

# SUPPORTING STATEMENT

## User Fees

OMB No. 1651-0052

### 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.**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA – PL 99-272; 19 USC 58c) authorizes the collection of user fees by Customs and Border Protection (CBP). The collection of these fees requires submission of information from the party remitting the fees to CBP. This information is submitted on three forms including the CBP Form 339A for aircraft at <http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20339A.pdf>, CBP Form 339C for commercial vehicles at:

<http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20339C.pdf>,

and CBP Form 339V for vessels at:

<http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20339V.pdf>.

The information on these forms may also be filed electronically at:

<https://dtops.cbp.dhs.gov/>. This collection of information is provided for by 19 CFR 24.22.

In addition, CBP requires express consignment courier facilities (ECCFs) to file lists of couriers using the facility in accordance with 19 CFR 128.11. In cases of overpayments, carriers using the courier facilities may send a request to CBP for a refund in accordance with 19 CFR 24.23 (b). This request must specify the grounds for the refund. ECCFs are also required to file a quarterly report in accordance with 19 CFR 24.23(b)(4).

- 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 by Customs and Border Protection (CBP) is necessary to allow CBP to track and account for the user fees.

- 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 User Fee forms as well as the ECCF requirements may be submitted electronically through internet using the following link: <https://dtops.cbp.dhs.gov>. Approximately 90 percent of companies file their information 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 collected in any 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 were not collected CBP would not be able to track and account for these user fees that are mandated by law.

- 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 dated December 3, 2015 (Volume 80, Page 75684) on which no comments were received, and on March 15, 2016 (Volume 81, Page 13813) 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.**

The PIA/SORN coverage for this collection is DHS/CBP/PIA-002 - Global Enrollment System (GES) and DHS/CBP-002 - Global Enrollment System, January 16, 2013, 78 FR 3441, respectively.

**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 associated with this collection.

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

<b>FORM NUMBER/TITLE</b>	<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>NO. OF RESPONDENTS</b>	<b>NO. OF RESPONSES PER RESPONDENT</b>	<b>TOTAL RESPONSES</b>	<b>TIME PER RESPONSE</b>
Form 339A Aircraft	4,005	15,000	1	15,000	16 minutes (.267 hours)
Form 339C Vehicles	29,700	90,000	1	90,000	20 minutes (.33 hours)
Form 339V Vessels	2,670	10,000	1	10,000	16 minutes (.267 hours)
ECCF Quarterly Report	144	18	4	72	2 hours
ECCF Refund Request	0	0	0	0	30 minutes (.5 hours)
ECCF Application	6	3	4	12	30 minutes (.5 hours)

and List of Couriers					
<b>Total</b>	<b>36,525</b>	<b>115,021</b>		<b>115,084</b>	

The estimated number of applicants for Form 33C (Vehicles) increased from 50,000 to 90,000 as a result of a new pilot program that will provide a new payment option for commercial truck single-crossing user fees. The new pilot program allows carriers who opt for the single-crossing user fee to prepay the single-crossing user fee online via the DTOPS website prior to arrival at a port of entry. As a result, more respondents will be using the DTOPS website (Form 339C) to prepay the user fees.

**Public Cost**

The estimated cost to the respondents is \$961,338. This is based on the estimated burden hours (36,525) multiplied by (x) the average hourly wage rate for truck drivers (\$26.32). CBP calculated this wage rate by adjusting the U.S. Department of Transportation’s recommended hourly values of travel time savings for Truck Drivers (\$25.80 in 2013 dollars) to 2015 dollars using DOT’s recommended annual growth rate of 1.0 percent.<sup>1</sup>

**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 \$1,608,586. This is based on the number of responses that must be reviewed (115,084) multiplied by (x) the time burden to review and process each response (.25 hours) = 28,771 hours multiplied by (x) the average hourly loaded rate for a general CBP employee (\$55.91)<sup>2</sup> = \$1,608,586.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.**

The estimated number of applicants for Form 33C (Vehicles) increased from 50,000 to 90,000 as a result of a new pilot program allowing a new payment option for commercial truck single-crossing user fees. The new pilot program allows carriers who opt for the single-crossing user fee to prepay the single-crossing user fee online via the DTOPS website prior to arrival at a port of entry. As a result, more respondents will be using the DTOPS website (Form 339C) to prepay the user fees.

There are no changes to any of the other information collections included in this OMB approval and 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.

**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.

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<sup>1</sup> Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2015 Update)*, "Table 4 (Revision 2-corrected): Recommended Hourly Values of Travel Time Savings for Truck Drivers." April 29, 2015. Available at <http://www.transportation.gov/sites/dot.gov/files/docs/Revised%20Departmental%20Guidance%20on%20Valuation%20of%20Travel%20Time%20in%20Economic%20Analysis.pdf>. Accessed June 15, 2015.

<sup>2</sup> CBP bases this wage on the salary and benefits of the national average of general, non-CBP Officer/frontline CBP positions, which is equal to a GS-12, Step 5. Source: Email correspondence with CBP's Office of Administration on June 25, 2015.