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2 **SUPPORTING STATEMENT FOR INFORMATION COLLECTION**  
3 **Prohibition on Contracting for Certain Telecommunications and**  
4 **Video Surveillance Services or Equipment**  
5 **OMB Control Number 9000-0XXX**  
6  
7

8 **A. Justification**  
9

10 **1. Circumstances that make the collection of information**  
11 **necessary.** This information collection supports implementation  
12 of subparagraph (a)(1)(B) of Section 889 of the John S. McCain  
13 National Defense Authorization Act for Fiscal Year 2019 (Pub. L.  
14 115-232). This section prohibits Government procurement from an  
15 entity that uses any equipment, system, or service that uses  
16 covered telecommunications equipment or services as a substantial  
17 or essential component of any system, or as critical technology  
18 as part of any system, on or after August 13, 2020, unless an  
19 exception applies or a waiver has been granted.

20 This requirement is implemented in the Federal Acquisition  
21 Regulation (FAR) through the provision at FAR 52.204-24,  
22 Representation Regarding Certain Telecommunications and Video  
23 Surveillance Services or Equipment and the clause at FAR 52.204-  
24 25, Prohibition on Contracting for Certain Telecommunications and  
25 Video Surveillance Services or Equipment.

26  
27 **2. Use of information.** Information collected under provision  
28 at 52.204-24 will be used to identify if an offeror uses any  
29 equipment, system, or service that uses covered  
30 telecommunications equipment or services as a substantial or  
31 essential component of any system, or as critical technology as  
32 part of any system, and their intended use in order to determine  
33 whether the prohibition applies.

34  
35 Information collected under the clause at FAR 52.204-25 will  
36 consist of reports from contractors who have identified, post-  
37 award, the use of any equipment, system, or service that uses  
38 covered telecommunications equipment or services as a substantial  
39 or essential component of any system, or as critical technology  
40 as part of any system, and requires a disclosure that will be  
41 used by agency personnel to identify and consult with legal

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42 counsel and the program office on next steps regarding the  
43 prohibited equipment or services.

44  
45 If the Government seeks a waiver from the prohibition, the  
46 offeror will be required to provide a full and complete laydown  
47 of the presences of covered telecommunications or video  
48 surveillance equipment or services in the entity's supply chain  
49 and a phase-out plan to eliminate such covered telecommunications  
50 equipment or services from the offeror's systems.

51  
52 **3. Consideration of information technology.** Federal agencies  
53 will use information technology to the maximum extent  
54 practicable. Where both the Government and the contractor are  
55 capable of electronic interchange, the information collection  
56 requirements may be submitted electronically. The usage of  
57 information technology will be nearly 100 percent.

58  
59 **4. Describe efforts to identify duplication.** There is no  
60 duplication of information under this collection. This  
61 requirement is being issued under the FAR, which has been  
62 developed to standardize Federal procurement practices and  
63 eliminate unnecessary duplication. It is assumed that the review  
64 required for 889(a)(1)(A) is separate and distinct from the  
65 review required for 889(a)(1)(B) as these are very different  
66 requirements.

67  
68 **5. If the collection of information impacts small businesses,**  
69 **describe any methods used to minimize the burden.** The burden  
70 applied to small businesses is the minimum consistent with  
71 applicable laws, Executive orders, regulations, and prudent  
72 business practices.

73  
74 **6. Describe the consequences to Federal activities if the**  
75 **collection is not conducted or is conducted less frequently.**  
76 Subparagraph (a)(1)(B) of section 889 is being implemented as a  
77 national security measure to protect Government information and  
78 telecommunication systems. Consequences if collection is not  
79 conducted or conducted less frequently could include the  
80 compromise of Government information systems, release and  
81 compromise of Government data, and harm to national security.

82

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

85  
86 **8. Summary of the public comments received in response to the**  
87 **publication of the information collection requirement in the**  
88 **Federal Register of the agency's notice.** Public comments have  
89 not yet been received.

90  
91 **9. Explanation of any decision to provide any payment or gift**  
92 **to respondents, other than remuneration of contractors or**  
93 **guarantees.** There will be no payment or gift to respondents,  
94 other than remuneration of contractors.

