2.15. Suitability. Suitability has the meaning and coverage provided in 5 CFR part 731.

2.16. Trusted Information Provider. An authorized individual working for or on behalf of the Government who may contact references or otherwise corroborates or verifies Subject data, such as citizenship, education and former employment. These individuals may include Government and contractor employees or military personnel, working in human resources or security offices, or equivalent organizations.

2.17. Verification. Validating at the actual source (e.g., an individual or place of record – such as employers, courts, law enforcement agencies – or their authorized repositories) the correctness and accuracy of information listed on the e-Application or provided by the Subject or references to the Trusted Information Provider or Investigator.

### 3. INVESTIGATIVE TIERS

3.1. The Tiers are defined as follows:

3.1.1. Tier 1. Investigations conducted to this standard are for positions designated as low risk, non-sensitive, and for physical and logical access. This is the lowest level of investigation acceptable for federal employment that requires a suitability determination.

3.1.2. Tier 2. Investigations conducted to this standard are for positions designated as moderate risk, non-critical sensitive, and/or to allow access to "L" information, Confidential information, and Secret information. This is the lowest level of investigation acceptable for access to classified information.

3.1.3. Tier 3. Investigations conducted to this standard are for positions designated as high risk, critical sensitive, special sensitive, and/or to allow access to "Q" information, Top Secret information and Sensitive Compartmented Information (SCI).

3.2. Each successively higher level of investigation shall build upon, but not duplicate, the ones below it. Suitability investigations at Tiers 2 and 3 include inquiries into the Subject's associations, influences, and foreign preferences only for the purpose of allowing meaningful additional investigation of the Subject's character and conduct.

3.3. Agencies can use their existing discretionary authority to apply these Tiers where a fitness determination is required for excepted service positions.

#### **4. RECIPROCITY OF INVESTIGATIONS**

4.1. Investigations that meet the requirements specified for a given Tier shall be reciprocally accepted for that Tier and lower Tiers with no additional investigation or updated e-Application provided there is no break in service/employment per paragraph 5.1, or special investigative requirement approved by the Security or Suitability Executive Agent, per paragraph 1.2.

4.2. Subjects who change positions, and whose new position requires a higher investigation tier, shall be subject to the investigative requirements of the higher tier, except that investigative elements conducted in prior investigations whose results are not expected to change (e.g., education degree) shall not be repeated in the new investigation.

4.3. When a gaining agency obtains new information during the hiring process that calls into question the Subject's suitability, a new investigation shall be conducted.

#### **5. BREAKS IN SERVICE/EMPLOYMENT**

5.1. Subjects who have a continuous (not cumulative) break in service/employment of two years or less, must complete an updated e-Application when returning to work for or on behalf of the Government unless the break is 60 days or less. Their current investigation on record will be used unless a new investigation is required by the Continuous Evaluation/Reinvestigation standard, or a review of the updated e-Application and indices of prior investigations and adjudications indicate the Subject may no longer satisfy the applicable suitability or security adjudication standards, or unless a higher level investigation is required.

5.2. Subjects who have a continuous (not cumulative) break in service/employment greater than two years must complete an updated e-Application and undergo the investigation required by their position designation when returning to work for or on behalf of the Government. Investigative elements conducted in prior investigations whose results are not expected to change (e.g., verification of naturalized citizenship) shall not be repeated in the new investigation.

#### **6. BREAKS IN ACCESS TO CLASSIFIED INFORMATION**

6.1. Subjects who have a break in access to classified information, and no break in service/employment, shall not require a new investigation or complete a new e-Application when returning to the original level of access, except as required by the Continuous Evaluation/Reinvestigation standard, provided there is no indication that the Subject no longer meets the applicable adjudication standard.

6.2. Subjects with no break in service or employment, whose position changes to a lower tier, shall not require a new investigation or the completion of a new e-Application if they return to a position in the higher tier, except as required by the Continuous Evaluation/Reinvestigation standard, provided there is no indication that the Subject no longer meets the applicable adjudication standard.

#### **7. INVESTIGATIVE METHODOLOGY**

##### 7.1. Investigative Coverage

7.1.1. Investigative coverage shall be accomplished by using automation to the greatest extent practicable to collect, verify, corroborate, or ascertain information about the Subject, as documented on the e-Application or developed from other sources.

7.1.2. Information validated in a prior investigation whose results are not expected to change (e.g., verification of naturalized citizenship), shall not be repeated as part of subsequent investigations.

7.1.3. Information corroborated or verified by the Trusted Information Provider will become part of the Subject's Investigative Record.

7.1.4. The investigative coverage for investigative elements specified in these standards shall be followed except when doing so extends the coverage prior to the Subject's 18<sup>th</sup> birthday. The investigative coverage may extend prior to the Subject's 18<sup>th</sup> birthday only when necessary to obtain a minimum of two year's coverage. This does not, however, preclude reporting information that pertains to the Subject's behavior and conduct prior to his or her 18<sup>th</sup> birthday, such as information reported by a reference or lawfully-accessed juvenile record information.

