



NATIONAL ASSOCIATION OF
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June 9, 2020

Office of Information and Regulatory Affairs

Office of Management and Budget

Washington, DC

Re: Office of the United States Trade Representative, Large Civil Aircraft (LCA) Form
on Portal – Emergency Information Collection Request Reference No. 202005-0350-01

Dear Sir or Madam:

The National Association of Beverage Importers, Inc. (NABI) appreciates the opportunity to comment on the utility, burden, and submission options under the Paperwork Reduction Act (PRA) on the emergency information collection request (ICR) form portal submitted by the Office of the United States Trade Representative (USTR), currently under review by the Office of Management and Budget (OMB), for submission of public comments on the retaliatory tariffs (“additional duties”) in the Large Civil Aircraft (LCA) dispute with the European Union.

NABI firmly believes that multiple options for submitting public comments must be available in order for the broadest submission of comments by interested parties. Restricting comment to the use of the formatted portal with specific questions and drop-down screens is too limited of comment option and will discourage many consumers, employees, and small businesses from submitting their valuable views. The attempt to channel the submission of comments imposing requirements and/or asking for certain information as a condition for the submission itself will, as an unintended but inevitable consequence, reduce the number of comments received by USTR and limit the ability of concerned citizens to make their voice be heard by the Government. This is clearly a situation where “one size does not fit all.”

USTR highlights the earlier public comment period resulted in nearly 26,000 reported comments. This huge volume of comments clearly evidences a broad public interest in the USTR action. Having viewed many of these comments, NABI knows that they came from a broad spectrum of consumers; small and large importers, retailers, wholesalers, and producers; trade associations in the United States and elsewhere; laws firms; trade consultants; and Members of Congress and State Governments. Frequently employees of many businesses submitted comments on the adverse impact of the retaliatory tariffs on their jobs and community. The importance of

comments by employees and consumers cannot be overly stressed because USTR seeks comments on the impact of the retaliatory tariffs on small businesses, specifically, and the United States economy, generally.

A review of the LCA form portal reveals a complicated process for its completion. It asks for Harmonized Tariff Schedule headings for specific products; it has dropped down windows that effectively limit how one can respond. It has a roadmap of instructions on how to proceed to various questions. While it does leave an open comment space at the end of the form portal, the complexity of getting that far on the form is confusing and discouraging to a consumer, employee, or small business operator who does not have a trade attorney or consultant assisting in explaining and completing the form.

USTR explains it seeks approval of this form portal approach in order for it to review and analyze comprehensively the comments in the short period of time it has before it makes a decision on the next action in the LCA dispute. NABI appreciates that this “one size fits all approach” enables USTR to process the comments more rapidly through data analytics. But by doing so, many consumers, employees, small businesses will be confused and discouraged from submitting comments. The form portal approach does not minimize the burden on the public; rather, it reduces a review burden on USTR. The latter is not the goal of the PRA.

Accordingly, NABI respectfully requests that the existing process is maintained as it is, and that this emergency information collection request be approved only as a non-mandatory option for those who are willing and able to provide the information in the format USTR is seeking to receive. Supplementing the existing process by adding a non-mandatory option for those submitting comments may enhance the quality and utility of the information collected by USTR, but at the same time maintain the open, clear, and uncomplicated existing submission process. This results in more detailed and diverse views that would have practical utility to USTR in reaching a decision on the review of action.

Please do not hesitate to contact NABI, if you have any questions. Your time is appreciated.

Sincerely,

Robert M. Tobiassen

Robert M. Tobiassen
President