

OMB Supporting Statement
(SF 85, SF 85P, SF 85PS, SF 86, SF 86A, SF 86C)

Investigative Requests for:

- Questionnaire for Non-Sensitive and Low Risk Positions (SF 85)
- Questionnaire for Public Trust Positions (SF 85P)
- Supplemental Questionnaire for Selected Positions (SF 85PS)
- Questionnaire for National Security Positions (SF 86)
- Continuation Sheet for Questionnaires (SF 86A)
- Standard Form 86 Certification (SF 86C)

Justification:

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Depending upon the purpose of the investigation, the United States Government is authorized to ask for this information under Executive Orders (E.O.), 10450, 10865, 12333, and 12968,; sections 3301, 3302, and 9101 of title 5, United States Code; sections 2165 and 2201 of title 42, United States Code; chapter 23 of title 50, United States Code; and parts 2, 5, 731, 732, and 736 of title 5, Code of Federal Regulations.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information collected on the SF 85, SF 85P, SF 85PS, SF 86, SF 86A, and SF 86C is needed for investigating and determining suitability for Government employment, contractor employee fitness, eligibility for access to classified information, and access to federally controlled facilities and information systems.

The content and format of the information collected is the basis for a large scale automated investigations processing system. The U. S. Office of Personnel Management (OPM), Federal Investigative Services Division (FISD) uses the Personnel Investigations Processing System (PIPS), to schedule the investigations from the data collected by the forms.

The **SF 85** collects information needed to initiate a suitability investigation. The investigation is scheduled by FISD or other agencies from the data provided on the SF 85. Checks consist of federal records repositories, local law enforcement, and institutions relevant to the personal history of the subject of investigation, such as educational institutions and employers. The information obtained is used in combination with information on the SF 85 itself in determining suitability for Federal employment or

contractual service or access to federally controlled facilities and information systems. If the information from the respondent is not collected by the SF 85, the required investigation cannot be conducted. Background investigations are required for all employees in the Federal Executive Branch and persons with access to federally controlled facilities and information systems.

The **SF 85P** is used to collect information needed to initiate a suitability investigation for a public trust position. The investigation is scheduled by FISC from the data entered on the SF 85P – and formerly the SF 85PS. It is proposed that the SF 85PS be eliminated because the questions formerly on the SF85PS now reside on the SF 85P. Checks consist of federal records repositories, local law enforcement, and institutions relevant to the personal history of the subject of investigation, such as educational institutions, employers, and credit bureaus. The results of the investigation, in combination with information on the SF 85P, are used in determining suitability for Federal employment or contractual service. If the information from the respondent is not collected by the SF 85P, a background investigation cannot be conducted. Background investigations are required for all employees in the Federal Executive Branch.

The **SF 86** collects information needed to initiate a background investigation for persons under consideration for or retention in a national security position. Checks consist of federal records repositories, local law enforcement, and institutions relevant to the personal history of the subject of investigation, such as educational institutions, employers, and credit bureaus. The results of the investigation, in combination with data on the SF 86, are used in determining placement in a position involving national security duties or access to classified information. If the information from persons subject to investigation is not collected on the SF 86, the required background investigation cannot be conducted. Unless the background investigation is conducted, a person cannot be granted access to classified information or placed in a national security position.

The **SF 86A** was previously used in lieu of blank paper as a continuation of the form with which its use was associated and not for any unique purpose exclusive from the associated form. This form was used with the SF 85, SF 85P, and the SF 86. It is proposed that this form be eliminated as it is not necessary when e-QIP is used. Additionally, GSA has requested that the Standard Forms be available to customers per website only. They will no longer be stocking the paper forms. The **SF 86C** is used in lieu of completing a new SF 86 to allow the individual to indicate that there have been no changes in the data provided on the most recently filed SF 86 or to allow the individual to easily provide new or changed information. The electronic format of the proposed SF 86 eliminates the need for a separate SF 86C.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of

collection. Also describe any consideration of using information technology to reduce burden.

