

Supporting Statement
Information Relating to Beneficiary of Private Bill
(Form G-79A)
OMB No. 1653 - 0026

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.**

Section 212 of the Immigration and Nationality Act (INA) identifies classes of alien not eligible for admission into the United States. The information obtained from this information collection is used to prepare a report to the appropriate Congressional Committee (Senate or House of Representatives) and advise whether a person for whom a Private Bill has been introduced is or is not in violation of Section 212 of the INA.

- 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.**

This form is used by U.S. Immigration and Customs Enforcement (ICE) to obtain information from beneficiaries and/or interested parties in Private Bill cases when requested to report by the Committee on the Judiciary.

- 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.**

There is currently no regulatory or statutory requirement that ICE compare the signature of the alien to the signature on the alien's official documentation. Private Bill investigations are few in number and , when required, are conducted on a personal, one-on-one basis with an ERO deportation officer or investigating HSI Special Agent. There would be no efficiency in allowing the electronic submission of the form because: (a) the investigating Officer or Special Agent is already in direct contact with the subject of the investigation and verifies the information at a personal, individual level which already involves direct contact and interviews with the subject; (b) the investigating Officer or Special Agent is unique to each investigation; therefore, the recipient of the form might be unique to each investigation; (c) the investigations are conducted at a local level in

varying geographic areas; and (c) the investigations are very personal and few in number. There is no established system of records or accompanying system of records notice for an electronic system that would receive or store electronically submitted information in these cases. ICE is seeking a 3-year approval of this information collection and asks for an exemption to the GPEA requirement imposed on collections from the public.

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.

If the information collection is not approved, ICE has no means by which to report to Congress the required information relative to Section 212 of the INA and the beneficiary of a Private Bill.

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 26, 2022, ICE published a notice in the Federal Register at 87 FR 24571, soliciting public review and comment for a 60-day period on the proposed extension of this information collection. ICE received no comments during this period. On September 26, 2022, ICE published a follow up notice in the Federal Register at 87 FR 58366 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.**

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 are no assurances of confidentiality provided to the respondents of this information collection. ICE Form G-79A “Information Relating to Beneficiary of Private Bill,” has coverage under the following PIA and SORN:

- DHS/ICE/PIA-015 Enforcement Integrated Database (EID)
- DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking SORN

- 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.**

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	35 ¹
b. Number of Responses per each Respondent	1
c. Total Annual Responses	35
d. Hours per Response	1.5

¹ In the past four congressional sessions, the number of investigative reports requested ranged from 11 to 32 at an average of 22 per session; to estimate the total burden, a maximum number of 35 respondents is used. For the 117th Congress (2021-2022), a total of 36 private bills have been introduced. Of those, only seven private bill investigative reports have been requested to date.

e. Total Annual Reporting Burden (hours)	52.5
f. Total Public Cost	\$1,882

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:	15 Minutes (0.25 hours)
Completion of the Form:	60 Minutes (1.0 hours)
Assembling and Filing the Form:	15 Minutes (0.25 hours)
Total Hours per Response:	90 Minutes (1.5 hours)

Annual Reporting Burden

Total annual reporting burden hours are 52.5. This figure was derived by multiplying the number of respondents (35) x frequency of response (1) x hours per response (1.5).

Public Cost

The estimated annual public cost is \$1,882. This estimate is based on the number of respondents (35) x number of responses (1) x hours per response (1.5) x average hourly rate (($\$28.01$ for all occupations / 0.69)* 0.883) = $\$1,882$ 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**

² All occupation mean wage, \$28.01, from Bureau of Labor Statistics (BLS) Occupational Employment Statistics May 2021 release, https://www.bls.gov/news.release/archives/ocwage_03312022.pdf. The average hourly loaded wage rate is calculated as \$40.59, using the percentage of wages and salaries to total compensation for private industry workers, 69 percent, as reported by BLS, Employer Costs for Employee Compensation, released March 18, 2022 for December 2021, https://www.bls.gov/news.release/archives/ecec_03182022.pdf. Foreign workers earn 88.3 percent of native born workers as reported by BLS from the Current Population Survey for 2020-2021, in table 5 of the news release, <https://www.bls.gov/news.release/pdf/forbrn.pdf>, and was applied to the loaded wage estimated for all occupations, resulting in an hourly wage of \$35.84.

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:

a. Collecting and Processing	\$ 18,170
b. Total Cost to Program	\$ 18,170
c. Fee Charge	\$ 0
d. Total Annual Cost to Government	\$ 18,170

Government Cost

Total Cost of Program is calculated by the estimated number of respondents, 35 x seven hours (Time required to collect and process information) x \$74.16 (Suggested average hourly rate for officer, and managerial time with benefits)³.

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

³ Hourly wage rate for a federal employee GS-013 step 07, \$45.69, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/GS_h.aspx. The average hourly loaded wage rate is calculated as \$66.22, using the percentage of wages and salaries to total compensation for civilian workers, 69 percent, as reported by BLS, Employer Costs for Employee Compensation, released March 18, 2022 for December 2021, https://www.bls.gov/news.release/ecec.t01.htm#ect_table1.f.2. Overhead rate of 12 percent was added to the loaded wage to arrive at an hourly rate of \$74.16; the 12 percent overhead reflects indirect expenses as reported in OMB Circular A76, https://obamawhitehouse.archives.gov/omb/circulars_a076_a76_incl_tech_correction/

There has been no change in the process for this information collection, but the estimates of burden and cost are based on recent data on the number of investigations conducted in the past five years. The increase in government costs reflect the true length of time of processing the data collected and completing the investigation.

- 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.