



**Homeland
Security**

ACTION MEMORANDUM

MEMORANDUM FOR: The Honorable Paul Ray
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Elizabeth A. Cappello
Chief Information Officer
Department of Homeland Security

FROM: David Wilkinson
Deputy Associate Director for Operations
Cybersecurity and Infrastructure Security Agency

SUBJECT: Emergency Information Collection Request (ICR): An Evaluation
of Denied Movement for Critical Infrastructure Owners

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 1670-NEW “The CISA Incident Reporting System, Critical Infrastructure Denied Movement Reporting Form” provides a secure web-enabled means of reporting Critical Infrastructure Workers Denied Movement situations to CISA. This system assists analysts in providing timely handling of these reports as well as the ability to conduct improved analysis and advocate for change”. For the purpose of this system, a Critical Infrastructure Workers Denied Movement situation occurs anytime an individual or entity believes they are considered an essential worker under local definitions and was denied the ability to move around to conduct activities the local authorities have determined are authorized.

Background: As part of the National Pandemic Action Plan for responding to the COVID-19 threat, social distancing and local “Stay at Home” or similar orders have become the normal across the country. 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.

Discussion: As part of CISA’s routine monitoring of our programs, we have heard anecdotal evidence that even though our non-mandatory guidance has been broadly 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 but must first better understand the environment. This emergency approval will allow CISA service agents to collect information about these incidents in a manner that permits further analysis. Failure to collect this information will prevent CISA from determining if changes to our Essential Critical Infrastructure Workers guidance is warranted. Any required changes are extremely time sensitive. Delaying any necessary updates to this guidance could conceivably harm the governments effort to stop the spread of COVID-19 by allowing too many workers to move freely, or harm the recover of the national economy by allowing too few essential workers to move freely. Voluntary collection of this information is key to ensuring our guidance is effective.

Conclusion: Approval of this request will ensure CISA is able to collect voluntary information from citizens who believe they have been improperly denied movement as an Essential Critical Worker, while minimizing the burden on respondents. We recommend approval.

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

Attachment (s):

1. 1670-NEW_Critical Infrastructure Workers Denied Movement Reporting Form_SS-A_v2
2. 1670-NEW_Critical Infrastructure Workers Denied Movement Reporting_Form_v1
3. PTA, CISA - Critical Infrastructure Workers Denied Movement Report, 20200406, PRIV Final