The SF 86 is a standard form used for collecting subject data to be used in official background investigations conducted by the U.S. Government. e-QIP (Electronic Questionnaires for Investigations Processing) is a web-based system application that currently houses the SF 86. This internet data collection tool provides faster processing time and immediate data validation to ensure accuracy of the respondent's personal information.

e-QIP automates the data collection process from the respondent, applies all required data editing rules to the respondent-supplied information, enforces data integrity, and provides sponsoring agencies an automated capability to review and approve each respondent's submission before releasing the data to an investigative services provider (ISP). e-QIP serves as a feeder system to other governmental systems, including ISPs and sponsoring agency personnel or security systems such as that at the Department of State.

A respondent's complete and certified investigative data will remain secured in the e-QIP system until the next time the respondent is sponsored by an agency to complete a new investigative form. Upon initiation, the respondent's previously entered data (except 'yes/no' questions) will populate a new investigative request and the respondent will be allowed to update their information and certify the data. In this instance, time to complete the form is reduced significantly.

The numerous benefits offered by e-QIP to Federal agency customers have resulted in its rapid adoption across the government. Currently there are over 60 different Federal agencies, including every major cabinet department, servicing a worldwide government community of respondents and other federal systems. At any given time there are approximately 200,000 active investigative requests in e-QIP. The built-in flexibility of e-QIP allows its data collection capabilities to be utilized by other ISPs for various portions of their investigative workload. Additionally, the e-Government initiative also mandates that agencies utilize e-QIP for all investigations and reinvestigations.

The planned collection for the SF 86 is an electronic application that introduces additional functionality to e-QIP. The electronic application is a dynamic, web-based tool that guides users in providing biographic details, declarations, clarifications, and mitigating information necessary to conduct investigations for the hiring and clearing process. The electronic application enhances self-reporting of relevant information and reduces overall investigation processing times by increasing accuracy of data provided.

The electronic application includes branching questions and instructions which provide for a tailored collection from the respondent based on varying factors in the respondent's personal history. The burden on the respondent is reduced when the respondent's personal history is not relevant to a particular question, since the question branches, or expands for additional details, only for those persons who have pertinent information to provide regarding that line of questioning. As such, the burden on the respondent will

vary depending on whether the information collection relates to the respondent's personal history. .

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information collected on this form is individual specific and not available from other sources, thus minimizing duplication.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Not applicable. This collection of information does not affect small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The SF 86 is used to initiate background investigations required by E.O. 10450 and 12968. All national security positions are subject to this level of investigation. If this information is not collected, agencies cannot comply with E.O. 10450, 10865, 12333, and 12968. This collection of information cannot be made less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not applicable.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-day Federal Register Notice was published June 23, 2008 (Volume 73, Number 121, pages 35421-35422). The notice proposed to change the SF 86 to specify continuous evaluation as a purpose of the form and a part of the investigative process. The "Authorization for Release of Information" was amended to acknowledge that the information provided may be used to conduct officially sanctioned and approved personnel security-related research and studies. The authorization language was amended to change the period the authorization remains in effect from (up to) five years to an unspecified period so long as the respondent remains employed in a sensitive position requiring access to classified information. The Fair Credit Reporting Disclosure and Authorization Form was made part of the proposed SF 86 as required under OMB Terms of Clearance. It is important to note that at the time the Federal Register notice was posted in June 2008, agencies were still utilizing the 1995 version of the form as the version in use today had not yet been implemented.

