INFORMATION COLLECTION SUPPORTING STATEMENT
1652-NEW
Law Enforcement Officers Security Act and Retired Badge/Credential

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).***

LEOSA:

Under 18 U.S.C. sec. 926C, which codifies a portion of LEOSA,[1] a "qualified retired law enforcement officer" may carry a concealed firearm in any jurisdiction in the United States, regardless of State or local laws, with certain limitations and conditions. In accordance with LEOSA, the Department of Homeland Security (DHS) issued DHS Directive 257-01 Law Enforcement Officers Safety Act (Dec. 22, 2017) and DHS Instruction Number 257-01-001, The *Law Enforcement Officers Safety Act Instruction* (Jan. 18, 2018). DHS Directive 257-01 and DHS Instruction Number 257-01-001 requires DHS components to implement the provisions of LEOSA pertaining to qualified retired LEOs as cost-effectively and efficiently as possible consistent with the requirements and intent of the statute for LEOs formerly employed by DHS and predecessor agencies.

TSA subsequently issued TSA Management Directive (MD) 3500.1, *LEOSA Applicability and Eligibility* (June 5, 2018), to implement the LEOSA statute and DHS directive. Under this MD, TSA issues photographic identification to retired LEOs who separated or retired from TSA in "good standing" and meet other qualification requirements identified in this MD.

RETIRED BADGE/CREDENTIAL:

Under TSA MD 2800.11, *Badge and Credential Program* (Jan. 27, 2014), an employee retiring from Federal service is eligible to receive a "retired badge and/or credential" if the individual: (1) was issued a badge and/or credential, (2) qualifies for a Federal annuity under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS), and (3) meets all of the other qualification requirements under the MD.[2]

If the employee is approved for a retired badge and/or credential, his or her badge and/or credential will be replicated by TSA and marked with the word "RETIRED," to indicate that the retired employee no longer has the authority to perform specific official functions pursuant to law, statute, regulation or DHS Directive. In the case of a retired LEO, the individual is prohibited from using the TSA retired credential as photographic identification for the purposes of the LEOSA.

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[1] Pub. L. 108-277, 118 Stat. 865, July 22, 2004, codified in 18 U.S.C. 926B and 926C, as amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Pub. L. 111-272, 124 Stat. 2855, Oct. 12, 2010) and National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239, 126 Stat. 1970, Jan. 2, 2013).
[2] These instructions are included in DHS Instruction: 121-01-002 (Issuance and Control of DHS Badges); DHS Instruction 121-01-008 (Issuance and Control of the DHS Credentials); and the associated Handbook for TSA MD 2800.11.

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.

LEOSA and RETIRED BADGE/CREDENTIAL

Under TSA's current application process for these two programs, qualified applicants may apply for a LEOSA ID Card, a Retired Badge, and/or a Retired Credential, as applicable, either while still employed by the Federal Government (shortly before separating or retiring from the position for which they held their badge and/or credential) or after they have separated or retired (after they become private citizens, *i.e.*, are no longer employed by the Federal Government).

The *LEOSA Identification Card Application* (TSA Form 2825A) requires collection of identifying information, contact information, official title, separation date, and last known field office. Identifying information, such as the date of birth and social security number (SSN), are necessary to confirm the individual's identity and to process the individual through the National Crime Information Center (NCIC) database.

Similarly, for purposes of a retired badge and/or credential, TSA Form 2808-R, *Retired Badge and/or Retired Credential Application,* requires collection of identifying information, contact information, TSA employment/position information (TSA component or Government agency), official title, and entry on duty date. This collection of information is necessary to confirm the identity of the individual, conduct the necessary qualification process to determine the individual's eligibility for a retired badge and/or credential, and to contact the individual if needed.

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.]

The majority of the information collection is electronic. Both Retired Badge and Credential and LEOSA ID Card applicants complete the *TSA Form 2808-R, Retired Badge and/or Retired Credential Application* and the TSA Form 2825A, *LEOSA Identification Card Application* forms electronically, but ordinarily print the form, sign and date the form, and forward it to their supervisors of record. After TSA supervisors review the application, they complete, sign and scan the form and submit it as a PDF to vetting officials in the TSA Business Management Office for formal review, processing, and a final determination of LEOSA and Retired Badge and Credential eligibility.

*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 TSA needs for this program is not otherwise collected from this population.

*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.***

There is no significant burden to 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.***

This is a one-time collection for an applicant to receive a LEOSA ID Card, a Retired Badge, and/or a Retired Credential, as applicable.

