

**SUPPORTING STATEMENT U.S.  
Department of Commerce  
Bureau of Industry and Security**

**Requests for Special Priorities Assistance  
OMB Control No. 0694-0057**

**A. Justification**

**1. Explain the circumstances that make the collection of information necessary.**

This information is necessary to support the President's priorities and allocations authority under Title I of the Defense Production Act of 1950, as amended (50 U.S.C. 4501, et seq.), and additional priorities authorities under the Selective Service Act of 1948 (50 U.S.C. 3801, et seq.), as implemented by the Defense Priorities and Allocations System (DPAS) regulation (15 CFR part 700). The purpose of this authority is to ensure the timely delivery of products, materials, and services to meet current national defense requirements. The definition of "national defense" in Section 702(14) of the DPA provides that this term includes "homeland security," "emergency preparedness activities" conducted pursuant to Section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. 5195a), and "critical infrastructure protection and restoration."

Contractors may request Special Priorities Assistance (SPA) when placing rated orders with suppliers, to obtain timely delivery of products, materials or services from suppliers, or for any other reason under the DPAS, in support of approved national programs. The Form BIS-999 is used to apply for such assistance.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The information is used by the Office of Strategic Industries and Economic Security (SIES), Bureau of Industry and Security, Department of Commerce and the four DPAS Delegate agencies: the Department of Defense (DOD) and its associated agencies, the Department of Energy (DOE), the General Services Administration (GSA), and the Department of Homeland Security (DHS), to provide Special Priorities Assistance (SPA).

Although the DPAS is designed to be largely self-executing, problems do occur from time-to-time. Such problems include assistance in obtaining timely deliveries of items needed to satisfy defense requirements, locating a supplier, resolving production or delivery conflicts between multiple rated orders, verifying the urgency and determining the validity of rated orders, or

authorizing the use of the DPAS authority on contracts or purchase orders to obtain items not automatically included under the DPAS. SPA can be provided for any reason in support of the DPAS.

Use of Form BIS-999 serves to structure the information concerning DPAS problems so that it can be presented in writing to the appropriate DPAS Delegate agency and SIES officials for assistance and resolution. Each item of information requested is needed to enable these officials to take appropriate action to resolve DPAS problems on a case-by-case basis. The information requested includes identification of the sponsoring government agency, government program or end-product, the involved parties (customer, supplier, etc.), contract or purchase order information, description of the items required, use of the items, current shipment schedule, and description of problem and urgency of requirement.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and specific operating unit guidelines.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The use of automated systems for recordkeeping and data retrieval by many business entities facilitates the generation of necessary information. Form BIS-999 is currently available via the Internet from the BIS website (<http://www.bis.doc.gov/index.php/other-areas/strategic-industries-and-economic-security-sies/defense-priorities-a-allocations-system-program-dpas>) and can also be downloaded as a PDF file, filled out, and transmitted electronically as an attachment to an e-mail.

**4. Describe efforts to identify duplication.**

The contractor applicants are the only known source of this information. There is no similar information available.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

All business entities keep records of their transactions and most of them, both large and small, have integrated defense rated order recordkeeping built into their general recordkeeping systems. The information required to be provided on Form BIS-999 is readily available to the application from these records. Therefore, the additional burden on a smaller entity is minimal, and the overall burden is further minimized by computerized recordkeeping.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

A request for SPA is voluntary and is made only when the contractor wants assistance. SPA enables DOD, DOE, GSA, DHS, and SIES to properly implement delegated responsibilities under the Defense Production Act, the Selective Service Act, and the DPAS in support of approved national defense, energy, homeland security, and emergency preparedness programs, including critical infrastructure protection and restoration.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

There are no special circumstances that require the information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The notice requesting public comment was published in the Federal Register on 3/25/2019, Page 84 FR 11048. No comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

There is no plan to provide any payment or gift to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The following information is stated on the form: "All company information furnished related to this application will be deemed BUSINESS CONFIDENTIAL under Sec. 705(d) of the Defense Production Act of 1950 [50 U.S.C. 4555] which prohibits publication or disclosure of this information unless the President determines that withholding it is contrary to the interest of the national defense. The Department of Commerce will assert the appropriate Freedom of Information Act (FOIA) exemptions if such information is the subject of FOIA requests. The unauthorized publication or disclosure of such information by Government personnel is prohibited by law. Violators are subject to fine and/or imprisonment."

