



October 23, 2013

Via Regulations.gov
Jasmeet Seehra
Desk Officer for DoD
OMB, Room 10236, NEOB
Washington, DC 20503

Attn: Jasmeet Seehra // IC 0704-0478

RE: Defense Federal Acquisition Regulation Supplement (DFARS), Part 204 and related clause at 252.204-7012, Safeguarding Unclassified Controlled Technical Information; OMB Control Number 0704-0478

Dear Ms. Seehra:

On behalf of the Technology Association of America, Inc.¹ (“TechAmerica”), I am pleased to submit the following comment on Defense Federal Acquisition Regulation Supplement (DFARS), Part 204 and related clause at 252.204-7012, Safeguarding Unclassified Controlled Technical Information; OMB Control Number 0704-0478, which the Department of Defense (DOD) (the “Agency”) published in the *Federal Register* at 78 FR 58292 on September 23, 2013 and requested public comment regarding a new information collection waiver from the Office of Management and Budget (“OMB”).

The Agency previously sought comment on this information collection in its proposed rule notice published in the *Federal Register* at 76 FR 38089 on June 29, 2011. TechAmerica, through the Council of Defense and Space Industry Association (“CODSIA”), provided extensive comments on the proposed rule, which included the 60-day notice for this information collection request.

Until industry has the opportunity to review and analyze the final rule, industry cannot provide substantive feedback on the information collection estimates or its merit. As discussed in our December 2011 CODSIA comment, we have serious concerns about the rule and its attendant information collection. Among other concerns, we asked the DOD to better define certain key terms such as “adequate security measures,” “need-to-know,” “non-public information,” “critical program information,” “recognition” and more. The final scope of those key terms will greatly

¹ The Technology Association of America (TechAmerica) is the leading voice for the U.S. technology industry, the driving force behind productivity growth and jobs creation in the United States and the foundation of the global innovation economy. Representing approximately 1,000 member companies of all sizes serving clients in the public and commercial sectors of the economy, it is the industry’s largest advocacy organization and is dedicated to helping members’ top and bottom lines. It is also the technology industry’s only grassroots-to-global advocacy network, with offices in state capitals around the United States, Washington, D.C., Europe (Brussels) and Asia (Beijing). Learn more at www.TechAmerica.org.

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affect the scope of this information collection and, thus the burden. We are hopeful, but unsure, that the Agency adjusted the final rule in response to our comments.

In addition, the original proposed rule has since been split into two separate rulemakings, making the original estimates irrelevant. While we applaud the Agency's use of related, voluntary program to develop its estimate, reviewing and analyzing the final rule is irreplaceable in the process to determine robust, specific, objectively-supported estimates, as dictated by the Paperwork Reduction Act ("PRA") and its implementing guidelines.

TechAmerica requests OMB reopen the comment period for this information collection once the final rule underlying the request is published in the *Federal Register*. Until such time, TechAmerica opposes granting this extension under the PRA.

TechAmerica appreciates this opportunity to comment, and would be pleased to respond to any questions the Agency may have on these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A.R. Hodgkins" with a stylized flourish at the end.

A.R. "Trey" Hodgkins, III
Senior Vice President