

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Security Programs for Foreign Air Carriers (OMB No. 1652-0005)**

- 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).***

49 U.S.C. 44906 requires TSA to require foreign air carriers flying into and out of the United States to adopt and use a security program approved by TSA. This statutory authority is implemented by regulation in 49 Code of Federal Regulations (CFR) part 1546. TSA will accept a security program from a foreign air carrier (FAC) only when it determines that the security program provides passengers of the FAC a level of security similar to the level of security passengers would receive from domestic carriers using the same U.S. airport.

Further, the security program requires the FAC to maintain certain records and to provide certain information to TSA or make it available for inspection as outlined in the Model Security Program (MSP), which is Sensitive Security Information. (Collection information and reporting requirements are described in the MSP). These record keeping and reporting requirements are the focal point from which the collection of information is drawn. Specifics are discussed in Question 12.

- 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 collected to ensure the FACs are performing required security measures. TSA inspects each FAC against its security program at its domestic and foreign locations to ensure that the FAC's security program is being carried out. Such inspections protect the security of the passengers, the general public, baggage, cargo, and aircraft.

- 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 record keeping, 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.]***

Due to the importance of receiving and determining acceptability of a security program, TSA requires a paper copy of the security program with original signatures from each FAC. A FAC is also required to submit a paper copy of any requests for amendments to its security

program. TSA may need such specialized requests to address individual FAC security concerns.

Prior to receiving the official paper copy with original signatures, FACs may request amendments via email or fax. The email or fax request begins the process of review within TSA. In turn, TSA provides approval responses electronically, followed by official paper copies. This allows for immediate implementation of the agreed upon security measure.

FAC employees must have access to all applicable TSA security measures, which they carry out on behalf of the FAC. FACs may access these measures via electronic means; normally accomplished through the air carriers' internal computer files.

A portion of the collection of information is of immediate importance and TSA must handle it via telephone. These are limited instances, but TSA needs the immediate personal contact with FACs to address the issues pertaining to the vetting of passengers, crew members, and FAC personnel. The urgency pertains to whether or not an individual (passenger or FAC employee, including a crewmember) matches a U.S. watch list and will be permitted to enter or depart from the United States. In light of fiscal concerns, it is to the FAC's advantage to have that decision made prior to the carrier entering U.S. airspace.

FACs must screen cargo onboard passenger flights on a daily basis and submit their information monthly according to their technological capabilities. TSA provided the Cargo Reporting templates electronically to all of the FACs. The FAC corporate security department consolidates the information and then submits the report electronically to [CargoReporting@dhs.gov](mailto:CargoReporting@dhs.gov).

**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.**

No other Government entity has a Congressional mandate to require a FAC to adopt and carry out a security program. Prior to TSA's existence, this information collection was conducted by the Federal Aviation Administration. To TSA's knowledge, since the responsibility for this collection transferred to TSA, it has not been duplicated anywhere else.

**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.**

TSA has determined the collection of information 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.**

TSA has the responsibility of ensuring the security of persons and property traveling to and from the United States. Title 49 CFR part 1546 requires FACs seeking to provide air travel into or out of the United States to adopt and implement a FAC security program.

It is imperative that all FACs provide adequate security measures for all flights to and from the United States. Due to potential security threats and ever changing security risks and assessments, it is necessary to require FACs to perform certain security measures, which may involve maintaining records and providing information to TSA. TSA conveys the needed security measures to the FACs via mechanisms provided within the FAC security program.

FACs are provided an opportunity to indicate when they cannot meet such requirements due to their respective national laws. Further, FACs may provide to TSA an alternate means by which they can meet the intent of the required TSA security measures. TSA handles such requests on a case-by-case basis.

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. Although Secure Flight is fully operational, aircraft operators are required to conduct a comparison of their employees against the TSA No Fly and Selectee Lists and report any matches to TSA. Additionally, on the rare occasions when there is a Secure Flight outage, aircraft operators are required to conduct further comparison of their passengers against the TSA No Fly and Selectee Lists and report any matches to TSA. On average, the TSA No Fly and Selectee Lists are updated on a daily basis. This is done on a flight-by-flight basis, depending for each flight on whether there is a potential match. See Secure Flight ICR (OMB Control Number 1652-0046), where 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.

**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 collection of information is conducted in accordance with 5 CFR 1320(d)(2).

- 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 notices of intent to request a revision of a the previously-approved OMB public information collection for Security Programs for Foreign Air Carriers. The 60-day notice was published on May 22, 2013 (78 FR 30319) and the 30-day notice was published on July 31, 2013 (78 FR 46358). TSA has not received any comments in response to the notices published..

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

TSA will not provide payment to respondents.

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

All created security programs and reporting information will be protected from disclosure to the extent required by existing laws and regulations. TSA does not provide any assurances of confidentiality to respondents. To the extent applicable, information provided by respondents will be protected in accordance with the Privacy Act and TSA privacy and information technology policy. The applicable system of records notices are DHS/TSA-006, Correspondence and Matters Tracking Records, last published in the Federal Register on April 13, 2010, and DHS/ALL-029 Civil Rights and Civil Liberties Records System of Records, last published in the Federal Register on July 8, 2010. TSA assures respondents that the portion of their responses that are deemed Sensitive Security Information will be handled as such, as described in 49 CFR parts 15 and 1520.