95  
96 **10. Describe assurance of confidentiality provided to**  
97 **respondents.** This information is disclosed only to the extent  
98 consistent with prudent business practices, current regulations,  
99 and in accordance with the requirements of the Freedom of  
100 Information Act.

101  
102 **11. Additional justification for questions of a sensitive**  
103 **nature.** No sensitive questions are involved.

104  
105 **12. Estimated total annual public hour burden.**

106  
107 **Representation Burden for 52.204-24:**

108 The representation at 52.204-24 must be completed by each  
109 offeror. This provision requires an offeror to represent whether  
110 it "does" or "does not" use any equipment, system, or service  
111 that uses covered telecommunications equipment or services as a  
112 substantial or essential component of any system, or as critical  
113 technology as part of any system.

114  
115 Based on FPDS data there were 38,854,291 contracts and orders  
116 awarded to an average of 102,792 unique entities in Fiscal Years  
117 (FY) 2016-2019. DoD, GSA, and NASA estimate that all entities  
118 will be required to represent under all awarded contracts and  
119 orders, or 38,854,291 times. Based on these entity and response  
120 totals, DoD, GSA, and NASA estimate that there will be an average  
121 of 378 responses per entity. DoD, GSA, and NASA assume that  
122 completing the representation will take an average of three  
123 hours, because the unique entities that respond affirmatively

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124 will be responsible for submitting more detailed disclosures  
125 regarding the use of covered telecommunications equipment or  
126 services, and there is an assumption that most entities will  
127 respond affirmatively.

128		
129	Number of respondents:	102,792
130	Responses per respondent*:	378
131	Total annual responses:	38,854,291
132	Hours per response:	3
133	Total hours:	116,562,873
134	Hourly rate**:	\$94.76
135	Total Annual Cost:	\$11,045,497,845

136  
137 \* The responses per respondent was determined by dividing total  
138 annual responses by number of respondents and rounding to nearest  
139 whole number, if left unrounded the value of annual responses is  
140 38,854,291.

141 \*\* The hourly rate is based on the equivalent of a FY 2019 GS-13,  
142 Step 5, of \$47.38, with locality pay for the Rest of the U.S.,  
143 plus overhead and fringe benefits of 100 percent, for a total of  
144 \$94.76.-

145  
146 **Reporting Burden for 52.204-25:**

147 FAR 52.204-25 requires a written report in cases where a  
148 contractor (or subcontractor to whom the clause has been flowed  
149 down) identifies or receives notification from any source that an  
150 entity in the supply chain uses any equipment, system, or service  
151 that uses covered telecommunications equipment or services as a  
152 substantial or essential component of any system, or as critical  
153 technology as part of any system. Data from FPDS indicates that  
154 the Government awarded contracts to an average of 102,792 unique  
155 entities in Fiscal Years (FY) 16-19. DoD, GSA, and NASA estimate  
156 that 5% of those entities (5,140) will submit approximately 5  
157 written reports annually pursuant to FAR 52.204-25 that an entity  
158 has been discovered post-award that uses the covered  
159 telecommunications.

160		
161	Number of respondents:	5,140
162	Responses per respondent:	5
163	Total annual responses:	25,700
164	Hours per response:	3

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165	Total hours:	77,100
166	Hourly rate*:	\$94.76
167	Total Annual Cost:	\$7,305,996

168  
 169 \* The hourly rate is based on the equivalent of a FY 2019 GS-13,  
 170 Step 5, of \$47.38, with locality pay for the Rest of the U.S.,  
 171 plus overhead and fringe benefits of 100 percent, for a total of  
 172 \$94.76.-

173  
 174

175 **Waiver Reporting Burden:**

176 If the Government seeks a waiver from the prohibition, the  
 177 offeror will be required to provide a full and complete laydown  
 178 of the presences of covered telecommunications or video  
 179 surveillance equipment or services in the entity's supply chain  
 180 and a phase-out plan to eliminate such covered telecommunications  
 181 equipment or services from the offeror's systems. There is no  
 182 way to estimate the total number of waivers at this time. For the  
 183 purposes of complying with the PRA analysis, the FAR Council  
 184 estimates 20,000 waivers and 160 hours (4 weeks); however there  
 185 is no data for the basis of these estimates. The total estimated  
 186 hours may be higher or lower once the rule is in effect.

