

# **1 Supporting Statement for Paperwork Reduction Act Submission**

## **Counter Unmanned Aircraft Systems Evaluations**

**OMB Control Number: 1601-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.**

In the Preventing Emerging Threats Act of 2018, Congress directed the Department of Homeland Security (DHS) to conduct outreach to owners of critical infrastructure and domestic large hub airports, and other persons<sup>1</sup> to solicit feedback on their knowledge of the efficiency and effectiveness of current procedures and resources available to them when they believe a threat from unmanned aircraft systems (UAS) is present and what additional actions, if any, DHS could implement under existing authorities to assist these entities to counter the threat. The Act also requires DHS to conduct an evaluation of current Federal and State, local, or tribal law enforcement authorities to counter the threat of UAS. Finally, the Act requires DHS to submit a congressional report “Not later than 1 year after the date of the enactment...” on the findings from its outreach, in an unclassified form, but allowing for a classified annex.

CISA has authority to perform assessments and evaluations for federal and non-federal entities, with consent and upon request. CISA leverages several different authorities, including but not limited to Presidential Policy Directive – 21 (PPD-21), the National Infrastructure Protection Plan (NIPP) Voluntary Partnership Framework, and Sec. 871 of the Homeland Security Act of 2002. This authority is consistent with the Department’s responsibility to “[c]onduct comprehensive assessments of the vulnerabilities of the Nation’s critical infrastructure in coordination with the SSAs [Sector Specific Agencies] and in collaboration with SLTT [State, Local, Tribal, and Territorial] entities and critical infrastructure owners and operators.”

In order to accomplish this statutory requirement on schedule, DHS wishes to leverage an emergency request from the Paper Reduction Act (PRA), in order to accurately provide Congress with these assessments/evaluations. Although there is anecdotal information available from Federal partners, to understand, evaluate, and assess the above groups’ knowledge on the specific topics, it is necessary to directly ask those owners and representatives, and not rely on any existing and likely dated material or anecdotes.

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<sup>1</sup> “Other Persons” as described by 44 U.S.C. § 3502(3)(A)(i) “an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision.”

**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 counter-UAS (CUAS) evaluations are a one-time voluntary collection of data from three major groups, as identified through statute. Per language passed in the Act, two evaluations stemming from information relating to three groups will need to be provided to Congress in coordination with the U.S. Attorney General and the Department of Transportation. These groups are: A) Federal and State, local, or tribal law enforcement; B) owners of critical infrastructure; and C) owners of domestic large hub airports.

The target audiences for the evaluations are personnel within the SLTT law enforcement community, owners of critical infrastructure who are responsible for the UAS portfolios within their infrastructure sector, and owners of domestic large hub airports. Specifically, DHS will be asking a set of survey evaluations questions to the SLTT law enforcement community and a series of focus group evaluation questions to owners of critical infrastructure and owners of domestic large hub airports, to inform and assist in responding to the Congressional report.

DHS has determined that it is necessary to collect additional data related to the requirement in order to comply with the Act. DHS has explored other options for obtaining this data and found it cannot do so without implicating the PRA. DHS has determined that the most efficient way to obtain the needed information is by soliciting direct feedback from the specified groups of critical infrastructure owners and other persons such as law enforcement entities. In light of the statutory reporting deadline, DHS is seeking emergency clearance to include questions, outlined in the attached documents, for this outreach. DHS will incorporate findings to these questions into the report required within the Act. DHS also plans to hold strategy sessions, or small focus groups as needed, to conduct any follow up with the groups should the need arise for response clarification.

Using the anonymous results of the evaluations, DHS in coordination with the RAND Corporation, through an approved Federal Funded Research and Development Center (FFRDC) will collect, analyze, draft, and provide the report to DHS, who will deliver the report to Congress on or before October 4, 2019, as required by the Act. The report will only be made available to Congress, the U.S. Attorney General, and the Secretary of Transportation, and there is no intention of releasing the report publicly, or to the evaluation groups. Records will be kept in compliance with current records management requirements.

**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.**

The focus group evaluation requires approximately one hour for completion (per organization).

The focus group evaluations will be conducted in person with focus group interviews. They will be leveraged using multiple choice and fill-in-the-blank/confirmation style questions in which participants can respond at their own pace in a conversation, focus group setting.

The survey evaluations will contain fewer than 20 questions, generally in a positive or negative format, reducing any burden placed on the respondents. All information will be collected using electronic technology means such as Survey Monkey, or other similar platforms. During the evaluation period, participants can respond at their own pace with the ability to submit their evaluation online or through an automated email. Any settings to the online technology platform will be updated to opt out of collecting participants' IP addresses. No question will be asked of identity, so there is no personal identification information (PII) implications.

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

Each evaluation respondent is considered an independent entity, whereby they answer the questions as they relate to their organization. The concept of duplication is not relevant to this event. Also, 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 burden.**

This information collection does not have an impact on small businesses or other small entities.

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

Without this information, DHS would not be able to meet the statutory requirement to deliver the Congressional report on schedule, according to the suspense identified in the Act.

