

**DEPARTMENT OF HOMELAND SECURITY
SUPPORTING STATEMENT A FOR
SUPPORT ANTI-TERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES ACT
(SAFETY Act)**

OMB Control No: 1640-0001

COLLECTION INSTRUMENTS(S): DHS Form 10010 - Registration, DHS Form 10009 –

Request a Pre-Application Consultation, DHS Form 10008 – Apply for Designation as a Qualified Anti-Terrorism Technology (QATT), DHS Form 10007 – Apply for Certification as an Approved Product for Homeland Security, DHS Form 10006 – Apply for Developmental Testing and Evaluation (DT&E), DHS Form 10005 – Apply Pursuant to a Block Designation, DHS Form 10004 – Apply Pursuant to a Block Certification, DHS Form 10003 – Submit a Notice of License of a SAFETY Act Designation or Certification, DHS Form 10002 – Submit a Notice of Modification of a SAFETY Act Designation Certification, DHS Form 10001 – Apply for a Transfer of a SAFETY Act Designation or Certification, DHS Form 100057 – Apply for a Renewal of SAFETY Act Designation or Certification

A. Justification

1. The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 - 6 U.S.C. §§ 441–444 (the “SAFETY Act”) and 6 C.F.R. Part 25, 71 Fed. Reg. 33147, 33159 was enacted as part of the Homeland Security Act of 2002, Public Law 107-296. This law requires the collection of information voluntarily submitted to the Department of Homeland Security (DHS).

As part of the process to provide liability protections under the SAFETY Act, Public Law 107-296 Sec 862 and Sec 863(d)(2) state that the Secretary will be responsible for conferring coverage to technologies that meet the 7 criteria for Designation and conditions for Certification. Additionally, the legislation also states that the Secretary may determine a technology’s fitness for SAFETY Act Designation or Certification based on other factors they deem appropriate. For the Secretary or their Designee (in this instance, the Under Secretary for the Science and Technology Directorate or their Deputy) to determine if a technology is appropriate for SAFETY Act Designation or Certification data collection is necessary.

To determine if a technology merits Designation or Certification, it is incumbent on the Office of SAFETY Act Implementation to provide the Secretary with all relevant information to base their decision. The information requested in the collection instruments identified in this Supporting statement are necessary to address not only the criteria and conditions for SAFETY Act Designation and Certification, but also to address other items of note that may be necessary for the Secretary, or their Designee (in this instance, the Under Secretary for the Science and Technology Directorate or their Deputy) to make their decision.

It should also be noted that the SAFETY Act governing legislation and regulations also require an analysis of an Applicant’s financial status to determine an appropriate liability

limit. 6 C.F.R. Part 25, states “While the Act provides the Secretary with significant discretion in this regard, the Secretary may not require the Seller to obtain liability insurance of more than the maximum amount of liability insurance reasonably available from private sources on the world market.” To make this determination, recommend “examination of several factors, including without limitation the following: (i) The amount of insurance the Seller has previously maintained; (ii) the amount of insurance maintained by the Seller for other related technologies or for the Seller’s business as a whole; (iii) the amount of insurance typically maintained by Sellers of comparable technologies; (iv) data and history regarding mass casualty losses; and (v) the particular technology at issue.” Consequently, the collection instruments identified herein, are necessary to gather the information necessary to conduct individualized insurance analyses.

2. The collected information is used by the Office of SAFETY Act Implementation (OSAI) Science and Technology Directorate (S&T) DHS to facilitate the evaluation of SAFETY Act applications received from any person, firm, or other entity that provides an anti-terrorism technology. The Act applies to a broad range of technologies, including products, services, and software, or combinations thereof. Information is typically collected via the DHS S&T SAFETY Act Web site, however; the public has the option of providing the information via hardcopy forms that can be either mailed or faxed to the DHS OSAI.

