

**Supporting Statement
Transportation Manifest (Cargo Declaration)
1651-0001**

A. Justification

1. CBP Form-1302, Cargo Declaration (inward and outward) is a single form for manifest cargo. Its use was agreed upon by treaty at the United Nations Inter-government Maritime Consultative Organization (IMCO). The authority to use this form is derived from the following provisions: 19 CFR 4.5, 4.7, 4.7a, 4.33, 4.34, 4.38, 4.41, 4.81, 4.82, 4.85, 4.86, 4.89, 4.91, 4.93, and 4.99.

CBP Form-1302A, Cargo Declaration (outward with commercial forms), was developed to allow a vessel carrier to use a single page U.S. Customs and Border Protection (CBP) form with the vessel's commercial documents (bills of lading, etc.) attached as an outward manifest. This is pursuant to the provisions of 46 U.S.C. App. 91, and 19 CFR 4.60, 4.61, 4.62, 4.63, 4.7, 4.75, 4.87, 4.88 and 4.89.

CBP Form-7509 is used by CBP officials to verify the cargo being carried on the aircraft. The legal authority for use of the air cargo manifest is contained in 19 CFR Part 122.

CBP Form-7533 is an inward foreign manifest of baggage or other merchandise being conveyed into the United States from Canada or Mexico, other than by sea. This is pursuant to the requirements of 19 CFR 123.3, 123.4, 123.7, 123.61 and 141.11.

Under 19 CFR 103.31, shippers may submit a request for Manifest Confidentiality.

Under 19 CFR 4.7c, for all vessels transporting goods, other than bulk goods, to the United States, the incoming carrier is required to electronically submit a vessel stow plan no later than 48 hours after the vessel departs from the last foreign port. For voyages less than 48 hours in duration, CBP must receive the stow plan prior to arrival at the first port in the United States. The stow plan would include information about the cargo laden on the vessel.

Under 19 CFR 4.7d, for all containers laden with cargo destined to arrive within the limits of a port in the United States by vessel, the incoming carrier is required to electronically submit a container status message (CSM) when any of nine required events occurs if the carrier creates or collects a CSM in its equipment tracking system reporting that event. The carrier is required to submit the CSMs no later than 24 hours after the CSM is entered into the carrier's equipment tracking system. If it is cost beneficial for carriers to do so, carriers are allowed to transmit their "global" CSM messages, including CSMs relating to containers that do not contain cargo destined for importation into the United States and CSMs relating to events

other than the required events. These nine required events are: (1) When the booking relating to a container which is destined to arrive within the limits of a port in the United States by vessel is confirmed; (2) When a container which is destined to arrive within the limits of a port in the United States by vessel undergoes a terminal gate inspection; (3) When a container, which is destined to arrive within the limits of a port in the United States by vessel, arrives or departs a facility (These events take place when a container enters or exits a port, container yard, or other facility. Generally, these CSMs are referred to as “gate-in” and “gate-out” messages.); (4) When a container, which is destined to arrive within the limits of a port in the United States by vessel, is loaded on or unloaded from a conveyance (This includes vessel, feeder vessel, barge, rail and truck movements. Generally, these CSMs are referred to as “loaded on” and “unloaded from” messages); (5) When a vessel transporting a container, which is destined to arrive within the limits of a port in the United States by vessel, departs from or arrives at a port (These events are commonly referred to as “vessel departure” and “vessel arrival” notices); (6) When a container which is destined to arrive within the limits of a port in the United States by vessel undergoes an intra-terminal movement; (7) When a container which is destined to arrive within the limits of a port in the United States by vessel is ordered stuffed or stripped; (8) When a container which is destined to arrive within the limits of a port in the United States by vessel is confirmed stuffed or stripped; and (9) When a container which is destined to arrive within the limits of a port in the United States by vessel is shipped for heavy repair. The regulations do not require a carrier create or collect any CSM data other than that which the carrier already creates or collects on its own and maintains in its electronic equipment tracking system.

Section 203 of the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), 6 U.S.C. 943, provides that the Secretary of Homeland Security, acting through the Commissioner of CBP, must require the electronic transmission to DHS of additional data elements for improved high-risk targeting, including appropriate elements of entry data to be provided as advanced information with respect to cargo destined for importation¹ into the United States prior to loading of such cargo on vessels at foreign ports. To comply with section 203 of the SAFE Port Act, CBP is requiring the electronic submission of an Importer Security Filing, generally 24 hours prior to vessel loading. Under proposed 19 CFR Part 149, the Importer Security Filing would consist of 5 elements for shipments consisting entirely of foreign cargo remaining on board (FROB) and shipments consisting entirely of goods intended to be “transported” in-bond as an immediate exportation (IE) or transportation and exportation (T&E). These five elements are: (1) booking party name and address; (2) foreign port of unloading; (3) place of delivery; (4) ship to name and address; and (5) commodity Harmonized Tariff Schedule of the United States (HTSUS) number. Under 19 CFR Part 149, the Importer Security Filing would consist of 10 elements for all other types of shipments. These ten

¹ For purposes of the regulations in 19 CFR Part 149, “importation” means the point at which cargo arrives within the limits of a port in the U.S.

elements are: (1) manufacturer (or supplier) name and address; (2) seller name and address; (3) buyer name and address; (4) ship to name and address; (5) container stuffing location; (6) consolidator (stuffer) name and address; (7) importer of record number / FTZ applicant identification number; (8) consignee number(s); (9) country of origin; and (10) commodity HTSUS number.