- 11. TSA does not provide an assurance of confidentiality to respondents. However, to the extent that the information collected is Sensitive Security Information (SSI) as defined in 49 CFR part 1520, "Protection of Sensitive Security Information," such information is protected from public disclosure. 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.**

Other than questions that may involve SSI, TSA does not ask questions of a sensitive nature.

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

Approximately 165 FACs have regularly scheduled and charter flight (indicating their flights are on-demand) operations to and from the United States. Part of the burden will depend on the frequency of flights the FAC operates. The following hour burden estimates are broken out by category.

For subsequent years, TSA estimates 5 new FACs annually. These carriers will implement the security measures/procedures in the Foreign Air Carrier Model Security program (MSP), which takes approximately 12 hours to complete.

$$(a.) 5 \text{ new FACs} \times 12 \text{ hours} = 60 \text{ hours}$$

**Note:** TSA conservatively revised the burden figures above to convey more recent figures as they pertain to new carriers and hours needed to implement and distribute requirements in the MSP. The total number of carriers has been consistently in the 160 range given that some FACs cease service and some begin new service. To more accurately reflect hour burdens, TSA will account for the additional 5 FACs by using an average annual respondents number of 170 FACs over the next three years.

If safety and the public interest require an amendment, TSA may require an amendment to the TSA-accepted security program. TSA considered the average number of amendments between 2009 and 2012 to estimate four (4) amendments per year. Each of the 170 FACs would be required to respond for each amendment, for a total of 680 responses (170 FACs  $\times$  4 amendments).

Table 1: Annual Amendments Summary

Year	Amendments Issued
2009	5
2010	3
2011	4

$$(b.) 170 \text{ FACs} \times \text{estimated } 4 \text{ amendments} \times 1 \text{ hour} = 680 \text{ hours}$$

Note: TSA conservatively adjusted the average number of amendments using data from the years mentioned above. The burden of 0.5 was increased to 1.0 to account for the level of interaction some FACs require when requesting clarification/support with implementing the amended procedures.

A FAC may submit a request to TSA, through its assigned TSA International Industry Representative (IIR), to amend its TSA-accepted security program or adopt alternate means of complying with the TSA-issued amendments. Based on past requests, TSA estimates it will receive 100 requests annually.

$$(c.) 100 \text{ requests} \times 1 \text{ hour to prepare documentation} = 100 \text{ hours}$$

Note: TSA conservatively adjusted the burden associated with FAC-requested amendments to reflect the average number of such requests received for the years mentioned above. Some of the amendment requests are based on the operational impact that TSA-issued program amendments have on the FACs.

Upon request of TSA, each FAC must provide evidence of compliance with 49 CFR part 1546 and its security program, including copies of records. Accordingly, TSA estimates that an average of 4 hours is required for each FAC to maintain copies (hard copies at corporate offices and electronic copies maintained at stations) and to make its security program available for annual review.

Based on information on 7 of the larger FACs, TSA estimates each FAC has an average of 18 yearly inspections for compliance with the Foreign Air Carrier Model Security Program.

$$(d.) 170 \text{ FACs} \times 18 \text{ inspections} \times 4 \text{ hours} = 12,240$$

Note: TSA conservatively updated the number of hours for each inspection to account for the present-day number of measures subject to inspections. TSA periodically updates security requirements for foreign air carriers to address the ongoing threat against civil aviation.

### Training

FACs are required by their security programs to provide their crewmembers and other individuals performing security-related functions with initial training and recurrent training covering a number of subjects. Depending on the subject matter, the training is delivered via several methods such as web-based training, classroom training, hands on training, and home study. The FACs must retain the records for varying specified periods of time. TSA estimates that the average annual hour burden per FAC associated with this collection is 24 hours.

$$(e.) 170 \text{ FACs} \times 24 \text{ hours} = 4,080 \text{ hours}$$

### Incident and Suspicious Activity Reporting

TSA requires FACs to immediately report to the Transportation Security Operations Center (TSOC) all incidents, suspicious activities, and threats that could affect the security of U.S. civil aviation. Incidents, suspicious activities, and threat information may include, but are not limited to, interference with the flight crew, possible surveillance of an aircraft or airport facility, bomb threats, and air piracy. In light of the urgency of this type of reporting, FACs give this report orally, in writing, or over the telephone. Based on 2012 incident reporting data to TSOC, TSA estimates all FACs combined will report approximately 60 incidents annually.

$$(f.) 30 \text{ minutes per report} \times 60 \text{ incidents/year} = 30 \text{ hours}$$

### Watch Lists

FACs must submit Secure Flight Passenger Data (SFPD) to TSA Secure Flight for the watchlist vetting of every passenger traveling to and from the United States. This data is required 72 hours in advance of the flight when available that early. The FAC also submits subsequent SFPD received up until flight departure. The vetting of the information is done internally within TSA Secure Flight operations and takes place almost instantaneously. However, there are times when certain passengers are on a watchlist and other processes must take place to clear the passenger for travel, prevent travel, or require additional processes before the passenger can travel.