The information submitted to OSAI is related to the following criteria and conditions as detailed in the The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 - 6 U.S.C. §§ 441–444 (the “SAFETY Act”):

- a. Prior United States Government use or demonstrated substantial utility and effectiveness;
 - b. Availability of the technology for immediate deployment in public and private settings;
 - c. Existence of extraordinarily large or extraordinarily unquantifiable potential third party liability risk exposure to the Seller or other provider of such anti-terrorism technology;
 - d. Substantial likelihood that such anti-terrorism technology will not be deployed unless protections under the system of risk management provided under this subtitle are extended;
 - e. Magnitude of risk exposure to the public if such anti-terrorism technology is not deployed;
 - f. Evaluation of all scientific studies that can be feasibly conducted in order to assess the capability of the technology to substantially reduce risks of harm;
 - g. Anti-terrorism technology that would be effective in facilitating the defense against acts of terrorism, including technologies that prevent, defeat or respond to such acts; and
 - h. Whether the technology will perform as intended, conforms to the Seller’s specifications, and is safe for use as intended
3. The information will be collected via a fully electronic or an alternative manual methods. The fully electronic method is available via a DHS S&T secure web site, www.SAFETYAct.gov, through which the public can learn about the program, submit

applications for SAFETY Act protections, submit questions to OSAI, and provide feedback. The data collection forms have standardized the collection of information that is both necessary and essential for the evaluation of SAFETY Act applications. This is the preferred method, collection of this information to reduce the data gathering and records management burden. The alternative methods are via hardcopy forms that can be mailed to the following address:

Department of Homeland Security
Science and Technology Directorate
Office of SAFETY Act Implementation
Room 1715
Mail Stop 8700
245 Murray Lane
Washington, D.C. 20528

Physical mail sent to DHS is screened and processed, which may delay the Department's response to submissions.

4. This information is not collected in any form, and therefore is not duplicated.
5. Collection of SAFETY Act applications and related information via a secure Web site is intended to minimize burden for small businesses and other small entities, which encompass a large portion of the OSAI application pool. OSAI also developed a streamlined on-line application process that can be updated periodically. Small businesses and other small entities, which do not have access to the Internet, can request that hard copies of forms be mailed or faxed to them for completion and then be returned to the DHS OSAI.
6. The DHS OSAI collects only information in connection with SAFETY Act applications as necessary for the Secretary of their Designee to determine if a technology meets the criteria outlined in the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 and Regulations Implementing the Support Anti-terrorism by Fostering Effective Technologies Act of 2002. Though the regulations do clarify that the Secretary or their Designee may make a determination based on other factors they deem relevant, the collection of information is necessary for OSAI to support their statutory requirement.
7. The special circumstances contained in item 7 of the Supporting Statement are not applicable to this information collection.

Federal law enforcement and intelligence officials established confidentiality procedures for safeguarding, maintenance and use of information submitted to the DHS as part of SAFETY Act applications. OSAI has the ability to process sensitive or classified application information.

Applicants may submit company-proprietary information (including business confidential information as part of SAFETY Act applications. All sensitive but unclassified material is safeguarded as outlined in Department of Homeland Security Management Directive Number 11042.1, Safeguarding Sensitive But Unclassified (For Official Use Only)

Information.

8. In accordance with 5 CFR 1320.8(d), a 60-day notice for public comment was published in the Federal Register on 05 April 2019 at 84 FR 13686 and no public comments were received. Further, a second Federal Register Notice soliciting public comment for a 30-day period was published on 8 July 2019 at 84 FR 32466 and public comments are not anticipated.
9. DHS S&T does not provide payments or gifts to respondents in exchange for a benefit sought.
10. Confidentiality and protection of intellectual property is assured. To the extent possible, OSAI protects information in accordance with the Final Rule, Section 25.10 10 to include “all appropriate exemptions from the Freedom of Information Act.” Any proprietary information provided to the Office of SAFETY Act implementation is also subject to the Trade Secrets Act (18 USC 1905) and Protection of Trade Secrets (18 USC Chapter 90).

