

**SUPPORTING STATEMENT
U.S. Department of Commerce
International Trade Administration
Procedures for Importation of Supplies
for Use in Emergency Relief Work
OMB Control No. 0625-0256**

Abstract

The regulations (19 CFR 358.101 through 358.104) provide procedures for requesting the Secretary of Commerce to permit the importation of supplies, such as food, clothing, medical, surgical, and other supplies, by for-profit and not-for-profit entities for use in emergency relief work free of antidumping and countervailing duties. The regulation formally provides procedures for requesting waivers of duties on supplies for use in emergency relief work.

A. JUSTIFICATION

This is to request an extension of the Office of Management and Budget approval.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The mission of the International Trade Administration (ITA) is to create prosperity by strengthening the competitiveness of the U.S. industry, promoting trade and investment, and ensuring compliance with trade laws and agreements. Within ITA, Enforcement and Compliance (E&C) takes prompt and aggressive action against unfair foreign trade practices and foreign government-imposed trade barriers by enforcing U.S. trade laws, monitoring compliance with existing trade agreements, and aiding in the negotiation of new trade agreements that address trade-impeding and trade-distorting practices. As part of this mission, E&C enforces the antidumping duty (AD) and countervailing duty (CVD) laws to ensure that domestic industries may obtain relief from injury due to unfairly traded imports.

The regulations for this information collection were implemented to facilitate the flow of supplies for use in emergency relief work that were subject to antidumping and/or countervailing duties. The regulations established a clear procedure for seeking a waiver of duties on supplies for use in emergency relief work.

The regulatory citation is 19 C.F.R. §§ 358.101-104. The procedures outlined in the regulations are as follows:

(1) Before importation, a written request shall be submitted to the Secretary by the person in charge of sending the subject merchandise from the foreign country or by the person for whose

account it will be brought into the United States. Three copies of the request should be submitted to the Secretary of Commerce, Attention: Enforcement & Compliance, Central Records Unit, Room B-8024, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

(2) The request shall state the Department's AD and/or CVD order case number, the foreign producer of the merchandise, a detailed description of the merchandise, the current Harmonized Tariff Schedule (HTS) number, the price charged or to be charged in the United States for the merchandise to be imported, the quantity, the proposed date of entry, the proposed port of entry, the mode of transport, the person for whose account the merchandise will be brought into the United States, the destination, the use to be made of the merchandise at the designated destination, and any other information the person would like the Secretary to consider.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Any information gathered through written requests for a waiver will be used by E&C and the Office of Chief Counsel for Trade Enforcement & Compliance in its administration of the antidumping and countervailing duty laws. The frequency is completely dependent on outside events (e.g., natural disasters) and the subsequent voluntary application of outside parties.

The request is reviewed by the Department to determine whether a waiver is warranted. A public version of the request will be available for review in Enforcement and Compliance's Central Records Unit. Per 19 C.F.R. § 358.103(b), if the Department determines that a waiver is warranted, the Department will notify the person who submitted the request, instruct U.S. Customs and Border Protection to allow entry of the merchandise identified in the request without regard to payment of antidumping and countervailing duties, and post notification of the determination on the E&C website.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Not Applicable.

4. Describe efforts to identify duplication. Show specifically why an similar information already available cannot be used or modified for use for the purposes described in Question 2.

Enforcement and Compliance is the only government office that determines this waiver. The information is also specific to an emergency event. There is no duplication.

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

The information collected is the minimum required to make a determination, regardless of the impact to large or small businesses.

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

Absent a disaster, this regulation does not apply and therefore there is no cost to the government. Should there be a disaster, the cost to the general public and to the effectiveness of governmental relief efforts is hard to predict with precision or reliability. However, if this collection was not conducted, a return to the more intensive, ad hoc and unclear process that existed prior to the issuance of these regulations would mean that those in need of supplies for use in emergency relief work could face increased costs for, or shortages of, these supplies for an undo period of time if imports of those products are subject to antidumping or countervailing duties.

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

requiring respondents to report information to the agency more often than quarterly;

requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

requiring respondents to submit more than an original and two copies of any document;

requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;

requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not Applicable.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice soliciting public comments was published on May 6, 2022, Volume 87, Number 88, Page 27098.

No comments were received in response to this notice.

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. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Release of proprietary information is subject to the Department's Administrative Protective Order (APO) process and regulations. Final APO regulations are available at 19 CFR § 351.304-306 and are available on E&C's website.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not Applicable.

12. Provide an estimate in hours of the burden of the collection of information.

Estimated number of respondents/responses = 1

Estimated time per response = 15 hours

Estimated total of burden hours = 15

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (Do not include the cost of any hour burden already reflected on the burden worksheet).

Estimated cost from total annual burden hours is less than \$450.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Absent a disaster, this regulation does not apply and therefore there is no cost to the government. Should there be a disaster, the cost to the general public and to the effectiveness of governmental relief efforts is hard to predict with precision or reliability. Annualized costs are completely dependent upon the number of waiver requests. The time needed to review and process the request and take the necessary steps to implement a waiver, if it should be granted, is fairly small, probably up to 15 total hours per application for all E&C officials involved in the process. Taking into account the various salary levels of the officials likely to be involved, the cost to the Federal government per application is likely to be no more than \$1,750. This results in an estimated annual cost to the Federal government of no more than \$1,750. However, to date, there have been no requests and the cost to the Federal government has been \$0.

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

There are no changes to the program or information collection since the last OMB approval.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not Applicable. Neither the collected information nor the waiver determination is published in the Federal Register. Per 19 C.F.R. § 358.103(b), if a waiver is granted, the Department will notify the person who submitted the request and post notification of the determination on the Department's website.

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 identified in “Certification for Paperwork Reduction Act Submissions.”

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATICAL METHODS

This collection does not employ statistical methods.