

**SUPPORTING STATEMENT FOR THE
QUESTIONNAIRE FOR NATIONAL SECURITY POSITIONS, STANDARD
FORM 86 (SF86)
OMB #3206-0005**

Justification:

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The information collected on this form is used to determine acceptability for Federal and Federal contract employment. The U.S. Office of Personnel Management (OPM), or another investigative agency using this information collection, is authorized to request this information under Executive Orders 10577, 10865, 12333, 12968, 13467, and 13488, as amended; sections 3301, 3302, 9101, and 11001 of title 5, United States Code (U.S.C.); sections 272b, 290a, and 2519 of title 22, U.S.C.; section 1537 of title 31, U.S.C.; sections 1874, 2165 and 2201 of title 42, U.S.C.; chapter 23 of title 50, U.S.C.; section 20132 of title 51, U.S.C.; section 925 of Public Law 115-91; parts 2, 5, 6, 731, 736, and 1400 of title 5, Code of Federal Regulations (CFR); and Homeland Security Presidential Directive (HSPD) 12. Section 1104 of title 5 allows OPM to delegate personnel management functions to other Federal agencies, with the proviso that it must also establish standards applicable to the exercise of the function and exercise oversight of compliance with applicable law.

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 Questionnaire for National Security Positions, SF 86 is housed in a system named e-QIP (Electronic Questionnaires for Investigative Processing) and is an information collection completed by applicants for, or incumbents of, Federal Government civilian or military positions, or positions in private entities performing work for the Federal Government under contract. The collection is used as the basis of information by the Federal Government in conducting background investigations, reinvestigations, and continuous evaluation, as appropriate, of persons under consideration for or retention in national security sensitive positions as defined in 5 CFR part 1400, and for positions requiring eligibility for access to classified information under Executive Order 12968. It is also used by agencies in determining whether a person performing work for or on behalf of the federal Government under a contract should be deemed eligible for logical or physical access when the nature of the work is sensitive and could bring about a material adverse effect on national security. The SF 86 is completed by civilian employees of the Federal Government, military personnel, and non-federal employees, including employees of Federal contractors and individuals otherwise not directly employed by the Federal Government but who perform work for or on behalf of the Federal Government. For

applicants for civilian Federal employment, the SF 86 is to be used only after a conditional offer of employment has been made.

- 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 houses the SF 86. This electronic data collection tool provides 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 the one at the State Department.

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 his or her information and certify the data. In this instance, time to complete the form is reduced significantly.

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. Accordingly, the burden on the respondent will vary depending upon how the information collected 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.**

Information collected on the SF 86 is specific to the individual and thus not readily available from other sources, thus minimizing the likelihood of 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 Executive Orders 10577, 10865, 12333, 12968, 13467, and 13488, as amended; sections 3301, 3302, 9101, and 11001 of title 5, United States Code (U.S.C.); sections 272b, 290a, and 2519 of title 22, U.S.C.; section 1537 of title 31, U.S.C.; sections 1874, 2165 and 2201 of title 42, U.S.C.; chapter 23 of title 50, U.S.C.; section 20132 of title 51, U.S.C; section 925 of Public Law 115-91; parts 2, 5, 6, 731, 736, and 1400 of title 5, Code of Federal Regulations (CFR); and Homeland Security Presidential Directive (HSPD) 12. The collection is used as the basis of information by the Federal Government in conducting background investigations, reinvestigations, and continuous evaluation, as appropriate, of persons under consideration for or retention in national security sensitive positions as defined in Executive Order 13467 and 5 CFR part 1400, and for positions requiring eligibility for access to classified information under Executive Order 12968. It is also used by agencies in determining whether a person performing work for or on behalf of the federal Government under a contract should be deemed eligible for logical or physical access when the nature of the work is sensitive and could bring about a material adverse effect on national security. The information is necessary for investigating agencies to comply with Federal Investigative Standards for such background investigations. If the collection is not conducted, agencies cannot comply with E.O. 12968 and 13467, as amended. The collection cannot be made less frequently as it is the basis for initial background investigations and for reinvestigations whose periodicity is established by federal investigative standards.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

Not applicable. This information collection is in compliance with 5 CFR 1320.6.

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 notice of the proposed information collection was published in the Federal Register on June 12, 2019 (84 FR 27372) as required by 5 CFR 1320, affording the public an opportunity to comment on the form. No comments were received.

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

Not applicable.

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. For this renewal, updates to the Privacy Act Information Statement and the Disclosure Information paragraph within the Instructions have been made to notify individuals about the transfer of background investigations data from OPM to the Department of Defense.

A person completing the forms is granted partial confidentiality under 5 U.S.C. 552a and 5 CFR 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 subject to exemptions from release under the Freedom of Information Act.

For additional information regarding Electronic Questionnaires for Investigating Processing Privacy Impact Assessment and notification of OPMs' revised system of records, please access the links provided below.

