

SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Report of Request for Restrictive Trade Practice or Boycott
OMB Control No. 0694-0012

A. JUSTIFICATION

This is a request to extend Office of Management and Budget approval.

1. Explain the circumstances that make the collection of information necessary.

Section 15(b) of the Export Administration Act (EAA) of 1979, as amended, authorizes the President and the Secretary of Commerce to issue regulations to implement the EAA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts. Export control authority has been assigned directly to the Secretary of Commerce by the EAA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security (BIS) through the Export Administration Regulations (EAR). The EAA is not permanent legislation, and when it has lapsed due to the failure to enact a timely extension, Presidential executive orders under the International Emergency Economic Powers Act (IEEPA) have directed and authorized the continuation in force of the EAR.

The antiboycott recordkeeping and reporting requirements are necessary to enable BIS to effectively enforce the foreign boycott provisions of the EAA. These statutory recordkeeping requirements are implemented through regulations adopted by BIS, 15 CFR Sections 760.5, 764.2 and 762. The reporting requirements are implemented through regulations published at 15 CFR Part 760.5.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

BIS uses forms **621P**, “Report of Request for Restrictive Trade Practice or Boycott--Single Transaction;” and **6051P**, “Report of Request for Restrictive Trade Practice or Boycott--Multiple Transactions” to implement the recordkeeping and reporting requirements contained in the EAA. The reports gathered under this information collection are an integral part of the antiboycott program and are intended in part to permit careful and accurate monitoring of requests to cooperate with a boycott imposed by a foreign country received by United States citizens.

Civil penalties are the most likely outcome in antiboycott violation cases, but criminal prosecutions are also possible under the law when United States citizens have unlawfully complied with a foreign restrictive trade practice or boycott. The reports gathered under this information collection are also intended to provide an incentive for refusing to comply with boycott requests even when the action requested is permissible under United States law.

The antiboycott program is based on the premise that the United States opposes foreign interference with its commerce. The reports gathered under this information collection are analyzed to note changing trends and to decide upon appropriate action to be taken to carry out the United States' policy of discouraging its citizens from participating in foreign restrictive trade practices and boycotts directed against friendly countries. Since there are no alternative sources of information concerning the operation of foreign boycotts, cessation of the present reporting system would leave BIS without an adequate factual basis for implementing the United States antiboycott program.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and specific operating unit guidelines.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The BIS-621P, "Report of Request for Restrictive Trade Practice or Boycott--Single Transaction;" and BIS-6051P, "Report of Request for Restrictive Trade Practice or Boycott--Multiple Transactions" are available as electronic form-fillable .pdf files at:
<http://www.bis.doc.gov/ComplianceAndEnforcement/BoycottRequestReportingForms.htm>.

4. Describe efforts to identify duplication.

There is no duplication of this information. The information collected is unique to the antiboycott program. There is no similar information available from any other source.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

BIS is sensitive to the problems information collection may pose for small businesses. However, only full reporting can insure compliance and no special problems posed by the information collection requirements for small businesses have come to light.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Any boycott activity must be reported on a quarterly basis. Quarterly reporting allows BIS to review and analyze information concerning boycott activity on a continuous basis and to make appropriate enforcement and policy adjustments on a continuing basis through the year. Less frequent reporting would make such adjustments more difficult and would delay necessary implementing activity.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. Provide the information of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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.

The notice requesting public comment was published in the Federal Register on July 15, 2010 (Vol. 75, page 41142). No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There is no plan to provide any payment or gift to respondents.

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

In accordance with Section 8(b)(2) of the EAA, reports filed are to be made available for public inspection and copying, except information regarding the quantity, description, and value of any goods or technology to which the report relates may be kept confidential if the Secretary of Commerce determines that disclosure would place the U.S. citizen involved at a competitive disadvantage. Pursuant to this statutory mandate, BIS's regulations require that all reports be made available for public inspection, except for proprietary or confidential information (e.g., the quantity, description or value of materials or name of a foreign consignee), 15 CFR Section 760.5(c).

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.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The total estimated annual public burden for this collection of information is **1,416 hours**.

A review of BIS records determined that 892 reports were filed in calendar year 2009. Of these, 363 were submitted on form 621P and 529 on form 6051P. It is estimated that one hour of time is required to complete form 621P and 1 hour 30 minutes is required for form 6051P.

The cost is estimated to be \$30 per hour for a professional employee.

It is estimated that the recordkeeping burden is one minute per form. The cost for recordkeeping is estimated to be \$15 per hour for a clerical worker.

This data is summarized in the following table:

Activity	Responses	Hours per Response	Total Hours	Hourly Rate	Cost
Filing form 621P	363	1	363	\$30	\$10,890
Filing form 6051P	529	1.5	793.5	\$30	\$ 23,805
Recordkeeping	892	0.01666	14.4	\$15	\$ 216
Totals	892		1,171		\$34,911

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection (excluding the value of the burden hours in #12 above).

Since no special equipment is required for this activity, there are no capitalized costs associated with this collection of information.

14. Provide estimates of annualized cost to the Federal government.

It is estimated that the annual cost to the Federal Government is **\$86,500**. This is based on \$85,000 in salaries; and \$1,500 for computer supplies and printing costs.

15. Explain the reasons for any program changes or adjustments.

There is a decrease of 399 responses and 245 hours for this collection of information from the previous submission. The adjustment is a result of fewer reports submitted to BIS.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish this information for statistical purposes.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

BIS has an abundance of paper forms 621P and 6051P, and has no plan to re-design the form. In light of the plan to move to electronic filing, it is not cost-effective to re-print the paper forms solely to display the expiration of its renewable authorization. Therefore, BIS is requesting approval to not display the expiration date. BIS can display the expiration date on the downloadable versions of the form.

NOTE: The forms do not include the ‘Notwithstanding’ statement that inform respondents of the legal significance of the control number in accordance with 5 CFR 1320.5(b) but will be added as a separate page to the paper forms and will be added to electronic versions.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.