

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
9000-0188, Combating Trafficking in Persons**

A. Justification.

1. **Administrative requirements.** This is a requirement for a revision and renewal of OMB control number 9000-0188, Combating Trafficking in Persons. Executive Order (E.O.) 13627, entitled Strengthening Protections Against Trafficking in Persons in Federal Contracts, dated September 25, 2012 (77 FR 60029, October 2, 2012) and Title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239, enacted January 2, 2013) strengthen the long standing zero-tolerance policy of the United States regarding Government employees and contractor personnel engaging in any form of trafficking in persons. These requirements are implemented in the Federal Acquisition Regulation (FAR) in the clause at 52.222-50, Combating Trafficking in Persons, and in the provision at 52.222-56, Certification Regarding Trafficking in Persons Compliance Plan.

Contractors are required to inform the contracting officer and the agency Inspector General of any credible information they receives from any source that alleges a contractor employee, subcontractor, or subcontractor employee, or their agent has engaged in conduct that violates the policy in paragraph (b) of the clause 52.222-50. This requirement flows down to all subcontractors.

Additional protections are required where the estimated value of the supplies (other than commercially available off-the-shelf (COTS) items) to be acquired outside the United States, or the services to be performed, outside the United States has an estimated value that exceeds \$500,000. These protections include the following: (a) The contractor is required to implement and maintain a compliance plan during the performance of the contract that includes an awareness program, a process for employees to report activity inconsistent with the zero-tolerance policy, a recruitment and wage plan, a housing plan, and procedures to prevent subcontractors from engaging in trafficking in persons; and (b) The contractor is required to submit a certification to the contracting officer prior to receiving an award, and annually thereafter, asserting that it has the required compliance plan in place and that there have been no abuses, or that appropriate actions have been taken if abuses have been found. The compliance plan must be provided to the contracting officer upon

request, and relevant portions of it must be posted at the workplace and on the contractor's website. Additionally, contractors are required to flow these requirements down to any subcontracts where the estimated value of the supplies acquired or the services required to be performed outside the United States exceeds \$500,000.

2. Uses of information. The notification of potential violations of trafficking in persons requirements will be used to investigate and take appropriate action if a violation has occurred. The compliance plan is only provided to the contracting officer upon request and will usually be requested only if the contracting officer has reason to believe that there may be trafficking in persons activities in violation of the Government's zero-tolerance policy. Generally, this will occur when the contracting agency or an enforcement agency is conducting an audit, investigation, or a formal action to ascertain compliance with the Trafficking Victims Protection Act (22 U.S.C. 7104), Executive Order 13627, or any other applicable law or regulation. The certification will be used to provide reasonable assurance to the Government that the contractor is aware of and complying with the requirements of the Executive Order and statute.

3. Consideration of information technology. Information technology has been applied to the maximum extent possible. The contracting officer is not prevented from accepting any requested compliance plans electronically.

4. Efforts to identify duplication. This requirement is being issued under the 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. The information collection requirements are necessary to implement the requirements contained within Executive Order 13627 and title XVII of the National Defense Authorization Act for Fiscal Year 2013.

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 notice was published in the *Federal Register* (83 FR 12950), on March 26, 2018. No comments were received. A 30-day notice was published in the *Federal Register* at 83 FR 34581 on July 20, 2018.

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.** The collection requirement does not solicit any sensitive or personal information.

12 & 13. **Estimated total annual public hour and cost burden.** For estimation and accuracy purposes, we collected data from the Federal Procurement Data System (FPDS) on the new contracts awarded in fiscal year 2017 that exceed \$500,000 for performance outside of the United States. There were 4,190 awards to 1,466 unique entities. The estimated cost to the public for the compliance plan is as follows:

a. Recordkeeping. The estimated cost to the public for recordkeeping is as follows:

Estimate of Respondent Recordkeeping Burden Hours: 52.222-50	
Number of recordkeepers (1)	5,864
Hours per recordkeeper (2)	24
Estimated hours	140,736
Cost per hour (3)	\$76
Total cost for recordkeeping	\$10,695,936

Notes:

(1) Recordkeepers are based on FPDS data for new contract awards, including task/delivery/call orders meeting these criteria, made during fiscal year 2017 valued greater than \$500,000 for performance outside of the United States. There

were 4,190 awards made to 1,466 unique entities. The number of recordkeepers reflects a sum of four times the number of unique entities to include three subcontractors per prime contractor in the estimate (1,466 x 4 = 5,864).

