

DETERMINATION FOR EMERGENCY CLEARANCE

1. DoD has a requirement to collect information from offerors and contractors regarding their use of workforce and facilities in the People's Republic of China. If offerors and contractors 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), they must disclose the number of individuals working on the contract in the People's Republic of China and a description of the physical presence, including street address, in the People's Republic of China. These disclosures are required by section 855 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117-81). Section 855 prohibits DoD from awarding contracts in excess of \$5 million (excluding commercial products and commercial services) unless the disclosures have been submitted.
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 disclosures. Immediate collection is necessary both to enable DoD to mitigate the risk associated with performance of DoD contracts and subcontracts in the People's Republic of China and to comply with the section 855 requirement to begin collecting the disclosures in fiscal year 2022.
3. The collection of information is essential to DoD's mission. Passage of section 855 reflects concern on the part of Congress that performance of DoD contracts in the People's Republic of China represents a risk to national security. Performance of a contract, whether classified or unclassified, in a nation that is not our ally may provide opportunities for that nation to gather sensitive information. It is a matter of national security for DoD to be aware of the entities, contracts, and subcontracts that are exposed to such risks, so that mitigation strategies can be implemented.
4. Moreover, DoD cannot comply with the normal clearance procedures, because public harm is reasonably likely to result if current clearance procedures are followed. If DoD remains unaware of the entities, contracts, and subcontracts that are exposed to the risks associated with contract performance in the People's Republic of China, sensitive information may be compromised, which would affect DoD's mission readiness.
5. The information that is requested is the minimum necessary to ensure the Department's ability to mitigate the risk associated with contract performance in the People's Republic of China and to comply with the requirements of section 855. 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.