

## SUPPORTING STATEMENT - PART A

Federal Background Investigation and Personnel Vetting Investigative Request Forms (INV 40-44) – OMB Control Number 0705-0003

### Summary of Renewal from Previously Approved Collection

*On September 30, 2019, as authorized by Executive Order 13869, the missions, records, and personnel of the Office of Personnel Management (OPM), National Background Investigations Bureau (NBIB), transferred to the Defense Counterintelligence and Security Agency (DCSA). The legacy General Request for Investigative Information (INV 40), Employment Data and Supervisor Information (INV 41), Personal Information (INV 42), Educational Registrar and Dean of Students Record Data (INV 43), Law Enforcement Data (INV 44), (OMB #0705-0003) were included in this transfer.*

- This revision serves to notify the public of this transfer*
- This is not a new collection. DCSA proposes no changes to the Information Collection (IC).*
- Decrease in respondents reflects the amount and types of background investigations being requested and completed.*
- Cost burden on respondents has increased due to it not previously being reported.*
- Name of ICR changed to be more concise. Names of individual forms remain the same.*

### 1. Need for the Information Collection

The information collected on the General Request for Investigative Information (INV 40), Employment Data and Supervisor Information (INV 41), Personal Information (INV 42), Educational Registrar and Dean of Students Record Data (INV 43), Law Enforcement Data (INV 44) forms is used for Federal and Federal contract employment.

Solicitation of the information, including the Social Security number, is authorized pursuant to Section 925 of Public Law 115-91; and Executive Order 13467 as amended by Executive Order 13869. The INV Form 44, in particular, facilitates DCSA's access to criminal history record information under 5 U.S.C. 9101.

The Defense Counterintelligence and Security Agency (DCSA) is authorized to collect the information.

### 2. Use of the Information

As noted in the DUSDI-02 Personnel Vetting Records System SORN, the INV 40, 41, 42, 43, and 44 are used to collect information from a multitude of record sources to support federal background investigation and personnel vetting processes such as: investigations and determinations of eligibility for access to classified national security information, and for access to special access programs; suitability for federal employment; fitness of contractor personnel to perform work for or on behalf of the U.S. Government; and

Homeland Security Presidential Directive (HSPD)-12 determinations for Personal Identity Verification (PIV) credentials to gain logical or physical access to government facilities and systems. Section 925 of Public Law 115-91; 5 U.S.C. 301, and Executive Order 13467, as amended by Executive Order 13869 authorize the collection of information.

The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 C.F.R. 736.102(c). These notice requirements apply to any "investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas." None of the forms are used for any purpose other than a personnel background investigation, as described above.

Procedurally, the subject of a personnel background investigation discloses the identity of relevant sources, such as supervisors, coworkers, neighbors, friends, current or former spouses, instructors, relatives, or schools attended, on the standard form (SF) SF 85, Questionnaire for Non-Sensitive Positions; the SF 85P, Questionnaire for Public Trust Positions; or the SF 86, Questionnaire for National Security Positions. The INV forms are distributed to the provided source contacts identified on the standard form questionnaire through an automated mailing operation.

The INV 40 is used to collect records from a Federal or State record repository or a credit bureau. The INV 44 is used to collect law enforcement data from a criminal justice agency. The INV 41, 42, and 43 are sent to employment references, associates, and educational institutions. The INV 40, 41, 43, and 44 contain the subject's full name, date of birth and full SSN. The INV 42 (Personal Information) does not include the subject's SSN or DOB. The forms disclose that the source's contact information was provided by the subject to assist in completing a background investigation regarding the subject's eligibility for employment or security clearance, and request that the source complete the form to help in this determination.

The INV form is completed, hardcopy, by the noted source; then returned, in a self-addressed envelope, to the DCSA investigations processing center. The completed forms are maintained by DCSA subject to the provisions of the Privacy Act of 1974, as amended, and the DUSDI-02 Personnel Vetting Records System SORN.

### 3. Use of Information Technology

Zero percent of forms are submitted electronically. Once completed, forms are returned to DCSA and data is extracted using an automated bar code scanning procedure. The scanning procedure is leveraged to preserve data integrity and accuracy, and to ensure the efficient transfer of the information collected into DCSA systems. The forms are subject to the Government Paperwork Elimination Act (GPEA). However, they are not posted on DCSA's website because the forms contain individually pre-printed information. Therefore, it is not practical, due to privacy considerations, to access the forms through the DCSA public website.

### 4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

The INV 41 may be provided to small businesses that employ or that have employed the subject of the investigation. The collection is brief and voluntary to minimize burden. The estimated time for response is 5 minutes.

6. Less Frequent Collection

DCSA's ability to conduct effective written investigative checks would be compromised absent the use of the INV forms. Furthermore, the forms allow for the written collection of data. If DCSA did not utilize these information collections, DCSA would otherwise have to conduct in-person interviews which would increase the cost of investigative products, and DCSA would potentially not be operating in compliance with OPM and ODNI Federal Investigative Standards.

None of the forms are used for any purpose other than a personnel background Investigation, as described above.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Friday, May 7, 2021. The 60-Day FRN citation is 86 FR 24600.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Friday, August 27, 2021. The 30-Day FRN citation is 86 FR 48130.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

The INV 40, INV 41, INV 42, INV 43, INV 44 include a Privacy Act statement on the top of each form. 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.