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

- **Requiring respondents to report information to the agency more often than quarterly;**

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

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

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

- **Requiring respondents to submit more than an original and two copies of any document;**

Respondents are only permitted to submit their evaluation one time. No additional copies are required.

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

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

- **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;**

The Congressional Report will ensure non-attribution (will not identify single respondents in the report) and is available only to members of Congress.

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

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

- **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; or**

All information will be protected by the existing information protection authorities.

- **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 evaluations do not request trade secrets, confidential, or classified information. This effort is voluntary.

8. **If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), 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.**

This collection is being submitted as a new collection under the Emergency Process. Upon submission of the Congressional report, this collection will be discontinued.

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

There is no payment associated with this collection.

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

The evaluation is anonymous. At no point will DHS ask for any PII, and the result will not be attributed to any organization or individual specifically in the report to Congress. There is no assurance of confidentiality.

The DHS Privacy Office review finds that this is not a privacy sensitive collection. Therefore, this collection is not affected by the Privacy Act and is not impacted by a PIA or Systems of Records Notice (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 person's form 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:**

- **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 desirable. 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.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14**

The collection is a voluntary evaluation of knowledge by owners of critical infrastructure, SLTT law enforcement, and owners of domestic large hub airports. As it is voluntary, DHS does not know the number of potential respondents. DHS estimates the number of respondents based on the current sector membership in the NIPP Sector Partnership model's sector coordination councils.

DHS estimates 80,000 owners of critical infrastructure and domestic large hub airport respondents and 20,000 SLTT law enforcement respondents would respond to the survey.<sup>2</sup> DHS will use the first instrument, the survey, as a general assessment.

DHS will use the second instrument, small focus groups, if necessary, to clarify any assessment results. DHS estimates that each focus group will consist of 15 participants, and that 100 focus groups will be conducted.<sup>3</sup> DHS estimates that focus group participation will be similar to survey participation, with 80 percent of focus groups conducted with owners of critical infrastructure and domestic large hub airport respondents and 20 percent conducted with SLTT law enforcement respondents. As such, DHS estimates that 1,200 owners of critical infrastructure and domestic large hub airports will attend a focus group.<sup>4</sup> Likewise, DHS estimates 300 SLTT law enforcement respondents will participate.<sup>5</sup>

DHS estimates that the survey evaluation will take no longer than 0.33 hours (20 minutes) to complete per organization. DHS estimates that the focus group evaluation will take no longer than 1 hour to complete per organization.

To estimate the labor costs for the owners of critical infrastructure and domestic large hub airport respondents, DHS uses the average hourly compensation rate for all management occupations. DHS used Bureau of Labor Statistics (BLS) data to estimate an average hourly wage rate for all

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<sup>2</sup> The membership counts are dynamic. Therefore, DHS uses conservative estimates to avoid underestimating the number of respondents.

<sup>3</sup> Estimates for the number of focus groups and the average respondents per focus group provided by CISA Soft Target and Crowded Places Task Force subject matter experts.

<sup>4</sup> 1,200 owners of critical infrastructure and domestic large hub airport respondents attending focus groups = 80% × 15 respondents per focus group × 100 focus groups

<sup>5</sup> 300 SLTT law enforcement respondents attending focus groups = 20% × 15 respondents per focus group × 100 focus groups

management occupations is \$58.44.<sup>6</sup> To account for benefits, DHS multiplies this average hourly wage rate by a compensation factor of 1.4347, which is the ratio of total compensation to salaries and wages.<sup>7</sup> The average hourly compensation rate is \$83.85.<sup>8</sup>

To estimate the labor costs for the SLTT law enforcement respondents, DHS uses the average hourly compensation rate for State and local government law enforcement workers. DHS used BLS data to estimate the average hourly wage rate for State and local law enforcement workers weighted by the number of State and local workers.<sup>9</sup> The weighted average hourly wage rate for State and local government workers is \$28.85.<sup>10</sup> To account for benefits, DHS multiplies this average hourly wage rate by a compensation factor of 1.6002, which is the ratio of total compensation to salaries and wages.<sup>11</sup> The average hourly compensation rate is \$46.17.<sup>12</sup>

To estimate the cost to complete the survey, DHS multiplies the average burden, in hours, by the fully loaded wage. For an estimated 80,000 owners of critical infrastructure and domestic large hub airport respondents, the burden is 26,667 hours per year. At an hourly rate of \$83.85, the dollar value of the total annual burden hours associated with the existing elements of this information collection equals \$2,235,884. For an estimated 20,000 law enforcement respondents, the burden is 6,667 hours per year. At an hourly rate of \$46.17, the dollar value of the total annual burden hours associated with the existing elements of this information collection equals \$307,810.

To estimate the burden associated with participating the focus groups, DHS multiplies the average burden, in hours, by the fully loaded wage. For an estimated 1,200 owners of critical infrastructure and domestic large hub airport respondents, this would result in an annual burden of 1,200 hours and \$100,615. DHS estimates 300 SLTT law enforcement respondents will attend a focus group, which will result in an annual burden of 300 hours and \$13,851. The total cost

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6 BLS. Occupational Employment Statistics. May 2018. All Management Occupations (11-0000).

