

**SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
International Import Certificate
OMB Control No. 0694-0017**

A. JUSTIFICATION

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

The collection is necessary under Part 748 Supplement Number 5 of the **Export Administration Regulations** (EAR).

Section 1761(h) of the Export Control Reform Act of 2018 (Title XVII, Subtitle B of Pub. L. 115-232) (ECRA) authorizes the President and the Secretary of Commerce to issue regulations to implement the ECRA 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 ECRA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR).

The United States and several other countries have undertaken to increase the effectiveness of their respective controls over international trade in strategic commodities by means of an Import Certificate procedure.

A Triangular Transactions stamp, previously listed as OMB Control No. 0694-0009, has been added to this collection as a supplemental support document. Supplement Number 5 to Part 748 of the EAR explains the procedure for obtaining a Triangular Transaction stamp on an International Import Certificate (form BIS-645P, OMB Control No. 0694-0017). This stamp may be required by a foreign country exporting sensitive items to the United States. This stamp is not required by the United States and BIS only offers this service to U.S. importers to facilitate trade. A copy of a blank BIS-645P with a Triangular Transaction stamp has been included as a supporting document in this control number. Therefore, OMB Control No. 0694-0009 has been discontinued.

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.

The requirements for this collection are fully described in Supp. 5 to Part 748 of the EAR.

This collection of information utilizes Form BIS-645P, International Import Certificate for the procedure. For the U.S. importer, this procedure provides that, where required by the exporting country with respect to a specific transaction, the importer certifies to the U.S. Government that he/she will import specific commodities into the United States and will not reexport such commodities except in accordance with the export control regulations of the United States. The U.S. Government, in turn, certifies that such representations have been made.

This procedure involves the following steps:

- a. The foreign exporter of a controlled commodity advises his/her U.S. importer that the U.S. Import Certificate is required.
- b. The U.S. importer obtains the Form BIS-645P, International Import Certificate from BIS.
- c. The U.S. importer completes the form and returns it to BIS for review and certification.
- d. After approval and certification, two copies are returned to the importer to transmit one to the foreign exporter; the second copy is retained by the applicant; and the third copy is retained in BIS files. Comparable procedures with respect to exports from the United States are followed by the other countries.

If these collections of information were not conducted there would be less insight into where strategic commodities are destined for import to the United States and less control over the export of the items from the United States. These controls are vital for assuring that these commodities are not diverted to unauthorized end-users or to prohibited destinations.

The confirmation copies maintained by BIS and the foreign exporters provide an investigative reference source in cases of alleged export violations. Moreover, this requirement is mandated by the United States' agreement with other Import Certificate procedure participating countries to mutually exercise controls of exports and imports of commodities controlled for reasons of national security.

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-645P can be downloaded from the BIS website or requested at <http://www.bis.doc.gov/index.php/component/rsform/form/21-request-bis-forms>

4. Describe efforts to identify duplication.

This collection is not duplicated elsewhere. The respondents are U.S. importers who provide information related to specific commodities exported to the U.S. by foreign exporters. This information is not available from any source other than the respondent.

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

This collection of information must be adhered to by all U.S. importers regardless of size.

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

If the collections were conducted less frequently violations of the ECRA and the EAR would increase to the detriment of international security interests. Anything less than a full collection would not provide the necessary controls over international trade in strategic commodities.

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 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 5/15/2019. 84 FR 21751. Two public comments were received.

- 1. Public comment received from Mr. Arthur Shulman of The Boeing Company concerning the International Import Certificate...***“The current system relies on paper forms and mail delivery services. We recommend an electronic process that would provide tracking of submissions and processing status, and issuance of approved certificates. We believe processing times would substantially decrease as a result, greatly facilitating international transactions requiring these certificates.”*

BIS response to The Boeing Company... *“Thank you for your comment concerning BIS’ International Import Certificate. BIS recognizes the fact that an electronic process would have the potential to be a more efficient and expeditious process. Any changes made would involve multiple U.S. Agencies; therefore, BIS will need to coordinate any updates with all entities involved to insure an electronic process would be feasible.*

BIS will take your comment under advisement as we continue to improve our process. We thank you for your assistance in making our program a better and more efficient one.”

2. **Public comment received from F.A.I.R....** *“Form BIS-645P (“IIC”), and we draw your attention to a petition we submitted on January 19, 2018, in which we requested the validity period of an approved IIC be extended from six months to 24 months. We restate the arguments of our January 2018 petition herein, and also provide additional comments to enhance the quality, utility and clarity of the information to be collected on the form.” “We note that the IIC currently available on the BIS website is outdated. Both ATF and the Department of State submitted comments to the IIC in 2014 and 2008, respectively.”*

BIS response to F.A.I.R.... *“Thank you for your comments to the Bureau of Industry and Security (BIS) concerning the International Import Certificate (IIC). BIS has reviewed your comments and has made changes to the IIC that you suggested along with the comments and suggestions by ATF and the Department of State.*

Thank you for taking the time to evaluate this process and make the suggested changes. BIS values your input and looks forward to your comments and suggestions in the future.”

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.

Section 1761(h) of the ECRA provides for the confidentiality of information submitted to the Department of Commerce.

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.

This collection of information consists of approximately 250 responses annually. The average time of 15 minutes for preparing each response, plus one minute each for recordkeeping, the annual burden for this collection is 62.5 hours.

Responses -250 @ 15 minutes each =	62.5	hours
Recordkeeping -250 @ 1 minute each =	<u>4.7</u>	hours
TOTAL	67.2	hours

The annual cost to the public is estimated to be \$2,486. This is based on an average cost \$37 per hour for 250 responses.

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).

Not applicable.

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

The total annual cost to the Federal Government is estimated to be \$2,771. This based on 5 minutes to process each of the 250 certificates at an average salary of \$37 per hour. The total cost also includes approximately \$2,000 per year for the equipment used for certifying, mailing, and filing the data.

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

Multiple changes have been made in the IIC form (BIS-645P) by BIS along with suggestions from ATF, the Department of State, Firearms & Ammunition Import/Export Roundtable (F.A.I.R), and The Boeing Company. These changes do not constitute a change in burden hours however, an increase in burden hours are requested due to an annual increase in IIC applications received.

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.

BIS is seeking approval to not display the expiration date for OMB approval of the information collection because the collection is perpetual in nature and the paper form is typically in circulation worldwide. To have the form reprinted each time the OMB authorization changes serves only to make otherwise good forms become obsolete.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.