

INFORMATION COLLECTION SUPPORTING STATEMENT

Secure Flight Program OMB Control Number 1652-0046

- 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 established this information collection in accordance with Sec. 4012(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458, 118 Stat. 3638, Dec. 17, 2004), which requires the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) to assume from aircraft operators the function of conducting pre-flight comparisons of airline passenger information to the Federal Government's watch lists. TSA developed the Secure Flight program to implement this Congressional mandate.

Under the Secure Flight program, TSA receives passenger and non-traveler information from certain U.S. aircraft operators and foreign air carriers (collectively, "covered aircraft operators") for covered flights.¹ After receiving the information, TSA conducts watch list matching and transmits watch list matching results back to covered aircraft operators for domestic and international flights. TSA matches identifying information of aviation passengers and certain non-travelers against the watch list maintained by the Federal Government in a consistent and accurate manner, while minimizing false matches and protecting personally identifiable information. TSA requires covered aircraft operators to transmit information on non-traveling individuals seeking authorization to enter a U.S. airport sterile area for watch list matching purposes.

For passengers, covered aircraft operators must transmit Secure Flight Passenger Data (SFPD) for each passenger which consists of the passenger's full name, date of birth, and gender and, to the extent available, Redress Number or known traveler number, information from the passenger's passport (full name, passport number, country of issuance, and expiration date), as well as certain non-personally identifiable information used to manage messages, including itinerary information. The non-personally identifiable information is necessary to allow TSA to effectively prioritize watch list matching efforts and communicate with the covered aircraft operator.

In the vast majority of cases, this information is sufficient to eliminate the possibility that the passenger is a person on a Federal Government watch list. In the event TSA is unable to distinguish the passenger from an individual on a list with the information initially transmitted, TSA requests that the covered aircraft operator provide additional information, such as a physical description, to continue the watch list screening process.

For non-traveling individuals that an airport operator or aircraft operator seeks to authorize to enter a sterile area for a purpose approved by TSA, the airport or aircraft operator must transmit the full name, date of birth, gender, and TSA Redress Number or known traveler

¹ "Covered flights" means flights operated by covered U.S. aircraft operators under 49 CFR 1544.101(a) and flights to, from, and overflying the United States operated by covered foreign air carriers.

number, if available, as well as the airport code for the airport sterile area the non-traveling individual seeks to enter.

TSA provides an Aircraft Operator Implementation Plan (AOIP) to covered aircraft operators, which outlines the specific requirements for implementing the Secure Flight program. These requirements include the specific compliance dates each covered aircraft operator must begin testing and providing SFPD to TSA. The AOIP is adopted into their Aircraft Operator Standard Security Plan (AOSSP). Additionally, TSA requires that covered aircraft operators complete a Secure Flight registration process and provide information critical to deployment of Secure Flight (such as contact information and the data format or mechanism the covered aircraft operator will use to transmit SFPD and whether they will be submitting data for another aircraft operator or have another aircraft operator submit data for them).

Section 4012(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 also requires TSA to establish a process by which operators of private charters over 12,500 lbs or lessors of those aircraft may request use of TSA's advanced passenger prescreening system to conduct watch list matching of passengers and lessors. Therefore, TSA is proposing to add operators of private charters over 12,500 lbs in a pilot program (Twelve-Five and Private Charter Pilot Program) to the population of carriers from whom TSA will collect passenger reservation data similar to what has been described above. The pilot is anticipated to include approximately 10 Twelve-Five and Private Charter participants.

In an effort to develop a watch list matching solution and implementation plan for a population of Twelve-Five, Private Charter, and other general aviation operators who may access Secure Flight in the future, TSA will collect data in the form of a written survey of the community to understand their current operating capabilities. Completion of the questionnaire is voluntary. In order to design a solution/plan to lessen the burden of the Secure Flight program implementation with this population, better knowledge of the community is required. Questions posed to the community will be segmented into technical, operational, and security topics.

TSA is also proposing the use of Secure Flight under another pilot program, the Airport Access Authorization to Commercial Establishments Beyond the Screening Checkpoint (AAACE Program)². Under this program, airport operators would be given the opportunity to use Secure Flight watch list matching resources in determining whether to allow non-traveling individuals to proceed through the screening checkpoint to access an airport's sterile area in order to utilize commercial establishments beyond the screening checkpoint. Currently, the AAACE Program is limited to registered overnight guests at three hotels located on airport property at the Dallas-Fort Worth International Airport, Detroit Metropolitan Wayne County Airport and Pittsburgh International Airport. Once the Secure Flight Program begins watchlist matching for program participants, all participants will be vetted against the No Fly and Selectee Lists and subjected to the same watch list vetting, identity verification, and screening requirements as passengers boarding commercial airline flights. These three airports are being considered for use of Secure Flight watch list matching resources in the existing program, but participation may grow.

