

**Supporting Statement
Protest
1651-0017**

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.**

U.S. Customs and Border Protection (CBP) Form 19, *Protest*, is filed to seek the review of a CBP officer. This review may be conducted by a CBP officer who participated directly in the underlying decision. This form is also used to request "Further Review," which means a request for review of the protest to be performed by a CBP officer who did not participate directly in the protested decision or by the Commissioner, or his designee, as provided in the CBP regulations.

The matters that may be protested include: the appraised value of merchandise; the classification and rate and amount of duties chargeable; all charges within the jurisdiction of the U.S. Department of Homeland Security; exclusion of merchandise from entry or delivery, or demand for redelivery; the liquidation or reliquidation of an entry; and the refusal to pay a claim for drawback.

The parties who may file a protest or application for further review include: the importer or consignee shown on the entry papers, or their sureties; any person paying any charge or exaction; any person seeking entry or delivery, or upon whom a demand for redelivery has been made; any person filing a claim for drawback; or any authorized agent of any of the persons described above.

CBP Form 19 collects information such as the name and address of the protesting party, information about the entry being protested, detailed reasons for the protest, and justification for applying for further review.

The information collected on CBP Form 19 is authorized by Sections 514 and 514(a) of the Tariff Act of 1930 and provided for by 19 CFR Part 174. This form is accessible at <https://www.cbp.gov/newsroom/publications/forms?title=19&=Apply>

- 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 .**

This information collection provides the public with a method to protest decisions by CBP. The collection and related review procedures are intended to serve as the

vehicle by which importers and certain others pursue administrative remedies and protect their rights.

- 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 .**

Submission of CBP Form 19 is automated through the Automated Commercial Environment (ACE).

CBP Form 19 is also available at:

<https://www.cbp.gov/newsroom/publications/forms?title=19&=Apply>

- 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.**

If this information were not collected the public would not have an appropriate method with which to protest decisions by CBP.

- 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 25, 2019 (84 FR 6016) on which no comments were received, and on June 14, 2019 (84 FR 27794) 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.

All data submitted and entered into ACE is subject to and protected by the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. 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.

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 ANNUAL RESPONSES	TIME PER RESPONSE
Protest (Form 19)	45,000	3,750	12	45,000	1 hour

Public Cost

The estimated cost to the respondents is \$1,385,550. This is based on the estimated burden hours (45,000) multiplied by (x) the average loaded hourly wage rate for brokers (\$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 brokers,

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 brokers, to account for non-salary employee benefits.^{1,2} 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.

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 \$697,613. This is based on the number of responses that must be reviewed (45,000) multiplied by (x) the time burden to review and process each response (0.25 hours) = 11,250 hours multiplied by (x) the average hourly loaded rate for a CBP Trade and Revenue employee (\$62.01)³ = \$697,613.

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

There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection. There is no change to the information collected or to CBP Form 19.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

¹ 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. Accessed June 4, 2019.

² 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.

³ 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.

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.