The following Federal agencies, agency components and multi-agency working groups made comments during the public comment period following the 60-day Notice: Social Security Administration, Joint Security and Suitability Reform Team (JRT), Department of Housing and Urban Development, Department of Health and Human Services, U.S. Agency for International Development, Department of Homeland Security (DHS), Central Intelligence Agency, Department of Transportation, Director of National Intelligence (DNI), Department of State (DOS), Department of State Mental Health Services, Federal Bureau of Investigation, Defense Personnel Security Research Center, Department of Energy (DOE), and internal commentators from the U.S. Office of Personnel Management (OPM). OPM internal commentators mostly focused on administrative issues related to the formatting of the instructions and layout of the questions on the former paper collection. Most comments from agencies other than the

JRT focused on changes to the collection of mental health treatment information relative to treatment resulting from service in a military combat environment. The JRT comments focused on collecting from the respondent more accurate and relevant information of investigative and adjudicative significance earlier in the investigative process, to wit at the time the respondent completes the form, and the JRT recommended expanded branching questions in most sections of the form to collect additional details. The complete listing of comments is provided in the attached 60-day Notice Comments Matrix.

A 30-day **Federal Register** Notice was published December 31, 2008 (Volume 73, Number 251, pages 80445– 80447). This notice proposed an SF 86 that incorporated the significant and substantial changes to the lines of questioning recommended in the comments by the JRT. Section 9, Citizenship, was changed to collect additional information that will assist in verifying citizenship of respondents born outside of the U.S. Branching questions inserted after each response tailored the elicitation of information to the respondent's personal history. Section 10, Dual/Multiple Citizenship, was expanded to include broader questions designed to elicit information pertinent to the adjudicative guideline for Foreign Preference. At Section 11, Where You Have Lived, branching questions replaced detailed instructions for all respondents and instead tailored the collection to elicit information based on the respondent's relevant personal history. Additional contact information for the residence reference was added to assist investigation. At Section 12, Where You Went To School, the instructions were changed to require 7 years of information vice 10 regarding certain educational activities and the verbiage was changed regarding listing degrees or diplomas received more than 7 years ago to be consistent with changes to the investigative standards. At Section 13a, Employment Activities, branching questions were added to reduce detailed instructions for all respondents and tailor instructions as applicable to the respondent. "Code 9 - Non-government employment (excluding self-employment)" was added to the employment types for clarity. Additionally, branching questions for foreign addresses and contacts were added to assist investigation. At Section 13c, Employment Record, branching questions were added to prompt the applicant to enter the required information following each positive response, thereby simplifying the detailed instructions previously necessary. The requirement to specify whether the respondent was laid off from a job was deleted as this information was not pertinent the adjudicative guidelines regarding the personal conduct and handling protected information that drive the Employment Record section. At Section 15, Military Service, branching questions were added to collect more specific details pertinent to the Personal Conduct and Criminal Conduct adjudicative guidelines. Branching question were added to elicit more information regarding foreign military service to obtain information pertinent to the adjudicative guidelines for Foreign Influence and Foreign Preference. At Section 16, People Who Know You Well, branching questions were added to clarify and collect additional information pertaining to the references. At Section 17, instructions were branched for to assist investigations, and the definition of "cohabitant" was clarified. Section 18 was reformatted for branching questions and "Visa" was added to the listing of types of documentation to support investigation. At Section 19, Foreign Activities, "influence" replaced "common interests" for clarity regarding relationships with foreign nationals.

