

INFORMATION COLLECTION SUPPORTING STATEMENT

TSA Claims Management System

- 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).**

The TSA Claims Management Branch (CMB) needs to collect additional information from claimants in order to thoroughly examine tort claims against the agency. TSA receives approximately 1,900 tort claims per month arising from airport screening activities and other circumstances, including motor vehicle accidents and employee loss. The CMB adjudicates tort claims under the authority of the Federal Tort Claims Act (28 U.S.C. 1346(b), 1402(b), 2401(b), 2671-2680).

The respondents to this collection are typically the traveling public. Submission of a claim is entirely voluntary and initiated by individuals. Claimants typically file a claim by submitting to TSA a Standard Form 95 (SF 95), Claim for Damage, Injury, or Death, a form prescribed by the Department of Justice and approved under OMB control number 1105-0008. Because TSA requires further clarifying information in order to thoroughly examine their claim, claimants are asked to complete a Supplemental Information page added to the SF-95. For example, the Supplemental Information identifies the airport at which the incident occurred and whether the incident occurred at a passenger security screening checkpoint or from a checked baggage screening location. If the claim involves checked baggage, the Supplemental Information page identifies whether any third parties handled the checked bag and whether a checked bag was delayed. This information enables the claims examiner to promptly initiate a thorough investigation into the alleged loss and significantly reduces the time required to process the claim. This information also assists with identifying whether the claim should be more appropriately processed under the Military Personnel and Civilian Employees' Claims Act (MPCECA). It is helpful to identify these additional elements when a claim is filed rather than seeking additional information from the claimant later in the claim examination process. If, after review of this information, TSA determines that payment is warranted, TSA will send the claimant a form requesting the claimant's Social Security Number or other taxpayer identification number along with their banking information in order to direct payment to the claimant. These forms have been approved under OMB control number 1652-0039, which expiration date TSA seeks to extend another three years.

Claim instructions and forms are available through the Internet at www.tsa.gov. Claimants must download these forms and mail or fax them to TSA.

- 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 uses the data collected from claimants to examine tort claims against the agency to determine alleged TSA liability and to reimburse claimants when claims are approved. In

some cases, the information may be used to identify victims of theft or to further the criminal investigations into property theft.

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.]***

Currently, the TSA CMB only receives claims in writing. In accordance with the Federal Tort Claims Act, 29 U.S.C. §2401(b), a tort claim must be presented in writing to the appropriate Federal agency. Furthermore, pursuant Department of Justice implementing regulations at 28 C.F.R. § 14.2(a), a claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed SF-95 or other written notification of an incident accompanied by a claim for money damages in a sum certain. We are unaware of any Federal agency that accepts tort claim filings electronically.

Once a claim is received by TSA, subsequent information may be submitted via fax or email. This is consistent with the Government Paperwork Elimination Act's (GPEA) requirement to allow individuals to submit information or transact with the agency electronically. In addition, the Claims Management System (CMS) is CMB's primary tool for recording and processing claims as well as for managing and retrieving claims data. This is consistent with GPEA's requirement for agencies to maintain records electronically.

Additional claim information may be provided to substantiate a claim. The email address is the following: tsaclaimsoffice@dhs.gov and the fax number is 571-227-1904.

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.***

Tort claims are submitted when an individual believes s/he has experienced property loss or damage, a personal injury, or other damages due to the negligence or wrongful act or omission of a TSA employee, and decides to file a Federal tort claim against TSA. The data is not collected from any other source and would not otherwise be collected or available until a claim is filed.

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 information is not collected, then the claim examiners may be unable to thoroughly examine and adjudicate the claim. As a result, payment may be improperly distributed in response to invalid claims or valid claims may be denied. In addition, 31 U.S.C. 3325(d) requires every certified voucher for payment submitted to a disbursing official contain the taxpayer identifying number of each person to whom payment may be made under the voucher. Therefore, failure to provide the taxpayer identifying number may result in the delay or denial of payment.

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).***

5 CFR 1320.5(d)(2)(i): Because claims are reported to TSA after an alleged loss is incurred, claimants could potentially provide information more frequently than quarterly.

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 a notice in the Federal Register soliciting comments on this information collection 74 FR 14808 (April 1, 2009). 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.***

The CMB may provide payment to claimants if damages arise from the negligence or wrongful act or omission of a TSA employee acting within the scope of employment. The respondents are not being paid to complete the collection.

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

The TSA Claims Management Branch web site and claim form provides the claimant with a Privacy Act Statement informing the individual of the authority for the collection of the information, the purpose of the collection, whether provision of the information is voluntary, and the routine uses of the information. The Privacy Act limits TSA from divulging any information about the claimant or claim to anyone other than the claimant, unless TSA obtains the claimant's written permission, or pursuant to a routine use from the applicable Privacy Act systems of records, DHS/TSA 006 Correspondence and Matters Tracking System and DHS/TSA 009 General Legal Records, 68 FR 49496 (August 18, 2003).

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 TSA claim form does not ask any questions of a sensitive nature. However, if the claimant includes, as part of the claim, information of a sensitive nature, such as sexual harassment, allegations of racial profiling, or other similar data, the TSA CMB may record the information and forward it to the TSA Office of Civil Rights and Liberties. TSA will maintain any sensitive data that identifies the claimant in accordance with the Privacy Act.

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

Based on past estimates, TSA estimates that it will receive approximately 22,800 claims on an annual basis, or 1,900 per month. Currently, all claims are submitted manually. TSA estimates that it will take 30 minutes to complete and submit the forms, which results in an estimated burden of 11,400 hours.

Annual Claims	Hour Burden	Annual Burden
22,800	.5	11,400

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

TSA estimates the annual cost burden to be approximately \$8,900 for all respondents. The cost is based on the estimated 22,800 respondents at \$.039 postage per respondent.

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 total annual cost to the Federal Government to maintain the system and perform data entry is approximately \$500,000.

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

The aforementioned estimates have been adjusted to reflect the steady decline of claims received over the past three years.

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 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.

TSA 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.

TSA is not seeking any exceptions to the certification statement.