

## 2023 SUPPORTING STATEMENT

### EXPORT SALES OF U.S. AGRICULTURAL COMMODITIES 7 CFR PART 20

OMB # 0551-0007

- 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 information collection requirements contained in 7 CFR Part 20 (the Regulation) are necessary to implement the mandatory export sales reporting requirements of §602 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5712). Commodities subject to the export sales reporting requirements are listed in Appendix 1 of the Regulation, and the Secretary has authority to designate additional commodities. U.S. exporters are required to report to the Foreign Agricultural Service (FAS) information on: (1) the quantity of a reportable commodity to be sold to a foreign buyer; (2) the country of destination; and (3) the marketing year of shipment. Data reported is aggregated and published in compilation form to protect business confidential information submitted.

- 2. Indicate how, by whom, how frequently, 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.**

The export sales reporting system provides commodity market participants with information about commodity export commitments, and is one means by which USDA seeks to insure transparency, fairness, and soundness in commodity marketing.

The legislation requires that sales for export be reported to the Secretary on a daily basis for wheat, corn, grain sorghum, barley, oats, soybeans, and soybean meal for sales of 100,000 metric tons, or more in one day to one destination, and 20,000 tons or more for soybean oil. Weekly reporting is required for all sales activity, regardless of quantity, and for above-mentioned commodities as well as for cotton, beef, rice, cattle hides and skins, pork, and other minor oilseed products. The following are the currently approved reporting forms:

- For limited sales, identified as optional origin sales, the exporter uses form FAS-97 Rev. 11-01, Report of Optional Origin Sales.
- Weekly export sales and shipment activities are reported by the exporter using the form FAS-98 Rev. 11-01, Report of Export Sales and Exports.
- Quarterly reports providing selected data on individual sales contracts are submitted using the form FAS-99 Rev. 11-01, Contract Terms Supporting Export Sales and Foreign Purchases.

For activity involving commodities that have been shipped from the U.S. but are unsold or have not been allocated to an existing sales contract, the reporting exporter uses the form FAS-100 Rev-11-01, Report of Exports for Exporters' Own Account.

The total outstanding contracts identified on the quarterly report are used as an internal check to ensure exporters have included all sales activity on their weekly "FAS-98" reports.

Information collection: In general, exporters are required to regularly report to the FAS specific information on commodity shipments within specific time limits. The information to be reported is maintained by the exporters during the normal course of conducting business and is not an additional recordkeeping requirement for respondents. The information collection is needed by the administrative officials because it provides up-to-date market data for making rational agricultural policy decisions and to prevent market disruptions. USDA, in turn, reports this information to the public, in an aggregated form, so that all market participants can be aware of such sales and can evaluate the effects of exports on supply, demand, production, consumption, prices, and sales.

- 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.**

The Department utilizes an electronic reporting system for collection of information on export sales for all reportable commodities. All exporters use USDA's eAuthentication system to gain access to the system and submit their reports electronically via a secure Internet website. In the event of extenuating circumstances, exporters can submit reports via email directly to the Export Sales Reporting team. The electronic system minimizes the reporting burden on exporters.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.**

The information collection does not duplicate information or data available elsewhere. The uniqueness in the legislated Export Sales Reporting requirement is the timeliness of the export sales data. Exporters are required to report all sales on a weekly basis, and daily sales when they rise above a predetermined quantity. There is no other source for sales data and the export data collected and disseminated elsewhere by the U.S. government, has a delay of several weeks to a couple months, rendering it not useful for the purposes of the ESR program.

Additionally, export data collected under other programs cannot be modified for purposes of this program but can be used to verify the accuracy of ESR data submitted to USDA. As part of the reporting process, reported sales for exports are offset with the actual shipment

quantities leaving an “outstanding balance”, or a weekly “snapshot” of the commitments to export U.S. agricultural commodities. The shipment data are summarized for the marketing year and recorded in the weekly publication as “Accumulated Exports.” Other programs with different data that may be compared with the accumulated exports are collected by the Grain Inspections, Packers and Stockyards Administration (GIPSA), and the U.S. Census Bureau. Using the GIPSA inspection data, individual shipments of grains inspected may be compared with the exports reported on the form “FAS-98” to ensure proper identification of quantity and country of destination. Similarly, the U.S. export data collected and summarized by the U.S. Census Bureau on the “Shipper’s Export Declaration” provide both quantity and value of U.S. commodities being exported. Currently, the U.S. Census Bureau export data is available approximately 45 days after the month of shipment. Export sales data are available the day or week following the sales transaction.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.**

