

**Supporting Statement
Notice of Detention
1651-0073**

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.**

Customs and Border Protection (CBP) may detain merchandise when it has reasonable suspicion that the subject merchandise may be inadmissible but requires more information to make a determination. If CBP decides to detain merchandise, a Notice of Detention is sent to the importer or to the importer's broker/agent no later than 5 business days after the decision to detain the merchandise is made. The Notice must state that the merchandise has been detained, the specific reason for the detention, the anticipated length of the detention, the nature of the tests or inquiries to be conducted, and the nature of any information that could be supplied to CBP that may accelerate the disposition of the detention. The recipient of this notice may respond by providing information to CBP in order to facilitate the determination for admissibility or may ask for an extension of time to bring the merchandise into compliance. Notice of Detention is authorized by 19 U.S.C. 1499 and provided for in 19 CFR 151.16, 133.21, 133.25, 133.42 and 133.47.

Recent Changes:

CBP is publishing a final rule that establishes a procedure to determine if a shipment may be in violation of intellectual property rights (IPR). The process would allow CBP to share unredacted images of suspect imports with right holders if examination by right holders would assist CBP's determination. As a result of the procedure established in this final rule, the importer has seven business days to establish to CBP that the suspect imports are not piratical and are instead admissible. The procedure established in this final rule means that more detention notices need to be filed and distributed, thus increasing the burden requirements on certain importers.

- 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 provided assists CBP in making a determination whether to seize, deny entry of, or release detained goods into the commerce.

- 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 requested from the Importer may be submitted into the Automated Commercial Environment via the Document Image System.

<https://www.cbp.gov/document/guidance/ace-basics-dis>

There is no specific format required for responses.

- 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.**

Failure to collect this information would cause the seizure or denial of entry to merchandise which otherwise would have been found to be admissible.

- 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 a NPRM published on the Federal Register on October 16, 2019 (84 FR 55251). Public comments will be solicited during the next renewal/revision period after the Final Rule approval.

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 for by DHS/CBP/PIA-003(b) Automated Commercial Environment (ACE), July 31, 2015. Since CBP does not retrieve by unique identifier from CBP Form 6051D, SORN coverage is not required. No assurances of confidentiality are provided.

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 RESPONSES	TIME PER RESPONSE
Notice of Detention	3,390	1,695	1	1,695	(2 hours)

Public Cost

The estimated cost to the respondents is \$118,006. This is based on the estimated burden hours (3,390) multiplied by the average loaded hourly wage rate for importers (\$34.81). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2021 median hourly wage rate

for Cargo and Freight Agents (\$22.55), which CBP assumes best represents the wage for importers, by the ratio of BLS' average 2021 total compensation to wages and salaries for Office and Administrative Support occupations (1.4819), the assumed occupational group for importers, to account for non-salary employee benefits.¹ This figure is in 2021 U.S. dollars and CBP assumes an annual growth rate of 4.15 percent; the 2021 U.S. dollar value is equal to the 2022 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 \$34,781. This is based on the number of responses that must be reviewed (1695) multiplied by the time burden to review and process each response (.25 hours) = 424 hours multiplied by the average hourly loaded rate for a CBP Trade and Revenue employee (\$82.08)² = \$34,781.

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

There has been an increase to the estimated annual burden hours previously reported for this information collection; because CBP estimates that the availability of the procedures in this final rule will increase the number of Notices

¹ Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2021 National Occupational Employment and Wage Estimates United States." Updated March 31, 2022. Available at https://www.bls.gov/oes/current/may/oes_nat.htm. Accessed May 25, 2022. The total compensation to wages and salaries ratio is equal to the calculated average of the 2021 quarterly estimates (shown under Q01, Q02, Q03, Q04.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$29.6125) divided by the calculated average of the 2021 quarterly estimates (shown under Q01, Q02, Q03, Q04.) of wages and salaries cost per hour worked for the same occupation category (\$19.9825). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. "ECEC Civilian Workers 2004 to Present." March 2022. Available at <https://www.bls.gov/web/ecec/ecec.supp.toc.htm>. Accessed May 25, 2022.

² CBP bases this wage on the FY 2022 salary and benefits of the national average of CBP Trade and Revenue positions, which is equal to a GS-12, Step 10. Source: Email correspondence with CBP's Office of Finance on June 27, 2022.

of Detention issued for IPR violations, there is an increase in burden hours under this collection with this final rule. CBP estimates an additional 345 detention notices.

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.

There is no form involved with this information collection, so it would not be appropriate to display the expiration date.

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.