Branching questions were added to obtain additional information pertaining to foreign connections and the approximate frequency of contact to support the Foreign Influence adjudicative guideline. At Section 20, additional questions regarding foreign financial activities, foreign real estate, and receipt of benefits from a foreign country, including questions concerning the subject's immediate family members, were added to elicit information pertinent to the Foreign Influence guideline. Additional questions regarding foreign employment, business ventures, travel, and foreign government contacts, including questions concerning the subject's immediate family members, were added to elicit information pertinent to the Foreign Influence, Foreign Preference, Outside Activities adjudicative guidelines. At Question 21, additional branching questions were added to elicit information regarding mental health conditions and treatment pertinent the adjudicative guideline for Psychological Conditions, including questions about counseling or treatment providers, whether treatment was on an in-patient basis, and whether admission was voluntary, and whether the subject was ever adjudicated as mentally incompetent. At Section 22, Police Record, branching questions were added to inquire about the disposition of criminal proceedings, and to inquire about offenses related to firearms, explosives, alcohol and drugs for a 7 year period vice an unlimited period pertaining to the respondent's entire life. At Section 23, Illegal Use of Drugs or Drug Activity, questions were added regarding intent of future use and drug treatment pertinent to the adjudicative guideline for Drug Involvement. The requirement to report possession of drugs was replaced with a broader collection requiring reporting of illegal purchase. At Section 24, Use of Alcohol, questions were branched to further identify actions taken by applicant to pursue and/or complete recommended counseling/treatment and to elicit pertinent information regarding the adjudicative guideline for Alcohol Consumption. At Section 25, Investigations and Clearance Record, branching questions were added to elicit information necessary for investigation to obtain relevant prior records and to elicit information potentially connected to the adjudicative guideline for Handling Protected Information. Additionally, questions regarding investigations by foreign governments were added to elicit information pertinent to the adjudicative guideline for Foreign Preference. At Section 26, Financial Record, branching questions were added to elicit specific detailed information pertaining to each financial area instead of an open text field for respondents to provide explanation. The time frame for reporting delinquencies on any debt was changed to 120 days, instead of 180 days for prior debts and 90 days for current debts. A question was added regarding involvement with a credit counseling service to support the adjudicative guideline for Financial Considerations. At Section 28, Involvement in Non-Criminal Court Actions, the time period respondent are required to report was changed to the last 7 years vice 10. At Section 29, Association Record, branching questions were added to collect detailed information versus providing a blank area for explanation. The Certification Statement was amended to remove verbiage regarding security clearance to clarify penalties for incomplete or inaccurate statements. On the medical release, a question was added to obtain the "dates of the treatment" pertinent to the adjudicative guideline for Psychological Conditions.

The following Federal agencies, agency components and multi-agency working groups made comments during the public comment period following the December 2008 30-day Notice: DHS, DNI, JRT, Office of the Under Secretary of Defense (Intelligence)

(USDI), Department of Interior, DOE, OPM, National Security Agency, and an e-Application Content Working Group (ECWG) comprised of representatives from OPM, DOS, FBI, National Geospatial-Intelligence Agency (NGA), DHS, Department of the Air Force, National Reconnaissance Office (NRO), National Security Agency (NSA), Defense Security Service (DSS), and Office of the Secretary of Defense General Counsel (OSDGC). DHS, DOE, USDI, OPM, DoD, and ECWG made comments regarding the collection of mental health treatment information relative to treatment resulting from service in a military combat environment. The ECWG made numerous comments recommending improvements to the formatting of questions for clarity, as well as recommendations to more clearly specify that the time periods being asked about for certain questions pertain to the respondent's whole life. For certain questions, such as those regarding foreign countries visited and contact with foreign nationals, the ECWG recommended the required response period be expanded to "ever" rather than 7 years. The ECWG recommended the section on Use of Information Technology expand to collect information regarding "attempts" at misconduct in addition to actual conduct. The vast majority of comments from the JRT were formatting recommendations for the purpose of clarity and, where possible, to align common language from other investigative forms where the meaning and intent are identical. The complete listing of comments is provided in the attached December 2008 30-day Notice Comments Matrix.

Following the public comment period, the Acting Director, OPM, requested that OMB permit OPM to withdraw the proposed revisions to the suite of forms, including the SF 86, then pending before OMB for clearance, a request that OMB granted February 23, 2009, in order to provide the current Administration's officials at OPM and other concerned agencies the opportunity to review the collection and propose revisions as necessary based on their review. OPM and OMB pursued a multi-agency review together with the Department of Justice, Department of Defense, and Director of National Intelligence. The proposed SF 86 resulting from that review is the basis for this 30-day notice and request for comments. The review resulted in the following changes to the SF 86 proposed in the December 31, 2008 30-day notice: Language was added to provide additional clarity regarding the penalties for incomplete and/or inaccurate statements. Language was added to clarify that the form may also be used by agencies in determining whether a subject performing work for or on behalf of the Government under a contract should be deemed eligible for logical or physical access when the nature of the work to be performed is sensitive and could bring about an adverse effect on the national security. Language referencing immunity protections was added to the questions regarding illegal use of drugs or drug activity, use of information technology systems, and association record. Questions were added to the section on police record in order to identify respondents who may be impacted by the restrictions cited in the Lautenberg Amendment. The advisement regarding mental health counseling was expanded to explain that mental health counseling in and of itself is not a reason to revoke or deny eligibility for access to classified information or for a sensitive position, suitability or fitness to obtain or retain Federal employment, fitness to obtain or retain contract employment, or eligibility for physical or logical access to federally controlled facilities