The data reported is maintained as a part of the normal course of export contracting business activity including small businesses. Approximately 14 percent of businesses that report ESR data are small businesses.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The frequency of data collection and reporting are stipulated by law and authorized under § 602 of the Agricultural Trade Act of 1978, as amended. If such information were collected less frequently, the Department would not be in compliance with the statutes and not fulfilling the objectives of the export sales reporting program. If markets are to work efficiently for producers, processors, buyers, sellers, end-users, and exporters, then the current, legislatively mandated reporting schedule should be maintained.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **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 contracts, grants-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 which 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 secrets, 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.**

This information collection is conducted in a manner consistent with 5 CFR 1320.5. Weekly reporting is required by § 602 of the Agricultural Trade Act of 1978, as amended, and daily reporting is required for certain commodities under the Regulation. Under the authorizing statute, individual reports remain confidential and are released in compilation form each week following the week of reporting. Data collected are identified as proprietary trade secrets and are only available for use under the reporting program. No additional information is required of respondents other than that mandated in legislation.

There are no other special circumstances.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

FAS published a 60-day Notice of Proposed Information Collections for public comments in the *Federal Register*, Volume 88; Page 30943-30945 on May 15, 2023. The public was given until July 14, 2023, to submit comments on the proposed information collection.

FAS received a total of 27 comments over the two-month public comment period. Twenty commenters stated that the newly proposed IT system and contract-based reporting requirement were time consuming, burdensome, and would impose additional or significant costs on the exporters. Eleven commenters stated that moving to contract-based reporting would not improve the quality and integrity of the reports published. Eleven commenters stated that technical issues of concern remained in the Test System that needed to be resolved. Several Commenters provided suggestions and recommendations for improving the Export Sales Reporting Program which were outside the scope of this Information Collection.

**Describe 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 form, and on the data elements to be recorded, disclosed, or reported.**

Export Sales Reporting Branch (ESR) staff routinely consults with participating exporters on all aspects of the ESR program. Consultations take place during weekly phone calls that

take place to discuss reporting requirements. It is a critical function that ESR staff consults with participating exporters to ensure that exporters have the information and guidance necessary to efficiently, easily, and accurately fulfill the ESR program’s reporting requirements. Additionally, the ESR Team conducted outreach seminars, system testing, and association contacts to obtain the views on information collection and reporting.

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances precluding consultation in a specific situation. These circumstances should be explained.**

There were no circumstances preventing consultation with representatives of those from whom information was obtained or those who must compile records. Four exporters were contacted and asked to provide information related to their current estimate of burden associated with reviewing instructions, gathering data needed, completing forms, and record keeping. Three exporters responded. These three exporters represented both low-volume and high-volume respondents. FAS reached out by both phone and e-mail to the exporters. The following table highlights the responses received from the exporters.

<b>Customer Rep</b>	<b>Customer</b>	<b>Feedback Received</b>
John Gille	NORAG International LLC	2704 entries/annum 78 hrs/week
Stacey Blum	Gavilon	1560 entries/annum 1560 minutes/annum
Kim Harrison	Seaboard Foods	101,980 entries/annum 1176 hours/annum

The data provided by the three exporters was combined and an average of 30 minutes per entry per annum was determined. This data was taken into consideration when calculating the overall burden hours associated to the entry of export sales data into the Export Sales Reporting and Maintenance System.

**9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.**

Respondents do not receive any payment or gifts for participation in the reporting program.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Under the authorizing statute, individual reports are to remain confidential and be released in compilation form each week following the week of reporting. Export Sales Reporting personnel are extremely sensitive to the confidentiality requirements outlined in § 602 of the

Agricultural Trade Act of 1978, as amended. Data collected are identified as proprietary, are maintained in locked files, and are only available for use under the reporting program.

