



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

October 3, 2023

Memorandum for Heads of Executive Departments and Agencies

From: Kiran A. Ahuja
Director

A handwritten signature in blue ink that reads "Kiran A. Ahuja".

Subject: Continuous Vetting for Non-Sensitive Public Trust Positions

The purpose of this memorandum is to inform Federal agencies of an upcoming change to replace periodic reinvestigations for the non-sensitive public trust population with continuous vetting. The Defense Counterintelligence and Security Agency, in partnership with the Suitability, Credentialing, and Security Executive Agents and the Performance Accountability Council, Program Management Office, initiated a continuous vetting pilot in June 2023 for the non-sensitive public trust population. Full implementation of this population is currently targeted to begin in Fiscal Year (FY) 2024.¹ Enrollment will proceed iteratively, with a goal of enrolling 100% of this population into an initial capability in FY 2024. Additional information on the pilot and implementation guidance for continuous vetting for this population will soon be forthcoming. Until agencies begin enrollment of their non-sensitive public trust populations into continuous vetting, they must continue to initiate reinvestigations for individuals occupying these positions in accordance with existing policy and established protocol. Doing so will ensure that agencies are in compliance with the regulatory requirement and avoid potential delays in mobility for applicants or employees caused by out-of-scope investigations.

Background

In November 2011, through regulatory changes to title 5, Code of Federal Regulations part 731 (5 CFR 731), OPM implemented a periodic reinvestigation requirement for public trust positions as required by Executive Order (E.O.) 13488, *Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust*.² Since that time, agencies have been required to comply with the reinvestigation requirement for positions designated at the moderate and high risk levels. Specifically, in accordance with 5 CFR § 731.106(d) agencies must ensure that for covered positions³

¹ This effort is part of the larger Trusted Workforce 2.0 initiative and takes into account the requirements of the Federal Personnel Vetting Investigative Standards issued by the Suitability, Credentialing, and Security Executive Agents in May 2022.

² This E.O. was amended on January 17, 2017, by E.O. 13764 *Amending the Civil Service Rules, Executive Order 13488, and Executive Order 13467 to Modernize the Executive Branch-Wide Governance Structure and Processes for Security Clearances, Suitability and Fitness for Employment, and Credentialing, and Related Matters*.

³ For the purposes of 5 CFR 731, covered positions are positions in the competitive service, positions in the excepted service that non-competitively convert to the competitive service, and career appointments to the Senior Executive Service.

reinvestigations are conducted, and a determination made regarding continued employment of persons occupying public trust positions, at least once every five years. The nature of the reinvestigations and any additional requirements and parameters are established in the 2012 Federal Investigative Standards and supplemental guidance.

In 2017, E.O. 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employment, and Eligibility for Access to Classified National Security Information*, was amended. The amendments, in part, require continuous vetting of all covered individuals. Continuous vetting means reviewing the background of a covered individual at any time to determine whether that individual continues to meet applicable requirements. Per the E.O., covered individual means a person who performs, or who seeks to perform, work for or on behalf of the executive branch, or otherwise interacts with the executive branch such that the individual must undergo vetting, but does not include the President or employees of the President, the Vice President or employees of the Vice President, or with respect to background investigations, duly elected or appointed governors or an official who has succeeded to that office under applicable law.

With respect to excepted service and contractor employees, the 2012 Federal Investigative Standards specify that individuals in Tier 2 and Tier 4 positions “shall be reinvestigated at least once every five years and as event driven, subject to implementing guidance.” As such, excepted service and contractor employees covered by the Federal Investigative Standards have also been subject to reinvestigation requirements.

Related Matters

On January 31, 2023, OPM proposed changes to part 731 which would, in part, expand applicability of position designation, subject to investigation, continuous vetting, and reciprocity requirements to the excepted service, contractor staff-like positions, and Department of Defense non-appropriated funds employees, as defined in the proposed rule. (See <https://www.federalregister.gov/documents/2023/01/31/2023-01650/suitability-and-fitness-vetting>.) The changes include a requirement to enroll the low-risk population into continuous vetting. The comment period closed on April 3, 2023, and OPM is in the process of preparations for the final rule. Further guidance with respect to continuous vetting for the low-risk population will be furnished separately upon the proposed changes being finalized.

Questions may be directed to SuitEA@opm.gov.

Attachment: Continuous Vetting Overview and Frequently Asked Questions

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resource Directors