

Supporting Statement
Harbor Maintenance Fee - Forms 349, 350
1651-0055

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.**

The Water Resources Development Act of 1986 (Act) (26 U.S.C. 4461, et seq.) established a Harbor Maintenance Fee (HMF) and Trust Fund to be used for the operation and maintenance of certain U.S. channels and harbors by the Army Corps of Engineers. The Bureau of Customs and Border Protection (CBP) is required to collect a Harbor Maintenance Fee from importers, domestic shippers, and passenger vessel operators using federal navigation projects. Commercial cargo loaded on or unloaded from a commercial vessel is subject to a port use fee of 0.125 percent of its value if the loading or unloading occurs at a port that has been designated by the Army Corps of Engineers (19 CFR 24.24). The fee also applies to the total ticket value of embarking and disembarking passengers.

The Trust Fund is supported by a Harbor Maintenance Fee assessed on port use by vessels carrying waterborne commercial cargo or passengers, as prescribed by CBP financial and accounting procedures provided in 19 CFR Part 24.24.

- 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 required in 19 CFR 24.24 will be transmitted to CBP by the respondents in one of the following manners: Domestic shippers, foreign trade zones applicants, and passenger vessel operators will prepare the Quarterly Summary Report as requested in the CBP regulations and submit it with payment to a CBP lock box. If the collection of this information is not performed, CBP has no means of verifying that the fee collected is timely and accurately submitted. The information collection is provided on a calendar quarter basis. If CBP did not review the documents and certify that they are entitled to the exemption, this would result in a loss of revenue to the Trust Fund.

- 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.**

CBP developed a website for filers to pay the HMF on-line. It is part of the www.pay.gov website. In order to begin filing electronically, filers must first register with pay.gov which is run by the Department of Treasury. Because the electronic filing for the HMF is new, we don't have any respondents using it yet, but we anticipate that a significant number will begin filing electronically in the near future.

- 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-I), 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.**

The consequence to the Federal Government if this collection were conducted less frequently is a definite potential for loss of revenue.

- 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 1320.6.

- 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. Specifically address comments received on cost and hour burden.**

Public comments were solicited through two Federal Register notices published on June 13, 2008 (Volume 73, Page 33839) and on August 15, 2008 (Volume 73, Page 47962). As of this submission, 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.

There are no assurances of confidentiality provided to the respondents for this information collection.

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.

FORM	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
349	2,340	1,170	4	4,680	30 minutes (.5 hours)
350	260	130	4	520	30 minutes (.5 hours)
Recordkeeping	216	1,300	1		10 minutes (.166 hours)
TOTAL	2,816			5,200	

Public Cost

The estimated cost to the respondents is \$56,320. This is based on the estimated burden hours (2,816) multiplied (x) hourly rate (\$20.00).

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

There are no capital or start-up 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 this collection is \$154,000. This is based on the estimated hours expended to process HMF payments (3,000) multiplied (x) hourly rate (\$35.00) = \$105,000.

In addition, the cost to the Federal Government for reprogramming to allow for electronic submission of HMF information is estimated at \$49,000. This includes hours expended for development, rework and testing (980) multiplied (x) hourly rate (\$50.00)

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

There has been no increase or decrease in the estimated burden hours previously reported for this information collection.

- 16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

This information collection will not be published.

- 17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate**

CBP will display the expiration date for OMB approval of this information collection.

- 18. "Certification for Paperwork Reduction Act Submissions."**

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

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.