

**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.

There is a forthcoming plan to replace the SF 86 with the Personnel Vetting Questionnaire (87 FR 71700 and 88 FR 12703) which will combine all three standard personnel investigative forms, including the SF 86, to maximize efficiency and reduce confusion in data collection. The Personnel Vetting Questionnaire will be used to transition from traditional periodic reinvestigations to U.S. Government-wide Continuous Vetting (CV), as defined in E.O. 13467, as amended. CV involves reviewing the background of an individual, via automated record checks, at any time during their affiliation with the government to determine whether they continue to meet applicable requirements for eligibility to occupy a national security sensitive position, suitability and/or fitness eligibility, and eligibility for physical and logical access. Until a decision on approving the Personnel Vetting Questionnaire is made and the new form is implemented with the associated changes to the information systems, the SF 86 and other investigative forms will continue to be used.

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 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. 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 primarily offered as a web-based system application housed in the Electronic Questionnaires for Investigations Processing (e-QIP) and National Background Investigation System (NBIS) operated by the Department of Defense, Defense Counterintelligence and Security Agency (DCSA). The web-based systems allow for electronic data collection to provide immediate data validation to ensure accuracy and completeness of the respondent's personal information. This data collection, 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 service provider (ISP).

A respondent's complete and certified form data will remain 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 updated data. In this instance, time to complete the form is reduced significantly.

The electronic applications include branching questions and instructions which provide for efficient collection from the respondent based on the applicable 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 because that unapplicable question will not expand nor request additional details. Therefore, this saves respondents from having to read and assess additional questions that do not apply to them.

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 either not available from other sources and/or not readily available from other sources, thus minimizing the likelihood of requesting duplicative information. In the instances where an additional investigation or review of prior SF information is required, the information that has previously been provided and certified by the individual is provided again to the individual, when possible, via e-QIP or NBIS. This allows the individual to update the information versus providing it from scratch again.

5. If the collection of information impacts small businesses or other small entities, 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, reinvestigations and continuous vetting for which 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 May 25, 2023, at 88 FR 33943 as required by 5 CFR 1320, affording the public an opportunity to comment on the form. No comments were received. The 30-day notice was published in the Federal Register on August 7, 2023 88 FR 52222

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

Not applicable. There are no payments of gifts to respondents.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

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 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 DoD’s system of records notice, please access the link provided below.

DOD System of Records Notice, DUSDI-02:

<https://www.federalregister.gov/documents/2018/10/17/2018-22508/privacy-act-of-1974-system-of-records>

For additional information regarding e-QIP and NBIS Privacy Impact Assessments, please contact DCSA via the procedures outlined at <https://www.dcsa.mil/Contact-Us/Privacy-Civil-Liberties-FOIA/FOIA-Requests/>.

- 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 or a contractor, when the duties to be performed are equivalent to the duties performed by an employee in a national security position.

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. 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 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 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 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 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 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 Name	Form Number	Number of Respondents	Number of Responses per Respondent	Average Burden per Response (in hours)	Total Annual Burden (in hours)
SF 86	3206-0005	467,400	1	2.5	1,168,500

Based on FY 22 Investigation Submissions provided by DCSA, it is estimated that 467,400 contractors and applicants will complete the SF 86 annually. The SF 86 takes approximately 150 minutes to complete. The estimated annual burden is 1,168,500 hours. 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.

This form has been approved as a standard form. Note that the form is available on the e-QIP and NBIS systems 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.

Type of Respondent	Form Name	Number of Respondents	Avg. Burden per Response (in hours)	Hourly Wage Rate	Total Respondent Costs
Applicants and Federal Contractors	SF 86	467,400	2.5	\$29.76	\$34,774,560

The estimated total cost to respondents is \$34,774,560. This is based on an estimated mean hourly wage of \$29.76/hour using all occupations, non-managerial line item. The salary estimates were based on [U.S. Department of Labor estimated mean hourly rates](#) in the United States in May 2022.

No other costs, including capital or maintenance costs, will be incurred by respondents, beyond their time. There is no cost to record keepers.

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 \$799,350,000. This estimate was derived from the FY 22 costs to conduct SF 86-based investigations according to the number of applicable SF 86-based investigations submitted in FY 22.

Form Name	Form Number	Investigative Tier	Number of Submissions in FY22 (Federal and Non-Federal)	Cost per investigation according to tier	Total Annual Cost
SF 86	3206-0005	Tier 3	332,900	\$420	\$139,818,000
SF 86	3206-005	Tier 3 Reinvestigations	8,000	\$380	\$3,040,000
SF 86	3206-0005	Tier 5	115,100	\$5,410	\$622,691,000
SF 86	3206-005	Tier 5 Reinvestigations	11,400	\$2,965	33,801,000
Total					\$799,350,000

15. Explain the reasons for any program changes or adjustments reported.

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.

OPM, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council may publish aggregated information regarding respondents to this information collection including the overall timing for respondents to complete the investigative process.

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, expiration date will be displayed.

18. Explain each exception to the topics of the certification statement identified in 5 CFR 1320.9, “Agency Certifications for Proposed Collections of Information.”

Not applicable, as no exceptions are requested.