

**SUPPORTING STATEMENT FOR INFORMATION COLLECTION**  
**Prohibition on Contracting for Certain Telecommunications and**  
**Video Surveillance Services or Equipment**  
**OMB Control Number 9000-0199**

**A. Justification**

**1. Circumstances that make the collection of information necessary.** This information collection supports implementation of subparagraph (a)(1)(A) of Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232). This section prohibits the head of an executive agency from procuring, obtaining, extending or renewing a contract to procure or obtain any equipment, system, or service that uses covered telecommunication equipment or services as a substantial or essential component of any system, or as a critical technology as part of any system, unless an exception applies or a waiver has been granted. This requirement is implemented in the Federal Acquisition Regulation (FAR) through the provision at FAR 52.204-XX, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment and clause at FAR 52.204-YY, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment

**2. Use of information.**

Information collected under the provision at FAR 52.204-XX will be used to identify if an offeror intends to provide covered telecommunications equipment or services and their intended use in order to determine whether the offer presents a risk to national security or if an exception applies.

Information collected under the clause at FAR 52.204-YY will consist of reports from contractors who have identified covered telecommunication equipment or services during performance of a contract, and will be used by agency personnel to identify and remove prohibited equipment or services from use.

**3. Consideration of information technology.** Federal agencies will use information technology to the maximum extent practicable. Where both the Government and the contractor are capable of electronic interchange, the information collection requirements may be submitted electronically. The usage of information technology will be nearly 100 percent.

**4. Describe efforts to identify duplication.** There is no duplication of information under this collection. 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, describe any methods used to minimize the burden.** The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

**6. Describe the consequences to Federal activities if the collection is not conducted or is conducted less frequently.** Subparagraph (a)(1)(A) of section 889 is being implemented as a national security measure to protect Government information and telecommunication systems. Consequences if collection is not conducted or conducted less frequently could include the compromise of Government information systems, release and compromise of Government data, and harm to national security.

**7. Special circumstance for collection.** Collection is consistent with the guidelines in 5 CFR 1320.6.

**8. Summary of the public comments received in response to the publication of the information collection requirement in the Federal Register of the agency's notice.**

DoD, GSA, and NASA requested, and OMB authorized, emergency processing of the collection of information involved in this rule, consistent with 5 CFR 1320.13. National security is a primary direct benefit of this rule. DoD, GSA, and NASA intend to provide separate 60-day notice in the Federal Register requesting public comment on the information collections contained within this rule under OMB Control Number (9000-0199).

**9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or guarantees.** There will be no payment or gift to respondents, other than remuneration of contractors.

**10. Describe assurance of confidentiality provided to respondents.** This information is disclosed only to the extent consistent with prudent business practices, current regulations, and in accordance with the requirements of the Freedom of Information Act.

**11. Additional justification for questions of a sensitive**

**nature.** No sensitive questions are involved.

**12. Estimated total annual public hour burden.**

FAR 52.204-XX requires an offeror to represent whether they will provide any covered telecommunications equipment or services and if so, describe in more detail the use of the covered telecommunications equipment or services. Data from the Federal Procurement Data System (FPDS) indicates that the Government awarded an average of 3,925,834 contracts and orders to an average of 95,223 unique entities in Fiscal Years (FY) 2016-2018.

DoD, GSA, and NASA estimate that the number of entities required to represent will be twice the number of unique entities awarded contracts (190,446), assuming that approximately 2 entities will submit offers for each contract or order. DoD, GSA, and NASA further estimate that up to 10 percent of these unique entities (19,045) will be responsible for submitting more detailed representations regarding the use of covered telecommunications equipment or services.

It is also assumed that each of the 3,925,834 contracts and orders received 2 offers or quotes, resulting in an estimated 7,851,668 total representations required. DoD, GSA, and NASA estimate that 0.75% of these offers (58,888) may include covered telecommunications equipment or services, requiring more detailed representation regarding the use of that equipment or those services.

Based on these entity and response totals, DoD, GSA, and NASA estimate that in cases where no additional detail regarding the use of covered telecommunications equipment or services is necessary, there will be an average of 45.5 responses per entity. In cases where additional detail is necessary, DoD, GSA and NASA estimate an average of 3 responses per entity.

