

Supporting Statement e-Allegations Submission

OMB Control Number: 1651-NEW

A. 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.

In the interest of detecting trade violations of United States Customs Law, Customs and Border Protection (CBP) proposes to provide a means for concerned members of the trade community to confidentially report violations to CBP.

CBP is developing a website that will allow the public to submit pertinent information that would assist CBP in its decision whether or not to pursue the alleged violations by initiating an investigation, and how to best proceed in the case that an investigation is warranted. The information collected would include the name, phone number and email address of the member of the trade community reporting the alleged violation. It would also include a description of the alleged violation, and the name and address of the potential violaters.

Many trade violations are brought to light by concerned members of the trade community, and it is in the U.S. Government's best interest to make it as easy as possible for these people to report allegations. The collection of this information is authorized by: The Tariff Act of 1930, as amended (title 19, United States Code, section 1202 et seq.), the Homeland Security Act of 2002 (title 6, United States Code), and the Security and Accountability for Every Port Act of 2006 ["SAFE Port Act"] (Public Law 109-347, October 13, 2006).

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 information collected will be used by select CBP officials solely for the purpose of pursuing trade violations.

The information is being collect to assist CBP with its mission of protecting the revenue through trade compliance and enforcement. The information will also assist CBP with its other areas of responsibility such as intellectual property rights enforcement and import safety issues. This type of information is currently collected by means of telephonic and written communications and maintained in CBP's Treasury Enforcement Communications System (TECS, System of Records Noticed, 66 FR 53029). The CARS system will provide an alternate means for CBP to manage allegations received and is intended to increase the submission of allegations while also providing CBP with a better means of managing its resources so that CBP may more efficiently address actual violations of law.

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.

Information regarding potential trade violations will be electronically submitted via a new website called "Import/Export Law Violation Allegations". The address of this site will be <https://apps.cbp.gov/eallegations/>.

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 (Item 5 of the OMB Form 83-1), describe any methods used to minimize burden.

This information collection does not have a significant impact on a substantial number of small businesses or entities.

6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The consequence of not allowing this collection is that many trade violations will not be caught by law-enforcement officials. In many cases, not catching these violations will result in economic injury to the United States, a severe risk to public health and safety, and a greater threat of terrorist attack in the U.S.

7. Explain any special circumstances that would cause an information collection to be conducted.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

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.

Two Federal Register Notices were published soliciting public comment on this proposed collection of information: A 60-day notice was published on November 9, 2007, Volume 72, Page 63622 and a 30-day notice was published on January 23, 2008, Volume 73, Page 3984. One comment was received on the 60-day notice.

A written response was prepared and provided to the commenter. The CBP Office of International Trade, who is proposing the e-Allegation Website, prepared a response to the comment received from the U.S. Business Alliance for Customs Modernization (BACM). The following issues were discussed:

With regard to the statement in the January 8 2008 comment that BACM supports CBP's efforts to augment its telephonic tipline capacity with an e- anonymous reporting of violations. CBP appreciates this support and concurred with the concern raised that CBP not modify its processes for reviewing tips received and initiating formal investigations after having determined that there are confirmed facts warranting such further investigation. Similarly, CBP affirmed its continuing commitment to respect Due Process and provide fair notice with respect to any proceeding in accordance with its published regulations.

Finally, with regard to the suggestion that a benefit for members of the Customs-Trade Partnership Against Terrorism (C-TPAT) that should be included in the C-

TPAT program, might be an opportunity for C-TPAT members, who are the subject of allegations, to respond and/or make any necessary disclosures as part of CBP's formal determination to proceed with an investigation, CBP has referred this suggestion to its Office of Field Operations, Cargo and Conveyance Security Directorate for consideration as part of the various benefits afforded to members and participants of C-TPAT.

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.

All information submitted will be stored in a secure data base, under strict control of CBP officers with a need to know.

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.

This information collection does not involve questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

The estimated burden for this information collection is 25 hours, based on an estimated 100 respondents filing a total of 100 annual responses. Each response requires an estimated .25 hours (15 minutes) to complete.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

The estimated cost associated with this collection is \$750. This is based on 25 hours at a rate of \$30 dollars an hour. There are no capitalization 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 in handling, processing and recording the information collected with regard to this collection is \$3500, based on an estimated 50 hours expended at an average hourly rate of \$70.

Plus the costs to develop this new website are as follows:

44 hours for e-Allegations form development, including development, rework and testing.

For eAllegations to CARS (internal system) including bridging applications:

20 hours for proof of concept development;
20 hours for research, testing products;
50 hours for development and data mapping business logic.

20 hours for integration and testing.

40 hours administrative support.

194 total hours x \$70 hourly rate= \$13,580

In addition, \$3,000 recurring costs for administrative support and external hosting.

Total cost to the Government is **\$20,080** which is calculated by: \$3,500 processing + \$13,580 system development+ \$3,000 annual recurring costs = \$20,080 = \$20,080.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

This is a new collection request; therefore, the burden on the public and the Federal Government associated with this information collection are estimates.

16. For collection of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques

that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The expiration date is displayed on the website.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

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

19. Collection of Information Employing Statistical Methods

No statistical methods were employed.

