

**Supporting Statement  
Crew Member's Declaration  
1651-0021**

**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.**

CBP Form 5129, *Crew Member's Declaration*, is a declaration made by crew members listing all goods acquired abroad which are in his/her possession at the time of arrival in the United States. The data collected on CBP Form 5129 is used for compliance with currency reporting requirements, supplemental immigration documentation, agricultural quarantine matters, and the importation of merchandise by crew members who complete the individual declaration. This form is authorized by 19 USC 1431 and provided for by 19 CFR 4.7, 4.81, 122.83, 122.84, and 148.61-148.67. CBP Form 5129 is accessible at

<http://www.cbp.gov/sites/default/files/documents/CBP%20Form%205129.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 data submitted on CBP Form 5129 is used by CBP to determine applicable duty payments and/or compliance with all applicable laws.

- 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 is filled out on vessels and submitted at seaports; therefore, it would not be appropriate to submit it electronically. However, CBP is working to digitize this form through the maritime forms automation project, also known as the Vessel Entrance and Clearance System (VECS).

- 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.**

The information collected on CBP Form 5129 is necessary upon every arrival in the United States where vessel crew meet the requirements to declare items acquired abroad which are to be landed in the United States. Less frequent collection compromises revenue collection, agriculture quarantines, and compliance with other applicable laws.

- 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 August 13, 2020 (Volume 85 FR Page 49389) on which no comments were received, and on October 26, 2020 (Volume 85, Pages 67752) on which 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.**

A PIA for the Advance Passenger Information System (APIS), dated December 13, 2019 and a SORN for APIS dated March 13, 2015 (80 FR 13407) will be included with this ICR. 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.**

<b>INFORMATION COLLECTION</b>	<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>NO. OF RESPONDENTS</b>	<b>NO. OF RESPONSES PER RESPONDENT</b>	<b>TOTAL RESPONSES</b>	<b>TIME PER RESPONSE</b>
<b>Crew Member's Declaration (Form 5129)</b>	996,000	6,000,000	1	6,000,000	10 minutes (0.166 hours)

**Public Cost**

The estimated cost to the respondents is \$52,837,800. This is based on the estimated burden hours (996,000) multiplied by the average loaded hourly wage rate for captains, mates, and pilots of water vessels (\$53.05). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2019 median hourly wage rate for Captains, Mates, and Pilots of Water Vessels (\$34.78) by the ratio of BLS' average 2019 total compensation to wages and salaries for Transportation and Material Moving occupations (1.5252), the assumed occupational group for captains, mates, and pilots of water vessels, to account for non-salary employee benefits.<sup>1</sup> This figure is in 2019 U.S. dollars and CBP

<sup>1</sup> Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2019 National Occupational Employment and Wage Estimates United States." Updated March 31, 2020. Available at [https://www.bls.gov/oes/2019/may/oes\\_nat.htm](https://www.bls.gov/oes/2019/may/oes_nat.htm). Accessed June 12, 2020. The total compensation to wages and salaries ratio is equal to the calculated average of the 2019 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Transportation and Material Moving occupations (\$30.3550) divided by the calculated average of the 2019 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$19.9025). 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 – December 2019, "Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2019." March 2020. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 12, 2020.

assumes an annual growth rate of 0 percent; the 2019 U.S. dollar value is equal to the 2020 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 records is \$32,628,960. This is based on the number of responses that must be reviewed (6,000,000) multiplied by the time burden to review and process each response (.083 hours) = 498,000 hours multiplied by the average hourly loaded rate for a CBP Officer ( $\$65.52$ )<sup>2</sup> = \$32,628,960.

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

There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection. There is no change to the information being 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 and exception to the certification of this information collection.

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<sup>2</sup> CBP bases this wage on the FY 2020 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 7. Source: Email correspondence with CBP's Office of Finance on July 2, 2020.

## **B. Collection of Information Employing Statistical Methods**

No statistical methods were employed.