² For more information about the AAACE Program, please see the Privacy Impact Assessment published on the program, available at, http://www.dhs.gov/files/publications/gc_1280763432440.shtm#6.

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 information to enhance the security of air travel and support the Federal Government's counterterrorism efforts by enabling TSA to conduct watch list matching through the Secure Flight program and to identify individuals who warrant further scrutiny prior to entering an airport sterile area or boarding an aircraft, or who warrant denial of boarding or access to an airport sterile area on security grounds. To identify those individuals, TSA compares individuals' identifying data to information about individuals identified on the watch list.

Partial names, which some covered aircraft operators collect, increase the likelihood of false positive matches, because partial names are more likely to match a number of different entries on the watch list. As a result, TSA requires individuals seeking a reservation on a covered flight or authorization to enter a U.S. airport's sterile area to provide their full names as they appear on an individual's Verifying Identity Document³ (VID), their dates of birth, and their gender. TSA prohibits covered aircraft operators from issuing either a boarding pass to a passenger on a covered flight or an authorization form to enter a sterile area to a non-traveler who does not provide a full name, date of birth, and gender.

Many names do not indicate gender, because they can be used by either gender. Additionally, names not derived from the Latin alphabet, when transliterated into English, often do not denote gender. Providing information on gender will reduce the number of false positive watch list matches, because the information will distinguish persons who have the same or similar names but who are of different gender. Date of birth is also helpful in distinguishing a passenger from an individual on the watch list with the same or similar name, thereby reducing the number of false positive watch list matches.

Individuals who have used the redress process provided by DHS are assigned a unique Redress Number and may use it while making a reservation. Passport information also assists TSA analysts in resolving possible false positive matches and makes the watch list screening process more accurate. Covered aircraft operators are not required to request passport information from passengers, and TSA recognizes that this information will not be available for all passengers. However, covered aircraft operators must transmit this information to TSA, if it was previously collected during the normal course of business and stored in a passenger profile. Finally, TSA also receives certain non-personally identifiable information, including itinerary information, in order to effectively prioritize watch list matching efforts, communicate with the covered aircraft operator, and facilitate an operational response, if necessary, to an individual who is on the Federal Government watch list.

³ A VID is one that has been issued by a U.S. Federal, State, or tribal government that: (1) contains the individual's full name, photo, and date of birth; and (2) has not expired. The VID may also be an unexpired passport issued by a foreign government.

Use of the information is governed by stringent privacy protections, including data security mechanisms and limitations on use, strict firewalls, and data access limitations.

For the Twelve-Five and Private Charter pilot participants, TSA intends to collect the same information for the same purposes as described above. TSA has offered the opportunity to participate in the Secure Flight pilot to Twelve-Five and Private Charter operators who have the technical capability to submit SFPD through either the DHS router or e-Secure Flight web application.

As described above in response to Question 1, TSA is also proposing the use of Secure Flight under another pilot program, the AAACE Program. Similar to the above, Secure Flight will collect SFPD from those non-traveling individuals seeking to access commercial establishments beyond the screening checkpoint.

Secure Flight is currently designed to receive SFPD through either the DHS router or the e-Secure Flight web application from covered aircraft operators and pilot participants with compatible systems. TSA is proposing to send a written questionnaire to certain Twelve-five, Private Charter, and general aviation aircraft operators who may access Secure Flight in the future. These operators may submit responses to the questionnaire electronically, as described below. TSA will use this information to understand the operating capabilities of this larger population of operators in order to design a solution/plan to lessen the burden of the Secure Flight program implementation with this population.

- 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.]**

Consistent with the Government Paperwork Elimination Act, TSA is using technology to reduce the burden of this collection. Aircraft operators currently covered by a security program submitting information to Secure Flight submit data required under this collection entirely through electronic means. Covered aircraft operators submit passenger information to TSA electronically through the transmission system developed by TSA and the covered aircraft operators or through a web-based application for transmitting the passenger information. Covered aircraft operators also submit the data requested in the registration process via a Secure Flight Registration web site at: http://www.tsa.gov/what_we_do/layers/secureflight/aircraft_operators.shtm.

For the Twelve-Five and Private Charter Pilot Program population, as well as the AAACE program population and survey, the same information explained above is applicable.

- 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 information in passenger reservation data maintained by covered aircraft operators is the primary source of recorded information about the more than 2.5 million passenger enplanements on covered flights each day. Therefore, passenger reservation data are a unique source of passenger and flight information and serve as the best information source for use in screening airline passengers against the Federal watch list on an operational and real-time basis. Consequently, there is no available substitute for passenger reservation data in carrying out the watch list screening process.

Similarly, information about non-traveling individuals that is collected by covered aircraft operators and may, at a future date, be collected by airport operators is a unique source of information about non-traveling individuals who seek authorization to enter a sterile area.

