

**Supporting Statement**  
**Importers of Merchandise Subject to Actual Use Provisions**  
**1651-0032**

**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.**

In accordance with 19 CFR 10.137, importers of goods subject to the actual use provisions of the Harmonized Tariff Schedule of the United States (HTSUS) are required to maintain detailed records to establish that these goods were actually used as contemplated by the law, and to support the importer's claim for a free or reduced rate of duty. The importer shall maintain records of use or disposition for a period of three years from the date of liquidation of the entry, and the records shall be available at all times for examination by CBP.

This information is collected from members of the trade community who are familiar with CBP regulations.

- 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.**

Proof of use is required if the importer is to obtain the benefit of the actual use provision as explained in 19 CFR 10.137. If the importer does not have proof of actual use, the entry will be dutiable. The actual use provisions are a benefit to respondents.

- 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.**

This information can be submitted electronically via the Document Image System into 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 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.**

Since each entry is a separate transaction, importers could not import goods free of duty if this information was collected less frequently.

- 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 published on February 26, 2019 (84 FR 6155) on which no comments were received, and on June 13, 2019 (84 FR 27641) 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 ACE, dated July 31, 2015, and a SORN for Import Information System, dated July 26, 2016 (Vol. 81, Page 48826), will be included in this ICR. There are no assurances of confidentiality associated with this information collection.

- 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.**

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Importers Subject to Actual Use Provision Recordkeeping	13,000	12,000	1	12,000	65 minutes (1.0833) hours

**Public Cost**

The estimated cost to the respondents is \$400,270. This is based on the estimated burden hours (13,000) multiplied by (x) the average loaded hourly wage rate for importers (\$30.79). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics’ (BLS) 2018 median hourly wage rate for Cargo and Freight Agents (\$20.77), which CBP assumes best represents the wage for importers, by the ratio of BLS’ average 2018 total compensation to wages and salaries for Office and Administrative Support occupations (1.4824), the assumed occupational group for importers, to account for non-salary employee benefits.<sup>1,2</sup> This figure is in 2018 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2018 U.S. dollar value is equal to the 2019 U.S. dollar value.

<sup>1</sup> Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, “May 2018 National Occupational Employment and Wage Estimates United States.” Updated April 2, 2019. Available at [https://www.bls.gov/oes/2018/may/oes\\_nat.htm](https://www.bls.gov/oes/2018/may/oes_nat.htm). Accessed June 4, 2019.

<sup>2</sup> The total compensation to wages and salaries ratio is equal to the calculated average of the 2018 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$27.3350) divided by the calculated average of the 2018 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$18.4400). 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 2018, “Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2018.” March 2019. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 4, 2019.

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

CBP estimates that each respondent will maintain two pages of records related to this information collection, at a printing cost of \$0.05 per page. CBP believes that the cost to store these documents is negligible. As such, CBP estimates that a respondent will incur an average of \$0.10 in printing expenses associated with this collection's recordkeeping requirement (= two documents multiplied by (x) \$0.05 per page). The total annual recordkeeping cost to respondents is \$1,200. This is based on the estimated number of respondents (12,000) multiplied by (x) the average printing cost (\$0.10).

There are no 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 \$1,860. This is based on the number of responses that must be reviewed (120) multiplied by (x) the time burden to review and process each response (0.25 hours) = 30 hours multiplied by (x) the average hourly loaded rate for a CBP Trade and Revenue employee ( $\$62.01^3$ ) = \$1,860.

**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. There are no changes to this information collection.

**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.**

There is no form associated with this information so it would not be appropriate to

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<sup>3</sup> CBP bases this wage on the FY 2019 salary and benefits of the national average of CBP Trade and Revenue positions, which is equal to a GS-12, Step 6. Source: Email correspondence with CBP's Office of Finance on June 12, 2019.

display the expiration date.

**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.