

Supporting Statement for Paperwork Reduction Act Submissions

Title: Critical Infrastructure Workers Denied Movement Reporting Form

OMB Control Number: 1670-NEW

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Cybersecurity and Infrastructure Security Act of 2018 created the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security. The act directs CISA to “integrate relevant information, analysis, and vulnerability assessments, regardless of whether the information, analysis, or assessments are provided or produced by the Department, in order to make recommendations, including prioritization, for protective and support measures by the Department, other Federal Government agencies, State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities regarding terrorist and other threats to homeland security.” With the advent of the global pandemic referred to as COVID 19, the agency has extended our operating environment to include this biologic threat to the homeland.

As part of the National Pandemic Action Plan for responding to this threat, social distancing and local “Stay at Home” or similar orders have become the normal across the county. The President has left the establishment of these orders to the State, Local, Territorial, and Tribal (SLTT) governments. This had the potential to create a patchwork of exceptions to who was exempted based on the essentiality of their work. To help provide order to this issue, CISA worked with the Sector Specific Agencies described in PPD 41, the White House, the Department, and the SLTT governments to provide guidance on what is considered Essential Critical Infrastructure Workers. Many SLTT governments have adopted our guidance in full and other have adopted it in part. All 50 states, the District of Columbia, and all Territories and Tribal lands have limited movement of non-essential workers to some extent, making this issue truly national.

As part of our routine monitoring or our programs, we have heard anecdotal evidence that even though our non-mandatory guidance has been adopted, local Law Enforcement are not fully following this guidance and have restricted entities that are excepted by local rules. CISA has a duty to evaluate the risk of this behavior. The proposed collection will not attempt to rigorously validate or measure the prevalence of these incidents, but represents an important first step in better understanding the issue.

This collection is designed to allow affected parties to voluntarily submit relevant evidence of denied Essential Critical Worker movement to CISA. The information will allow the agency to

document alleged instances where someone has been denied movement as an Essential Critical Infrastructure Worker.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Critical Infrastructure Workers Denied Movement Report is a voluntary form that CISA will post to its public facing website and advertise through our Regional Offices and during our frequent engagements with our stakeholders. Respondents can fill out the form for each instance where they believe they have been denied movement as an Essential Critical Infrastructure Worker.

CISA will utilize this information as evidence of a need to seek additional information to assess the need to develop a National Standard for Essential Critical Infrastructure Workers, expand our existing voluntary programs for reentry into previously denied areas, or take other appropriate action with our interagency partners. Without this information the Agency is unable to make an informed decision. The Agency will not use information collected through this voluntary feedback collection as the justification for new regulations or policies.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

This information will be collected from a form hosted on the CISA Website. Respondents will need to fill out the form and submit via the website. Respondents that phone CISA's service desk will be able to convey the information to our service agents, who will submit the information on the respondent's behalf.

4. Describe efforts to identify duplication. In Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

A search of reginfo.gov revealed that this information is not collected in any form, and therefore is not duplicated elsewhere.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

This information collection will only affect those small businesses or other small entities that are considered Essential Critical Infrastructure.

6. Describe the consequence to Federal/DHS program or policy activities if the collection of information is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

CISA is charged with coordinating a national effort to secure and protect against critical infrastructure risks and to provide analyses, expertise, and recommend measures necessary to protect key resources and critical infrastructure of the United States. Without this information, the agency will be unable to make an informed decision to seek additional evidence on the need to create additional guidance regarding critical infrastructure employee access vis-à-vis State and local stay-at-home orders.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- (a) Requiring respondents to report information to the agency more often than quarterly.
- (b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.
- (c) Requiring respondents to submit more than an original and two copies of any document.
- (d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.
- (e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.
- (f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.
- (g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.
- (h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The special circumstances contained in item 7 of the Supporting Statement are not applicable to this information collection.

8. Federal Register Notice:

- a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.
- b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.
- c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

	Date of Publication	Volume #	Number #	Page #	Comments Addressed
<i>60Day Federal Register Notice:</i>					
<i>30-Day Federal Register Notice</i>					

CISA is seeking an approval of this information collection through the Emergency Approval Process. Upon approval, CISA will follow the normal clearance process and seek public comment through the publication of a 60- and 30-Day Federal Register Notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no offer of monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There are no assurances of confidentiality.

