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July 28, 2026

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

Electronic Submission: www.regulations.gov, *Docket Number DARS-2026-0166*

Re: NDIA Comments on Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Administrative Matters (Docket Number DARS-2026-0166)

Dear Ms. Ziegler,

The National Defense Industrial Association (NDIA) appreciates the opportunity to provide comments on the information collection requirement related to the DFARS 252.204-7000.

NDIA is the nation's largest defense industry association, representing over 1,600 corporate and over 66,000 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 information collection requirement, the Department requests input on:

- 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;
- the accuracy of DoD's estimate of the burden of the proposed information collection;
- ways to enhance the quality, utility, and clarity of the information to be collected; and
- 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 respectfully submits that the proposed collection of information is no longer necessary for the proper performance of the functions of the Department. In addition, its application is duplicative of other reporting which is more tailored to the government's legitimate concerns about the distribution of unclassified information that needs controls: Controlled Unclassified Information (CUI).

Specifically, DFARS 252.204-7001 requires restrictions on the dissemination of "any unclassified information, regardless of medium (e.g., film, tape, document), pertaining to any part of this contract or any program related to this contract." This requirement is now redundant in light of the controls placed



on controlled unclassified information through instructions provided to contractors in accordance with Section 5 of DoD Instruction 5200.48, Controlled Unclassified Information (CUI). Further, contractual clauses included in FAR Case 2026-001, Revolutionary Federal Acquisition Regulation Overhaul Parts 1, 2, 4, 33, 39, 40, and 53, also place restrictions on the use of controlled unclassified information. Therefore, where there is a need to control unclassified information, the government already has more detailed instructions than are contained in legacy clause DFARS 252.204-7000, rendering it redundant.

To the extent that DFARS 252.204-7000 applies to contractor technical data that is not CUI, such restrictions are contrary to law. Specifically, 10 USC 3771(a)(2) prohibits the Department from issuing regulations which impair:

(A) any right of the United States or of any contractor or subcontractor with respect to patents or copyrights or any other right in technical data otherwise established by law; or

(B) the right of a contractor or subcontractor to receive from a third party a fee or royalty for the use of technical data pertaining to an item or process developed exclusively at private expense by the contractor or subcontractor, except as otherwise specifically provided by law.

By requiring permission to disclose technical data outside of the contractor's organization, this clause provides a blanket restriction on the distribution of copyright works and trade secrets embodied in such unclassified technical data. Therefore, in addition to being redundant in light of the above DoD Instruction and the forthcoming FAR Clause for the treatment of CUI, this clause impairs the Contractor's ability to use their technical data and is contrary to 10 USC 3771(a)(2).

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