

INFORMATION COLLECTION SUPPORTING STATEMENT

EMPLOYMENT STANDARDS

49 C.F.R. Parts 1542, 1544

- 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).***

Under the Aviation and Transportation Security Act of 2001 (ATSA), Public Law 107-71, the Transportation Security Administration (TSA) is directed to prescribe standards for the hiring and continued employment of air carrier and airport security personnel. (ATSA transferred this responsibility from the FAA to TSA.) In addition, section 138 of ATSA required that certain current employees who previously were not subject to a background check undergo a criminal history records check (CHRC). In February 2002, TSA implemented its employment standards at 49 CFR Parts 1542 and 1544. The collection of this information remains as critical as ever in the aftermath of the terrorist attacks of September 11, 2001.

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.**

Airport operators are required to maintain records of compliance with Part 1542 for those employees with access privileges to secure areas of the airport. Aircraft operators are required to maintain records of compliance with Part 1544 for selected crew and security employees. TSA Transportation Security Inspectors (TSI) review these records to ensure that the safety and security of the public is not compromised, to include using this information to take corrective action when necessary.

Airport operators and aircraft operators submit fingerprints and supporting data electronically via a secure web portal to the American Association of Airline Executives (AAAE) transportation security clearinghouse, which then sends it through a secure portal to the Federal Bureau of Investigation (FBI) to conduct CHRCs. Meanwhile, airport operators transmit Security Threat Assessment (STA) data electronically through a secure web portal to the clearinghouse in a compressed zip file., or password-protected and saved to a compact disc (CD) and shipped to the clearinghouse.

This data is necessary for the TSA to conduct STAs on individuals applying for or renewing airport-issued identification media. The STAs confirm legal status and the right to work in the United States, are required by the security directive issued under Part 1542 to Airport operators, and are considered records of compliance. The STAs required under the Part 1542 differ than the STA requirements for TSA's cargo background checks.

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.]**

Airport and aircraft operators have the latitude and flexibility to maintain the required information in a manner that best meets their particular needs, which includes the electronic maintenance of this information. Thus, this collection is in compliance with the Government Paperwork Elimination Act for record keeping; electronic signatures are not applicable to this program.

Individuals applying for or renewing airport or airline issued identification media, submit required data via Airport operator or Aircraft operator collection format. This may be by using either a paper or online application. The Airport or Aircraft operator then transmit this data electronically by secure web portal to the AA AE transportation security clearinghouse,

which in turn electronically transmits (using secure portal web technology) to the FBI and/or to the TSA to conduct required vetting.

For data necessary for the FBI to conduct CHRCs, the majority of Airport and Aircraft operators utilize livescan fingerprint capture technologies, which allows for an electronic and automated capture of the fingerprints and associated data. The livescan technology via the TSA-specified portal is transmitted to the clearinghouse. Data necessary for the TSA to conduct STAs, is transmitted to the clearinghouse via a secure upload to the clearinghouse website or copied to a CD and shipped through traceable means to the clearinghouse. The upload and/or compact disc must be password protected.

- 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.**

On occasion, employees who fall under Part 1542 are subject to additional criminal history records checks from other agencies that have operations in the secure areas of airports. The additional background checks occur because agencies maintain different positions on what is considered a disqualifying offense.

- 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.**

The amount of information required is proportional to the size of each airport and air carrier operation and therefore the collection does not create a significant impact on 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 collection was not conducted, TSA would not be in compliance with its statutory mandate and the security of our airports and air carriers would be compromised. The collected information is subject to random review during the inspection process.

- 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).**

Pursuant to 49 CFR 1542.209(k)(5) and 1544.229(k)(4), all records must be maintained at least 180 days after the termination of an individual's unescorted access to secure areas of airports. This may require airport and aircraft operators to maintain records of employees for over three years as described in 5 CFR 1320.5(d)(2)(iv).

- 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 is in continuous dialogue with airport and aircraft operator stakeholders. TSA sought public comments via a 60-day notice in the Federal Register (74 FR 28267, June 15, 2009). The 30-day notice (74 FR 42082) was published August 20, 2009. No comments were received.

- 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 does not provide any assurances of confidentiality. However, 49 CFR 1542.209 (k)(4) and 1544.229 (k)(3) and a related Security Directive require airport and aircraft operators to maintain records in a manner that protects confidentiality of the individual and is acceptable to TSA.

- 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 ask any questions of a sensitive nature.

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

TSA regulations and a related Security Directive require airports to maintain training records and background checks on all employees who have access to secure areas. The total annual number of respondents is 1,321 and that number consists of 457 airports while the remainder are airlines. Based on data collected, it is estimated that approximately 491,000 airport or airline employees will undergo the training or background requirements contained within the regulations on an annual basis, that the associated recordkeeping time for each employee is approximately one hour.

The regulations also require aircraft operator ground security coordinators to conduct a semiannual review of security at each passenger screening checkpoint. The vast majority of airport checkpoints are run by TSA directly, however, nine airports are not and still require this collection which is estimated to take approximately one hour for each airport. Based on the above, the annualized reporting burden to respondents is estimated as:

	ANNUAL RESPONDENTS	ANNUAL NUMBER OF EMPLOYEES	ANNUAL RECORD-KEEPING PER EMPLOYEE
Airports & Airlines Responding	1,321	491,000	1 Hour
Non-TSA Checkpoints Responding		9	1 Hour
Annual Hour Burden		491,009	

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

There are no industry costs estimated, beyond the hourly burden, for this collection.

- 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.**

	ANNUAL AIRPORT RESPONDENTS	TSA HOURS TO VERIFY RESPONDENTS	AVERAGE HOURLY LOADED RATE
Airport & Airlines Responding	1,321	3.5	\$51.05
Annual Cost to Government	\$236,030		

The estimated annual cost the the government is \$236,030.00. This figured was derived from the number of respondents (1321) multitiplied (x) by the number of hours (3.25) it takes to review, then multiplied by the hourly rate of (51.05) for the individual reviewing the information submitted.

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

There was an increase in the number of employees requiring background checks due to increased security requirements. Thus, the total number of employees increased since the original information collection request was submitted three years ago.

- 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 this collection of information.

- 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 such exception.