

INFORMATION COLLECTION SUPPORTING STATEMENT

Transportation Worker Identification Credential

- 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. (Annotate the CFR parts/sections affected).***

TSA developed the Transportation Worker Identification Credential (TWIC) program to mitigate threats and vulnerabilities in vessels and facilities regulated pursuant to the Maritime Transportation Security Act of 2002 (MTSA). The TWIC is a biometric credential used as an identification and access control tool. Before issuing a TWIC to an individual, TSA performs a security threat assessment, which requires it to collect certain biographic information such as name, date of birth and address.

The program implements authorities set forth in the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2002; sec. 106), the Maritime Transportation Security Act of 2002 (MTSA) (Pub. L. 107-295; Nov. 25, 2002; sec. 102), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59; Aug. 10, 2005; sec. 7105), codified at 49 U.S.C. 5103a(g).

TSA and the U.S. Coast Guard issued a joint Notice of Proposed Rulemaking (NPRM) on May 22, 2006. 71 FR 79396. After consideration of public comment on the NPRM, TSA and Coast Guard issued a Final Rule (72 FR 3492) on January 25, 2007, to address the enrollment and issuance of TWICs for individuals who require unescorted access to secure areas of a maritime facility or vessel. Also, all merchant mariners must, and commercial drivers licensed in Canada or Mexico transport hazardous materials in accordance with 49 CFR 1572.201 may, apply for a TWIC. Nationwide enrollment began in October 2007. Individuals who require unescorted access to secure areas of maritime facilities and vessels and all U.S. credentialed mariners must enroll for a TWIC no later than September 25, 2008. Gradually, individuals will be required to possess a TWIC which facilities will be required to verify before access is granted. Mariners who fail to apply for a TWIC by September 25, 2008 are subject to suspension and revocation proceedings against their mariner credentials depending upon the circumstances. Individuals requiring unescorted access to secure areas of regulated facilities or vessels would either be barred access or would require an escort from a TWIC holder to enter. A second rulemaking will propose enhanced access control requirements, including the use of electronic readers by certain vessel and facility owners and operators.

As described in the Final Rule, TSA requires the collection of biographic information from TWIC applicants in order to perform security threat assessments in the areas of immigration status, criminal activity, and connections to terrorism. Additionally, applicants are required to consent to and certify various statements pertaining to eligibility for the program in the areas such as disqualifying crimes, military service, immigration status, and a continuing obligation to provide information to TSA that would make them ineligible for the credential. This information, in addition to the Privacy Act and Paperwork Reduction Act statements is included in the TWIC Disclosure and Certification Form (Disclosure Form) which all

applicants are required to complete at the beginning of the enrollment session. All applicants must complete the form in order to be enrolled for a TWIC. This Disclosure Form (in addition to other program information) is available online at the TSA TWIC Program website at www.tsa.gov/twic.

The information that will be collected is the minimum amount that must be gathered to establish the identity of the individual and to perform the various security threat assessments required by M TSA. Data is collected during an optional pre-enrollment step or during the enrollment session at an enrollment center. TSA also conducts a survey to capture satisfaction with the enrollment process. TSA's contractor conducts the survey and compiles the results (see Part B). TSA reviews this information on a regular basis during the contractor performance reviews.

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.

TSA collects biographic information from applicants in order to verify their identity and to verify that the person poses no known security threat that would preclude issuance of a TWIC. In addition, TWIC applicants are required to submit their fingerprints during the in-person enrollment process and to sit for a digital photograph. Contact information, such as phone number and email, is also collected so that applicants may be notified when their TWIC is available to be picked up and activated.

In order to streamline the enrollment process, pre-enrollment is an option offered to all applicants. Pre-enrollment is recommended in order to save applicant time by allowing them to provide their biographic information in advance of visiting the enrollment center which shortens enrollment processing time. In addition, individuals may schedule an appointment for enrollment during the pre-enrollment process. This option is also intended to shorten their wait time at the enrollment center.

