



March 16, 2026

Ms. Kimberly R. Ziegler
Editor/Publisher
Defense Acquisition Regulations System
Department of Defense

Electronic Submission: www.regulations.gov, *Docket Number DARS-2026-0002*

Re: NDIA Comments on Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Rights in Technical Data and Computer Software (Docket Number DARS-2026-0002)

Dear Ms. Ziegler,

The National Defense Industrial Association (NDIA) appreciates the opportunity to provide comments on the information collection requirement related to the DFARS Rights in Technical Data and Computer Software for DARS-2026-002.

NDIA is the nation's largest defense industry association, representing over 1,600 corporate and over 65,000 individual members from small, medium, and large contractors, a majority of which are small businesses. NDIA members design, manufacture, apply, and maintain the cutting-edge technologies, systems, and platforms that our armed forces rely upon to deter aggression and defend our nation and its interests. As such, our members' professional and informed views on this request for information reflect the complexity and nuance of the issues under discussion.

In the Notice, the Department invited comments on the information collection requirements contained within DFARS Subparts 227.71 and 227.72, related provisions and clauses of the DFARS, and specifically on the following questions:

- 1) whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility;
- 2) the accuracy of DoD's estimate of the burden of the proposed information collection;
- 3) ways to enhance the quality, utility, and clarity of the information to be collected; and
- 4) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

NDIA's comments are focused on the third and fourth questions.

NDIA's membership has experienced a significant and increasing burden for information collection required under the data assertion list requirements contained in DFARS 252.227-7017 for proposals, and DFARS 252.227-7013, 252.227-7014, and 252.227-7018 for amendments to these lists post award. The data assertion list is important to the contractor since, if the data assertion for a particular data deliverable is not on the list, it cannot be delivered with a compliant restrictive marking, even where authorized under DFARS 252.227-7013, 252.227-7014, and 252.227-7018. Therefore, these lists are essential to protecting a company's intellectual property.

Ways to enhance the quality, utility, and clarity of the information to be collected

While 10 USC 3772 does have a requirement to "identifying" what technical data or computer software is being provided with restrictions, there is no agreement on what this identification should include. The data assertion list forms in DFARS 252.227-7017, 252.227-7013, 252.227-7014, and 252.227-7018 do not contain instructions beyond listing the technical data or computer software to be delivered with other than unlimited rights. However, NDIA's member companies have experienced an increasing demand for more precision in the identification and a reluctance to add data assertion lists to the contract. This process increases the information collection burden on the contractors dramatically.

Conversely, based on these interactions, it appears that the Government is also struggling with using these forms, which are paper-based, to track intellectual property assets it is purchasing that have licensing restrictions.

The Department needs to revise DFARS 252.227-7017, 252.227-7013, 252.227-7014, and 252.227-7018 to provide greater clarity as to what is required for a sufficient description. Having this instruction in the forms would reduce the rework currently experienced by our members and reduce the information collection burden imposed on both the Government and our members under the current processes.

Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology

Currently, there are four different forms:

- 1) DFARS 252.227-7017 for noncommercial technical data and computer software with restrictions being offered in a proposal;
- 2) DFARS 252.227-7013 for noncommercial technical data identified after award
- 3) DFARS 252.227-7014 for noncommercial computer software identified after award, and
- 4) DFARS 252.227-7018 for noncommercial technical data and computer software identified after award and which are subject to the Small Business Innovation Research Program and Small Business Technology Transfer Program



Tension Paper 23 (The Data Assertion List is a Burden on both Contractors and Government) of the 2018 REPORT GOVERNMENT-INDUSTRY ADVISORY PANEL ON TECHNICAL DATA RIGHTS includes an unimplemented suggestion to reduce the number of forms so that there is only one form when the proposal is submitted, and another form where the technical data and computer software are identified after award. NDIA believes that combining these forms (and removing the corresponding requirements in DFARS 252.227-7013, 252.227-7014, and 252.227-7018) would minimize the burden of the information collection.

Long-term, the current process is essentially paper-based and has remained largely unchanged since 1995. This also leads to the potential for lost data assertion list submissions and contracts that do not properly incorporate data assertion lists as a contract attachment. What is needed is an electronic, perhaps model-based approach that allows entry by contractors and their suppliers in a more secure and uniform way, as well as a way for the Government to comment on any entries for which they have questions. NDIA notes that, pursuant to Section 805 of the National Defense Authorization Act for Fiscal Year 2026, there is a requirement to create a “digital system to track, manage, and enable the assessment of covered data related to covered systems, and to verify the compliance of contractors and subcontractors with contract requirements related to technical data for covered systems.” Since contractors already have a requirement to enter metadata on their technical data and computer software which contain restrictions, if this digital system were designed to incorporate a data assertion list modules which satisfies the identification requirement of 10 USC 3771, this would seemingly further reduce on both the Government and industry while also help populate what the Department is attempting to track in this digital system.

NDIA and its membership appreciate the opportunity to provide comments and firmly appreciate the government’s desire to promote a strong, dynamic, and robust defense industrial base. NDIA stands ready to assist in revising and updating these proposals and would welcome this collaboration. If you have any questions related to these comments, please reach out to Michael Seeds at mseeds@ndia.org.

Sincerely,

National Defense Industrial Association