7.2. Acceptable Documentation for Citizenship/Legal Resident Status. All documents evidencing U.S. citizenship or legal resident status of non-U.S. citizens shall be original or certified copies of the original documents. Original documents shall be returned to the Subject after review.

7.3. Fingerprint Collection. Digital fingerprints shall be used to the greatest extent practicable. If fingerprints are submitted on paper, the requester is required to submit two sets of prints. If the digital or both sets of paper fingerprints are determined to be unclassifiable, then a check of the appropriate indices using the individual's name shall be substituted for the fingerprint check to the extent consistent with law.

#### 7.4. Overseas Investigations.

7.4.1. Host Nation laws generally restrict the level of investigation that can reasonably be performed internationally. Additionally, certain investigative activities (e.g., residence checks, local agency checks) may result in unwelcome attention to the Subject of the investigation.

7.4.2. To the extent practicable and warranted by the investigative findings, meeting the investigative standards should be accomplished through sources and records located within the United States, or located within United States facilities or installations overseas. Unfavorable information, discrepancies, information of security or suitability significance, or significant time period gaps might be cause for tailored international coverage. The best sources, regardless of location, shall always be sought to obtain required coverage.

7.4.3. If the investigation requires a Subject Interview and the Subject is outside the U.S., the interview should be conducted in person, except that under very limited circumstances, such as deployment to a remote location or a war zone, the Subject may be interviewed via secure communications.

### 8. TIER 1 INVESTIGATION

8.1. Purpose. Investigations conducted to this standard are for positions designated as low risk, non-sensitive, and for physical and logical access. This is the lowest level of investigation acceptable for federal employment that requires a suitability determination.

#### 8.2. Investigation Components.

8.2.1. Date and Place of Birth. The Trusted Information Provider shall corroborate the Subject's date and place of birth through a check of appropriate documentation.



8.2.2. Prior and Current Investigative Records. Appropriate indices and databases shall be checked to determine if there is an investigation that meets current needs. However, fingerprints must be collected and submitted for a criminal history check.

8.2.3. e-Application. Completion of the e-Application and applicable releases and supporting documentation.

8.2.4. Citizenship/Legal Status. The investigation shall verify the citizenship of foreign-born Subjects who claim U.S. citizenship, or the legal resident and employment eligibility status of foreign-born Subjects who do not claim U.S. citizenship.

8.2.5. Local Law Enforcement Agency Checks. Investigations shall include checks of the most complete criminal history repository of law enforcement agencies (municipal police departments, county sheriff's offices, etc.) having jurisdiction where the subject has lived, worked, and/or attended school for six months or more for the most recent five years, and, if applicable, of the appropriate agency for details and disposition for any identified arrests. (Exception: fines of less than \$300 for traffic offenses that do not involve alcohol or drugs.)

8.2.6. ARC. The ARC suite of checks shall include checks to obtain the following types of information: criminal history, known or suspected involvement in terrorism, validity of Social Security number, educational and employment history, employment conduct, type of military discharge, and Selective Service registration for persons required to register.

8.2.7. Expandable Focused Investigation. When the e-Application or investigation flags potential issues, additional investigation shall be conducted to develop and resolve the identified issues and explore the potential for other pertinent issues, sufficient to make an informed decision.

8.3. Credential Reissuance. When the Subject's credential is reissued, his or her fingerprints shall be submitted to the appropriate criminal justice agency for a criminal history check.

## 9. TIER 2 INVESTIGATION

9.1. Purpose. Investigations conducted to this standard are for positions designated as moderate risk, non-critical sensitive, and/or to allow access to "L" information, Confidential information, and Secret information. This is the lowest level of investigation acceptable for access to classified information.

9.2. Investigation Components. Tier 2 investigations shall contain the investigation components set forth in paragraph 8.2., above, plus:

9.2.1. ARC. The ARC suite of checks shall include checks to obtain information concerning the individual's financial history; foreign associates, business interests, and other foreign connections.

9.2.2. Expandable Focused Investigation. When the investigation flags potential issues, additional investigation shall be conducted to develop and resolve the identified issues and explore the potential for other pertinent issues, sufficient to make an informed decision.

### 9.3. Continuous Evaluation/Reinvestigation

9.3.1. Frequency. Subjects in Tier 2 appointed to positions that require eligibility for access to "L" information, Confidential information, and Secret information shall be reevaluated annually on at least 20% of personnel, with 100% conducted at least once every five years, and on an aperiodic basis or as event driven, subject to implementing guidance.

### 9.3.2. Investigation Components

9.3.2.1. Completion/Update of e-Application. Subjects shall update their e-Application when their re-evaluation is conducted; at any time when significant events occur in their lives, such as an arrest, bankruptcy, etc.; and, when personal identifying information changes, such as a change in name.

