

Supporting Statement
Entry/Immediate Delivery Application and Simplified Entry
1651-0024

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.**

All items imported into the United States are subject to examination before entering the commerce of the United States. There are two procedures available to effect the release of imported merchandise, including "entry" pursuant to 19 U.S.C. 1484, and "immediate delivery" pursuant to 19 U.S.C. 1448(b). Under both procedures, CBP Forms 3461 and 3461 ALT are the source documents in the packages presented to Customs and Border Protection (CBP). The information collected on CBP Forms 3461 and 3461 ALT allow CBP officers to verify that the information regarding the consignee and shipment is correct and that a bond is on file with CBP. CBP also uses these forms to close out the manifest and to establish the obligation to pay estimated duties in the time period prescribed by law or regulation. CBP Form 3461 is also a delivery authorization document and is given to the importing carrier to authorize the release of the merchandise.

CBP Forms 3461 and 3461 ALT are provided for by 19 CFR 141 and 142. These forms and instructions for Form 3461 are accessible at:

<http://www.cbp.gov/xp/cgov/toolbox/forms/>.

Simplified Entry is a program for ACE entry summary filers in which importers or brokers may file Simplified Entry data in lieu of filing the CBP Form 3461. This data consists of 12 required elements: importer of record; buyer name and address; buyer employer identification number (consignee number), seller name and address; manufacturer/supplier name and address; Harmonized Tariff Schedule 10-digit number; country of origin; bill of lading; house air waybill number; bill of lading issuer code; entry number; entry type; and estimated shipment value. Three optional data elements are the container stuffing location; consolidator name and address, and ship to party name and address. The data collected under the Simplified Entry program is intended to reduce transaction costs, expedite cargo release, and enhance cargo security. The Simplified Entry filing minimizes the redundancy of data submitted by the filer to CBP through receiving carrier data from the carrier. This design allows the participants to file earlier in the transportation flow. Guidance on using Simplified Entry may be found at http://www.cbp.gov/xp/cgov/trade/trade_transformation/simplified_entry/

- 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 on the CBP Forms 3461 and 3461 Alternate is used by importers and brokers to obtain the release of the merchandise from CBP custody. These forms are filled out for each shipment and presented to a CBP officer along with the invoices and a bond to obtain release of the goods. CBP Form 3461 ALT is used when imported merchandise is to be transferred to a Centralized Container Station. The data collected under the proposed Simplified Entry program is intended to expedite the entry process.

- 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.**

Approximately 98 percent of these forms are submitted electronically through the Automated Broker Interface (ABI). The Simplified Entry program is 100 percent electronic submission of data through the Automated Commercial Environment (ACE).

- 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.**

If the information was collected less frequently, longer delays in processing cargo into the United States would result. This would prove to be costly and time consuming to the importers and brokers. Further, it could lead to increased risks to the revenue, health and safety of the United States if imported cargo was released without proper screening of import information.

- 7. Explain any special circumstances.**

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 published on February 11, 2013 (Volume 78, Page 9719) on which one comment was received, and on April 23, 2013 (Volume 78, Page 23945) on which no comments have been received.

A comment was received from Daniel Griswold, President of the National Association of Foreign-Trade Zones (NAFTZ). In their letter they state the following:

Comment: A new Entry Type Code (i.e., "10 FTZ estimate") should be implemented under the Automated Commercial Environment. The new CBP Form 3461 Entry Type Code 10 should include only those fields of information necessary for an "estimate" for CBP to authorize weekly release from a zone and certain fields need to be renamed so as to reflect the actual data that CBP requires.

CBP Response: CBP finds no need for a new entry type or entry form. The information required for the FTZ estimate is able to be captured adequately on the existing CBPF 3461. The future development of an electronic indicator in the transaction will be sufficient, and enable CBP personnel and the CBP system to apply appropriate business rules to the transaction.

Comment: Automation of the Entry Type Code 10 in the system should not require Country of Origin, Manufacturer's Number (MID), or zone status by HS number. This is data that may not be known to the FTZ user at the time of filing the estimate and is not required by the current CBP regulations.

CBP Response: CBP previously proposed to NAFTZ FIFO methodology be applied so that all combinations (of country of origin and MID) do not have to be reported. A formal CBP policy is that the HTS line and Zone status will be reported on the entry until depleted. Along with the indicator/flag that the transaction is a weekly estimate, electronic processing rules and paper-processing rules can be appropriately customized. OFO is evaluating this suggested change in policy and any negative impact the change may have.

CBP plans to better accommodate entry type 06 FTZ, *and* better accommodate the special type 06 Entry (Estimate) filing, as we develop the type 06 entry and corresponding type 06 entry summary in ACE. This includes, for example:

The delivery of type 06 entry is already on the 3-year work plan for Agile ACE development as “Remaining Entry Types”. Please note that all entry filers, not just entry type 06 filers, are limited to 999 HTS lines on the entry and entry summary transaction. This is a limitation in the tables of ACS that restricts what we allow in the ACE transaction. The ACE transactions are coded to accept 9999 HTS, along with a similarly large amount of PGA lines *per each* HTS line. ACE data tables are designed to accommodate this large number of line records as well. Until both Entry and Collections are built in a system outside of ACS, this 999 line limitation remains.

Comment: Selectivity should be set up differently for Entry Type Code 10 CBP Form 3461s since the criteria to be considered for product initially admitted to a U.S. FTZ from a foreign country is different than the criteria to be considered for product being entered, as it is shipped out of an FTZ, both for CBP and PGA/OGA purposes.

CBP Response: Processing and vetting of imported merchandise does not change, i.e. not by-passed, due to the FTZ admission process. That is, the cargo was on an import manifest and was vetted by ISF and other manifest review; when processing the admission transaction, CBP still vets what is allowed into the bonded FTZ; while some government agencies require data at the time the merchandise enters the FTZ (i.e. has been imported), some only require data at the time of entry into the commerce of the U.S.; Commercial review and enforcement (e.g. country of origin marking, AD/CVD, quota) is only done at time of entry; review of full statistical reporting, AD/CVD reporting, duty calculation, fee calculation, etc., is done at time of entry summary. FTZs have the advantage of deferring the “entry into the commerce”, not by-passing it.

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 (Vol. 73, Page 77759) and a PIA dated December 2, 2008 for the Automated Commercial System 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	AVG. NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Entry/ Immediate Delivery Form 3461	2,125,223	6,029	1,410	8,500,890	15 minutes (.25 hours)
Entry/ Immediate Delivery Form 3461 ALT	472,203	6,795	1,389.8556	9,444,069	3 minutes (.05 hours)
Simplified Entry	117,030	500	1,410	705,000	10 minutes (.166 hours)
TOTAL	2,714,456	13,324		18,649,959	

Public Cost

The estimated cost to the respondents is \$54,289,120.00. This is based on the estimated burden hours (2,714,456) 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.**

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 this collection is \$65,013,757. This is based on the estimated number responses (18,649,959) multiplied by the estimated time to process each response (5 minutes or .083 hours) = 1,547,946 hours expended multiplied (x) the average hourly rate (\$42.00) = \$65,013,757.

- 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 and 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, 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.