

**SUPPORTING STATEMENT FOR THE
PERSONNEL VETTING QUESTIONNAIRE (Replacing SF86, SF 85P, SF 85P-S,
SF 85)
OMB #3206-XXXX**

Justification:

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

The Office of Personnel Management (OPM) is proposing to consolidate the currently approved information collection of Common forms known as the Standard Form 86, Questionnaire for National Security Positions [3206-0005], the Standard Form 85P, Questionnaire for Public Trust Positions and the Standard Form 85P-S, Supplemental Questionnaire for Selected Positions [3206-0258], and the Standard Form 85, Questionnaire for Non-Sensitive Positions [3206-0261] into one form, the Personnel Vetting Questionnaire.

With the revised form, respondents will only fill out the respective questions associated with their position risk and sensitivity. The form is used in the personnel vetting framework to determine suitability for Federal employment, fitness to perform work for or on behalf of the Federal government, eligibility to occupy a national security sensitive position, eligibility for access to classified information, and/or eligibility for a Federal credential for access to Federal facilities or space and Federal logical systems.

OPM, or other authorized investigative agencies using this information collection, are 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 provision 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 Personnel Vetting Questionnaire 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 or on behalf of the Federal Government under contract. The collection is used as the basis of information by the

Federal Government in conducting personnel vetting background investigations, reinvestigations, and continuous vetting, as appropriate. 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 for the nature of the work. In most cases, this collection is completed once a conditional job offer of employment is provided to the respondent .

There are four parts to the collection, Parts A, B, C, and D. Part A of the PVQ contains a set of core required questions that will be required of all individuals undergoing a background investigation. Part B contains additional questions that will be required of individuals in non-sensitive public trust positions as well as individuals in sensitive positions, and Part C contains further questions that will be required only of individuals in sensitive positions. Part D contains questions that will only be required of select non-sensitive public trust positions, namely positions where the carrying of a firearm is required. In comparison to the content of the current investigative questionnaires, the content of each part of the Personnel Vetting Questionnaire uses more plain language to collect information from the respondents and provides additional explanations to the respondents regarding the reasons for the questions. To the extent practicable, the framing of more complex questions has been simplified and avoids “double- barreled” questions. While some questions in Part A have been expanded to cover a greater scope of time, the overall effect of streamlining the collection into parts that build upon each other in support of the Trusted Workforce investigative standards is a general reduction in the scope of time covered by the questions.

The Personnel Vetting Questionnaire will also 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 records, at any time during their affiliation with the government to determine whether they continue to meet applicable trust determination requirements for eligibility to occupy a national security sensitive position, suitability and/or fitness eligibility, and eligibility for physical and logical access.

- 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 Personnel Vetting Questionnaire is a standard form used for collecting subject data to be used in official background investigations conducted by the U.S. Government. It will primarily be offered as a web-based system application through a system called eApp, hosted by the Defense Counterintelligence and Security Agency. This electronic data collection tool provides immediate data validation to ensure accuracy of the respondent’s personal information.

The Personnel Vetting Questionnaire 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).

A respondent's complete and certified investigative data will remain secured in system to be continuously vetted, as described under Question #2 in this Supporting Statement, or until the next time the respondent is sponsored by an agency to complete a new investigative form, usually due to the respondent applying for another job with a different/high risk/tier level. 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 electronic application includes branching questions and instructions which provide for a tailored collection from the respondent based first on the risk/tier level designated for the position, then on varying factors in the respondent's personal history. The burden on the respondent is reduced when the respondent only has to answer questions designated necessary for employment as well as when the respondent's personal history is not relevant to a particular question. 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 job designation and 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 Personnel Vetting Questionnaire 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 information is necessary for investigating agencies to comply with Federal Investigative Standards for personnel vetting investigations. If the collection is not

conducted, agencies cannot comply with laws and regulations and Executive Orders requiring personnel vetting, including E.O. 12968 and 13467, as amended. The collection cannot be made less frequently as it is the basis for initial personnel vetting investigations and continuous vetting and supports the individuals' mobility to higher level positions and to re-enter the Federal workforce, when applicable.

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 Part 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.**

This is a new information collection. The 60-day notice of the proposed information collection was published on November 23, 2022 (87 FR 71700). OPM received 55 submissions (5 of which were duplicate submissions) which could be broken out to roughly 283 comments. OPM has compiled the public comments in a spreadsheet for submission to OIRA. Comments or themes that were identified by multiple commenters or comments that may have required more explanation/clarification are addressed within the 30 Day FRN.

