

## Supporting Statement for Paperwork Reduction Act Submissions

### Title: Private Sector Clearance Program Request Form

OMB Control Number: 1670-0013

#### A. 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.

Partnerships between the U.S. Government and the private sector at times necessitate the sharing of classified information. The Private Sector Clearance Program (PSCP) facilitates this sharing by facilitating security clearances for “appropriate representatives of sector coordinating counsels, sector information sharing and analysis organizations [(ISAOs),] owners and operators of critical infrastructure, and any other person that the Secretary determines appropriate.” 6 U.S.C. § 150. In order to begin this process of approving an applicant to participate in the clearance program, the applicant’s employment information and Personally Identifiable Information (PII) is collected. Their association/SCC membership or employment information is reviewed for approval, and their PII is input into e-QIP, the Office of Personnel Management’s (OPM) secure portal for investigation processing.

The U.S. Government is authorized to ask for this information under Sections 201 and 229 of the Homeland Security Act (Pub. L 107-296, 6 U.S.C. §§ 121, 150), and Executive Orders 12968, 13526, 13549, 13636, and 13691 which authorize the collection of this information.

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 PSCP is designed to facilitate security clearances for private sector personnel involved who have been sponsored for access to classified information by a Federal Agency. In 2010, through Executive Order 13549, the President established the Classified National Security Information Program (otherwise known as the Private Sector Clearance Program) to “safeguard and govern access to classified national security information shared by the Federal Government with State, local, tribal, and private sector (SLTPS) entities. 75 Fed. Reg. 51609, § 1.1 (2010). In 2013, in a subsequent Executive Order 16363, the President directed the Secretary of Homeland Security, as Executive Agent for PSCP, to “expedite the processing of security clearances to appropriate personnel employed by critical infrastructure owners and operators, prioritizing the critical infrastructure identified in section 9 of this order.” 78 Fed. Reg. 11739, 11740 § 4(d) (2013). Section 9 of Executive Order 13636 refers to “critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.” *Id.* at § 9. In 2015, Congress codified PSCP in

section 229 of the Homeland Security Act of 2002, authorizing the Secretary of Homeland Security to “make available the process of application for security clearances under Executive Order 13549 ... or any successor Executive Order to appropriate representatives of sector coordinating councils, sector information sharing and analysis organizations ... , owners and operators of critical infrastructure, and any other persons that the Secretary determines appropriate.” 6 U.S.C. § 150. Also in 2015, through Executive Order 13,691, the President designated the National Cybersecurity and Communications Integration Center (NCCIC) as a critical infrastructure protection program and required the Department to manage the sharing of classified cybersecurity information under this designation. Exec. Order No. 13,691, 80 Fed. Reg. 9349 § 4(a) (2015); *see* 6 U.S.C. § 132. These partners are subject matter experts within specific industries and have specialized knowledge not available within the Department of Homeland Security (DHS). Private citizens do not receive monetary compensation for their time. DHS has created this program to facilitate clearances for these individuals who are not employed by an agency of the Federal government or otherwise have a contract, license or grant with an agency of the Federal government pursuant to EO 12829 (the traditional means of obtaining a clearance) and must have clearances.

The process to facilitate a security clearance begins with a Federal employee nominating a private sector partner for a security clearance. The Federal nominator will collect the nominee’s name, contact information, employment information, and prior clearance information, if applicable. Additionally, the Federal nominator must provide a written justification that provides the reasons for granting a clearance and details the scope of clearance being granted.

The Federal nominator does not collect the nominee’s Personally Identifiable Information (PII). If the nominee is determined to be qualified, they will later be contacted by a DHS Security Specialist who collects the nominee’s PII, which is needed for the clearance process. This two-part process helps minimize the collection of sensitive PII for only those nominees who meet the threshold and are processed by the Cybersecurity and Infrastructure Security Agency (CISA).

The program office administrator will vet the form to determine if the nominee qualifies for the program. If qualified, the administrator will obtain senior leadership approval to pursue the security clearance. Once vetted and approved, the program administrator will obtain the nominee’s, social security number, date of birth, and place of birth. This information is then sent to the DHS Personnel Security Division (PSD). PSD works with the Office of Personnel Management’s (OPM) Electronic Questionnaires for Investigations Processing (e-QIP) system to begin the security investigation and have the security clearance issued.

