



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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ACQUISITION
AND SUSTAINMENT

Dominic Mancini
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Mancini:

In accordance with 5 CFR 1320.13, "Emergency Processing," the Department of Defense (DoD) requests emergency processing and approval of a new public information collection requirement in the Defense Federal Acquisition Regulation Supplement (DFARS).

This collection is tied to a rule that has been reviewed by OIRA: *Employment Transparency Regarding Individuals Who Perform Work in the People's Republic of China (DFARS Case 2022-D010)*. This rule and DoD's request for a new information collection implements section 855 of the National Defense Authorization Act for Fiscal Year (FY) 2022 (Pub. L. 117-81), which requires offerors and contractors to disclose their use of workforce and facilities in the People's Republic of China, if they employ one or more individuals who will perform work on a DoD contract valued in excess of \$5 million (excluding commercial products and commercial services). Section 855 prohibits DoD from awarding these contracts unless the disclosures have been submitted. There is an urgent need for DoD to immediately begin collecting the disclosures in order to mitigate the risk associated with performance of DoD contracts and subcontracts at facilities located in the People's Republic of China. It is a matter of national security to be aware of the entities, contracts, and subcontracts that are exposed to such risks, so that mitigation strategies can be implemented.

Additional information is provided by the enclosures. The Determination for Emergency Processing is at Enclosure 1. The Supporting Statement is at Enclosure 2. The *Federal Register* notice for the rulemaking that imposes the information collection is at Enclosure 3. The collection instrument (DFARS text) is at Enclosure 4.

Use of the normal OMB process would preclude the collection of the information in a timely manner. DoD requests emergency approval by August 12, 2022.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Enclosures:
As stated