

SUPPORTING STATEMENT PART A  
OMB Control Number 0750-0XXX  
Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region–  
Certification; DFARS Provision 252.225-70UU

1. Need for the Information Collection

This statement supports a request for approval of the new information collection requirement for Defense Federal Acquisition Regulation Supplement (DFARS) part 225 and related DFARS solicitation provision 252.225-70UU. This information collection originated with DFARS interim rule 2022-D008, entitled Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region.

The rule implements section 848 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116-283), which adds solicitation provision 252.225-70UU, Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region–Certification, to the DFARS. The provision is included in solicitations for the acquisition of supplies utilizing funds appropriated or otherwise made available for FY 2022. The provision requires the offeror to certify that it has made a good faith effort to determine that forced labor from Xinjiang Uyghur Autonomous Region of the People’s Republic of China (XUAR) was not or will not be used in the performance of a contract resulting from the solicitation. If the offeror responds negatively to the certification, then the offeror is not eligible for contract award.

2. Use of the Information

DFARS 252.225-70UU, Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region–Certification, as prescribed at DFARS 225.70YY-5, requires the offeror to certify that it has made a good faith effort to determine that forced labor from XUAR was not or will not be used in the performance of a contract resulting from the solicitation. This will be used to determine whether the offeror is eligible for contract award. If the offeror responds negatively, they are considered ineligible for contract award. The section 848 prohibition will not apply to purchases under the micro-purchase threshold made using the Governmentwide commercial purchase card or to purchases using the SF 44 in accordance with 213.306.

3. Use of Information Technology

DoD plans to use information technology to collect the provision’s certification (estimated at 100%). In compliance with 44 U.S.C. 3504 (a)(1)(B)(vi), DoD provides the option for the electronic submission of information, when practicable, as a substitute for paper. In addition, Federal Acquisition Regulation (FAR) 2.101 defines the terms “in writing” and “written” to include “electronically transmitted and stored information. Standardized or repetitive data is not involved. Offerors or contractors may, however, submit any required information in formats that are compatible with their automated systems.

#### 4. Non-duplication

As a matter of policy, DoD reviews the FAR to determine if adequate language already exists. This information collection is required to implement a DoD-unique statute and is not duplicative of language in the FAR. Similar information is not otherwise available to the contracting officer.

#### 5. Burden on Small Business

The burden applied to small businesses is the minimum consistent with applicable laws, executive orders, regulations, and prudent business practices.

#### 6. Less Frequent Collection

The rule provides for the certifications necessary to implement section 848 of the NDAA for FY 2022. Less frequent collection would not adequately implement the statutory requirements.

#### 7. Paperwork Reduction Act Guidelines

No special circumstances for collections exist. The collection of information is consistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

#### 8. Consultation and Public Comments

##### a. Public Notice

i. A 60-day notice for the collection will be published in the *Federal Register* with the interim rule.

ii. A 30-day notice will be published in the *Federal Register* after receipt of comments in response to the interim rule.

##### b. Consultation

No additional consultation, apart from soliciting public comments through the *Federal Register*, was conducted for this submission.

#### 9. Gifts or Payment

No payment or gifts will be provided to respondents as an incentive to participate in the collection, other than remuneration of contractors under their contracts.

#### 10. Confidentiality

This information is disclosed only to the extent consistent with prudent business practices and current laws and regulations. No assurance of confidentiality is provided to respondents. A Privacy Act Statement is not required for this collection because DoD is not requesting

individuals to furnish personal information for a system of records. A System of Record Notice (SORN) is not required for this collection because records are not retrievable by personally identifiable information (PII). A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

11. Sensitive Questions

No questions of a sensitive nature are included in this collection.

12. Respondent Burden and its Labor Costs

1. Estimation of Respondent Burden

The estimated burden to the public for DFARS 252.225-70UU, Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region–Certification, is based on data from the Federal Procurement Data System for FY 2020, 2021, and 2022, for DoD purchases of supplies or end products valued above the micro-purchase threshold (currently \$10,000), including commercial products and commercially available off-the-shelf items. DoD made an average of 374,735 awards to 16,122 unique entities each year. There were an average of 931,091 offerors (not unique entities) for those awards each year.

The provision at 252.225-70UU requires offerors to certify that they have made a good faith effort to determine that forced labor from XUAR was not or will not be used in the performance of a contract resulting from the solicitation. The number of respondents is equal to the number of offerors, which is 931,091. Since these are not unique entities, each offeror is estimated to submit 1 response. DoD estimates that each response would require approximately 1 hour.

The estimated respondent burdens and labor costs are shown in the following table.

Estimation of Respondent Burden Hours: 252.225-70UU	
Number of respondents	931,091
Number of responses per respondent	1
Number of total annual responses	931,091
Hours per response	1
Annual respondent burden hours (Total annual responses * hours per response)	931,091

2. Labor Cost of Respondent Burden

The number of responses is estimated to be 931,091 annually, and the time required per response is estimated to be 1 hour. It is estimated that the certification would be provided by the professional midlevel management official who is most likely to be responsible for verifying and complying with the certification at the time of offer at a GS-12, step 5 level. To the labor rate of \$43.10, DoD applied an overhead of 36.25 percent (based on the OMB Memorandum M-08-13,

March 11, 2008 Civilian Position Full Fringe Benefit Cost Factor), which equals \$58.72 per hour.

Labor Cost of Respondent Burden: 252.225-70UU	
Number of total annual responses	931,091
Hours per response	1
Cost per hour (hourly wage)	\$58.72
Labor burden per response (1 * \$58.72)	\$58.72
Annual Labor Burden (Total annual responses * hours per response * hourly wage)	\$54,673,664

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs, capital start-up or operational maintenance costs associated with this information collection, other than the hour burden detailed in paragraph 12.

14. Cost to the Federal Government

The time required for the Government review is estimated at 1 hour per response. The cost is based on the average hourly wage of a GS-12, step 5, plus 36.25% overhead, for a total hourly cost of \$58.72.

Estimation of Respondent Burden Hours:	
Number of responses	931,091
Hours per response (6 minutes)	0.1
Estimated hours (number of responses multiplied hours per response)	93,109
Cost per hour (hourly wage)	\$58.72
Annual Government burden (estimated hours multiplied by cost per hour)	\$5,467,360

15. Publication of Results

The results of this collection will not be published.

16. Non-Display of OMB Expiration Date

DoD is not seeking approval to omit the display of the expiration date of OMB approval of the information collection.

17. Exceptions to “Certification for Paperwork Reduction Submissions”

There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.