



**Transportation
Security
Administration**

ACTION

MEMORANDUM FOR: Howard Shelanski
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget (OMB)

THRU: Margaret H. Graves *MHG*
Deputy Chief Information Officer
Department of Homeland Security (DHS)

FROM: Stephen Rice *SR 11/10/15*
Assistant Administrator
Chief Information Officer
Authorizing Official (AO)
Office of Information Technology
Transportation Security Administration (TSA)

SUBJECT: Emergency Information Collection Request (ICR): Baseline
Assessment for Security Enhancement (BASE) Program and the
Gerardo Hernandez Airport Security Act of 2015

Purpose

The memorandum seeks the Office of Management and Budget (OMB) approval of the Transportation Security Administration's (TSA's) request for an emergency revision under the Paperwork Reduction Act (PRA) to OMB Control Number 1652-0062, Baseline Assessment for Security Enhancement (BASE) Program to address the requirements identified in the newly legislated "Gerardo Hernandez Airport Security Act of 2015" (the "Act").¹

Background

Under the Act, Congress directed the TSA to conduct outreach to all passenger transportation agencies and providers with high-risk facilities, as identified by TSA, to verify such agencies and providers have in place plans to respond to active shooters, acts of terrorism, or other security-related incidents that target passengers; and to identify best practices for security incident planning, management, and training and establish a mechanism through which to share such practices with passenger transportation agencies nationwide². The Act also requires no later than 180 days after the date of enactment that TSA report to Congress on the findings from its

¹ Pub. L. 114-50, 129 Stat. 490 (Sept. 24, 2015).

² See Sec. 7 of the Act.

outreach, including an analysis of the level of preparedness the transportations systems have to respond to security incidents.

Discussion

On August 24, 2015, one month before enactment of the Gerardo Hernandez Airport Security Act of 2015, OMB approved TSA's renewal of the BASE collection.³ TSA immediately began reviewing the data available for meeting the requirements of the Act and determined that most of the necessary information was already within its possession or available from the handful of associations and other organizations representing the relevant stakeholders. While TSA currently maintains most of the data needed to fulfill the Act's requirements,⁴ however, TSA has determined it is necessary to collect additional data related to surface transportation systems incident response plans for active shooters in order to comply with the Act. TSA has explored other options for obtaining this data and found it cannot do so without implicating the PRA. TSA has determined that the most efficient way to obtain the needed information is by augmenting its current BASE program. In light of the statutory reporting deadline, TSA is seeking emergency clearance to include additional questions, outlined below, during BASE reviews with the surface transportation community. TSA will incorporate the responses to these questions into the report required by Section 7 of the Act.

The requirements of the Act that necessitate this collection are consistent with TSA's mission, as well as TSA's responsibility and authority for "security in all modes of transportation ... including security responsibilities ... over modes of transportation that are exercised by the Department of Transportation."⁵ Consistent with this authority, TSA is the federal agency responsible for "assess[ing] the security of each surface transportation mode and evaluat[ing] the effectiveness and efficiency of current Federal Government surface transportation security initiatives."⁶

Without emergency approval, TSA will be unable to collect the required information under section 7 of the Act and report to Congress within the time frame specified in section 7. The use of normal PRA clearance procedures is reasonably likely to cause the statutory deadline to be missed.

³ OMB issued a Notice of Action approving TSA's revision, which included consolidating OMB control numbers 1652-0061 and 1652-0062 in 1652-0062.

⁴ Sections 3 and 4 of the Act require TSA to conduct outreach to airports at which TSA performs or oversees the implementation and performance of security measures; provide technical assistance as necessary to verify the airports have individualized working plans for responding to security incidents inside the perimeter of the airport, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints; disseminate best practices; and report to Congress not later than 180 days after the date of enactment on the findings from its outreach, including an analysis of the level of preparedness of such airports to respond to security incidents. However, this emergency ICR does not cover sections 3 and 4 of the Act because TSA is able to collect the necessary information by reviewing each airport operator's airport security program, as required under 49 CFR Part 1542.

⁵ 49 U.S.C. § 114(d).

⁶ EO 13416, section 3(a) (Dec. 5, 2006).

Public Transportation, including Mass Transit and Passenger Rail

Has the entity partnered with local law enforcement/ first responders to develop active shooter procedures or protocols?

Does the entity have a System Security Plan (SSP) that contains or references other documents that establish procedures or protocols for responding to active shooter events?

Is initial training specific to active shooter responses (for example, run/fight/hide, lockdown procedures or similar) provided to all employees regardless of position or job function, in a formal manner?

Is annual refresher training specific to active shooter responses (for example, run/fight/hide, lockdown procedures or similar) provided to all employees regardless of position or job function?

Has the entity provided local law enforcement/first responders opportunities to familiarize themselves with the entity's system for response to active shooter events?

Does the entity have policies requiring employees to report (internal or external) suspicious activity to their supervisor or management?

In the last year, has the entity conducted drills or exercises specifically focused on active shooter scenarios with its employees?

Highway Mode

Does the entity have procedures for responding to an active shooter event (for example, "Run/fight/hide" or similar)?

Does the entity provide active shooter response training (for example, "Run/fight/hide" or similar) to all employees?

Has the entity consulted with local law enforcement/ first responders when developing active shooter plans and procedures?

Has the entity conducted exercises (tabletop or full-scale) that specifically focus on active shooter scenarios?

Does the entity have policies requiring employees to report internal suspicious activity to their supervisor or management?

Conclusion

TSA respectfully requests that OMB grant TSA's request for emergency clearance for a revision to the BASE collection in order to comply with surface transportation systems requirements of

the Act within the statutory time frame. It is imperative that TSA include additional questions relating to surface transportation active shooter response plans in its BASE reviews to meet the statutory mandate.