

# Department of Transportation Office of the Chief Information Officer

## SUPPORTING STATEMENT

### Documentation Provided by Airline Passengers as a Condition to Receive Travel Credits or Vouchers in Relation to a Serious Communicable Disease OMB Control No. 2105-0587

#### JUSTIFICATION

This is a request for OMB to approve a new control number, 2105-0587, for the collection of information by airlines as related to proving a passenger's eligibility to a travel credit or voucher when the passenger's travel is affected by a serious communicable disease.

1. Circumstances that make collection of information necessary. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

The Department of Transportation's (the Department) final rule titled "Refunds and Other Consumer Protections", which published in the *Federal Register* on April 26, 2024, requires that airlines provide travel credits or vouchers to eligible passengers who are affected by a serious communicable disease. Eligible passengers are (1) passengers who are prohibited from travel or required to quarantine for a substantial portion of the trip by a governmental entity in relation to a serious communicable disease; (2) passengers who are advised by a licensed treating medical professional not to travel during a public health emergency to protect themselves from a serious communicable disease; and (3) passengers who are advised by a licensed treating medical professional not to travel, irrespective of a public health emergency, because the consumer has or is likely to have contracted a serious communicable disease and would pose a direct threat to the health of others. The final rule further allows airline to require passengers wishing to cancel a flight itinerary that is still operated and receive a travel credit or voucher to provide documentation demonstrating that they are prohibited from travel or required to quarantine for a substantial portion of the trip by a governmental entity in relation to a serious communicable disease, or that they are advised by a licensed treating medical professional not to travel to protect themselves or others from a serious communicable disease.<sup>1</sup> The collection of this information by airlines is necessary to ensure that only eligible passengers may receive the travel credits or vouchers, thereby reducing the likelihood of fraud and abuse by passengers who do not qualify.

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<sup>1</sup> Airlines are prohibited from requiring this documentation if the Department of Health & Human Services (HHS) determines that requiring documentation is not in the public interest.

2. How, by whom, and for what purpose is the information used? **Indicate how, by whom, and for what purpose the information is to be used.**

In the absence of a determination by HHS that requiring the documentation is not in the public interest, airlines may require (1) a consumer requesting a travel credit or voucher because of a government restriction or prohibition to provide the applicable current government order or other document demonstrating how the government order prohibits or substantially restricts the consumer from travel; (2) a consumer requesting a travel credit or voucher to protect his or her health during a public health emergency to provide a medical certificate issued by a licensed treating medical professional stating that it is his/her professional opinion, based on the medical condition of the individual and current medical knowledge on the relevant serious communicable disease, including public health guidance by CDC or WHO, if available, that the individual should not travel during the current public health emergency by commercial air transportation to protect his or her health from a serious communicable disease; and (3) a consumer requesting a travel credit or voucher because the consumer has or is likely to have contracted a serious communicable disease to provide a medical certificate issued by a licensed treating medical professional stating that it is his/her professional opinion, based on current medical knowledge of the relevant serious communicable disease, including public health guidance issued by CDC or WHO, if available, that the individual should not travel by commercial air transportation on the date of the scheduled travel to protect the health of others from a serious communicable disease because the individual has or is likely to have contracted a serious communicable disease.

After receiving the documentation as described above, airlines will review the information (including, as applicable, the dates of the government orders in relation to the consumer's travel date, the date and the content of the medical certificate and the qualification of the medical professional issuing the medical certificate) and determine whether the consumer is eligible to receive the travel credit or voucher under the regulation.

3. Extent of automated information collection. **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.**

To the Department's knowledge, all airlines already have the capacity to receive required information from passengers electronically, including complaints, mishandled baggage reports, and disability accommodation requests. The Department expects that those airlines will use the same methodology to allow passengers to submit the documentations under this collection electronically.

4. Efforts to identify duplication. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.**

The information covered under this collection is unique and airlines currently are not receiving the same information for other purposes.

