

SUPPORTING STATEMENT
Visa Waiver Program Carrier Agreement
(Form I-775)
OMB No. 1651-0110

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.**

8 U.S.C. § 1223(a) of the Immigration and Nationality Act (INA) provides for the necessity of a transportation contract. This allows the Attorney General to enter into contracts with transportation lines for the inspection and administration of aliens coming into the United States from foreign territory or from adjacent islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General. This authority is delegated to the Secretary of Homeland Security under 8 CFR Part 2.1.

The Visa Waiver Program Carrier Agreement, Form I-775, is used by carriers to request acceptance by CBP into the Visa Waiver Program (VWP). This Form is an Agreement whereby carriers agree to the terms of the VWP as delineated in Section 217(e) of the INA (8 USC 1187(e)). Once participation is granted, the Form I-775 serves to hold carriers liable for transportation costs, to ensure the completion of required forms, and to share passenger data. Regulations are promulgated at 8 CFR Part 233, Contracts with Transportation Lines.

New:

CBP proposes to add new requirements to this Agreement to include the following provisions:

Carriers must not transport to the United States any alien traveling under the VWP without authorization via the Electronic System for Travel Authorization (ESTA);

A carrier who has applied to become signatory to a visa waiver contract with CBP must have paid all User Fee obligations, and any previous penalties under the INA, U.S. Customs, or Agriculture laws; and

Carriers applying to become signatory to the visa waiver program with CBP must post a bond sufficient to cover the total penalty amounts for violations that were imposed against the carrier during the previous fiscal year.

- 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 Visa Waiver Carrier Agreement, executed by CBP and the transportation lines _ requires carriers to ensure that all aliens transported to the United States, pursuant to this statute, meet all of the stipulated eligibility criteria prior to embarkation. It also outlines additional requirements to be satisfied by the carrier subsequent to entry and a provision whereby continual carrier violations may result in CBP's cancellation of the Agreement upon five days written notice.

The new provisions that CBP proposes to add to this Agreement are intended to help ensure that CBP can carry out its responsibilities under the INA.

- 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.**

This form cannot be automated as it is a signatory agreement between the carriers and the U.S. Government. Original signatures of responsible parties are required.

- 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 duplicated in any other place or any other form.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If this information is not collected there would be no accountability by the transportation carriers to ensure that the aliens meet entry eligibility requirements pursuant to the INA. This Agreement ensures carriers exercise greater diligence in transporting only eligible aliens, as repeated violations would warrant the termination of transportation privileges under the statute.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

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.

Public comments were solicited through two Federal Register notices published on November 20, 2009 (Volume 74, Page 60281) and on February 1, 2010 (Volume 75, Page 5099). No comments were received.

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

There is no offer of a 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 of 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 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.

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Form I-775	Old: 800 New: 200	400	1	400	Old: 2 hours New: 30 minutes

New: The time per response was calculated as follows:

Reading and understanding the law and regulations -	15 minutes
Reading and understanding the new requirements under ESTA	10 minutes
Reading and completing the form	<u>05 minutes</u>
Total	30 minutes

Public Cost

The estimated cost to the respondents is \$10,000. This is based on the estimated burden hours (200) multiplied (x) hourly rate (\$50.00).

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

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.

The estimated annual cost to the Federal Government associated with the review of these records is **\$9,786**. This is based on the number of responses (400) that must be reviewed (x) the time to review and process each response (35 minutes or .583 hours) = 233 hours (x) the average hourly rate (\$42.00) = \$9,786.

New: The estimate of 35 minutes per response was calculated based on the following:

Review VWP Agreement for completeness	15 minutes
Run computer checks on applicant	05 minutes
Correlation of evidence and decision	10 minutes
Type and print approval/rejection letter	03 minutes
Up-date Visa Waiver Program lists	<u>02 minutes</u>
TOTAL	35 minutes

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.

CBP is proposing to adjust the total burden hours for this collection of information as a result of decreasing the estimated time per response from 2 hours per response to 30 minutes per response which is a more realistic estimate. Also, CBP is proposing to add new provisions that have been incorporated into the form. These provisions are described in Item #1 of this Statement.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. “Certification for Paperwork Reduction Act Submissions.”

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

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.