

**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.**

Section 223 of the Immigration and Nationality Act (INA) (8 U.S.C. 1223(a)) provides for the necessity of a transportation contract. The statute provides that the Attorney General may enter into contracts with transportation lines for the inspection and administration of aliens coming into the United States from a 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. Pursuant to the Homeland Security Act of 2002, this authority was transferred to the Secretary of Homeland Security.

The Visa Waiver Program Carrier Agreement (CBP 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 U.S.C. 1187(e)). Once participation is granted, CBP Form I-775 serves to hold carriers liable for the transportation costs, to ensure the completion of required forms, and to share passenger data. Regulations are promulgated at 8 CFR Part 217.6, Carrier Agreements. A copy of CBP Form I-775 is accessible at: <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20775.pdf>.

- 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.

- 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.**

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 July 27, 2018 (Volume 83, Page 35674) on which no comments were received, and on November 14, 2018 (Volume 83, Page 56860) on which one non-substantive comment has been 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.**

This collection is not affected by the Privacy Act and is not impacted by a PIA or 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.**

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Form I-775	49	98	1	98	30 minutes

**Public Cost**

The estimated cost to the respondents is \$1,825. This is based on the estimated burden hours (49) multiplied by (x) the average loaded hourly wage rate for flight attendants (\$37.26). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2017 annual median wage rate, converted to an hourly rate, for Flight Attendants (\$24.28) by the ratio of BLS' average 2017

total compensation to wages and salaries for Transportation and Material Moving occupations (1.5346), the assumed occupational group for flight attendants, to account for non-salary employee benefits.<sup>1,2</sup> This figure is in 2017 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2017 U.S. dollar value is equal to the 2018 U.S. dollar value.

**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 documents is \$3,646. This is based on the number of responses that must be reviewed (98) multiplied by (x) the time burden to review and process each response (35 minutes or 0.583 hours) = 57 hours multiplied by (x) the average hourly loaded rate for a CBP Officer (\$63.97)<sup>3</sup> = \$3,646.

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

There are decreases to the burden hours associated with this collection of information due to an update in agency estimates on number of respondents.

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1 Because median hourly wage information was not available for Flight Attendants, CBP adjusted the annual median wage for Flight Attendants (\$50,500) to an hourly estimate using the standard 2,080 hours worked per year. Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2017 National Occupational Employment and Wage Estimates, United States- Median Hourly Wage by Occupation Code." Updated March 30, 2018. Available at [https://www.bls.gov/oes/2017/may/oes\\_nat.htm](https://www.bls.gov/oes/2017/may/oes_nat.htm). Accessed June 11, 2018.

2 The total compensation to wages and salaries ratio is equal to the calculated average of the 2017 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Transportation and Material Moving occupations (\$29.2075) divided by the calculated average of the 2017 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$19.0325). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. Employer Costs for Employee Compensation Historical Listing March 2004 – March 2018, "Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2018 by respondent type." March 2018. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 11, 2018.

3 CBP bases this wage on the FY 2018 salary and benefits of the national average of CBP Officer positions, which is equal to a GS-12, Step 2. Source: Email correspondence with CBP's Office of Finance on June 1, 2018.

There are no changes to the information collected.

**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.