<https://www.bls.gov/oes/2018/may/oes110000.htm>

7 BLS Employer Cost for Employee Compensation Dec 2018 - Table 5. Employer Costs per Hour Worked for Employee Compensation and Costs as a Percent of Total Compensation: Private Industry Workers, by Major Occupational Group and Bargaining Unit Status, 2018.

[https://www.bls.gov/news.release/archives/ecec\\_03192019.pdf](https://www.bls.gov/news.release/archives/ecec_03192019.pdf). Based on the values from the Management, Professional, and Related occupational group, the compensation factor of 1.4347 is estimated by dividing total compensation (\$59.57) by wages and salaries (\$41.52).

8  $\$83.85 = \$58.44 \times 1.4347$ .

9 BLS. Occupational Employment Statistics. May 2018. National industry-specific and by ownership. Law Enforcement Workers (33-3000). <https://www.bls.gov/oes/tables.htm>. There are 329,880 State law enforcement workers who earn an average hourly wage of \$26.81. There are 787,440 local law enforcement workers who earn an average hourly wage of \$29.71.

10  $\$28.85 \text{ per hour} = (329,880 \text{ State law enforcement workers} \times \$26.81 \text{ per hour} + 787,440 \text{ local law enforcement workers} \times \$29.71 \text{ per hour}) \div (329,880 \text{ State law enforcement workers} + 787,440 \text{ local law enforcement workers})$ .

11 BLS. Employer Costs for Employee Compensation – December 2018. Table 4. Employer Costs per Hour Worked for Employee Compensation and Costs as a Percent of Total Compensation: State and Local Government Workers, by Occupational and Industry Group, December 2018.

[https://www.bls.gov/news.release/archives/ecec\\_03192019.pdf](https://www.bls.gov/news.release/archives/ecec_03192019.pdf). The compensation factor of 1.6002 is estimated by dividing total compensation (\$50.55) by wages and salaries (\$31.59).

12  $\$46.17 = \$28.85 \times 1.6002$ .

associated with both instruments is \$2,658,160

Table 1: Instruments and Breakdown

Form Name	Respondents	Number of Respondents	Number of Responses per Respondent	Average Burden per Response (hours)	Total Time Burden (hours)	Average Hourly Compensation Rate	Total Labor Cost
CUAS Survey	CI Owners, Domestic Large Hub Airports	80,000	1	0.33	26,667	\$83.85	\$2,235,884
CUAS Survey	SLTT Law Enforcement	20,000	1	0.33	6,667	\$46.17	\$307,810
Focus Group	CI Owners, Domestic Large Hub Airports	1,200	1	1.00	1,200	\$83.85	\$100,615
Focus Group	SLTT Law Enforcement	300	1	1.00	300	\$46.17	\$13,851
<b>Total</b>		<b>101,500</b>			<b>34,834</b>		<b>\$2,658,160</b>

**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).**

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part



of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

Any costs associated with this information collection will come out of regular Federal or FFRDC funds. Also, there are no associated collection, printing, or mailing costs for respondents.

**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 not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

DHS is utilizing existing technologies and capabilities to execute the CUAS survey. The question set is generally based off of the Act and is currently being hosted on the FFRDC data server.

Based on internal review, DHS personnel estimate that it would cost approximately \$750,000 for a contractor to review the assessment data and create the associated Congressional Report. The government is assigning one GS-14 (FTE) in the Washington, D.C. area to oversee this effort. The annual salary of a GS-14 Step 3 FTE in the Washington, D.C. area is \$125,005.<sup>13</sup> DHS multiplies a load factor of 1.6919 to the annual salary, resulting in an annual cost of \$211,497.<sup>14</sup> The cost is based on a web-based survey only. Combining the contract cost of \$750,000 and the fully loaded cost of a GS-14 Step 3 employee, DHS estimates a government cost of \$961,497.

**15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

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13 Office of Personnel Management. Salary Table 2019-DCB. Annual salary for GS-14, Step 3.

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB.pdf>

14 Congressional Budget Office. Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015. April 2017. <https://www.cbo.gov/publication/52637>. According to Table 4, Average Total Compensation for all levels of education is \$64.80. According to Table 2, Average wages for all levels of education is \$38.30. DHS estimates the compensation factor by dividing total compensation by average wages.

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.**

All respondents will be required to submit their data by the deadline provided. The October 2019 timeline for the CUAS recommendations reporting is below:

Analysis and Reporting

- a. Every respondent will receive access to individual reports immediately after they submit the assessment
  - i. Individual Assessments will be available via a technology platform such as Survey Monkey which is housed on the FFRDC network.
- b. DHS will provide a Congressional Report after the assessment open period
  - i. Audience: U.S. Attorney General, Secretary of Transportation, and Congress
  - ii. The report will generally include:
    1. Introduction
    2. Reporting methodology
      - a. Data results
      - b. Audience breakdown
      - c. Instrument result breakdown
      - d. Recommendations
      - e. Other Requirements from the Act
  - iii. May-June: Analysis and Drafting
  - iii. June: Draft report provided to S1
  - iii. October: Final report delivery to Congress

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

DHS 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 Submission," of OMB 83-I.**

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