

SUPPORTING STATEMENT
JADE Act
1651-xxxx

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.

On July 25, 2008, the President signed the Tom Lantos Block Burmese JADE Act of 2008 (JADE Act), which amends previous Burma sanctions by providing for import restrictions on two additional categories of goods. The first category, known as “Burmese covered articles” consists of jadeite mined or extracted from Burma, rubies mined or extracted from Burma, and articles of jewelry containing such jadeite or rubies. The second category, known as “non-Burmese covered articles” consists of jadeite mined or extracted from a country other than Burma, rubies mined or extracted from a country other than Burma, and articles of jewelry containing such jadeite or rubies. In order to enforce these sanctions, CBP will require a certification from the exporter as part of the entry package certifying that the goods were not mined in, or extracted from Burma. This certification is provided for by the Act.

The effective date of implementation of the JADE Act is Saturday, September 27, 2008.

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 passage of the JADE Act amended the previous Burmese sanctions to require a certification from the exporter. The certification must address the requirements of the JADE Act (see 50 U.S.C. 1701 note, at Section 3A(c)(1)(A)). The JADE Act requires the foreign exporter of non-Burmese covered articles to implement measures that prevent the trade in Burmese jadeite and rubies, as set forth in section 3A(c) of the above-mentioned act.

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.

An exporter certification is not at this time automated and will require a paper certificate and a paper entry. It is CBP’s intention to pursue automation of the exporter certification. CBP will put suggested language for the certification on www.cbp.gov as soon as an OMB

control number is obtained.

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 (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This information collection does not have a significant impact on a substantial number of small businesses.

6. 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.

Failure to collect this information would result in CBP being unable to enforce the JADE Act.

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 1320.6.

8. If applicable, provide a copy and identify the data 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. n/a

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Because the JADE Act requires CBP to implement this law immediately, CBP was not able to go through the Federal Register process.

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.

No special assurance of confidentiality is provided with this information collection.

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 person's form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature associated with this collection.

12. Provide estimates of the hour burden of the collection of information.

FORM NUMBER/ TITLE	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Exporter Certification	74,005	22,197	20	443,940	10 minutes (.1667 hours)

Public Cost

The estimated cost to the respondents is \$1,480,100. This is based on the estimated burden hours (74,005) multiplied (x) hourly rate (\$20.00).

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

There are no capital or start-up 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 cost to the Federal Government associated with this collection is \$2,800,000. This is based on the estimated hours expended (80,000) multiplied (x)

hourly rate (\$35.00).

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

This is a new collection of information.

16. For collections 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.

This information collection will not be published.

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.

There are no CBP Forms involved.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no exceptions to the certification statements identified in Item 19 on the 83-I.

B. Collection of Information Employment Statistical Methods

No statistical methods were employed.