

Supporting Statement
Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer
Security Filing

1651-0001

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.**

CBP Form 1302: The master or commander of a vessel arriving in the United States from abroad with cargo on board must file CBP Form 1302, *Inward Cargo Declaration*, or submit the information on this form using a CBP-approved electronic equivalent. CBP Form 1302 is part of the manifest requirements for vessels entering the United States and was agreed upon by treaty at the United Nations Inter-government Maritime Consultative Organization (IMCO). This form and/or electronic equivalent, is provided for by 19 CFR 4.5, 4.7, 4.7a, 4.8, 4.33, 4.34, 4.38, 4.84, 4.85, 4.86, 4.91, 4.93 and 4.99 and is accessible at:
http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201302_0.pdf.

CBP Form 1302A: The master or commander of a vessel departing from the United States must file CBP Form 1302A, *Cargo Declaration Outward With Commercial Forms*, or CBP-approved electronic equivalent, with copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest. This form and/or electronic equivalent, is provided for by 19 CFR 4.62, 4.63, 4.75, 4.82, and 4.87-4.89, and is accessible at:
http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201302A_0.pdf

Electronic Ocean Export Manifest: CBP began a pilot in 2015 to electronically collect the ocean export manifest information. This information is transmitted to CBP in advance via the Automated Export System (AES) within the Automated Commercial Environment (ACE). The data elements are mandatory unless otherwise indicated. Data elements that are indicated as “conditional” must be transmitted to CBP only if the particular information pertains to the cargo.

CBP Form 7509: The aircraft commander or agent must file Form 7509, *Air Cargo Manifest*, with CBP at the departure airport, or respondents may submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7509 contains information about the cargo onboard the aircraft. This form, and/or electronic equivalent, is provided for by 19 CFR 122.35, 122.48, 122.48a, 122.52, 122.54, 122.73, 122.113, and 122.118 and is accessible at:
http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207509_0.pdf.

Air Cargo Advance Screening (ACAS): CBP Began a pilot in 2012 announced via the Federal Register (Vol 77, Page 65006). The ACAS pilot is a voluntary test in which participants agree to submit a subset of the required 19 CFR 122.48a data elements (ACAS Data) at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States. ACAS Data is transmitted via a CBP-approved electronic interchange system within prescribed time frames. Currently, the ACAS data consists of:

- (1) Air waybill number
- (2) Total quantity based on the smallest external packing unit
- (3) Total weight of cargo
- (4) Cargo description
- (5) Shipper name and address
- (6) Consignee name and address

Electronic Air Export Manifest: CBP began a pilot in 2015 to electronically collect the air export manifest information. This information is transmitted to CBP in advance via the ACE's AES. The data elements are mandatory unless otherwise indicated. Data elements that are indicated as "conditional" must be transmitted to CBP only if the particular information pertains to the cargo.

CBP Form 7533: The master or person in charge of a conveyance files CBP Form 7533, *INWARD CARGO MANIFEST FOR VESSEL UNDER FIVE TONS, FERRY, TRAIN, CAR, VEHICLE, ETC*, which is required for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico, otherwise than by sea, with baggage or merchandise. Respondents may also submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7533, and/or electronic equivalent, is provided for by 19 CFR 123.4, 123.7, 123.61, 123.91, and 123.92, and is accessible at:

http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207533_0.pdf.

Electronic Rail Export Manifest: CBP began a pilot in 2015 to electronically collect the rail export manifest information. This information is transmitted to CBP in advance via the ACE's AES. The data elements are mandatory unless otherwise indicated. Data elements that are indicated as "conditional" must be transmitted to CBP only if the particular information pertains to the cargo.

Manifest Confidentiality: An importer or consignee (inward) or a shipper (outward) may request confidential treatment of its name and address contained in manifests by following the procedure set forth in 19 CFR 103.31.

Vessel Stow Plan (Import): For all vessels transporting goods to the US, except for any vessel exclusively carrying bulk cargo, the incoming carrier is required to electronically submit a vessel stow plan no later than 48 hours after the vessel departs from the last foreign port that includes information about the vessel and cargo. For voyages less than 48 hours in duration, CBP must receive the vessel

stow plan prior to arrival at the first port in the United States. The vessel stow plan is provided for by 19 CFR 4.7c.

Vessel Stow Plan (Export): CBP began a pilot in 2015 to electronically collect a vessel stow plan for vessels transporting goods from the United States, except for any vessels exclusively carrying bulk cargo. The exporting carrier is required to electronically submit a vessel stow plan in advance.