or information systems. Questions that elicited the reason for and nature of mental health treatment were removed, as were questions regarding participation in self-help groups for alcohol abuse. In the financial record section, the question regarding involvement with a credit counseling service was amended to better capture mitigating information from respondents who seek assistance to resolve financial difficulties. A question on holding foreign political office and voting in foreign elections was moved from the form's association record section to the form's foreign activities section.

To provide additional clarity, the attached matrix “Changes between Current Form and proposed Sep 09 30-day Notice” reflects the changes between the currently approved SF 86 and the SF 86 proposed in this 30-day notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. Individuals voluntarily complete these forms to receive the benefit of Federal employment.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The SF 86 includes a Privacy Act Information statement. The statement indicates that the forms are in full compliance with 5 U.S.C. 552a (the Privacy Act of 1974) and other laws protecting the rights of the respondent. Further, the forms note that the information provided by the respondent, including the identity of the respondent, may be disclosed to the respondent upon request.

A person completing the forms is granted partial confidentiality under 5 U.S.C. 552a and 5 CFR part 736. The forms contain an *Authorization for Release of Information and Fair Credit Reporting Disclosure and Authorization*, signed by the person completing the form and, if applicable, *the Authorization for Release of Medical Information Pursuant to the Health Insurance Portability and Accountability Act (HIPAA)*. The authorization forms request that record custodians and sources of information contacted during the investigation provide requested data concerning the person being investigated. Individuals completing the forms are informed that information obtained from record custodians and other sources is for “official use by the Federal Government” and can be disclosed only as authorized by law. Data reported on these forms is not released to the public under the Freedom of Information Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the

information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The **SF 85** is an investigative tool. The form is used to obtain data from individuals with which to initiate an investigation to meet the suitability adjudicative requirements in 5 CFR 731. The questions represent an effort to obtain as much relevant and required information as possible directly from the person being investigated, following the provisions of the Privacy Act. It is used for non-sensitive positions, or for persons who require credentialing determinations for access to federally controlled facilities and information systems that do not require a higher level of investigation, and its content is limited accordingly.

Information requested on the SF 85 about current illegal drug activity and alcohol abuse is used to meet the above requirements in determining suitability for employment. The instructions on the SF 85 inform the respondent of the reason the information is requested, the authority for requesting it, how it will be used, and to whom it may be disclosed. They describe the investigative process and inform the respondent that OPM or the Federal agency requesting the investigation will make the final determination.

Questions on the **SF 85** that may be considered sensitive in nature are listed and explained below:

- Section 17 (Police Record): This information was previously collected on the Optional Form 306, Declaration for Federal Employment, per Title 5. The information is also necessary to make accurate and complete checks of investigative files.

- Section 18 (Illegal Use of Drugs or Drug Activity): This information was previously collected on the Optional Form 306, Declaration for Federal Employment, per Title 5. This information is relevant as an individual's abuse of drugs may put people, property, or information systems at risk and drug involvement can raise questions about an individual's reliability and trustworthiness and ability or willingness to comply with laws, rules, and regulations, thus indicating that his or her employment would not promote the efficiency of the service or protect its integrity.

- Section 19 (Use of Alcohol): This information is relevant as an individual's abuse of alcohol may put people, property, or information systems at risk and an individual's abuse of alcohol may impact on his or her ability to complete the duties of the job and/or raise questions about his or her reliability and trustworthiness, thus indicating that his or her employment would not promote the efficiency of the service or protect its integrity.

