

SUPPORTING STATEMENT
Export Sales Reporting Requirement Regulation
7 CFR Part 20

1. CIRCUMSTANCES THAT MAKES THE COLLECTION OF INFORMATION NECESSARY. 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.

BACKGROUND: The information collection requirements contained in 7 CFR Part 20 (the Regulation) are necessary to implement the mandatory export sales reporting requirements of §602 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5712) (Attachment 1). Commodities subject to the export sales reporting requirements are listed in Appendix 1 (Attachment 2) of the Regulation, and the Secretary has authority to designate additional commodities. U.S. Exporters are required to report to the Foreign Agricultural Service (FAS) information on: (1) the quantity of a reportable commodity to be sold to a foreign buyer; (2) the country of destination; and (3) the marketing year of shipment. Data reported is aggregated and published in compilation form to protect business confidential information submitted.

2. PURPOSE AND ACTUAL USE OF AN INFORMATION COLLECTION. 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 export sales reporting system provides commodity market participants with information about commodity export commitments, and is one means by which USDA seeks to insure fairness and soundness in commodity marketing.

The system requires that sales for export be reported to the Secretary on a daily basis for wheat, corn, grain sorghum, barley, oats, soybeans, and soybean meal for sales of 100,000 metric tons, or more in one day to one destination, and 20,000 tons or more for soybean oil. Weekly reporting is required for all sales activity, regardless of quantity, and for above commodities as well as cotton, beef, rice, cattle hides and skins, and other minor oilseed products. The following are the currently approved reporting forms (Exhibit 1):

Weekly export sales and shipment activities are submitted by the reporting exporter using the form FAS-98 Rev. 11-01, Report of Export Sales and Exports.

For the limited sales, identified as optional origin sales, the exporting exporter uses the form FAS-97 Rev. 11-01, Report of Optional Origin Sales.

For activity involving commodities that have been shipped from the U.S., but are unsold or have not been allocated to an existing sales contract, the reporting exporter uses the form FAS-100 Rev-11-01, Report of Exports for Exporters' Own Account.

Quarterly reports providing selected data on individual sales contracts are submitted using the form FAS-99 Rev. 11-01, Contract Terms Supporting Export Sales and Foreign Purchases.

The total outstanding contracts identified on the quarterly report are used as an internal check to ensure exporters have included all sales activity on their weekly "FAS-98" reports.

Information collection: In general, exporters are required to regularly report to the FAS specific information on commodity shipments within specific time limits. The information to be reported is maintained during the normal course of conducting business and does not add additional recordkeeping requirements on respondents. The information collection is needed by the administrative officials, because it provides up-to-date market data for making rational export policy decisions to prevent market disruptions. USDA, in turn, reports this information to the public so that all market participants can be aware of such sales and can evaluate the effects of exports on supply and demand estimates of production, prices, and sales.

3. USE OF AUTOMATED, ELECTRONIC, MECHANICAL OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES. 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 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.

The Department has implemented a streamlined electronic reporting system for collection of information on export sales for all reportable commodities.

Approximately 90 percent of the reports are submitted electronically via a secure Internet website or as an ASCII text delimited file e:mailed to the Export Sales Reporting (ESR) mailbox. Approximately 10 percent are submitted by facsimile which is located within a locked office area of the Export Sales Reporting Branch.

4. EFFECTS TO IDENTIFY DUPLICATION. 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.

The information collection does not duplicate information or data available elsewhere. Export data collected under other programs cannot be modified for purposes of this program, but can be used to verify the accuracy of data submitted. As part of the reporting process, reported sales for exports are offset with the actual shipment quantities leaving an

“outstanding balance”, or a weekly “snapshot” of the commitments to export U.S. agricultural commodities. The shipment data are summarized for the marketing year and recorded in the weekly publication as “Accumulated Exports.” Other programs with different data that may be compared with the accumulated exports are collected by the Grain Inspections, Packers and Stockyards Administration (GIPSA), and the Census Bureau. Using the GIPSA inspection data individual shipments of grains inspected may be compared with the exports reported on the form “FAS-98” to ensure proper identification of quantity and country of destination. Similarly, the U.S. export data collected and summarized by the U.S. Census Bureau on the “Shipper’s Export Declaration” provide both quantity and value of U.S. commodities actually being exported. Currently, the U.S. Census Bureau export data are available approximately 45 days after the month of shipment. Export sales data are available the week following the sales transaction. Shipment data is a no-cost result of the balance sheet reporting system, which produces the weekly outstanding commitment figures.

5. IMPACT ON SMALL BUSINESSES.

If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimized burden.

The data reported are maintained as a part of the normal course of export contracting business activity including small businesses. However, most of the data collected does not originate in firms defined as small business.

