

SUPPORTING STATEMENT FOR  
UNITED STATES INTERNATIONAL TRADE COMMISSION  
INFORMATION COLLECTION  
(2013 USITC SURVEY REGARDING OUTSTANDING §337 EXCLUSION ORDERS)

In its Strategic Plan (available on the agency website at <http://www.usitc.gov>) the Commission set itself the goal of obtaining feedback on the effectiveness of its exclusion orders from complainants that obtained such orders under 19 U.S.C. §1337. As the Commission is authorized to issue both general and limited exclusion orders, two survey forms are proposed, one for each type of relief. The proposed survey seeks to gather feedback to allow the Commission to assess the effectiveness of statutory relief offered by the Act. This information will allow the Commission to assess the effectiveness of the remedial orders it issues.

The proposed survey asks whether and to what extent Commission exclusion orders are effective in preventing the importation of covered goods. If imports have continued, the proposed survey asks for an estimate of the value and effect in the U.S. market of such imports. The proposed survey also requests information regarding the experience the survey respondent has had in policing the exclusion order, particularly with respect to any investigatory efforts and any interactions with U.S. Customs and Border Protection. The proposed will be sent to complainants that obtained exclusion orders, currently in effect, from the Commission following an investigation under Section 337. Responses to the proposed survey are voluntary. The Commission estimates that the proposed survey will impose minimal burden, and will take less than 1 response hour for each of the 90 companies to which the survey will be mailed.

As the proposed survey constitutes an information collection as defined by the Paperwork Reduction Act of 1995, this supporting statement is for clearance from the Office of Management and Budget (OMB) to issue it. Copies of the survey forms and cover letters with instructions are attached.

**A. Justification**

**1. Request**

The U.S. International Trade Commission has the responsibility of investigating unfair methods of competition and unfair acts in the importation of articles into the United States under Section 337 of the Tariff Act of 1930 (19 U.S.C. §1337). Under Sections 337(d)(1) and (d)(2) of the Act, if the Commission determines, as a result of an investigation under this section, that there is a violation of this section, it generally enters either a limited or a general exclusion order directing U.S. Customs and Border Protection to deny entry into the United States to goods covered by the order.

**2. Purpose**

The proposed survey seeks to gather feedback from prevailing complainants in the above Section 337 investigations to allow the Commission to assess the effectiveness of statutory relief offered by the Act. This information will allow the Commission to assess the effectiveness of the remedial orders issued pursuant to its authority under the Act.

### **3. Information Technology**

The proposed survey, which was designed to be as brief as possible, consistent with information requirements, will be posted on the Commission's website. Survey responses may be provided online or in paper form. The survey cover letters will provide each exclusion order holder with a unique identifier (*e.g.*, PIN number) that will allow completion of the survey questionnaire online.

### **4. Non-duplication**

The requested information is not available elsewhere.

### **5. Small Businesses**

Although some of the firms that will receive a survey are "small businesses," as specified under the Small Business Administration Rules (13 C.F.R. Part 121), this proposed survey will not have a significant economic impact on these entities. All of these small businesses have previously petitioned the Commission in order to obtain the relief at issue and currently have exclusion orders in effect. To minimize the reporting burden, the proposed survey was designed to be as brief as possible, consistent with information requirements. Check-in type questions are used to simplify survey response and no supporting documentation is requested. Also, the proposed survey indicates that estimates are acceptable; this should further reduce the potential burden on smaller firms that may not have the administrative resources or automated record systems of larger firms.

### **6. Consequence of Non-collection**

Missed opportunity to understand the perceived impact of remedial efforts and assess the Commission's efforts to fulfill its mission.

### **7. Special Circumstances**

There are no special circumstances that would cause the proposed survey to be issued in a manner inconsistent with the items specified in item 7 of the instructions for the Supporting Statement.

### **8. Consultations**

The Commission's notice soliciting comments on the proposed information collection (the proposed survey) prior to submitting it to OMB was published in the *Federal Register* on April 9, 2013, pages 21148-49 (copy attached), as required by 5 C.F.R. §1320.8(d). 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 proposed survey closely parallels a similar survey conducted during FY 2010.

