

SUPPORTING STATEMENT FOR
UNITED STATES INTERNATIONAL TRADE COMMISSION
INFORMATION COLLECTION
(2010 USITC SURVEY REGARDING OUTSTANDING §337 EXCLUSION ORDERS)

B. Collection of Information Employing Statistical Methods

1. Respondent Universe

The proposed survey will be sent to approximately 79 firms, *i.e.*, complainants that obtained an exclusion order, that currently remains in effect, from the Commission following an investigation under Section 337. The Commission expects an overall response rate of approximately 60% for the proposed survey. When the Commission conducted a similar survey during FY 2005, 30 of 49 survey recipients responded, resulting in an overall response rate of approximately 60%.

2. Collection of Information

The proposed survey seeks feedback on the effectiveness of the Commission's exclusion orders from complainants that obtained such orders under 19 U.S.C. §1337. In particular, the proposed survey asks whether and to what extent the Commission's exclusion orders are effective in preventing the importation of covered goods. If imports have continued, the proposed survey asks for an estimate of the magnitude and the effect on the U.S. market of such imports. The proposed survey also requests information regarding the cost, if any, to complainants of policing the Commission's exclusion orders and the level of satisfaction among complainants with the efforts of U.S. Customs and Border Protection in enforcing the Commission's exclusion orders.

The proposed survey will be sent to complainants that obtained an exclusion order, that currently remains in effect, from the Commission following an investigation under Section 337. Further, each of the approximately 79 survey recipients will receive a letter from the Director of the Office of Unfair Import Investigations (1) explaining the purpose of the survey, (2) stating that participation in the survey is voluntary, (3) stating that any commercial or financial data furnished in response to the survey that reveals the individual operations of the survey respondent will be treated as confidential by the Commission to the extent that such data is not otherwise available to the public and will not be disclosed except as may be required by law, (4) requesting a response within 10 days of receipt of the survey, and (5) providing contact information for submitting comments and asking questions regarding the survey. A duplicate mailing will be sent to survey recipients that do not respond initially, several days after the response is due, to encourage participation.

All of the survey responses will be compiled, reviewed, and analyzed by the Commission staff, including in particular the Office of Unfair Import Investigations, and the survey results will be presented to the Commission for follow-up as appropriate, such as inclusion in performance reports, including the Commission's Annual Performance Accountability Report. Each survey response will provide information regarding the effectiveness of the Commission's exclusion order obtained by that survey recipient. While the Office of Unfair Import Investigations may review and analyze the survey responses individually and collectively, it will not generalize those survey responses to the universe of survey recipients including survey recipients that do not submit a response to the proposed survey. Additionally, the Office of Unfair Import Investigations will be careful to disclose the response rate as it has done before in discussing survey results.

The proposed survey is not conducted annually to reduce burden on survey respondents. The last survey similar to the proposed survey was conducted during FY 2005. Finally, the proposed survey does not present any unusual problems requiring specialized procedures.

3. Response Rate

The Commission believes that the expected overall response rate of approximately 60% for the proposed survey is realistic, based on the overall response rate for a similar survey conducted during FY 2005. This response rate will provide information regarding the effectiveness of the Commission's exclusion orders obtained by survey respondents. Additionally, this response rate will allow the Commission to assess its remedial efforts and to develop proposals to bolster enforcement. To encourage participation, the proposed survey and accompanying transmittal letter will be (1) sent to survey recipients and (2) re-sent to survey recipients that do not respond initially, several days after the response is due. Moreover, the proposed survey is short and only requests information that is necessary to allow the Commission to assess the effectiveness of its exclusion orders. Further, the Commission expects that responding to the proposed survey will take less than 1 hour for each survey respondent.

When reporting on the results of the proposed survey to the Commission, the Commission staff will be careful to disclose the response rate as it has done before in discussing the results. As noted above, the Office of Unfair Import Investigations may review and analyze the survey responses individually and collectively, but will not generalize those survey responses to the universe of survey recipients including survey recipients that do not submit a response to the proposed survey. Additionally, the Commission staff will consider the survey recipients that do not submit a response to the proposed survey, including, *e.g.*, whether those survey recipients are in a particular industry, whether those survey recipients obtained either a general or a limited exclusion order, and when those survey recipients obtained either a general or a limited exclusion order, to better understand their non-response and to determine whether there is any bias towards non-response.

4. Tests of Procedures or Methods

The Commission will not be conducting any test of procedures or methods in connection with the proposed survey. The proposed survey closely parallels a similar survey conducted during FY 2005. Further, a draft of the proposed survey was placed on the Commission's website, which is regularly accessed by the trade law firms that appear before the Commission in Section 337 proceedings. Additionally, the Commission fully considered the public comment regarding the proposed survey received in response to the *Federal Register* notice soliciting public comment and determined to adopt the public comment's proposal to add a question to the proposed survey. The proposed survey has been extensively reviewed within the Commission so that it is in a form that is clear and that will minimize burden on survey respondents.

5. Contact Information

Collection and analysis of data will be primarily the responsibility of the Office of Unfair Import Investigations within the Commission. Lynn Levine, Director of the Office of Unfair Import Investigations, can be contacted at 202-205-2560.