

Supporting Statement
Petition for Remission or Mitigation of Forfeitures and Penalties Incurred
1651-0100

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.**

CBP Form 4609, *Petition for Remission of Forfeitures and Penalties Incurred*, is completed and filed with the CBP Port Director by individuals who have been found to be in violation of one or more provisions of the Tariff Act of 1930, or other laws administered by CBP. Persons who violate the Tariff Act are entitled to file a petition seeking mitigation of any statutory penalty imposed or remission of a statutory forfeiture incurred. This petition is submitted on CBP Form 4609. The information provided on this form is used by CBP personnel as a basis for granting relief from forfeiture or penalty. CBP Form 4609 is authorized by 19 U.S.C. 1618 and provided for by 19 CFR 171.11. It is accessible at http://forms.cbp.gov/pdf/CBP_Form_4609.pdf

- 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 collected is an integral part of providing due process to the violator. The information is used by CBP personnel as a basis for granting relief from forfeiture or penalty. If the information were not collected, CBP could not fulfill its regulatory requirement or grant mitigation when applicable.

- 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.**

It would be difficult to automate this collection of information because about 80 percent of these forms are handed to violators at the port to fill out so they can request mitigation immediately. The notice of penalty that is given to the violator provides instructions on how to request mitigation and if Form 4609 is not filled out at the port, the penalty notice states where to send the completed Form 4609. The address given depends on the port involved. These forms are not filed at a central location.

- 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, as well as any technical or legal obstacles to reducing burden.**

Since this information is submitted only once, this information cannot be conducted less frequently.

- 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 including a 60-day notice published on June 13, 2011 (Volume 76, Page 34245) on which no comments were received, and a 30-day notice published on August 22, 2011 (Volume 76, Page 52339) 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.**

There is no assurance of confidentiality provided to the respondents. A PIA for the

Automated Commercial System (ACS) dated December 2, 2008, and a SORN for the Automated Commercial System, dated December 19, 2008 (Volume 73, Page 77759) will be submitted with 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.**

There are no questions of a sensitive nature.

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

TOTAL ANNUAL HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL ANNUAL RESPONSES	TIME PER RESPONSE
6,500	28,000	1	28,000	14 minutes or (.23214) hours

Public Cost

The estimated cost to the respondents is \$130,000. This is based on the estimated burden hours (6,500) multiplied (x) the estimated average 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 are the number of responses mailed in (5,600) times the cost of a postage stamp (45 cents) = \$2,520. There are no record keeping, start-up, or maintenance cost 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 total estimated annual cost to the Federal Government associated with this collection is \$590,800.

This is based on the number of responses (28,000) multiplied (x) by the time to process each response (.5 hours) = 14,000 hours multiplied (x) by the average hourly rate (\$42.00) = \$588,000. Additionally the cost to print this form is the number of responses (28,000) multiplied (x) by the cost to print each form (10 cents) = \$2,800.

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

There has been no increase or decrease in the estimated burden hours previously reported for this information collection. There are no changes to the information collected.

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 for OMB approval of the information collection, explain the reasons that display would be inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement.

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.