

INFORMATION COLLECTION SUPPORTING STATEMENT

Law Enforcement/Federal Air Marshal Service Physical and Mental Health Certification
OMB Control Number 1652-0043
Expiration: 7/31/2023

- 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).***

Pursuant to 49 U.S.C. 44901, 44903, and 44917, TSA has authority to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy, provide for deployment of Federal Air Marshals (FAMs) on passenger flights, and provide for appropriate training, supervision, and equipment of FAMs. In furtherance of this authority, TSA policy requires that applicants for FAM positions and incumbents meet established medical standards in order to demonstrate there is no medical history or clinical diagnosis that presents a potential hazard to the performance of FAM duties or to the safety of self or others.

The Law Enforcement/Federal Air Marshal Service (LE/FAMS) has established medical guidelines designed to ensure FAMs can safely and effectively perform the tasks essential to the arduous, rigorous, and hazardous functions of the FAM position. The medical guidelines ensure physical and psychological fitness for this public safety law enforcement position which requires a high degree of responsibility. Medical guidelines are based on cognitive, physical, psychomotor, and psychological abilities related to the essential job functions of a FAM. Medical examinations include, but are not limited to, cardiac, pulmonary, audiometric, and visual acuity testing. Incumbent FAMs undergo medical examinations every other year until the age of 45 and annually thereafter while in a FAM position. Based on conditions identified during the pre-employment or recurrent periodic examination, the applicant or incumbent FAM may be required to provide a completed Practical Exercise Performance Requirements (PEPR) form (TSA Form 1133-3), or Treating Physician Status Report (TPSR) form (TSA Form 1163), signed by his/her healthcare provider in order to determine if the FAM is physically qualified. Applicants are not asked any medical questions until after they have received a conditional offer of employment.

- 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 utilizes a Mental Health Certification form (TSA Form 1164) to facilitate the determination of applicants' and incumbent FAMs' ability to meet established medical standards and safely and effectively perform the essential functions of the public safety law enforcement position. TSA utilizes the Practical Exercise Performance Requirements

(PEPR) form (TSA Form 1133-3), and the Treating Physician Status Report (TPSR) form (TSA Form 1163) to assist in the determination of physical health standards. These forms may be in conjunction with further evaluation requests as needed.

As part of the psychological assessment, applicants are required to complete a TSA Form 1164, Mental Health Certification, related to their mental health history. Applicants are asked questions that may be indicative of mental health conditions that may impact the ability to safely and effectively perform the essential functions of the position. All forms submitted by applicants and incumbents are sent directly to the FAMS Medical Programs Section for initial screening via fax, mail, or in person. Individual responses may require further medical evaluation.

The information collected on the Mental Health Certification form is used by TSA medical clinicians to determine if an applicant for a FAM position meets medical requirements. The information collected on the PEPR form and the TPSR form is used by TSA medical clinicians to determine if an applicant for a FAM position or incumbent FAM meets/continues to meet medical requirements.

- 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 transmits requests for additional medical information to LE/FAMS applicants and FAM incumbents via email, fax, and U.S. Postal Service. Applicants are required to provide their signature on the Mental Health Certification form. Healthcare provider's signatures are required on the PEPR and TPSR forms. Forms may be returned to the FAM Medical Programs Section via fax, email, or in person.

Usability Study Requirement: TSA completed a usability study on PEPR form. The purpose for the study was to determine whether the questions use plain language and are easily understood. The study included four participants, three Occupational Health Nurses and one Advanced Nurse Practitioner. The participants completed the form electronically. All of the nurses were familiar with the form. TSA found that the average time to complete the form for the participants was 15 minutes, which corresponds to the current estimated time burden. Participants reported that the form was very easy for medical professionals to understand and complete to determine if the LE/FAMS applicants meet the established medical standards. Based on the nurses' feedback, TSA did not make any changes to the form or the burden.

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.***

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.

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 health-related information is not collected, TSA will be prevented from adequately assessing the eligibility of applicants and incumbents for FAM positions.