- Section 21 (Financial Record): This information was previously collected on the Optional Form 306, Declaration for Federal Employment, per Title 5. Inquiry into personal finances is limited to Federal debt. It provides information used to determine trustworthiness, reliability, and honesty, and is especially relevant for positions entailing fiduciary responsibilities.

The **SF 85P** is an investigative tool. The form is designed to collect information appropriate for determining suitability for public trust positions. The form obtains data from individuals with which to initiate an investigation to meet the adjudicative requirements established in 5 CFR 731. The questions represent an effort to obtain as much relevant and required information as possible directly from the person to be investigated in accordance with provisions of the Privacy Act

Questions on the **SF 85P** that may be considered sensitive in nature are listed and explained below:

- Section 18 (Relatives): Inquiries about relatives are limited to immediate family. This information may be necessary to make accurate and complete checks of the FBI and other investigative files.

- Section 19 and 20 (Foreign Contacts; Foreign Financial Interests; Foreign Business, Professional Activities, and Foreign Government Contacts; and Foreign Countries You Have Visited): Inquiries into foreign contact and activities, to include foreign travel, are necessary to develop information about activities to serve as the basis for scheduling required investigations. This is authorized by E.O. 10450.

- Section 21 (Mental and Emotional Health): Inquiry into certain medical information is limited to certain types of consultations. For certain positions, respondents will be required to complete this more extensive, supplemental questionnaire.

- Section 22 (Police Record): Inquiry into certain convictions or arrests in the last seven years may be appropriate for positions involving a high degree of public trust and for sensitive positions not requiring access to classified national security information. This information is also necessary to make accurate and complete checks of investigative files.

- Section 23 (Illegal Use of Drugs or Drug Activity): Inquiry into illegal drug use is required by E.O. 10450.

- Section 24 (Use of Alcohol): Inquiries into use of alcohol is required by E.O. 10450.

- Section 26 (Financial Record): This information was previously collected on the Optional Form 306, Declaration for Federal Employment, per Title 5. Inquiry into personal finances provides information used to determine trustworthiness, reliability, and honesty, and is especially relevant for positions entailing fiduciary responsibilities.

The instructions on the SF 85P inform the respondent of the reason that the information is requested, the authority for requesting it, how it will be used, and to whom it may be disclosed. They describe the investigative process and inform the respondent that OPM or the Federal agency requesting the investigation will make the final determination.

The questions on the **SF 86** represent an effort to obtain from the respondent as much relevant and required information as possible to make a security determination.

Questions on the SF 86 that may be considered sensitive in nature are listed and explained below:

- Section 21 (Mental and Emotional Health): Inquiry into certain medical information is limited to certain types of consultations. E.O. 12968 requires inquiry into relevant medical information that may affect one's ability to safeguard classified information.
- Section 22 (Police Record): Inquiries into certain convictions or arrests are required by E.O. 12968. The information is also necessary to make accurate and complete checks of investigative files.
- Section 23 (Illegal Use of Drugs and Drug Activity): Inquiries into illegal drug use is required by E.O. 12968.
- Section 24 (Use of Alcohol): Inquiries into use of alcohol is required by E.O. 12968.
- Section 26 (Financial Record): Inquiries into personal finances and financial delinquencies are used to determine trustworthiness, reliability, and honesty. This information is required by E.O. 12968.
- Section 29 (Association Record): Inquiries into the respondent's association record is required as the answers may reflect on loyalty to the U.S., as outlined in E.O. 12968.

The instructions on the SF 86 inform the respondent of the reason that the information is requested, the authority for requesting it, how it will be used, and to whom it may be disclosed. They describe the investigative process and inform the respondent that OPM or the Federal agency requesting the investigation will make the final determination.