Container Status Messages (CSMs): For all containers destined to arrive within the limits of a U.S. port from a foreign port by vessel, the incoming carrier must submit messages regarding the status of events if the carrier creates or collects a container status message (CSM) in its equipment tracking system reporting that event. CSMs must be transmitted to CBP via a CBP-approved electronic data interchange system. These messages transmit information regarding events such as the status of a container (full or empty); booking a container destined to arrive in the United States; loading or unloading a container from a vessel; and a container arriving or departing the United States. CSMs are provided for by 19 CFR 4.7d.

Importer Security Filing (ISF): For most cargo arriving in the United States by vessel, the importer, or its authorized agent, must submit the data elements listed in 19 CFR 149.2 via a CBP-approved electronic interchange system within prescribed time frames. Transmission of these data elements provide CBP with advanced information about the shipment.

- 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 is essential to CBP's ability to control cargo, and for pre-arrival targeting of shipments for enforcement examination purposes. This information also improves CBP's ability to identify high-risk shipments in order to prevent smuggling and ensure cargo safety and security.

ACAS data is being used to target shipments before they are loaded onto aircraft destined for the United States. Receiving this subset of the air cargo manifest data earlier gives targeters the time needed to study the data and intelligence and, if needed, request additional screening before the cargo is en route to the United States.

- 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.**

Ninety percent of the information in this information collection is transmitted to CBP using a variety of CBP approved electronic data interchange systems. Specifically methods of transmission are as follows:

- ACAS Data are transmitted via the Automated Targeting System (ATS)
- CBP Forms 7509, 7533, and 1302 are transmitted via the Automated Commercial Environment (ACE)
- Vessel Stow plans are transmitted either through ACE, Secure File Transfer Protocol (SFTP) or email.
- Importer Security Filing is submitted via the Automated Broker Interface (ABI).
- Container Status Messages are transmitted through SFTP.
- The automated export pilots for air, rail and ocean are transmitted via the Automated Export System (AES) within the Automated Commercial Environment.

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.

The ACAS data is a subset of the air cargo manifest data and is needed sooner than when the air cargo manifest must be submitted. Once ACAS is implemented, carriers will have the option to file the full air manifest filing in the ACAS timeline to satisfy both requirements in a single filing. Based on input from carriers, however, this is unlikely to happen and carriers requested that they remain able to submit the information twice since it is easier for carriers to file the data twice than it is to delete the portion that has previously been submitted as an ACAS filing.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The burdens associated with these information collections have been minimized as much as possible electronic transmission available in ACAS, AES, and ACE. This data is needed for security purposes, so it is not feasible to exempt small entities from its submission.

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.

The consequence to the Federal program or policy if the information were collected less frequently would be a loss of control over imported merchandise, a potential loss of revenue, and security vulnerabilities.

7. Are there 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 August 2, 2017 (Volume 82, Page 35982) on which one comment was received, and a 30-day notice published on October 10, 2017 (Volume 82, Page 47016) on which no comments have been received.

Comment Received: Tom Lucek, Riley-Sherman Shipping Agency, INC (RSSA)

Comment: RSSA would like to officially object to the declared burden time estimated for the Electronic Ocean Export Manifest. The FRN has reported a burden of time of only 1.5 minutes which is heavily underestimated.

Our company has been filing Ocean Export Manifest as part of the Pilot program for the past 13 months (since July 25, 2016). To date, we have filed 34 manifests total, under 15 different voyages. It has been our experience over the past year, that the Export Manifest is very similar to the AMS (inbound) except that additional data elements are required (ie; ITN numbers and possibly the Country of Ultimate Destination to be confirmed). Also, extra time is now needed to obtain the information 24 hours prior to loading. This channel of communication did not previously exist, as the Carrier was only receiving most of the manifest details once the Bill of Lading was issued after the vessel sailed. However, in order to file 24 hours prior to vessel loading, there now must be a new line of communication between the Carriers, voyage Charter, Ship Broker and the Exporter (and/or their filer).

With the extra data elements that are required and the new line of communications that must take place, the Ocean Export Manifest is definitely taking a significantly greater amount of time to process than we have experienced on the AMS side (inward cargo declaration) over the last 13 years of providing AMS services to our clients.

The same FRN has declared a burden time of 30 minutes for Inward Cargo Declaration (CBP Form 1302 – AMS) compared to only 1.5 minutes for the Export Manifest. In our opinion, the total burden hours for an Ocean Export Manifest submission should be greater than the 30 minutes burden time on the Inward Cargo Declaration side, possibly as high as 40 minutes.

RSSA would like to request that CBP review the required data elements and coding documentation (ie: CAMIR) for the Ocean Export Manifest and the Inward Cargo Declaration to compare the differences. You will most likely find that no part of the process or required data elements of the Ocean Export Manifest is any less than an AMS (Inward Cargo Declaration) filing.

