

Supporting Statement A Suspicious/Criminal Activity Tip Reporting OMB No. 1653 - 0049

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 Homeland Security Investigations (HSI) tip reporting capability facilitates the collection of information from the public and law enforcement partners for allegations of the more than 400 crimes enforced by the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE). This capability reduces the amount of time required to document, analyze, and route tips to the appropriate action office. This collection of information is a tool to identify individuals and/or businesses and organizations and actions that violate immigration and customs laws. The collection of this information is authorized by various statutes and regulations authorizing DHS to enforce the immigration and customs laws of the United States. The most overarching of these are 8 U.S.C. §1357, 19 U.S.C. 1589a, and 31 U.S.C. §5316.

- 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 information is collected from members of the public and law enforcement partners who provide it using a fill-in-the-blank form available on the ICE.GOV (<https://www.ice.gov/webform/hsi-tip-form>) website. Once completed, the HSI Tip form is electronically transmitted to the appropriate agency with responsibility for researching the allegation. Tips specific to immigration benefit fraud are transmitted to USCIS where the Fraud Detection and National Security (FDNS) Tip Unit where analysts review the tip and conduct electronic systems research to identify indications of possible immigration benefit fraud (fraud/misrepresentation related to USCIS immigration forms or requests) and abuse (like misuse or non-compliance). Tips with sufficient indicators and supporting information will be forwarded to the appropriate USCIS Service Center or Field Office FDNS officers for further research, investigation, and possible administrative action. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently valid) could suffice as a basis for USCIS to investigate the matter further.

All other tips are transmitted to Intelligence Research Specialists (IRS) at the Homeland Security Investigations Tip-line unit. IRSs conduct queries in DHS, law enforcement, and immigration databases, analyze the results, write investigative reports, and then refer leads to the DHS office with geographic and programmatic responsibility for the reported allegation. Receiving offices use the information provided to conduct investigations and other enforcement actions in support of DHS goals and objectives. ICE also offers the public the option to speak directly with an IRS to report allegations through a toll-free phone (866-DHS-2-ICE).

- 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.

ICE provides two (2) methods for the public to submit tips – by telephone or web form. Tips from the public alleging violations under ICE jurisdiction by phone and web form are completely voluntary. Callers to the tip line are presented with a voice response menu that allows for a prioritization of suspected allegations. The prioritized calls are routed to IRSs for an interactive interview. For phone tips, IRSs do not follow a prescribed script. Tips submitted through the web form request the minimal amount of information to determine if, where, and who (individual or business) a violation under ICE jurisdiction may have occurred. Once the form is completed, it is automatically routed to the tip line for adjudication by IRSs.

- 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.**

To eliminate duplication, as part of “if you see something, say something” campaign DHS supports an incident reporting web page for all homeland-related suspicious activity and security issues (<https://www.dhs.gov/report-incidents#>). The DHS web site does not collect information directly from the public; it refers the public to the appropriate reporting agency. For criminal activity, the DHS web site refers the public to the ICE tip web site or the toll-free phone number. The DHS web site provides the public an alternate method for obtaining the proper reporting entity without duplicating the information collection activity. The ICE internet reporting capability eliminates the need for other programmatic reporting tools currently available on the internet. This makes it easier for the public and our law enforcement partners to access a single portal to report allegations of crimes enforced by ICE.

- 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.**

The impact on a small business or entity is negligible. The information collected is voluntary, done on a one-time basis, and takes minimal time to complete. We anticipate that businesses of all sizes will welcome the opportunity to more efficiently report crimes that negatively impact all businesses.

- 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 proposed information collection is not conducted, DHS will be less able to protect the Homeland from terrorist attacks and other national security related crimes. The proposed information collection will allow DHS and ICE to more effectively accomplish its core mission of protecting the homeland. Since the use of this system is completely voluntary, there are no known legal obstacles, and the burden is minimal.

- 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 November 1, 2021, ICE published a notice in the Federal Register at 86 FR 60289, soliciting public review and comment for a 60-day period on the information collection revision. ICE received (4) four comments. A consolidated response is provided as a supplementary document. On July 28, 2023, ICE published a follow up notice in the Federal Register at 88 FR 48905, 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 has authority under 19 U.S.C. §1619 and other laws to pay for information and evidence in support of investigations of crimes being conducted. However, providing tip information does not guarantee the respondents will be compensated in any way.

