

Supporting Statement
African Growth and Opportunity Act (AGOA) Textile Certificate of
Origin
1651-0082

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.**

The collection of information is required to implement the duty preference provisions of The African Growth and Opportunity Act (AGOA). The provisions of AGOA were adopted by the U.S. with the enactment of the Trade and Development Act of 2000 (PL.106-200). The objectives of AGOA are (1) to provide for extension of duty-free treatment under the Generalized System of Preferences (GSP) to import sensitive articles normally excluded from GSP duty treatment, and (2) to provide for the entry of specific textile and apparel articles free of duty and free of any quantitative limits from the countries of sub-Saharan Africa. The collection of this information is provided for in 19 CFR 10.214, 10.215, and 10.216.

This collection of information applies to the importing and trade community who are familiar with import procedures and with the CBP regulations.

- 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.**

For preferential treatment under AGOA, the sub-Saharan African exporter will be required to prepare a certification of origin and provide it to the importer. The importers are required to have the certification in their possession at the time of the claim, and to provide it to Customs and Border Protection (CBP) upon request as stated in 19 CFR Part 163. The CBP officer will review the information for sufficiency to allow the importer's claim.

- 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 requirement that exporters provide this information, and exporters

located in AGOA countries do not have the level of technology conducive to automation. In addition, in 2009, CBP requested submission of this information only 128 times, so it would not be cost effective to develop an automated system for this small number of submissions.

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

- 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 March 2, 2010 (Volume 75, Page 9423) and on May 13, 2010 (Volume 75, Page 26974). 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.**

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
AGOA CERTIFICATE OF ORIGIN	8,925	375	70	26,250	20 minutes (.34 hours)

Although the trade community is required to prepare a certificate of origin order to receive duty-free treatment under AGOA, in 2009 CBP collected only 128 certificates.

Public Cost

The estimated cost to the respondents is \$249,900. This is based on the estimated burden hours (8,925) multiplied (x) the average 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 annual cost to the Federal Government associated with the review of these records is **\$924**. This is based on the number of documents CBP

requests for this Program annually (128) that must be reviewed (x) the time to review and process each response (.17 hours) = 22 hours (x) the average hourly rate (\$42.00) = \$924.

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

The burden hours were reduced for this information collection because trade with African countries has dropped 15 percent, resulting in few claims under the AGOA program. There is no change to the information being collected.

16. For collections 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.

This collection of information does not involve a form, so it would not be appropriate to display the expiration date.

18. "Certification for Paperwork Reduction Act Submissions."

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