

**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.**

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, the CBP Officer requests additional information through the use of CBP Form 28, Request for Information. This form is completed by CBP personnel requesting additional information and the importers, or their agents, respond in the format of their choice. CBP Form 28 is provided for by 19 CFR 151.11. A copy of this form and instructions are available at http://forms.cbp.gov/pdf/CBP_Form_28.pdf

- 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 when the invoice or other documentation does not provide sufficient information for CBP to carry out its responsibilities. CBP personnel complete the form requesting additional information from the importers. If this information were not obtained, CBP would not be able to carry out the responsibilities under 19 U.S.C. 1401a and 1500 and could not process certain merchandise.

- 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.**

When import entries are filed electronically by the importer, or their agent, the Request for Information is also handled electronically through the same system used for entry filing, the Automated Broker Interface (ABI). Approximately 90

percent of Requests for Information are handled via ABI.

- 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 fail to provide sufficient information at the outset of the entry process.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

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 November 18, 2010 (Volume 75, Page 70680), on which one comment was received, and a 30-day notice published on January 20, 2011 (Volume 76, Page 3649) on which one comments was received.

CBP received comments from Kevin Arentz, Senior Customs Specialist from Jockey International, Inc. The comments and CBP responses are summarized below:

Comment: The CBP Form 28 contradicts the goals of the Importer Self Assessment Program (ISA).

CBP Response: The issuance of a CBP Form 28 to an ISA participant in no way contradicts the premise, goals, or the stated benefits of the ISA program. This form is a mechanism used to obtain information the importer did not provide, for various reasons, and is needed to allow CBP to correctly assess the integrity of an import transaction.

Comment: The one hour burden estimate is unrealistic.

CBP response: The CBP Form 28 is a standard method for CBP to determine admissibility, appraised value, or classification of imported merchandise when there is insufficient information in the entry summary package. Brochures, descriptive literature, blueprints, samples, proof of payment, affidavits, etc. may be requested. There is a wide variety of requests that can be made using this form depending on the information CBP is seeking and one hour is simply an average time estimate.

Comment: CBP should combine CBP Form 28 with the ISA and limit requests to classification of goods.

CBP response: CBP Form 28 is a standard method CBP uses when additional information is required on an entry summary. Its use may not be limited to specific importers or to specific subjects.

Comment: CBP should focus on a single good rather than a line item; CBP should eliminate requests for production and proof of payment records.

CBP response: Entry summary data is provided to CBP on a line-by-line basis, both in the electronic environment and in the paper environment. CBP has a need to verify a wide range of entry information. Often the CBP reviewer must verify compliance at the entry summary line level, and so it is not always possible to limit the request for information to a single good. CBP cannot eliminate requests for production and proof of payment records, as this information is required to verify trade agreement eligibility, appraise merchandise value, or to determine compliance with various other import-related laws and regulations.

Comment: Costs related to the CBP Form 28 are minimal.

CBP Response: CBP agrees.

OMB received comments on the 30-day notice from the Boeing Company. Their comment is summarized below:

Comment: CBP’s estimate of 1 hour to respond to this form is understated. Boeing believes it should be increased to 8 hours.

CBP Response: The response time to the Form 28 is very difficult to estimate because of the non-standard information provided. We believe that it may take 8 hours to respond to the Form 28 in some instances, however, it is too long for an average time per response. CBP is willing to increase the time per response to 2 hours. We will revise this ICR to reflect 2 hours per response.

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.

There is no PII related to this collection of information.

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
Form 28	120,000	60,000	1	60,000	2 hours

Public Cost

The estimated cost to the respondents is \$2,400,000. This is based on the estimated burden hours (120,000) multiplied (x) hourly rate (\$20.00).

- 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 **\$418,320**. This is based on the number of responses (60,000) that must be reviewed (x) the time to review and process each response (.166 hours) = 9,960 hours (x) the average hourly rate (\$42.00) = \$418,320.

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

CBP increased the response time from 1 hour to 2 hours based on public comments received, however, we believe it is difficult to determine the average response time due to the non-standard information provided. There are no changes 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, 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.