This collection is not affected by the Privacy Act and is not impacted by a PIA or SORN.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

To estimate the burden associated with reporting a denied movement incident, CISA multiplies the number of responses and the estimated time needed to respond. Based on subject matter expert elicitation, CISA estimates that there are 150 to 200 critical infrastructure workers denied movement per day, and approximately 10% will report the incident. The burden estimate is based on the form being used for 60 days from approval of this collection, for a total of 12,000 incidents and 1,200 responses (200 incidents x 60 days x 10%). Completing the form to report a denial of movement will take approximately 5 minutes. The respondent’s average hourly compensation rate of \$37.46 is based on an average hourly wage rate of \$25.72¹ with a benefits multiplier of 1.4566.² To estimate the cost, we apply a fully loaded hourly compensation rate of \$37.46 to the time required to file an incident report.

As shown in Table 2, the estimated cost associated with reporting is \$3,746.

Instrument	Respondents	Responses per Respondent	Burden per Response (hours)	Total Burden (hours)	Hourly Compensation Rate	Cost
Critical Infrastructure Workers Denied Movement Report	1,200	1	0.083 (5 min.)	100	\$37.46	\$3,746.42

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

There are no recordkeeping, capital, start-up, or maintenance costs associated with this information collection.

¹ Bureau of Labor Statistics (BLS). Occupational Employment Statistics. May 2019. All Occupations (SOC 00-0000). https://www.bls.gov/oes/2019/may/oes_nat.htm#00-0000.

² BLS. Employer Costs for Employee Compensation – December 2019. Table 1. Employer Costs per Hour Worked for Employee Compensation and Costs as a Percent of Total Compensation: Civilian Workers, by Major Occupational and Industry Group, December 2019. <https://www.bls.gov/news.release/pdf/ecec.pdf> The compensation factor (1.4566) is estimated by dividing total compensation (\$37.10) by wages and salaries (\$24.57).

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

CISA estimates the burden on the government of this collection by estimating the time required for CISA personnel to review the submitted denial of movement reports. All reports will initially be reviewed by a GS-14, with 10% of reports requiring a secondary review by a GS-15. All 1,200 forms submitted by critical infrastructure workers will be reviewed by a GS-14, with 120 (10%) of those also being reviewed by a GS-15. The burden of the GS labor is estimated by multiplying the fully loaded hourly compensation rate of the employee by the number of hours to review. As with the burden to complete the report, we estimate it will take 5 minutes for each review. The hourly rate for a GS-14, Step 3 is \$62.21³, which is multiplied by the load factor of 1.4566 for a loaded compensation rate of \$90.62. The hourly rate for a GS-15, Step 3 is \$73.18⁴, which is multiplied by the load factor of 1.4566 for a loaded compensation rate of \$106.60. As shown in Table 3 the estimated cost to the Federal Government is \$10,128.

	Respondents	Responses per Respondent	Average Burden per Response (hours)	Total Burden (hours)	Hourly Compensation Rate	Cost
GS-14	1,200	1	0.083 (5 min.)	100	\$90.62	\$9,062.11
GS-15	120	1	0.083 (5 min.)	10	\$106.60	\$1,065.96
Total						\$10,128.07

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I. Changes in hour burden, i.e., program changes or adjustments made to annual reporting and recordkeeping **hour** and **cost** burden. A program change is the result of deliberate Federal government action. All new collections and any subsequent revisions of existing collections (e.g., the addition or deletion of questions) are recorded as program changes. An adjustment is a change that is not the result of a deliberate Federal government action. These changes that result from new estimates or actions not controllable by the Federal government are recorded as adjustments.

³ GS pay rates are from The annual salary for a GS-14 Step 3 is \$129,404, which is divided by 2080 to obtain the hourly rate. <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx>

⁴ GS pay rates are from The annual salary for a GS-15 Step 3 is \$152,215, which is divided by 2080 to obtain the hourly rate. <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx>

This is a new collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

NPPD does not intend to employ the use of statistics or the publication thereof for this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

NPPD will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

NPPD does not request an exception to the certification of this information collection.