The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. The collection is covered under DHS/ALL/PIA-015 DHS Web Portals. The collection is covered under the following system of records notices (SORNs): DHS/S&T-001 Research, Development, Test, and Evaluation Records, 78 FR 3019 (January 15, 2013) and DHS/ALL-004 General Information Technology Access Account Records System 77 DR 70792 (November 7, 2012). DHS may release an individuals information collected under one of these SORNs on a case-by-case basis as described in the applicable SORN. However, in accordance with the Final Rule, Section 25.10, information submitted to the SFETY Act may still be released pursuant to the circumstances stated therein. .

11. There are no questions of a sensitive nature in this information collection.

12. Estimated Annualized Burden Hours and Costs

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10010: Registration of a Seller	DHS Form # 10009: Request for a Pre-Application Consultation	DHS Form # 10002: Notice of Modification
Type of Respondent(s)	All Occupations	All Occupations	All Occupations
No. of Respondents	250	125	20
*Avg. Burden per Response (in hours)	0.5	2	10
Total Annual Burden (in hours)	125	250	200
**Average Hourly Wage Rate	\$34.08	\$34.08	\$34.08
Total Annual Respondent Cost	\$4,260.00	\$8,520.00	\$6,816.00

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10001: Application for Transfer of SAFETY Act Designation	DHS Form # 10057: Application for Renewal	DHS Form # 10006: Application for Developmental testing and Evaluation Designation
Type of Respondent(s)	All Occupations	All Occupations	All Occupations
No. of Respondents	10	30	20
*Avg. Burden per Form (in hours)	8	50	50
Total Annual Burden (in hours)	80	1,500	1,000
**Average Hourly Wage Rate	\$34.08	\$34.08	\$34.08
Total Annual Respondent Cost	\$2,726.40	\$51,120.00	\$34,080.00

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10008: Application for SAFETY Act Designation	DHS Form # 10007: Application for SAFETY Act Certification	DHS Form # 10005: SAFETY Act Block Designation
Type of Respondent(s)	All Occupations	All Occupations	All Occupations
No. of Respondents	125	50	20
*Avg. Burden per Form (in hours)	90	40	10
Total Annual Burden (in hours)	11,250	2,000	200
**Average Hourly Wage Rate	\$34.08	\$34.08	\$34.08
Total Annual Respondent Cost	\$383,400.00	\$68,160.00	\$6,816

Estimates of Annualized Labor Costs and Respondents	DHS Form # 10004: SAFETY Act Block Certification	DHS Form # 10003: Notice of License
Type of Respondent(s)	All Occupations	All Occupations
No. of Respondents	10	5
*Avg. Burden per Form (in hours)	10	20
Total Annual Burden (in hours)	100	100
**Average Hourly Wage Rate	\$34.08	\$34.08

Total Annual Respondent Cost	\$3,408.00	\$3,408.00
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Annual Reporting Burden and Respondent Cost:

The total estimated ICR Public Burden in hours is 16,805. This figure was derived by summing the total annual burden hours from the forms.

This information is requested differently since the last time this was extended as OMB was an actual reference of how the burden is estimated. In the tables above you will need to break out the Type of Respondent by occupation wage rate using the Bureau of Labor and Statics.

*Notes: Based on the following Mean hourly wages rate in May 2017 Bureau of Labor Statistics (source: <http://www.bls.gov/bls/blswage.htm> , the average hourly wage rate of \$24.34 with a 1.4 benefit multiplier equals a fully-load wage rate of \$34.08 (\$24.34 x 1.4 = \$34.08).

