

INFORMATION COLLECTION SUPPORTING STATEMENT

Law Enforcement Officers Flying Armed Training OMB Control Number 1652-0034

- 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 requires all Law Enforcement Officers (LEOs) who have a need to be armed when flying to complete the LEO Flying Armed (LEOFA) Training course. See 49 CFR 1544.219. “Armed,” for purposes of this program, means that the LEO carries the firearm on his or her person and not in checked baggage. The course is a non-tactical overview of the conditions under which a LEO may fly armed, the expected behavior of the LEO while flying armed, and the scope of authority of the LEO during flight. The collection involves TSA gathering information from territorial, tribal, Federal, municipal, county, State, and authorized railroad law enforcement agencies who have requested the LEOs Flying Armed training course. More information about the program is available at <https://www.tsa.gov/travel/law-enforcement>.

- 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 will gather information from law enforcement agencies that have requested the LEOs LEOFA Training course. TSA will gather the information to confirm that the agencies are eligible for this program—verifying that they are active law enforcement agencies whose officers have an operational need to fly armed. To obtain access to the LEOFA Training course, territorial, tribal, Federal, municipal, county, State, and authorized railroad law enforcement agencies must contact TSA via TSA’s website at <https://www.tsa.gov/travel/law-enforcement>. Through a fillable form, TSA will request that the agency provide the full name of the training officer, agency name, agency address, the name of the training officer’s direct supervisor, and other pertinent information. Once the respondent has supplied the needed information, TSA then contacts the agency via phone or email to verify all the information. TSA uses the information to maintain a record of law enforcement agencies that have received the training materials and their official agency contact information. If an issue arises during the screening and verification process regarding the authenticity of an agency that requests training materials, TSA will not supply any training materials until that issue has either been confirmed or resolved, and will maintain a record of the issue. If the law enforcement agency has questions or encounters issues on obtaining the LEOFA training course, then they are instructed to contact (through official agency email) the LEOFA program at LEOFA@tsa.dhs.gov or LEOFATR@tsa.dhs.gov.

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 (GPEA), this is a fully electronic collection of information. See sec. 1702 of the GPEA (Pub. L. 105-277, 112 Stat. 2681-749, Oct. 21, 1998, codified at 42 USC 3504). The process begins when a representative of a law enforcement agency visits the TSA Flying Armed website (<https://www.tsa.gov/travel/law-enforcement>) and completes the fillable form to receive the LEOFA training material. The form, which is submitted to TSA electronically, must contain: full name of the requesting officer, title, phone number, email address, employing department, work address, supervisor's name, supervisor's title, supervisor's contact information, the agency's originating agency identifier (ORI), an affirmation that the officer/agency meets the requirements set forth in 49 CFR 1544.219, and a brief narrative detailing the agency's operational need to fly armed.

Once the form is completed, TSA, receives a notification via e-mail. TSA then vets the request to ensure that all of the required information has been submitted and that the agency has a current operational need to fly armed. If TSA determines that the requesting agency meets the standard set forth in 49 CFR 1544.219, they electronically send a non-disclosure agreement (NDA) to the requesting agency. Once TSA receives the signed NDA, they will electronically send the LEOFA training materials to the requesting agency. TSA keeps an electronic record of each agency to which they have sent LEOFA training material, including a point of contact (POC) for that agency.

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.***

This information is not collected in any form, and therefore is not duplicated.

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 information does not have an impact on small businesses or other small entities.

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.***

This is a one-time collection from each law enforcement agency that wishes to receive the LEOs Flying Armed Training materials. The flying public and air safety in general could be put in jeopardy without the ability to verify agencies' requests for the training.

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).***

This collection will be conducted in a manner consistent with the general information collection guidelines in 5 CFR 1320.5(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 respectively two Federal Register notices, with a 60-day and a 30-day comment period, soliciting comments on this collection of information request. See 83 FR 3362 (January 24, 2018) and 83 FR 17422 (April 19, 2018). Consistent with the requirements of Executive Order (E.O.) 13771, *Reducing Regulation and Controlling Regulatory Costs*, and E.O. 13777, *Enforcing the Regulatory Reform Agenda*, the notices included a specific request for comments on the extent to which this request for information could be modified to reduce the burden on respondents. The agency did not receive any comments on the collection of information.

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

There is no offer of monetary or material value for this information collection.

