

## **INFORMATION COLLECTION SUPPORTING STATEMENT**

### **1652-NEW Law Enforcement Officers (LEOs) Flying Armed**

- 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's mission includes the screening of individuals, accessible property, checked baggage, and cargo before boarding or loading on an aircraft to prevent or deter the carriage of any explosive, incendiary, or deadly or dangerous weapon on an aircraft. See 49 U.S.C. § 44901. Consistent with this authority, TSA's regulations generally require individuals to submit to screening and inspection before entering a sterile area of an airport or boarding an aircraft. See 49 CFR 1540.107. The prohibition on carrying a weapon, however, does not apply to Law Enforcement Officers (LEOs) required to carry a firearm or other weapon while in the performance of law enforcement duties at the airport. See 49 CFR 1540.111(b). In addition, LEOs may fly armed if they meet the requirements of 49 CFR 1544.219. This section includes requirements for authorization to carry the weapon, training for flying armed, validation of the need for the weapon, notification requirements, prohibition related to consuming alcohol, and appropriate location of the weapon.

In order to allow LEOs to fly armed, TSA established a specialized screening process for Federal, State, local, and tribal LEO needing to access the sterile area of the airport when they are going to fly armed. To document such LEO movements, TSA's specialized screening procedures require the LEO to complete TSA Form 413A, Checkpoint Sign-In Log. This real-time situational awareness is necessary in the event of a contingency on board the aircraft, such as but not limited to, a disruptive passenger, air piracy, or other threat to the safety and security of a commercial aircraft.

- 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.***

The information collected on TSA Form 413A includes: (1) identifying information on the LEOs; (2) an affirmation that they are authorized to fly armed on official business and that they have an operational need to have their weapon accessible during the flight in accordance with 49 CFR part 1544; and (3) identification of weapons they are carrying.

The information required by this form is used by the TSA Security Operations Center and the Law Enforcement/Federal Air Marshals Service in order to have situational awareness of armed LEO(s) presence on commercial flights. As previously noted, this real-time situational awareness is necessary in the event of a contingency on board the aircraft, such as but not limited to, a disruptive passenger, air piracy, or other threat to the safety and security of a commercial 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 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.]***

TSA Form 413A is only used and available in hard-copy, paper-based form. TSA has evaluated the possibility of developing an electronic LEO logbook in the past and has identified several obstacles that would have to be overcome before it could be implemented. A small trial was also held at one airport that further identified issues related to technology equipment, connectivity, and the need to develop a software-based system to implement the program that would also have to meet current Privacy Act standards, as well as Federal Information Security Management Act (FISMA) and Federal Information Processing Standard (FIPS) security requirements.

The biggest obstacle to moving forward to an electronic log solution is the lack of funding for this project--both for development and sustainability. TSA continues to look at this issue and agrees that conceptually development of an electronic logbook would be beneficial.

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.***

The flying public and air safety in general could be put in jeopardy without the ability to verify LEOs who are authorized to fly armed on official business and have an operational need to have their weapon accessible during the flight have actually entered the sterile area to board their flight.

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)(i). LEOs may need to fly armed on official

business multiple times during the year and will need to complete TSA Form 413A more often than quarterly.

- 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 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 35675 (July 27, 2018) and 83 FR 66726 (December 27, 2018), respectively. 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).

- 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 a sensitive nature.

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

TSA uses historical data from the Law Enforcement Officers Flying Armed Application which vets and stores all National Law Enforcement Telecommunications System (NLETS) messages (known as flying while armed messages) submitted by state, local, and tribal LEOs. Based on this data, TSA estimates an average annual number of responses to this collection. In 2017, there were 68,000 accepted NLETS requests. Each response consists of filling out a short form at the screening checkpoint. TSA estimates that the time burden for this activity is 1 minute (0.01667 hours). TSA estimates the average annual hour burden cost to the

public to be 1,133 hours per year (3,400 hours over the three-year period). Respondents to this collection are State, local, or tribal LEOs travelling on official business, therefore TSA uses a fully-loaded<sup>1</sup> hourly wage rate of \$53.74<sup>2</sup> to estimate the hour burden cost. TSA estimates the average annual hour burden cost to the public to be \$60,905. Table 1 summarizes these calculations.

**Table 1 Public Hour Burden Cost**

<b>Number of Checkpoint Log Ins</b>	<b>Time Burden per Log In</b>	<b>Annual Hour Burden</b>	<b>Annual Hour Burden Cost</b>
<b>A</b>	<b>B</b>	<b>C = A x B</b>	<b>D = C x \$53.74</b>
68,000	0.016666667	1,133	\$60,904.64

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

There are no capital or start-up costs associated with this collection.

**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 airport screening personnel monitor, transport, and store completed checkpoint log-in forms. TSA estimates it takes a Supervisory Transportation Security Officer (STSO) approximately 1.5 minutes (0.025 hours) to monitor, transport, and store forms per LEO checking-in for their pre-flight screening. TSA estimates an average annual hour burden of 1,700 hours (5,100 of the three-year window). A STSO has a fully-loaded wage rate of \$40.44.<sup>3</sup> TSA estimates an average annual hour burden cost to TSA of \$68,749 (\$206,247 over three years). This collection does not involve other Federal entities; therefore, the TSA costs is the Federal cost. Table 2 summarizes these calculations.

<sup>1</sup> A fully-loaded wage rate accounts for non-monetary compensation costs incurred by employers, such as health and retirement benefits.

<sup>2</sup> The mean hourly wage rate for State Police is \$33.06, with employment levels of 70,470. BLS. May 2017 National Occupation Employment and Wage Estimates, State Government, including schools and hospitals. NAICS 999200, Occupation Code 33-3050 Police Officers. Last Modified March 30, 2018 (accessed: May 22, 2018), <https://www.bls.gov/oes/2017/May/999201.htm>. The mean hourly wage rate for local police is \$30.91, with employment levels of 576,800. BLS. May 2017 National Occupation Employment and Wage Estimates, local Government, including schools and hospitals. NAICS 999300, Occupation Code 33-3050 Police Officers. Last Modified March 30, 2018 (accessed: May 22, 2018), <https://www.bls.gov/oes/2017/May/999301.htm>. TSA calculated a weighted average by employment to get a blended State and local police wage rate of \$31.14.  $\$31.14 = ([\$33.06 \times 70,470] + [\$30.91 \times 576,800]) \div (70,470 + 576,800)$ . In order to calculate a fully-loaded wage rate for State and local police, TSA estimated a compensation factor of 1.72551 for State and local Government workers, Services Occupation. TSA divided total compensation of \$35.58 by the wages and salaries component of compensation, \$20.62.  $(1.72551 = \$35.58 \div \$20.62)$ . BLS. Employer Costs for Employee Compensation-December 2017. Table 3. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local Government workers. Occupation Group: Services. Last modified March 20, 2018 (accessed May 22, 2018), [https://www.bls.gov/news.release/archives/ecec\\_03202018.htm](https://www.bls.gov/news.release/archives/ecec_03202018.htm). TSA multiplies the unloaded blended wage rate for State and local police by the compensation factor to calculate a fully loaded average wage rate.  $\$53.74 = \$31.144 \times 1.72551$ .

<sup>3</sup> TSA, Office of Finance, Modular Cost Data FY2018.

Table 2 TSA Hour Burden Cost

Number of Checkpoint Log Ins	Time Burden per Log In	Annual Hour Burden	Annual Hour Burden Cost
A	B	C = A x B	D = C x \$40.44
68,000	0.025	1,700.00	\$68,748.86

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

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.**

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.