

SUPPORTING STATEMENT
OMB Control No. 9000-0184, Contractors Performing Private Security Functions
Outside the United States

A. Justification

1. Administrative requirements. Section 862 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008, as amended by section 853 of the NDAA for FY 2009 and sections 831 and 832 of the NDAA for FY 2011, together with the required Governmentwide implementing regulations (32 CFR part 159, published at 76 FR 49650 on August 11, 2011),¹ as amended, adds requirements and limitations for contractors performing private security functions in areas of combat operations, or other military operations as designated by the Secretary of Defense, upon agreement of the Secretaries of Defense and State.

These requirements are that contractors performing in areas such as Iraq and Afghanistan ensure that their personnel performing private security functions comply with 32 CFR part 159, including (1) accounting for Government-acquired and contractor-furnished property and (2) reporting incidents in which a weapon is discharged, personnel are attacked or killed or property is destroyed, or active, lethal countermeasures are employed. These requirements are implemented in FAR section 25.302 and FAR clause 52.225-26 entitled “Contractors Performing Private Security Functions Outside the United States.”

2. Uses of information.

Contractors and subcontractors for which this is applicable are required to:

- (1) Register, process, account for, manage, oversee, and keep appropriate records of personnel performing private security functions;
- (2) Authorize and account for weapons to be carried by, or available to be used by, personnel performing private security functions;
- (3) Register and identify armored vehicles, helicopters, and other military vehicles operated by Contractors performing private security functions.

In addition, the following types of incidents must be reported to the geographic combatant commander if and when they occur:

¹ 32 CFR part 159 is entitled “Private Security Contractors Operating in Contingency Operations, Combat Operations or Other Significant Military Operations.”

- (1) A weapon is discharged by personnel performing private security functions;
- (2) Personnel performing private security functions are attacked, killed, or injured;
- (3) Persons are killed or injured or property is destroyed as a result of conduct by contractor personnel;
- (4) A weapon is discharged against personnel performing private security functions or personnel performing such functions believe a weapon was so discharged; or
- (5) Active, non-lethal countermeasures (other than the discharge of a weapon) are employed by personnel performing private security functions in response to a perceived immediate threat.

Geographic combatant commanders and/or the relevant Chief of Mission use the information to keep track of contractor personnel and assets in theater. Reporting of incidents is necessary for the geographic combatant commander to respond as deemed necessary.

DoD has an existing system (see 3 below) to collect this information. This supporting statement is for non-DoD agencies.

3. Consideration of information technology. Information technology has been applied to the maximum extent possible. The requirement for DoD contractors and subcontractors to register personnel, weapons, and vehicles predates this statute and has been approved under OMB Control Number 0704-0460, Synchronized Predeployment and Operation Tracker (SPOT) System. Collection of the required information is a contractual condition of the clause at DFARS 252.225-7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States. SPOT is a web-based system.

4. Efforts to identify duplication. This requirement is being issued under the Federal Acquisition Regulation (FAR), which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.

5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden. The burden applied to small businesses is the minimum consistent with applicable laws, executive orders, regulations, and prudent business practices.

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Collection of information is on a one-time basis and is only updated as changes occur. Any other collection method is not practical.

7. Special circumstances for collection. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency. A 60-day notice was published in the Federal Register at 80 FR 81549, on December 30, 2015. No comments were received. A 30-day notice was published in the Federal Register at 81 FR 15303 on March 22, 2016.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. Not applicable.

10. Describe assurance of confidentiality provided to respondents. This information is disclosed only to the extent consistent with prudent business practices and current regulations.

11. Additional justification for questions of a sensitive nature. No sensitive questions are involved.

12 & 13. Estimated total annual public hour and cost burden. The analysis below applies only to contracts and subcontracts of non-DoD agencies. DoD's information collection has been approved previously under OMB Control Number 0704-0460. Time required to identify and input information is estimated at 10 minutes per response. The estimated cost per response is roughly \$6.34.

Estimated respondents/year.....	920
Reponses annually.....	<u>x 5</u>
Total annual responses.....	4,600
Estimated hours/response.....	<u>x .167</u>
Estimated total burden hours.....	768
Cost/hour.....	<u>x \$ 38²</u>
Total annual cost to respondents.....	\$29,184

14. Estimated cost to the Government.

Time required for Government review is estimated at 10 minutes per response.

Total annual responses.....	4,600
Estimated hours/response.....	<u>x .167</u>
Estimated total burden hours.....	768

² Based on a GS-11 Step 5 equivalent salary (\$28.141 an hour) for 2016 plus 36.25 percent burden (OMB Memo M-08-13), (\$28.14 x 1.3625= \$38.34 rounded to \$38 per hour.

Cost/hour.....	x \$ 38 ³
Total annual cost to Government.....	\$29,184

15. Explain reasons for program changes or adjustments reported in Item 13 or 14.

The increase in burden hours is to correct a previous mathematical error on the multiplier for 10 minutes per response. The previous multiplier was .109 which represented a 6.5 minute response was incorrect.

16. Outline plans for published results of information collections. Results will not be tabulated or published.

17. Approval not to display expiration date. Not applicable.

18. Explanation of exception to certification statement. Not applicable.

B. Collections of Information Employing Statistical Methods. Statistical methods are not used in this information collection.

³ Based on a GS-11 Step 5 equivalent salary (\$-28.14 an hour) plus 36.25 percent burden, rounded to the nearest dollar.