

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**Shrimp Exporter's/Importer's Declaration
OMB Number 1405-0095
DS-2031**

A. JUSTIFICATION

1. *Why is this collection necessary and what are the legal statutes that allow this?*

The DS-2031 is necessary to confirm that shrimp and products from shrimp imported into the United States were harvested in a manner that does not adversely affect sea turtles, pursuant to Section 609 of P.L. 101-162 (hereinafter referred to as Section 609). As of May 1, 1996, the Department of State has established guidelines requiring that a copy of this form, signed by the exporter (and, under certain circumstances, a government official) of the harvesting nation accompany each shipment of shrimp or shrimp product to the United States and maintained for three years from the date of entry into the United States. Without this form, shipments of shrimp and products from shrimp may not enter the United States.

2. *What business purpose is the information gathered going to be used for?*

The information collected on this form is used by Customs and Border Protection (CBP) to determine if shrimp and products from shrimp shipped to the United States after May 1, 1996, meet the requirements for entry pursuant to Section 609, which prohibits imports of shrimp and products from shrimp unless it is confirmed that either the harvesting nation has a sea turtle protection program comparable to the U.S. program or that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles.

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*

For enforcement purposes, the DS-2031 must be signed. In July 2009 the Department of State and the Department of Homeland Security (DHS) agreed on a modified process to document shrimp imports. Transition to an electronic version of the DS-2031 form is still in progress and we anticipate that it should be available for roll-out in FY 2020. Using the International Trade Data System through the Automated Commercial Environment, the importer enters the information from the DS-2031 and includes a signed copy of the DS-2031 via the Document Imaging System. Under this system, DS-2031 forms from uncertified countries would benefit from the e-filing option, but the United States would not forego the additional fraud-prevention advantages that a signed DS-2031 provides. This process gives all users the convenience of e-filing and allows focused and more effective enforcement activities. The modifications should allow improved access to U.S. markets and better implementation of U.S. government marine conservation policy objectives.

4. *Does this collection duplicate any other collection of information?*

The information requested on the DS-2031 is not available from any other source and does not duplicate any existing information collections. Without this information enforcement of Section 609 would not be possible.

5. *Describe any impacts on small business.*

The collection of this information may involve small businesses in foreign countries; however the burden on any respondent to provide the relevant information will be minimal. Moreover, without the collection of this information, these small businesses would suffer considerable loss of income due to their inability to export shrimp and products from shrimp to the United States. The importers in the United States must maintain completed DS-2031s for three years from the date of entry into the United States.

6. *What are consequences if this collection is not done?*

The collection of information, through the use of the DS-2031, represents the only viable approach to effective implementation of Section 609. The implementation of Section 609 requires that the U.S. government determine whether shipments of shrimp and products from shrimp will be allowed entry into the United States. Without the DS-2031, no documentary evidence will be available for the U.S. government to make that determination with any degree of confidence.

7. *Are there any special collection circumstances?*

There are no special circumstances in this collection.

8. *Document publication (or intent to publish) a request for public comments in the Federal Register*

The Department of State published a 60-day notice on September 9, 2019, to solicit public comments for this collection (see 84 F.R. 47338). There were no public comments.

9. *Are payments or gifts given to the respondents?*

No payment or gift is provided to respondents.

10. *Describe assurances of privacy/confidentiality*

The DS-2031 requests no potentially proprietary information, and thus no assurance of confidentiality is necessary, nor has any been provided.

11. *Are any questions of a sensitive nature asked?*

The DS-2031 requests no information of a sensitive nature.

12. *Describe the hour time burden and the hour cost burden on the respondent needed to complete this collection*

The number of responses is estimated to be 10,000 from an estimated 3,000 respondents, based on former filings. This may fluctuate as market conditions change. Each shipment of shrimp or shrimp products will require a DS-2031 form. The annual burden is estimated at 1,666 hours, based on a form burden of 10 minutes (10,000 x 10 minutes / 60 minutes). The Department used the mean hourly wage rate for Fishers and Related Fishing Workers of \$12.20.¹ The Department multiplied the hourly wage rate by 1.5 to account for benefits for a total of \$18.30. The estimated annual hour costs for respondents to complete DS-2031 is 1,666 X \$18.30 = \$30,488.

13. *Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.*

¹ Source: <https://www.onetonline.org/link/summary/45-3011.00#WagesEmployment>.

The cost burden to respondents will be negligible. Each respondent submits an average of three responses per year. The cost of the recordkeeping burden to maintain three DS-2031s is extremely minimal as well.

14. Describe the cost incurred by the Federal Government to complete this collection.

The Department estimates that the cost of this information collection to the Federal Government is \$324.18 as the Section 609 Program Manager periodically reviews forms as part of his or her duties, amounting to no more than three hours per year at an hourly rate of \$54.03 plus fringe benefits and overhead as described below.² The program manager's salary was estimated using the midpoint (Step 7) for an FO-03 of the Foreign Service pay scale for Washington, DC.³ The Department multiplied the hourly wage rate by 2 to account for a fringe benefits rate of 69 percent⁴ and an overhead rate of 31 percent.⁵ The Department of State makes the DS-2031 available on its website and will utilize its embassies in the affected countries to distribute paper copies to their host governments as necessary.

15. Explain any changes/adjustments to this collection since the previous submission

No program changes or adjustments are being reported.

16. Specify if the data gathered by this collection will be published.

The information to be collected by the DS-2031 will not be published.

17. If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.

The Department will display the expiration date for OMB approval of the information collection.

18. Explain any exceptions to the OMB certification statement below.

The Department is not requesting any exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

² \$108,071/2000=\$54.03.

³ Source: Department of State, "2019 Foreign Service Locality Pay Tables," <https://www.state.gov/resources-bureau-of-human-resources/>.

⁴ Source: Congressional Budget Office, "Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015" (April 2017), <https://www.cbo.gov/publication/52637>. The wages of Federal workers averaged \$38.30 per hour over the study period, while the benefits averaged \$26.50 per hour, which is a benefits rate of 69 percent.

⁵ Source: U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis" (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, "As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages...." To isolate the overhead rate, the Department subtracted the benefits rate of 69 percent from the recommended rate of 100 percent.