

Supporting Statement A
Electronic Funds Transfer Waiver Request
(Form 10-002)
OMB No. 1653-0043

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.**

The information of the vendor, sole proprietor, or individual is necessary, so that the agency can identify those payees who have been waived from receiving federal payments via Electronic Funds Transfer (EFT).

Federal regulations 31 C.F.R. Part 208.4 and F.A.R. 32.11 give the Federal Government the authority to waive a vendor, sole proprietor, or individual from the EFT requirements of the Debt Collection Improvement Act (DCIA) if they meet one or more of the seven conditions.

The U.S. Immigration and Customs Office (ICE) Office of Professional Responsibility (OPR) request waivers for payment of confidential Tort claims, filed offices with non-payroll related travel issues also request waivers, and foreign payments to companies that do not support EFT.

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 vendor, sole proprietor, or individual must submit the *EFT Waiver Request Form* to the Office of Acquisition. The *EFT Waiver Request Form* must be approved by the Office of Financial Management, Dallas Finance Center (DFC) to be exempted and waived from the EFT requirement, so that they can receive their federal payments in the form of a paper check. The *EFT Waiver Request Form* shall be used by DFC to track those payees, who have been exempted and waived from the EFT requirement. In addition, a periodic compliance review will be performed by DFC to determine if the warrant for the waiver is still met.

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 this form provides the most efficient means for collecting and processing the required data. Respondents are instructed to return completed forms to the agency via U.S. mail or by facsimile to the locations provided in the instructions on the form. Electronic submission of waiver forms has been discussed but would not be completed until the database is relocated to the DHS Data Center. The collection requires signatures and ICE currently does not fully support electronic signatures to enable this option presently.

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.**

There is no other similar information currently available which can be used for this purpose.

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.**

When a small business or small entity would like to be waived from the EFT requirement, they can complete the *EFT Waiver Request Form* before finalizing their contractual agreement in procurement. The Office of Acquisition (OAQ) would provide the small business or entity with the necessary form during their contractual proceedings upon request.

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.**

Failure to collect the *EFT Waiver Request Form* from the non-EFT vendors/payees would cause the agency to become non-compliant with the EFT requirement prescribed in the Debt Collection Improvement Act (DCIA).

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 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 August 5, 2021, ICE published a 60-day notice in the Federal Register at 86 FR 42870. ICE received no comments. On October 19, 2021, ICE published a 30-day notice in the Federal Register at 86 FR 57843

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

ICE does not provide payments 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.**

There is no assurance of confidentiality.

- 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, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private included in this collection.

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:	650
b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	650
d. Hours per Response:	0.50 Hr. (30 min.)
e. Total Annual Reporting Burden:	325 Hr.

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Learning about the Law and the Form:	10 Minutes
Completion of the Form:	5 Minutes
Assembling and Filing the Form:	15 Minutes
Total Hours per Response:	30 Minutes

Annual Reporting Burden

Total annual reporting burden is 325 hours. This figure was derived by multiplying the number of respondents (650) x frequency of response (1) x (0.50 hours) per response.

Annual Cost Burden

The estimated annual cost burden is \$11,648. This estimate is based on the number of respondents (650) x number of responses (1) x hours per response (0.50) x average hourly fully loaded wage for an unskilled labor and a business operations specialist worker (\$36.66).

The respondent's occupation who is likely to prepare the form to file an exemption and waiver from the EFT requirement of the Debt Collection Improvement Act can range from an unskilled labor to a vendor's business operations specialist.

The hourly wage rate for unskilled labor is represented by the national average of state minimum wage rates, \$11.80¹. The fully loaded wage rate, \$17.10, is calculated using the percentage of wages and salaries to total compensation, found in Bureau of Labor Statistics, Employer Costs for Employee Compensation, June 2021, Table 1: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, All workers, <https://www.bls.gov/news.release/ecec.t01.htm>. Wages and salaries are 69.0 percent of total compensation. $\$17.10 = \$11.80 / 0.69$.

The average hourly wage rate, for a business operations specialist is represented by the average hourly wage \$37.66. The average hourly wage rate is based on the Bureau of Labor Statistics 2020 National Occupational Employment and Wage Estimates United States occupational code 13-1000 found at https://www.bls.gov/oes/current/oes_nat.htm#13-0000. When the costs for employee benefits such as paid leave and health insurance are included, the fully loaded wage is \$54.58 per hour. The fully loaded wage rate is calculated using the percentage of wages and salaries to total compensation, for all workers as referenced above, 69.0 percent. $\$54.58 = \$37.66/0.69$.

¹ The Federal minimum wage is \$7.25 per hour; however, in this information collection, DHS will rely on the "effective" minimum wage of \$11.80. See "Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers" <https://www.federalregister.gov/d/2021-17779/p-217>

The average of the two fully loaded wage rates for the national average minimum and a business operations specialist is \$35.84 $((\$17.10 + \$54.58 / 2))$.

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.

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 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.**

Annualized Cost Analysis:

a. Collecting and Processing:	\$19,130
b. Total Annual Cost to the Government	\$19,130

Government Cost

The estimated cost to the Government is calculated by multiplying the estimated number of respondents filing the Electronic Funds Transfer Waiver Request (650) by (1) hour

(time required to collect and process) by \$29.43 (average fully loaded hourly wage for the government employee to collect and process the form).

The average hourly wage is based on the Accounting Technician who collects and processes each form for a total of one hour and is located in Dallas, Texas. The annual salary for a General Schedule Grade 7 Step 10 Accounting Technician, Job Series 0525, in the Dallas-Fort Worth, TX-OK locality is \$61,213² and the fully loaded average hourly wage is \$29.43 (\$61,213 / 2,080 hours worked per year).

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

The general adjustments reflect an increase in respondent annual cost burden and decrease in governmental cost from previously reported due to an update to respondent wage determination 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 collection of information.

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.

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

² The 2021 General Schedule Salary Table for this locality can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DFW.pdf>