



Homeland Security

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

FROM: The Honorable Karen S. Evans
Chief Information Officer
Department of Homeland Security

SUBJECT: Emergency Approval Request of New Information
Collection to the Office of Management and Budget
(OMB) Collection 1601-NEW COVID-19 Contact Tracing
Reporting Tool, COVID-19 Contact Tracing Form, and
COVID-19 Contact Tracing Script

The Department of Homeland Security (DHS) seeks to use the emergency process for approval of new information collection to the Office of Management and Budget (OMB) Collection 1601-NEW COVID-19 Contact Tracing Reporting Tool, COVID-19 Contact Tracing Form, and COVID-19 Contact Tracing Script.

DHS is authorized to collect the information, and to the extent limited by to collect, pursuant to Section 319 of the Public Health Service (PHS) Act (42 U.S.C. sec. 274d); DHS Chief Medical Officer's authorities pursuant to 6 U.S.C. sec. 350 and 6 U.S.C. sec. 597; 6 U.S.C. sec. 464; 21 U.S.C. sec. 360bbb-3; 40 U.S.C. sec. 1315; 42 U.S.C. sec. 97; American with Disabilities Act, including 42 U.S.C. sec. 12112(d)(3), 29 C.F.R. 1630.2(r), 1630.14(b), (c); Workforce safety federal requirements, including the Occupational Safety and Health Act of 1970, Executive Order 12196, 5 U.S.C. 7902; 29 U.S.C. Chapter 15 (e.g., 29 U.S.C. sec. 668), 29 CFR Part 1904, 29 CFR 1910.1020, and 29 CFR 1960.66.

Contact Tracing is a critical tool to control the spread of COVID-19. It is vital that DHS implements COVID-19 Contact Tracing collection as soon as possible to support immediate need of preventing further spread of COVID-19 in response to the ongoing pandemic. In accordance with the Paperwork Reduction Act (PRA) and OMB implementing regulations at 5 C.F.R. § 1320.13: (1) this information is necessary to sustain and protect the mission of the agency; (2) this information is necessary prior to the expiration of time periods established under PRA; (3) public harm is reasonably likely to result if normal clearance procedures are followed; and (4) an unanticipated event has occurred.

1. Information is Essential to the Mission of the Agency

OMB Memorandum M-20-2, “Aligning Federal Agency Operations with the National Guidelines for *Opening Up American Again*,” dated April 20, 2020, requires employers to develop and implement policies and procedures for workforce contact tracing following an employee’s COVID-19 positive test. In doing so, M-20-23 requires symptomatic Federal employees and contractors to follow their Agency’s process if they are symptomatic or test positive for COVID-19. The agency processes should protect the anonymity and privacy of Federal employees and contractors, to the extent possible, while disclosing only the information necessary for agencies to take appropriate actions of notifying potentially affected employees and cleaning the facility. Additionally, per the Centers for Disease Control and Prevention (CDC) guidance entitled *Get and Keep America Open*, COVID-19 Contact Tracing is essential to reduce the spread of COVID-19. Furthermore, in response to the Coronavirus Pandemic, public health leaders are calling for communities around the country to ramp up capacity and implement a massive contact tracing effort to control spread of the Coronavirus. The response and recovery from the effect of COVID-19 will continue to present Federal agencies with unprecedented challenges, as well as opportunities for improvement, that require new processes and practices such as COVID-19 Contact Tracing to keep the workforce and the public safe. As DHS plans to reconstitute the workforce, this information and it is essential to have an internal DHS Contact Tracing Program that informs mission readiness and protects the workforce and our families.

Because of the substantial risk to life, safety, or health of the workforce and the public, DHS requests an emergency approval to collect the necessary information from Federal employees, detailees, interns, volunteers, and contractors in order to implement an effective COVID-19 Contact Tracing program.

