

SUPPORTING STATEMENT

A. Justification

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

Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) directed the Civil Aeronautics Board to promulgate regulations with respect to the extension of credit for air transportation furnished to candidates for Federal office, or any person acting on their behalf, in connection with political campaigns. Title 14 Code of Federal Regulation Part 374a (14 CFR Part 374a) was adopted to implement this requirement. Form 183 was designed as the means for reporting credit extended to political candidates for air transportation services. Section 4(a)(7) of the Civil Aeronautics Board Sunset Act of 1984 transferred the responsibility for administering this reporting to the Secretary of Transportation.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made the information received from the current collection.

Air carriers certificated under 49 U.S.C. 41102 may be required to file monthly reports on Form 183 with respect to the extension of credit for air transportation furnished to political candidates. An air carrier must submit monthly reports to the Department when the indebtedness for transportation furnished to a candidate, running for Federal office, or to persons acting on behalf of such candidate, exceeds \$5,000 on the last day of a month during the 6 months before an election or nomination. After that period, the air carrier shall file a report with the Office of Airline Information no later than the 20th day following the end of the calendar month in which the election or nomination takes place and thereafter when any change occurs in that report, until a negative report is filed. For Form 183 purposes a “negative report” is one that indicates an indebtedness of \$5,000 or less.

These disclosures have tended to reduce the lag time between when transportation is provided to political candidates and when the air carrier is paid. In the past, the lag time resulted in substantial balances in accounts receivable to some air carriers. This led to Congress to enact the Federal Election Campaign Act.

When there are air carriers submitting Form 183, the Office of Airline Information within

the Bureau of Transportation Statistics compiles a monthly report identifying unpaid balances due air carriers from political candidates and sends the report to the Federal Elections Commission.

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 submissions 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.

Carriers are free to establish their own systems for generating the information and may use their own computer-generated forms with approval from the Office of Airline Information (OAI). Also, carriers may email their data to OAI.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Congress delegated the Department of Transportation as the successor of the Civil Aeronautics Board to collect information on the extension of credit for air transportation services to political candidates during Federal Elections.

5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.

Because of the minimal reporting burden (one hour or less per report) no special provisions were made for small businesses. Moreover, no small business has submitted a Form 183 for the last 18 years.

6. Describe the consequence to the Federal Program or policy activities if the collection were not collected or conducted less frequently.

Collecting Form 183 less frequently would be counter to Congressional intent of the Federal Election Campaign Act of 1971. Congress mandated close surveillance over large amounts of credit granted to political candidates. The Federal Election Commission requires the information on Form 183 in a timely manner in order to carry out its assigned duties. Moreover, the reporting of Form 183 is sporadic. Most of the Form 183

reports are filed in years when there is a Presidential election. Very few are filed in non-election years. Reducing filing frequency would have minimal affect on reporting burden, while greatly hindering the Federal Election Commission's work.

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

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, government contracts, grant-in-aid, or tax records for more than 3 years;**
- **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;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **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; or**
- **requiring respondents to submit proprietary trade secrets, 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.**

As we have previously stated, the collection of Form 183 is sporadic. During Federal election years, it is quite probable that a carrier would be required to report on a monthly basis for six consecutive months. However, this result is within Congressional intent of the Federal Election Campaign Act of 1971. Also, because of the immediate need for the data by the Federal Election Commission, reports must be submitted within 20 days.

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 the notice and describe actions taken by the agency in response to these comments.

The notice inviting public comments was published in the Federal Register on March 16 , 2009 (74 FR pages 11177-11178). There were no comments.

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

There were no payments or gifts to respondents.

10. Describe any assurances of confidentiality provided to respondents.

In keeping with Congressional intent, there are no guarantees of confidentiality.

11. Are there any questions of a sensitive nature?

There are no questions of a sensitive nature.

12. Provide estimates of reporting burden.

Average number of Respondents		2	(monthly average)
Total annual responses	24		
Burden per response	1 hour		
Total burden hours			24 hours

13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.

There are no other costs associated with this data collection.

14. Provide estimates of annualized cost to the Federal Government.

	Direct	Indirect Costs\	Total
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	<u>Costs</u>	<u>Overhead</u>	<u>Costs</u>
Cost allocated to Form 183	\$225	\$375	\$600
Cost of Reporting Directives	\$ 75	\$125	\$200

The cost of the Reporting Directive is incurred every other year while the cost allocated to the Form 183 collection is an annual cost.

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

There were no changes.

16. Is the information received published?

The Department compiles a monthly report based on Form 183 and sends the report to the Federal Election Commission.

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.

We are not seeking approval to not display the expiration date on the form.

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

There are no exceptions.

B. Collection of Information Employing Statistical Methods

This data collection does not employ statistical methods.