CBP Program Response: CBP will review the burden hours prior to the publication of a Notice of Proposed Rulemaking. The burden hours were estimated against the time required to submit the paper manifest. It is still CBP's belief that once the programming is completed, that the burden hours for the electronic export manifest will be shorter than the hours required to submit a paper manifest.

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 dated January 13, 2017 for the Automated Targeting System, and a SORN for the Automated Targeting System dated May 22, 2012 (Vol. 77, Page 30297) 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 personal or sensitive nature on this collection.

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

COLLECTION	TOTAL BURDEN HOURS	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Air Cargo Manifest (CBP Form 7509) Air Cargo Advanced Screening Pilot (ACAS)	366,600	215	6820.4651	1,466,400	15 minutes
Inward Cargo Manifest for Truck, Rail, Vehicles, Vessels, etc. (CBP Form 7533)	962,940	33,000	291.8	9,629,400	6 minutes
Cargo Declaration (CBP Form 1302)	1,500,000	10,000	300	3,000,000	30 minutes
Export Cargo Declaration (CBP Form 1302A)	10,000	500	400	200,000	3 minutes
Importer Security Filing	17,739,000	240,000	33.75	8,100,000	2.19 hours
Vessel Stow Plan (Import)	31,803	163	109	17,767	1.79 hours
Vessel Stow Plan (Export)	31,803	163	109	17,767	1.79 hours
Container Status Messages	23,996	60	4,285,000	257,100,000	.0056 minutes
Request for Manifest Confidentiality	1,260	5,040	1	5,040	15 minutes
Electronic Air Export Manifest	121,711	260	5,640	1,466,400	5 minutes
Electronic Ocean Export Manifest	5,000	500	400	200,000	1.5 minutes
Electronic Rail Export	2,490	50	300	15,000	10 minutes

Manifest				
TOTAL	20,796,603	289,996		281,217,774

Public Cost

The estimated cost to the respondents is \$624,729,954. This is based on the estimated burden hours (20,796,603) multiplied by (x) the average loaded hourly wage rate for importers (\$30.04). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2016 median hourly wage rate for Cargo and Freight Agents (\$20.15), which CBP assumes best represents the wage for importers, by the ratio of BLS' average 2016 total compensation to wages and salaries for Office and Administrative Support occupations (1.4762), the assumed occupational group for importers, to account for non-salary employee benefits.^{1,2} CBP then adjusted this figure, which was in 2015 U.S. dollars, to 2017 U.S. dollars by applying a 1.0 percent annual growth rate to the figure, as recommended by the U.S. Department of Transportation's value of travel time guidance.³

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

There are no capitalization or start-up costs associated with this 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 \$1,559,650,631. This is based on the number of responses that

¹ Source: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2016 National Occupational Employment and Wage Estimates, United States- Median Hourly Wage by Occupation Code." Updated March 31, 2017. Available at http://www.bls.gov/oes/2016/may/oes_nat.htm. Accessed June 20, 2017.

² The total compensation to wages and salaries ratio is equal to the calculated average of the 2016 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$25.3575) divided by the calculated average of the 2016 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$17.1775). 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 – March 2017, "Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2017 by respondent type." June 20, 2017. Available at <http://www.bls.gov/ncs/ect/sp/ececqrtn.pdf>. Accessed June 20, 2017.

³ 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." April 29, 2015. <http://www.transportation.gov/sites/dot.gov/files/docs/Revised%20Departmental%20Guidance%20on%20Valuation%20of%20Travel%20Time%20in%20Economic%20Analysis.pdf>. Accessed June 20, 2017.

must be reviewed (281,217,774) multiplied by (x) the time burden to review and process each response (5 minutes or .083 hours) = 23,341,075 hours multiplied by (x) the average hourly loaded rate for a CBP Officer (\$66.82)⁴ = \$1,559,650,631.

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 annual burden hours previously reported for this information collection. This submission is to bring the PILOT for ACAS under the information collection. There was no change in the information collected in the pilot, only the timing of the submission. There is a chance, based on the filer's programming decisions and business practices, that filers will file the ACAS information separately from the manifest with changes between the ACAS filing and the manifest filing. In this case, the burden to add the ACAS pilot would be an increase from the baseline, however, CBP does not have information how often, if at all, this may happen.

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 for OMB approval of the information collection, explain the reasons that display would be inappropriate.

CBP will display the expiration date for OMB approval of 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.

⁴ CBP bases this wage on the FY 2017 salary and benefits of the national average of CBP Officer positions, which is equal to a GS-12, Step 3. Source: Email correspondence with CBP's Office of Finance on June 14, 2017.