Each item of information requested is based on CDC and industry best practice for Contact Tracing. This information is necessary to identify individuals in the workforce who are COVID-19 positive and to notify and trace persons in the workforce who were in close contact with the COVID-19 positive employee. Including contractors, interns, and volunteers, enables DHS to capture the total workforce and take appropriate action.

The following information will be collected for COVID-19 Contact Tracing:

- Name (first and last);
- COVID-19 lab test result;
- Component Name;
- Office address;
- Personal phone number (Mobile or Home);
- Work phone number;
- Work email address;
- Where is your primary site of work (e.g., department, floor, field site, desk location, etc.);
- Supervisor Name (First and Last);
- Supervisor’s Phone Number;
- Supervisor’s Email;

- All activities, floors visited in the DHS workspace, meeting attended (including lunches, etc.) that the COVID-19 positive employee participated in starting 48 hours before their first COVID-19 symptoms began;
- Last date worked in a DHS worksite;
- Names (first and last) of federal employees, contractors, detailees, interns, and volunteers who the COVID-19 positive employee was in close contact with, along with the close contacts' work email addresses, work phone numbers, and the last dates of contact.

2. The Information is needed Prior to Expiration of Time Periods Established under PRA

To summarize, the COVID-19 infection transmits easily, spreads quickly, and can have a high mortality rate for some of the most vulnerable members of society. Currently, there exists no vaccine or therapy for the disease. In response to the Coronavirus Pandemic, public health leaders are calling for communities around the country to ramp up capacity and implement a massive contact tracing effort to control spread of the Coronavirus. Additionally, the President's Opening Up America Again guideline includes contact tracing as key criteria to safely reconstitute the workforce. Contact tracing is a critical tool to control the spread of COVID-19. As DHS plans to reconstitute the workforce (federal employee, contractor, detailee, volunteer, or intern) it is essential to have an internal DHS Contact Tracing Program with the means to protect the workforce by quickly identifying, isolating, and tracking. Being aware of potential office outbreaks, workforce exposures, and areas requiring sanitization will prevent the further spread of COVID-19 and preserve mission readiness. Given the national emergency caused by COVID-19, it would be impracticable and contrary to the public health—and, by extension, the public interest—to delay implementing this information collection until after DHS has completed the normal PRA process.

3. Public Harm is Reasonably Likely to Result if Normal Clearance Procedures are Followed

As COVID-19 cases continue to increase throughout the Nation, irreparable public harm is reasonably likely to result if normal clearance procedures are followed. The normal process will lead to delays in identifying, alerting, isolating and tracing COVID-19 positive employees in the DHS workforce, resulting in an outbreak amongst the DHS workforce which could spread to their family members and the general public.

4. An Unanticipated Event has Occurred

The COVID-19 pandemic continues to increase, and the full scope of the impact to Americans remains unknown. However, based on the effect in other countries, we know that there is no treatment or vaccine for COVID-19 at this time, and, for government offices to safely open, a robust Contact Tracing program must be implemented.

DHS is requesting emergency approval of this information collection request in order to protect the workforce while they are working in the DHS workspace, and, by extension, protect their families and the public. Delay in approval of this information collection will disrupt DHS' ability to comply with requirements in the President's National Guidelines for all phases and its ability to fulfill its overall mission.

5. Conclusion

Following the normal clearance procedures for approval of this information collection during the COVID-19 pandemic response, will delay DHS' ability to protect the workforce and remain mission ready to protect the Homeland ensuring National Security. Every day the pandemic situation worsens in the United States, the need for immediate COVID-19 Contact Tracing in the workplace is substantiated. As discussed, DHS certifies the requirements of 5 CFR 1320.13(a) are met and it is vital for this new collection to be implemented immediately, because: (1) this information is necessary to protect the workforce as they carry out the mission of the agency, (2) this information is necessary prior to the expiration of time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) an unanticipated event has occurred.

If you have any questions, please feel free to contact me at 202-447-0023 or Melissa Bruce, Executive Director, Business Management Directorate at 202-447-0597.