5. Efforts to minimize the burden on small businesses. ***If the collection of information has a significant impact on a substantial number of small businesses or other small entities, describe the methods used to minimize burden.***

Some carriers that qualify as small businesses operate flights for large carriers as codeshare partners. In those circumstances, the large partner airlines are the entities that handle customer services, including receiving and reviewing information submitted by passengers under this collection. For small business carriers that handle customer services on their own, the Department estimates an airline would need an average of 5 minutes to review each documentation. The Department further notes that the need to collect this information typically arise during a public health emergency. Outside of public health emergencies, carriers may receive request for travel credits or vouchers from passengers claiming that they have or are likely to have contracted a serious communicable disease, but the Department expects these requests to be infrequent. The Department certifies that this information collection does not impact a substantial number of small businesses or other small entities.

6. Impact of less frequent collection of information. ***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.***

The Department permits airlines to require documentation from passengers who claim that their travel is significantly impacted by a situation related to a serious communicable disease under the specific circumstances described in the rule. In many cases, airlines requiring passengers to provide the information covered under this collection need to review and evaluate the information submitted on a per-trip basis. Passengers who could not travel due to a government order prohibiting or restricting travel may not need to submit additional documentation if the government order is already available to the airlines. Passengers submitting the information need to show how the particular itinerary for which they are requesting a travel credit or voucher is impacted by a legitimate reason relating to a serious communicable disease, as demonstrated by the relevant documentation. However, for passengers who are advised not to travel during a public health emergency by commercial air transportation to protect their own health from a serious communicable disease, the medical certificate they submitted for a previous trip may be used again for another trip if the relevant public health emergency is still ongoing during the second trip, and the medical certificate is dated within one year of the date of the subsequent trip. In those situations, passengers should not be required to submit a new medical certificate.

7. Special circumstances. ***Explain any special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii)***

The collection of information is consistent with 5 CFR 1320.5(d)(2)(i)-(viii).

8. Compliance with 5 CFR 1320.8. ***Describe the 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 the recordkeeping disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.***

In accordance with the Paperwork Reduction Act of 1995, on August 22, 2022, the Department published in the *Federal Register* a Notice of Proposed Rulemaking (87 FR 51550) that sought comment on this information collection. The Department received one comment on the information collection. The commenter states that the estimated burden in the 60-day notice does not include the burden on health care providers, who are more likely to be burdened during a public health emergency. Accordingly, the commenter suggests that the Department should consider the cost on small entities that are health care providers in its Final Regulatory Flexibility Analysis. The Department has revised the cost estimate in the 60-day notice to include the final rule's estimated costs for medical assistants for preparing the documentations (0.25 hours per document). The Department does not include these costs in the Regulatory Flexibility Analysis because health care providers that are small businesses are not regulated entities under this final rule. The Department notes that because health care providers are paid for any services provided due to consumer actions taken pursuant to the rule, any potential impacts of the rule on health care providers would likely be positive.

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

There are no payments or gifts in this rule.

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

There are no such assurances in this rule.

**11. Justification for collection of sensitive information. *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 could be sensitive information contained in medical documentation stating a medical reason for which a passenger is advised not to travel. The sensitive information being collected is necessary to show that a passenger is eligible to receive travel credits or vouchers under the regulation and to prevent fraud and abuse.

**12. Estimate of burden hours for information requested. *Provide estimates of the hour burden for the collection of information. The statements should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories***

**Respondents:** Passengers prohibited or is required to quarantine for a substantial portion of the trip by a governmental entity in relation to a serious communicable disease, passengers advised by a licensed treating medical professional not to travel by air because they have or may have contracted a serious communicable disease such that their travel would pose a threat to the health of others, and passengers advised by a licensed treating medical professional not to travel to protect themselves from a serious communicable disease during a public health emergency.

**Number of Respondents:** The number of respondents would vary greatly depending on whether there is a public health emergency and the magnitude of that public health emergency. When there is a public health emergency with a similar magnitude of the COVID-19 pandemic, the number of respondents could potentially be very high. The Department used data provided by Airlines for America (A4A) showing that major U.S. airlines provided exchanges of tickets to about 180 million passengers between March 2020 and February 2021. Industry suggests in comments on the proposed rule that about 15 percent of consumers who need to make ticket changes might opt for a travel credit. Thus, the Department estimates that of the 180 million consumers provided ticket changes in the baseline, 27 million would submit the needed documentation to receive the five-year travel credit under the final rule. As such, the Department estimates that the number of respondents would be approximately 27 million per year when there is a public health emergency.<sup>2</sup> The number of respondents per year when there is not a public emergency is difficult to estimate but will be substantially smaller than the 27 million number during a public health emergency.

