

DETERMINATION FOR EMERGENCY CLEARANCE

1. DoD has a requirement to collect information from offerors regarding the use of forced labor from the Xinjiang Uyghur Autonomous Region in the People's Republic of China (XUAR) in the performance of a DoD contract. Offerors must 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. This certification is required by section 848 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117-81). Section 848 prohibits the use of funds to knowingly procure any products mined, produced, or manufactured wholly or in part by forced labor from XUAR or from an entity that has used labor from within or transferred from XUAR as part of any forced labor programs.
2. This collection of information is needed prior to the expiration of the time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act, to enable DoD to immediately begin collecting the certification. Immediate collection is necessary both to enable DoD to accomplish the overarching purpose of the law, which is to avoid further genocide and to comply with the section 848 requirement to collect the certification.
3. The collection of information is essential to DoD's mission, and DoD cannot comply with the normal clearance procedures, because public harm is reasonably likely to result if current clearance procedures are followed. Passage of section 848 reflects concern on the part of Congress regarding the ongoing abuses, which constitute genocide, against Uyghurs by the People's Republic of China. If DoD remains unaware of the entities that are involved in furthering these abuses, U.S. taxpayer funds may be used to cause irreparable harm to the Uyghurs.
4. The information that is requested is the minimum necessary to ensure the Department's ability to avoid using appropriated funds to procure products mined, produced, or manufactured using forced labor from, within, or transferred from XUAR and to collect the certification required by section 848. A notice will be published in the *Federal Register* prior to the submission of a subsequent information collection package to OMB under regular processing timeframes.