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

The use and potential sharing of information in this collection is covered by the DHS/ICE-018 Analytical Records SORN (Federal Register on November 8, 2021, at 86 FR 61665). ICE also completed Privacy Impact Assessments under title FALCON Tipline DHS/ICE/PIA-033 on November 2, 2012 and Repository for Analytics in a Virtualized

Environment (RAVEN) on May 13, 2020 (<https://www.dhs.gov/privacy-documents-ice>).

- 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.

Annual Reporting Burden:

a. Number of Respondents:	194,381
b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	194,381
d. Hours per Response:	0.183 Hours (11 Minutes)
e. Total Annual Reporting Burden:	35,637 Hours

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

Learning about the Form:	02 Minutes
Completion of the Form:	06 Minutes

Assembling and Filing the Form: 03 Minutes

Total Hours per Response: 11 Minutes

Annual Reporting Burden

Total annual reporting burden hours are 35,637. This figure was derived by multiplying the number of respondents (194,381) x frequency of response (1) x the total time per response (0.183 hours, rounded).

Annual Cost Burden

The estimated annual cost burden for all respondents is \$1,335,137. This estimate is based on the number of reporting burden hours (35,637) x number of responses (1) x the hourly wage rate for all occupations of all civilian workers (\$37.46).

The average hourly wage rate \$25.72 for all occupations is furnished by the Bureau of Labor Statistics (BLS) collection of data from employers in all industry sectors in metropolitan and nonmetropolitan areas from all states and the District of Columbia. See May 2019 National Occupational Employment and Wage Estimates United States https://www.bls.gov/oes/2019/may/oes_nat.htm. The fully loaded wage rate, \$37.46, is calculated using the percent of wages and salaries to total compensation, found in the BLS, Employer cost per hour worked for employee compensation and costs as a percent for total compensation: Civilian worker, by major occupational and industry group, All workers, <https://www.bls.gov/news.release/ecec.t01.htm>. Wages and salaries are 68.65 percent of total compensation. $\$37.46 = (\$25.72 / 0.6865)$.

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 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.

<u>Annualized Cost Analysis:</u>	\$0
a. Printing Cost:	
b. Collecting and Processing:	\$7,069,601
c. Total Cost to Program:	\$7,069,601
d. Fee Charge:	\$0
e. Total Annual Cost to Government	\$7,069,601

Government Cost

The estimated cost of the collecting and processing is calculated first by estimating the time needed for ICE to collect and process the tip reports. The estimated number of tips (194,381) multiplied by the estimated number of minutes required for ICE to process and collect the average tip report (30) is the total number of work minutes (5,831,430). This is divided by 60 to estimate the total number of work hours (97,190). The total number of work hours (97,190) is multiplied by the fully loaded hourly salary for a GS-13 step 5 (\$72.74) to determine the total cost to the Government of \$4,585,566 ($\$4,585,566 = 97,190 \times 72.74$).

The fully loaded average hourly wage rate for the Government employee to collect and process the tip form is based on the average wage rate for a Homeland Security Investigation (HSI) Investigative Analyst, Series 1805, General Schedule (GS) Grade 13, Step 5, in the Burlington/South Burlington, VT locality area. The fully loaded hourly wage rate is \$72.74 ($\$72.74 = \$49.94 / 0.6865$). Since the HSI Tip Line is located in Williston, VT, which falls under the Burlington-South Burlington Locality Pay area, the locality pay for the Burlington-South Burlington, VT area was used.

The 2020 General Schedule Hourly Salary Table for Burlington-South Burlington, VT can be found at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/BN_h.pdf.

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

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
ICE Tip Form	23,230	35,637	12,407			
Total(s)	23,230	35,637	12,407			

ICE is reporting an adjustment to the estimated annual time burden for this collection of information, as a result of an increase in the estimated number of respondents, as well as an adjustment to the estimated hour burden. PII, and Sensitive PII (SPII) fields were added to facilitate ICE's referral of USCIS immigration benefit fraud tips to be shared with USCIS systems increasing the burden time. Please see draft document and table of changes for additional 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.