

Supporting Statement

Forced Labor Allegations Portal/Forced Labor Portal

1651-0NEW

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) enforces Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), which states: “all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited...”

In addition, the Trade Facilitation and Trade Enforcement Act (TFTEA), 2015 (Pub. L. 114-125) signed into law 2016 removed the “consumptive demand clause” for the enforcement of 19 U.S.C 1307 and mandated CBP to create a division to oversee forced labor enforcement and create a process for investigation of allegations.

CBP also enforces the Countering America's Adversaries Through Sanctions Act (CAATSA), 2017 (Pub. L. 115-44, Section 321(b) (22 U.S.C. 9241a)) where goods produced by North Korean Nationals are presumed to be produced under forced labor and are prohibited from entering the U.S. commerce under 19 U.S.C 1307.

Recently, the Uyghur Forced Labor Prevention Act (UFLPA), 2021 (Pub. L. 117-78) establishes that any goods produced wholly or in part in the Xinjiang Uyghur Autonomous Region (XUAR) of China, or by entities on the UFLPA Entity List are presumed to be made with forced labor and thus prohibited from importation into the U.S. under 19 U.S.C 1307. This law allows for the collection of supply chain documentations to substantiate forced labor are not used in the production of imported goods under an exception review or UFLPA does not apply to the detained shipment under an applicability review.

The Title 19, Code of Federal Regulations (CFR), Section 12.42 -12.45 established methods for CBP to collect information on forced labor, conduct investigations, and initiate withhold release orders (WRO) or findings to enforce the provision of 19 U.S.C 1307 as well as the collection of information from importers on detained shipments for admissibility review under a WRO.

Individuals, companies (domestic and international), civil society organizations, and nongovernmental organizations may submit allegations of forced labor, request for admissibility, applicability, and exception reviews with CBP under these laws and 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 for the purpose of pursuing forced labor violations, modification/revocation of WRO/Findings, and exception/applicability/admissibility review of shipments subject to UFLPA/CAATSA/WRO. There are no changes to how this information will be used. CBP will use this information for the purpose of conducting reviews for forced labor enforcement. The information is being collected to assist CBP with its mission of protecting American businesses from unfair forced labor trade.

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.

Currently, information regarding potential forced labor and trade violations are submitted electronically via the e-Allegations website at <https://www.cbp.gov/trade/e-allegations/>.

Submissions from petitioners for revocation and modification requests are submitted by e-mail to ForcedLabor@cbp.dhs.gov (and through the BOX program and the Case Management System – CMS). Exception review information are sent to UFLPAInquiry@cbp.dhs.gov mailbox via email with multiple zip files.

Applicability review information is sent to various ports of entry or 10 Centers of Excellence Expertise via email with multiple zip files or shared secured folders.

Two new Forced Labor Allegations Portal and the Forced Labor Portal will consolidate all these various methods of collections of information into two centralized location and will build in efficiency and reduce the burden of collection of information for CBP to enforce forced labor.

Usability Testing:

CBP interviewed and walked through members of the trade community, members of non-governmental organization or civil society organization (NGO/CSO), and non-current CBP users through various modules in the new Forced Labor Allegations Portal and Forced Labor Portal. All test subjects indicated the new portals were easy to use and that they understood how to navigate through various screens and input fields

requirements. They find these new centralized portals would create more efficiency in submission of forced labor allegations, modification requests, admissibility/exception/applicability reviews to 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 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 forced labor violations will not be reported to CBP to be investigated and using the current method of collection of information for exception, applicability, and admissibility review would overburden CBP as well as the Trade Community. Workers at companies that export to the United States will continue to be forced to work in unsafe conditions at lower than required wages and exploited to produce products for the U.S. market. In many cases, not catching these violations will result in economic injury to the United States, loss of revenue, a risk to public health and safety, and negatively impact the competitiveness of U.S. businesses. It will negatively impact national security as economic security is national security.

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.

Federal Register Notices were published soliciting public comment on this collection of information including a 60-day notice published on April 8, 2024, (89 FR 24482) on which 3 comments have been received and a 30-day notice published on October 15, 2024, (89 FR 83032) on which no comments were received.

The comments received during the 60-day FRN and CBP responses have been added to a supplementary document with the PRA package.

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:

1. DHS/CBP/PIA-003 Automated Commercial Environment (ACE), which discusses how CBP has a responsibility to protect the domestic industry and labor against unfair foreign competition, and to detect, interdict, and investigate smuggling or other illegal practices;
2. DHS/CBP/PIA-040 Seized Assets Case Tracking System (SEACATS), which discusses how SEACATS shares data via a direct connection with CBP ACE and connects enforcement files to the trade data that forms a basis for the penalty or seizure;
3. DHS/ALL/PIA-059 DHS Employee Collaboration Tools, which discusses cloud-based content management solutions and employee collaboration tools which collect, use, store, and disseminate S/PII; and
4. DHS/CBP/PIA-060 e-allegations Portal, which assess the privacy risks associated with the collection, use, and dissemination of personally identifiable information (PII) submitted via e-Allegations.

SORN coverage is provided by:

1. DHS/CBP-001 Import Information System, which covers inspection and intelligence records relevant to the anti-terrorism and law enforcement mission of CBP;
2. DHS/CBP-013 Seized Assets and Case Tracking System (SEACATS), which covers information submitted to CBP as part of a trade allegation; and
3. DHS/ALL-004 General Information Technology Access Account System Records (GITAARS), which covers information related to DHS IT system access.

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 occasionally involves questions of a personal or sensitive nature in order to disclose past, current or potential incidents of physical and sexual violence that may occur in a forced labor case that CBP is investigating. Physical and sexual violence is one of the eleven International Labor Organization forced labor indicators that requires full investigation to initiate/modify a WRO or Finding.

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

Allegations calculation is for the Forced Labor Allegations Portal.

WRO Admissibility Reviews, Modifications/Revocations, UFLPA Exception Reviews, UFLPA Applicability Reviews, and CAATSA Exception Reviews calculation are for the Forced Labor Portal.

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Allegations	33	200	1	200	10 minutes
WRO Admissibility Reviews	950	1,900	1	1,900	30 minutes
Modifications/Revocations	4	25	1	25	10 minutes
UFLPA Exception Requests	2	4	1	4	30 minutes
UFLPA Applicability Reviews	7,500	1,500	10	15,000	30 minutes
CAATSA Exception Reviews	0.33	2	1	2	10 minutes
Total:	8,489	3,631		17,131	

Public Cost

The estimated cost to the respondents is \$302,124. This is based on the estimated burden hours (8,489) multiplied by the average loaded hourly wage rate for importers (\$35.59). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2023 median hourly wage rate for Cargo and Freight Agents (\$23.24), which CBP assumes best represents the wage for importers, by the ratio of BLS' Q4 2023 total compensation to wages and salaries for Office and Administrative Support occupations (1.4774), the assumed occupational group for importers, to account for non-salary employee benefits.¹ CBP assumes an annual growth rate of 3.64% based

¹ Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, "May 2023 National Occupational Employment and Wage Estimates United States." Updated April 3, 2024. Available at https://www.bls.gov/oes/2023/may/oes_nat.htm. Accessed June 4, 2024. The total compensation to wages and salaries ratio is equal to the total compensation cost per hour worked for Office and Administrative Support occupations (\$33.98) divided by the

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

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.

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

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.

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.

³ CBP bases this wage on the FY 2023 salary and benefits of the national average of other CBP positions, which is equal to a GS-9, Step 6. Source: Email correspondence with CBP's Office of Finance on June 17, 2024.

Once granted approval, CBP will display the expiration date for this information collection.

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.