OUII received comments through field testing from representatives of U.S. Customs and Border Protection and the American Bar Association International Trade Commission subcommittee. The comments proposed minor revisions concerning the clarity of the questions. OUII has revised the proposed survey in view of these comments.

### **9. Payments or Gifts**

There is no provision for any payments or gifts to respondents.

## **10. Confidentiality**

The Commission does not intend to publish the identities of survey respondents. The survey responses will be kept confidential. Commission staff reports regarding the survey responses, *e.g.*, reports prepared by the Office of Unfair Import Investigations within the Commission, will be kept confidential, but a public summary will be prepared. Additionally, the transmittal letter for each proposed survey form states that the information will be kept confidential and only disclosed if required by law.

## **11. Sensitive Information**

Information on issues of a sensitive nature involving persons is not being sought.

## **12. Estimates of Burden**

The Commission estimates that responding to this proposed information collection will take less than 1 response hour for each of the 47 firms to which the general exclusion order questionnaire will be sent. The Commission further estimates that responding to this proposed information collection will take less than 1 response hour for each of the 43 firms to which the limited exclusion order questionnaire will be sent. The Commission therefore estimates that the total burden of responding to this proposed information collection will be less than 90 hours. These estimates are based on the Commission's prior experience in conducting a similar survey during FY 2005 and FY 2010 and the absence of comments regarding the Commission's estimate of the burden of the proposed information collection. The estimated total cost to recipients of the general exclusion order questionnaire is \$3501.97 (47 hours x \$74.51/hour). The estimated total cost to recipients of the limited exclusion order questionnaire is \$3203.93 (43 hours x \$74.51/hour). The total estimated cost of the proposed information collection to survey recipients is therefore is \$6705.90 (90 hours x \$74.51/hour). The hourly rate estimate is the same as that used in item 14 below.

## **13. Total Annual Cost Burden to Respondents**

Not applicable. This is a one-time data collection with no capital and start-up costs component.

## **14. Annualized Cost to Federal Government**

The estimated total project cost to the Federal Government for distributing the survey and compiling responses is estimated to be \$2994.40 (40 hours x \$74.51/hour). The hourly rate estimate was approximated by dividing the annual salary for an investigative attorney at Grade 15, Step 9 of the General Schedule Pay Scale for Washington, DC, by the number of work hours per year.

## **15. Program Changes and/or Adjustments**

The Commission seeks to gather, through the proposed survey, feedback on the effectiveness of its exclusion orders from complainants that obtained such orders under 19 U.S.C. §1337. If imports have continued, the proposed survey asks for an estimate of the value and effect in the U.S. market of such imports. The proposed survey also requests information regarding the experience the survey respondent has had in policing the exclusion order, particularly with respect to any investigatory efforts and any interactions with U.S. Customs and Border Protection. Such data is not publicly available. This is a one-time data collection.

**16. Plans for Tabulation and Publication**

After the survey responses are compiled, reviewed, and analyzed by the Commission staff, the survey results will be presented to the Commission for follow-up as appropriate, such as inclusion in performance reports under the Government Performance and Results Act. The survey responses will be kept confidential. Commission staff reports regarding the survey responses, *e.g.*, reports prepared by the Office of Unfair Import Investigations within the Commission, will be kept confidential, but a public summary will be prepared. Commission performance reports regarding the survey results, *e.g.*, the Commission's Annual Performance Accountability Report, may be made available to the public. The survey forms are scheduled to be mailed on or about September 27, 2013, with a second copy mailed to non-responsive companies three weeks after the initial mailing. The survey is scheduled to be conducted in the 2013 fiscal year.

**17. Non-display of Expiration Date**

Not applicable. The proposed survey will display the expiration date for OMB approval of the information collection.

**18. Exceptions to Certification Statement to OMB Form 83-I**

There are no known exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I for this proposed information collection.