**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.**

No questions of this nature are requested under this regulation.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Estimate of Burden of Collecting Export Sales Data

Information Collection	Number of Respondents	Number of Responses per Respondent (Frequency per Annum)	Total Annual Responses	Average Burden Hours per Responses	Total Burden Hours	Hourly Rate	Total Annual Cost
FAS-97	4	17	68	0.5	34	\$34	\$ 1,156
FAS-98	414	286	118,404	0.5	59,202	\$34	\$2,012,868
FAS-99 <sup>1/</sup>	242	24	5,808	0.5	2,904	\$34	\$ 98,736
FAS-100	5	86	430	0.5	215	\$34	\$ 7,310
<b>Totals</b>	<b>414 <sup>2/</sup></b>	<b>---</b>	<b>124,710</b>	<b>---</b>	<b>62,355</b>	<b>\$34</b>	<b>\$2,120,070</b>

<sup>1/</sup> The FAS-99 form is not required for smaller firms that have fewer records and typically do not carry outstanding sales from week to week.

<sup>2/</sup> Total number of respondents is better reflected by the total for the FAS-98 form that represents the number of firms actively reporting to export sales on a weekly basis. The number of respondents for the FAS-97, FAS-99, and FAS-100 forms are subsets of the FAS-98 number. Total responses per respondent is an average calculated using total number of respondents and total annual responses.

The average salary is equivalent to an estimated \$34.00 per hour. The total annualized cost to U.S. exporters is \$2,120,070 (62,355 hours x \$34.00/per hour). The hourly cost includes fringe benefits. The hourly rate is comparable to the 2023 General Pay Scale for a GS-9 Step 4 which represents the pay rate for individuals entering the data into ESRMS. Costs used in the estimates includes fringe benefits.

**13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There are no capital start-up costs. There is no cost for operation, maintenance, and purchase of services components for respondents.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

Costs to the Federal Government are primarily the costs of the salaries of the four (4) person Export Sales Reporting team and operational/infrastructure costs to support them. The team is responsible for overseeing the collection of export sales data; processing, reviewing, and aggregating the data; publishing reports; and addressing questions from exporters and consumers. The team is also responsible for overseeing compliance by ensuring high participation of all exporters and ensuring the accuracy and integrity of the reports through reviews and audits.

Any additional costs to the Federal sector will be marginal since the compilation and processing of reports will be absorbed through current resources and with existing staff. The estimate of cost for the export sales reporting program is \$527,131 based on the following breakdown:

Salary Costs:	
Program Manager (GS-14)	\$172,075
Marketing Specialist (GS-13)	\$138,150
Marketing Analyst (GS-13)	\$126,949
Ag Economist (GS-9)	<u>\$ 64,957</u>
Total Salary Cost	\$502,131

Other Costs:	
Travel	\$22,500
Printing/Mailing/Supplies	<u>\$2,500</u>
Total Other Cost	\$25,000

Total Cost \$527,131

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

The change in the annual burden, responses, and respondents from the currently approved information collection reflects new exporter registrations under the program. The number of respondents increased from 383 to 414 and the number of responses increased from 102,089 to 124,710. This resulted in an increase in total annual burden hours from 51,045 to 62,355.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

Section 602 of the Agricultural Trade Act requires that individual data collected be compiled and published in compilation form each week following the week of reporting. The report is made available to the public electronically and on the Foreign Agricultural Service's Internet homepage, normally on Thursday morning at 8:30 A.M., Eastern Time. Key users of export sales data include trade associations, private firms involved in exports and in the domestic commodity markets, commodity end-users, consumers, logistics firms, analytical service firms, news services, market analysts, USDA analysts, other government agencies, land grant colleges and universities,

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The forms needed for exporters to meet the continuous daily and weekly deadlines can be found online in the Export Sales Reporting and Maintenance System (ESRMS). It would be extremely cost inefficient to reproduce them in ESRMS with a later expiration date. Accordingly, we are asking for permission not to display the expiration date for:

- Form FAS-97 Rev. 11-01, Report of Optional Origin Sales.
- Form FAS-98 Rev. 11-01, Report of Export Sales and Exports.
- Form FAS-99 Rev. 11-01, Contract Terms Supporting Export Sales and Foreign Purchases.
- Form FAS-100 Rev. 11-01, Report of Export for Exporter's Own Account.

**18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."**

There are no exceptions.