

Supporting Statement  
1105-0097

11. The U.S. Government conducts criminal checks to establish that applicants or incumbents either employed by the Government or working for the Government under contract are eligible for the job. The U.S. Marshals Service will use Form USM-271 *Leased/Charter Flight Personnel Expedited Clearance Request* to conduct a National Criminal Information Center (NCIC) check for each temporary contractor (working on contract 6 months or less and require physical access only) to determine eligibility to work on U.S. Marshals Service contracts.

The U.S. Government is authorized to ask for this information under 5 CFR 731, Suitability Regulations. This solicitation of information is also authorized by Executive Order 10450 and may be used as a basis for eligibility determinations.

2. The U.S. Marshals Service inputs the information from this completed form into the NCIC Database and conducts a pre-employment name check through the National Crime Information Center (NCIC). The system will produce a criminal history report that is reviewed by designated U.S. Marshals Service personnel. The designated U.S. Marshals Service personnel will determine the eligibility of the temporary contractor based upon the information provided by the check.

The collected information may be provided:

1. To U.S. Marshals Service personnel when needed for official business, including designated analysts and managers for official business;
2. To verify eligibility of an employee or contractor before granting access to specific resources;
3. To disclose information to agency staff and administrative offices who may restructure the data for management purposes;
4. In any legal proceeding, where pertinent, to which the US Marshals Service is a party before a court or administrative body;
5. To authorized officials engaged in investigating or settling a grievance, complaint, or appeal filed by an individual who is the subject of the record;
6. To a Federal, state, local, foreign, or tribal agency in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation; the letting of a contract; or the issuance of a grant, license, or other benefit to the extent that the information is relevant and necessary to a decision;
7. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), or the Government Accountability Office (GAO) when the information is required for program evaluation purposes;
8. To a Member of Congress or staff on behalf of and at the request of the individual who is the subject of the record;
9. To an expert, consultant, or contractor of the US Marshals Service in the performance of a Federal duty to which the information is relevant;

10. To the National Archives and Records Administration (NARA) for records management purposes;
  11. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the U.S. Marshals Service or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.
3. The US Marshals Service will often receive the completed document via fax or e-mail. The applicant is generally not co-located with the center that conducts the NCIC checks. PDF electronic signatures were considered, but the signature can be easily created by anyone, and there is no valid verification procedure for PDF electronic signatures.
  4. There is no similar collection in place.
  5. This collection of information does not impact small businesses.
  6. If the data is not collected on this form, it would have to be collected over the phone or by other means. Other means would be less efficient and would introduce the possibility of error. Liability for the input of inaccurate information could be placed on the government or government employee. The government might not discover disqualifying evidence that would normally preclude the applicant from working for the Federal government, and security issues might arise.
  7. The Department anticipates no circumstances under which a request for the assumption of concurrent Federal criminal jurisdiction would be subject to any of the following conditions:
    - 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, medical, government contract, grant-in-aid, or tax records, for more than three 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 a 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.

8. The Department solicited comments on the information collection in FR Volume 80, Number 146, page 45553 (July 30, 2015) and FR Volume 80, Number 202, page 63590 (October 20, 2015). The comment period for the proposed rule has closed and the Department received 1 comment on the information collection. The comment expressed concern that the government should not expedite clearances for public safety reasons. The Department's need for the expedited clearance for temporary contractors for short-notice flight assignments outweighs this concern.

9. The Department has made no decision to provide any payment or gift to respondents.

10. There is no assurance of confidentiality.

11. The Department is not requesting such information.

12. The Department estimates the number of minutes necessary to submit a request to be approximately 5 per responder, with approximately 180 possible responders. In order to calculate the public burden, the Department multiplied 5 by 180, which equals 900. Divide by 60 (the number of minutes in an hour) to total 15 annual burden hours associated with this collection.

13. There should be no cost burden on the respondent to complete this request.

14. USMS- JPATS staff time to process and document requests: 1 GS-12 (\$42.86/hour) \* (.25 hours per request per year) Maximum of 200 respondents per year – TOTAL \$2,143.00.

Record maintenance and storage: 1 GS-9 (\$29.55/hour) devoting 1.0 to 5 hours each year to creating, maintaining, and disposing of records, and pulling previous records for reference. – TOTAL \$147.75

TOTAL Burden Maximum – \$2,290.75

15. N/A

16. N/A

17. N/A

18. N/A