

**SUPPORTING STATEMENT FOR
SAFETY Act
OMB Control No.: (1640-0001)**

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.

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (the “SAFETY Act” or “the Act”) was enacted as part of the Homeland Security Act of 2002, Public Law 107-296, requires the collection of information voluntarily submitted to the Department of Homeland Security (DHS) in order to evaluate a technology for SAFETY Act protections. This collection of information is a renewal and the previous package expired in June 2019.

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 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.

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.

Information technology will be used in the collection of this information to reduce the data gathering and records management burden. DHS S&T provides a secure Web site <http://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. S&T conducted usability testing. S&T usability testing focused on the following areas: ensured the PRA application is written in plain language with no jargon, has mobile capabilities, forms are prepopulated for streamlining in the application process, any redundant or duplicative questions were removed. This PRA is a reinstatement PRA with no corrections. Usability testing was conducted, and findings ensured that questions were already in plain language, mobile capabilities already exist for this application process, there is no jargon or duplicative questions. There have been no changes to the collection.

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.

OSAI facilitates the evaluation of SAFETY Act applications based on the economic and technical criteria contained in the SAFETY Act Final Rule. Based on the results of the evaluation, OSAI makes recommendations for the Under Secretary of Science & Technology to consider in his/her determination whether to designate a particular technology as a qualified anti-terrorism technology (QATT).

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

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. 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.

The DHS OSAI collects only information in connection with SAFETY Act applications. Not collecting this information would make it much more difficult, time consuming, and costly for DHS to evaluate proposed anti-terrorism technologies. Collecting this information less frequently would result in the evaluation of fewer anti-terrorism technologies resulting in the issuance of fewer SAFETY Act protections and ultimately, fewer anti-terrorism technologies deployed to protect the nation and could save lives.

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;
 - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - requiring respondents to submit more than an original and two copies of any document;
 - requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
 - 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;
 - requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
 - 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
 - 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.

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. 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.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Federal Register Notice will be soliciting public comment by over a 60-day period published on September 12, 2023; pages 62585-62586. After the 60-day public notice is published; a second Federal Register Notice will be published soliciting public feedback over a 30-day period on July 8, 2024. We received 2 comments which were unrelated to the question.

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

DHS S&T does not provide payments or gifts to respondents in exchange for a benefit sought.

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

Confidentiality and protection of intellectual property is assured in accordance with the Final Rule, paragraph 25.10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. A Privacy Threshold Analysis was completed and required the submission of a Privacy Threshold Analysts, which was accepted as complete. They are included in the submission package. This PTA will expire on September 30, 2025.

PIA coverage is provided by:

DHS/ALL/PIA-006 General Contact Lists, which covers the risks of DHS operations and projects collecting a minimal amount of contact information in order to distribute information.

DHS/ALL/PIA-015 DHS Web Portals, which covers the PII collected from members of the public by DHS in order to document informational and collaboration-based portals in operations at DHS and its components.

SORN coverage is provided by:

- DHS/ALL-002 Department of Homeland Security (DHS) Mailing and Other Lists System, which covers lists used to facilitate mailings to multiple addresses and other activities in furtherance of DHS duties.
- DHS/ALL-004 General Information Technology Access Account Records System (GITAARS), which covers the collection of PII to provide access to DHS IT resources.

Since S&T is collecting information on members of the public, S&T will provide the appropriate Privacy Act Statements on OSAI’s public website and within the forms associated with the SAFETY Act Program. The Privacy Act Statement has been submitted and approved.

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
No. of Respondents	260	110	20
Avg. Burden per Form (in hours)	0.5	2	10
Total Annual Burden (in hours)	130	220	200
Average Hourly Wage Rate	\$100	\$100	\$100
Total Annual Respondent Cost	\$13,000	\$22,000	\$20,000

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 in this information collection.

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

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
No. of Respondents	20	60	20
Avg. Burden per Form (in hours)	10	80	60
Total Annual Burden (in hours)	200	4800	1200
Average Hourly Wage Rate	\$100	\$100	\$100
Total Annual Respondent Cost	\$20,000	\$480,000	\$120,000

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
No. of Respondents	130	10	10
Avg. Burden per Form (in hours)	80	40	20
Total Annual Burden (in hours)	10400	400	200
Average Hourly Wage Rate	\$100	\$100	\$100
Total Annual	\$1,040,000	\$40,000	\$20,000

Respondent Cost			
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Estimates of Annualized Labor Costs and Respondents	DHS Form # 10004: SAFETY Act Block Certification	DHS Form # 10003: Notice of License
No. of Respondents	0	3
Avg. Burden per Form (in hours)	40	20
Total Annual Burden (in hours)	500	250
Average Hourly Wage Rate	\$100	\$100
Total Annual Respondent Cost	\$50,000	\$25,000

Annual Reporting Burden and Respondent Cost:

The total estimated ICR Public Burden in hours is 18,500. This figure was derived by summing the total annual burden hours from the forms. The burden to the applicant is commensurate; however, to the nature and risk to the public should the applicant be granted protections. Each survey question is not tailored to ensure that DHS renders an objective decision; therefore, it will necessitate a narrative from the applicant documenting processes and provide proof of proposed anti-terrorism technology. In addition, it may require coordination with other Federal, State and Local partners and or private sector representatives.

Public Cost.

The estimated annual public cost is \$1,850,000.00. This figure was derived by summing the estimated annual respondent costs for all forms.

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.

There are no capital or start-up costs associated with this information collection.

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.

Government Cost:

The estimate annual cost to the Federal Government in relation to this information collection is \$1,850,000.00. It includes \$1,745,245.43 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. HHSN316201200022W, Task Order No. 70RSAT20FR0000129. Contractor provides helpdesk services, application support, application enhancements, infrastructure support, enhancing system infrastructure to improve capability, security services, technical interface support.

Contractor's staffs required for successful completion of task order are presented below.

Labor Category	Hours	Rate	Total Cost
Systems Analyst (Level II)	1,880	\$ 96.48	\$181,382.40

Network Engineer (Level III)	1,880	\$ 156.79	\$294,765.20
Applications System Analyst (Level II)	470	\$108.54	\$ 51,013.80
Program Manager (Level III)	1,800	\$168.85	\$303,930.00
Subject Matter Expert (Level III)	1,880	\$235.16	\$442,100.80
Information Assurance (IT Specialist) III	1,880	\$120.61	\$226,746.80
Website / Graphic Designer	700	\$102.53	\$71,771.00
		OY 1 Total:	\$1,767,600.20

\$100,000 estimated for data center hosting charges for servers and software to support collecting, retaining, and storing the collected information as well as tools and equipment to enhance the security of the IT system, helpdesk, or other functional areas.

\$99,908 provided for additional engineering service to comply with PIV usage mandate. 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 entirely 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, and significant transmission delays.

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

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

There is no change in the burden associated with this collection. There are no proposed changes to the information being collected. The changes in burden assessment are based on actual data and submissions to the SAFETY Act Program. The updates in burden reflect actual data. The data is reflected in the estimated annualized burden hours and cost tables.

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.

DHS S&T does not intend to employ the use of statistics or the publication thereof for this information collection.

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 S&T will display the expiration date of OMB approval for 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.