The 30-day notice for this proposed information collection was published on February 28, 2023 (88 FR 12703). OPM received 22 comments from eight submissions, four comments came from two anonymous sources.

An anonymous commenter was against the approach to drop the gender question and use inclusive language in the PVQ and stated this is an example of how the government is further censoring and denying their first amendment rights by ensuring restrictions against free speech and can be more liberally imposed and force acceptance of "woke" idealism and artificially created identities. The commenter also had several comments out of scope for this information collection regarding hiring inclusivity managers and diversity councils. This commenter stated the questionnaire ought to concentrate on "Gender dysphoria" as the commenter claimed it is not given scrutiny although it poses "a far greater threat than medically treatable mental illness."

OPM did not accept these comments. As previously explained in the Federal Register 60-day notice, the PVQ is designed to elicit necessary information to conduct the personnel vetting investigations. The limited utility of the gender question is supported through review of data required to obtain records from sources.

OPM and ODNI as the Executive Agents (EAs) for Suitability, Credentialing and Security concluded that changing terminology on the form to be gender inclusive would not adversely affect the personnel vetting process. Regarding the mental health conditions listed on one question in the PVQ, the diagnoses listed in the questions are supported by PERSEREC studies as well. The same anonymous commenter also spoke against asking about marijuana, stating that marijuana is a “plant and should be treated no different than daisies,” and opposed OPM collecting information about foreign nationals, stating that the collection of this information was time consuming and burdensome.

The EAs determined the use of marijuana and association with foreign contacts are still relevant in the adjudication of personnel vetting information. However, in recognition of changing societal norms, questions regarding illegal drug use on the PVQ are divided into two separate areas to distinguish between the use of marijuana or cannabis derivatives containing THC and use of other illegal drugs or misuse of controlled substances. Currently, use of marijuana by federal employees is prohibited, while past use of marijuana by applicants is evaluated on a case-by case basis when agencies make trust determinations. Given the legal landscape at the state level regarding use of marijuana, distinguishing between past marijuana use and use of other illegal drugs on the PVQ may improve the pool of applicants for federal employee and federal contractor positions.

Regarding the question about contact with foreign nationals, in order to avoid unnecessary reporting of casual contacts with foreign nationals, the question on the PVQ clarifies that the reported contact with foreign nationals applies to those with whom the respondent have had feelings of affection, been in a romantic relationship, or is bound by social, moral, financial, or legal obligation, as well as anyone whom the respondent may have shared information about themselves that may be used to influence the individual to act against the interest of the U.S. Government. Therefore, OPM did not accept these comments.

The second anonymous commenter suggested a different way to ask the follow-up questions for foreign travel. This comment was not accepted because the way the follow-up, or branching, questions are asked assists the individual in remembering their experiences of each travel taken as opposed to asking for a collective experience after listing all travel, which may lead to inadvertent omission of relevant information. At this time, OPM does not think the questions warrant reframing given that individuals will need to answer the follow up questions to foreign travel only if they have any foreign travel to report.

This commenter also pointed out that OPM’s narrowed focus on “the most serious mental health illness[es]” make it easier to discriminate against applicants who

answer affirmatively. The commenter also points out that the stated purpose in the original notice “to decrease the risk from insiders with significant mental illness, including risk of violence at federal installations” perpetrates erroneous stigma that people with mental illnesses are likely to commit violent crimes. Accordingly, this commenter asks for OPM to publish the evidence it is using to determine which conditions qualify as “serious.” OPM understands the commenter’s concerns with stigmatizing mental health conditions. In developing the questions under Psychological and Emotional Health section, OPM was careful to shift the focus away from questions about seeking mental health treatment while allowing for the collection of information regarding potentially serious or uncontrolled conditions that could substantially affect judgement or reliability. The diagnoses listed in the question were identified as appropriate by psychologists with extensive national security experience, and based on the expertise of these experts, the manner in which the individual is managing the condition is adjudicatively relevant.

