

Supporting Statement
U.S./Central American Free Trade Agreement (CAFTA)
1651- 0125

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.

On August 5, 2004, the United States entered into the Dominican Republic-Central America-United States Free Trade Agreement with Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, (also known as CAFTA.) The Agreement was approved by Congress in section 101(a) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53, 119 Stat. 462) (19 U.S.C. 4001 note). Section 205 of the Act (19 U.S.C. 4034) provides for retroactive application for certain liquidations and reliquidations of textile or apparel goods imported on or after January 1, 2004 and before the date of entry into force of the Agreement. U.S. Customs and Border Protection (CBP) is issuing this regulation to implement the retroactive duty refund provision. The legislation calls for retroactive duty refunds only if sufficient information to determine that the good satisfies the conditions of the Agreement is filed with CBP. The collection of data will be used to ascertain if claims filed with CBP are eligible for duty refunds. The CAFTA-DR preference rules depend on the specific textile or apparel article imported into the United States. Therefore, depending on the product imported, documentation might include invoices, affidavits, mill certificates or other production, payment or transportation documentation.

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 is to be used by U.S. Customs and Border Protection (CBP) to grant preferential tariff treatment under provisions of the CAFTA.

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.

This is a temporary provision that would not be cost-effective to automate. Additionally, since this is a retroactive benefit, the public's commercial paperwork will be used; no new paperwork will be required.

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 collected in any other form, and therefore is not duplicated elsewhere.

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, as well as any technical or legal obstacles to reducing burden.

If this information was not collected, CBP would not be able to ensure that duty-free or reduced-duty treatment is provided on imported goods under the CAFTA.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

This information collection is conducted in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

8. Provide a copy and identify the date and page number 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.

Public comments were solicited through two Federal Register notices published on October 22, 2008 (Volume 73, Page 63001) and on December 24, 2008 (Volume 73, Page 79150). As of this submission, no comments were 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.

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL ANNUAL RESPONSES	TIME PER RESPONSE
CAFTA	4,000	2,500	4	10,000	24 minutes or (.4) hours

Public Cost

The estimated cost to the respondents is \$106,480.00. This is based on the estimated burden hours (4,000) multiplied (x) hourly rate (\$26.62).

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

There is no record keeping, capital, start-up or maintenance costs associated with this 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 \$140,000. This is based on the estimated hours expended (4,000) multiplied (x) hourly rate (\$35.00) = \$140,000.

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13 of this Statement.

There has been no increase or decrease in the estimated annual 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 for statistical purposes.

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.

There is no form involved with this information collection.

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.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.