SUPPORTING STATEMENT
U.S. Department of Commerce
International Trade Administration
SURVEY OF PARTICIPATING COMPANIES IN THE U.S.-EUROPEAN UNION AND U.S.-SWISS SAFE HARBOR FRAMEWORKS
OMB Control No. 0625-xxxx

A. JUSTIFICATION

This is a request for approval of a new information collection.

1. <u>Explain the circumstances that make the collection of information necessary.</u>

In line with the President's National Export Initiative, ITA's Office of Technology and Electronic Commerce (OTEC) is interested in gathering information from U.S. companies that participate in the U.S.-European Union and U.S.-Swiss Safe Harbor Frameworks ("Frameworks") to better evaluate how the programs support U.S. exports. The information will be obtained via a survey using the following questions:

> (1) Does your company's participation in the U.S.-EU or U.S.-Swiss Safe Harbor programs help your company increase U.S. exports and support U.S. jobs? Please explain.
>
> (2) Please specify the approximate amount of exports in United States Dollars (USD) facilitated by your company's participation in the U.S.-EU or U.S.-Swiss Safe Harbor programs (please include any sales or contracts that were won or retained as a result of your participation in the programs).
>
> (3) How much of your annual sales/exports to Europe, Switzerland, or other parts of the world are dependent on self-certification to the U.S.-EU or U.S.-Swiss Safe Harbor programs?
>
> (4) Does your company currently have a contract that is dependent on self-certification to the U.S.-EU or U.S.-Swiss Safe Harbor programs? If so, what is the value of that contract(s)?
>
> (5) What do the U.S.-EU and U.S.-Swiss Safe Harbor programs mean to your company in terms of business opportunities in Europe?
>
> (6) Tell us what you think about the U.S.-EU and U.S.-Swiss Safe Harbor programs?

These questions will help the Department analyze the benefit of the Frameworks, provide feedback from small businesses, and potentially identify areas for improvement.

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.

Responses to these additional questions will be analyzed and used to evaluate how the Frameworks support U.S. exports. The survey will be presented to companies at the certification and re-certification processes. Certification expires after one year, and companies may choose to re-certify their compliance to the Frameworks. OTEC would use these questions to survey participating companies regarding the Frameworks. Although the information requested could include business proprietary information, the Department does not intend to release these data, except possibly in the aggregate. Accordingly, business confidential information will not be disseminated. Some responses may be used to show program strengths or areas that need improvement.

The collected information will not be disseminated to the public.

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 Department of Commerce offers U.S. organizations the opportunity to complete this survey via the Department of Commerce's Safe Harbor website, located at http://export.gov/safeharbor. Electronic submission allows an already self-certified Safe Harbor U.S. organization to respond efficiently and expediently. Organizations will respond to the Department's additional questions, on a voluntary basis, and then submit this information at the Safe Harbor website.

4. Describe efforts to identify duplication.

There is no duplication in the collection of these data.

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

The survey poses an inconsequentially small burden on small businesses or other small entities because their responses are provided on a voluntary basis, and only occurs at the first, and then subsequent, renewals of the self-certification.

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

The survey questions directly relate to the Frameworks and how they facilitate business enterprise in the United States. OTEC will use these responses to evaluate the benefits of the Frameworks to U.S. businesses and, further, to see if changes need to be made to how the programs are administered. If this information were not collected, OTEC would not have a mechanism for business to provide regular program feedback.

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

Not Applicable.

8. Provide 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 *Federal Register* Notice requesting public comment was published on February 14, 2011 (76 FR 8337). No comments were received.

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

Not Applicable.

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

No assurance of confidentiality is provided to respondents. Information submitted regarding these additional questions involves no explicit divulgence of business proprietary information.

11. <u>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</u>.

Not Applicable.

12. <u>Provide an estimate in hours of the burden of the collection of information</u>.

It is estimated that the response time to the survey questions is 20 minutes. The responses to these questions would require significantly less time than that required in the initial self-certification process. However, response times can vary dramatically according to the nature of the business and the organization's size. OTEC do not believe that these responses will require an inordinate amount of time and attention to complete.

There are approximately 2,300 organizations enrolled in the Frameworks. Of these, OTEC expect approximately 35%, **805**, will respond, on a voluntary basis, to the questionnaire. In addition, there are approximately **650** new enrollees each year; of these, OTEC expect 225, or 35% to respond to the questionnaire.

No. of respondents: 1,030 x Response time: 20 minutes = Total burden hours: 343.

The estimated average private sector salary for persons responding is $35.00 per hour and average public sector salary for persons monitoring the input and updating the website is $35.00 per hour. The estimated total annual burden is 343 and the estimated total annual cost to the public is $12,005.

13. <u>Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above)</u>.

Not Applicable.

14. <u>Provide estimates of annualized cost to the Federal government</u>.

The required time to process each survey is 30 minutes x 1,030 surveys = 515 hours x $35 = **$18,025**.

15. <u>Explain the reasons for any program changes or adjustments</u>.

This is a new information collection thus no program changes or adjustments.

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

None. The responses to the survey are for internal use only and are intended for public release.

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

Not Applicable.

18. <u>Explain each exception to the certification statement</u>.

Not Applicable.