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).***

Collecting FAM applicants' response to the Mental Health Certification form within 10 days of receipt enables the LE/FAMS Medical Programs Section to review, respond or request additional information if necessary in a timely manner. Applicants can then move on to the next phase of the hiring process without having to experience prolonged waiting periods.

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* announcing TSA's intent to renew this information collection request. See 88 FR 4842 (January 25, 2023). TSA also published a 30-day notice for the information collection. See 88 FR 27525 (May 2, 2023). TSA received no comments in reply to the notices.

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.

TSA does not provide any assurance of confidentiality to the respondents; however, information will be maintained in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. The forms include a Privacy Act Statement citing 49 U.S.C. 114(n), 14 CFR part 67, E.O. 9397 (Social Security Number). The applicable System of Records Notices are OPM/GOVT-10 System, Employee Medical File of Records of TSO, OPM/GOVT-5 Recruiting, Examining, and Placement Records and DHS/TSA-001, Transportation Security Enforcement Record System. See 71 FR 35360 (June 19, 2006), 71 FR 35351 (June 19, 2006) and 75 FR 28042 (May 19, 2010) respectively. See DHS/ALL/PIA-043 DHS Hiring and Onboarding Process (April 22, 2013).

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.

While some of the questions in the Mental Health Certification form could be considered to be of a sensitive nature, TSA deems this collection necessary to evaluate a FAM applicants' medical suitability. While some of this information is commonly considered private, the collection is essential to ensure that the individuals performing TSA's security mission are able to perform their duties and in a manner that does not compromise security. As noted above, TSA will follow appropriate procedures to protect this information from unauthorized disclosure. The questions have been tailored specifically for the FAM position, in keeping with the public safety role of this job.

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 225 hours and annual burden cost of \$13,010. The hour burden is based on an estimate of approximately 200 respondents annually. TSA applicants must self-certify certain information regarding their mental health, using the Mental Health Certification (MHC) form. TSA estimates it will take one hour to complete this form, and 100 applicants will do so for an annual hour burden of 100 hours. Applicants can be any member of the public, therefore TSA estimates a fully-loaded¹ hourly wage rate of \$40.90.² TSA estimates an annual hour burden cost of \$4,090. Table 1 summarizes these calculations.

Table 1. Hour Burden and Costs for FAMS Applicant MHC (TSA Form 1164)

Number of Respondents	Hour Burden per Respondent	Annual Hour Burden	Annual Hour Burden Cost
A	B	C = A x B	D = C x \$40.90
100	1	100	\$4,090

¹ Fully-loaded wage rates include non-wage costs of employee compensation, such as health and retirement benefits.

² BLS. Employer Costs for Employee Compensation – March 2022. Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: civilian workers. All Workers. Last modified June 16, 2022 (accessed August 2, 2022), https://www.bls.gov/news.release/archives/ecec_06162022.htm.

In addition, 50% of the applicants ($100 \times 50\% = 50$) plus approximately 50 incumbent FAMS must have a healthcare provider complete two additional forms: The PEPR and the TPSR. TSA estimates 100 healthcare providers will perform this task, and both forms take approximately 15 minutes (0.25 hours) for the healthcare provider to complete. TSA estimates an annual hour burden to applicants' healthcare providers of 50 hours. TSA uses an average hourly wage rate of \$117.04 for healthcare providers.³ TSA estimates an annual hour burden cost for healthcare providers of \$5,852. Table 2 summarizes these calculations.

Table 2. Annual Hour Burden and Costs for Medical Providers--PEPR (TSA Form 1133-3) and TPSR (TSA Form 1163)

Form	Number of Respondents	Hour Burden per Respondent	Annual Hour Burden	Annual Hour Burden Cost
	A	B	C = A x B	D = C x \$117.04
PEPR	100	0.25	25	\$2,926
TPSR		0.25	25	\$2,926
Total	100	0.50	50	\$5,852

Finally, TSA includes the average round-trip travel time for the applicant to go to their healthcare provider and get the forms completed of 1 hour, and the time waiting as the healthcare provider completes the forms (0.5 hours). The total public time burden costs are combined and displayed in Table 3.

