

INFORMATION COLLECTION SUPPORTING STATEMENT

Law Enforcement Officer (LEO) Reimbursement Request 1652-0063

- 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).**

Section 110(b) of the Aviation and Transportation Security Act (ATSA) amended 49 U.S.C. 44901 to add a requirement for TSA to order, at a minimum, the deployment of at least one law enforcement officer (LEO) at each airport screening checkpoint and more must be provided based upon passenger volume. Pub. L. 107-71 (115 Stat. 597; Nov. 19, 2001), as codified at 49 U.S.C. 44901. ATSA also transferred the authority in 49 U.S.C. 44903(c) granted to the Federal Aviation Administration (FAA) to TSA. See section 101(f) of The Consolidated Appropriations Resolution, 2003, included authorization for TSA to deputize a State or local law enforcement officer to carry out Federal airport security duties. See section 351 of Pub. L. 108-7 (117 Stat. 11; Feb. 20, 2003) as codified at 49 U.S.C. 44922. Subsection (f) of this provision includes authority for TSA to permit officers operating under any of these provisions to be stationed at locations other than at the airport screening checkpoint if it is preferable for law enforcement purposes if the LEOs would still be able to provide prompt response to problems occurring at the screening checkpoint. ATSA also granted TSA authority to enter into agreements with airport owner/operators to reimburse expenses they incur for the provision of law enforcement resources to support operations at airport security checkpoints. See 49 U.S.C. 114(m). It also granted the TSA Administrator the same authority as the FAA Administrator under 49 U.S.C. 106(l) and (m).

Consistent with these authorities, TSA created the LEO Reimbursement Program. Under this program, TSA enters into Other Transaction Agreements (OTAs) with U.S. commercial airport owner/operators to provide LEO resources. These airports may request partial reimbursement of the costs associated with providing law enforcement support of TSA screening activities. Participation in the LEO Reimbursement program is voluntary. To participate, however, airports must provide information sufficient for TSA to develop the OTA and provide effective oversight of the program. Airport owners/operators must apply for funding by responding to a combined synopsis/solicitation.

As part of their request for partial reimbursement, TSA requires airport owner/operators to submit, via TSA Form 3503, LEO Reimbursement Request Invoice, their personal contact information, the number of hours spent in law enforcement-related support of TSA screening activities requested for reimbursement, and certification that the number of hours for which reimbursement is requested is truthfully and accurately reported.

- 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 provide partial reimbursement of costs to airport owner/operators incurred to provide law enforcement support of TSA screening activities and oversight of the LEO Reimbursement Program.

- 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 provides the LEO Reimbursement Request-Invoice form along with the OTA via email to participating airport owners/operators. The form is also available at www.tsa.gov and can be entirely completed online. In compliance with Government Paperwork Elimination Act, participating airport owners/operators have the option to complete the form and submit directly to the OLE/FAMS LEO Reimbursement Program via fax, electronic upload (via scanning the document), mail, or in person.

- 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.**

TSA cannot obtain the information needed to complete a request for reimbursement from any other source. There is no similar information already available that TSA can use for the purpose described in Item 2 above.

- 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 collection does not have a significant impact on a substantial number of small businesses. Eligibility to participate in the program is limited to U.S. commercial airport owners/operators and/or State, local, or other public institutions/organizations responsible for commercial airport operations.

- 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.**

If this collection is not conducted, TSA will not be able to adequately reimburse entities for costs incurred in providing law enforcement support of TSA screening activities, or provide for the appropriate release of federal funds.

- 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 is conducted in accordance with 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 a 60-day notice in the *Federal Register* on May 10, 2021, (86 FR 24880), and a 30-day notice on September 30, 2021, (86 FR 54227). 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 any payment or gift to respondents.

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

No assurance of confidentiality is provided to respondents. The Privacy Act of 1974, 5 U.S.C. § 552a, does not apply to this collection as information is not filed and retrieved by personal identifier. However, the collection is covered under a Privacy Impact Assessment (PIA), DHS/ALL/PIA-053 DHS Financial Management Systems (July 30, 2015), and a System of Record Notice, DHS/ALL-007 Accounts Payable System of Record. See 83 FR 65705 (December 21, 2018).

- 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 does not collect information of a sensitive nature in this collection.

