

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
0704-xxxx, Foreign Commercial Satellite Services**

A. Justification.

1. Administrative requirements.

This rule is necessary to implement section 1602 of the National Defense Authorization Act for FY 2014 (Pub. L. 113-66). A provision added in DFARS part 52 that will be included in solicitations for the acquisition of foreign commercial satellite services requires the offeror to represent whether it is or is not a foreign entity subject to the prohibitions of the statute, or is or is not offering foreign commercial satellite services provided by such a foreign entity. If the offeror responds affirmatively to any of the representations, then the offeror must provide further information.

2. Uses of information.

The representations in the provision at DFARS 252.225-70ZZ, Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities—Representations, are used to determine whether the offeror is subject to the statutory prohibition on award of contracts for commercial satellite services to certain foreign entities. The requested further information if the offeror responds affirmatively to a representation could be used by the Under Secretary of Defense to determine whether to consider a waiver of the statutory prohibition.

3. Consideration of information technology.

Information technology has been applied to the maximum extent possible. The contracting officer is not prevented from accepting any requested compliance plans electronically.

4. Efforts to identify duplication.

As a matter of policy, DoD reviews the Federal Acquisition Regulation to determine whether adequate language already exists. This rule implements a DoD-unique statute and is not duplicative of language in the FAR. Similar information is not otherwise available to the contracting officer.

5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden.

The collection of information is not expected to have a significant impact on a substantial number of small entities. The rule only applies to the acquisition of foreign commercial satellite services, and the representations require minimal response time. Because of the statutory prohibitions and the expected rarity of a waiver by an Under Secretary of Defense, DoD expects that it will be extremely rare to receive a positive representation from an offeror, with required submission of additional information.

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

After initial submission, the rule provides for the required representations to be part of the annual representations and certifications, unless there is a change in the representation, so that the offeror only needs to update the representations annually, along with all other required annual representations and certifications. This necessary to implement section 1602 of the NDAA for FY 2014.

7. Special circumstances for collection. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency.

Under the procedures established for development of the DFARS, agency and public comments were solicited and each comment addressed before finalization of the text. A notice published in the *Federal Register* at XX FR XXX, on XXX XX, 2014. XX respondents submitted comments on the information collection requirements of the interim rule.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or guarantees. No payment or gift will be provided to respondents, other than remuneration of contractors under their contracts.

10. Describe assurance of confidentiality provided to respondents. This information is disclosed only to the extent consistent with prudent business practices and current regulations.

11. Additional justification for questions of a sensitive nature. No sensitive questions are involved.

12 & 13. Estimated total annual public hour and cost burden. The estimated cost to the public is based on FPDS data for FY 2013. There were 380 unique contractors that received contract or orders for PSC D304 (ADP Telecommunications and Transmission Services), of which commercial satellite services are a subset, so 380 is an estimate at the highest end of the possible range of respondents. Since the representations are included in the annual representations and certifications, only one response per year is necessary. It is unlikely that an offeror will change the representation during the year, because it is unlikely that the offeror would receive an award if a negative representation is provided.

Reporting Burden:

Number of respondents	380
Responses per respondent	<u>x 1</u>
Total annual responses	380
Hours per response	<u>x.25</u>
Total hours	95
Cost per hour ¹	x <u>\$45</u>
Total annual cost to respondents	\$4,275

14. Estimated cost to the Government. The time estimates are based on receiving, reviewing and analyzing the information submitted by the contractor.

The estimated cost to the Government is as follows:

Total annual responses	380
Hours per response	<u>x.1</u>
Total hours	38
Cost per hour	x <u>\$45</u>
Total annual estimate of burden	\$1,710

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. This submission requests a new OMB approval for an information collection requirement in the DFARS.

16. Outline plans for published results of information collections. Results will not be tabulated or published.

¹ Based on General Schedule (GS) pay for a GS-12, step 5, salary for 2014 (\$33.06) plus 36.25% Civilian Position Full Fringe Benefit Cost Factor for 2012 per OMB Memo M-08-13 dated March 11, 2008r.

17. **Approval not to display expiration date.** We do not seek approval not to display the expiration date for OMB approval of the information collection.

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.