2. These Transportation Manifest (Cargo Declarations), vessel stow plan, container status message, and Importer Security Filing submissions from importers and ocean carriers are essential to CBP for the control of cargo, for pre-arrival targeting of shipments for enforcement examination purposes, and to further improve the ability of CBP to identify high-risk shipments so as to prevent smuggling and ensure cargo safety and security. If all information contained in the Transportation Manifest (Cargo Declaration) information collection was not collected, CBP would have far less control over the merchandise entering or leaving the United States. This information improves CBP's ability to make pre vessel lading and pre vessel arrival determinations as to which cargo to examine.
3. Ninety percent of the information in this information collection is transmitted to CBP using a variety of CBP approved electronic data interchange systems including the Automated Manifest System (AMS), Automated Exporter System (AES), the Automated Broker Interface (ABI) system, and Secure File Transfer Protocol (sFTP).
4. The information, except for portions of the Importer Security Filing elements submitted by importers, obtained in this collection is unique and is not duplicated by any other collection or by any other form. Some of the information provided by importers is also collected for entry purposes when goods are entered into the United States. However, to reduce the burden on importers, they will be given the option of submitting entry data when they submit the ten data elements, thus not requiring duplicate submissions.
5. No specific consideration is given to small businesses or entities. All filers must submit the same information regardless of size.
6. The consequence to the Federal program or policy if the information were collected less frequently would be a loss of control over imported merchandise, a potential loss of revenue, and security vulnerabilities.
7. This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(2).
8. A Notice of Proposed Rulemaking (NPRM) was published in the Federal Register on January 2, 2008 (Volume 73, Pages 90-113). An Interim Final Rule was published in the Federal Register on November 25, 2008 (Volume 73, Pages 71730-71785).

CBP received several public comments on the burden calculation contained in the NPRM. As a result, the burden hours were adjusted in the IFR in accordance with comments we received stating that our original calculation of the number of ISF importers was too low.

9. There is no offer of a monetary or material value for this information collection.
10. No specific assurance of confidentiality is provided with this information collection.
11. There are no questions of a personal or sensitive nature on this collection.
12. Estimated Annualized Burden on the Public. These records represent basic requirements for the movement of trade/cargo. They represent usual and customary business records based on industry standards. The estimated burden hours for this information collection is 27,099,553 hours. This is based on the following:

FUNCTION	HOURS	RESPONDENTS	TOTAL RESPONSES	TIME PER RESPONSE
Air Cargo Manifest (Form 7509)	830,960	260 air carriers	1,466,400	34 minutes
Inward Cargo Manifest for Truck, Rail, Vehicles, Vessels, etc. (Form 7533)	963,055	33,000 carriers	9,630,559	6 minutes
Cargo Declaration (Form 1302)	498,000	10,000 carriers	3,000,000	10 minutes
Export Cargo Declaration (Form 1302A)	10,000	500 carriers	200,000	3 minutes
Importer Security Filing	24,745,091	475,000 importers	11,300,000	2.189831 hours
Vessel Stow Plan	45,155	440 vessel carriers	25,203	1.79 hours
Container Status Messages	6,753	74 vessel carriers	72,121,193	0.006 minutes
Request for Manifest Confidentiality	539	1,078 importers or consignees	1,078	30 minutes
TOTAL	27,099,553	245,790	97,744,433	

*Note that the numbers in ROCIS differ slightly due to rounding. Also, a document containing the units of measure and means of transmission for this information collection can be found in the Supplementary Document Screen in ROCIS.

Estimated Annualized Cost to the Public. The estimated cost to the public is \$541,991,060. This is based upon 27,099,553 hours expended at an average hourly rate of \$20.00.

13. Estimated Record Keeping Burden on the Public. There is no recordkeeping burden associated with this collection.

Estimated Capitalization Cost Burden on the Public. There are no capitalization costs associated with this collection.

14. Estimated Cost to the Federal Government. The annual estimated cost to the Federal Government associated with collecting, analyzing, processing the information is \$3,500,000. This is based on 100,000 hours expended at an average hourly rate of \$35.00.

15. The increase in burden hours is due to new requirements for importers mandated by Section 203 of the Safe Port Act of 2006 involving respondents providing an electronic submission of Importer Security Filing elements.

The increase in burden is also due to new requirements for vessels transporting goods, other than bulk goods, to the United States, to electronically submit a vessel stow plan. In addition, for all containers laden with cargo destined to arrive within the limits of a port in the United States by vessel, the incoming carrier will be required to electronically submit a container status message. The NPRM burden hours were adjusted for the Interim Final Rule partly in accordance with public comments CBP received stating that the number of importers that would be required to file the Importer Security Filing was underestimated in the NPRM. As a result, we conducted further analysis of these estimates and raised them in accordance with these comments.

The burden hours were also reduced due to the removal of the in-transit manifest that was previously contained in this information collection. Upon further research, it was determined that the in-transit manifest is already approved under collection 1651-0003. As a result it was redundant to include in this information collection as well.

CBP has decided not to proceed at this time with the promulgation of regulations requiring containers destined to be imported to the United States by vessel to be sealed with an International Organization of Standardization (ISO)-approved seal. Through industry consultations, several technology, infrastructure, and regulatory barriers were identified. These included technology shortcomings, a lack of infrastructure needed abroad to verify the seals, and the high costs that would be borne by the industry to put such a sealing regime in place throughout the supply chain. OMB previously approved the information collection relating to these contemplated regulations. Therefore, the decrease in burden hours for the information collection related to these contemplated regulations is reflected in this document.

16. This information collection will not be published.
 17. CBP does not seek approval not to display the expiration dates on the related forms.
 18. CBP does not request an exception to the certification of this information collection.
- B. No statistical methods were employed.