



**Transportation
Security
Administration**

MEMORANDUM FOR: Nathan Lesser
OMB DHS Desk Officer

THROUGH Scott Charbo
DHS Chief Information Officer

FROM: Peter Pietra *JAP*
Director of Privacy Policy and Compliance

SUBJECT: Request for Emergency Clearance for the Security Threat
Assessment Questionnaire

TSA is seeking emergency processing of this information collection request to implement Section 525(d) of the Department of Homeland Security Appropriations Act of 2007 (DHS Appropriations Act) and meet ongoing litigation deadlines in pending litigation, including those in *In Re: September 11 Litigation*, 21 MC 97 &101 (AKH) (S.D.N.Y.).

Section 525(d) of the Department of Homeland Security Appropriations Act of 2007 (DHS Appropriations Act) provides that in civil proceedings in the U.S. District Courts, where a party seeking access to Sensitive Security Information (SSI) demonstrates a substantial need for relevant SSI in the preparation of the party's case and an undue hardship to obtain equivalent information by other means, the party or party's counsel shall be designated as a covered person under 49 CFR part 1520.7, provided that the overseeing judge enters an order protecting the SSI from unauthorized disclosure; the individual undergoes a criminal history records check and threat assessment; and the provision of access to the specific SSI in question in a particular proceeding does not present a risk of harm to the nation.

TSA requires the information specified in this information collection request in order to conduct a threat assessment and determine whether providing SSI access to an individual would present a risk of harm to the nation, as required under sec. 525(d). TSA is collecting information necessary to determine whether individuals can receive SSI, and thus meet the mandate of Congress and the Court. Without this emergency approval, TSA will be unable to determine whether the relevant individuals can receive SSI and thus, will be unable to meet ongoing litigation deadlines in pending litigation. Public harm is reasonably likely to result if normal clearance procedures are followed because pending litigation will be delayed. By way of example, more than 60 individuals currently seek SSI access in connection with *In Re: September 11 Litigation*, and the Court expects TSA to complete the clearances as soon as possible.

While TSA is seeking emergency review of this request, after receiving the OMB control number, TSA will immediately proceed to follow the normal clearance process, which includes publishing the required Federal Register notices soliciting public comment. Your expedited action on this request is appreciated.