Supporting Statement
Harbor Maintenance Fee
1651-0055

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 statue and regulation mandating or authorizing the collection of information.**

   The Harbor Maintenance Fee (HMF) and Trust Fund is used for the operation and maintenance of certain U.S. channels and harbors by the Army Corps of Engineers. U.S. Customs and Border Protection (CBP) is required to collect the HMF from importers, domestic shippers, and passenger vessel operators using federal navigation projects. Commercial cargo loaded on or unloaded from a commercial vessel is subject to a port use fee of 0.125 percent of its value if the loading or unloading occurs at a port that has been designated by the Army Corps of Engineers. The HMF also applies to the total ticket value of embarking and disembarking passengers and on cargo admissions into a Foreign Trade Zone (FTZ).

.

   CBP Form 349, *Harbor Maintenance Fee Quarterly Summary Report*, and CBP Form 350, *Harbor Maintenance Fee Amended Quarterly Summary Report* are completed by domestic shippers, foreign trade zone applicants, and passenger vessel operators and submitted with payment to CBP. CBP proposes to amend Form 349 to add the respondent's email address and fax number.

   CBP uses the information collected on CBP Forms 349 and 350 to verify that the fee collected is timely and accurately submitted. These forms are authorized by the Water Resources Development Act of 1986 (26 U.S.C. 4461, et seq.) and provided for by 19 CFR 24.24, which also includes the list of designated ports. CBP Forms 349 and 350 are accessible at http://www.cbp.gov/xp/cgov/toolbox/forms/ or they may be completed and filed electronically at www.pay.gov.

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 uses the information collected to verify that the fee collected is timely and accurately submitted.

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 developed a website for filers to pay the HMF on-line. It is part of the www.pay.gov website. In order to begin filing electronically, filers must first register with pay.gov which is run by the Department of Treasury. Approximately 40 percent of CBP Forms 349 and 350 are filed electronically.

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.

The consequence to the Federal Government if this collection were conducted less frequently is loss of revenue.

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 including a 60- day notice published on May 6, 2011 (Volume 76, Page 26311) on which no comments were received, and a 30-day notice published on August 15, 2011 (Volume 76, Page 50489) on which 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.

A PIA for the Automated Commercial System (ACS) dated December 2, 2008, and a SORN for ACS/ACE, dated January 19, 2006 (Vol. 71, Page 3109) will be included in this ICR.

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	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
349	1,120	560	4	2,240	30 minutes (.5 hours)
350	30	15	4	60	30 minutes (.5 hours)
Recordkeeping	96	575	1	575	10 minutes (.166 hours)
TOTAL	**1,246**			**2,875**	

Public Cost

The estimated cost to the respondents is $24,920. This is based on the estimated burden hours (1,246) multiplied (x) hourly rate ($20.00).

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

The postage costs associated with this collection is $776.25. This is calculated by the estimated number of responses that are mailed in (1,725) multiplied times the cost of a stamp (.45) = $776.25. There are no other capital or start-up costs associated with this information collection. Recordkeeping is reflected in item #12 above.

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 $30,198. This is based on the number of responses (2,875) multiplied (x) the estimated time to process each response (.25 hours) = 719 hours multiplied (x) the average hourly rate ($42.00) = $30,198.

CBP was unable to find a record of printing this form.

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

The number of annual number of responses for CBP Form 349 was decreased from 4,680 responses to 2,240 responses as a result of better estimates from CBP. Similarly, the annual responses for CBP Form 350 were decreased from 520 responses to 60. The burden hours were also decreased to reflect the decrease in responses.

The decrease in the number of responses and the burden hours is a result of the statutory revision to the HMF to exempt exported merchandise from this fee. Although this revision occurred in 1998 (approximately 12 years after the original establishment of the fee), the numbers in the ICR were never adjusted to reflect this change. The HMF quarterly submission is now only on domestic shipments.

In this ICR, CBP also proposes to amend Form 349 to add the respondent's email address and fax number. However we did not increase the time per response because the current estimate of 30 minutes per response is still sufficient time to complete this form.

The burden hours for record keeping are not new, however they were broken out separately in ROCIS in this ICR.

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.