DoD, GSA, and NASA assume that completing the representation in cases where more detailed information is not necessary will take an average of 5 minutes (.08333 hours), while completion in cases where additional detail is necessary will take an average of three hours.

**Representation Burden:**

<b>A. No Additional Detail Required</b>	
Number of respondents:	171,401
Responses per respondent:	45.5

Total annual responses:	7,798,746
Hours per response:	.08333
Total hours:	649,869
Hourly rate*:	\$53
Total Annual Cost:	\$34,443,057

**B. Additional Detail Required**

Number of respondents:	19,045
Responses per respondent:	3
Total annual responses:	57,135
Hours per response:	3
Total hours:	171,405
Hourly rate*:	\$53
Total Annual Cost:	\$9,084,465

**Total Representation Cost**

Total number of respondents:	190,446
Average responses per respondent:	41.25
Total annual responses:	7,855,881
Average hours per response:	.105
Total hours:	821,274
Hourly rate*:	\$53
Total Representation Cost:	\$43,527,522

\*The hourly rate is based on the equivalent of a FY 2016 GS-12, Step 5, of \$38.56, with locality pay for the Rest of the U.S., plus overhead of 36.25 percent, for a total of \$52.54, rounded to the nearest dollar.

FAR 52.204-YY requires a written report in cases where a contractor (or subcontractor to whom the clause has been flowed down) identifies or receives notification from any source that covered telecommunication equipment or services has been provided to the Government as a substantial or essential component of any system, or as critical technology as part of any system during contract performance. Data from FPDS indicates that the Government awarded contracts to an average of 95,223 unique entities in Fiscal Years (FY) 16-18. DoD, GSA, and NASA estimate that 5% of those entities (4,761) will submit approximately 5 written reports annually pursuant to FAR 52.204-YY.

**Reporting Burden:**

Number of respondents:	4,761
Responses per respondent:	5
Total annual responses:	23,805
Hours per response:	1.5

Total hours:	35,707.5
Hourly rate*:	\$53
Total Annual Cost:	\$1,892,497.5

\*The hourly rate is based on the equivalent of a FY 2016 GS-12, Step 5, of \$38.56, with locality pay for the Rest of the U.S., plus overhead of 36.25 percent, for a total of \$52.54, rounded to the nearest dollar.

Total Public Burden:

52.204-XX Representation:	\$43,527,522
52.204-YY Reporting	<u>\$1,892,497.5</u>
Total Public Burden:	\$45,420,019.5

### Summary

Estimated total number of respondents	195,207
Total annual responses	7,879,686
Estimated total burden hours	856,981.5
Total estimated annual cost to public	\$45,420,019.5

**13. Capital start-up or operational land maintenance costs.** We do not estimate any annual cost burdens other than the burdens we describe in items 12 and 14.

### 14. Estimated cost to the Government.

The average time required by the Government to review 7,855,881 representations is estimated at .08333 hours per response:

Representation Responses:	7,855,881
Average hours per response:	<u>× .08333 hr.</u>
Government burden hours:	654,631 hrs.

Averages wages (\$38.56 + 36.25% OH):	<u>× \$ 53*</u>
Estimated Annual Government Burden:	\$34,695,443

The average time required by the Government to review 4,761 reports is estimated at 3 hours per report:

Report Responses:	23,805
Average hours per response:	<u>× 3 hr.</u>
Government burden hours:	71,415 hrs.

Averages wages (\$38.56 + 36.25% OH):	<u>× \$ 53*</u>
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Estimated Annual Government Burden: \$3,784,995

\*The hourly rate is based on the equivalent of a FY 2016 GS-12, Step 5, of \$38.56, with locality pay for the Rest of the U.S., plus overhead of 36.25 percent, for a total of \$52.54, rounded to the nearest dollar.

Total Government Burden:

52.204-XX Representation	\$34,695,443
52.204-YY Reporting	<u>\$3,784,995</u>
Total Government Burden	\$38,480,438

**15. Explain reasons for program changes or adjustment reported in Item 13 or 14.** This is a new information collection requirement.

**16. Outline plans for published results of information collection.** There are no plans to publish the results of this collection of information.

**17. Approval not to display expiration date.** DoD, GSA and NASA are not seeking such approval.

**18. Explanation of exception to certification statement.** There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.

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