The fingerprints captured during the in-person enrollment process are used to conduct a criminal history record check (CHRC) via the FBI's Integrated Automated Fingerprint Identification System. The biographic data is used to perform checks against national and international terrorist watch lists, as well as searches against immigration databases (in the cases of aliens as defined by the Immigration and Nationality Act.) Once the security threat assessment is complete and it has been determined that the applicant does not pose a security risk, TSA issues a TWIC with the individual's name and photograph printed on it, which the applicant is required to pick up and activate at the enrollment center where they originally enrolled.

Biometric data is securely stored on the TWIC using integrated circuit chips. Storing this data on the TWIC allows facility and vessel owners/operators to determine positively that the individual in possession of the TWIC is the individual to whom it was issued, and that the TWIC is valid.

The Disclosure Form completed by the applicant is scanned (the original goes back to the individual) and is contained in the applicant's enrollment record for reference by TSA during

the security threat assessment/adjudications process. Also, the optional customer satisfaction survey is provided to applicants during the TWIC issuance process. The results of the survey are reviewed during the Program Management Reviews (PMRs) with the contractor, and required action is taken in order to address problem areas related to TWIC enrollment or activation.

- 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. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]**

All data is collected and stored electronically. The Disclosure Form is scanned and no paper copies are stored by TSA or its contractor. Applicants enroll in person with trained Trusted Agents who are employed by TSA's TWIC deployment contractor. These Trusted Agents go through the same enrollment process that applicants go through, including the comprehensive security threat assessment. Additionally, Trusted Agents' employers impose other security-related requirements as part of their employment.

Applicant information is entered into an electronic enrollment record by the Trusted Agent. The fingerprints and a digital photograph are captured electronically and are part of the enrollment record. Proof-of-identity documents, as well as immigration status documents (if required) are reviewed and then scanned and stored electronically. When all data is collected, the enrollment record is transmitted to an information technology system capable of securely storing information, at which time all information is automatically deleted from the enrollment station. The TWIC data collection fulfills the requirements of the Government Paperwork Elimination Act.

The survey is provided to applicants at the time of TWIC issuance, which reduces the burden and time spent since the survey and activation process can occur in parallel. The Disclosure Form is available online and it is recommended that applicants review and begin to complete it in advance of the in-person enrollment process (enrollment FAQs and other materials convey this recommendation). If an applicant has not reviewed the form prior to enrollment, it is recommended that after arriving at the enrollment center for the appointment to sign in and then review it while waiting his or her turn for enrollment.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

A key security objective of the TWIC Program is to accurately establish a TWIC applicant's claimed identity. There is no similar information held by TSA that could be used to initiate the required background checks and accurately establish that a person's claimed identity is their true identity. For cases in which an applicant has already received a comparable threat

assessment, including those for a credentialed merchant mariner, Hazardous Materials Endorsement (HME), and Free and Secure Trade (FAST) card holders, the biographic and biometric information continue to be collected in order for the TWIC system to ensure that applicants do not apply for multiple TWICs under the same or a different claimed identity. In such cases, the comparable threat assessment is leveraged and the enrollment fee charged to the applicant is reduced by the cost of the comparable threat assessment. The survey information and Disclosure Form are completed by these applicants and both instruments are specifically tailored to the TWIC program.

5. *If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.*

This collection does not have a significant impact on a substantial number of small businesses.

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.*

If this information is not collected through the completion of the Disclosure Form, TSA cannot fulfill its statutory mandate and it would be impossible to conduct security threat assessments on individuals who require unescorted access to secure areas of maritime facilities and vessels. Additionally, the TWIC rule requires that individuals certify various items pertaining to their eligibility.

If the survey is not conducted, TSA will be unable to measure participant customer satisfaction and the contractor will be unable to meet its goals for the Program Management Review (PMR).

7. *Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d) (2).*

This collection is conducted in a manner consistent with the information collection guidelines with the exception of the optional customer satisfaction survey. To make the survey more convenient and personal for the enrollees, it is completed during the activation process when the worker is getting his/her TWIC activated for use.

The optional pre-enrollment process enables applicants to review information on the TWIC enrollment process in advance. For example, applicants can view the list of documentation required in order to obtain a TWIC card. The pre-enrollment process is designed to save the applicant time by allowing them to provide biographic information and set up an appointment at an enrollment center. In-person enrollment consists of: payment of the TWIC enrollment fee, completion and submission of the [TWIC Disclosure Form](#) (required of all applicants), collection of biographic information (if someone pre-enrolled, they will confirm the information already provided), a complete set of fingerprints and a digital photograph. TWIC applicants are required to provide acceptable documents to verify their

identity and immigration status (if required) during the enrollment process. These documents are reviewed by the Trusted Agent and scanned into the electronic enrollment record.

