

SUPPORTING STATEMENT
1110-0039
FEDERAL BUREAU OF INVESTIGATION BIOTERRORISM PREPAREDNESS ACT:
ENTITY/INDIVIDUAL INFORMATION

A. Justification.

1. Necessity of Information Collection

In June 13, 2002, the President of the United States signed the Public Health and Bioterrorism Preparedness and Response Act of 2002, (Bioterrorism Act), Public Law 107-188 into effect. Under this Act, the Secretaries of the United States Department of Agriculture (USDA) and Health and Human Services (HHS), in consultation with the U.S. Attorney General, are responsible for establishing the appropriate safeguards and security requirements for persons possessing, using, or transferring select biological agents and toxins. Responsibility for implementing these requirements has been designated to the Animal and Plant Health Inspection Service and by the Secretary, USDA, and to the Centers for Disease Control and Prevention by the Secretary, HHS. Under the Bioterrorism Act, the Department of Justice/FBI is responsible for conducting a Security Risk Assessment (SRA) of individuals who have been identified by the USDA and HHS as requiring access to select biological agents and toxins.

On January 30, 2003, the U.S. Attorney General directed the FBI to conduct the Bioterrorism SRAs under sections 201, 212 and 221 of the Public Health Security and Bioterrorism Act, Pub. L. 107-188, 166 Stat. 594 (2002). On March 25, 2003, FBI Director Mueller directed the Criminal Justice Information Services (CJIS) Division to conduct the Bioterrorism SRAs. Under this delegation, the FBI receives names and other identifying information submitted by individuals requesting access to specified agents and toxins; utilizes electronic databases and other sources of information to conduct SRAs of such individuals; and consult with appropriate officials of the HHS and the USDA to determine whether certain individuals should be denied access to or granted limited access to specified agents.

The HHS and USDA provide the CJIS Division with completed FD-961 Information Forms which contain identifying information on the individual seeking access to the listed agents and toxins. The CJIS Division uses identification information submitted by each individual to complete SRAs on the following databases: Interstate Identification Index (III), the National Crime Information Center (NCIC) "hot files", the FBI Indices, the Foreign Terrorist Tracking Task Force (FTTTF) Database, the Bureau of Immigration and Customs Enforcement (ICE) Databases, and the FBI's Department of Veterans Affairs (DVA) Database. A "routine use" is being established to allow the CJIS Division access to the Department of Defense's (DOD) dishonorable discharge data for Bioterrorism SRAs.

A revision of this currently approved collection is requested in addition to a 3-year extension.

The revisions on the existing form are:

The first paragraph under instructions will read the following:

The FD-961 Form can be obtained by accessing the Criminal Justice Information Services Division web page at www.fbi.gov/hq/cjisd/cjis.htm. Click on the Bioterrorism link located at the bottom of the page. The FD-961 form can be completed on line, printed and mailed with the fingerprint cards as a complete package to the CJIS Division (First Time Applicant). Or the FD-961 form can be completed on line, printed and faxed to the CJIS Division at 304-625-5393 (Renewal, Repeat, and Reactivations). The fingerprint card packages consists of two fingerprint cards, general instructions, fingerprint instructions, and a pre-addressed return envelope. These packages can be obtained via faxing a request to the FBI at 304-625-3984. The faxed request should include the following: the entity name, point of contact or RO, the correct mailing address, contact telephone number and how many fingerprint card packets are requested. In order for the security risk assessment to be processed in a timely manner, the FD-961 Form and two legible fingerprint cards must be returned to the FBI as one package. The FBI will not conduct a security risk assessment for an individual unless it has received a completed FD-961 Form and two legible fingerprint cards. For questions concerning who needs to complete the FD-961 form please reference the Frequently Asked Questions posted on the Select Agent web page at www.cdc.gov/od/sap/faq.htm.

Remove COMPLETION OF THE FD-961 FORM section.