*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 <u>Federal Register</u> 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 for this collection in the *Federal Register* on May 30, 2018 (83 FR 24814) and a 30-day notice on October 31, 2018, (83 FR 54762). 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. TSA received no comments.

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

TSA does not provide payment or gifts to respondents.

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

TSA does not provide any assurance of confidentiality to the respondents; however, all information is handled in accordance with the Privacy Act of 1974. The applicable TSA system of records notice (SORN) is DHS/TSA/SORN-002 Transportation Security Threat Assessment System, last published in the *Federal Register* on August 11, 2014 (79 FR 46862).

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.*

TSA is not posing questions of sensitive nature.

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

TSA receives approximately 32 requests for the LEOSA Application Form 2825 and 30 Retired Badge and Credential Application Form 2808-R, for a total of 62 applications annually. The applicants are former LEOs with an approved OPM disability or voluntary retirement, or an individual who has separated from LE/FAMS as a LEO (e.g., could have retired, resigned to take a non-LEO position with TSA or another agency, or medically removed). Some LEOs will be eligible for both, while others just for one or the other. TSA expects the number of applications submitted by former LEOs to decline, as there is a process in place whereby the LEO is provided the appropriate form when he or she announces retirement; however, this number will rarely if ever be zero due to the population of LEOs who are medically removed and later apply for an OPM disability retirement.

Each former LEO will provide his/her information to TSA to help TSA determine whether or not the applicant is eligible to receive a LEOSA ID card, a retired badge and credential, or both. TSA estimates each respondent will spend approximately 5 minutes (0.0833 hours) to complete either form. TSA calculates an annual hour burden of 2.67 hours for the LEOSA Application Form 2825A and 2.50 hours for the Retired Badge and Credential Application Form 2808-R, for a total annual hour burden of 5.17 hours for this information collection (See Tables 1 and 2).

Table 1: Time Burden to Complete LEOSA Application Form 2825A		
Annual Number of LEOSA Applications	**Annual Hour Burden**	**Three Year Hour Burden**
A	**B = A x (0.083333 hrs)**	**C = B x 3**
32	2.67	8.0

Note: Calculations may not be exact due to rounding in tables.

Table 2: Time Burden to Complete Retired Badge and Credential Application Form 2808-R		
Annual Number of Retired Badge and Credential Applications	**Annual Hour Burden**	**Three Year Hour Burden**
A	B = A x (0.083333 hrs)	C = B x 3
30	2.50	7.5

Note: Calculations may not be exact due to rounding in tables.

TSA uses the average hourly loaded wage of $74.53, the amount for a J-band Federal employee, based on an assumption that the retiring LEO is a J-band equivalent. TSA multiplies this wage rate by the total annual hour burden of 5.17 (2.67 + 2.5) hours to estimate the total annual hour burden cost. TSA calculates an average annual hour burden cost of $198.75 for the LEOSA Application Form 2825A and $186.32 for the Retired Badge and Credential Application Form 2808-R, for a total average annual cost burden of $385.07 for retiring LEOs to provide information to TSA for purposes of this Information collection (See Tables 3 and 4).

Table 3: Respondent Cost Burden for Completing LEOSA Application Form 2825A		
Annual Hour Burden	**Annual Hour Burden Cost**	**Three Year Hour Burden Cost**
A	B = A x $74.53	C = B x 3
2.67	$198.75	$596.24

Note: Calculations may not be exact due to rounding in tables.

Table 4: Respondent Cost Burden for Completing Retired Badge and Credential Application Form 2808-R		
Annual Hour Burden	**Annual Hour Burden Cost = Hours x $74.53**	**Three Year Hour Burden Cost = Annual Cost x 3**
A	B = A x $74.53	C = B x 3
2.5	$186.32	$558.97

Note: Calculations may not be exact due to rounding in tables

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

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

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 it will take 4.75 hours[4] to process each application and to make an eligibility determination by verifying the information provided in the application. In addition, TSA estimates that 17 percent of LEOSA Form 2825A applications and 6 percent

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[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 285 minutes (4.75 hours) to process an application.

of the Retired and Credential Form 2808-R applications will be denied,[5] requiring additional processing time for denied applications.[6] TSA estimates 54.75 applications will be approved and 7.25 applications will be denied annually (See Table 5).[7]

Table 5: Number of Applications by Status			
	Annual Number of LEOSA Form 2825A Applications	**Annual Number of Retired and Credential Form 2808-R Applications**	**Total Annual Number of Applications**
	A	**B**	**C = A + B**
Applications Approved	26.45	28.30	54.75
Applications Denied	5.55	1.70	7.25
Total	**32.00**	**30.00**	**62.00**

Note: Calculations may not be exact due to rounding in tables.