**Note: Based on the following Average Hourly Wage Rate in May 2017 Bureau of Labor Statistics (source: <http://www.bls.gov/bls/blswage.htm>, average hourly wage for “All Occupations” of \$24.34 times the wage rate benefit multiplier of 1.4 (to account for fringe benefits) equaling \$34.08. The selection of “All Occupations” (for example) was chosen as the expected respondents for this collection could be expected to be from any occupation. See Appendix A for Average Burden per Form.

Public Cost

The estimated annual public cost is \$572,714. This figure was derived by summing the estimated annual respondent costs for all forms.

13. There are no record keeping, capital, start-up, or maintenance costs associated with this information collection.
14. **Government Cost:** The annualized cost associated with the program is \$1,825,006.04.

The estimate annual cost to the Federal Government in relation to this information collection is \$1,815,640 for operation and support of SAFETY Act Management System (SAMS) Independent Test, Evaluation, Validation and Verification performed by the ManTech Mission Cyber and Intelligence Solutions Group, Inc., (Contractor) under contract no. HSHQDC-15-J-00233. Contractor provide helpdesk services, application support, application enhancements, infrastructure support, enhancing system infrastructure to improve capability, security services, technical interface support.

Contract staff required for successful completion of task order are presented below.

Labor category	Hours	Rate	Total Cost
Systems Analyst (Level II)	1,880	\$77.30	\$145,324.00
Network Engineer	1,880	\$139.91	\$263,030.80
Network Engineer	1,880	\$139.91	\$263,030.80

Application System Analyst	200	\$112.95	\$22,590.00
Program Manager	1,880	\$162.98	\$306,402.40
Subject Matter Expert (Level III)	1,880	\$189.4.	\$356,128.40
Subject Matter Expert (Level III)	1,880	\$189.4.	\$356,128.40
Information Assurance (IT Security Specialist)	940	\$109.58	\$103,005.20
		Total:	\$1,815,640

We are collecting specifically information about the existence of, the capabilities, and the technical and economic data regarding anti-terrorism technologies. Without these collections, we would be unable to perform our core mission. Our selected method for performing these collections is the lowest cost, most efficient method available: a 24x7 web site that automates and manages the distribution of the collected information. Without the web site, we would be forced to rely on physical mail deliveries, incurring postage and shipping costs, significant transmission delays, and costs to duplicate the documents for archiving and dissemination to analysts. Further delays would be incurred as a result of the need to physically transport documentation between OSAI offices in Vermont Avenue and the analytical support team located in Alexandria, VA.

Additional Annualized Cost Analysis:

a. Federal Employee Processing: \$9,3660.40

Members of the OSAI staff are partially involved in the processing of information collected from SAFETY Act Applications. As of this writing 5 federal employees are involved in the processing of collected documents. It is estimated that approximately 10 percent of their time is associated with the collection process (for example, offering guidance to Applicants via electronic communication or via telephone or corresponding with other government officer on an Applicant's behalf). The Additional Annualized cost was calculated by averaging the salaries of the 5 federal employees and multiplying that figure by the percentage of time they spend on the collection process, i.e. 10 percent ($\$93,664 \times 0.10 = \$9,366.40$). The Federal employees estimate cost is based on General Schedule 2018 WASHINGTON-BALTIMORE-NORTHERN VIRGINIA, DC-MD-VA-WV-PA locality.

15. All SAFETY Act forms were created by DHS S&T to reduce the cost and time burden to the public.

There has been a slight increase in the cost associated with the contract associated with maintaining the SAFETY Act secure website to reflect: cost of living increases to wages, equipment upgrades, software updates, etc. Cost of federal employee collection processing was also include to more accurately reflect the true cost of information collection. However, the cost to the public has remained relatively consistent, showing only an

increase of \$202,767.40. The increase in cost is roughly consistent with rate of inflation since the previous document renewal.

16. DHS S&T does not intend to employ the use of statistics or the publication thereof for this information collection.
17. DHS S&T will display the expiration date of OMB approval for this information collection.
18. DHS S&T does not request an exception to the certification of this information collection.