




Homeland
Security


Science and Technology

October 6, 2015

ACTION MEMORANDUM

TO: Howard Shelanski
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THRU: Margaret H. Graves 
Deputy Chief Information Officer
Department of Homeland Security

FROM: Rick Stevens 
Chief Information Officer
Science and Technology Directorate

SUBJECT: Request for Emergency Office of Management and Budget Paperwork Reduction Act Clearance
Project 25 Compliance Assessment Program (P25 CAP) Suppliers' Declaration of Compliance Form, OMB Control Number 1640 - 0015
Project 25 Compliance Assessment Program (P25 CAP) Summary Test Report Form, OMB Control Number 1640 - 0015

DHS S&T is requesting emergency approval of this collection of information under 5 CFR 1320.13.

DHS's recent PRA emergency extension request (OMB #1640-0015) for the P25 Compliance Assessment Program (P25 CAP) was denied. DHS respectfully requests OMB to reconsider this denial due to the impact of this decision on the health and safety of the first responders. DHS acknowledges its responsibility in the process that allowed the previous PRA authorization to expire without an extension is being in place.

DHS's P25 CAP Program provides the only scientifically valid means to establish that mobile radios intended for use by first responders comply with P25, a standard developed by a private consensus standards development process to assure the interoperability of such radios. P25 CAP is a voluntary program in which manufacturers choose to participate by having their equipment tested in DHS recognized laboratories and submitting the test documentation to DHS for validation and DHS recognition of the manufacturer's compliance with the P25 interoperability standard.

First Responder radio interoperability is crucial to the ability of first responders who carry out different functions, e.g., police, fire, emergency health professionals, and jurisdictions being able to communicate with each other and coordinate in response to a man-made or natural disaster. The failure of that ability led to a loss of first responder lives in September 11, 2001. DHS's P25 CAP is the only program that provides objective and scientifically validated proof that a given first responder radio meets the P25 standard for interoperability. In order for DHS to publish its acknowledgement of P25 compliance, the radio manufacturers who choose to seek such recognition must submit their voluntarily acquired laboratory tests and other relevant information to DHS for validation.

Without DHS's recognition, first responder state, local, and private organizations will not have a credible source of information on which those parties can rely in their purchasing decisions in the fielding of P25 compliant radios. The lapse of DHS's authority to continue to collect the information critical to DHS's validation leaves first responders without an objective source may result in the purchase of non-compliant radios or the postponement of purchasing decisions that leave on-site first responders without a trusted means to communicate during and coordinate an emergency event among different functions and jurisdictions with a resultant significant risk of increased loss of life and property.

DHS S&T requests a 180-day extension in its ability to collect the P25 testing information while it proceeds through the process for acquiring a new PRA authorization DHS S&T believes that it is in the public's best interest to forgo public notice and comment before implementation of these forms. The previous versions of the subject forms were approved and have been subjected to public notice and comment. After OMB approves this emergency request, DHS S&T will seek public comment and publish a 60 day notice in the Federal Register as required by 5 CFR 1320.8(d) (1). DHS S&T will then revise the forms and instructions based on the public comments on the 60-day notice and stakeholder input, respond to all public comments in the respective supporting statements, publish a 30-day notice as required by 5 CFR 1320.10(a), and submit complete information collection revision requests to OMB.

DHS S&T certifies that the requirements of 5 CFR 1320.13(a) (1) are met and that:

- The subject collection of information is needed immediately and is essential to the mission of the agency; and
- The agency cannot reasonably comply with the normal collection procedures because public harm is reasonably likely to result if normal clearance procedures are followed;

DHS S&T greatly appreciates the timely consideration of this request. DHS S&T remains committed to working this process diligently to ensure as smooth a process as possible.