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.

DHS Form 9014, Private Sector Clearance Request Form, is a fillable pdf form that is completed by an authorized Federal employee. The form is emailed to the program administrator for

processing. Upon vetting and approval, the program administrator contacts the nominee to obtain his or her social security number and date of birth and place of birth, the information required to initiate access to e-QIP, the online version of the Standard Form 86 – OMB No.3206-0005.

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 DHS Office of Intelligence and Analysis sponsors the State, Local, Tribal and Territorial (SLTT) Clearance Program, which currently uses a form that asks for similar information; however, it is designed specifically for SLTT government individuals. Their form is law enforcement and fusion center focused. Additionally, a search of reginfo.gov revealed no information collections that gather data for vetting of security clearances for private sector partners.

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.

This form does not negatively affect small businesses.

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

The mission of the PSCP is to facilitate the clearance process for members of the Private Sector. Information sharing between the private sector and the Federal Government is critical to protect the Nation's resources. There are times when the information discussed or visited may be access-restricted. Collecting this information from each applicant is strictly for the purpose of authorizing the individual to be processed for a security clearance. If DHS is unable to collect this information, we will not be able to process any private sector individuals for security clearances, preventing them from having access to classified information they may need to protect their critical infrastructure.

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

(a) Requiring respondents to report information to the agency more often than quarterly.

The federal nominator is required to complete this form once for the nominee to be approved for participation in the program. It is also used when a Periodic Reinvestigation is due and for Company Changes with that individual; however, no PII is collected for these submission types because it was collected for the initial clearance vetting and approval.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

Respondents are not required to send a written response regarding this collection.

(c) Requiring respondents to submit more than an original and two copies of any document.

Federal nominators are not required to submit more than one copy via email.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

The form does not require individuals to retain the record for any specific length of time.

(e) 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.

This collection does not utilize statistical analysis.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

This collection does not utilize statistical analysis.

(g) 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.

This form does not include a pledge of confidentiality that is not supported by established authority in Section 201 of the Homeland Security Act (Pub. L 107-296, 6 U.S.C. § 121), and Executive Orders 12968, 13526, and 13549.

(h) Requiring respondents to submit proprietary trade secret, 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.

No proprietary or trade information is requested from the individuals.

#### 8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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.

b. 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.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

	<b>Date of Publication</b>	<b>Volume #</b>	<b>Number #</b>	<b>Page #</b>	<b>Comments Addressed</b>
<i>60Day Federal Register Notice:</i>	Thursday, February 1, 2018	83	22	4670	1
<i>30-Day Federal Register Notice</i>	Tuesday, June 5, 2018	83	108	26073	0

A 60 day notice for comments was published in the Federal Register on Thursday, February 1, 2018 at 83 FR 4670. One comment was received requesting a copy of the form. In response to the public comment, the form was made available with the publication of the 30 day notice.

A 30 day notice for comments was published in the Federal Register on Tuesday, June 5, 2018 at 83 FR 26073. 0 comments were received related to the 30 day notice.

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

No gifts or payments of any kind will be provided to the respondents of this information collection.

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

This form does not include a pledge of confidentiality that is not supported by established authority in statute or regulation.

The collection has in place the approved Privacy Impact Assessment: DHS/NPPD/PIA-020 Private Sector Clearance Program for Critical Infrastructure). The collection is covered by the following SORNS: DHS/ALL-023 Department of Homeland Security Personnel Security Management, February 23, 2010, 75 FR 8088; DHS/ALL-002 Department of Homeland Security (DHS) Mailing and Other Lists System, November 25, 2008, 73 FR 71659.

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.

There are no questions of sensitive nature on DHS Form 9014.

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

- a. 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 desired. 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.

CISA estimates that approximately 660 stakeholders will be nominated for a clearance annually. Since the nominee is not directly completing the form, but providing information to the Federal nominator, it is estimated that it will take an average of 10 minutes per response. The stakeholders are consist of private sector owners, operators and industry representatives.

