Supporting Statement A

ICE Flight Manifest/Billing Agreement

OMB No. 1653-NEW

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.**

OMB Circular A-126, Subject: Improving the Management and Use of Government Aircraft (May 22, 1992), requires that government agencies that fly non-official passengers in a Space Available status charge them the "full coach fare" cost of their seat on the government aircraft. Circular A-126 defines "full coach fare" as "a coach fare available to the general public between the day that the travel was planned and the day that the travel occurred." Id. ¶ 4f. To properly bill these passengers, ICE must set up accounts receivable in the Federal Financial Management System (FFMS). Accounts receivable must be based on legally valid debts. The Flight Manifest/Billing Agreement (FM/BA) form will collect the contact information needed to send bills to these passengers from FFMS, and will document their agreement to be billed for their seats on these flights.

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 FM/BA collects information for the purpose of confirming Space Available passengers on any ICE-chartered flight and to facilitate the effective billing of those passengers for the full coach fare of their seats on the flight. This information includes their names, addresses, and their social security numbers. The information will be collected in hard-copy paper form. Space Available passengers will complete the form and provide it to the ICE personnel responsible for conducting the flight. The passengers may not be afforded entry on board the aircraft until the form is completed unless there is an emergency situation requiring immediate passenger boarding and aircraft take off (in which case, they will complete the form after boarding). In a non-emergency situation, completion of the form is voluntary, but unless it is completed the passenger will not be afforded the opportunity to travel on an ICE-chartered flight in a Space Available status. This information can be used by the ICE personnel conducting the flight to ensure verification of the Space Available passengers actually traveling on the flight and familial relationships between them in the case of families with minor children being evacuated. The ICE personnel conducting the flight will then provide it to the program office responsible for contracting of the flight, which will use it to construct Accounts Receivable Notification (ARN) packets. The program office will send the ARNs to OFM's finance center to have the accounts receivable established to bill the Space Available Passenger. The information will be collected from all persons traveling in a Space Available status, unless they are minor children traveling with their parents or guardians. In those cases, an adult member of the family or the guardian will provide the information regarding the minors on the form

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 information will be collected on paper. Space Available travel on ICE-chartered flights is an extraordinary event, necessitated only by armed conflict, natural disaster, or public health emergency. Thus, it is not cost effective to develop electronic systems to automate this data collection. Further, the emergent nature of the causes themselves militates against the collection of this data electronically. The ability to collect the data must be field expedient and rely upon traditional means of information collection, such as ink on paper. Once the forms have been completed, they will be scanned by the ICE personnel conducting the flight and sent to the program office responsible for contracting for the flight and creating the ARNs to be sent to OFM

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.

A search of reginfo.gov revealed that this information is not collected in any form usable by ICE, and therefore is not duplicated elsewhere. The Department of State has a form titled DS 5528, "Evacuee Manifest and Promissory Note," that it uses in the administration of its statutory and regulatory authorities to evacuate U.S. nationals and others in the event of armed conflict, natural disaster, or public health emergency. This form is a financial instrument, collecting information beyond what ICE is seeking to collect, such as passport numbers, and informing the "applicants" for Department of State "loans" that delinquency in paying their evacuation debts, which are calculated on a statutory basis separate and apart from OMB Cir. A-126, could result in their passport travel privileges being withheld. This form is not suitable for ICE as it seeks to collect full coach fare costs under the OMB circular.

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.

OMB Circular A-126 requires that agencies collect the full coach fare costs for passengers flying on their aircraft. The only exceptions to this requirement are limited to personnel working for the Department of Defense or for other Federal agencies in remote areas where there is no reasonable availability of commercial flights on a regular basis. Otherwise, these costs must be billed. If this form is not used to collect the Space Available passengers' contact information and agreement to be billed, then it becomes difficult to unequivocally establish that these are valid debts and difficult to bill these debtors for these just debts. If these costs are not billed and any proceeds are not returned to the fisc, then agencies run the risk of being found in violation of the Anti-Deficiency Act, which sets out criminal penalties for agency officials who violate its provisions.

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 27, 2021, ICE published a notice in the Federal Register at 86 FR 22246, soliciting public review and comment for a 60-day period. ICE received no comments. On July 9, 2021, ICE published a follow up notice in the Federal Register at 86 FR 36292, soliciting public review and comment for an additional 30-day period.

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

The is no offer of monetary or material value for this information collection.

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

There are no assurances of confidentiality provided to the respondents for this information collection.

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.**

Hour Burden Estimate

a. Number of Respondents: 250

b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	250
d. Hours per Response:	.25 (15 min.)
e. Total Annual Reporting Burden:	63

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:	5 Minutes
Completion of the form:	5 Minutes
Assembling and filing the form:	5 Minutes
Total Hours per Response:	15 Minutes

Annual Reporting Burden

Total annual reporting burden hours is 63. This figure was derived by multiplying the number of respondents (250) x frequency of response (1) x hours per response (0.25) rounded to the nearest whole hour.

Annual Cost to Respondents

The annual cost to respondents is estimated to be $2,391. This figure was derived by multiplying the annual reporting burden in hours (62.5), by the average total compensation per hour, among civilian workers in the United States, in 2020 ($38.26). The source of the compensation data is the Bureau of Labor Statistics' website - https://www.bls.gov/news.release/archives/ecec_12172020.htm[1].

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**

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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 record keeping, capital, start-up or maintenance 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:

Printing Cost	$	75
Collecting and Processing	$	11,681 (rounded)
Total Cost to Program	$	11,681 (rounded)
Fee Charge	$	0
Total Government Cost	**$**	**11,756**

The estimated printing cost to the Government is $75. This is calculated on the basis of approximately 250 forms per year, each three pages long, and an estimated printing cost of $0.10 per page = 250 x 3 x $0.10 = $75.00.

The estimated labor cost of the program to the Government is $11,681(rounded). This figure is calculated by using the estimated number of respondents (250) multiplied by the cost per form ($46.72) = $11,680.54.

The formula for the cost per form is (0.83 hours to initially review the information on the form before it is accepted, and then to develop the information into the ARN packet) x ($32.69, GS-8, step 5 fully loaded wage) + (0.17 hours for a legal advisor to review packet) x ($73.59, GS-14, step 5 fully loaded wage) + (0.08 hours for the financial official to review packet) x ($86.56, GS-15, step 5 fully loaded wage) = $46.72.

The fully loaded average hourly wage is based on the General Schedule Salary Table's base pay multiplied by the Bureau of Labor Statistics' percentage of wages and salaries to total compensation, and is calculated as follows:

GS-8, step 5 base pay hourly wage rate of $22.43 / percentage of wages and salaries to total compensation of 0.686 = $32.69.

GS-14, step 5 base pay hourly wage rate of $50.49 / percentage of wages and salaries to total compensation of 0.686 = $73.59.

GS-15, step 5 base pay hourly wage rate of $59.39 / percentage of wages and salaries to total compensation of 0.686 = $86.56.

The 2020 General Schedule Salary Table can be found at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS_h.pdf. The percentage of wages and salaries to total compensation can be found here https://www.bls.gov/news.release/archives/ecec_12172020.htm[2].

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

This is a new collection of information.

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.

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

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