

# SUPPORTING STATEMENT

## User Fees

OMB No. 1651-0052

### 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.**

Several statutes and regulations, including the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA – PL 99-272; 19 USC 58c), with the fees established under 19 CFR 24.22 authorizes the collection of user fees by Customs and Border Protection (CBP). The collection of these fees require the collection of information from the party(ies) remitting the fee(s). There are three forms for collection of user fees including the CBP Form 339A for aircraft; CBP Form 339C for decals for commercial vehicles; and CBP Form 339V for decals for vessels.

In addition, CBP requires that all user fee express consignment operators file a report providing CBP with information about airway bills and/or bills of lading and requirement is for the operators of express consignment courier facilities (ECCFs) to file lists of couriers using the facility in accordance with 19 CFR 128.11. Also, in cases of overpayments, carriers using the courier facilities may send a request to CBP for a refund in accordance with 19 CFR 24.23 (b). This request must specify the grounds for the refund. In addition, a ECCFs are required to file a quarterly report in accordance with 19 CFR 24.23(b)(4):

- 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 that is collected by Customs and Border Protection (CBP) is necessary to allow CBP to track and account for the user fees mandated in the Miscellaneous Trade and Technical Corrections Act of 1999.

- 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.**

The User Fee forms can be submitted electronically through internet using the following link: <https://dtops.cbp.dhs.gov>

- 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.**

If the information were not collected CBP would not be able to track and account for these user fees that are mandated by law.

- 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 March 25, 2009 (Volume 74, Page 12877) and on June 8, 2009 (Volume 74, Pages 27161). 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 associated with this collection.

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

<b>FORM NUMBER/TITLE</b>	<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>NO. OF RESPONDENTS</b>	<b>NO. OF RESPONSES PER RESPONDENT</b>	<b>TOTAL RESPONSES</b>	<b>TIME PER RESPONSE</b>
Form 339A Aircraft	4,005	15,000	1	15,000	16 minutes (.267 hours)
Form 339C Vehicles	16,500	50,000	1	50,000	20 minutes (.33 hours)
Form 339V Vessels	2,670	10,000	1	10,000	16 minutes (.267 hours)
ECCFs Quarterly Report	176	22	4	88	2 hours
ECCFs Refund Request	5	5	2	10	30 minutes (.5 hours)
ECCFs Application and List of Couriers	6	3	4	12	30 minutes (.5 hours)
<b>Total</b>	<b>23,362</b>	<b>75,030</b>		<b>75,110</b>	

--	--	--	--	--	--

### **Public Cost**

The estimated cost to the respondents is \$654,136. This is based on the estimated number of burden hours (23,362) multiplied by an estimated hourly rate (\$28.00).

**13. Provide an estimate of the total annual cost burden to respondents or record keepers 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 cost to the Federal Government associated with this collection is \$657,212. This is based on the number of responses (75,110) multiplied by the estimated time to process each response (15 minutes or .25 hours) multiplied by the hourly rate (\$35.00).

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

The burden hours were increased due to the revision to Form 339C which increased the time per response from 16 minutes to 20 minutes. The burden also increased due to better estimates for the number of Aircraft and Vessels applying for decals.

**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.