The Disclosure Form is available on-line and can be reviewed and completed prior to enrollment or completed while the applicant is at the enrollment center.

8. Describe efforts to consult 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. If applicable, provide a copy and identify the date 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.

TSA sought public comments on its data retention estimates via a notice in the Federal Register on December 3, 2007. (72 FR 67945). To TSA's knowledge, no public comments were received in response to this notice.

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

TSA will not provide any payment or gift to respondents.

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

TSA and its contractors are required to handle all records in accordance with the Privacy Act of 1974, and maintain the security of the information technology (IT) systems that transmit, process, and/or store the personal information in accordance with the Federal Information Security Management Act (FISMA) requirements.

11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

TSA does not collect information concerning sexual behavior and attitudes, religious beliefs or other matters generally considered of a private nature.

12. Provide estimates of hour burden of the collection of information.

Estimates of the total maritime worker population are based on research conducted by TSA and USCG; the estimate of the total population of merchant mariners is based on data from the National Maritime Center (NMC). Together, the total estimated base population that will be affected by TWIC is 777,800 (770,000 including a 1 percent annual growth rate discussed below). The initial TWIC enrollment estimates are provided in Table 1.

Table 1: Initial TWIC Enrollments

Year	Initial Enrollments
1	777,800 (770,000 plus a 1% annual growth rate)

Table 2 includes calculations of the yearly enrollments that would occur due to labor turnover. We used a turnover rate of 12 percent, which we based on anecdotal evidence collected during research for the population estimate. In addition, TSA estimated the additional TWIC enrollments that would occur due to growth and turnover in the maritime and merchant mariner populations. We used an annual growth rate of 1.0 percent, which we rounded from a 1.1 percent projection taken from the Bureau of Labor Statistics (BLS) National Employment Matrix, which estimates growth in the Transportation and Warehousing sector of the economy. Table 2 presents the additional enrollments that would occur through year three of the program due to labor turnover.

Table 2: Enrollments Due to Turnover

Year	Enrollments
1	46,668
2	94,270
3	95,213

We then added all estimates and divided by three to generate a total three-year enrollment estimate, shown in Table 3.

Table 3: Total Enrollments

Year	New Enrollments	Turnover & Growth	Total = A + B
	A	B	
1	777,800	46,668	824,468
2	0	94,270	94,270
3	0	95,213	95,213
Annualized			337,984

Pre-Enrollment Hour Burden

The second factor in the calculation of the cost of workers' time was an estimate of the time required to pre-enroll. We calculated this time as the approximate number of port workers that choose to pre-enroll (50%) multiplied by the actual time required to complete the fields necessary for pre-enrollment (30 minutes).

Year	Pre-Enrollments	Hours per Pre-Enrollment	Total = A x B
	A	B	
1	412,234	0.5	206,117
2	47,135	0.5	23,568
3	47,607	0.5	23,804

Enrollment Hour Burden

The next factor in the calculation of the cost of workers' time was an estimate of the actual time that workers need to spend to enroll in the program. This calculation is required for two groups: those workers that pre-enrolled and those that did not.

For those workers that did not pre-enroll, we estimated this time as the sum of the average commute time (22.49¹ minutes multiplied by two to account for commuting to and from the enrollment facility) and an average enrollment time of 15 minutes (program estimate). In addition to these estimates, we added 30 minutes of time to the total estimate in order to account for possible wait time at the enrollment facility. The sum of commuting time, enrollment time, and possible waiting time were rounded to 90 minutes, or 1.5 hours for this calculation.

This information is captured in Table 4 below.

Table 4: Total Enrollment Burden Hours – Without Pre-Enrollment

Year	Enrollments	Hours per Enrollment	Total = A x B
	A	B	
1	412,234	1.5	618,351
2	47,135	1.5	70,703
3	47,607	1.5	71,411

¹ U.S. Department of Transportation, Federal Highway Administration, "Summary of National Travel Trends, 2001 National Household Travel Survey," Prepared by Patricia S. Hu, Center for Transportation Analysis, Oak Ridge National Laboratory, and Timothy R. Reusher, MacroSys Research and Technology (Washington, D.C.: 2004), 45.