(2) The recordkeeping hours consist of the estimated time necessary to review instructions, search existing data sources, gather the data, and maintain the information internally.

(3) Based on General Schedule (GS) pay for a GS-14, step 5, salary for 2018 plus 36.25% Civilian Position Full Fringe Benefit Cost Factor for 2018 ($\$55.99 \times 136.25\% = \76.28 , rounded to \$76). It is estimated that the recordkeeper will be a high-level administrator or program manager.

b. Notification and compliance plan. The estimated cost to the public for reporting is as follows:

Estimate of Reporting Burden Hours: 52.222-50		
	(d) Notification	(f) Compliance plan
Number of respondents (4)	90	60
Responses per respondent	1	1
Number of responses (4)	90	60
Hours per response (5)	24	1
Estimated hours	2,160	60
Cost per hour (6)	\$76	\$76
Annual public burden	\$164,160	\$4,560

Notes:

(4) The Government estimates that a copy of the compliance plan will be requested by the Government from about 60 contractors (about 1% of the time). Contractors are required to report credible information of potential violations. Frequently, if a contractor provides notification of a potential violation, the Government may then request a copy of the compliance plan. However, not all contractors submitting a notification of potential violation may be required to have a compliance plan. The Government may also request a copy of a compliance plan for other reasons than receipt of notification of potential violation from the contractor. The Government therefore anticipates that about 45 contractors will provide both a notification and a copy

of the compliance plan, but 15 contractors will just be requested for a copy of the compliance plan, and 45 will just provide a notification. The 60 contractors that submit a copy of the compliance plan are included in the total of 5,864 contractors that provide certification, but the 45 contractors that provide just a notification, may not be required to certify, and are therefore added to the total number of respondents.

(5) The Government estimates a burden of 24 hours to collect and review the data and draft the notification to the contracting officer and agency Inspector general of a potential violation, but it should not require more than one hour to send a copy of the pre-existing compliance plan.

(6) See Note (2) computations. It is estimated that the respondent will be a high-level administrator or program manager.

c. Certification. The estimated cost to the public for certification is as follows:

Estimate of Respondent Certification Burden Hours 52.222-50 and 52.222-56:	
Number of respondents	5,864
Responses per respondent	1.43
Number of responses	8,386
Hours per response (7)	4
Estimated hours	33,544
Cost per hour (8)	\$90
Annual public burden	\$3,018,960

Notes:

(7) The Government estimates 4 hours for certification, including appropriate review and approvals, and the estimated time necessary to review instructions and to gather the data internally and from subcontractors.

(8) Based on pay for a GS-15, step 5, salary for 2018 plus 36.25% Civilian Position Full Fringe Benefit Cost Factor for 2018 ($\$65.86 \times 136.25\% = \89.73 , rounded to \$90). It is estimated that the recordkeeper will be a high-level administrator or attorney.

d. Total Public Burden:

i. Reporting: The following is a summary of the reporting burden described in sections 12.b. through 12.c. of this supporting statement.

Estimation of Total Public Burden: Total Reporting							
Clause 52.222*	Respondents	Responses/ Respondent	Total Responses	Hours/Resp	Total Hours	Cost / Hour	Total Cost
-50	105	1.43	150	14.8	2,220	\$76	\$168,720
-50 and -56	5,864	1.43	8,386	4	33,544	\$90	\$3,018,960
TOTAL	5,909	1.44	8,536	4.19	35,764	\$89	\$3,187,616

* NOTE: Respondents providing notifications and plans are the same respondents as those certifying and therefore not additive; however 45 of respondents providing notification only may not be subject to the requirement for a plan and certification.

ii. Recordkeeping: The following is a summary of the recordkeeping burden described in section 12.a. of this supporting statement.

