

**Supporting Statement  
Protest  
1651-0017**

**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.**

Protests and applications for further review may be filed by the importers or consignees shown on the entry papers, or their sureties; any person paying any charge or exaction; any person seeking entry or delivery; any person filing a claim for drawback; any exporter or producer who completed and signed a NAFTA Certificate of Origin involved in a claim; or any authorized agent of any of the persons described above. Authority for the administrative review of decisions of the port director or other CBP officers, including the requirements for the filing of protests, review and accelerated disposition, and provisions dealing with further administrative review is contained in 19 U.S.C. 66, 1514, 1515, and 1624. The reporting requirements for filing a Protest (CBP Form 19) or written or electronic equivalent thereof, or an application for further review, or a request to set aside the denial of an application for further review, or a request to void a denial of a Protest, are covered by 19 CFR Part 174.

- 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 Form 19, or its equivalent, is filed with Customs and Border Protection (CBP) to protest any clerical error, mistake of fact, or other inadvertence, whether or not resulting from or contained in an electronic transmission, adverse to the importer, in any entry, liquidation, or re-liquidation. It is also used to protest CBP decisions, including the legality of all orders and findings entering into the same, under Section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514) for the following items:

- the appraised value of merchandise;
- the classification, rate and amount of duties chargeable;
- all charges or exactions of whatever character within the jurisdiction of the Secretary of Homeland Security;
- the exclusion of merchandise from entry or delivery, or a demand for

redelivery to CBP custody under any provision of the CBP laws, except a determination that may be appealed under 19 U.S.C. 1337;

- the liquidation or re-liquidation of an entry, or reconciliation as to the issues contained therein, or any modification thereof;
- the refusal to pay a claim for drawback; and,
- the refusal to re-liquidate an entry under 19 U.S.C. 1520(d).
- the refusal to re-liquidate an entry under 19 U.S.C. 1520(c) for entries made before December 18, 2004.

**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 has developed an Electronic Protest Filing module, which is available through the Automated Broker Interface (ABI), this module allows individuals to file Protest through the Automated Broker Interface (ABI). **New:** In 2008, 1,894 protests (or approximately 4 percent) were filed using ABI.

**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.**

If this information were not collected the public would not have an appropriate method with which to protest decisions by CBP. The collection and related review procedures are intended to serve as the vehicle in which importer and certain others pursue administrative remedies and protect their rights.

**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 1320.5(d)(2).

**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 April 9, 2009 (Volume 74, Page 16227) and on August 13, 2009 (Volume 74, Pages 40826-40827). 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 of 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.**

New:

INFORMATIO N	TOTAL ANNUAL BURDEN	NO. OF RESPONDENT S	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
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COLLECTION	HOURS				
Protest (Form19)	45,000	3,750	12	45,000	1 hour

Old:

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Protest (Form19)	22,665	3,750	12.088	45,330	30 minutes

### Public Cost

#### New:

The estimated cost to the respondents is \$2,362,500. This is based on the estimated burden hours (45,000) multiplied (x) hourly rate (\$50.00).

#### Old:

It is estimated that it takes each respondent approximately 30 minutes (.5 hours) to file the CF 19 multiplied by 22,665 hours annually, at an average cost of \$35 per response for a total of \$396,637.

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

#### New:

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

#### Old:

The estimated record keeping burden associated with this submission is estimated at 45,330 hours annually. This is based on 3,750 respondents who file 45,330 responses per year, each requiring approximately one hour (60 minutes) for record keeping purposes. The record keeping costs associated with this collection is \$543,960.00 based on 45,330 hours at an average cost of \$12.00 per hour.

### 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.

**New:**

The estimated annual cost to the Federal Government associated with the review of these records is **\$393,750**. This is based on the number of responses (45,000) that must be reviewed (x) the time to review and process each response (15 minutes or .25 hours) = 11,250 hours (x) the average hourly rate (\$35.00)= \$393,750.

**Old:**

The estimated cost to the Federal government associated with collecting, processing this information is \$2,107,500. This is based on an estimated 70,250 hours expended at an average hourly rate of \$30.

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

The burden hours were decreased as a result of removing the recordkeeping portion of this clearance. Although, CBP had previously reported that there were recordkeeping requirements related to the Protest section of the CBP regulations (19 CFR Part 174), our analysis indicates that there are no recordkeeping provisions in this regulation.

