

**Supporting Statement
Screening Requirements for Carriers
1651-0122**

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 273(e) of the Immigration and Nationality Act (8 U.S.C. 1323(e) the Act) authorizes the Department of Homeland Security (DHS) to establish procedures which carriers must undertake for the proper screening of their alien passengers prior to embarkation at the port from which they are to depart for the United States, in order to become eligible for an automatic reduction, refund, or waiver of a fine imposed under section 273(a)(1) of the Act. To be eligible to obtain such an automatic reduction, refund, or waiver of a fine, the carrier must provide evidence to Customs and Border Protection (CBP) that it screened all passengers on the conveyance in accordance with the procedures listed in 8 CFR 273.

Some examples of the evidence the carrier may provide to CBP include: a description of the carrier's document screening training program; the number of employees trained; information regarding the date and number of improperly documented aliens intercepted by the carrier at the port(s) of embarkation; and any other evidence to demonstrate the carrier's efforts to properly screen passengers destined for the United States.

Proposed Change:

Applicants may submit this information via electronic means, i.e., email.

- 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 only method CBP has to vet a carrier for participation in this program is to look at the carrier's past history of violations of title 8, if they operated into the United States carrying passengers. The information is the same information we collect on all carriers for any benefit they may seek from CBP regarding title 8, U.S.C. section 1323 programs. In addition, this information will be used by the Fines Penalties and Forfeitures Division in Washington to determine a carrier's suitability to become a signatory to

the Visa Waiver Program, see title 8, U.S.C. section 1187(e) and title 8, C.F.R. 217.6.

- 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 information may be submitted to U.S. Customs and Border Protection by carrier applicants through electronic means, such as .pdf file attached to an email. Emails will not require a template and the carrier will be required to supply its IRS identifier, IATA code number and statement as to its compliance with electronic Advance Passenger Information System (eAPIS) and the Electronic System for Travel Authorization (ESTA).

- 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 the information is not collected, CBP will be unable to determine if a carrier has taken necessary measures to prevent the transport of improperly documented alien passengers to the United States. If the carrier is unable to establish it uses proper screening procedures, it would not be eligible for automatic fines mitigation.

- 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 January 29, 2022 (Volume 87, Page 2888) on no comments were received, and on April 27, 2022 (Volume 87, Page 25038) on which no comments have 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
Screening Requirements for Carriers	4,100	41	1	41	100 hours

Public Cost

The estimated cost to the respondents is \$176,136. This is based on the estimated burden hours (4,100) multiplied by the average loaded hourly wage rate for flight attendants (\$42.96). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2020 annual median wage rate, converted to an hourly rate, for Flight Attendants (\$28.39) by the ratio of BLS' average 2020 total compensation to wages and salaries for Transportation and Material Moving occupations (1.5134), the assumed occupational group for flight attendants, to account for non-salary employee benefits.¹ This figure is in 2020 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2020 U.S. dollar value is equal to the 2021 U.S. dollar value.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers 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 \$27,995. This is based on the number of responses that must be reviewed (41) multiplied by the time burden to

¹ Because median hourly wage information was not available for Flight Attendants, CBP adjusted the annual median wage for Flight Attendants (\$59,050) 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 2020 National Occupational Employment and Wage Estimates United States." Updated March 31, 2021. Available at https://www.bls.gov/oes/2020/may/oes_nat.htm. Accessed June 1, 2021. The total compensation to wages and salaries ratio is equal to the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Transportation and Material Moving occupations (\$31.5350) divided by the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$20.8375). 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 2020, "Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2020." March 2021. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 1, 2021.

review and process each response (8 hours) = 328 hours multiplied by the average hourly loaded rate for a CBP Officer ($\$85.35$)² = \$27,995.

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

Respondents may now submit this information through electronic means. There has been no change in the estimated annual burden hours previously reported for this information collection. The supporting statement previously approved had the same following burden numbers, ROCIS is now being updated to retroactively reflect the last approved burden. 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.

There is no form associated with this information collection so it would not be appropriate to display the expiration date for OMB approval of this information collection. This collection applies only to the 65 airlines that fly aliens to the United States. These airlines must be familiar with 8 CFR Part 273 and all of the requirements that are set forth in this regulation in order to bring aliens to this country.

18. "Certification for Paperwork Reduction Act Submissions."

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

B. Collection of Information Employing Statistical Methods.

No statistical methods were employed.

² CBP bases this wage on the FY 2021 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 9. Source: Email correspondence with CBP's Office of Finance on September 7, 2021.