

**SUPPORTING STATEMENT  
U.S. Department of Commerce  
Bureau of Industry & Security  
Voluntary Self-Disclosure of Violations  
of the Export Administration Regulations  
OMB Control No. 0694-0058**

**A. JUSTIFICATION**

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

Sections 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (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). Voluntary Self-Disclosure of EAR violations strengthens BIS's enforcement efforts by allowing BIS to conduct investigations of the disclosed incidents faster than would be the case if BIS had to detect the violations without such disclosures. The notification should be in writing, and should include the name of the person making the disclosure, a brief description of the suspected violations, and describe the general nature and extent of the violations.

**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 self-disclosure provisions are described in EAR Sections 764.5, and 764.7. BIS codified its voluntary self-disclosure policy to increase public awareness of this policy and to provide the public with a better understanding of BIS's likely response to a given disclosure. Voluntary self-disclosures allow BIS to conduct investigations of the disclosed incidents faster than would be the case if BIS had to detect the violations without such disclosures. As a result, BIS is able to devote more of its resources to detecting non-disclosed violations.

BIS evaluates the seriousness of the violation and either (1) informs the person making the disclosure that no action is warranted; (2) issues a warning letter; (3) issues a proposed charging letter and attempts to settle the matter; (4) issues a charging letter if settlement is not reached; and/or (5) refers the matter to the U.S. Department of Justice for criminal prosecution.

The information obtained through this collection may also provide leads to uncover other

violations. In some cases, the information might be shared with other law enforcement agencies investigating suspected violations of the ECRA and the EAR or, in appropriate instances, agencies investigating violations of other statutes or with foreign governments.

Since the time the policy was codified and published in the Code of Federal Regulations, the number of self-disclosures has increased and as a result, BIS is able to enforce the Act and the Regulations more effectively.

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.**

This information collection does not involve any information technology. BIS is not aware of any technology which could be adopted to reduce further the collection burden.

**4. Describe efforts to identify duplication.**

The information disclosed in connection with each violation of the Act and the EAR is unique and is not duplicated elsewhere. Each collection provides information concerning specified details of individual export or re-export transactions. This information is not available from any source other than from the respondent.

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

The information collected may involve small business. However, the seriousness of a particular violation is not related to the size of the business that commits it. There is, therefore, no way to minimize the burden imposed on these businesses without thwarting the purpose of the collection.

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

If this collection is not conducted, BIS would be unable to devote more of its resources to detecting non-disclosed violations.

**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 of information in a manner that is inconsistent with the guidelines set forth in 5 CFR, Section 1320.

**8. Provide information 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 1/8/2020 (85 FR 875). No public comments were received.

**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.**

Although we do not provide specific assurances of confidentiality to any respondent, Sections 4812(b)(7) and 4814(b)(1)(B) of the ECRA and 748.1(c) of the EAR provide that information concerning license applications “shall be withheld from public disclosure unless the release of such information is determined by the Secretary to be in the national interest.” The type of information collected under this rule would generally fall within the provisions of Section 4812(b)(7) and 4814(b)(1)(B) of the ECRA.

**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.**

No information of a sensitive nature is being requested.

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

The total annual burden hours related to this collection is estimated to be **1,800** hours for all

respondents. It is estimated that each respondent will take appropriately 10 hours to complete the response although this could vary widely depending on the respondent's information being provided. With an average cost per hour for industry of \$37.00 and an estimated 1800 burden hours for all respondents, the average estimated annual cost per respondent is \$370.00 with a total cost for all respondents of \$66,600.

**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.**

The cost to the Federal Government is approximately \$66,834. An average of ten (10) staff hours is needed to process each disclosure. Therefore, 180 cases would take 1,800 hours to process at a cost of \$37.13 per hour. This figure is significantly lower than the average cost needed to investigate cases that are not the result of voluntary disclosures. The reasons for the difference are that voluntary disclosures eliminate the time that the Government spends investigating just to learn of the existence of a violation. Also, the information in a voluntary self-disclosure is generally more organized than the information that must be analyzed in other investigations.

**15. Explain the reasons for any program changes or adjustments.**

There are no program changes or adjustments.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

There is no intention to publish the results of this information collection for statistical purposes.

**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.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not applicable.