

Supporting Statement
Entry/Immediate Delivery Application and ACE Cargo Release
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.**

CBP is submitting this Non Substantive Change to OMB to reflect a change in the Harmonized Tariff Schedule (HTS) which is maintained by the U.S. International Trade Commission (USITC). HTS data is provided to CBP at entry.

Effective February 7, 2018, the following changes to the Harmonized Tariff Schedule for units of quantity reporting will take effect:

- For HTS 8450.90.20 and 8450.90.60, certain parts of washing machines, the new unit of quantity will be "No." instead of "X".
- For HTS 8541.40.6030, solar cells, a second unit of quantity, "W" (for total wattage), will be added.
- For statistical reporting purposes under subheading 8541.40.6030, importers should report the total watts at maximum power based on standard test conditions according to the latest revision of International Electrotechnical Commission (IEC) 60904, "Photovoltaic Devices."
- These modifications will take effect as announced in Presidential Proclamations 9693 and 9694, of January 23, 2018.

For additional information regarding the HTS please follow this link:

<https://hts.usitc.gov/current>

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, Entry/Immediate Delivery, 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 142.3, 142.16, 141.22, and 141.24. The forms and instructions for Form 3461 are accessible at:

<http://www.cbp.gov/newsroom/publications/forms>

Ace Cargo Release (formerly referred to as “Simplified Entry”) is a program for ACE entry summary filers in which importers or brokers may file ACE Cargo Release 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 ACE Cargo Release program is intended to reduce transaction costs, expedite cargo release, and enhance cargo security. ACE Cargo Release 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. ACE Cargo Release will eventually replace Form 3461. Guidance on using ACE Cargo Release may be found at <http://www.cbp.gov/trade/ace/features>

It should be noted that ACE Cargo Release was previously called 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, and ACE Cargo Release 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 ACE Cargo Release expedites 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 ACE Cargo Release 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.**

The burdens associated with these information collections have been minimized as much as possible given the circumstances. CBP will not discontinue the paper CBP Form 3461 which will reduce the burden for small businesses to invest in databases and software.

- 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 January 26, 2015 (Volume 80, Page 3873) on which no comments were received, and on March 30, 2015 (Volume 80, Page 16691) 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 System (ACS) and Automated Commercial Environment (ACE) dated December 2, 2008, and a SORN for ACE, dated January 16, 2006 (Vol. 71, Page 3109) 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 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	1,062,435	3,014	1,410	4,249,740	15 minutes (.25 hours)
Entry/ Immediate Delivery Form 3461 ALT	472,203	6,795	1,389.8556	9,444,069	3 minutes (.05 hours)
ACE Cargo Release	705,457	3,014	1,410	4,249,740	10 minutes (.166)

					hours)
TOTAL	2,240,095	12,823		17,943,549	

The change in the burden hours are a result of the transition to ACE Cargo Release. CBP previously planned to eliminate CBP Form 3461. CBP has decided to continue accepting CBP Form 3461 for those who do not wish to submit via ACE Cargo Release to reduce cost. The updated burden hours will be included in the next regular submission of this information collection to OMB.

Public Cost

The estimated cost to the respondents is \$63,842,707. This is based on the estimated burden hours (2,240,095) multiplied times (x) the average hourly rate (\$28.50).

- 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 \$92,218,357. This is based on the estimated number responses (17,943,549) multiplied by the estimated time to process each response (5 minutes or .083 hours) = 1,489,314 hours expended multiplied times (x) the average hourly rate (\$61.92) = \$92,218,357.

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

The change in the burden hours is a result of the transition of the information collected on Form 3461 to ACE Cargo Release.

- 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.