

Supporting Statement

Declaration of Owner of Merchandise Obtained in Pursuance of a Purchase and Declaration of Importer of Record When Entry is Made by an Agent 1651-0093

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.**

Section 485(a), Tariff Act of 1930, as amended (19 U.S.C. 1485 (1) requires that a importer of record of imported merchandise must file with the Customs and Border Protection (CBP) a declaration that all information furnished and statements made in connection with an entry are true and correct. With certain exceptions, such declaration shall be made at the time of entry, and the importer of record is then liable for the payment of increased or additional duties that may accrue.

The importer of record shall not be liable for increased or additional duties if (1) he declares at the time of entry that he is not the actual owner of the merchandise, (2) he furnishes the name and address of the actual owner, and (3) within 90 days from the date of entry he produces a declaration of such owner, conditioned that he will pay all additional and increased duties under such regulations. Sections 24.11(a) and 141.20(a) of CBP Regulation (19 CFR 24.11(1) and 141.20(a) provide that the declaration of the actual owner will be on the CBP Form-3347, "Declaration of Owner."

Ordinarily, the declaration is made at the time of entry, however, when an entry is made by an agent who does not possess the required declaration, he may give bond for the production of such declaration which will be submitted on CBP Form 3347-A, "Declaration of Importer of Record When Entry Is Made by an Agent," and furnished at a later date, under 19 CFR 141.19 (b)(2).

- 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.**

CBP Forms-3347 and 3347-A are related forms. CBP Form-3347 is filed by the nominal importer of record asking to be relieved of liability. CBP Form 3347-A is the form required when entry is made by an agent who does not possess the declaration of the importer of record at the time of entry. There is no consequence to the Federal program if the information is not collected. This is a benefit to the importer of record so that additional duties are not imposed.

- 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 is working on a system to allow electronic submission of this information that will be part of our Automated Commercial Environment (ACE) which is currently under development. The automation for this information will be available no later than 2012.

- 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 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.**

Without the information collection, nominal importers of record would be liable for any increased or additional duties, and agents would not be able to make entry and clear their clients' merchandise unless they possessed the required declaration.

- 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 October 22, 2008 (Volume 73, Page 63000) and on December 24, 2008. (Volume 73, Page 79149) 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	AVG. NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Declaration of Owner Form 3347	540	900	6	5400	6 minutes (.10 hours)
Declaration of Importer Form 3347-A	30	50	6	300	6 minutes (.10 hours)
TOTAL	570	950		5700	

Public Cost

The estimated cost to the respondents is \$16,530.00. This is based on the estimated burden hours (570) multiplied (x) hourly rate (\$29.00).

The estimated cost to the public is \$16,530.00. This is based on an estimated 570 burden hours at an average hourly rate of \$29.00.

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

There are no record keeping, capital, start-up or maintenance 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 \$33,100. This is based on an estimated processing time of 10 minutes for each form filed multiplied by an average hourly rate of \$35.00. Time per form filed (.166) x number of forms filed (5700)= 946 hours x average hourly rate (\$35.00)= 33,100 hours.

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 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, 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.