

**Supporting Statement
Request for Information
1651-0023**

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) is authorized to collect the information requested on this form pursuant to 19 CFR 151.11.

Under 19 U.S.C. 1500 and 1401a, Customs and Border Protection (CBP) is responsible for appraising imported merchandise by ascertaining its value; classifying the merchandise under the tariff schedule; and assessing a rate and amount of duty to be paid. On occasions when the invoice or other documentation does not provide sufficient information for appraisal or classification, including for import compliance with trade agreements, preference treatment, or special provisions, CBP may request additional information using CBP Form 28, *Request for Information*. This form is sent by CBP personnel to importers, exporters, producers, or their agents, as applicable, requesting additional information. CBP Form 28 is provided for by 19 CFR 151.11.

- 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.**

CBP Form 28 is used by CBP personnel to request additional information from importers, exporters, and producers when the invoice or other documentation does not provide sufficient information for CBP to carry out its responsibilities. Without the information obtained on CBP Form 28, CBP would not be able to carry out the responsibilities under 19 U.S.C. 1401a and 1500 and could not process certain merchandise. For example, a request for further information may be made by an import specialist to verify the validity of U.S. Harmonized Tariff Schedule (HTS) numbers. Another application as stated in 19 CFR 151.11. would be when an entry which has been released from CBP custody, for which a sample or further information is required, a CBP Form 28 may be sent to the importer requesting that additional information be supplied.

- 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.

Requests for information from CBP responded to through the Automated Commercial Environment (ACE) via the Automated Broker Interface (ABI). This form can be submitted electronically in ACE using the Document Imaging System (DIS) or through the ACE portal account.

When CBP sends Requests for Additional Information for additional documentation, CBP will send a CBP Form 28 to the filer via the ACE Secure Data Portal (if the importer of record has an ACE account), via U.S. mail, email, or both.

CBP will issue a CBP Form 28, Request for Information, for any additional information needed through the ACE portal. The importer will respond to the request for additional information through the ACE portal or the Document Image System (DIS). The timeframe to respond is 30 days from the date of issuance of notice. If requested, an extension can be authorized under the discretion of CBP.

- 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.**

This information collection cannot be conducted less frequently because the request is made only when the importers, exporters or producers fail to provide sufficient information at the outset of the entry process.

- 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 including a 60-day notice published on December 22, 2021 (Volume 86, Page 72612) on which no comments were received, and a 30-day notice published on February 28, 2022 (Volume 87, Page 11082) 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.

PIA coverage is provided by DHS/CBP/PIA-003(b) Automated Commercial environment (ACE) dated July 31, 2015, which discusses the storage of Form 28 and the information collected on it. Some coverage is required as information is retrieved by unique identifier, and is provided by DHS/CBP-001 Import Information System (IIS), dated July 26, 2016 (Vol. 81, Page 48826), which discusses the collection of information to track, control, and process all commercial goods imported into the U.S.

These privacy documents 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 annual hour burden of the collection of information.

INFORMATION	TOTAL ANNUAL BURDEN	NO. OF RESPONDENTS	NO. OF RESPONSES PER	TOTAL RESPONSES	TIME PER RESPONSE
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COLLECTION	HOURS		RESPONDENT		
Form 28	26,830	13,415	1	13, 415	2 hours

Public Cost

The estimated cost to the respondents is \$841,657. This is based on the estimated burden hours (26,830) multiplied by the average loaded hourly wage rate for importers (\$31.37). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2020 median hourly wage rate for Cargo and Freight Agents (\$21.04), which CBP assumes best represents the wage for importers, by the ratio of BLS' average 2020 total compensation to wages and salaries for Office and Administrative Support occupations (1.4912), the assumed occupational group for importers, to account for non-salary employee benefits.¹ This figure is in 2020 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2020 U.S. dollar value is equal to the 2021 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 \$163,217. This is based on the number of responses that must be reviewed (13,415) multiplied by the time burden to review and process each response (0.166 hours) = 2,227 hours multiplied by the average hourly

¹ Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2020 National Occupational Employment and Wage Estimates United States." Updated March 31, 2021. Available at https://www.bls.gov/oes/2020/may/oes_nat.htm. Accessed June 1, 2021. The total compensation to wages and salaries ratio is equal to the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$28.8875) divided by the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$19.3725). 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 2020, "Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2020." March 2021. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 1, 2021.

loaded rate for a CBP Trade and Revenue employee $(\$73.29)^2 = \$163,217$.

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

There is a decrease to the annual burden previously reported due to agency estimates, due to ACE system enhancements and modernization. The decrease in total annual burden hours correlates directly with the decrease in the number of respondents and responses received. The decrement in numbers to respondents led to a decrement in the number of CBP Forms 28 issued. ACE system enhancements and modernization have contributed to facilitate entry summary filing, meeting trade compliance requirements by trade users and communication between trade users and CBP.

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.

² CBP bases this wage on the FY 2021 salary and benefits of the national average of CBP Trade and Revenue positions, which is equal to a GS-12, Step 1. Source: Email correspondence with CBP's Office of Finance on September 7, 2021.