To estimate the cost of this collection, CISA uses the mean hourly wage of computer and information systems managers of \$70.07<sup>1</sup>. CISA then applies a load factor of 1.4639<sup>2</sup> to this average wage to obtain a fully loaded average hourly wage of \$102.58. For an estimated 660 respondents, the burden is 110 hours at a rate of \$102.58 per hour. The cost burden of the total annual burden hours associated with the existing elements of this information collection equals \$11,283. The below table shows the annual hourly and cost burden rate.

Form Name	Form Number	Number of Respondents	Number of Responses per Respondent	Average Burden per Response (in hours)	Total Annual Burden (in hours)	Average Hourly Wage Rate	Total Annual Respondent Cost
Private Sector Clearance Request Form	DHS Form 9014	660	1	0.1667	110	\$102.58	\$11,283
<b>Total</b>		<b>660</b>			<b>110</b>		<b>\$11,283</b>

<sup>1</sup> <https://www.bls.gov/oes/2016/may/oes113021.htm>

<sup>2</sup> Load factor based on BLS Employer Cost for Employee Compensation, as of June 9, 2017. Load factor = Employer cost for employee compensation (\$35.28) / wages and salaries (\$24.10) = 1.4639 <https://www.bls.gov/news.release/ecec.nr0.htm>

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

There is no recordkeeping, capital startup or maintenance cost burden to the respondent associated with this information collection.

14. Provide estimates of annualized cost 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 have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

To estimate the burden of this collection on the government, CISA multiplies the hour burden by the fully loaded hourly wage of a GS-13 Step 6 employee. Per the Office of Personnel Management, a GS-13 Step 6 in the Washington, D.C metro area has an hourly wage of \$52.99<sup>3</sup>. Multiplying this wage by the load factor of 1.4639<sup>4</sup> provides us with a fully loaded wage of \$77.58. Multiplying this fully loaded wage by the annual burden for 1.5 FTE (3,130.5 hours) that are currently on board and have been executing this program since its inception results in an annual burden of \$242,850.10.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I. Changes in hour burden, i.e., program changes or adjustments made to annual reporting and recordkeeping **hour** and **cost** burden. A program change is the result of deliberate Federal government action. All new collections and any subsequent revisions of existing collections (e.g., the addition or deletion of questions) are recorded as program changes. An adjustment is a change that is not the result of a deliberate Federal government action. These changes that result from new estimates or actions not controllable by the Federal government are recorded as adjustments.

Program changes require a revision of the existing collection. These changes include: updating the title of the collection, updates to the form itself, and additional programs utilizing the form.

The form will be used by additional programs in the same manner to sponsor private sector entities and individuals for security clearances. The additional programs will increase the burden totals by 360 responses, 60 burden hours, and \$6,155 annual burden cost. For current programs using the form, the burden estimates have decreased by 200 responses, 33 burden hours and \$706 annual burden cost based on actual responses received. As a result, the total

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<sup>3</sup> A GS-13 Step 5 in the DC area has an annual salary of \$110,595. Dividing by 2087 yields an hourly wage of \$52.99. <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/DCB.pdf>

<sup>4</sup> Load factor based on BLS Employer Cost for Employee Compensation, as of June 9, 2017. Load factor = Employer cost for employee compensation (\$35.28) / wages and salaries (\$24.10) = 1.4639 <https://www.bls.gov/news.release/ecec.nr0.htm>

burden estimates will increase overall by 160 responses, 27 burden hours, \$5,448 annual burden costs.

The changes to the form itself include: updating the title; adding a program type field, adding justification guidance to the back of the form, and updating the wording of the field titles and instructions to improve clarity. A redlined mockup of the form changes will be included as a supplement to this supporting statement. The changes to the form itself will not change the burden estimates as the only field being added is an open text field to distinguish the program type.

The annual government cost for the collection has increased by \$91,998, from \$150,852 to by 242,850, due to updated wage rates.

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.

This information collection will not be published for statistical purposes.

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

DHS is not seeking this exemption.

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

There are no exceptions to the certification statements identified for this collection.