

SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Request for Appointment of a Technical Advisory Committee
OMB Control No. 0694-0100

A. JUSTIFICATION

This is an extension to a currently approved information collection.

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

The collection is necessary under Part 730, Supplement No. 2 of the **Export Administration Regulations (EAR)**.

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 through the 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 Technical Advisory Committees (TACs) were established to advise and assist the U.S. Government on export control matters. In managing the operations of the TACs, the Department of Commerce is responsible for implementing the policies and procedures prescribed in the Federal Advisory Committee Act. The Bureau of Industry and Security provides technical and administrative support for the TACs, such as scheduling a conference room, publishing TAC meeting notices in the Federal Register, circulating an agenda, copying documents, etc.

The TACs advise the government on proposed revisions to export control lists, licensing procedures, assessments of the foreign availability of controlled products, and export control regulations.

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.

Pursuant to Section 5(h) of the EAA and Supplement No. 2 to Part 730 of the Export Administration Regulations, any producers of articles, materials, or supplies, including technology, software, and other information, that are subject to export controls, or are being considered for such controls because of their significance to the national security of the United States, may request (via a letter or an attachment to an email) the Secretary of Commerce to establish a technical advisory committee. Such requests are sent to the Assistant Secretary of Export Administration, and must include:

1. description of the article, materials, or supplies including technology and software;
2. statement of the reasons for requesting the appointment of a TAC;
3. information in support of any contention that may be made that a substantial segment of the industry producing the specified item(s) desires such a committee; and
4. that the evaluation of the item(s) for export control purposes is difficult because of questions involving technical matters, worldwide availability, and actual utilization of production and software technology, or license procedures.

The information collected will be used by BIS to determine whether to establish a TAC as authorized by Section 5(h) of the EAA and the EAR.

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.

Submission of a request to establish a new TAC is voluntary and may be done via e-mail. BIS seldom receives such requests and has no plans to further automate this collection.

4. Describe efforts to identify duplication.

There is no duplication of collection of this information.

5. If the collection of information involves small businesses or other small entities, describe

the methods used to minimize burden.

This collection does not have a significant impact on small businesses.

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

If this collection were not conducted, U.S. industries would have no basis on which to request appointment of a new technical advisory committee.

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

There are no special circumstances associated with this collection of information.

8. Provide a copy 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 November 8, 2011, page 69240. No comments were received.

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

There are no plans to provide a 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.

There are no assurances of confidentiality provided to respondents.

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.

There are 5 burden hours associated with this collection of information. BIS seldom receives requests to establish a new TAC. It is estimated that one request would require 5 hours to complete.

The estimated cost to the public is \$200 annually. This is based on 5 hours at \$40 per hour.

13. 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).

Since no special equipment is required nor maintenance costs incurred, there are no new capitalized costs to the public associated with this collection of information.

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

The estimated cost to the Government is \$1,200. This is based on 30 hours at an hourly rate of \$40 to process the request.

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

Not Applicable.

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

There are no plans to publish this information.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not Applicable.