

**Supporting Statement
e-Allegations Submission
1651-0131**

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) established the e-Allegations program in June 2008 to create a central location for the public to report allegations of trade law violations. The information provided by the public enables CBP, in collaboration with our partners, to protect our economy from the effects of unfair trade practices and guard against the entry of products that could pose a threat to health and safety. The information collected through the portal includes the name individual filing the allegation (this individual may remain anonymous), their contact information, and information pertinent to the allegation of a trade law violation.

This collection of this information is authorized by the Tariff Act of 1930, as amended (19 U.S.C.1202 *et seq.*), the Homeland Security Act of 2002 (Title 6, U.S.C. 101), and the Security and Accountability for Every Port Act of 2006 [“SAFE Port Act”] (Pub. L. 109-347, Oct. 13, 2006). The e-Allegations website is accessible at <https://www.cbp.gov/trade/e-allegations/>.

Congress passed the Enforce and Protect Act (“EAPA”), in February 2016, as a part of the Trade Facilitation and Trade Enforcement Act (“TFTEA”) of 2015 (Pub. L. 114-125, Feb. 24, 2016). The EAPA legislation specifically was intended to improve trade law enforcement and duty collection for antidumping and countervailing duty orders, thus helping to create a level-playing field for U.S. businesses. To that end, CBP designed an investigative process that provides for a multi-party, transparent, on-the-record administrative proceeding, where parties can both participate in and learn the outcome of the investigation.

The information collected through the EAPA allegation submissions portal includes the following: filer category, name of individual filing the allegation and their contact information, the name and address of the company they represent, and their interested party designation; information related to the alleged evasion scheme, including products, type of scheme and AD/CVD Order information; the name and address of the company engaging in the alleged evasion scheme; and various certifications regarding the truthfulness of the allegation and how notifications about how the information will be used during the investigation.

The EAPA Allegation form has been modified from the original version to provide clarifying information which validates that the allegation qualifies as an EAPA allegation. Additions to the form include alleger and violating importer email and phone number, optional representing attorney contact information, and selecting the type of violation and the corresponding details. The updated form

also requires users to upload at least one document to the allegation submission and select a document category in addition the existing classification for confidentiality status. Users will have the option to select additional categories including document date and if a document has been served after upload. Harmonized Tariff Schedule product categories and questions that would make an allegation non-qualifying for an EAPA allegation have been removed and replaced by system validations or additional instructions.

Collection of information for an EAPA investigation is authorized by the Tariff Act of 1930, as amended (19, U.S.C. 1517), Section 421 of the TFTEA (Pub. L. 114-125, Feb. 24, 2016), and 19 CFR 165. The EAPA portal is accessed through the e-Allegations website at <https://eallegations.cbp.gov/Home/Index2>.

- 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 has been used by select CBP officials, and partner government agencies, solely for the purpose of pursuing trade violations. There are no changes to how this information will be used. CBP will continue to use this information for the purpose of pursuing trade violations.

The information is being collected to assist CBP with its mission of protecting the revenue through trade compliance and enforcement. The information will also assist CBP with its other areas of responsibility such as intellectual property rights enforcement and import safety issues. This system helps CBP address violations of law.

The information collected for EAPA investigations is used by a select team of CBP officials for the purpose of enforcing the collection of proper AD/CVD duties; partner government agencies are consulted as needed. CBP collects the information so that CBP can collect proper revenue owed to the U.S. government and to encourage compliance with U.S. AD/CVD laws and regulations. CBP will refer any health and safety issues that arise during an EAPA investigation to the proper U.S. Government officials.

- 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.**

Information regarding potential trade violations are electronically submitted via the e-Allegations website at <https://www.cbp.gov/trade/e-allegations/>.

- 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 a significant impact on a substantial number of small businesses or entities.

- 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 of not allowing this collection is that many trade violations will not be caught by law-enforcement officials. In many cases, not catching these violations will result in economic injury to the United States, a risk to public health and safety, and a greater threat of terrorist attack in the U.S.