9.3.2.2. ARC. Automated record checks per paragraphs 8.2 and 9.2., above.

9.3.2.3. Expandable Focused Investigation. When the e-Application or investigation flags potential issues, additional investigation shall be conducted to develop and resolve the identified issues and explore the potential for other pertinent issues, sufficient to make an informed decision.

## 10. TIER 3 INVESTIGATION

10.1. Purpose. Investigations conducted to this standard are for positions designated as high risk, critical sensitive, special sensitive, and/or to allow access to "Q" information, Top Secret information and Sensitive Compartmented Information (SCI).

10.2. Investigation Components. Tier 3 investigations shall contain the investigation components set forth in paragraphs 8.2, and 9.2., above, plus:

10.2.1. Enhanced Subject Interview. An interview of the Subject shall be conducted to comprehensively review his or her background, and to explore the presence or absence of the potentially disqualifying conditions and mitigating factors of the applicable adjudication standards.

10.2.2. Employment. The review of employment records, and an interview of the supervisor, at each place of employment for the last three years.

10.2.3. Local Law Enforcement Agency Checks. In addition to the requirements set forth in paragraph 8.2.5., checks shall also be conducted at the current residence, regardless of duration.

10.2.4. ARC.

10.2.4.1. Subject. The ARC suite shall include checks to obtain information concerning civil court records, obtain financial information to detect large currency transactions and possible unexplained affluence, and to detect foreign association/preference.

10.2.4.2. Subject's Family. The ARC suite of checks shall include checks to obtain information concerning the Subject's spouse or cohabitant to determine if he or she has engaged in criminal activity that may have implications as to the Subject's access to classified information or suitability for employment. The ARC suite of checks shall also include checks to verify the U.S. citizenship of foreign-born immediate family members, or the legal status of foreign-born immediate family members who are not U.S. citizens and who reside in the United States.

10.2.5. Expandable Focused Investigation. When the e-Application or investigation flags potential issues, additional investigation shall be conducted to develop and resolve the identified issues and explore the potential for other pertinent issues, sufficient to make an informed decision.

10.3. Continuous Evaluation/Reinvestigation.

10.3.1. Frequency. Subjects in Tier 3 appointed to positions that require eligibility for access to "Q" information, Top Secret information or SCI shall be reevaluated annually or when event driven, subject to implementing guidance.

10.3.2. Investigation Components.



10.3.2.1. Completion/Update of e-Application. Subjects shall update their e-Application when their re-evaluation is conducted; at any time when significant events occur in their lives, such as an arrest, bankruptcy, etc.; and, when personal identifying information changes, such as a change in name.

10.3.2.2. Enhanced Subject Interview. A Subject Interview shall be included as part of the continuous evaluation/reinvestigation at least once every five years.

10.3.2.3. ARC. Automated record checks per paragraphs 8.2, 9.2., and 10.2., above.

10.3.2.4. Expandable Focused Investigation. When the e-Application or investigation flags potential issues, additional investigation shall be conducted to develop and resolve the identified issues and explore the potential for other pertinent issues, sufficient to make an informed decision.

## 11. EXPANDABLE FOCUSED INVESTIGATION

### 11.1. General Information.

11.1.1. The decision to expand an investigation is generally based on issue(s) that are known when the investigation is opened, or developed during the investigation. Those issues shall be expandable as appropriate to the Tier.

11.1.2. The expandable focused investigation shall include employment conduct and employment history checks, regardless of the type of issue flagged.

11.1.3. The expandable focused investigation may include review of pertinent records, or initial or follow-up interviews with individuals who can provide relevant information or resolve issues, including but not limited to the Subject, cohabitants, relatives, references (character, employment and neighborhood, as appropriate), psychiatrists, psychologists, other medical professionals, and law enforcement professionals, as appropriate. Statements should be taken and signed pursuant to 28 U.S.C. 1746 whenever appropriate.

11.1.4. When issues are present and the investigation is expanded pursuant to these standards, the Investigator shall address and report all the pertinent facts and circumstances necessary to fully develop or resolve those issues, and any other issues of concern that may arise during expansion. As appropriate to the issue or issues, this may necessitate inquiry into:

11.1.4.1. The nature, extent and seriousness of the conduct.

11.1.4.2. The circumstances surrounding the conduct, to include knowledgeable participation.

11.1.4.3. The frequency and recency of the conduct.

11.1.4.4. The Subject's age and maturity at the time of the conduct.

11.1.4.5. The voluntariness of participation.

11.1.4.6. The presence or absence of rehabilitation and other pertinent behavioral changes.

11.1.4.7. The motivation for the conduct.

11.1.4.8. The potential for pressure, coercion, exploitation, or duress.

11.1.4.9. The likelihood of continuation or recurrence.