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

There are no assurances of confidentiality provided to the respondents for this information collection. However, the collection is covered under a Privacy Impact Assessment (PIA), DHS/TSA/PIA-025 e-Law Enforcement Officer Logbook Program (August 31, 2009), and a System of Records Notice (SORN), DHS/TSA-001 Transportation Security Enforcement Records System. See 79 FR 6609 (February 4, 2014).

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.

There are no questions of sensitive nature.

12. Provide estimates of hour and cost burdens of the collection of information.

TSA receives approximately 2,000 annual requests for the LEOFA training materials from territorial, tribal, Federal, municipal, county, State, and authorized railroad law enforcement agencies via e-mail or phone.

Each law enforcement agency will be required to submit the full names of their employees requesting the training, along with the agency address and the names of the individual's supervisor. This is a one-time collection from each respondent law enforcement agency that wishes to receive the LEOFA training.

Each LEO will provide his/her information to TSA to help TSA determine whether or not the officer is eligible to receive training. TSA estimates each respondent will spend approximately 5 minutes (0.0833 hours) to complete the form. This includes any follow-up to confirm the information was received. TSA calculates a total average annual hour burden of 166.67 hours for this information collection.

TSA uses the national average hourly loaded wage¹ of \$48.139² for police and sheriff patrol officers to estimate the total annual hour burden cost. TSA multiplies this wage rate by the total annual hour burden of 166.67 hours to estimate the total annual hour burden cost. TSA calculates a total average annual hour burden cost of \$8,023 (166.67 hours x \$48.139) for LEOs to provide information to TSA for purposes of this information collection.

13. Provide an estimate of the annualized capital and start-up costs.

There are no capital or start-up costs resulting from this collection of information.

¹ The fully loaded wage rate covers non-salary compensation costs to the employer, such as retirement contributions and health insurance, among others.

² The mean hourly wage rate for police and sheriff patrol officers is \$30.17. Bureau of Labor Statistics, Occupational Employment and Wages, May 2016. <https://www.bls.gov/oes/2016/may/oes333051.htm>. The fully loaded wage rate is calculated by multiplying the mean hourly wage of police and sheriff patrol officers (\$30.17) by a compensation factor. The compensation factor accounts for the difference between employer's total compensation costs (\$48.06) and the employer's wage costs (\$30.12). Therefore, the compensation factor is 1.5956 (1.5956 = \$48.06/\$30.12). Therefore, the fully loaded wage rate is \$48.139 (\$48.139 = \$30.17 x 1.5956). BLS, News Release, Employer Costs for Employee Compensation - June 2017. Table 4. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local government workers, by occupational and industry group, June 2017. Release date September 8, 2017, retrieved September 22, 2017. https://www.bls.gov/news.release/archives/ecec_09082017.pdf.

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.

TSA estimates the Federal Government cost by estimating TSA costs for this information collection.³ TSA estimates that will take 45 minutes (0.75 hours)⁴ to process each application and to make an eligibility determination by verifying the information provided in the application. TSA estimates an annual average time burden to TSA by multiplying the processing time (0.75 hours) by the number of applications TSA receives (2,000). TSA estimates a total average annual hour burden to TSA of 1,500 hours.

TSA estimates an annual hour burden cost to TSA by multiplying the total annual hour burden (1,500) by the fully loaded wage rate for a TSA employee in the program office. TSA uses a fully loaded wage rate of \$65.1748.⁵ TSA estimates a total average annual cost of \$97,762 to the Federal Government to process requests for LEOs Flying Armed Training.

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 in the information being collected through this program.

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.

This information collection will not be published for statistical purposes.

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 for OMB approval of this information collection.

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

TSA does not request an exception to the certification of this information collection.

³ This information collection does not place a burden on any other Federal entity.

⁴ The office responsible for vetting applications reports that a single application takes between 30 minutes (0.5 hours) and 1 hour to process. TSA uses the midpoint, 45 minutes (0.75 hours), as the estimate for the hour burden associated with reviewing each application. TSA, TSA Academy, Training Centers Division, Counterterrorism and Explosives Training Section.

⁵ This fully loaded wage rate is a weighted average. There are 6 TSA employees who review and verify the applications. Five of the employees are I-band employees (fully loaded hourly wage of \$63.30) and one J-band employee (fully loaded hourly wage of \$74.53). The weighted average is calculated by multiplying the number of I-band employees by the I-band's hourly wage, plus the number of J-band employees, times the J-band hourly wage, divided by the total number of employees ($\$65.1748 = [(5 \times \$63.30) + (1 \times \$74.53)] \div 6$).