

UPS Supply Chain SolutionsSM

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October 30, 2020

U.S. Customs and Border Protection
Economic Impact Analysis Branch, Office of Trade, Regulations and Rulings
Attn: Mr. Seth D. Renkema
90 K Street NE, 10th Floor
Washington, DC 20229

Reference: OMB No. 1651-0090

Dear Mr. Renkema:

UPS Supply Chain Solutions, Inc. (UPS) appreciates the opportunity to comment on the extension of Agency Information Collection Activities, *Commercial Invoice*, published in the Federal Register on September 30, 2020. UPS understands that these agency information collections notices are fairly routine and required under the Paperwork Reduction Act and, therefore, it is not the best vehicle for seeking modification of the underlying regulations on the commercial invoice themselves. However, UPS wants to use this request for comments as an opportunity to convey its position on the invoice regulations in the event that CBP seeks change of the regulatory requirements, or even pursues modification through Congress of the statutes that authorize these regulations, in the future.

CBP states it is seeking comments of four factors in this information collection:

- (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and
- (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overall, UPS supports the proposal to extend the collection of the commercial invoice and agrees that it is necessary to adequately determine the proper tariff classification and

valuation of imported merchandise. UPS also supports the continued allowance of importers to use their existing commercial invoices as opposed to a format mandated by U.S. Customs and Border Protection (CBP), in order to facilitate trade.

UPS requests that CBP consider the following comments concerning the extension of information collection before the request for approval is finalized:

§ 141.81 Invoice for each shipment.

A commercial invoice shall be presented for each shipment of merchandise at the time the entry summary is filed, subject to the conditions set forth in these regulations. Except in the case of installment shipments provided for in § 141.82, an invoice shall not represent more than one distinct shipment of merchandise by one consignor to one consignee by one vessel or conveyance.

UPS Comments

- We believe CBP should modify this regulation to reflect the current process of CBP requesting invoices via the Automated Commercial Environment (ACE). Possible language, “A commercial invoice shall be presented by the importer in an approved ACE format for each shipment of merchandise upon request by CBP, subject to the conditions set forth in these regulations. Except in the case of installment shipments provided for in § 141.82, an invoice shall not represent more than one distinct shipment of merchandise by one consignor to one consignee by one vessel or conveyance.” This language conforms to the process in the current ACE model.
- Requiring the commercial invoice to be uploaded on every shipment under the ACE model would increase the processing time per shipment by approximately 2 minutes. This additional time and labor places an unnecessary burden on the broker and further substantiates the need to modify the verbiage.
- The proposed modification should apply to the commercial invoice itself and all of the information currently required to be included on the commercial invoice for all classes of merchandise, including those enumerated in 19 CFR 141.89.

§ 141.86 Contents of invoices and general requirements

(a) General information required on the invoice. Each invoice of imported merchandise, must set forth the following information:

(1) The port of entry to which the merchandise is destined;

(h) Numbering of invoices and pages - (1) Invoices. Except when electronic invoice data are transmitted to CBP under the provisions of part 143 of this chapter, when more than one invoice is included in the same entry, each invoice with its attachments must

be numbered consecutively by the importer on the bottom of the face of each page, beginning with No. 1.

(2) Pages. Except when electronic invoice data are transmitted to CBP under the provisions of part 143 of this chapter, if the invoice or invoices filed with one entry consist of more than two pages, each page must be numbered consecutively by the importer on the bottom of the face of each page, with the page numbering beginning with No. 1 for the first page of the first invoice and continuing in a single series of numbers through all the invoices and attachments included in one entry.

(3) Both invoices and pages. Except when electronic invoice data are transmitted to CBP under the provisions of part 143 of this chapter, both the invoice number and the page number must be shown at the bottom of each page when applicable. For example, an entry covering one invoice of one page and a second invoice of two pages must be paginated as follows:

Inv. 1, p. 1.

Inv. 2, p. 2.

Inv. 2, p. 3

(j) Name of responsible individual. Each invoice of imported merchandise must identify by name a responsible employee of the exporter, who has knowledge, or who can readily obtain knowledge, of the transaction.

UPS Comments

- The proposed collection of information states that the requirements outlined in 19 CFR 141.86 are necessary for CBP to adequately review the imported merchandise and determine duties. We argue that the information required under 19 CFR 141.86 (a)(1) is not necessary to conduct an adequate review of imported merchandise or to determine duties. The port of entry has no impact on the composition of the imported merchandise or its value.
- The same argument applies to the information required under 19 CFR 141.86 (h)(1), 141.86 (h)(2), 141.86(h)(3). The invoice and page number have no impact on the composition of the imported merchandise or its value.
- In regards to the requirements outlined in 19 CFR 141.86 (j), we argue that “exporter” should be replaced with “importer.” If additional shipment information is needed for the agency to perform its function, CBP’s current process is to contact the importer of record. The regulations should reflect the current process.

Estimated time per Response: 1 minute

In the Federal Register Notice CBP estimates the time for invoice submission activity to be 1 minute per response.

UPS Comments

UPS believes this task takes significantly longer to complete as it takes time to review the request from CBP, access our internal imaging system, review the invoice for completeness, ready the invoice for submission to CBP's Document Imaging System, and submit. This process in its entirety takes more than one minute for a document(s) upload. Using an average of four minutes per response we believe the estimates should be:

Estimated Number of Respondents: 154,000.

Estimated Number of Annual Responses per Respondent: 4.832.

Estimated Number of Total Annual Responses: 186,000,000.

Estimated time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 2,976,000

UPS thanks you in advance for your consideration of our comments on this proposed extension.

Best regards,



Stuart D. Schmidt
Manager, Trade Compliance