For those workers that pre-enrolled, we estimated this time as the sum of the average commute time (22.49² minutes multiplied by two to account for commuting to and from the enrollment facility) and an average enrollment time of 10 minutes (program estimate). In addition to these estimates, we added 15 minutes of time to the total estimate in order to account for possible wait time at the enrollment facility (pre-enrollments can make an appointment). The sum of commuting time, enrollment time, and possible waiting time were rounded to 70 minutes, or 1.15 hour for this calculation. This information is captured in Table 5 below. Completion of the Disclosure Form is accounted for in this estimate.

Table 5: Total Enrollment Burden Hours – with Pre-Enrollment

Year	Enrollments	Hours per Enrollment	Total = A x B
	A	B	
1	412,234	1.15	474,069
2	47,135	1.15	54,205
3	47,607	1.15	54,748

Table 6 provides the total enrollment burden hours. This estimate was calculated by adding the total enrollment burden hours for pre-enrollments and enrollments for each period.

Table 6: Total Enrollment Burden Hours

Year	Total Enrollment Burden Hours – <u>without</u> Pre-Enrollment	Total Enrollment Burden Hours – <u>with</u> Pre-Enrollment	Total = A + B
	A	B	
1	618,351	474,069	1,092,420
2	70,703	54,205	124,908
3	71,411	54,748	126,159

Card Issuance and Survey Hour Burden

The next factor in the calculation of the cost of workers' time was an estimate of the actual time that workers need to spend retrieving their TWIC. Upon successful completion of a security threat assessment, individuals are notified to return to the enrollment site to receive their TWIC. Upon reaching the enrollment site and providing their unique biographic information, port workers are asked to complete a short, optional customer satisfaction survey while their TWIC is being activated.

We estimated this time as the sum of the average commute time (22.49³ minutes multiplied by two to account for commuting to and from the enrollment facility) and an average TWIC

² U.S. Department of Transportation, Federal Highway Administration, "Summary of National Travel Trends, 2001 National Household Travel Survey," Prepared by Patricia S. Hu, Center for Transportation Analysis, Oak Ridge National Laboratory, and Timothy R. Reusher, MacroSys Research and Technology (Washington, D.C.: 2004), 45.

issuance time of 10 minutes (program estimate). This includes the time required to complete the customer satisfaction survey because the survey is completed while the port worker is waiting to have their TWIC activated. In addition to these estimates, we added 15 minutes of time to the total estimate in order to account for possible wait time at the enrollment facility. The sum of commuting time, TWIC issuance, and possible waiting time were rounded to 70 minutes, or 1.15 hour for this calculation. This information is captured in Table 7 below.

Table 7: Total Enrollments

Year	Total Enrollments	Hours per Card Issuance	Total = A x B
	A	B	
1	824,468	1.15	948,138
2	94,270	1.15	108,411
3	95,213	1.15	109,495

Appeals and Waivers Hour Burden

The rule permits individuals to appeal decisions made by the agency with respect to security threat assessments. The rule also permits individuals to ask for a waiver from certain qualification standards. As both provisions of the rule may impose administrative costs on individuals, we estimated opportunity costs to applicants in order to account for lost time.

We estimated the number of appeals by taking the total number of yearly enrollments estimated above and making assumptions on the number of enrollments that would be initially disqualified as part of the security threat assessment. We then assumed all of those individuals would either appeal or ask for a waiver. For an estimation of the number of enrollments to be disqualified, we used a rate of 2 percent, gleaned from TSA operational data. This number was used due to the lack of statistics dealing with specific disqualifying crimes for the TWIC program. See Table 8 below.

³ U.S. Department of Transportation, Federal Highway Administration, "Summary of National Travel Trends, 2001 National Household Travel Survey," Prepared by Patricia S. Hu, Center for Transportation Analysis, Oak Ridge National Laboratory, and Timothy R. Reusher, MacroSys Research and Technology (Washington, D.C.: 2004), 45.

