SUPPORTING STATEMENT
U.S. Department of Commerce
International Trade Administration
Enforcement & Compliance
Request for Duty-Free Entry of Scientific Instruments or Apparatus
OMB CONTROL NO. 0625-0037

SUPPORTING STATEMENT PART A

Abstract

The Departments of Commerce and Homeland Security (``DHS'') are required to determine whether nonprofit institutions established for scientific or educational purposes are entitled to duty-free entry for scientific instruments the institutions import under the Florence Agreement. Form ITA-338P enables: (1) DHS to determine whether the statutory eligibility requirements for the institution and the instrument are fulfilled, and (2) Commerce to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States. Without the collection of the information, DHS and Commerce would not have the necessary information to carry out the responsibilities of determining eligibility for duty-free entry assigned by law.

Justification

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.

With the enactment of the Educational, Scientific and Cultural Materials Importation Act of 1966 (“the Act”), Public Law 89-651, as amended by Public Law 106-36, the United States became a signatory to the Florence Agreement, a United Nations Educational, Scientific and Cultural Organization (“UNESCO”)-sponsored agreement on the importation of educational, scientific and cultural materials. The Act requires the Secretaries of the Department of Homeland Security (“DHS”) and Department of Commerce (DOC) to determine whether institutions importing scientific instruments are entitled to duty-free treatment under the Florence Agreement, which is the case if the applicant is a nonprofit institution established for scientific or educational purposes; the instrument is classifiable in one of the tariff categories listed by the law; and there is not an equivalent instrument being manufactured in the United States.

The information collected by the use of form ITA-338P enables DHS, U.S. Customs and Border Protection (“CBP”) to determine whether the statutory eligibility requirements for the applicant and the instrument are fulfilled, and provides sufficient information for DOC, Enforcement and Compliance (“E&C”) to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States.

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.

The collected information is used to ensure that the applicants for a waiver of duty of qualifying equipment are eligible under the regulations governing the program. The information is stored in

the records of E&C. The first three questions on form ITA-338P provide the name, address, and nonprofit status of the applicant so that CBP has the information to determine if the applicant is an eligible institution. Questions five, six and ten provide information on the ordering and entry of the foreign instrument to make certain the procurement has been or will be carried out in accordance with the regulations. Questions four, seven, eight and nine provide DOC with the detailed information required for a finding on the equivalency of an U.S. instrument, the institution's intended educational and scientific uses of the instrument, and the steps the applicant took to find an equivalent U.S. instrument to fulfill the intended purposes. The incidence of its use, accordingly, is dependent on the institution's interest in obtaining the duty-exemption and, subsequently, meeting the requirements of the laws and regulations. The information will not be disseminated to the public. This is an ongoing collection, and the collection requirements have not changed over time, reflecting the fact that the eligibility criteria have not changed.

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 ITA-338P form, in addition to the rules and regulations for applying for a duty waiver, is available via the Internet at https://trade.gov/sites/default/files/2024-09/ita-338p.pdf?v=1782313015187 for downloading and use by potential applicants.

Electronic means of gathering the required information could create a greater burden for the applicants, since they would need to have a scanner to scan attachments to the questions on the application for electronic submission. 1For example, to provide required information about the foreign scientific instrument the applicant will normally enclose the brochure about the foreign instrument and, for an electronic submission, this information would need to be scanned, unless the required information could be found on a website in English. Other required documents, such as, copies of the bid request and the response to the request, purchase orders, etc. are not available to applicants in an electronic format (e.g. on a website). To require each applicant to scan the attachments to the application and purchase a scanner (if the respondent did not have one), would create a further burden and, in some cases, a further expense for the applicant. Form ITA-338P, as currently used, is the least burdensome means of collecting the required information.

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

There are no known federal programs eliciting the information required for the administration of this statute.

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

Not Applicable. The applicants to this program are universities, research institutions and national laboratories that are not using the equipment for commercial purposes.

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.

This form is used when (a) an eligible institution imports a covered scientific instrument, and (b) the institution wishes to obtain a duty waiver on that import. The incidence of its use, accordingly, is dependent on the institution's interest in obtaining the duty-exemption and, subsequently, meeting the requirements of the laws and regulations. If the information were not collected, the Secretaries would not have the information necessary to carry out the responsibility of determining eligibility for duty-free entry assigned to them by law.

