

Supporting Statement
Petition for Remission or Mitigation of Forfeitures and Penalties Incurred
1651-0100

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.**

CBP Form 4609, *Petition for Remission of Forfeitures and Penalties Incurred*, is completed, and filed with the CBP FP&F Officer designated in the notice of claim by individuals who have been found to be in violation of one or more provisions of the Tariff Act of 1930, or other laws administered by CBP. Persons who violate the Tariff Act of 1930, or other laws administered by CBP, are entitled to file a petition seeking remission or mitigation of a fine, penalty, or forfeiture incurred under these laws. This petition is submitted on CBP Form 4609. The information provided on this form is used by CBP personnel as a basis for granting relief from forfeiture or penalty. CBP Form 4609 is authorized by 19 U.S.C. 1618 and provided for by 19 CFR 171.1. It is accessible at <https://www.cbp.gov/newsroom/publications/forms?title=4609>

This collection of information applies to members of the public who may not be familiar with import procedures and CBP regulations. It may also be used by the importing and trade community who are familiar with import procedures and with the 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 .**

The information collected is an integral part of providing due process to the violator. The information is used by CBP personnel as a basis for granting relief from forfeiture or penalty. If the information were not collected, CBP could not fulfill its regulatory requirement or grant mitigation when applicable. This form is mostly used at the ports of entry for onsite mitigation of penalties. It is provided to the individual and filled out at the port and submitted to the CBP Officer.

- 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.**

It would be difficult to automate this collection of information because most of these forms are handed to violators arriving at the port to fill out so they can request mitigation immediately.

- 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, as well as any technical or legal obstacles to reducing burden.**

Since this information is submitted only once, this information cannot be conducted less frequently. If the information were not collected, CBP could not fulfill its regulatory requirement or grant mitigation when applicable.

- 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 including a 60-day notice published on November 30, 2021 (Volume 86, Page 67963) on which one letter of support was received, and a 30-day notice published on February 23, 2022 (Volume 87, Page 10222) on which no comments have been received.

Public comment summary and CBP Responses:

1. One commentor suggested that the FP&F email addresses be added to www.cbp.gov/contact/ports

- **CBP Response:** CBP agrees and is in the process of adding this information to the website.
2. One commentor suggested that CBP accept responses for seizure, liquidated damages, and penalty notices in ACE.
- **CBP Response:** CBP is in the process of developing an approved electronic petition system. There is no estimated completion or system activation date currently.
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 Environment (ACE), dated July 31, 2015, and a SORN for IIS, dated July 26, 2016 (Vol. 81, Page 48826) will be included in 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.**

There are no questions of a sensitive nature.

12. **Provide estimates of the hour burden of the collection of information.**

INFORMATION COLLECTION	TOTAL ANNUAL HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL ANNUAL RESPONSES	TIME PER RESPONSE
CBP Form 4609	376	1,610	1	1,610	14 minutes (.23333333 hours)

Public Cost

The estimated cost to the respondents is \$11,795. This is based on the estimated burden hours (376) 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 recordkeepers resulting from the collection of information.

There are no record keeping, capital, start-up, or maintenance cost 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 \$68,707. This is based on the number of responses that must be reviewed (1,610) multiplied by the time burden to review and process each response (30 minutes or 0.50 hours) = 805 hours multiplied by the average hourly loaded rate for a CBP Officer (\$85.35)² = \$68,707.

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

There are no changes to the burden hours or to the information collected.

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 for OMB approval of the information collection, explain the reasons that display would be

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.

² CBP bases this wage on the FY 2021 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 9. Source: Email correspondence with CBP’s Office of Finance on September 7, 2021.

inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement.

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.