



EFFECTIVE DATE: CCI 231.04  
04 March 2008

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By Order of the Acting Assistant Secretary for Health:

Donald Wright, M.D., M.P.H.

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SUBJECT: Background Investigation Requirement

1. PURPOSE: This Instruction establishes the background investigation requirement for appointment and/or continued service as an officer in the Commissioned Corps of the U.S. Public Health Service (Corps).
2. APPLICABILITY:
  - 2-1. This Instruction applies to all candidates for appointment in the Corps.
  - 2-2. This Instruction applies to all Regular and Reserve Corps officers including, but not limited to, officers serving on extended active duty, officers serving in the Inactive Reserve Corps or any other reserve component of the Corps, or officers participating in the Junior Commissioned Officer Student Training and Extern Program (COSTEP) or Senior COSTEP.
  - 2-3. Officers detailed to a component of the Armed Forces or other non-departmental organization must meet the investigation requirements listed in this Instruction and any additional requirements required by such organizations.
3. AUTHORITY:
  - 3-1. [Executive Order No. 10450](#) dated 27 April 1953, as amended
  - 3-2. [Executive Order No. 12968](#) dated 2 August 1995
  - 3-3. [25 USC 3207](#)
  - 3-4. [42 USC 13041](#)
  - 3-5. [Homeland Security Presidential Directive \(HSPD\)-12](#) dated 27 August 2004
  - 3-6. [42 USC 216](#)
  - 3-7. [CC43.7.1](#), "Termination of Officers' Commissions in the Regular and Reserve Corps Without the Consent of Officers Involved"
  - 3-8. [CC43.8.1](#), "Retirement of PHS Commissioned Officers"

- 3-9. [CC23.8.4](#), "Involuntary Retirement After 20 Years of Service"
- 3-10. By memorandum dated 24 July 2003, the Secretary of Health and Human Services (Secretary) delegated the authority to administer and establish policy for the Corps to the Assistant Secretary for Health (ASH), including the authority to terminate the commissions of Reserve Corps officers. The Secretary has 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.
4. PROPONENT: The proponent of this Instruction is the ASH.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS). This Instruction:
  - 5-1. Supplements [CCI 231.01](#), "General Appointment Standards."
  - 5-2. Provides implementing policy for CC43.7.1, "Termination of Officers' Commissions in the Regular and Reserve Corps Without the Consent of Officers Involved."
  - 5-3. Supplements [CC23.3.7](#), "Regular Corps Assimilation Program."
  - 5-4. Supplements [CC23.3.5](#), "Inter-Service Transfer of Commissioned Officers."
  - 5-5. Supplements [CC23.8.4](#), "Involuntary Retirement After 20 Years of Service."

## 6. POLICY:

## 6-1. Minimum Background Investigation Requirement.

- a. Extended Active Duty. A favorably adjudicated Access National Agency Check and Inquiries (ANACI) investigation with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance is required for appointment and/or continued service on extended active duty as an officer in the Regular or Reserve Corps. A National Agency Check with Law and Credit (NACLIC) with an additional State criminal history child care check (CNACI) reinvestigation will be completed every 10 years from the date of last investigation.
- b. Junior COSTEP. A favorably adjudicated National Agency Check and Inquiries (NACI) investigation with an additional State criminal history child care check (CNACI) is required for appointment and/or continued service as a Junior COSTEP.
- c. Senior COSTEP. A favorably adjudicated ANACI investigation with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance is required for appointment and/or continued service as a Senior COSTEP.
- d. Inactive Reserve Corps (IRC). A favorably adjudicated ANACI with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance is required for direct appointment to the IRC. Officers recalled to duty for a short or intermittent tour of duty must have a favorably adjudicated ANACI or NACLIC investigation with an additional State criminal history child care check (CNACI) within the last 10 years and a Special Agency Check (SAC) consisting of a fingerprint file check within the last year.

## 6-2. Appointment Standard. All candidates being appointed in the Corps must fully complete and submit all required investigative documents prior to being appointed to the Corps and obtain a favorably adjudicated investigation to be retained on active duty. Under no circumstances will an officer be retained beyond his/her probationary period without a favorably adjudicated ANACI investigation with an additional State criminal history child care check (CNACI). Candidates may be commissioned prior to obtaining a favorably adjudicated ANACI with an additional State criminal history child care check (CNACI) if the candidate:

- a. Is given an interim NACI approval by the Director, Office of Commissioned Corps Operations (OCCO), based on information provided in the required investigative documentation; and
- b. Submits written acknowledgement to the Director, OCCO, that the candidate's commission will be immediately terminated if the investigation is deemed unsatisfactory.