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

The total annual public burden is estimated to be **10 hours**. This is based on 30 minutes of burden for each of **20 annual responses**.

The information reported on Form BIS-999 is used by the applicant in the conduct of its own operations. These information activities are totally integrated into the operating and overhead expenses of most respondents which generally use automated systems for recordkeeping and information retrieval, minimizing the involvement of higher paid executive personnel. Accordingly, it is estimated that the average annual cost to each respondent to prepare the form is \$17.50 for 30 minutes per year of both management and clerical time (15 minutes of management time at \$32 per hour, plus 15 minutes of clerical time at \$10.00 per hour, plus \$.50 for 30 minutes of administrative expense, plus \$6.50 for 30 minutes of overhead expense). Assuming 20 respondents per year, **the total annual cost to all respondents is \$350** (\$17.50 x 20 responses). This estimate assumes that no applicant will file more than one Form BIS-999 per year. Form BIS-999 is prepared only when SPA is needed by a DPAS delegate agency or by a company supporting a national defense program. There is no way to estimate the average number of times a respondent will request SPA. However, with access to the automated SPA process described below, it is anticipated that these costs will be substantially reduced. No meaningful estimate of this anticipated reduction in burden is available at this time.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

Not Applicable.

**14. Provide estimates of annualized cost to the Federal government.**

The annual cost of this survey to the Federal Government is difficult to estimate with any certainty. While the prorated salaries and overhead of SIES's personnel engaged in SPA activities and the costs of printing and distributing the forms are known, the total number of government personnel engaged in SPA work, their salaries, the time spent by these persons doing this work, and the amount of prorated overhead expense at the various agencies to which requests for SPA are submitted, are unknown. However, certain assumptions can be made based on SIES's knowledge of how SPA requests are handled by these agencies. If an estimated number of agency man-years is multiplied by the average annual cost to the government of a professional level federal employee that would ordinarily handle an SPA request, that number (\$40,000), plus SIES's personnel, administrative, costs attributable to SPA activities (\$10,000), suggests a total annual cost to the Federal Government of \$50,000. Modest printing and distribution cost savings are attributable to the BIS-999 Form being publicly and electronically available from the BIS/DPAS web site, enabling respondents to download the form, prepare it, and transmit a completed form as an e-mail attachment.

**15. Explain the reasons for any program changes or adjustments.**

The 1,200 number reflected the state of business prior to a change in BIS's Delegation of Authority to DOD for the DPAS that took place about 20 years ago where SPA requests using this form were more common. Since that time, such requests are much less frequent. The number of 20 per year is an accurate reflection of BIS's receipt of SPA requests for at least the past 10 years, so using this number is a much more accurate number for burden purposes.

BIS-999 has been changed to update the language on the form and also update some regulatory and statutory citations.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The information is considered business proprietary and is not to be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

BIS believes that adding an expiration date to this form is not feasible. Anyone that is seeking Special Priorities Assistance (SPA) needs to fill out a BIS-999 form, whether it is a USG agency like DOD or DHS, a U.S. company in receipt of a rated order from the U.S. Government, or even a foreign government seeking DPAS assistance. While the DPAS is administered by Commerce, by far the largest user of the DPAS is DOD, which estimates that it places 300,000 DPAS rated orders each year, which result in additional 400,000 or more rated orders that are "flowed down" through the supply chain. The other users of the DPAS (primarily DHS, but some other USG agencies and foreign governments) in total have about 500 rated orders per year. If there are instances where an SPA request is needed, it is highly likely that will come from a DOD-sourced DPAS rated order (the request could come from DOD itself or one of their contractors). DOD also has an office devoted to DPAS issues and compliance. DOD maintains the BIS-999 form on their websites for ease of use given their heavy use of the DPAS authority. However, because this is a Commerce authority, we do not believe this should be a common form as it is specific to Commerce's regulations.

**18. Explain each exception to the certification statement.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not applicable.