An individual commenter questioned the need to continue to ask for the respondent’s name at birth and other names used and questioned why not just asked for other names used during the scope of the investigation. The individual then points out that if the purpose for all the information is for the investigation to be able to match identity of the individual, then that should be explained in the form. OPM did not accept this comment and believes instructions on the form are clear regarding General Information section where the questionnaire asks for full name and other names used. As mentioned in the 60-day notice, this information is considered necessary for properly conducting the background investigations of individuals. OPM and ODNI recognize that this collection is particularly sensitive for transgender and gender non-conforming and non-binary employees and applicants, so new instruction language was included designed to help mitigate privacy concerns by clarifying how the collected information will be used during the personnel vetting process.

Ten comments were received from a company in the defense industrial base that actively participates in the personnel vetting process. The majority of the comments provided grammar or technical corrections to a number of sections. The majority of the recommendations were either accepted or had already been corrected. This commenter noted that there was no section available for individuals completing the form to add any explanation. This comment was accepted and the developers will be instructed to add additional area for comments after each section in the electronic PVQ.

A current federal employee provided public comments developed on his own time using his own personal computer on the marijuana use section. This commenter strongly recommended that the explanatory language in this section be amended to add “The term ‘tetrahydrocannabinol (THC)’ refers solely to the delta-9 tetrahydrocannabinol isomer, and not any other isomer or derivative of ‘hemp,’ as that term is defined in 7 U.S.C. § 1639o(1).” This comment was not accepted as adding “delta-9” will create more confusion for the respondent since these products are not clearly labeled in the market. The proposed changes may be applicable should the industry begin providing more comprehensive and accurate labeling of products.

The same commenter objected to having a question that asks if in the last five years the respondent has been involved in the illegal manufacture, cultivation, trafficking, production, transfer, shipping, receiving, handling, sale or purchase of marijuana or a cannabis derivative. He points out that since this question has a five year scope it will also force individual who have used marijuana in that time frame but not in the last 90 days to admit activities incidental to personal marijuana use such as receiving and handling of marijuana. OPM agrees with this comment and has removed “handling” from this question and related branching questions.

There were five additional comments from two members of the armed services who submitted public comments utilizing their government email address but did not clarify whether their views represented that of their agencies or their personal opinions. OPM assumes these were their own personal views. One comment provided suggestions to rephrase one of the questions under the psychological or emotional health section, which OPM did not accept because those questions were formulated by clinical and research psychologist with subject matter expertise in personnel vetting and were vetted by the Security, Suitability, and Credentialing Performance Accountability Council Principals. The same commenter pointed out that Part C, Section 28 D -

“A plan to hurt or kill someone else that you either acted upon or would have acted upon if someone had not intervened,” may lead to the respondent to self-incrimination.

OPM agrees and for clarity moved the immunity language located at the beginning of the PVQ under “Purpose of this Form” section to each respective section of the PVQ.

The other commenter from the armed services asked a question about the definition of continuous vetting, and OPM edited the sentence for clarity.

The same commenter also asked why information regarding expunged records was being asked under Part A, Police Record. The commenter questioned why, with the passing of the Fair Chance Act, would the government be asking about criminal records that in effect are no longer valid, against an applicant. OPM did not accept this comment and notes that generally the PVQ is provided to an applicant once a conditional job offer of employment is made. The police record section includes the reporting of charges, regardless of expungement, because in the personnel vetting process the government must consider the conduct that occurred and not necessarily just the outcome.

The same commenter had a comment about a branching question for someone who admits having worked for a foreign agency in Part B. The branching question asks “Do you maintain contact with any foreign national from your time working at this foreign agency? (“maintain contact” includes now and an intent to have contact in the future.)” The commenter recommended that the type of contact being asked about be defined. OPM did not accept this recommendation as any type of contact with former

foreign national colleagues would be adjudicatively relevant in the personnel vetting process. Additionally, the branching questions offer the respondent an opportunity to explain the type of contact.

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.

This collection includes language in the instruction sections describing the purpose of the form and what to expect from the investigative process. Respondents are granted partial confidentiality under 5 U.S.C. § 552a and 5 CFR Part 736. The collection also contains the following authorizations which are submitted by the respondent (as applicable).

- *Authorization for Release of Information*
- *Fair Credit Reporting Disclosure and Authorization,*
- *Authorization for Release of Medical Information Pursuant to the Health Insurance Portability and Accountability Act (HIPAA).*

The authorization forms request record custodians (those holding records that are reviewed as part of the investigation, such as employers, landlords, and police departments) 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.

The collection notes the information provided by the respondent, including the identity of the respondent, may be disclosed to the respondent upon request.

