

**Supporting Statement**  
**Bond Structure (Forms CBP 301 and CBP 5297)**  
**1651-0050**

**A. Justification**

1. CBP Form-301 is required to be filed to secure payment related to various Bureau of Customs and Border Protection (CBP) transactions. These transactions may be broadly grouped as importation and entry, custodial, transportation, and miscellaneous. Surety bonds are usually executed by an agent of the surety. The surety company grants authority to the agent via a Corporate Surety Power of Attorney, CBP Form-5297. This power is vested with CBP so that when a bond is filed, the validity of the authority of the agent executing the bond and the name of the surety can be verified to the surety's grant. Bonds are required pursuant to 19 U.S.C.1608, and 1623; 22 U.S.C. 463; 19 CFR Part 113.37 and 113.11.

CBP Form 5297 used for a power of attorney for the agent or attorney of the surety company. Corporations may use the CBP-5297 to execute powers of attorney to act on their behalf.

2. The bond is used to assure that duties, taxes, charges, penalties, and reimbursable expenses owed to the Government are paid; to facilitate the movement of merchandise through CBP; and to provide legal recourse for the Government for noncompliance with CBP laws and regulations and the laws and regulations of other agencies that are enforced by CBP. Without such a document, it would be necessary for all goods to remain in physical CBP custody until compliance with all applicable laws and regulations and duties and taxes had been determined. This would disrupt the orderly flow of cargo and increase the cost of importing, which would ultimately be passed down to the consumer.
3. CBP Form-301 will be automated as part of CBP's Automated Commercial Environment (ACE), no later than 2011. However, the CBP Form-5297 (Power of Attorney) needs an original signature and has carbon copies, so it must be filled out manually.
4. Since the information for each transaction is unique, this information is not duplicated elsewhere.
5. No additional consideration has been given to small businesses or entities because all businesses must submit their CBP-301 in the same manner.
6. If the information were collected less frequently, the government would not be protected from loss of revenue and noncompliance with laws and regulations would increase, having an adverse impact on the U.S. Commerce.
7. This collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Public comments were solicited through two Federal Register notices dated July 12, 2007, Volume 72, Page 38094 and September 13, 2007, Volume 72, Page 52384. As of this submission one comment was received. The commenter was concerned that he is providing his social security number on CBP Form 301 and that this number could be disclosed by CBP if the form was the subject of a FOIA request or if it were released to an entity outside the agency. The CBP program office that manages this form called the commenter (Mr. Zehner) to explain that that CBP does not routinely provide copies of the Form 301 to entities outside the agency, and in the few cases where this occurs, the social security number is redacted. The Form 301 does not mandate the submission of the social security number, it is merely one option a filer can use to identify themselves. CBP also accepts employer identification numbers, and in some cases, CBP will assign a number for the filer to use.
9. There is no offer of a monetary or material value for this information collection.
10. This collection does not involve trade secrets.
11. The filers may use their social security numbers to identify themselves if they do not have an IRS employer identification number or do not ask CBP to assign a number.
12. Estimated Annualized Burden on the Public The estimated burden for this information collection is 147,596 hours, based on 590,250 averaging one response each, who average an estimated .25 hours (15 minutes) to complete and process for a total of 147,596 burden hours.  
  
Estimated Annualized Cost to the Public: The total cost to the public is \$4,283,777.50, based on an estimated 147,513 burden hours at an estimated hourly rate of \$29.04 per hour.
13. Estimated Record Keeping Burden on the Public. There is no recordkeeping burden on the public associated with this collection.  
  
Estimated Capitalization Cost Burden on the Public. There are no capitalization costs associated with this information collection.
14. Estimated costs to the Federal Government The estimated costs to the Federal Government is \$5,504.00. This is based upon 172 burden hours at an average hourly rate of \$32.00.
15. There are no changes to this information collection.

16. This information collection will not be published for statistical purpose.

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17. We will put the expiration date on the form when we receive a Notice of Action from OMB with the new date.

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

**B. Collection Of Information Employing Statistical Methods**

No statistical methods are used.