In addition, the burden hours for reporting were increased as a result of revised estimates by CBP. CBP had previously reported that it would take 30 minutes to complete Form 19. However, upon further analysis, it was determined that some Protests could take considerably longer. Therefore, CBP proposes raising the time per response to 60 minutes.

**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.



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**A. Justification**

1. Protests and applications for further review may be filed by the importers or consignees shown on the entry papers, or their sureties; any person paying any charge or exaction; any person seeking entry or delivery; any person filing a claim for drawback; any exporter or producer who completed and signed a NAFTA Certificate of Origin involved in a claim; or any authorized agent of any of the persons described above. Authority for the administrative review of decisions of the port director or other CBP officers, including the requirements for the filing of protests, review and accelerated disposition, and provisions dealing with further administrative review is contained in 19 U.S.C. 66, 1514, 1515, and 1624. The reporting requirements for filing a Protest (CBP Form 19) or written or electronic equivalent thereof, or an application for further review, or a request to set aside the

denial of an application for further review, or a request to void a denial of a Protest, are covered by 19 CFR Part 174.

The proposed changes to Part 174 contain a few additional reporting requirements such as that respondents must notify CBP if any litigation commences on the transaction at issue in the protest; and/or that the respondent make a declaration that the transaction at issue is not and has not been the subject of litigation.

2. CBP Form 19, or its equivalent, is filed with Customs and Border Protection (CBP) to protest any clerical error, mistake of fact, or other inadvertence, whether or not resulting from or contained in an electronic transmission, adverse to the importer, in any entry, liquidation, or reliquidation, and, CBP decisions, including the legality of all orders and findings entering into the same, under Section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514) for the following items:
  - the appraised value of merchandise;
  - the classification, rate and amount of duties chargeable;
  - all charges or exactions of whatever character within the jurisdiction of the Secretary of Homeland Security;
  - the exclusion of merchandise from entry or delivery, or a demand for redelivery to CBP custody under any provision of the CBP laws, except a determination that may be appealed under 19 U.S.C. 1337;
  - the liquidation or reliquidation of an entry, or reconciliation as to the issues contained therein, or any modification thereof;
  - the refusal to pay a claim for drawback; and,
  - the refusal to reliquidate an entry under 19 U.S.C. 1520(d).
  - the refusal to reliquidate an entry under 19 U.S.C. 1520(c) for entries made before December 18, 2004.
3. CBP has developed an Electronic Protest Filing module, which is available through the Automated Broker Interface (ABI), this module allows individuals to file Protest through the Automated Broker Interface (ABI). **Approximately what percentage come through ABI?**
4. Since the information for each protest is unique, this information is not duplicated elsewhere. There is no similar information available elsewhere.
5. This collection may involve small businesses and other entities.



6. If this information were not collected the public would not have an appropriate method with which to protest decisions by CBP. The collection and related review procedures are intended to serve as the vehicle in which importer and certain others pursue administrative remedies and protect their rights.
7. The information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(2).
8. Public comments were solicited through two Federal Register notices dated, April 9, 2009 (Volume 74, Page 16227) and on xxxxx 2009 (Volume 74, Page xxxxxx). No comments were been received.
9. There is no offer of monetary or material value for this information request.
10. CBP Form 19, or its equivalent, may contain confidential commercial information that the Federal government protects according to the Trade Secrets Act and Executive Order 12,600.
11. There are no questions of a personal or sensitive nature.
12. Estimated Annualized Burden on the Public. The estimated reporting burden for this information collection is 47,596 hours. This is based on an estimated 3,750 respondents filing an estimated 12 responses annually for a total of 45,330 responses. It is estimated that each response requires 1.05 hours (63 minutes) to prepare.  
  
Estimated Annualized Cost to the Public. Based on information furnished by individuals contacted, it is estimated that it takes each respondent approximately 30 minutes (.5 hours) to file the CF 19, 22,926 hours annually, at an average cost of \$35 per response for a total of \$802,410.
13. Estimated Record Keeping Burden on the Public.  
  
Estimated Capitalization Cost Burden on the Public. There are no capitalization costs associated with this information collection.
14. The estimated cost to the Federal government associated with collecting, processing this information is \$2,107,500. This is based on an estimated 70,250 hours expended at an average hourly rate of \$30.
15. The decrease in the burden hours is a result of better estimates by CBP.
16. This information collection will not be published for statistical purposes.
17. CBP will put the expiration date on this form when we receive a Notice of Action from OMB informing us of the new date.

18. CBP does not request an exception to the certification of this information collection, except permission to not display the expiration date as requested above.
- B. No statistical methods were employed.