

Supporting Statement
Application and Approval to Manipulate, Examine, Sample or
Transfer Goods
1651-0006

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 3499, "*Application and Approval to Manipulate, Examine, Sample or Transfer Goods*," is used as an application to perform various operations on merchandise located at a Customs and Border Protection (CBP) approved bonded facility. This form is filed by importers, bonded warehouse proprietors, consignees, transferees, or owners of merchandise, and is subject to approval by the port director. The data requested on the form identifies the merchandise for which action is being sought and specifies the operation that is to be performed. The form may also be approved as a blanket application to manipulate goods for a period of up to one year for continuous or repetitive manipulation. CBP Form 3499 is provided for by 19 U.S.C. 1562, and 19 CFR 158.43c, 19.8, 19.11 and is accessible at: <https://www.cbp.gov/newsroom/publications/forms?title=3499&=Apply>

- 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 on Form 3499 is used by CBP to ensure that the examination, sampling, repacking or transferring of merchandise is performed under CBP supervision so that the appropriate amount of revenue is collected.

- 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 .**

This form is automated as part of the Document Image System. Document Image System (DIS) allows trade users to electronically submit images of documentation required by CBP or PGAs during the import and export process into ACE. This documentation includes general forms such as commercial invoices, packing lists, invoice working sheets, as well as forms to support cargo release (e.g., government issued identification, vehicle titles, and certificates). Trade users may also use DIS to submit agency specific forms such as licenses, permits, or regulatory certificates.

Usability Testing:

The survey responses for the Application and Approval to Manipulate, Examine, Sample, or Transfer Goods includes feedback from both users and CBP staff, offering a good mix of feedback and suggestions. While some users were familiar with the requirements, others found the instructions unclear and didn't find any helpful resources. Some of the fields, like Location, manipulation value, date specifications, and physical location details. Users also indicated there isn't enough space in the form for some of the text fields. The fields at the top of the form (goods consigned to, etc) are too small and getting more than one line of type can prove challenging. Both users and staff emphasized the need for more guidance, such as SOPs, instructions on the back of the form, clear definitions of CBP terms, and examples/or sample screens. Users also recommended to move the process online and have electronic submission and tracking, which could reduce delays and improve end-user experience. Incorporating some of the feedback such as including instructions, SOPs and examples can help would address many of these issues and create a smoother process for everyone involved.

- 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 elsewhere.

- 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 small businesses.

- 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.**

If the information were collected less frequently, CBP would not be able to enforce regulatory requirements in order to ensure security of all bonded merchandise and so that the appropriate amount of revenue is collected.

- 7. Explain any special circumstances**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(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. A 60-day notice published September 19, 2024 (89 FR 76866) on which no comments were received, and a 30-day notice published on November 27, 2024 (89 FR 93630) 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.

A PIA for the Automated Commercial Environment (ACE) dated July 31, 2015, and a SORN for the Import Information System, dated July 26, 2016 (81 FR 48826) 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 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 |
|-------------------------------|----------------------------------|---------------------------|----------------------------------------|------------------------|--------------------------|
| Form 3499 | 25,200 | 4,200 | 60 | 252,000 | 6 minutes (.1 hours) |

Public Cost

The estimated cost to the respondents is \$896,868. This is based on the estimated burden hours (25,200) 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 on the prior year's change in the implicit price deflator, published by the Bureau of Economic Analysis.²

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

There are no recordkeeping, capitalization or start-up costs associated with this 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 this collection is \$1,768,788. This is based on the number of responses that must be reviewed (252,000) multiplied by the time burden to review and process each response (6 minutes) = 25,200 hours multiplied by the average hourly loaded rate for a CBP Officer (\$70.19)³ = \$1,768,788.

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

There has been an increase in the estimated annual burden hours previously reported for this information collection. This change was due to the increase in the number of respondents to 4,200 (up from 2,519), which reflects CBPs observance of the overall net growth in the processing of import cargo shipments and not due to a change in the program or information collected. Total responses received also increased to 252,000 (up from 151,140), as a result of the increase in respondents. The total annual burden hours increased to 25,200 hours (up from 15,114).

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 wages and salaries cost per hour worked for the same occupation category (\$23.00). See “Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.” Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2023.” Released March 13, 2024. Available at https://www.bls.gov/news.release/archives/ecec_03132024.pdf. Accessed June 4, 2024.

² To adjust to 2024 dollars, multiply by the 2022-2023 percent change in the Bureau of Economic Analysis's Implicit Price Deflators for Gross Domestic Product (122.273/117.973-1). See “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product,” Line 1 Gross Domestic Product, annual. Bureau of Economic Analysis. Updated May 30, 2024. Available at [³ CBP bases this wage on the FY 2024 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 10. Source: Email correspondence with CBP’s Office of Finance on June 17, 2024.](https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey#eyJhcHBpZCI6MTksInN0ZXBzIjpBMSwyLDMsM10sImRhdGEiOltbImNhdGVnb3JpZXMiLCJlTjJlZXkiXSxbk5JUEFFfVGFibGVfTGldZCIsljEzIl0sWyJGaXJzdF9ZZWFyIiwilMjAxNiJdLFsiTGZlZDF9ZZWFyIiwilMjAyNCJdLFsiU2NhbgUilLCiIwIl0sWyJTZXJpZXMiLCJBI11dfQ==. Accessed June 4, 2024.</p></div><div data-bbox=)

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 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.