The INV 41 and INV 42 provides instructions to respondents allowing the respondents to keep his or her identity confidential, in compliance with Title 5 Code of Federal Regulations, Part 736.102(c).

This information collection does require a System of Record Notice (SORN). The applicable SORN is DUSDI-02:

<https://dpcl.d.defense.gov/Portals/49/Documents/Privacy/SORNs/OSDJS/DUSDI-02-DoD.pdf>.

This information collection is maintained in an IT system that does require a Privacy Impact Assessment (PIA). The Draft PIA for the Personnel Investigations Processing System (PIPS) is provided with this package for OMB's review.

The applicable Records Retention and Disposition Schedules are: N1-478-08-002 and DAA-0446-2019-0004

11. Sensitive Questions

A SSN Justification Memo is included in the package for this collection. It details the applicable Acceptable Use Cases in accordance with DoDI 100.30.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument(s)

General Request for Investigative Information (INV 40)

- a) Number of Respondents: 26,479
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 26,479
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 2,206.6 hours

Investigative Request for Employment Data and Supervisor Information (INV 41)

- a) Number of Respondents: 1,531,409
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 1,531,409

- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 127,617.4 hours

Investigative Request for Personal Information (INV 42)

- a) Number of Respondents: 25,576
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 25,576
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 2,131.3 hours

Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43)

- a) Number of Respondents: 389,888
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 389,888
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 32,490.7 hours

Investigative Request for Law Enforcement Data (INV 44)

- a) Number of Respondents: 617,877
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 617,877
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 51,489.8 hours

2) Total Submission Burden (Summation or average based on collection)

- a) Total Number of Respondents: 2,591,229
- b) Total Number of Annual Responses: 2,591,229
- c) Total Respondent Burden Hours: 215,936 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

General Request for Investigative Information (INV 40)

- a) Number of Total Annual Responses: 26,479
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$7.25
- d) Labor Burden per Response: \$0.60
- e) Total Labor Burden: \$15,997.73

Investigative Request for Employment Data and Supervisor Information (INV 41)

- a) Number of Total Annual Responses: 1,531,409
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$7.25
- d) Labor Burden per Response: \$0.60
- e) Total Labor Burden: \$925,226.27

Investigative Request for Personal Information (INV 42)

- a) Number of Total Annual Responses: 25,576
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$7.25
- d) Labor Burden per Response: \$0.60
- e) Total Labor Burden: \$15,452.17

Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43)

- a) Number of Total Annual Responses: 389,888
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$7.25
- d) Labor Burden per Response: \$0.60
- e) Total Labor Burden: \$235,557.33

Investigative Request for Law Enforcement Data (INV 44)

- a) Number of Total Annual Responses: 617,877
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$7.25
- d) Labor Burden per Response: \$0.60
- e) Total Labor Burden: \$373,300.69

2) Overall Labor Burden

- a) Total Number of Annual Responses: 2,591,229
- b) Total Labor Burden: \$1,565,534

Due to diversity of respondents, federal minimum wage of \$7.25 is used to calculate respondent burden.

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instrument(s)

General Request for Investigative Information (INV 40)

- a) Number of Total Annual Responses: 26,479
- b) Processing Time per Response: .1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$10.80
- d) Cost to Process Each Response: \$1.08
- e) Total Cost to Process Responses: \$28,597.32

Investigative Request for Employment Data and Supervisor Information (INV 41)

- a) Number of Total Annual Responses: 1,531,409
- b) Processing Time per Response: .1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$10.80
- d) Cost to Process Each Response: \$1.08
- e) Total Cost to Process Responses: \$1,653,921.72

Investigative Request for Personal Information (INV 42)

- a) Number of Total Annual Responses: 25,576
- b) Processing Time per Response: .1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$10.80
- d) Cost to Process Each Response: \$1.08
- e) Total Cost to Process Responses: \$27,622.08

Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43)

- a) Number of Total Annual Responses: 389,888
- b) Processing Time per Response: .1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$10.80
- d) Cost to Process Each Response: \$1.08
- e) Total Cost to Process Responses: \$421,079.04

Investigative Request for Law Enforcement Data (INV 44)

- a) Number of Total Annual Responses: 617,877
- b) Processing Time per Response: .1 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$10.80
- d) Cost to Process Each Response: \$1.08
- e) Total Cost to Process Responses: \$667,307.16

2) Overall Labor Burden to the Federal Government

- a) Total Number of Annual Responses: 2,591,229
- b) Total Labor Burden: \$2,798,527.32

Hourly wage for respondent is based on Executive Order (EO) 13658. Approximate Service Contract Act hourly minimum wage of \$10.80.

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories

- a) Equipment: \$0
- b) Printing: \$233,210.61 (\$.09/voucher)
- c) Postage: \$2,565,316.71 (\$.99/voucher)
- d) Software Purchases: \$0
- e) Licensing Costs: \$0
- f) Other: \$0

- 2) Total Operational and Maintenance Cost: \$2,798,527

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$2,798,527
- 2) Total Operational and Maintenance Costs: \$2,798,527
- 3) Total Cost to the Federal Government: \$5,597,054

15. Reasons for Change in Burden

Although the number of respondents has decreased due to the amount and types of background investigations being requested and completed, overall respondent burden has increased because cost burden was not reported in the last approved package.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

DCSA is not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

DCSA is not requesting any exemptions to the provisions stated in 5 CFR 1320.9.