

SUPPORTING STATEMENT

OMB No. 1653-0010

(Form I-823 and CBP Form 823F)

Application - Alternative Inspection Services/Fast Commercial Driver Application

A. Justification.

1. In 1990, Congress specifically addressed the need to shorten the length of time required by the former Immigration and Naturalization Service (Service), now the Department of Homeland Security (DHS), to inspect persons arriving at air and land border ports of Entry (POEs). In so doing, Congress mandated that the primary inspection of all arriving air passengers be completed within 45 minutes of being presented for processing. Additionally, when establishing the Land Border Inspection Pilot Program in 1990, Congress identified the need to use available technology to speed up the inspection of vehicles and passengers at land border ports of entry, and the need to use that technology to halt the flow of illegal drugs and illegal aliens into the United States.

To meet this legal mandate, in 1993, the Immigration and Naturalization Service's Passenger Accelerated Service System (INSPASS) became operational at Newark, NJ International Airport. Since then, more airports have been added to the program. In 1995, the Service, in cooperation with the FBI, DEA, State Department, and U.S. Customs, and as part of a Justice Performance Review Laboratory known as SENTRI, made the development of an automated inspection process at a land border POE a Service priority. All

land border inspection programs, including SENTRI, are collectively known PORTPASS (Port Passenger Accelerated Service System). Currently, there is an ongoing marketing plan that attempts to recruit interested and eligible individuals through radio and television, flyers and an 800 number. There are currently over a thousand people on the waiting list waiting for the new San Ysidro port due to open in September 2000. All automated permit port locations have a brief sheet and detailed instructions regarding schedules and usage. Most localized brief sheets are handed out with applications. In addition, all locations have had publicity campaigns and Town Hall meetings to adequately announce the program. Information on alternative inspection systems is also available on the DHS Web page.

In addition, national security concerns have necessitated the need for an additional form, FAST Commercial Driver Application- Mexico, CBP 823F. FAST is a clearance process for known low risk shipments. This program seeks to expedite clearance of low risk trans-border shipments by reducing CBP information requirements, and by dedicating lanes at major crossing points to FAST participants. It is an expansion of the Free and Secure Trade Initiative to the U.S. southern border. FAST membership will help companies satisfy the security requirements of their customers and service providers. This program has been operating on the northern border using a Canadian/U.S. form, administered and collected by the Canadian Government.

2. The general purpose of enrolling in SENTRI is to prescreen applicants and their vehicles in order to expedite travelers seeking admission to the United States

from Mexico. The target audience is any law abiding frequent traveler who is legally allowed entry into the United States, e.g., students and business people. The benefit to the traveler is less time waiting in traffic for inspection to take place. For someone not enrolled in the program the inspection takes longer since no background investigation has taken place.

The benefits in enrolling in the Automated Permit Ports/Remote Video Inspection Service (RVIS) is that it provides instant online access to photographs, biographical and vehicle data of enrolled travelers to assist inspectors in making entry decisions. Enrollment reduces the inspection time. The target audience is the local community who will now be able to cross the border 24 hours a day, seven days a week, when previously the POE was closed. Because of the remoteness of most RVIS locations, RVIS accommodates the infrequent or non-enrolled traveler. However, those infrequent travelers have to wait longer because an inspector must perform a remote inspection via the technology which inherently takes longer.

The data used on this form will continue to be used by the DHS to determine eligibility for participation in INSPASS and PORTPASS programs. Enrollment in these programs is good for one year; however, it may be renewed annually. Currently, the pass is good at Otay Mesa, California or El Paso Texas and applicants are allowed to obtain more than one pass. In the future it may be possible to use a single pass for more than one port.

The addition of the FAST application, CBP Form 823F, which will be filled out by commercial drivers crossing the U.S./Mexican border, will facilitate and expedite trade, while enhancing the security of the United States borders. The purpose of this new form is to allow commercial drivers crossing the U.S. southern border to apply for the FAST program. Once drivers are approved under FAST, their clearance at the border will be expedited, and they will be allowed to cross the border using dedicating lanes at major crossing points.

3. Authorized participants in INSPASS, PORTPASS, and FAST are permitted to seek entry to the United States in an expedited manner through voluntary participation in electronic inspection programs. The use of this form provides the most efficient means for collecting and processing the required data. Currently the DHS does not have the automated capability in place to accept electronic submission of applications.
4. A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose. There are alternative inspection programs within the DHS. However, they each differ as they appeal to different types of travelers.
5. This collection does not have an impact on small businesses or other small entities.