6. CONSEQUENCES IF THE INFORMATION COLLECTION IS NOT CONDUCTED.

Describe the consequence 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 frequency of data collection and reporting are stipulated by law and authorized under § 602 of the Agricultural Trade Act of 1978, as amended. If such information were collected less frequently, the Department would not be in compliance with the statutes and not fulfilling the objectives of the export sales reporting program. If markets are to work for the benefit of producers, in addition to processors and exporters, then producers need more timely information as export sales are actually made.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

Requiring – reporting more than quarterly; response to a collection in less than 30 days; submission of more than an original and two copies of documents; record keeping for more three years, additional statistical surveys and classifications; submission of proprietary confidential information.

This information collection is conducted in a manner consistent with 5 CFR 1320.5. Weekly reporting is required by § 602 of the Agricultural Trade Act of 1978, as amended, and daily reporting is required for certain commodities under the Regulation. Under the authorizing statute, individual reports remain confidential and are released in compilation form each

week following the week of reporting. Data collected are identified as proprietary trade secrets, maintained in locked files, and are only available for use under the reporting program.

8. FEDERAL REGISTER NOTICE REQUIRED BY 5 CFR 1320.8(D) AND EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY REGARDING THE INFORMATION COLLECTION. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comment received on cost and hour burden.

The "Notice of Request for Extension of a Currently Approved Information Collection" was published in the *Federal Register* on May 11, 2007, Volume 72, Number 91, Pages 26774-26775 (Exhibit 2). No comments were received.

The Export Sales Reporting staff conducts field reviews and consults regularly with program participants concerning information being collected and procedures involved.

9. PAYMENT OR GIFTS TO RESPONDENTS.

Respondents do not receive any payment or gifts for participation in the reporting program.

10. ASSURANCE OF CONFIDENTIALITY FOR RESPONDENTS.

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Under the authorizing statute, individual reports are to remain confidential and be released in compilation form each week following the week of reporting. Export Sales Reporting personnel are extremely sensitive to the confidentiality requirements outlined in § 602 of the Agricultural Trade Act of 1978, as amended. Data collected are identified as proprietary, are maintained in locked files, and are only available for use under the reporting program.

11. JUSTIFICATION FOR QUESTIONS OF A SENSITIVE NATURE.

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 reason 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.

The information requested under the regulation is not of a sensitive nature.

12. ESTIMATE OF THE HOUR BURDEN OF THE INFORMATION COLLECTION.

The cumulative total annual respondents are 340. The annual burden of collections is 42,947 hours and no hours for recordkeeping. See Exhibit 3.

13. ESTIMATE OF DOLLARS SPENT FOR CAPITAL START UP COSTS.

There are no capital start up costs.

14. ESTIMATE OF DOLLAR COST TO THE FEDERAL GOVERNMENT.

Any additional costs to the Federal sector will be marginal since the compilation and processing of reports will be absorbed through current resources and with existing staff. The estimate of cost for the export sales reporting program is \$361,000 based on the following breakdown:

Salaries \$343,900	
Program Manager (GS-14)	\$112,000
Marketing Specialist (GS-13)	\$95,000
Marketing Specialist (GS-13)	\$85,000
Program Specialist (GS-09)	\$51,000

Travel \$8,000

Printing/Mailing/Supplies \$10,000

15. REASONS FOR PROGRAM CHANGES OR ADJUSTMENTS IN ITEM 13/14 OR OMB FORM 83-1.

The adjustments are the result of a decrease in the number of respondents, but an increase in the number of responses, and a decrease in burden hours for filing the FAS-99 form from 1 hr to .5 hrs resulting in an overall change in burden hours from 31,190 to 42,947.

16. PLANS FOR TABULATION AND PUBLICATION OF THE INFORMATION COLLECTION. 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.

Section 602 of the Agricultural Trade Act requires that individual data collected be compiled and published in compilation form each week following the week of reporting. The report is made available to the public in hard copy form and on the Foreign Agricultural Service's Internet homepage, normally on Thursday morning at 8:30 A.M., Eastern time. Many market analysts, other government agencies, land grant colleges, universities, trade associations,

private firms involved in both the export and domestic commodity markets, analytical service firms, and news services regularly access the data for timely supply and demand activity related to U.S. agricultural commodities.

17. REASONS FOR SEEKING APPROVAL NOT TO DISPLAY THE EXPIRATION DATE. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Department maintains a large stock of forms to provide to exporters to meet the continuous daily and weekly deadlines. It would be extremely cost inefficient to destroy the stock of forms and reproduce them with a later expiration date. OMB approved the omission of displaying the expiration date on the following forms:

Form FAS-97 Rev. 11-01, Report of Optional Origin Sales.

Form FAS-98 Rev. 11-01, Report of Export Sales and Exports.

Form FAS-99 Rev. 11-01, Contract Terms Supporting Export Sales and Foreign Purchases.

Form FAS-100 Rev. 11-01, Report of Export for Exporter's Own Account.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT IN ITEM 19 ON OMB FORM 83-1.

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of data does not employ statistical methods.