

## **INFORMATION COLLECTION SUPPORTING STATEMENT**

### **Office of Law Enforcement/Federal Air Marshal Service (OLE/FAMS) Mental Health Certification OMB Number 1652-0043/TSA Form 1164**

- 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).***

Pursuant to 49 U.S.C. 44901, 44903, and 44917, TSA has authority to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy, provide for deployment of Federal Air Marshals (FAMs) on passenger flights, and provide for appropriate training, supervision, and equipment of FAMs. In furtherance of this authority, TSA requires that applicants positions meet the established TSA OLE/FAMS specific medical standards, These standards include a psychological assessment to determine that the individual does not have an established medical history or clinical diagnosis of psychosis, neurosis, or any other personality or mental disorder that clearly demonstrates a potential hazard to the performance of FAM duties or the safety of self or others.

As part of the psychological assessment applicants are required to complete a mental health certification regarding their mental history and provide an explanation for anything they cannot certify. Applicants are asked if they have ever been removed from work for medical or psychological reasons, and certify other mental health-related statements. Applicants are instructed to submit this form directly to the FAMS Medical Programs Division for initial screening via fax, mail, or in person. Any explanations received generally require further review and follow-up by FAMS medical personnel or a contract psychologist or psychiatrist. This certification is carefully geared to capitalize on other elements of the assessment process, such as personal interviews, physical task assessment, background investigation, as well as the other components of the medical examination and assessment.

- 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.***

The information collected from FAM applicants is used by TSA medical/psychological clinicians to determine if the applicant for a FAM position meets medical requirements.

- 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.]**

Once the applicant is selected, Human Resources sends the selected candidate by mail a Mental Health Certification form with instructions which include the return address, fax number and e-mail address ([Larua.E.Wiener@secureskies.net](mailto:Larua.E.Wiener@secureskies.net)). Applicants are required to return the completed form via fax, e-mail (in compliance with GPEA), or by U.S. mail.

- 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.**

TSA cannot obtain a FAM applicant's personal health information from any other source. There is no similar information already available that TSA can use for the purpose described in Item 2 above.

- 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 collection is not conducted, TSA will be prevented from adequately assessing the suitability of applicants for FAM positions.

- 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).**

- (ii) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

The applicant is asked to respond within 10 days. Collecting the information within this time period will permit the OLE/FAMS to review, respond or request additional information if necessary in a timely manner. Applicants can then move on to the next phase of the hiring process without having to experience prolonged waiting periods.

**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 published a 60 day notice in the Federal Register on June 16, 2010, announcing TSA's intent to renew this information collection request (75 FR 34148), and a 30 day notice was published on September 17, 2010 (75 FR 57049). TSA did not receive any comments in response to the notices.

**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.**

The confidentiality and privacy of this information will be maintained in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. This collection is covered by two SORNs, 71 FR 35360 which was published on June 19, 2006 and 75 FR 28042 which was published on May 19, 2010.

**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.**

Some questions included in the Mental Health Certification may be considered to be of a sensitive nature. However, TSA drafted these questions –a law enforcement psychologist in order to replicate questions customarily asked during interviews for law enforcement positions. The questions have been tailored specifically for the FAM position, in keeping with the public safety role of this job.

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

TSA estimates the total annual hour burden for this collection is approximately 10,000 hours. The hour burden is based on an estimate of approximately 10,000 respondents annually. TSA has estimated that the time necessary to provide explanations for items respondents are unable to certify will not exceed one hour. Please note the hour burden per respondent is slightly high, as a percentage of respondents do not need to provide any explanations; the response time for this portion of respondents should not exceed 15 minutes.

Number of Respondents	Time per Response	Total Hour Burden
10,000	1 hour	10,000 hours

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

The only cost to respondents for this collection is the cost of mailing the form to TSA, if respondents choose to submit via U.S. mail instead of electronically. Thus, TSA estimates that at \$.44 per form (the cost of one stamp) and an estimated 10,000 respondents annually, the total annual cost to respondents will be \$4400. This estimate is slightly high as many respondents may respond to the collection via email.

**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 costs to TSA as a result of this collection of information include the hourly cost of \$269 for a contract psychologist to conduct individual case reviews for applicants who are unable to certify the form, which is anticipated to be less than one percent of candidates. Based on projected 50 candidates per annum, 5 hours review each, projected annualized cost would be \$67,250, which represents a marked reduction in expenditure for applicant psychological evaluation compared to that for fiscal year 2006. If the applicant can't certify the form, it becomes the APPLICANTS financial obligation to provide documentation from a certified mental health professional. TSA OLE/FAMS does not pay for follow up costs related to an applicant who cannot certify.

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

There have been no changes to this collection. The estimated cost to respondents reported in Item 13 has been revised based on the increase in the cost of first class stamps from \$.41 to \$.44. The annual cost would increase from \$4,100 to \$4,400.

**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 will display the expiration date.

**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.