6. If not collected, the DHS would be unable to meet its statutory mandate, and would not be able to determine eligibility for participation in INSPASS, PORTPASS, and FAST programs.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. Public comments cannot be addressed in this initial submission. All comments will be reconciled and addressed in DHS' second submission.
9. The DHS does not provide payment or gifts to respondents in exchange for a benefit sought.
10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from the individual completing federal records and forms shall be kept confidential. The respondent is informed that the response is voluntary.
11. The personal information contained in these forms will be maintained in a secure facility and access will be restricted only to Department of Homeland Security officers on a "need to know" basis, and vetted government contractors who are bound by a non-disclosure agreement.

12. Annual Reporting Burden Form I-823:

a. Number of Respondents	250,000
b. Number of Responses per each Respondent	1
c. Total annual Responses	250,000
d. Hours for Response	1.166
e. Total Annual Reporting Burden	291,500
f. Total Public Cost	\$ 9,405,000

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

Learning about the Law and the Form:	28 Minutes
Completion of the Form:	8 Minutes
Fingerprinting	30 Minutes
Assembling and Filing the Form:	<u>4</u> Minutes
<i>Total Hours per Response:</i>	<i>1 hr. 10 Min.</i>
	<i>(1.166)</i>

These figures were derived from past experience in administering the PORTPASS and INSPASS program.

Annual Reporting Burden Form 1-823:

Total annual reporting burden hours is 291,500. This figure was derived by multiplying the number of respondents (250,000) x frequency of response (1) x hours per response 1 hr. 10 min. (1.166).

Annual Reporting Burden for **CBP Form 823F**:

a. Number of Respondents:	25,000
b. Number of Responses per Respondent:	1
c. Time to Complete Form:	30 minutes
d. Time per Respondent	30 minutes
e. Burden Hours:	12,500 hours

Total Burden Hours for I-823 and CBP 823F- 304,000

Public Cost

Form I-823

The estimated annual public cost is \$9,405,000. This estimation is based on the number of respondents 500,000 x (1.166) hours per response x \$10 (average hourly rate) plus the number of respondents (250,000 x fee charge of \$25), plus an additional fee charge of \$80 for approved DCL applicants (3,000 x \$80).

CBP Form 823-F

The total cost is \$750,000. This is based upon 12,500 burden hours at an average hourly rate of \$10.00 which is \$125,000, plus \$625,000 which is based on a \$50 charge for filing the form with CBP (12,500 x \$50.00= \$625,000)

Total Cost to the Public: \$10,155,000

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item 14. However, there is a fee of \$25 for filing the Form I-823 and a \$50 fee for filing CBP Form 823F. Additionally, there is an \$80 System Cost Fee charged for approved applicants of the DCL program participating at the Southern border only. There is no System Cost Fee for the APP, INSPASSS and FAST programs.
14. **Government Cost**
- The estimated cost of the program to the Government is \$13,125,000. This is based on an estimated 525,000 hours expended at an average hourly rate of \$25.
15. The projected increase in burden hours is due to the addition to the new CBP Form 823F which will facilitate and expedite trade, while enhancing the security of the United States borders.
16. DHS does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. The DHS is seeking approval to **not display** the expiration date for OMB approval of this information collection. The display of the expiration date would require the DHS to pull and destroy current forms in its inventory (districts, sectors, warehouses, etc.) with outdated expiration dates which could otherwise still be used by the public. This would become very costly for the DHS which spends approximately \$157,500 annually for printing and distributing this form.
18. The DHS does not request an exception to the certification of this information collection. Please see attached Item 19 of Form OMB 83-I.

B. Collection Of Information Employing Statistical Methods

Not Applicable.

Footnotes

1. 8 U.S.C. 1356(g). See General Provision - Department of Justice, Amendment No. 82, H.R. REP. No. 101-909, 101st Cong., 2d Sess. (1990)
2. Public Law 101-515 (November 5, 1990)
3. "The need to speed up the inspection of vehicles and passengers at [land border entry points] must be counterbalanced by the need to halt the follow of illegal drugs and illegal aliens into the country. These delays could be significantly reduced by the INS . . . through the use of some innovative, automated

procedures . . . " General Provision - Department of Justice, Amendment No. 82, H.R. REP. No. 101-909, 101st Cong., 2d Sess. (1990).

4. Justice Performance Review (JPR) is supported by the National Performance Review (NPR).
5. "PORTPASS" is the acronym for "Port Passenger Accelerated Service System."