

SUPPORTING STATEMENT - PART A

Post Government Employment Advice Opinion Request – 0704-0467

1. Need for the Information Collection

The information collection is necessary to obtain 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 for Fiscal Year 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.

In addition to the referenced statute, many private sector employers ask retiring DoD personnel to provide post Government employment ethics opinions from the DoD counsel. This form is used by DoD ethics officials to gather information to write the appropriate opinion. Using the form is more efficient than asking the same questions each time an opinion letter is requested.

2. Use of the Information

DoD personnel (the respondents) that are accepting a job in the private sector are subject to Post-Government employment laws. Many private, non-Federal entities request a post-Government employment letter from the former DoD employee's ethics official. In order to write this letter, DoD ethics officials must collect information about the former DoD employee, where he or she worked, what he or she did at DoD to determine if those duties would conflict with their new duties with their private sector employer. The DD Form 2945 (Post Government Employment Advice Opinion Request) captures the necessary information to draft the opinion letter. Without this form, the ethics attorney could not draft the letter. Without the letter, the respondent would not be able to take the new private sector job. DD Form 2945 only asks for questions such as how long they served in DoD at which position, and for a job description(s) of those position(s). Respondents access the form after asking for an opinion, or, when asking to receive an ethics briefing. Generally, the form is returned via a scanned copy by email; however, some forms are returned by mail. Outside of the form, no other invitations or communications are sent to the respondent. The information is used by a private sector firm to hire the former DoD employee relying upon the Government ethics opinion that the former government employee would not violate the law working for the private sector entity. It captures information that could inform whether the former employee could violate 18 U.S.C. 207(a)(1)(2) and c. The former employee could also violate the Procurement Integrity Law at 41

U.S.C. 2104. Finally, the former employee is subject to 847, and could violate that law. The form asks questions that address the elements of the criminal ethics post-employment law, 18 U.S.C. 207(a)(1), (2), and 207(c), the procurement integrity act, and section 847.

3. Use of Information Technology

About 90% of the forms are submitted via e-mail and 10% are submitted by postal mail.

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

Information collection is only required when certain DoD personnel leave DoD for the private sector. This is not an annual collection of forms gathered from the same people. If the questionnaire would not be used, we would have to call and ask, or, email and ask the same questions of certain departing officials to determine if a violation of the conflict of interest laws occurred.

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 Friday, March 22, 2019. The 60-Day FRN citation is 84 FRN 10802.

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

A 30-Day Federal Register Notice for the collection published on Wednesday, May 22, 2019. The 30-Day FRN citation is 84 FRN 23537.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register 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

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. See section 847 of the National Defense Authorization Act for Fiscal Year 2008.

Information collection is retained under OGE/GOVT1, a system of records containing confidential financial disclosure reports, information necessary for the rendering of ethics, counseling, opinion, advice, and conflict of interest.

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570731/ogegovt-1/>

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

Records retention information is outlined on the SORN.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument(s)

[DD Form 2945]

- a) Number of Respondents: 250
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 250
- d) Response Time: 1 hour
- e) Respondent Burden Hours: 250 hours

2) Total Submission Burden (Summation or average based on collection)

- a) Total Number of Respondents: 250
- b) Total Number of Annual Responses: 250
- c) Total Respondent Burden Hours: 250 hours

Part B: LABOR COST OF RESPONDENT BURDEN

- 1) Collection Instrument(s)
[DD Form 2945]
 - a) Number of Total Annual Responses: 250
 - b) Response Time: 1 Hour
 - c) Respondent Hourly Wage: \$84
 - d) Labor Burden per Response: \$84
 - e) Total Labor Burden: \$21,000

- 2) Overall Labor Burden
 - a) Total Number of Annual Responses: 250
 - b) Total Labor Burden: \$21,000

The Respondent hourly wage was determined by using the Department of Labor Wage Website at <http://www.dol.gov/dol/topic/wages/index.htm>

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)
[DD Form 2945]
 - a) Number of Total Annual Responses: 250
 - b) Processing Time per Response: 1 hours
 - c) Hourly Wage of Worker(s) Processing Responses : \$95
 - d) Cost to Process Each Response: \$95
 - e) Total Cost to Process Responses: \$23,750

- 2) Overall Labor Burden to the Federal Government
 - a) Total Number of Annual Responses: 250
 - b) Total Labor Burden: \$23,750

Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
 - a) Equipment: \$244,000
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0

2) Total Operational and Maintenance Cost: \$244,000

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$24,000
- 2) Total Operational and Maintenance Costs: \$244,000
- 3) Total Cost to the Federal Government: \$268,000

15. Reasons for Change in Burden

There has been no change in burden since the last approval.

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.