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

The exception to OMB guidelines is that the applicants are required to submit an original and four copies of the application form along with the attached relevant supporting documentation, reflecting the number of agencies involved in the administration of this program. The original form should be signed by the person in the applicant institution who will direct and control the use of the foreign instrument and is familiar with the intended uses of the instrument. The remaining four copies of the form may be copies of the original. Attachments must be fully identified and referenced to the question(s) to which they relate.

The use and distribution is as follows:

- The original and four copies of the application are sent to CBP;
- One copy is returned to the applicant after the application is examined for eligibility and an application number is assigned by CBP;
- One copy is forwarded by CBP to consultants at the National Institute of Health (NIH), as required by the statute;
- The original and one copy are forwarded by CBP to Commerce. The original becomes the Copy of Record and the copy becomes the Conformed Copy. The Conformed Copy is a backup for use by technical and legal staff to assure continuity of processing in the event the Copy of Record is misplaced or lost.
- On occasion, a copy or excerpts are sent to other consultants at the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, or other agencies in cases in which NIH declines to offer advice or when Commerce has a need for a second opinion. Also, on occasion, a copy is sent to a domestic manufacturer to afford the manufacturer ample opportunity to comment upon an application, and this service supplements the statutorily mandated Federal Register summary of each application.

The program needs could not be met with copies consistent with Section 1320.5 (i.e. an original and two copies). Failure to supply the required number of copies and supporting documentation may result in delays in processing an application. Moreover, to our knowledge, no applicant has complained that the number of required copies is a burden or otherwise constrains their ability to avail themselves of benefits under this program.

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 actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice soliciting public comment was published on April 10, 2026 (Volume 91, page 18418). We received comments on the collection of information as it pertains to the form which we use to collect information. Based on the comments, we made the following changes to the application: removing superimposed text, removing internal comments, adding instructions for providing email addresses, and removing the incorrect version link.

Some comments received were outside the scope of the collection of information, (for example comments on proving applicant's non-profit status and procedural questions about the administration of this program). While these are issues outside of the scope of the collection, they have been sent to the appropriate program staff for consideration in subsequent updates.

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

There are no payments or gifts provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the 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.

None. There is no protected information in this 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.

The form requests no information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Estimated Annualized Respondent Burden Hours

Information Collection Instrument	Type of Respondent (e.g., Occupational Title)	# of Respondents (a)	Annual # of Responses/ Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hours/ Response (d)	Total Annual Burden Hours (e) = (c) x (d)
ITA-338P	Private Sector/Institutions	500	1	500	2	1000
Totals				**500**		**1000**

Estimated Annualized Respondent Costs

Type of Respondent/ Occupational Title	Number of Respondents	Number of Responses per Respondent	Average Burden per Response	Hourly Wage Rate*	Total Burden Costs
Private Sector/Institutions	500	1	2	$69	$69,000
Total	--	--	--	--	**$69,000**

13. Provide an estimate for 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 already reflected on the burden worksheet)

The annual cost burden to respondents or record keepers resulting from this collection is **$**16,525. These costs include postage required for sending the applications to CBP as well as the cost of copies. The estimates are based on the following costs:

Postage: $5.05 (cost of priority mail postage) x 500 applicants = $2,525.00

Copies: $0.10 (cost of copy/page) x 70 pages (average length of an application) = $7.00 x 4 copies = $28 x 500 applicants = $14,000.00.

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.

The total estimated program cost for the Department of Commerce include staff salaries and benefits of approximately $21,510. The breakdown of those costs is as follows:

Annualized Costs to the Federal Government[1]

Staff	Grade/Step	Hourly Salary	Total # of Forms	# of Hours per Form	Total Annualized Cost to Gov't
Federal Employees					
Operational Costs for Data Collection Activities	GS14/1	$68.96	65	3	$13,447.20
20% for Benefits	GS14/1				$ 2,689.44
Federal Oversight Activities	GS14/2	$60.07	65	3	$11,714
20% for Benefits	GS14/2				$2,343
Total Cost to the Government					**$21,510**

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

There are no changes to the information collection since the last OMB approval outside of cosmetic changes listed in Section 8 in response to public comments. However, the burden hours have been increased due to submissions increasing year over year. The hourly wage rate has been updated as well.

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.

The results will not be published.

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 expiration date will be displayed on the instruments.

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

The agency certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

[1] The Office of Personal Management. "Salary Table 2026-DCB." Accessed June 17, 2026. https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB.pdf.