Under GENERAL GUIDANCE ON COMPLETING THE FD-961 FORM:

Add:

Section I, Block 1: Provide the legal name of the entity and the entity application number supplied by APHIS or CDC.

Section I, Block 3: Indicate the type of applicant by following the guidelines below:

First Time Applicant: Individual acquiring access to select agents and toxins. Requires completed FD-961 form with DOJ Number and two fingerprint cards submitted to the CJIS Division.

Renewal Applicant: Individual working at the same entity for 3 - 5 year renewal time frame. Requires completed FD-961 with DOJ Number submitted to the CJIS Division.

Repeat Applicant: Individual acquiring access to select agents and toxins at a different entity than originally cleared for. Requires completed FD-961 form with DOJ Number submitted to the CJIS Division.

Reactivation Applicant: Individual who in the past had access to select agents and toxins but resigned or withdrew from the program. Requires completed FD-961 form with DOJ Number submitted to the CJIS Division.

Under Completion of Fingerprint Cards:

Replace "Each Individual" at the beginning of the paragraph with "First time applicants".

Revise the bolded paragraph to read the following:

Once printed, the two fingerprint cards and the completed FD-961 Form must be forwarded to the FBI. In order for the security risk assessment to be processed in a timely manner, the FD-961 Form and Fingerprint Cards must be returned to the FBI as one package mailed in the pre-addressed envelope. If not using the pre-addressed envelopes please submit completed packages to:

**Bioterrorism Security Risk Assessment Group E-3
CJIS Division
1000 Custer Hollow Road
Clarksburg, WV 26306-0002**

The FBI will not conduct a security risk assessment for an individual unless it has received a completed FD-961 Form and two legible fingerprint cards.

Replace "Requirements due to change of employer" with "Additional Requirements".

Revise the first sentence under Additional Requirements to read the following:

Under any case where an individual is changing employers, reactivating employment or completing a security risk assessment renewal, the individual must submit a completed FD-961 form to the FBI via mail or fax

The FD-961 Form Revisions:

On the top header, change FD-961 Revision date to 01-12-2009 and replace the expiration date with 2012.

Section I: Entity Information remove (Identical to that indicated on the CDC or APHIS registration application)

Section I, block 1 add Legal Name of Entity and Entity Application Number (Supplied by APHIS or CDC)

Section I, block 2 remove (Not a post office box) and spread out Street, City, State and Zip Code.

Section I, block 3 replace Type of Entity with Type of Applicant. The check mark boxes will be labeled as First Time Applicant, Renewal Applicant, Repeat Applicant, and Reactivation Applicant. Remove *** Indicate if you are a corporate officer, board of director and/or stock holder check boxes.

Section II question 7 replace No. with Number,.

Section II question 9 bold, capitalize, italics, and color in red ***IF NOT BORN IN THE US PLEASE COMPLETE QUESTIONS ON PAGE 2 TITLED FOREIGN BORN INFORMATION.***

Section II question 11 Replace Unique Identifier with DOJ.

Section II Number 12 move the statement "Title 18 Section 1001 of the U.S. Code provides the knowingly falsifying or concealing a material fact is a felony that may result in fines or imprisonment for not more than 5 years or both." to the top of the form directly under the title.

Section II question 12a remove commas.

Section II question 12b remove commas and italics *even if you received a shorter sentence including probation?*

Section II question 12g change "If yes, please complete page 2 of the application" to bold, capitalize, italics and color in red "***IF NOT BORN IN THE US PLEASE COMPLETE QUESTIONS ON PAGE 2 TITLED FOREIGN BORN INFORMATION.***"

Page 2 question 14 should read Mother's Full **Maiden** Name.

Page 2 question 15 remove the extra space between Father's and Full.