TSA calculates the average annual hour burden to TSA to process approved applications will be 260.08 hours, and the average annual hour burden to process denied applications will be 63.41 hours, for a total annual hour burden of 323.49 hours.[8] TSA calculates the cost burden by determining how much time is spent by personnel in each pay band processing applications, then multiplying by the hourly loaded wage for each band (See Table 6). TSA calculates the cost of approved application is $270.64, and the cost to process a denied application is $575.99 (See Table 6).

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[5] An application may be denied because the applicant does not meet the policy requirements. A retired badge and credential application could be denied because the applicant does not have 5 years of Federal LEO service; or he/she does not have an OPM-approved retirement; or was found not to be in good standing at the time of retirement. For a LEOSA ID card application, an applicant could be denied because he/she does not have 10 years of LEO service; is medically disqualified for mental health reasons; or was determined not to be in good standing at the time of separation or the applicant is prohibited by Federal law to carry a firearm. There is no appeal process for retired badges and credentials so the denial is final. However, TSA MD 3500.1 does allow for an appeal process if a LEOSA ID card application is denied. The applicant can submit a letter to the LE/FAMS EAA, which is reviewed by the LE/FAMS EAA's designee and a final decision is then issued to the applicant.

[6] The Office responsible for vetting applications reports that denied applications receive extra scrutiny and take an additional 240 minutes (4.0 hours) to process, or a total processing time of 525 minutes (8.75 hours) for denied applications.

[7] Average Form 2825 Accepted Applications = 26.45 = 32 applications x 0.82666 (Percent accepted). Average Form 2825 Denied Applications = 5.55 = 32 applications x 0.17333 (Percent denied). Average Form 2808-R Accepted Applications = 28.30 = 30 applications x 0.94333 (Percent accepted). Average Form 2808-R Denied Applications = 1.70 = 30 applications x 0.05666 (Percent denied).

[8] Average annual burden calculated by multiplying amount of time spent processing approved applications (4.75 hours) by the number of approved applications (54.7533) resulting in 260.078 hours and amount of time spent processing denied applications (8.75 hours) by the number of denied applications (7.2466) resulting in 63.408 hours. The sum of these two calculations is 323.487 hours.

Table 6: Cost Burden to Government to Process Applications						
TSA Pay band	Time per Approved Application (hours)	Hourly Loaded Wage per band ($)	TSA Cost for Approved Applications	Time per Denied Application (hours)	Hourly Loaded Wage per band ($)	TSA Cost for Denied Applications
	A	B	C = A x B	D	E	F = D x E
F	2	$38.58	$77.16	2	$38.58	$77.16
I	2	$63.30	$126.61	4	$63.30	$253.22
J	0.33	$74.53	$24.84	1.33	$74.53	$99.37
K	0.25	$87.40	$21.85	0.75	$87.40	$65.55
L	0.17	$121.03	$20.17	0.67	$121.03	$80.69
Total	**4.75**		**$270.64**	**8.75**		**$575.99**

Note: Calculations may not be exact due to rounding in tables.

TSA multiplies the total approved applications by the cost per approved application, and multiplies the total denied applications by the cost per denied application, then adds the two to determine total annual cost. The total annual cost to TSA to process all applications is $18,992.38 and the total three year costs is $56,977.14 (See Table 7).

Table 7: Total TSA Cost Burden							
	Total Approved App's	Cost Per Approved App	Total Cost for Approved Apps	Total Denied Apps	Cost Per Denied App	Total Cost for Denied Apps	Total Cost All Apps
	A	B	C = A x B	D	E	F = D x E	G = C + F
Annual	54.75	$270.64	$14,818.34	7.2	$575.99	$4,174.04	**$18,992.38**
Three Year	164.3	$811.9	$44,455.03	21.7	$1,727.98	$12,522.11	**$56,977.14**

Note: Calculations may not be exact due to rounding in tables.

TSA also incurs an expense to issue the credential, at a cost of $1.22 per credential. TSA multiplies this cost by the number of credential to estimate a credential cost annually of $66.80, and a three-year total credentialing cost of $200.39. TSA sums the credential and annual time burden costs for the Federal Government to estimate $19,059.18 for annual Federal costs and $57,177.53 for three-year Federal Government cost.

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

There are no program changes or adjustments as this is a new collection.

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 does 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 is not seeking such approval.

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 to the certification statement.