187  
 188

189	Number of respondents:	20,000
190	Responses per respondent:	1
191	Total annual responses:	20,000
192	Hours per response:	160
193	Total hours:	3,200,000
194	Hourly rate*:	\$94.76
195	Total Annual Cost:	\$303,232,000

196  
 197

198 \* The hourly rate is based on the equivalent of a FY 2019 GS-13,  
 199 Step 5, of \$47.38, with locality pay for the Rest of the U.S.,  
 200 plus overhead and fringe benefits of 100 percent, for a total of  
 201 \$94.76.-

202  
 203

204  
 205

Total Public Burden:

52.204-24 Representation:	\$11,045,497,845
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206	52.204-25 Clause:	\$7,305,996
207	Waiver Reporting:	\$303,232,000
208	Total Public Burden:	\$11,356,035,841

209  
 210 **13. Capital start-up or operational land maintenance costs.** We  
 211 do not estimate any annual cost burdens other than the burdens we  
 212 describe in items 12 and 14.

213  
 214 **14. Estimated cost to the Government.**

215  
 216 **Government burden 52.204-24:**  
 217 The average time required by the Government to review  
 218 representations from the provision at 52.204-24 is estimated at 3  
 219 hours per response:

220		
221	Representation Responses:	38,854,291
222	Average hours per response:	3
223	Government burden hours:	116,562,873
224	Hourly Rate*:	\$94.76
225	Estimated Annual Government Burden:	\$11,045,497,845

226  
 227 \*The hourly rate is based on the equivalent of a FY 2019 GS-13,  
 228 Step 5, of \$47.38, with locality pay for the Rest of the U.S.,  
 229 plus overhead and fringe benefits of 100 percent, for a total of  
 230 \$94.76.

231  
 232 **Government for 52.204-25:**  
 233 The average time required by the Government to review reports  
 234 from the clause at 52.204-25 is estimated at 3 hours per  
 235 response:

236		
237	Report Responses:	25,700
238	Average hours per response:	3
239	Government burden hours:	77,100
240	Averages wages**:	\$94.76
241	Estimated Annual Government Burden:	\$7,305,996

242  
 243 \* The hourly rate is based on the equivalent of a FY 2019 GS-13,  
 244 Step 5, of \$47.38, with locality pay for the Rest of the U.S.,  
 245 plus overhead and fringe benefits of 100 percent, for a total of  
 246 \$94.76.

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247  
248 **Government for Waiver:**  
249 There is no way to estimate the total number of waivers at this  
250 time. For the purposes of complying with the PRA analysis, the  
251 FAR Council estimates 20,000 waivers and 320 hours (8 weeks);  
252 however there is no data for the basis of these estimates. The  
253 total estimated hours may be higher or lower once the rule is in  
254 effect. The average time estimated for the Government to review  
255 and process waivers is 320 hours per response:

256		
257	Number of respondents:	20,000
258	Responses per respondent:	1
259	Total annual responses:	20,000
260	Hours per response:	320
261	Total hours:	6,400,000
262	Hourly rate*:	\$94.76
263	Total Annual Cost:	\$606,464,000

264  
265 **Total Government Burden:**

266		
267	52.204-24 Representation:	\$11,045,497,845
268	52.204-25 Reporting:	\$7,305,996
269	Waiver Reporting:	<u>\$606,464,000</u>
270	Total Government Burden:	\$11,659,267,841

271  
272 **15. Explain reasons for program changes or adjustment reported**  
273 **in Item 13 or 14.** There are no changes to report.

274  
275 **16. Outline plans for published results of information**  
276 **collection.** There are no plans to publish the results of this  
277 collection of information.

278  
279 **17. Approval not to display expiration date.** DoD, GSA and NASA  
280 are not seeking such approval.

281  
282 **18. Explanation of exception to certification statement.** There  
283 are no exceptions to the certification accompanying this  
284 Paperwork Reduction Act submission.

285  
286 **B. Collections of Information Employing Statistical Methods.**  
287 Statistical methods are not used in this information collection.

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