For the Twelve-Five and Private Charter Program pilot population, as well as the AAACE Program population and survey respondents, the same information explained above is applicable.

- 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.**

Domestic U.S. airlines with fewer than 1,500 employees are defined as small businesses, and twenty-four of the affected U.S. airlines meet this definition. Those airlines may deem this impact to be significant for them. However, TSA has reduced the impact to those airlines by providing e-Secure Flight, a web-based alternative data submission mechanism.

For the Twelve-Five and Private Charter Program pilot participants, AAACE Program, and questionnaire participants, the same information explained above is applicable.

- 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.**

TSA is collecting this information because TSA has assumed the responsibility for pre-flight screening of passengers and certain non-traveling individuals against the Federal Government watch list from the private sector as required by section 4012(a) of the Intelligence Reform and Terrorism Prevention Act, and consolidation of the aviation passenger watch list matching function within one agency of the Federal Government. If TSA were not to conduct this

information collection, it would not be compliant with the Congressional mandate to assume operation of watch list matching from aircraft operators.

With regard to technical and legal obstacles to reducing burden, TSA believes that because collection of information from covered aircraft operators calls for electronic transmission of information, the burden has been reduced as much as possible. TSA has taken reasonable steps to ensure that the proposed collection is the least burdensome necessary to achieve program objectives.

Collecting information from the Twelve-Five and Private Charter Pilot Program participants, as well as the AAACE Program participants is important to prepare TSA and industry, as part of TSA's effort to develop a watch list matching solution and implementation plan for a population of Twelve-Five, Private Charter, and other general aviation operators who may access Secure Flight in the future.

TSA will be collecting information via a questionnaire from a larger population of Twelve-Five and Private Charter operators and general aviation operators in order to understand the needs of this population to develop a screening program that shifts responsibility for pre-flight screening of passengers and certain non-traveling individuals against the Federal Government watch list from operators who may access Secure Flight in the future.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a) requiring respondents to report information to the agency more often than quarterly;***
- b) requiring respondents to prepare a written response to a collection of information in fewer than thirty days after receipt of it;***
- c) requiring respondents to submit more than an original and two copies of any document;***
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;***
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;***
- f) requiring the use of a statistical classification that has not been reviewed and approved by OMB;***
- g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential uses; or***
- h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency has demonstrated that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

a) Requiring respondents to report information to the agency more often than quarterly

Covered aircraft operators provide air transport to more than 2.5 million passenger enplanements per day, and covered aircraft operators accept reservations for transport on a

continuous basis. Therefore, in order to be effective as a security measure, watch list matching of passengers is carried out on a near real-time basis. Collecting passenger information from respondents less frequently than on a daily basis would not allow TSA to complete watch list matching of every passenger prior to their arrival at an airport security checkpoint. TSA's collection of information from respondents occurs on at least a daily basis, if not more frequently, in order to take into account new or changed reservations for air travel.

For the Twelve-Five and Private Charter Pilot Program participants, as well as the AAACE Program participants, it will be necessary to collect a passenger's and/or a non-travelling individual's information from respondents on a near real-time basis to complete watch list matching of every passenger or non-traveling individual prior to access to the aircraft.

- 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 originally provided notice of this information collection in its Secure Flight Final Rule, published in the Federal Register on October 28, 2008 (72 FR 48356). As required by 5 CFR 1320.8(d), TSA published a 60-day notice in the Federal Register on August 3, 2011 (76 FR 46830) and a 30-day notice on November 23, 2011 (76 FR 72433). TSA received, 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.**

No payment or gift is provided to respondents.

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

No specific assurances of confidentiality are provided to respondents. Information provided by respondent aircraft operators is protected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, the Privacy Act of 1974, and, as applicable, 49 U.S.C. 114(r), as implemented by 49 CFR part 1520, which limits the disclosure of Sensitive Security Information. Data is collected and transmitted in accordance with the Privacy Act System of Records notice published for the Secure Flight program: Secure Flight Records DHS/TSA019.

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 collection does not include any questions of a sensitive nature.

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

Covered Aircraft Operator Hour Burden Estimates:

TSA requires covered aircraft operators to submit passenger information for covered flights and certain non-traveling individuals to TSA for the purpose of watch list matching. This information includes data elements that are already a part of the routine collection by the covered aircraft operators (i.e., name, itinerary info), as well as the additional information required in the Secure Flight Final Rule.