<https://www.opm.gov/information-management/privacy-policy/privacy-policy/eqip.pdf>

<https://www.gpo.gov/fdsys/pkg/FR-2016-10-11/html/2016-24507.htm>

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 86 is an investigative tool. The form is designed to collect information appropriate for determining whether an individual is eligible for access to classified information; eligible for employment in sensitive position where the occupant could have a material adverse effect on the national security; suitable or fit based on character and conduct for employment or retention in a national security position in the Federal service; fit based on character and conduct or eligible for physical and logical access to federally controlled facilities or information systems, as an employee of a contractor, when the duties to be performed are equivalent to the duties performed by an employee in a national security position.

The form obtains data from individuals with which to initiate an investigation to meet the adjudicative requirements established by presidential directive for access to classified information; by agency heads for eligibility to perform national security position duties or for fitness for employment in the excepted service or under contract; and by the Director of OPM for suitability or for eligibility for an identity credential. 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 86 that may be considered sensitive in nature are listed and explained below:

- Section 21 (Psychological and Emotional Health): Inquiry as to whether a court or administrative agency has ever issued an order declaring the respondent mentally incompetent, whether a court or administrative agency has ever ordered the respondent to consult with a mental health professional, whether the respondent has ever been hospitalized for a mental health condition, and whether the respondent has ever been diagnosed by a physician or other health professional with psychotic disorder, schizophrenia, schizoaffective disorder, delusional disorder, bipolar mood disorder, borderline personality disorder, or antisocial personality disorder. A

respondent who answer affirmatively to the latter question is asked whether, in the last seven years, there have been any occasions when the respondent did not consult with a medical professional before altering or discontinuing, or failing to start a prescribed course of treatment for any of the listed diagnoses. A respondents who answers “no” to each of the previous questions is asked whether the respondent has a mental health or other health condition that substantially adversely affects his or her judgment, reliability, or trustworthiness even if he or she is not experiencing such symptoms today. These questions are necessary to satisfy the adjudicative guidelines that apply to determinations of eligibility for access to classified information or to occupy a sensitive position.

- Section 22 (Police Record): Inquiry into criminal history, including details regarding criminal conduct, arrests, and convictions is appropriate for national security positions and so that an adjudicative decision regarding suitability or fitness for the position may be made. 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 appropriate for national security positions and so that an adjudicative decision regarding suitability or fitness for the position may be made.

- Section 24 (Use of Alcohol): Inquiries into use of alcohol is appropriate for national security positions and so that an adjudicative decision regarding suitability or fitness for the position may be made.

- Section 26 (Financial Record): Inquiry into personal finances is appropriate for national security positions and so that an adjudicative decision regarding suitability or fitness for the position may be made. It provides information used to determine trustworthiness, reliability, and honesty.

- Section 29 (Association Record): Inquiry into detailed information pertinent to a respondent’s involvement in terrorist organizations, association with persons involved in activities to further terrorism and/or to overthrow the U.S. Government by force or violence is appropriate for national security positions and so that an adjudicative decision regarding suitability or fitness for the position may be made.

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.

Form	Form	No. of	No. of	Average	Total	Average	Total Annual
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Name	Number	Respondents	Responses per Respondent	Burden per Response (in hours)	Annual Burden (in hours)	Hourly Wage Rate	Respondent Cost
SF 86	3206-0005	470,124	1	2.5	1,175,310	\$18.75	\$22,037,062.50
Total		470,124	1	2.5	1,175,310	\$18.75	\$22,037,062.50

It is estimated that 470,124 non-federal individuals will complete the SF 86 annually for investigations conducted by OPM. The SF 86 takes approximately 150 minutes to complete. The estimated annual burden is 1,175,310 hours for OPM investigations. 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 will vary depending on whether the information collection relates to the respondent's personal history.

	<u>Number of Respondents</u>	<u>Burden Hours</u>
SF 86	470,124	1,175,310

This form has been approved as a standard form. All Federal agencies using the form not in connection with an OPM investigation may request the use of this common form without additional 60 or 30 day notice and comment requirements. Each agency will account for its number of respondents and the burden associated with the agency's use. Note that OPM makes the form available on the e-QIP system for agencies that conduct their own investigations.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

There is no cost to individual respondents.

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 expenses that would not have been incurred without the paperwork burden.

The SF 86 is the information collection that serves as the basis for the investigation of all individuals working for or on behalf of the government in sensitive positions. The estimated annual cost to the Federal Government to perform investigations commensurate with this collection is \$1,040,729,264. This estimate was derived from the cost to conduct SF 86-based investigations according to the average number of all SF 86-based investigations submitted in FY18 and FY19.

Form Name	Form Number	Investigative Tier	Average Number of Submissions (Federal and Non-Federal)	Cost per investigation according to tier	Total Annual Cost
SF 86	3206-0005	Tier 3	421,720	\$440	\$185,556,800
SF 86	3206-005	Tier 3Reinv.	101,331	\$424	\$42,964,344
SF 86	3206-0005	Tier 5	98,480	\$5,706	\$561,926,880
SF 86	3206-005	Tier 5 Reinv.	78,860	\$3,134	\$250,281,240
Total					\$1,040,729,264

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

No changes were made.

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.

Not applicable.

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.