**Estimated Annual Burden on Respondents:** The Department estimates that each respondent would need 30 minutes (0.5 hours) to obtain a documentation from a medical professional per response, per year. The Department also estimates that a medical assistant will need 15 minutes (0.25 hours) to consult with the passenger or to prepare the medical documentation. The Department further estimates that a customer service representative working for an airline would need an average of 5 minutes (0.083 hours) to review the documentation and request additional documentation if needed. During a public health emergency, passengers would spend a total of approximately 13.5 million hours per year (0.5 hours × 27 million passengers) to obtain the documentation. Medical assistants would spend a total of 6.75 million hours to prepare the documentations (0.25 hours × 27 million documentations).<sup>3</sup> Airline customer service representatives would spend approximately 2.241 million hours (0.083 hours x 27 million forms) per year to review the documentation.

Respondent	# of responses	Time per response (hours)	Total Hours
Passenger	27,000,000	0.5	13,500,000.00
Medical Assistant	27,000,000	0.25	6,750,000.00
Airline Customer Service Rep	27,000,000	0.083	2,241,000.00

<sup>2</sup> The number of respondents estimated in the proposed rule was 5,580,000. Based on this information provided by A4A, the estimated respondent number has been adjusted to 27,000,000.

<sup>3</sup> The proposed rule did not include an estimated cost for medical assistants to prepare the documentation. The Department has revised its estimate to include this cost.

Total			22,499,100.00
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13. Estimate of total annual costs to respondents. ***Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.***

To calculate the hourly value of time spent on the documentation, the Department uses median wage data from the Bureau of Labor Statistics as of May 2022.<sup>4</sup> Respondents would obtain, present, and submit the documentation on their own time without pay and we estimate the value of this uncompensated activity using a post-tax wage estimate of \$18.48 per hour (\$22.26 median hourly wage for all occupations minus a 17% estimated tax rate). For medical assistants, the Department uses an estimate of \$25.94 per hour (\$18.40 hourly wage multiplied by 1.41 to account for employer benefit costs.) For airline customer service representatives, the Department uses an estimate of \$25.61 per hour (\$18.16 median hourly wage times a wage multiplier of 1.41). In this scenario, the total annual estimated documentation costs of the forms would be approximately \$482 million (Table I).<sup>5</sup>

**Table I: Example annual cost estimate for documentation**

Group	# of Responses	Hours per Response	Total hours	Hourly time value	Estimated costs (millions)
Passengers	27,000,000	0.5	13,500,000	\$18.48	\$249,480,000
Medical Assistant	27,000,000	0.25	6,750,000	\$25.94	\$175,095,000
Customer Service Representatives	27,000,000	0.083	2,241,000	\$25.61	\$57,392,010
<b>Total</b>			<b>22,491,000</b>		<b>\$481,967,010</b>

14. Estimate of cost to the Federal government. ***Provide estimates of annualized cost to the Federal Government.***

There is no annualized cost to the federal government.

15. Explanation of program changes or adjustments. ***Explain the reasons for any program changes or adjustments reported.***

There is no program change, as this is a new information collection

<sup>4</sup> The proposed rule uses median wage data from the Bureau of Labor Statistics as of 2021. The hourly rate has been updated with 2022 data.

<sup>5</sup> Details regarding the source of information from the Department of Labor and the calculations are provided in the *Refunding Airline Tickets and Ancillary Service Fees Regulatory Impact Analysis*.

16. Publication of results of data collection. *For collections of information whose results are planned to 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.*

The Department does not intend to publish the results of information collected from respondents.

17. Approval for not displaying the expiration date of OMB approval. *If seeking approval to not display the expiration date for OMB approval of the information collections, explain the reasons that display would be inappropriate.*

Not applicable.

18. Exceptions to certification statement. *Explain each exception to the certification statement "Certification for Paperwork Reduction Act Submissions."*

Not applicable.