

## Supporting Statement for Paperwork Reduction Act Submissions

**Title:**

**OMB Control Number: 1670-NEW**

### **Gratuitous Services Agreement and Volunteer Release and Hold Harmless**

#### **Supporting Statement A**

##### **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.

Under the Homeland Security Presidential Directive-19: *Combating Terrorist Use of Explosives in the United States*, the Department of Homeland Security (DHS) was mandated to educate private sector security providers about IED threats, including tactics, techniques, and procedures relevant to their usage, so they are knowledgeable about terrorist use of explosives and contribute to a layered security approach.

The President's Policy Directive-17: *Countering Improvised Explosive Devices* (PPD-17) reaffirms the 2007 Strategy for Combating Terrorist Use of Explosives in the United States. It provides guidance to update and gives momentum to our ability to counter threats involving improvised explosive devices (IEDs). DHS was mandated to deliver standardized IED awareness and familiarization training for federal, state and local responders and public safety personnel.

Over the past 10 years, incidents involving IEDs has increased worldwide. This highlights the existing threat of IED attacks by terrorists, transnational criminal organizations, and individuals domestically that have radical political, environmental, or international viewpoints. IEDs have been used in the theater of war, mass transit systems overseas (London, Spain), in global aviation plots (December 2009), assassination attempts against political leaders, and other attempts here within the United States (Portland, Times Square, Boston Marathon 2013). They have also been used to threaten our ability in the secure movement of goods in accordance with the National Strategy for Global Supply Chain Security (print cartridge).

The Office for Bombing Prevention (OBP) must collect this information to effectively deliver training without concern that an individual who acts as a volunteer role player in support of official OBP training sustains an injury or death during the performance of his or her supporting role.

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 purpose of the Volunteer Participant Release of Liability Agreement is to collect necessary information in case an individual who acts as a volunteer role player in support of official OBP training sustains an injury or death during the performance of his or her supporting role. If legal action is taken, this information can serve as a “hold harmless” statement /agreement by the Government. In the unlikely event that an injury or death is sustained in the performance of support for training, this information will be used by NPPD/IP/PSCD/OBP to protect against legal action by the volunteer or their family. If legal action is taken, this information can serve as a “hold harmless” statement /agreement by the Government.

The purpose of the Gratuitous Services Agreement is to establish that no monies, favors or other compensation will be given or received by either parties involved. The information from the Gratuitous Services Agreement will be used by NPPD/IP/PSCD/OBP in the event that questions arise regarding remuneration or payment for volunteer participation in training events.

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.

These forms are best delivered as hard-copies to volunteer participants that attend the courses to ensure the right audiences are targeted in an environment where last-minute changes to the participant list are common. However, it is feasible that these forms will transition to a Learning Management System (LMS) enabling participants to complete online. That solution is not likely to be in place before the end of FY15.

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.

There is currently no agreement of this type in existence.

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

This form does not negatively affect small businesses.

6. Describe the consequence to Federal/DHS program or policy activities if the collection of information is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failure to collect this information could result in questions of liability and/or remuneration for volunteers in IP/OBP and reluctance to seek volunteer involvement as a result. This would negatively affect the overall quality of the program in delivering these trainings to private sector security providers, federal, state and local responders, and public safety personnel.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- (a) Requiring respondents to report information to the agency more often than quarterly.
- (b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.
- (c) Requiring respondents to submit more than an original and two copies of any document.
- (d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.
- (e) 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.
- (f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.
- (g) 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.
- (h) 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.

None.

8. Federal Register Notice:

- a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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.
- b. 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.
- c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

	Date of	Volume #	Number #	Page #	Comments
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	<b>Publication</b>				<b>Addressed</b>
<i>60Day Federal Register Notice:</i>	08-20-2015	80	161	50649	0
<i>30-Day Federal Register Notice</i>	02-08-2016	81	25	6531-6532	0

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

No gifts or payments of any kind will be provided to the respondents of this information collection.

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

This collection does not include a pledge of confidentiality that is not supported by established authority in statute or regulation. This collection of information is covered by PIA DHS/ALL/PIA-006 DHS General Contact List.

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 persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of sensitive nature being requested.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. 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 desired. 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.

b. 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.

c. 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.

Table A.12: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Average Hourly Wage Rate	Total Annual Respondent Cost
Participant*	Volunteer Release and Hold Harmless	750	1	.10	75	\$25.96	\$1,947.00
Participant*	Gratuitous Services Agreement	750	1	.10	75	\$25.96	\$1,947.00
Total		750	2	.2	150	\$25.96	\$3,894.00

The hourly rate was calculated using data from the Bureau of Labor Statistics as an average for emergency response personnel, *\*including firefighters (\$21.75/hour) (<http://www.bls.gov/oes/current/oes332011.htm>), police officers (\$27.40/hour) (<http://www.bls.gov/oes/current/oes333051.htm>), and emergency management directors (\$28.73/hour) (<http://www.bls.gov/oes/current/oes119161.htm>)* for an average fully loaded hourly rate of \$25.96.

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: (1) 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 to keep records for the government, or (4) as part of customary and usual business or private practices.

No estimated cost burden to respondents or record keepers resulting from the collection of information, due to an absence of required capital and start-up costs and total operation/maintenance/purchases of services component.

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 have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Cost Category	Form Name	Hours for Design/ Administration	Hours per Report	Number of Reports	Total Annual Burden (in hours)	Average Hourly Wage Rate	Total Annual Cost
Govt. work Cost*	Volunteer Release and Hold Harmless	.10	.10	750	75	45.54	\$3,415.50
Govt. work Cost*	Gratuitous Services Agreement	.10	.10	750	75	45.54	\$3,415.50
Total		.2	.2	750	150	45.54	\$6,831.00

\*Using a GS 13/10 in DC Area as of 2015 at a fully loaded hourly rate of \$45.54.

[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS_h.pdf)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I. Changes in hour burden, i.e., program changes or adjustments made to annual reporting and recordkeeping **hour** and **cost** burden. A program change is the result of deliberate Federal Government action. All new collections and any subsequent revisions of existing collections (e.g., the addition or deletion of questions) are recorded as program changes. An adjustment is a change that is not the result of a deliberate Federal Government action. These changes that result from new estimates or actions not controllable by the Federal Government are recorded as adjustments.

This is a new collection.

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.

Information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

IP/OBP will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

IP/OBP does not request an exception to the certification of this information collection.