

**Supporting Statement
Request for Information
1651-0023**

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.**

Under 19 U.S.C. 1500 and 1401a, Customs and Border Protection (CBP) is responsible for appraising imported merchandise by ascertaining its value; classifying the merchandise under the tariff schedule; and assessing a rate and amount of duty to be paid. On occasions when the invoice or other documentation does not provide sufficient information for appraisal or classification, CBP may request additional information through the use of CBP Form 28, Request for Information. This form is completed by CBP personnel requesting additional information and the importers, or their agents, respond in the format of their choice. CBP Form 28 is provided for by 19 CFR 151.11. A copy of this form and instructions are available at http://forms.cbp.gov/pdf/CBP_Form_28.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.**

CBP Form 28 is used by CBP personnel to request additional information from importers when the invoice or other documentation does not provide sufficient information for CBP to carry out its responsibilities. CBP personnel complete the form requesting additional information from the importers. If this information were not obtained, CBP would not be able to carry out the responsibilities under 19 U.S.C. 1401a and 1500 and could not process certain merchandise.

- 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.**

The submission of Form 28's will be automated in ACE. The projected date is 2016.

- 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.**

This information collection cannot be conducted less frequently because the request is made only when the importers fail to provide sufficient information at the outset of the entry process.

- 7. Explain any special circumstances.**

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 including a 60-day notice published on December 12, 2013 (Volume 78, Page 75576) on which no comments were received, and a 30-day notice published on February 14, 2014 (Volume 79, Page 3649) on which one comment was received.

A letter was received from CNH Industrial, dated February 4, 2014. Their comments were as follows:

Commenter noted that U.S. Customs and Border Protection (CBP) Form 28 "Request for Information" is not necessary for the proper performance and functions of the agency, specifically on an entry-by-entry basis. Rather than a CBP inquiry to a specific entry by means of a CBP Form 28, Commenter suggests that CBP conduct an annual review of the importer of record's importations at the product type level as opposed to the specific part numbers or

individual Harmonized Tariff Schedule at the entry level.

CBP disagrees with the Commenter. CBP does not issue a CBP Form 28 for each entry. First and foremost, CBP is responsible for assessing duty on imported merchandise and if we do not have enough information from the importer on the entry document to accomplish this, we must request additional information so we can assess proper duty. That is what the Form 28 is used for and it is essential to CBP operations. However we do not issue a Form 28 on each entry. We only issue them when needed. Also, Form 28's are issued for duties, admissibility, duty drawback, negotiated free trade agreements, antidumping and countervailing duty orders and assessment of duties affect individual tariff classifications. They are not used for product types as the commenter suggests.

Commenter states that changing the request for documentation annually to a product type will allow importers to focus dedicated resources to responding to the inquiry thus increasing the ability of the importer to provide clear, accurate and useful information.

CBP disagrees with the Commenter. Pursuing an annual review of an importer's product type does not provide more accurate information when current "Customs business" (e.g., admissibility and valuation) are specific to the part number's classification.

Commenter proposes that the Automated Commercial Environment (ACE) Portal be fully utilized to enhance CBP and the trade community's use of CBP Form 28.

CBP agrees with the Commenter regarding the application of CBP automated systems for future activities regarding CBP Form 28 and notes that currently ACE does electronically notify the importer of record for the request for additional information. In addition, CBP is reviewing expanding the collection of documents in ACE, as well.

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 confidentiality provided to the respondents.

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 annual 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
Form 28	120,000	60,000	1	60,000	2 hours

Public Cost

The estimated cost to the respondents is **\$3,372,000**. This is based on the estimated burden hours (120,000) multiplied (x) hourly rate (\$28.10).

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 **\$566,524**. This is based on the number of responses (60,000) that must be reviewed (x) the time to review and process each response (.166 hours) = 9,960 hours (x) the average hourly rate (\$56.88) = \$566,524.

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

There are no increases or decreases to the burden hours for this information collection, and no changes to CBP Form 28.

- 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.