

Supporting Statement

Post Government Employment Advice Opinion Request

A. JUSTIFICATION

1. Need for the Information Collection

The information collection is necessary to obtain minimal information on which to base an opinion about post Government employment of select former and departing Department of Defense (DoD) employees seeking to work for Defense Contractors within two years after leaving DoD. The departing or former DoD employee uses the opinion request form to organize and provide employment-related information to an ethics official who will use the information to render an advisory opinion to the employee requesting the opinion. The National Defense Authorization Act of 2008, Public Law 110-181, section 847, <http://www.dod.mil/dodgc/olc/docs/pl110-181.pdf>, requires that select DoD officials and former DoD officials who, within two years after leaving DoD, expect to receive compensation from a DoD contractor, shall, before accepting such compensation, request a written opinion regarding the applicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

2. Use of the Information

DoD ethics officials will use the information provided to prepare advice and an opinion for current and former DoD employees planning to work for DoD contractors.

3. Use of Information Technology

Yes, upon collection approval the DoD will launch a web site to receive electronic submission of the opinion request and supporting information.

4. Non-duplication

The requested information is not already available.

5. Burden on Small Business

Not applicable.

6. Less Frequent Collection

Information collection is only required in limited circumstances, i.e., a current or former DoD employee plans to work for a defense contractor within two years of leaving DoD.

7. Paperwork Reduction Act Guidelines

This collection will be conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d) (2).

8. Consultation and Public Comments

a. This information collection was published in the Federal Register on October 29, 2009 (74 FR 55824-55825). No comments were received.

b. “The DD Form X586 was created by DoD Ethics Officials to help opinion requestors identify and organize information required by the ethics officials to provide advice.” Consultations with representatives from the Army, Navy, Air Force and other DoD agencies on the type of information needed, format, availability of required information from other sources, methodology to collect the information, form clarity and instructions on why and how to provide the information were obtained via personal interviews and e-mail requests. As recommendations and suggestions were received they were either incorporated into the process or omitted as overly burdensome.

9. Gifts or Payment

No payment or gift will be provided to the respondents.

10. Confidentiality

There is no attorney-client privilege applicable to the information an opinion requestor provides. The information provided is shared with authorized ethics officials responsible for providing the advice. Together with the advisory opinion provided the information is retained for five years from the date of the opinion and is protected under the Privacy Act of 1974.

11. Sensitive Questions

There are no sensitive questions asked in this information collection.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The one hour completion per respondent is an estimate based on trial scenarios. Since this is a new requirement we estimate about 50 such opinion requests annually for a total annual burden of 50 hours. This number is based upon OGC’s review of a sampling of DoD agencies on the number of opinions requested during the prior year. Since this is a new requirement to capture this information prior year numbers are only available for estimation. OGC estimates that an average of approximately 200 requests for legal opinions regarding Section 847 restrictions are filed annually at departments and agencies throughout the DoD. This estimate is based on the number of

reports filed DoD-wide for 2008. Most of those requests are current DoD employees at the time they initiate their request for opinion. However, OGC estimates that 40, about 20% of the DoD total over each of the next three years (2009-2011) will be members of the public.

b. Labor Cost of Respondent Burden

The estimated average amount of time to complete the report form, including review of the instructions and gathering of needed information is 90 minutes. Thus, the overall estimated annual public burden for the DD Form X586 for the private citizen DoD employee is 300 hours. The estimated annualized hour burden cost to private citizen respondents is \$16,800. This estimate is based on the average annual number of requestors multiplied by an average user wage rate of \$84 per hour (equal to a mid-level Senior Executive Service (SES) salary).

13. Respondent Costs Other Than Burden Hour Costs

There is no start-up cost to the respondents associated with this information collection. Respondents maintain the information for reasons other than to provide information or to keep records for the Government.

14. Cost to the Federal Government

The estimated total annual cost of the DD Form X586 to the Federal Government is \$57,760. This figure is comprised of: a) \$25,000, a percentage of the total estimated annual cost of salaries for all part-time administrative support personnel employed by DoD departments and agencies to track, review for accuracy and completeness, and forward to an ethics official to prepare the legal opinion (31 part-time employees in the salary range of GS11 to GS-7); b) \$32,760 rounded estimated annual cost to the DoD for the time spent by an estimated 260 DoD employees (\$84 per hour average wage of a mid-level SES salary, multiplied by the estimated one hour, 30 minutes required to complete the form). Application and web site development: \$400,000; onetime cost.

15. Reasons for Change in Burden

This is a new collection requirement.

16. Publication of Results

The results for collection of this information will not be published.

17. Non-Display of OMB Expiration Date

Approval not to display an expiration date is not being sought.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

No exceptions to the certification statement are being sought.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection will not employ statistical methods.