The Defense Counterintelligence and Security Agency (DCSA) is the primary background provider for the federal government and is responsible for maintaining the information obtained through this collection.

This collection contains a Privacy Act Statement and is covered by the Defense Counterintelligence and Security Agency’s System of Record Notice, Personnel Vetting Records System,” DUSDI 02- - see

<https://www.federalregister.gov/documents/2018/10/17/2018-22508/privacy-act-of-1974-system-of-records>. It is also covered by a DCSA privacy impact assessment. DCSA has provided information about its privacy impact assessments at <https://www.dcsa.mil/contact/foia/foip/>.

There are other agencies with investigative authority that conduct background investigations, most of which obtain the information through DCSA’s system. Agencies

that maintain the information from this collection will provide respondents with a copy of their routine uses, as explained in Part A.

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 Personnel Vetting Questionnaire is an investigative tool and 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.

Generally after there is a conditional offer of employment, the form obtains data from individuals with which to initiate an investigation to inform 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 a personal 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 that may be considered sensitive in nature are listed and explained below:

- 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 had to seek emergency care for a mental health condition. These questions are necessary to satisfy the adjudicative guidelines that apply to determinations of an individual's judgment or reliability in order to be eligible for Federal employment in a national security position or for eligibility for access to classified information.

- Criminal Conduct: Inquiry into criminal history, including details regarding criminal conduct, arrests, and convictions is appropriate for national security positions and for an adjudicative decision regarding suitability or fitness for Federal or contract

employment. This information is also necessary to make accurate and complete checks of investigative files.

- **Illegal Use of Drugs or Drug Activity:** Inquiry into illegal drug use is appropriate for national security positions and for an adjudicative decision regarding suitability or fitness for Federal or contract employment.

- **Use of Alcohol:** Inquiries into use of alcohol is appropriate for national security positions and for an adjudicative decision regarding suitability or fitness for Federal or contract employment.

- **Financial Record:** Inquiry into personal finances is appropriate for national security positions. For determinations of regarding suitability or fitness for a position, inquiry into an individual’s honesty with regard to efforts to satisfy financial obligations may be made.

- **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 for an adjudicative decision regarding suitability or fitness for Federal or contract employment.

The instructions 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 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	OMB Number	PVQ Part	No. of Respondents	No. of Responses per Respondent	Average Burden per Response (in hours)	Total Annual Burden (in hours)	Average Hourly Wage Rate	Total Annual Respondent Cost
SF 86	3206-0005	Part A, B & C						
SF 85	3206-0261	Part A						
SF 85 P, 85P-S	3206-0258	Part A, B & D						
SF 85P	3206-0258	Part A & B						
Total			5,258	1	2.33	12,844	\$22.00	\$282,568

It is estimated that 5,258 potential OPM Federal and non-Federal individuals will complete the Personnel Vetting Questionnaire annually for investigations. The Personnel Vetting Questionnaire takes approximately 140 minutes on average to complete. The PVQ will replace the prior SF 85, SF 85P, and SF 86 collections, as shown above.

As a reminder, the Personnel Vetting Questionnaire will automatically be populated with a question bank based on the low, medium, or high investigative risk/tier of the position as well as 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.

All Federal agencies using the form may request the use of this common form without additional 60-day 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 Defense Counterintelligence and Security Agency will make the form available on the National Background Investigation Services system as a service called eApp for their customer agencies and agencies that are authorized to 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	No. of Respondents	Total No. of Responses	Avg. Burden per Response (in hours)	Hourly Wage Rate	Total Respondent Costs
Applicants and Federal Contractors	PVQ	5,258	1	2.3	\$27.07	327, 368.00

The estimated total cost to respondents is \$327, 368.00. This is based on an estimated hourly wage of \$27.07/hour using the 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 2020.

No other costs, including capital or maintenance costs, will be incurred by respondents, beyond their time.

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 Personnel Vetting Questionnaire is the information collection that serves as the basis for the investigation of all individuals working for or on behalf of the government. 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 investigations.

Investigative Tier	Average Number of Submissions (OPM Federal and Non-Federal)	Cost per investigation according to tier	Total Annual Cost
Low Tier	604	\$148	\$89,392
Medium Tier	2,807	\$585	\$1,642,095
High Tier	1,847	\$4,255	\$7,858,985
			\$9,590,472

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

Not applicable as this is a new form.

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.

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.