Table 8: Total Waiver and Appeals

Year	Enrollments	Disqualification Rate	Appeal / Waiver Rate	Total = A x B x C
	A	B	C	
1	824,468	2%	100%	16,489
2	94,270	2%	100%	1,885
3	95,213	2%	100%	1,904

We assumed that each appeal would take six hours to complete, which is likely an overestimate of the time needed for the process. Individuals who ask for appeals and waivers must do a variety of activities. At the very least, they need to write a letter to TSA, and they also may need to collect information about their conviction from the appropriate jurisdiction. In other cases, the applicant may need to provide only additional information necessary to complete the threat assessment, such as their alien registration number. We show the estimates for the yearly hours of appeals and waivers below in Table 9.

Table 9: Total Waiver and Appeals Respondent Hours

Year	Appeals / Waivers	Hours	Total = A x B
	A	B	
1	16,489	6	98,934
2	1,885	6	11,310
3	1,904	6	11,424

Totals

Table 10 presents the annual number of estimated respondents to the TWIC program.

Because we anticipated that each TWIC applicant in a given year will submit his or her information to TSA only once, the total number of responses is the total number of respondents plus those applicants who submit additional information for an appeal or waiver. Table 10 below shows the total annual responses estimated for the TWIC program. The annualized number of total responses is 368,810.

Table 10: Total Responses

Year	Enrollments	Appeals / Waivers	Total = A + B
	A	B	
1	896,668	16,489	913,157
2	94,270	1,885	96,155
3	95,213	1,904	97,117
Annualized			368,810

Table 11 shows the total three-year hour burden to TWIC applicants. The annualized hour burden is 1,289,816 hours.

Table 11: Total Respondent Burden Hours

Year	Pre- Enrollment Hours	Enrollment Hours	Card Issuance Hours	Appeal / Waiver Hours	Total = A + B + C + D
	A	B	C	D	
1	206,117	1,092,420	948,138	913,157	3,159,832
2	23,568	124,908	108,411	96,155	353,042
3	23,804	126,159	109,495	97,117	356,575
Annualized					1,289,816

NOTE: TSA included a provision in the Final Rule in response to comments on the NPRM which will allow new, direct hires of vessel and facility owners/operators to have limited access to secure areas for up to 30 consecutive days, provided the conditions described in the rule are met. For these individuals, the owner/operator's Vessel or Facility Security Officer will be required to enter certain biographic information directly into the U.S. Coast Guard's Homeport web portal. Because at this stage TSA cannot predict with any certainty the number of operators that will utilize this provision, and therefore cannot calculate an accurate hour burden, TSA has not included this population in this ICR. When TSA has more information, and if TSA discovers this provision has a significant impact on the hour burden, TSA will amend this ICR accordingly.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

TWIC is a fee-based program, meaning that TWIC applicants pay a fee that represents the total cost of the program, prorated over the expected number of applicants. TWIC credentials are valid for a period of five years. TSA has estimated the information collection and credential issuance portion of the TWIC fee is \$43.25, plus \$17.25 for the FBI CHRC fee, and \$72.00 for TSA to complete the threat assessment and produce the credential, for a total of \$132.50. This portion of the fee may overstate the actual cost of the information collection as it includes costs of the enrollment process, system operations and maintenance,

and TWIC credential production and shipping. The TWIC fee may change over time as actual costs are determined and analyzed. Table 5 below shows the estimated annual fee collections. The annualized estimate is \$43,517,417.

Table 5: Fees Paid by Applicants

Year	Total Enrollments A	Fee		Total	
1	896,668	\$132.50		\$118,808,510	
2	94,270	\$132.50		\$12,490,775	
3	95,213	\$132.50		\$12,615,723	
Annualized				\$47,971,669	

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.

TSA charges a fee to recover the majority of its threat assessment, credentialing, and other operational costs associated with the implementation of this rule. However, the agency anticipates that it will incur start-up costs that will not be recovered by a user fee. As TSA is still in the start up phase, TSA estimates the total startup costs to be \$15 million. This total may overestimate the cost associated with the information collection as it includes all costs associated with the TWIC program.

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

There are no program changes or adjustments.

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.

TSA will not publish the results of this 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.

TSA is not seeking such approval.

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

TSA is not seeking any exceptions to the certification statement.