



Homeland
Security

ACTION MEMORANDUM

MEMORANDUM FOR: Neomi Rao
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

FROM: John Zangardi
Chief Information Officer
Department of Homeland Security *John Zangardi*
10/5/2019

SUBJECT: Emergency Information Collection Request (ICR): An Evaluation of Unmanned Aircraft Systems (UAS) for Critical Infrastructure Owners, Large Hub Airports, and Federal, State, Local, and Tribal Law Enforcement within the Preventing Emerging Threats Act of 2018

Purpose: The memorandum seeks the Office of Management and Budget (OMB) approval of the Department of Homeland Security (DHS) request for an emergency review under the Paperwork Reduction Act (PRA) to complete OMB Control Number 1601-NEW “an evaluation of current Federal and State, local, or tribal law enforcement authorities to counter the threat [of unmanned aircraft systems (UAS)]” and “an evaluation of the knowledge of, efficiency of, and effectiveness of current procedures and resources available to owners of critical infrastructure and domestic large hub airports when they believe a threat from UAS is present and what additional actions, if any, the Department could implement under existing authorities to assist these entities to counter the threat [of UAS]” of the Preventing Emerging Threats Act of 2018 (the Act).¹

Background: Under the Act, Congress directed DHS to conduct outreach to owners and operators of critical infrastructure and domestic large hub airports, and other persons² to solicit

¹ H.R. 302 FAA Reauthorization Act of 2018.

² “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

feedback on their knowledge of the efficiency and effectiveness of current procedures and resources available to them when they believe a threat from UAS is present and what additional actions, if any, DHS could implement under existing authorities to assist these entities to counter that 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.³

In November of 2018, DHS began reviewing the congressional requirements outlined in the Act, and formed an Executive Steering Committee at the Department level to execute those requirements. In late December 2018, a lapse in congressional funding to parts of DHS which lasted until late January 2019, prevented the Executive Steering Committee from convening. Upon return from the lapse in appropriations, the committee convened and outlined the necessary components of each requirement and associated tasks.

Discussion: Although some information currently exists, specifically for a requirement in Section 2 of the Act, 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 owners of critical infrastructure and domestic large hub airports, Federal, State, Local, tribal officials, and law enforcement entities. In light of the statutory reporting deadline, DHS is seeking emergency clearance to include additional questions, outlined in the attached documents, for this outreach. DHS will incorporate findings to these questions into the report required within the Act.

Without emergency approval, DHS will be unable to collect the required information under Section 2 of the Act and report to Congress within the timeframe specified in Subsection 1, of Section 2 of the Act. The use of normal PRA clearance procedures is reasonably likely to cause the statutory deadline to be missed.

Estimated Timeline:

1. The Statutory requirement began on October 4, 2018, as amended, triggering the 1 year reporting requirement.
2. Survey implementation needs to be initiated 6 months prior to the reporting deadline.
3. Analyses of the survey/data will last 2 months, and the report will generally take 1 month to prepare.

government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision.”

³ See Section 2(l)(1).

4. The Report will be coordinated between the U.S. Attorney General and the Secretary of Transportation for 2 weeks, prior to submission no later than October 4, 2019 to Congress.
5. OMB should approve the survey by April 15, 2019 in order for DHS to meet the planned schedule timeframes.

Conclusion: DHS respectfully requests that OMB grant DHS's request for emergency clearance to conduct outreach and receive information in order to comply with the assessment requirement of the Act within the statutory time frame. It is imperative that DHS include additional questions relating to current Federal and State, local, or tribal law enforcement authorities, and the efficiency and effectiveness of current procedures and resources available to owners of critical infrastructure and domestic large hub airports to meet the statutory mandate.