

INFORMATION COLLECTION SUPPORTING STATEMENT

FEDERAL FLIGHT DECK OFFICER (FFDO) PROGRAM

- 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).***

To further supplement the aviation security measures being implemented by the Transportation Security Administration (TSA), Congress and the President enacted the Arming Pilots Against Terrorism Act (APATA) as Title XIV of the Homeland Security Act (Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2300), codified at 49 U.S.C. 44921. APATA requires TSA to establish a program to deputize qualified volunteer pilots of air carriers providing passenger air transportation as Federal law enforcement officers. Known as Federal Flight Deck Officers (FFDO), these individuals are authorized to transport and carry a firearm and use force, including deadly force, to defend the flight deck of their aircraft against acts of criminal violence or air piracy. With the enactment of the Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176, Dec. 12, 2003, 117 Stat. 2490, 2561), the program was expanded to include pilots of all-cargo aircraft as well as flight engineers and navigators on both passenger and all-cargo aircraft.

In short, this is a program to screen, select, train, and deputize certain qualified volunteer flight crew members of passenger and all-cargo aircraft as FFDOs, a type of Federal law enforcement officer. Information collected as the result of this renewal request is used to assess the qualifications and suitability of prospective and current FFDOs, to ensure the readiness of every FFDO, to administer the program, and for security purposes.

- 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.***

Information collected as the result of this renewal request will be used by TSA human resources personnel to determine the eligibility and suitability of volunteers seeking to participate in the FFDO program. Furthermore, once in the program, FFDOs must report prescribed incidents to the TSA Office of Law Enforcement/Federal Air Marshal Service (OLE-FAMS). These reportable incidents include, but are not limited to, the discharge or drawing of a weapon, any attacks or attempted attacks on the flight deck, and the loss or damage of any weapon/ammunition. Information already collected under this authority has been used by TSA to assess the eligibility and suitability of FFDO applicants, and to create records for evidentiary, safety, and security purposes.

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.***

As required by the Government Paperwork Elimination Act (GPEA), as well as by program design, all FFDO applications are submitted and tracked electronically. To the extent practicable, incident reports are also collected electronically; otherwise TSA anticipates they will be collected in paper form.

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.***

The FFDO program is unique to TSA. The required information is not otherwise available.

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 the collection burden were reduced or eliminated, the FFDO program would not be able to function as required by statute, and air passenger safety and security would be compromised.

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).***

The FFDO program is open to any qualified volunteer flight crew member. In deference to the applicants' schedules and circumstances, and to facilitate access to applications and materials, TSA has made the FFDO application process available to interested volunteers on a "24/7" basis. As a result, application information must be collected and processed daily. Failure to process this information in a timely way would delay eligible volunteers' entry into the program, thereby compromising aviation safety and security.

In addition, incidents need to be reported as they occur. Therefore, such incident reporting may occur more frequently than on a quarterly basis. These reportable incidents include, but are not limited to, the discharge or drawing of a weapon, any attacks or attempted attacks on the flight deck, and the loss or damage of any weapon/ammunition. Failure to keep track of such incidents would compromise aviation safety and security.

- 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.**

As required by 5 CFR 1320.8(d), TSA published in the Federal Register a notice for public comment on November 19, 2008 (73 FR 69670). To TSA's knowledge, no comments have been 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 does 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.**

Persons accessing the online application are informed in writing that TSA will protect the records of Federal Flight Deck Officer (FFDO) applicants and FFDOs from public disclosure "to the full extent of the law and in accordance with required procedures." The identity of an FFDO is considered Sensitive Security Information, pursuant to TSA regulations at 49 CFR Part 1520, and protected accordingly. The forms signed by applicants authorizing release of their personal and medical information, and providing their consent to a psychological evaluation, also provide assurances that the information will be shared with individuals who need the information to process their application. All of the personal and medical information collected from FFDO applicants and FFDOs is protected under the provisions of the Privacy Act.

- 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.**

The applicant screening process could lead to individualized questions of a sensitive nature. The very nature of a program that arms and deputizes pilots and other flight crew members requires the flexibility to explore these areas in a professional manner, if and when the need arises.

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

Over the next three years, TSA estimates that up to 5,000 individuals will apply annually, or at least initiate the application process, to become an FFDO, and that each application will require approximately one hour to complete. Thus, up to 5,000 respondents will carry an annual burden that should not exceed 5,000 hours.

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

Any costs to respondents arising from this collection will be negligible.

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.

The cost to the government for conducting this collection of information stems from the electronic processing of up to 5,000 FFDO applications every year. Based on information provided to us by the contractor responsible for this aspect of the program, it is estimated that it will cost \$3 per applicant over the next three years to run the program used in the application process, which comes to an annual total of \$15,000 for system operations and maintenance costs.

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

TSA is not reporting any 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.

The results of this information collection will not be published.

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 claiming no such exceptions.