

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 the Office of Management and Budget approval.

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

Section 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (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 (BIS) through the Export Administration Regulations (EAR).

The antiboycott recordkeeping and reporting requirements are necessary to enable BIS to effectively enforce the foreign boycott provisions of the ECRA. 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 ECRA. 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 persons.

Civil penalties are the most likely outcome in antiboycott violation cases, but criminal prosecutions are also possible under the law when United States persons 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 persons 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/index.php/enforcement/oac?id=300>.

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.

If this information collection was not conducted BIS would be unable to review and analyze information concerning boycott activity and to make appropriate enforcement and policy adjustments. And would make these 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 December 12, 2020. No public 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 203(b)(2) of the ECRA, reports filed are to be made available promptly for public inspection and copying, except that 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. person 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 **482 hours**.

A review of BIS records determined that 412 reports were filed in calendar year 2018. Of these, 287 were submitted on form 621P and 125 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	287	1	287	\$30	\$8,610
Filing form 6051P	125	1.5	187.5	\$30	\$ 5,625
Recordkeeping	412	0.01666	6.86	\$15	\$ 103
Totals	412		482		\$14,338

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 #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 **\$92,465**. This is based on **\$90,756** in salaries; and \$1,500 for computer supplies, and printing costs.

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

No program changes or adjustments have been made.

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 implement electronic filing within the current FY, it is not cost-effective to re-print the forms solely to display the expiration of its renewable authorization.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.