

**Supporting Statement**  
**Application to Use Automated Commercial Environment (ACE)**  
**1651-0105**

**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 Automated Commercial Environment (ACE) is a trade data processing system that is replacing the Automated Commercial System (ACS), the current import system for U.S. Customs and Border Protection (CBP) operations. ACE is authorized by Executive Order 13659 which mandates implementation of a Single Window through which businesses will transmit data required by participating agencies for the importation or exportation of cargo. See 79 FR 10655 (February 25, 2014). ACE supports government agencies and the trade community with border-related missions with respect to moving goods across the border efficiently and securely. Once ACE is fully implemented, all related CBP trade functions and the trade community will be supported from a single common user interface.

In order to establish an ACE Portal account, participants submit information such as their name, their employer identification number (EIN) or social security number, and if applicable, a statement certifying their capability to connect to the internet. This information is submitted through the ACE Secure Data Portal which is accessible at: <http://www.cbp.gov/trade/automated>

CBP is proposing to add the capability of electronically filing protests to ACE. A protest is a procedure whereby a private party may administratively challenge a CBP decision regarding imported merchandise and certain other CBP decisions. Trade members wishing to establish a protest filer account will need to submit the following data elements:

1. Organization Information
  - a. Protest Filer Number (EIN, SSN, or CBP Assigned Number)
  - b. Organization Name
  - c. Organization Type
  - d. End of Fiscal Year (month and day)
  - e. Mailing Address
2. ACE Owner Information
  - a. Name

- b. Date of Birth
- c. Email Address
- d. Telephone Number
- e. Fax Number (optional)
- f. Account Owner address if different from Company Address

- 3. Filing Notification Point of Contact
  - a. Name
  - b. Email address

- 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 needs basic information from companies electing to establish an ACE Secure Data Portal account in order to establish an account structure for each company. This information is also needed by CBP for enforcement and security purposes. Once respondents have established an ACE protest filer account, they may file protests electronically instead of using the paper CBP Form 19. CBP Form 19 is currently approved under 1651-0017 and will continue to be accepted.

- 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.**

Respondents can submit their information using the ACE Secure Data Portal. This can be accessed at CBP.gov at <http://www.cbp.gov/trade/automated>

- 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 collection is unique and not duplicated elsewhere. Parties that have an established ACE Portal Account may add this additional user role, i.e., protest filer, to their accounts without resubmitting the data in the application. In addition, once a protest filer account is established, filers will not be required to resubmit the account application information each time they file a protest.

- 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 CBP does not collect this information, we would not have enough information to establish accounts for companies or individuals choosing to electronically file a protest in ACE. In addition, CBP would not be able to evaluate the functionality of ACE.

**7. Explain any special circumstances.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(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 June 14, 2016 (Volume 81, Page 38727) on which no comments were received, and a 30-day notice published on August 24, 2016 (Volume 81, Page 57928) 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.**

A PIA for the Automated Commercial Environment (ACE) dated July 31, 2015, and a SORN for the Import Information System, dated August 17, 2015 (80 FR 49256) will be included in this ICR. No assurances of confidentiality are provided to 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 personal or sensitive nature associated with this collection.

**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 RESPONSES</b>	<b>TIME PER RESPONSE</b>
Application to ACE (Import)	6,963	21,100	1	21,100	20 minutes (.33 hours)
Application to ACE (Export)	594	9,000	1	9,000	4 minutes (.066 hours)
Application to Establish an ACE Protest Filer Account	248	3,750	1	3,750	4 minutes (.066 hours)
<b>Total</b>	<b>7,805</b>	<b>33,850</b>	<b>3</b>	<b>33,850</b>	

The changes to the above chart include the addition of the Application to ACE (for protest filer accounts) which adds an estimated 3750 annual respondents and 248 annual burden hours. There are no changes to the Application to ACE for Import or Export.

**Public Cost**

The estimated cost to the respondents is \$229,935. This is based on the estimated burden hours (7,805) multiplied by (x) the average loaded hourly wage rate for importers (\$29.46). CBP calculated this loaded wage rate by multiplying the Bureau of Labor Statistics' (BLS) 2014 median hourly wage rate for Cargo and Freight Agents (\$19.89), which CBP assumes best represents the wage for importers, by the ratio of BLS' average 2014 total compensation to wages and salaries for Office and Administrative Support occupations (1.4813), the assumed occupational group for importers, to account for non-salary employee

benefits.<sup>1,2</sup>

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<sup>1</sup> Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2014 National Occupational Employment and Wage Estimates, United States- Median Hourly Wage by Occupation Code: 43-5011." Updated March 25, 2015. Available at <http://www.bls.gov/oes/2014/may/oes435011.htm>. Accessed June 15, 2015.

<sup>2</sup> The total compensation to wages and salaries ratio is equal to the calculated average of the 2014 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (24.66) divided by the calculated average of the 2014 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (16.6475). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. *Employer Costs for Employee Compensation Historical Listing March 2004 – December 2015*, "Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2015 by Respondent Type: Office and administrative support occupations." June 10, 2015. Available at <http://www.bls.gov/ncs/ect/sp/ececcqrtn.pdf>. Accessed June 15, 2015.

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

There are no capitalization, 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 annual estimated cost to the Federal Government associated with reviewing and processing the information is \$473,138. This is based on the number of responses (33,850) multiplied by (x) time spent to review each response (15 minutes) = 8462.5 hours multiplied by (x) the average hourly loaded rate for a non-officer (\$55.91) = \$473,138.

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

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

CBP proposes to add an estimated 3,750 annual respondents and 248 annual burden hours to this collection as a result of a new application to the ACE portal for protest filer accounts. Also, the burden for the Application to the ACE portal were changed from 6,930 to 6,963 to correct a previous multiplication error. There are no other changes to this collection of information.

- 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.