

SUPPORTING STATEMENT - PART A

(End-Use Certificate – OMB Control Number 0704-0382)

Summary of Changes

- The DLA Form 1822 has been revised to improve functionality. The Agency Disclosure Notice and Privacy Act Statement have been updated.
- Burden is increasing by approximately 2,000 responses due to an increase in sales.

1. Need for the Information Collection

The End-Use Certificate (DLA Form 1822) is submitted by individuals prior to releasing export controlled personal property out of Department of Defense (DoD) control. Export-controlled personal property are items listed on the United States Munitions Lists (USML) or Commerce Control List (CCL), and includes articles, items, technical data, technology or software. Transfers of export-controlled personal property out of DoD control may be in tangible and non-tangible forms. The information collected is for the purpose of determining bidder or transferee eligibility to receive export-controlled personal property, and to ensure that property recipients comply with the terms of sale or Military Critical Technical Data Agreement regarding end-use of the property. This form is to be used by the DoD Components and other Federal agencies and or their contractors prior to releasing export-controlled personal property out DoD control.. End-use checks are required by the following: DoD Instruction 2030.08, "Implementation of Trade Security Controls (TSCs) for Transfers of DoD U.S. Munitions List (USML) and Commerce Control List (CCL) Personal Property to Parties Outside DoD Control;" DoDM 4160.28, "DoD Demilitarization (DEMIL) Manual, Vol. 1, 2, 3;" and the DoDM 4160.21, Vol 1-4, Defense Materiel Disposition Manual.

Other authorities for this collection include: 10 U.S.C. 133b, "Under Secretary of Defense for Acquisition and Sustainment;" 22 U.S.C. 2751-2799, "Arms Export Control;" Export Administration Act of 1979, as amended (Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. 4601 - 4623) as continued under Executive Order 13222, as amended"; E.O. 12738 and E.O 12981, "Export Controls;" 22 CFR 122, 15 CFR 762, and 41 CFR 101-102; DoD Directives 2040.3, "End-Use Certificates (EUCs);" DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services;" DoD Instruction 4161.2, "Management, Control and Disposal of Government Property in the Possession of Contractors;" and E.O. 9397, as amended.

2. Use of the Information

Respondents are individuals and businesses wishing to acquire or gain access to DoD export-controlled personal property. The information is used to determine recipients' eligibility to receive such property transfers in order to conduct business with the government. The information is used to determine if transferees are qualified contractors as described by the Federal Acquisition Regulation System (48 CFR 9 et. seq.); identified on the Lists of Parties of Concern (person and entity); on specially designated nationals (SDNs) or blocked persons; or have violated U.S. export laws or regulations. The End-Use Certificate (EUC) informs the recipients that when this property is to be exported, they

must comply with: the International Traffic in Arms Regulations (ITAR) (22 CFR 120 et. seq.); Export Administration Regulations (EAR) (15 CFR 730 et. seq.); and other applicable export laws and regulations.

3. Use of Information Technology

The DL 1822 End-Use-Certificate is accessible in a digital form fillable PDF format from the Defense Logistics Agency public website. At this time, forms are required to be printed to apply a signature. Once signed, scanned copies of the completed DL1822 may then be submitted via email back to the DoD Component, Federal Agency, or their contractor.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

The information in DLA Form 1822 is collected as necessary to meet Department of Defense mission requirements.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Monday, October 29, 2018. The 60-Day FRN citation is 83 FRN 54329.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Tuesday, February 12, 2019. The 30-Day FRN citation is 84 FRN 3420.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the 60-Day Federal Register Noticed was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is required and is present on the DL 1822, End Use Certificate. The top of the DL 1822 states, "Please read Privacy Act Statement on page 2 before completing this form." The Privacy Act Statement on page 2 conforms with DoD and DLA policy requirements.

A System of Record Notice for this collection is required. It can be located at:

<https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570273/s64045/>

The Defense Logistics Agency Criminal Incident Reporting System (DCIRS) is the only electronic system in which the DLA Form 1822 is stored. The Privacy Impact Assessment for DCIRS is included with this submission and can be found at:

[http://www.dla.mil/Portals/104/Documents/InformationOperations/PrivacyImpact%20Assessments/DCIRS_PIA\(Web%20Version\).pdf](http://www.dla.mil/Portals/104/Documents/InformationOperations/PrivacyImpact%20Assessments/DCIRS_PIA(Web%20Version).pdf)

Records are destroyed 7 years after bid award date. Sales records involving violation of law or regulation are destroyed 15 years after case adjudication is completed.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

A Social Security Number Justification Memo is attached to this package.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument(s)

DLA Form 1822

- a) Number of Respondents: 42,000
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 42,000
- d) Response Time: 20 minutes
- e) Respondent Burden Hours: 14,000 hours

2) Total Submission Burden

- a) Total Number of Respondents: 42,000
- b) Total Number of Annual Responses: 42,000
- c) Total Respondent Burden Hours: 14,000 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

DLA Form 1822

- a) Number of Total Annual Responses: 42,000
- b) Response Time: 20 minutes
- c) Respondent Hourly Wage: \$21.83
- d) Labor Burden per Response: \$7.28
- e) Total Labor Burden: \$305,620.00

2) Overall Labor Burden

- a) Total Number of Annual Responses: 42,000
- b) Total Labor Burden: \$305,620.00

The Respondent hourly wage was determined by using the 2018 Q1 median wage, which is comparable to the GS-9 hourly wage, on the Bureau of Labor Statistics website.

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instrument(s)

DLA Form 1822

- a) Number of Total Annual Responses: 42,000
- b) Processing Time per Response: 15 minutes
- c) Hourly Wage of Worker(s) Processing Responses : \$26.94
- d) Cost to Process Each Response: \$6.74
- e) Total Cost to Process Responses: \$283,080

2) Overall Labor Burden to the Federal Government

- a) Total Number of Annual Responses: 42,000
- b) Total Labor Burden: \$283,080

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories

- a) Equipment: \$0
- b) Printing: \$0
- c) Postage: \$0
- d) Software Purchases: \$0
- e) Licensing Costs: \$0
- f) Other: \$0

2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$283,080
- 2) Total Operational and Maintenance Costs: \$0
- 3) Total Cost to the Federal Government: \$283,080

15. Reasons for Change in Burden

The burden has increased since the previous approval due to an increase in sales, and will further increase due to technical data requests. Estimated annual responses have increased from 40,000 to 42,000; this, in turn, increases the burden from 13,200 hours to 14,000 hours. Future projections are expected to more than double current estimates.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.