

SUPPORTING STATEMENT - PART A

Militarily Critical Technical Data Agreement, DD Form 2345

OMB Control Number 0704-0207

1. Need for the Information Collection

Enterprises and individuals wishing to receive unclassified DOD-controlled militarily critical technical data are required to complete DD Form 2345, Militarily Critical Technical Data Agreement, for the following reasons:

a. Under 32 CFR 250 "Withholding of Unclassified Technical Data From Public Disclosure," authorized by 10 USC 140c (renumbered § 130) "Authority to Withhold from Public Discourse Certain Technical Data," the Secretary of Defense is authorized to establish policy, prescribe procedures, and assign responsibilities for the dissemination and withholding of unclassified export-controlled militarily critical technical data in the possession of, or under the control of DOD. Failure to collect the information will adversely impact on DOD procurement programs that involve militarily critical technical data. This authority is implemented by DOD Directive 5230.25, dated November 6, 1984.

b. 32 CFR 250 established a process for certifying enterprises and individuals who have a legitimate need for militarily critical technical data and outlines procedures for obtaining the required data. The system of certification established under 32 CFR 250 permits transfer of DOD-controlled militarily critical technical data to private entities in a way that will prevent unauthorized public disclosure or foreign access.

c. The certification required by 32 CFR 250.3(a) is accomplished using DD Form 2345. Enterprises and individuals who need access to unclassified DOD-controlled militarily critical technical data must certify on DD Form 2345 that the data will be used only in ways that will inhibit unauthorized access and maintain the protection afforded by U.S. export control laws.

d. The certification form is designed for ease of completion. As a condition of receiving militarily critical technical data, the requester must furnish written acknowledgment of its responsibilities under U.S. export control laws. It must furnish evidence of eligibility to receive militarily critical technical data long with a statement of intended use of the data. It must agree not to publicly disclose any militarily critical technical data it receives under the DD Form 2345. It must also agree to limit dissemination of the data to those individuals who are specifically authorized to receive it.

2. Use of the Information

The collected information is used by DoD Components as a basis for approving or disapproving requests for access to technical data subject to the provisions of 32 CFR 250. Failure to collect the information will adversely impact on DoD procurement programs that involve militarily critical technical data.

Companies and individuals, from the United States or Canada, may require access to unclassified Militarily Critical Technical Data for contractual or research purposes. In order to obtain this data or information, they must apply for certification with the Joint

Certification Program (JCP); a bilateral program managed jointly by the United States and Canada. Interested parties must submit a hard copy DD Form 2345, completed and with an ink signature, to the program office. This form can be found online on the DoD Forms website. The hardcopy form must be sent, via mail or other courier, as a hardcopy is required for legal purposes. The applicant is self-certifying that they (individual or company) are US or Canadian (citizen or permanent resident) and that they have and will abide by either all US Export Control laws or all Canadian Export Control laws and are, therefore, eligible to have access to the controlled information. The JCP office provides accepted applicants with a signed agreement, with a certification number associated with that specific company or individual, to be used as evidence of certification. The Agency Disclosure Statement is located on the reverse (back) side of the form. There is a comment at the top of the form that directs respondents to review the disclosure information on the back of the form.

3. Use of Information Technology

Each submitted DD Form 2345 must have an original signature, verifying the understanding of and agreement to abide by the export laws of the U.S. and Canada, meaning actual submissions of the form are 0% electronic. When an individual receives export-controlled data from DOD, they agree to abide by the export laws of the U.S. and Canada. They acknowledge that they understand the requirements to obtain an export license if they plan to subsequently take or send the data outside the U.S. or Canada. The original signature provides lawful evidence for successful prosecution of individuals violating the export laws.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

Collecting this information less frequently has been considered and accommodated to the maximum extent practicable. The information is collected only as necessary to provide requested services.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Monday, February 11, 2019. The 60-Day FRN citation is 84 FRN 3150.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Friday, April 26, 2019. The 30-Day FRN citation is 84 FRN 17819.

Part B: CONSULTATION

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

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is not required for this collection because we are 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 PII.

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

Records are retained and disposed of in accordance with NARA statutes and procedures.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

- 1) [DD Form 2345]
 - a) Number of Respondents: 8,000

- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 8,000
- d) Response Time: 20 minutes
- e) Respondent Burden Hours: 2,666 hours

Part B: LABOR COST OF RESPONDENT BURDEN

- 1) [DD Form 2345]
 - a) Number of Total Annual Responses: 8,000
 - b) Response Time: 20 minutes
 - c) Respondent Hourly Wage: \$42.08
 - d) Labor Burden per Response: \$14.02
 - e) Total Labor Burden: \$112,213

The Respondent hourly wage was determined by using the median wage for Computer and Mathematical Occupations (https://www.bls.gov/oes/current/oes_nat.htm).

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

- 1) [DD Form 2345]
 - a) Number of Total Annual Responses: 8,000
 - b) Processing Time per Response: 1 hour
 - c) Hourly Wage of Worker(s) Processing Responses : \$30,90
 - d) Cost to Process Each Response: \$30.90
 - e) Total Cost to Process Responses: \$247,200

Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
 - a) Equipment: \$0
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0

- 2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

1) Total Labor Cost to the Federal Government: \$247,200

2) Total Operational and Maintenance Costs: \$0

3) Total Cost to the Federal Government: \$247,200

15. Reasons for Change in Burden

There has been no change in burden since the last approval.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.