Estimation of Total Public Burden: Total Recordkeeping	
Total Recordkeepers	5,864
Total Annual Burden Hours	140,736
Total Cost	\$10,695,936

iii. Reporting and Recordkeeping: The following is a summary of the total public burden, including reporting and recordkeeping described in sections 12.a. through 12.c. of this supporting statement.

Estimation of Public Burden: Total Reporting and Recordkeeping-		Rounded to whole numbers
Number of Respondents	5,909	5,909
Responses per Respondent (approximately)	2.4	3
Number of Responses (8,531 responses + 5,864 recordkeepers)	14,400	17,727
Hours per Response (approximately)	12.3	12
Total Estimated Hours (40,544 burden + 605,200 recordkeeping)	176,500	212,724
Average Cost per Hour (approximately)	\$78.66	\$79

Annual public burden	\$13,883,616	\$16,805,196
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*The cost per response is approximately \$948.

14. Estimated cost to the Government. The time estimates are based on receiving, reviewing and analyzing the information submitted by the contractor.

The estimated cost to the Government for responding to notifications, reviewing the compliance plans, and certifications are as follows:

Estimation of Total Government Burden					
Clause 52.222	Total Respon ses	Hours/ Resp	Total Hours	Cost/ Hour	Total Cost
-50 Notif and Compliance planng	150	17.6	2,640	\$90	\$237,600
-50 & -56 Certification	8,386	.5	4,193	\$65	\$272,545
TOTAL	8,536	.8	6,833	\$74.66	\$510,145

Notes:

(1) Based on pay for a GS-15, step 5, salary for 2018 plus 36.25% Civilian Position Full Fringe Benefit Cost Factor for 2018 ($\$65.86 \times 136.25\% = \89.73 , rounded to \$90). It is estimated that the Government reviewer of notifications and compliance plans will be a high-level administrator or attorney.

(2) Based on GS pay for a GS-13, step 5, salary for 2018 plus 36.25% Civilian Position Full Fringe Benefit Cost Factor for 2018 ($\$47.38 \times 136.25\% = \64.56 , rounded to \$65). It is estimated that the Government reviewer will be a mid-level Contracting Officer.

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. This submission requests an extension of OMB approval of an information collection requirement in the FAR. The prior renewal supporting statement included hours for recordkeeping, reporting, and certification for a total public burden of 287,160 hours. However, it appears that only 120 hours for reporting were approved by OMB and only 120 hours are presently reflected in the OIRA inventory for this collection. The adjustments in the tables below are based on using current FPDS data and on calculations in the Supporting Statements. Decreases also result from fewer contacts being awarded in fiscal year 2017 to be performed outside the United States that exceed

\$500,000, and FPDS data that indicated fewer unique vendors than total contracts awarded, further reducing the number of respondents and recordkeepers.

Reporting and Certification	2015	2018	Change
Respondents	12,080	5,909	-6,171
Responses	12,080	8,536	-3,544
Estimated Hours	47,960	35,764	-12,196
Annual Public Burden	\$3,978,880	\$3,187,680	-\$791,200

Recordkeeping	2015	2018	Change
Recordkeepers	11,960	5,864	-6,096
Estimated Hours	287,040	140,736	-146,304
Annual Public Burden	\$19,517,820	\$10,695,936	-\$8,821,884

** NOTE: The above calculations represent the burden estimates illustrated in the Supporting Statements for the 2015 renewal and the 2018 renewal. In the proposed rule (78 FR 59317) the recordkeeping burdens were published along with the reporting and certification burdens. However, in the 30-day standalone notice for public comment to OMB, only 120 hours for reporting were published in the Federal Register notice (79 FR 49317). As a result of the 30-day notice, OMB only reflected clearance and an inventory for the 120 hours for reporting and no burden for recordkeeping or certification. The numbers in the 2015 notice of action do not illustrate the numbers presented in the Supporting Statement or the Federal register notice for the proposed rule.*

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.