Table 3. Total Annual Hour Burden and Costs for FAMS Applicants MHC (TSA Form 1164), PEPR (TSA Form 1133-3) and TPSR (TSA Form 1163)

Form/Task	Number of Responses	Hour Burden per Response	Annual Hour Burden	Fully-Loaded Wage Rate	Annual Hour Burden Cost
	A	B	C = A x B	D	E = C x D
MHC	100	1	100	\$40.90	\$4,090
PEPR	100	0.25	25	\$117.04	\$2,926
TPSR		0.25	25		\$2,926
Applicants Travel Time	50	1.0	50	\$40.90	\$2,045

³ This is a weighted average (by employment) of a fully-loaded wage rate among Physicians and Nurse Practitioners. As calculated above, the wage rate for Physicians is \$117.51 (employment of 70,790). The wage rate for Nurse Practitioners is \$55.23 (employment 110,490).

BLS. May 2021 National Industry-Specific Occupational Employment and Wage Estimates. NAICS 621100 Offices of Physicians. OCC 29-1062 Family and General Practitioners and OCC 29-1171 Nurse Practitioners. Last modified March 31, 2022 (accessed August 2, 2022). https://www.bls.gov/oes/2021/May/naics4_621100.htm. TSA calculates a blended weighted wage rate by employment. $\$79.55 = [(\$117.51 \times 70,790) + (\$55.23 \times 110,490)] \div (70,790 + 110,490)$.

The fully-loaded wage rate is obtained by multiplying the blended weighted wage rate by a compensation factor ($\$117.04 = \79.55×1.4713189).

Applicants' Time Waiting as Healthcare Provider Completes Forms	50	0.5	25		\$1,023
Total	300		225		\$13,010

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

Based on past experience with FAM applicant submissions, TSA assumes that the forms will be submitted either electronically or in-person during the time of the applicant's medical screening appointment. Therefore, TSA does not estimate annualized capital and start-up costs, such as postage costs.

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.

The costs to TSA as a result of this collection of information include the hourly cost of an LE/FAMS certified occupational health nurse to review the forms and request follow up information from those who are unable to certify one or more questions on the form. Reviewing each form takes approximately 5 minutes (0.0833 hours).⁴ To estimate the hourly opportunity cost for TSA review, TSA uses the fully loaded hourly wage rate, \$79.55⁵. TSA projects 200 forms will be reviewed. TSA assumes, that the total cost to TSA as a result of this collection is approximately \$1,272 annually.

15. Explain the reasons for any program changes or adjustments reported in Items 12, 13 or 14 of the OMB Form 83-I.

There are no program changes. However, TSA adjusted the respondents for accuracy. In previous ICRs, TSA included TSA FAMS in the number of respondents. TSA is correcting the burden to show only actual members of the public who complete the forms, such as applicants and medical providers. TSA is also including travel and waiting times within the annual burden.

⁴ Some reviews may require a follow-up, which would increase the time burden. TSA does not have an estimate for the number of reviews that would require a follow-up, but it is estimated to be less than 1 percent of all reviews.

⁵ To estimate I-band hourly wages, TSA divides the loaded annual I-band wage rate of \$154,324, including compensation and benefits, by 2,087 hours to obtain an hourly I-band wage of \$73.95. OPM changed the 2,080 work hours for federal employees to 2,087 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, 100 Stat. 82, April 7, 1986). To estimate J-band hourly wages, TSA divides the loaded annual J-band wage rate of \$181,799, including compensation and benefits, by 2,087 hours to obtain an hourly I-band wage of \$85.80. TSA estimates the loaded hourly wage rate based on the weighted average hourly wage of four I-band nurses and one J-band nurse, of \$79.55.

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 will 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 will display 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.