

Supporting Statement for Paperwork Reduction Act Submissions

Each information collection request must include a supporting statement outlining the justification for the proposed collection. Completed supporting statement documents must include both the questions below and the component's answers, even if a question is not applicable. If selecting "Yes" on question 17 of OMB Form 83-I or if selecting in ROCIS that the collection will employ statistical methods, then Part B of the Supporting Statement must also be completed.

- 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 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. 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 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. **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.**

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. 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 similar collection in place.

- 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 collection of information does not impact small businesses.

- 6. Describe the consequence to the 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.**

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. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines: (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) 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; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of 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; (h) 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.**

The Department anticipates no circumstances under which a request for the assumption of concurrent Federal criminal jurisdiction would be subject to any of the above-listed conditions.

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 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.**

The Department solicited comments on the information collection in 86 FR 71524 (December 16, 2021) and **FR Volume 80, Number 202, page 63590 (October 20, 2015)**. The comment period for the proposed rule has closed and the Department received no comments on the information collection.

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

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

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 persons from whom the information is requested, and any steps to be taken to obtain their consent.**

The Department is not requesting such information.

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 13.

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. The burden was estimated based on observing how long it takes one of our staff to actually fill out the form.

13. Provide an estimate for 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)

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

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:
 - Prior to October 1, 1995,
 - To achieve regulatory compliance with requirements not associated with the information collection,
 - For reasons other than to provide information or keep records for the government, or
 - As part of customary and usual business or private practices.

No such costs are associated with this collection.

15. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

USMS- JPATS staff time to process and document requests: 1 GS-12 (\$43.04/hour) * (.25 hours per request per year) Maximum of 200 respondents per year – TOTAL \$2,152.00.

Record maintenance and storage: 1 GS-9 (\$29.68/hour) devoting 1.0 to 5 hours each year to creating, maintaining, and disposing of records, and pulling previous records for reference. – TOTAL \$148.40

TOTAL Burden Maximum – \$2,300.40

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

N/A

17. 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.

N/A

18. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

N/A

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

N/A