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

TSA estimates the total annual hour burden for this collection is approximately 3,528 hours. TSA estimates that there are 294 respondent airports annually, each of which submits monthly requests for reimbursements (3,528 total annual responses = 294 x 12 months).¹ TSA estimates that respondent airports will take 60 minutes (1 hour) to complete their response.² TSA assumes that the response to the collection will be completed by a clerk.³

¹ Personnel within TSA, Law Enforcement (LE)/Federal Air Marshal Service (FAMS).

TSA estimates that the fully-loaded⁴ hourly wage rate for a clerk is \$38.71.⁵ TSA multiplies the annual hours of 3,528 by \$38.71 to estimate an annual hour burden cost of \$136,586. TSA estimates a three-year hour cost burden of \$409,757.

Table 1. Public Hour Burden Cost

Number of Respondents	Number of Annual Responses per Respondent	Number of Annual Responses	Time per Response (hours)	Total Annual Burden (hours)	Annual Hour Burden Cost	Total Three Year Public Hour Burden Cost
A	B	C	D	E = C x D	F = E x \$38.71	G = F x 3
294	12	3,528	1	3,528	\$136,586	\$409,758

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

There is no cost associated with this collection as the information may be submitted electronically.

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.

For each of the 12 monthly responses from the 294 respondents (3,528 total annual responses), TSA estimates that a TSA F-H Band employee will spend 15 minutes (0.25 hours) processing a request for reimbursement.⁶ TSA estimates an annual hour burden of 882 hours. TSA estimates a fully-loaded annual wage for an F-H Band employee to be

² The one hour accounts for the section of the form that asks respondents to provide an explanation for items on the form that respondents are unable to certify and the completion of the section which details the daily activities performed. This is an average response time as airport size, and therefore the complexity of the response, varies.

³ Personnel within TSA, LE/FAMS.

⁴ This accounts for non-salary employer costs of compensation, such as retirement and health benefits.

⁵ Payroll and Timekeeping Clerk mean hourly wage is \$25.61. BLS. May 2020 National Industry-Specific Occupational Employment and Wage Estimates. NAICS 481100 - Scheduled Air Transportation. Occupation Code 43-3051, Payroll and Timekeeping Clerks. Last Modified March 31, 2020. Accessed 6/3/2021.

https://www.bls.gov/oes/2020/May/naics4_481100.htm#43-0000. TSA calculates a compensation factor in order to load the wage to account for benefits and other non-salary compensation costs. TSA calculates the compensation factor by dividing total compensation by wages and salaries (1.5117041 = \$32.29 ÷ \$21.36). BLS. Employer Costs for Employee Compensation News Release. Table 5: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, by major occupational group and bargaining unit status, December 2020. Production, transportation, and material moving. Last modified March 18, 2021. Accessed June 3, 2021. https://www.bls.gov/news.release/archives/ecec_03182021.htm. TSA estimates the fully loaded wage rate by multiplying the mean hourly wage for clerks by the compensation factor (\$38.71= \$25.61 x 1.511704).

⁶ TSA, Law Enforcement (LE)/Federal Air Marshal Service (FAMS).

\$33.59.⁷ TSA estimates an annual hour burden cost \$29,626, and a total three-year hour burden cost of \$88,879.

Table 2. TSA Hour Burden Cost

Number of Respondents	Number of Annual Responses	Annual Hour Burden	Annual TSA Hour Burden Cost	Total Three Year TSA Hour Burden Cost
A	B = A x 12	C = B x 0.25	D = C x \$33.59	E = D x 3
294	3,528	882	\$29,626	\$88,879

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 reported.

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.

The results of this collection is not be published.

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 displays the 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 such exception.

⁷ TSA, Office of Finance, Modular Cost Data. The fully-loaded annual salary for both an F-Band and a G-Band employee is \$60,070, and the fully-loaded annual salary for an H-Band employee is 90,186. TSA adds the salaries and divides by 3 to get a blended, fully-loaded annual salary of \$70,108.67. TSA then divides the annual salary by 2,087 to estimate a fully-loaded, hourly wage (\$33.59 = \$70,108.67 ÷ 2,087). OPM changed the 2080 work hours to 2087 by amending 5 U.S.C. 5504(b), the latter is assumed to capture year-to-year fluctuations in work hours. Source: Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. Law 99-272, April 7, 1986).