

SUPPORTING STATEMENT - PART A

Militarily Critical Technical Data Agreement – 0704-0207

Summary of Changes from Previously Approved Collection

- Small increases in estimated respondent hourly wage and annual responses have led to an overall increase in respondent burden
- Policy changes now allow the DD 2345 be submitted and stored electronically, leading to Federal Government cost savings.

1. Need for the Information Collection

Under 32 CFR 250, “Withholding of Unclassified Technical Data from Public Disclosure,” authorized by 10 USC § 130, 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.

32 CFR 250 outlines procedures for certifying enterprises and individuals who have a legitimate need for militarily critical technical data. Certification 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.

The Joint Certification Program (JCP) is the only DoD Agency by which U.S. and Canadian defense contractors can apply to obtain access to unclassified DoD militarily critical (export controlled) technical data with a military or space application. The JCP Office fields, validates, and certifies U.S./Canadian supplier applications using the DD Form 2345.

The primary purposes for the DD Form 2345 (Militarily Critical Technical Data Agreement) are:

- To access or share unclassified DoD export-controlled technical data to bid on a DoD solicitation or execute a DoD contract
- To attend conferences where unclassified DoD export-controlled data is discussed or shared
- To conduct scientific research and development on behalf of DoD where unclassified DoD export-controlled data is discussed or shared

The certification process validates suppliers to minimize risk and protect U.S. intellectual property from adversarial individuals and entities foreign or domestic.

Authorities for this collection:

- Sec. 1217, Pub. L. 98-94 (10 U.S.C. 140c), “Department of Defense Authorization Act, 1984”
- 32 CFR 250

- DoDI 5230.24 (Distribution Statements on Technical Documents)
- DoDD 5230.25 (Withholding of Unclassified Technical Data from Public Disclosure)
- DoDI 5230.25, rewrite currently pending approval
- MOU and Joint Terms of Reference with Canada – 1985

2. Use of the Information

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. Applications are submitted to JCP via the DD Form 2345. This form can be downloaded as a fillable PDF from the DoD Forms website. Respondents must submit the DD Form 2345, completed and signed, to the JCP Office via email at JCP-ADMIN@DLA.MIL for validation and processing. The JCP Office provides accepted applicants with a signed agreement and a certification number associated with that specific company or individual to be used as evidence of certification. The information collected on the DD Form 2345 is maintained and stored by the JCP Office as the authoritative source. When the DD Form 2345 is signed and certified by the JCP Office it becomes a legal agreement. Contractors that violate the terms of the agreement are subject to prosecution and punishment. The DD Form 2345 is shared with Federal legal office and law enforcement agencies for evidentiary purposes and maintained for a 10-year period. The information on the DD Form 2345 is also shared with stakeholders within the DoD Supply Chain before the release of DoD militarily critical (export controlled) technical data. Failure to collect the information will adversely impact on DoD procurement programs that involve militarily critical technical data.

3. Use of Information Technology

The DD Form 2345 is filled out and submitted by DoD contractors electronically via email to the JCP Office. 100 percent of forms are submitted electronically. Previously, the form had to be printed, hand-signed, and mailed to the JCP Office. This change has led to small cost savings.

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

Agreements with DoD contractors via the DD Form 2345 are renewed every five years as long as they maintain good standing. 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 Tuesday, March 15, 2022. The 60-Day FRN citation is 87 FR 14522.

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

A 30-Day Federal Register Notice for the collection published on Tuesday, May 31, 2022. The 30-Day FRN citation is 87 FR 32391.

Part B: CONSULTATION

Various consultations took place with DLA stakeholders and legal counsel on the revision of the DD Form 2345. Modifications to the form are an effort to gather relevant information from the contractor to validate and assess before moving forward on certifying them for access. The language on the form has been updated to evolve with existing policies and procedures.

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 (PAS) is not required for this collection because DLA does not request personally identifiable information from the submitter.

A System of Record Notice (SORN) is not required for this collection because responses are not retrieved by a unique personal identifier.

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

DAA-0361-2020-0004, pending NARA approval: Temporary. Cutoff at end of Event. Destroy 5 years after expiration date. Exception: Agreements containing major changes bring original agreement forward to current file.

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) Collection Instrument(s)

DD Form 2345

- a) Number of Respondents: 9,000
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 9,000
- d) Response Time: 20 minutes
- e) Respondent Burden Hours: 3,000 hours

2) Total Submission Burden

- a) Total Number of Respondents: 9,000
- b) Total Number of Annual Responses: 9,000
- c) Total Respondent Burden Hours: 3,000 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

DD Form 2345

- a) Number of Total Annual Responses: 9,000
- b) Response Time: 20 minutes
- c) Respondent Hourly Wage: \$46.90
- d) Labor Burden per Response: \$15.63
- e) Total Labor Burden: \$140,700

2) Overall Labor Burden

- a) Total Number of Annual Responses: 9,000
- b) Total Labor Burden: \$140,700

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#15-0000).

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) Collection Instrument(s)

DD Form 2345

- a) Number of Total Annual Responses: 9,000
 - b) Processing Time per Response: 10 minutes
 - c) Hourly Wage of Worker(s) Processing Responses: \$46.50
 - d) Cost to Process Each Response: \$7.75
 - e) Total Cost to Process Responses: \$69,750
- 2) Overall Labor Burden to the Federal Government
- a) Total Number of Annual Responses: 9,000
 - b) Total Labor Burden: \$69,750

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: \$69,750
- 2) Total Operational and Maintenance Costs: \$0
- 3) Total Cost to the Federal Government: \$69,750

15. Reasons for Change in Burden

The estimated annual number of responses has increased by 1,000. Additionally, normal increases in hourly wage have led to a minor increase in respondent labor cost.

The previous version of the form required the respondents to mail in the document, however with the revised form we will no longer accept mailed in applications. From 1985-2019 the JCP Office had to maintain a hard copy file of all completed DD Form 2345s. Due to a policy change, hard copies are no longer maintained with electronic storage of these documents being mandatory. This has led to significant cost and time saving for the Federal Government.

16. Publication of Results

The results of the information collected 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 revised DD Form 2345.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

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