The following conservative estimates are based on the small number of passengers subject to additional screening processes. Specifically, they are based on a random selection foreign air carriers with an average of 1,503 flights per month.

$$(g) 170 \text{ carriers} \times 1503 \text{ flights} \times 20 \text{ minutes } (.33 \text{ hours}) = 84,318$$

$$84,318 \text{ hours/month} \times 12 \text{ months} = 1,011,820 \text{ hours}$$

Note: TSA conservatively updated the estimate above to account for the change in procedures since the deployment of Secure Flight and the corresponding changes to the watchlist vetting process. TSA also reviewed more recent data pertaining to the average number of FAC flights on a monthly basis.

Table 2: Summary of Information Collection Industry Burden

<b>Burden</b>	<b>Responses</b>	<b>Hours</b>
a. Start-up operations	5	60
b. TSA-issued amendment	680	680
c. Carrier requested amendments	100	100
d. Provide Evidence of Compliance	3,060	12,240
e. Recording and retention of training records	170	4,080
f. Reporting of Suspicious Activity	60	30
g. Watch list comparisons	3,066,120	1,011,820
<b>Total Burden</b>	<b>3,070,195</b>	<b>1,029,010</b>

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

TSA estimates no costs in addition to the hourly burdens discussed above for this requirement.

**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 inspection process is composed of the following costs, all of which are calculated on an annual basis:

TSA estimates that approximately 5 new FACs will seek to adopt and implement the Foreign Air Carrier Model Security Program yearly in order to initiate operations to or from the United States. The acceptance and explanation of the program and presentation of the Model Security Program to the FAC requires approximately 40 hours of an IIR's time at \$217.80 per hour (average fully loaded hourly rate for an international J band employee).

$$(a.) 5 \text{ FACs} \times 40 \text{ hours} \times \$217.80 = \$43,559.94$$

TSA estimates each FAC is inspected for compliance with record keeping requirements 18 times a year (10 domestic/8 international). TSA estimates that the time necessary to inspect record keeping is approximately 1 hour. TSA used an average hourly salary of \$69.05 for domestic inspectors. TSA used an average hourly salary of \$201.13 for international inspectors (fully loaded).

$$(b.) 10 \text{ inspections} \times 170 \text{ FACs} \times \$69.05 = \$117,390.42$$

$$8 \text{ inspections} \times 170 \text{ FACs} \times \$201.13 = \$273,532.04$$

TSA estimates that TSA inspects each FAC approximately 18 times annually (10 domestic/8 international). The record review also takes one hour.

$$(c.) 10 \text{ inspections} \times 170 \text{ FACs} \times \$69.05 = \$117,390.42$$

$$8 \text{ inspections} \times 170 \text{ FACs} \times \$201.13 = \$273,532.04$$

TSA projects it will issue 4 amendments per year. Because this is a global issuance, TSA estimates that the time necessary for IIRs to issue to each of the 170 FACs a TSA-initiated amendment is approximately 30 minutes.

$$(d.) 170 \times 0.5 \text{ hours} \times \$217.80 = \$43,559.94$$

TSA estimates that the FACs will initiate 60 requests for a change to their security programs. TSA estimates that an average of 40 hours is necessary for the IIR to review the request, conduct any related research, draft appropriate related paperwork, and for headquarters to review the information.

$$(e.) 40 \text{ hours} \times 60 \text{ requests} \times \$217.80 = \$522,719$$

Note: TSA conservatively updated the number of hours and number of requests for FAC requests for amendments to their security programs to reflect present-day data associated with such requests.



Table 3: Summary of Information Collection Government Burden

<b>Burden</b>	<b>Hours</b>
a. Start-up operations	\$43,560
b. Compliance records inspection	\$390,922
c. Points-of-departure	\$390,922
d. Process amendments	\$74,052
e. Security program changes	\$522,719
<b>Total TSA cost</b>	<b>\$1,422,176</b>

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

The increase in burden is due to the increased number of FACs from 162 to 170. This increased number number of FACs, along with inclusion of updated fully loaded hourly wage rates, resulted in an increase in the estimated Government burden from \$268,086 to \$1,442,176. Due to the changes to the watchlist vetting process, FACs now submit 3,066,120 watchlist comparison responses to TSA per year, instead of doing their own vetting. These responses are comprised of results from internal watchlist comparisons that lead to Selectee or No-Fly designations. New capabilities resulting from implementation of Secure Flight are responsible for this increase. Secure Flight operations is able to do the watchlist comparisons almost instantaneously. The 2010 submission did not capture these submissions, resulting in the associated increase.

**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 or tabulate information on 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 not be seeking a request not to display 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 exceptions.