

**Supporting Statement**  
**Dominican Republic-Central America-United States Free Trade**  
**Agreement (CAFTA-DR)**  
**1651- 0125**

**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.**

On August 5, 2004, the United States entered into the Dominican Republic-Central America-United States Free Trade Agreement with Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, (also known as CAFTA-DR.) The Agreement was approved by Congress in section 101(a) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, Public Law 109-53, 119 Stat. 462 (19 U.S.C. 4001 et seq.), as amended by Sec. 1634(d) of the Pension Protection Act of 2006 (Pub. L. 109-280), and provides for preferential tariff treatment of certain goods originating in one or more of the CAFTA-DR countries. It was signed into law on August 2, 2005, and the president proclaimed the implementation dates as follows: El Salvador (3/1/06), Honduras (4/1/06), Nicaragua (4/1/04), Guatemala (7/1/06), Dominican Republic (3/1/07) and Costa Rica (1/1/09).

In order to ascertain if CAFTA-DR imported goods are eligible for preferential tariff treatment, a certification and supporting documents may be requested by CBP. This collection of information is provided for by 19 CFR 10.583 through 19 CFR 10.592. Guidance on filing claims under CAFTA-DR may be found at: [http://www.cbp.gov/xp/cgov/trade/trade\\_programs/international\\_agreements/free\\_trade/dominican\\_republic/](http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/dominican_republic/)

- 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 is to be used by U.S. Customs and Border Protection (CBP) to grant preferential tariff treatment under provisions of the CAFTA.

- 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 allows the submission of this information on disc in an electronic format. The electronic submission must contain a signature and be in an inalterable format. Claimants also may submit their claims via email or in any other accessible electronic format.

**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 other form, and therefore is not duplicated elsewhere.

**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.**

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 CAFTA.

**7. Explain any special circumstances.**

This information collection is conducted in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

**8. Provide a copy and identify the date and page number 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.**

Public comments were solicited through two Federal Register notices published on December 5, 2011 (Volume 76, Page 75893) on which one comment was received, and on March 7, 2012 (Volume 77, Page 13618) on which no comments have been received.

Comments were submitted by Kevin Burke, CEO of the American Apparel and Footwear Association (AAFA). Their comments are as follows:

**Comment:** CBP estimates on the number of responses and the time for each response are inaccurate.

**Response:** CBP agrees. The figures have been revised.

**Comment:** Submissions for CAFTA-DR for the apparel and textile trade are not electronic. Instead, every submission must be made available in hard copy (paper) format.

**Response:** CBP disagrees with this comment. Importers are welcome to provide supporting documentation to CBP by CD, email, or other accessible electronic format.

**Comment:** Documentation and paperwork burden required for these verifications can only be described as onerous.

**Response:** CBP implements and enforces the trade laws as negotiated by the Executive Branch and enacted by the U.S. Congress. The burden of proof for a claim for CAFTA-DR preferential treatment is on the importer of record to verify that the imported goods originated in one of the CAFTA-DR countries. Sound record keeping practices are needed to accomplish this. In the case of CAFTA-DR textile or apparel claims, in addition to standard supporting documentation which may already be required for entry, classification, value and transportation of the finished good (whether or not a preference is claimed), the importer of record will also need to provide a declaration or certification statement (in any format which includes the necessary data elements), as well as affidavits, invoices and transportation documents for origin-restricted inputs, as required by the product-specific rule. These documents may be provided electronically to CBP.

**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 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. 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.**

<b>INFORMATION COLLECTION</b>	<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>NO. OF RESPONDENTS</b>	<b>NO. OF RESPONSES PER RESPONDENT</b>	<b>TOTAL ANNUAL RESPONSES</b>	<b>TIME PER RESPONSE</b>
CAFTA	6,000	1,000	3	3,000	2 hours

**Public Cost**

The estimated cost to the respondents is \$120,000. This is based on the estimated burden hours (6,000) multiplied (x) hourly rate (\$20.00).

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

There were no record keeping, capital, start-up or maintenance costs associated with this collection. The record keeping burden and costs associated with the CAFTA-DR is included in CBP's consolidated collection for record keeping (collection 1651-0076).

**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 \$63,000. This is based on the number of responses (3,000) multiplied (x) by the time to process each response (30 minutes) = 1,500 hours multiplied (x) the average hourly rate (\$42.00) = \$63,000.

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

The number of responses was lowered from 10,000 to 3,000 based on revised estimates by CBP. The time per response was increased from 24 minutes to 2 hours based on public comments that CBP received. The burden hours were adjusted accordingly (from 4,000 to 6,000). 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.**

There is no form involved with 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.