12. Provide estimates of the hour burden of the collection of information. The statement should:

*** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

*** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

*** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

The SF 85, SF 85P, SF 85PS, SF 86, SF 86A, and SF 86C are completed by both employees of the Federal Government and individuals not employed with the Federal Government, to include Federal and military contractors. Federal employees are defined as those individuals who are employed as civilian or military personnel with the Federal Government. Non-Federal employees include members of the general public and all individuals employed as Federal and military contractors or individuals otherwise not directly employed by the Federal Government. The estimated burden hours vary by form, as described below. There is no cost to respondents.

The burden estimates were derived from a study completed by a contractor. The sample applicants included a mixture of male and female participants of varying ages and ethnicities, including participants with prior military experience.

Participants were given (1) the form(s) they were assigned to complete, and (2) instructions for completing the form(s). Participants were provided with a description of the general purpose of the study and their role in it. They were instructed that their role in the project was to provide estimates of the time it took (1) to read and fill out the form(s) they had been given, and (2) gather the information required to fill out their form(s). They were asked to track these time estimates carefully for each form they filled out, and to fill out the Time Burden sheet for their form when they were done.

It is estimated that 47,700 non-Federal individuals will complete the SF 85 annually. Each form takes approximately 100 minutes to complete. The estimated annual public burden is 79,500 hours.

It is estimated that 98,700 non-Federal individuals will complete the SF 85P annually. Each form takes approximately 150 minutes to complete. The estimated annual burden is 246,750 hours.

It is estimated that 21,800 non-Federal individuals will complete the SF 86 annually. Each form takes approximately 150 minutes to complete. The estimated annual burden is 54,500 hours.

Burden estimates for the SF 86A are not included as it is proposed that this form be eliminated.

Burden estimates for the SF 86C are not included as it is proposed that this form be eliminated.

The number of forms completed varies depending on the number of investigations requested/completed each year. Estimates are provided below:

	<u>Number of Non-Federal Respondents</u>	<u>Burden Hours</u>
SF 85	47,700	79,500
SF 85P	98,700	246,750
SF 86	<u>21,800</u>	<u>54,500</u>
	168,200	380,750

It is estimated that the total number of non-Federal respondents for the SF 85, SF 85P, and SF 86 is 168,200 annually. Accordingly, the estimated annual burden is 380,750 hours.

A variable in assessing burden hours is the nature of the electronic application. The electronic application includes branching questions and instructions which provide for a tailored collection from the respondent based on varying factors in the respondent's personal history. The burden on the respondent is reduced when the respondent's personal history is not relevant to a particular question, since the question branches, or expands for additional details, only for those persons who have pertinent information to provide regarding that line of questioning. As such, the burden on the respondent will vary depending on whether the information collection relates to the respondent's personal history.

Additionally, once entered, a respondent's complete and certified investigative data remains secured in the e-QIP system until the next time the respondent is sponsored by an agency to complete a new investigative form. Upon initiation, the respondent's previously entered data (except 'yes/no' questions) will populate a new investigative request and the respondent will be allowed to update their information and certify the data. In this instance, time to complete the form is reduced significantly.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

*** The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

*** If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public**

comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no cost to individual respondents.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Previous cost estimates were based on the demand for each individual form and the current printing cost per hundred, as supplied by GSA. GSA will no longer provide printed forms and it is intended that the forms be available to customers per web-based system only.

e-QIP is an established web-based system which will house the revised SF 86. Since e-QIP is used to collect this information from both federal and non-federal respondents, there is no additional cost associated with revisions to these collections based solely on non-federal respondents.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The overall annual public burden hours for the SF 85, SF 85P, and SF 86 have increased from 366,200 to 380,750 hours to reflect an adjustment of the annual burden hours from previous hours cited. As a result of reforms to investigative processes, the SF 85, SF 85P, and SF 86 were expanded to collect from the respondent more accurate and relevant information that is of investigative and adjudicative significance earlier in the investigative process, thus increasing the length of the collections.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable. Information collected on the forms will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

OPM requests an exception to the 5 CFR part 1320 requirements that the expiration date be displayed on the forms because of the flexibility desired to electronically update the forms as necessary in keeping with terms of clearance.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable.