

SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Delivery Verification Procedure
for Imports
OMB Control No. 0694-0016

A. JUSTIFICATION

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

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 delivery certificate procedure.

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 by Supp. 5 to Part 748 of the EAR.

This collection of information utilizes Form BIS-647P, Delivery Verification 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 must provide written confirmation of delivery of the items into the United States by supplying a completed Delivery Verification Certificate. This certifies that he/she has imported the 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

Delivery Verification Certificate is required.

- b. The U.S. importer obtains the Form BIS-647P, Delivery Verification Certificate from BIS.
- c. The U.S. importer completes the portion of the form providing the details of the items and parties involved in the transaction and then provides it to the Customs and Border Protection (CBP) office where the items were imported.
- d. The CBP office verifies the specific items were imported into the United States and approves and certifies the Delivery Verification Certificate and returns the form to the US importer. The US importer sends the original certified Delivery Verification Certificate to the foreign exporter and maintains one copy for their records.

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.

This requirement is mandated by the United States' agreement with other Delivery Verification 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-647P 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 7/18/2022, in 87 FR 42700. No public comments were received.

BIS consults with Technical Advisory Committees (TACs) consisting of members outside the agency, who are leaders in the industry, to discuss with BIS current policies and standards both with the government and the public. ECRA states that the TACs advise the Under Secretary of Commerce for Industry and Security on controls under the Export Administration Regulations.

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.

BIS estimates a total of 14 annual burden hours for this collection.

Based on an average time of thirty minutes to complete Form BIS 647P for one respondent with an estimated 20 responses annually, the annual burden is 10 hours. 30 minutes multiplied by 20 responses = 10 burden hours.

BIS expects 1 response annually which has special circumstances requiring an average of 4 burden hours.

The annual total cost to the public is estimated to be \$370. This is based on 30 minutes per response at an estimate of \$37 per hour. 20 responses multiplied by 30 minutes = 10 burden hours multiplied by \$37 per hour = \$370.

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.

It is estimated that the annual cost to the Federal Government is approximately \$105. This is based on an average of 10 minutes for reviewing each of 21 forms at a salary of \$30 per hour.

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.

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.