

SUPPORTING STATEMENT

Electronic Bonds Online (eBonds) Access

(Form I-352 SA)

(Form I-352 RA)

OMB No. 1653-0046

A. Justification.

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Sections 236 and 240B of the Immigration and Nationality Act, provide for the posting of bonds in order to assure either timely voluntary departure from the United States or to secure assurances that the individual, for whom the bond was posted, appears at all court appearances and when required by the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE). The information collection is necessary for ICE to grant access to Electronic Bonds Online (eBonds) which enables a Surety Company (Surety) to post an immigration bond.

- 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 data collected is used by ICE to ensure that the Surety posting the bond is aware of the duties and responsibilities associated with accessing the eBonds system. It is also used to verify the number of users of the system and bond authority of each Surety agent.

- 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 use of these collection instruments provides the most efficient means for collecting and processing the required data. While ICE has employed the use of information technology in collecting and processing information in some cases, it has not deployed the automated capability to accept electronic submission of this information.

- 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.**

This information is not collected in any form, and therefore is not duplicated elsewhere.

- 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.**

This information collection does not have an impact on 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.**

Sections 236 and 240B of the Immigration and Nationality Act (INA) provides for the acceptance of bonds in certain cases. The failure to provide the mechanism for the acceptance of bonds would be a violation of that section of law. DHS has always taken the position that the use of bonds is an integral part of the detention strategy.

- 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, 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 secret, 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.**

The special circumstances contained in item 7 of the Supporting Statement are not applicable to this information collection.

8. **If applicable, provide a copy and identify the data 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.

On April 30, 2019, ICE published a notice in the Federal Register at 84 FR 18299, soliciting public review and comment on the information collection renewal for a 60-day period. ICE received questions from one commenter. On July 1, 2019, ICE published a follow up notice in the Federal Register at 84 FR 18300, soliciting public review and comment for an additional 30-day period.

ICE received one comment in response to the Electronic Bonds Online Access 60-day notice.

COMMENT: What is the source of the estimated annual number of responses (i.e., 60 responses)?

RESPONSE: This number was based on the current number of eBonds user (agents and administrators) and the annual requirement to review and sign the rules of behavior. We also consider the number of new users added to the program annually. We currently have 54 eBONDS users and over the last 3 years ICE averaged 5 new accounts per year.

COMMENT: What is the source of the hourly burden estimate (i.e., 0.5 hours)?

RESPONSE: This estimate is based on the amount of time it takes to review, update, and process the form.

COMMENT: How was the hourly burden estimated (approx. \$75.17)? What sources were used?

RESPONSE: Within our office we have GS 14 and GS 15 employees (all are in the step 8 area) who could process the form. I just took an average of their hourly pay rate. Source was the pay chart on the OPM website.

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

ICE does not provide payment or gifts to respondents in exchange for a benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The collection of this data has coverage under the following PIAs and SORNs;

- DHS/ICE-004 Bond Management Information System (BMIS) SORN
- DHS/ICE 011 – DHS/ICE–011 Criminal Arrest Records and Immigration Enforcement Records SORN
- DHS/ICE/PIA – 008 eBonds Online System, and subsequent updates
- DHS/ICE/PIA-005 Bond Management Information System, and subsequent updates
- DHS/ICE-PIA-015 Enforcement Integrated Database (Updates (b) and (d) specifically

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 person's form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Annual Reporting Burden

a.	Number of Respondents (Rules of Behavior Agreement)	30
b.	Number of Respondents (Access Application and Agreement)	30
c.	Number of Responses per each Respondent	1
d.	Total Annual Responses	60
e.	Hours per Response	.5 hrs. (30 min.)
f.	Total Annual Reporting Burden	30

Annual Reporting Burden

The total annual reporting burden is 30. This figure was derived by multiplying the number of respondents (60) by the frequency of response (1) by (0.50) hours (30 minutes) per response. The estimate of the burden includes the time required to review instructions, gather and maintain data needed, complete, and file the collection of information.

Annual Cost Burden

The estimated annual cost burden is \$2,255. This estimate is based on the number of respondents (60) multiplied by the annual number of responses (1) by 0.50 hours (30 minutes) per response by the average hourly wage rate (\$75.15).

The respondent's occupation who might prepare the forms for the surety company can range from a legal assistant to an attorney. A close proxy to an occupational industry and wage rate for immigration surety bonds is the insurance and brokerage related industry. The average hourly wage rate, which includes a benefit multiplier, was based on the May 2017 National Industry-Specific average hourly wage rate of an attorney and legal assistant for the insurance industry found on the Bureau of Labor Statistics website as shown below.

Job	Code	Job Title	Average Hourly Rate	Source
1011 Attorneys			\$75.02	https://www.bls.gov/oes/2017/may/naics4_524200.htm#23-0000
2011 Paralegals and Legal Assistants			\$29.74	https://www.bls.gov/oes/2017/may/naics4_524200.htm#23-0000

When the costs for employee benefits such as paid leave and health insurance are included, the loaded wage is \$75.15 per hour. The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation, found in Bureau of Labor Statistics, Employer Costs for Employee Compensation, September 2018, Table 5: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, by major occupational group and bargaining unit status, September 2018, https://www.bls.gov/news.release/archives/ecec_12142018.htm. Wages and salaries are 69.7 percent of total compensation. $\$75.15 = \$52.38 / 0.697$.

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

There are no capital or start-up costs associated with this information collection.

The figure of \$8.25, as the maximum national average cost of obtaining a notary seal was derived the following way. First, the four states in which the largest number of illegal aliens have cash immigration bonds executed on their behalf are California, Texas, New York and Florida. For each of these states, the maximum fee that is allowed by statute for a notary seal was identified. California has a maximum fee of \$15¹; Florida allows a fee of up to \$10, Texas allows a fee of up to \$6, and New York, \$2. The maximum average cost across these four states is \$8.25. Importantly, these are maximum costs. Many financial institutions perform these services for their customers for free, and many notaries set their fees below the allowed maximums.

The maximum national average annual cost of obtaining a notary seal is \$495 = \$8.25 x 60 (annual number of responses).

- 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**

¹ See National Notary Association, Notary Fee by State <https://www.nationalnotary.org/knowledge-center/about-notaries/notary-fees-by-state>. Accessed March 4, 2019.

other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimated cost of the program to the Government is \$ 4,775. This figure is calculated by using the estimated number of respondents (60) multiplied by the frequency of processing (1) by the average processing time (1 hour) by the average hourly rate for a managerial officer time with benefits and overhead (\$79.58)².

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

The overall adjustments reflect an increase in respondent annual cost burden and governmental cost from previously reported due to an update to respondent wage determination, notary fees adjustment, and government wage rate. There were no changes to the number of respondents or the burden hours.

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.

ICE does not intend to employ the use of statistics or the publication thereof for this information collection.

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.

ICE will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

² Hourly wage rate for a federal employee GS-014 step 05, \$48.53, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf

The average hourly loaded wage rate is calculated as \$71.05, using the percentage of wages and salaries to total compensation for civilian workers (0.683), as reported by the Bureau of Labor Statistics, Employer Costs for Employee Compensation, released September 18, 2018,

https://www.bls.gov/news.release/archives/ecec_12142018.htm. $\$71.05 = \$48.53 / 0.683$.

Overhead rate of 12 percent was added to the loaded wage to arrive at an hourly rate of \$79.58; the 12 percent overhead reflects operations and general cost as reported in OMB Circular A76,

https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A76/a76_incl_tech_correction.pdf.

ICE does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not applicable.