- 7. Explain any special circumstances.**

This information collection is conducted in a manner consistent with the guidelines in 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.**

Two Federal Register Notices were published soliciting public comment on this collection of information including a 60-day notice published on June 30, 2020, (Volume 85, Page 39206) on which no comments have been received, and a 30-day notice was published on July 14, 2017, (Volume 82, Page 32561) 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.**

The information collected is maintained in the Treasury Enforcement Communications System (TECS, System of Records Noticed, 73 FR 77778). A PIA for TECS, dated August 12, 2016 will be submitted with this ICR. A PIA for the e-Allegations Portal dated October 22, 2019 will also be submitted with this ICR. There are no assurances of confidentiality provided to the respondents of 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.

This information collection does not involve questions of a personal or 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
e-Allegations	272	1,088	1	1,088	15 minutes (.25 hours)
EAPA Allegations	17	67	1	67	15 minutes (.25 hours)

Public Cost

e-Allegations: The estimated cost to the respondents is \$8,505. This is based on the estimated burden hours (272) multiplied by the average loaded hourly wage rate for importers (\$31.27). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics’ (BLS) 2019 median hourly wage rate for Cargo and Freight Agents (\$21.03), which CBP assumes best represents the wage for importers, by the ratio of BLS’ average 2019 total compensation to wages and salaries for Office and Administrative Support occupations (1.4869), the assumed occupational group for importers, to account for non-salary employee benefits.¹ This figure is in 2019 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2019 U.S. dollar value is equal to the 2020 U.S. dollar value.

EAPA Allegations: The estimated cost to the respondents is \$7,220.58. This is based on the estimated burden hours (17) multiplied by the average loaded hourly wage rate for external attorneys (\$424.74). CBP determined this is the best estimate for private lawyers hired outside of a company and was obtained from an American Intellectual Property Law Association (AIPLA) study on the average hourly billing rate for lawyers. AIPLA’s study surveyed intellectual property (IP) lawyers that were used in the 2017 Report of the Economic Survey. The median hourly billing rate for these lawyers was \$400 in 2016 dollars, which is the most recent data available, and \$424.74 after adjustment to 2019 dollars.² CBP assumes an annual growth rate of 0 percent for 2020; the 2019 U.S. dollar value is equal to the 2020 U.S. dollar value.

¹ Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, “May 2019 National Occupational Employment and Wage Estimates United States.” Updated March 31, 2020. Available at https://www.bls.gov/oes/2019/may/oes_nat.htm. Accessed June 12, 2020. The total compensation to wages and salaries ratio is equal to the calculated average of the 2019 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$28.1550) divided by the calculated average of the 2019 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$18.9350). 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 2019, “Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2019.” March 2020. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 12, 2020.

² Source: American Intellectual Property Law Association. *2017 Report of the Economic Survey*. “Billable Hours, Billing Rate, Dollars Billed (Q29, Q30, Q27).” June 2017.

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

There are no capitalization 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.**

e-Allegations: The estimated annual cost to the Federal Government associated with the review of these records is \$271,259. This is based on the number of responses that must be reviewed (1,088) multiplied by the time burden to review and process each response (3 hours) = 3,264 hours multiplied by the average hourly loaded rate for other CBP employees (\$57.85)³ = \$188,822. In addition CBP incurs \$3,000 in recurring costs for administrative support and external hosting of the website.

EAPA Allegations: The estimated annual cost to the Federal Government associated with the review of these records is \$124,030.40. This is based on the number of responses that must be reviewed (67) multiplied by the time burden to review and process each response (32 hours) = 2,144 hours multiplied by the average hourly loaded rate for other CBP employees (\$57.85)⁴ = \$124,030.40.

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

There has been a net decrease in the estimated annual burden hours previously reported for this information collection as a result of fewer annual submissions. EAPA Allegations have been added to the collection.

- 16. For collection of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

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.

³ CBP bases this wage on the FY 2020 salary and benefits of the national average of other CBP positions, which is equal to a GS-12, Step 3. Source: Email correspondence with CBP's Office of Finance on July 2, 2020.

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18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions".

CBP does not request an exception to the certification of this information collection.

19. Collection of Information Employing Statistical Methods

No statistical methods were employed.