Page 2 question 21 move the Alien Registration explanation before the question. Add bold, capitalize, italics and color in red ink to the end of the explanation sentence ***IF THE ALIEN NUMBER OR ADMISSION NUMBER IS NOT PROVIDED A SECURITY RISK ASSESSMENT WILL NOT BE COMPLETED.***

2. Needs and Uses

The Bioterrorism Preparedness Act: Entity/Individual Information FD-961 forms are mandatory in order to receive a Bioterrorism Security Risk Assessment conducted by the CJIS Division. The CJIS Division is provided with completed FD-961 Information Forms which contain identifying information on the individual seeking access to the listed agents and toxins. The CJIS Division uses identification information submitted by each individual to complete SRAs on the following databases: III, the NCIC "hot files", the FBI Indices, the FTTTF Database, the ICE Databases, and the FBI's DVA Database. A "routine use" is being established to allow the CJIS Division access to the DOD's dishonorable discharge data for Bioterrorism SRAs.

The SRAs are completed and weekly letters are mailed to HHS and USDA as to whether certain individuals should be denied access to or granted limited access to specific agents.

3. Use of Information Technology

Currently, the FD-961 form is not submitted electronically to the CJIS Division. The FD-961

form is available online in a PDF format. The FD-961 form can be completed electronically online but must be printed and mailed to the CJIS Division for processing. The electronic possibility is under consideration with the three agencies (CJIS Division, HHS and USDA) involved in the SRA process.

4. Efforts to Identify Duplication

This information collection was authorized in direct response to enactment of Public Health and Bioterrorism Preparedness and Response Act of 2002, (Bioterrorism Act), Public Law 107-188. The CJIS Division is the only agency collecting extensive data for SRAs. The information being collected is used for the sole purpose of conducting SRAs.

5. Minimizing Burden on Small Businesses

This information will have minimal effort on small entities.

6. Consequences of Not Conducting or Less Frequent Collection

If the FD-961 is not submitted the agencies and or individuals will not be in compliance with the Public Health and Bioterrorism Preparedness and Response Act of 2002, (Bioterrorism Act), Public Law 107-188 which has been congressionally mandated.

7. Special Circumstances

All Bioterrorism SRA information is collected on dates not less then every five years.

8. Public Comments and Consultations

This information collection has been overseen by a multi-agency forms steering committee. The final rule regarding possessing use transfer of specific toxins and agents was completed in March 2005.

9. Provision of Payments or Gifts to Respondents

The Bioterrorism SRA program does not provide any payments or gifts to respondents.

10. Assurance of Confidentiality

All information will be held confidential in accordance with Title 42, U.S.C. Section 3789 (g). Information will be utilized by the BRAG for the sole purpose of conducting Bioterrorism SRAs in accordance with the Bioterrorism Act and the regulations promulgated thereunder.

11. Justification for Sensitive Questions

The FD-961 Form does ask sensitive questions which are covered under the congressionally mandated Public Health and Bioterrorism Preparedness and Response Act of 2002, (Bioterrorism

Act), Public Law 107-188.

12. Estimate of Respondent's Burden

We estimate the respondent's burden for this data collection as follows:

Number of respondents 4,784 (Fiscal Year 2008)

Frequency of respondents varies depending upon individual applicants but not less than every 5 years

Total annual responses 4,784 (Fiscal Year 2008)

Minutes per response 45 minutes

Annual hour burden 3,588 hours

13. Estimate of Cost Burden

Respondents will incur the cost of \$.88 for postage fees to submit the FD-961 form and two completed fingerprint cards. The total annual cost incurred by the FY2008 respondents is \$4209.92.

14. Cost of Federal Government

The estimated average cost per security risk assessment is approximately \$181. The annual cost to the FBI (based solely on FY2008 respondents) is \$865,904.

15. Reason for Change in Burden

Increase in hour burden and cost burden due to a increase of security risk assessment renewals received.

16. Anticipated Publication Plan and Schedule

This data collection does not publish any results.

17. Display of Expiration Date

All information collected under this clearance will display the OMB Clearance Number. Any forms disseminated from the FBI's Bioterrorism Risk Assessment Program will include the OMB clearance number.

18. Exception to the Certification Statement

The FBI's CJIS Division does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

The CJIS Division does not employ statistical methods when collecting this information.