## 6-3. Extended Active Duty and Senior COSTEP. All Regular and Reserve Corps officers are required to have a favorably adjudicated ANACI or NACLIC with an additional State criminal history child care check (CNACI) on file with OCCO. In addition:

- a. Reserve Corps Probationary Period. Reserve Corps officers in their probationary period who do not obtain a favorably adjudicated ANACI with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance within the probationary period and/or fail to maintain a favorably

adjudicated ANACI with an additional State criminal history child care check (CNACI) in their probationary period, will have their commissions terminated by the Director, OCCO, under the authority of the ASH.

- b. Less than 20 Years Retirement Credit. Regular or Reserve Corps officers with less than 20 years retirement credit who do not obtain a favorably adjudicated ANACI or NACLCL with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance by 1 September 2008 and/or fail to maintain a favorably adjudicated ANACI or NACLCL with an additional State criminal history child care check (CNACI), may be reassigned or have their case reviewed by an Involuntary Termination Board (ITB) in accordance with CC43.7.1.
- (1) For Reserve Corps officers other than for cases involving disloyalty or subversion, the Surgeon General (SG) will render a final decision regarding reassignment or termination when deemed necessary or advisable in the interest of national security.
  - (2) For Regular Corps officers and Reserve Corps officers in cases involving disloyalty or subversion, the ASH, in consultation with the SG, shall refer the case with a recommendation regarding reassignment or termination to the Secretary for a final decision. When necessary or advisable in the interest of national security, the Secretary may reassign or terminate an officer's Regular Corps or Reserve Corps commission.
- c. 20 Years or More Retirement Credit. Regular or Reserve Corps officers with at least 20 years retirement credit and who are unable to obtain a favorably adjudicated ANACI or NACLCL with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance by 1 September 2008, and/or fail to maintain a favorably adjudicated ANACI or NACLCL with an additional State criminal history child care check (CNACI) may be referred to an involuntary retirement board pursuant to CC23.8.4. The SG shall make the final decision with regard to whether an officer will be retained on active duty, reassigned, or involuntarily retired when deemed necessary or advisable in the interest of national security.
- 6-4. IRC and Junior COSTEP. Officers who do not obtain a favorable investigation will have their commissions terminated by the Director, OCCO, under the authority of the ASH.
- 6-5. Assimilation. Officers are required to have a favorably adjudicated ANACI or NACLCL with an additional State criminal history child care check (CNACI) and eligibility for a Secret security clearance to assimilate in the Regular Corps starting with the 2008 assimilation cycle.
- 6-6. Inter-service Transfers. Officers seeking an inter-service transfer to the Corps must meet the background investigation requirement set forth in this Instruction. Officers must fully complete and submit all required documents prior to being appointed into the Corps as inter-service transfer.
- 6-7. Retention on Active Duty. Pursuant to Section 6-3, under extraordinary circumstances, an officer on extended active duty may be continued on active duty by the SG, ASH, and/or Secretary if the officer fails to obtain a favorably adjudicated ANACI or NACLCL with an additional State criminal history child care check (CNACI). In these unique circumstances, the officer must obtain a favorably adjudicated NACI investigation with an additional State criminal history child care check (CNACI) and be assigned to a billet that does not require eligibility for a Secret clearance. Such officers with less than 20 years

retirement credit will be reevaluated at 20 years of service to determine if continued retention on extended 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 of Health and Human Services (HHS), and the Secretary, ASH, or SG determine that the officer's continued service on extended active duty is required to meet the mission of HHS and the Corps.

7. RESPONSIBILITIES:

- 7-1. Surgeon General. The SG is responsible for the day-to-day management of the Corps. The Director, OCCO, advises the SG on the day-to-day management of the Corps, manages the systems requirement for the appointment and retention of officers, and implements the policies of the ASH involving Corps operations ([68 FR 70507](#) dated 18 December 2003). The Director, OCCO, will grant interim NACI approval as appropriate and administer the background investigation program.
- 7-2. Office of Commissioned Corps Force Management (OCCFM). Under the authority of the ASH, the Director, OCCFM, will exercise program evaluation and oversight of the background investigation program consistent with this Instruction.

8. PROCEDURES:

- 8-1. Appointment. All candidates shall initiate and complete the required investigative paperwork prior to being called to extended active duty plus submit written acknowledgement to OCCO that the candidate's commission will be immediately terminated if the background investigation is deemed unsatisfactory. The SG or designee shall issue a Personnel Operations Memorandum (POM) through the eCCIS setting the required paperwork and background investigation requirement procedures for candidates.
- 8-2. Regular and Reserve Corps officers. The Director, OCCO, shall issue a POM setting forth the required paperwork and background investigation requirement procedures for ensuring that officers serving on extended active duty meet the active duty investigative requirement.

9. HISTORICAL NOTES: This is the first Instruction on the background investigation requirement within the eCCIS.