TSA has determined that the additional information covered aircraft operators must collect from passengers (e.g., date of birth, gender, Redress Number (if available) takes no more than 25 seconds per transaction to collect. TSA estimates that the annual hour burden for this activity based on 211 covered Secure Flight carriers is 625,514 hours. TSA estimates that the annual hour burden for this activity based on 211 covered Secure Flight carriers is 625,514 hours. (90.074 million transactions x 25 seconds per transaction = 625,514 hours)

This estimate is based on data contained in tables 1.6.3.a, 1.6.3.b and 1.6.3.c of the Regulatory Analysis for the Secure Flight Rule and the assumption of no more than 25 seconds required to collect the information at each transaction.

In addition to the current Secure Flight cutover carriers, an hour burden will be incurred by Twelve-Five and Private Charter carriers, AAACE Program participants, and respondents to Twelve-Five, Private Charter population questionnaire.

Calculations:

Respondents

211 – Covered Secure Flight carriers

10 - Twelve-Five and Private Charter carriers per year in the (watch list matching) pilot program.

10 – Airport Operators under AAACE Program

1500 - Questionnaire Participants (Twelve-five, private charter, and general aviation aircraft operators who may access Secure Flight in the future)

TOTAL = 1731 respondents

Hourly Burden

Secure Flight Cutover Carriers (211) = 625,514 annual hours

Twelve-Five and Private Charter carriers (10) = 31,281 annual hours

AAACE Program (10) = 334 annual hours

Questionnaire Participants (1500 x .5 hours) = 750 annual hours

TOTAL = 657,888 hours

Information Collection	Average Annual Respondents	Average Annual Responses	Hour Burden per response	Total Annual Hour Burden
Secure Flight Cutover Carriers	211	90,074,000	0.00694	625,514
Twelve-Five and Private Charter carriers	10	4,504,450	0.00694	31,281
AAACE Program	10	49,400	0.00694	334
Questionnaire Participants	1,500	1,500	.5	750
Total	1,731	94,629,351		657,888

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

TSA estimates the total annual cost burden to respondents or recordkeepers to be \$4,214,273. This includes new costs of \$357,191 and O&M costs of \$3,857,082.

The breakdown of the new cost is:

10 - New covered Secure Flight carriers forecasted per year = $\$3263 \times 10 = \$32,630$

10 - Twelve-Five and Private Charter carriers $\$3263 \times 10 = \$32,630$

10 - Airport operators under AAACE Program = $\$42.08$ (per eSF license) $\times 3 \times 10 = \$1262$

Total annualized capital startup cost = \$130,520

The breakdown of the O&M cost is:

211 - Secure Flight cutover carriers = $\$2,600,000$ (2008 O&M costs) divided by 163 (2008 carriers) $\times 211$ (2011 carriers) = $\$3,365,664$

10 - Twelve-Five and Private Charter carriers = $\$6,190,200 + \$1,015,739 = \$7,205,939$ divided by 1132 = $\$6365 \times 10$ (12.5 carriers) = $\$63,650$

10 - Airport operators under the AAACE Program = $\$1262$

Total annual cost (O&M) = \$3,430,576

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 the Federal Government for the Secure Flight program are described in the chart below. The cost estimation took into account the need to obtain, format, and compare passenger and non-traveler information against data maintained by the Terrorist Screening Center.

PRA Cost Estimates						
	FY-2010	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015
Federal Pay (PC&B)	\$ 15,000	\$ 18,157	\$ 30,391	\$ 37,640	\$ 38,855	\$ 40,295
SF Program Management Contracts	\$ 12,940	\$ 7,766	\$ 9,338	\$ 9,618	\$ 9,907	\$ 10,204
SF System Operations Service Contracts	\$ 41,490	\$ 50,785	\$ 47,197	\$ 48,613	\$ 50,071	\$ 51,573
SF System Hardware and Software O&M Contracts	\$ 14,933	\$ 24,876	\$ 20,488	\$ 21,103	\$ 21,736	\$ 22,388
TOTAL	\$ 84,363	\$ 101,584	\$ 107,414	\$ 116,974	\$ 120,569	\$ 124,460

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

Since Secure Flight prepared the original Information Collection Request in 2008, additional aircraft operators have cut over to Secure Flight. The total number of aircraft operators now cutover to Secure Flight has grown from 163 to 211. Going forward, TSA also anticipates 10 new covered aircraft operators to cut over to Secure Flight annually. This renewal also anticipates participation in two pilot programs (Twelve-Five Private Charter Pilot and the AAACE Program) by up to 10 aircraft operators and 10 airport operators who will use Secure Flight for watch list matching. This renewal also includes the distribution of a questionnaire to a larger population (1500) of Twelve-Five Private Charter and General Aviation operators who may access Secure Flight in the future.

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 the proposed collection are not 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 seeking approval not to display the OMB control number and expiration date for the data transmission by covered aircraft operators of passenger information to TSA. As this collection is an automatic transmission of the passenger data to TSA's system and does not use a collection instrument, display would be inappropriate. TSA is not seeking such approval for the questionnaire.

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

No exceptions are claimed.