INFORMATION COLLECTION SUPPORTING STATEMENT

Law Enforcement Officers Flying Armed Training
OMB Control Number 1652-0034
Exp. 2/28/2025

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. The programs requirements apply to Federal LEOs; full-time State, County, Municipal, Territorial, or Tribal LEOs who are direct employees of government agencies; and authorized railroad police officers. "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's need to gather information from law enforcement agencies with LEOs who need to complete the LEOFA Training course in order to fly armed. 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.***

   Before an individual is allowed to participate in the training, TSA must receive certain information from law enforcement agencies that have requested the LEOFA Training course materials. TSA will use this information to confirm that the agencies are eligible for this program, i.e., verifying that they are active law enforcement agencies whose officers have an operational need to fly while armed. To obtain access to the LEOFA Training course materials, LEOs will need to 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 requesting 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 will then contact the agency via phone or email to verify all the information.

   TSA will maintain and update the list of law enforcement agencies that have received the training course 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 a record of such determination regarding authenticity is maintained. If the law enforcement agency has questions or encounters issues on obtaining the LEOFA Training course materials, TSA will instruct them to contact (through official agency email) the LEOFA program at LEOFA@tsa.dhs.gov or LEOFATRN@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 collection of information is fully electronic collection. *See* 42 U.S.C. 3504. The process begins when a representative of a law enforcement agency electronically requests the LEOFA Training course material via the TSA Flying Armed website (https://www.tsa.gov/travel/law-enforcement). The fillable 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, 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 for the LEO to fly armed.

Once the form is completed, TSA receives a notification via e-mail. TSA vets the request to ensure that all of the required information has been submitted and that the requesting agency has a current operational need for its officers to fly armed. If TSA determines that the requesting agency meets the standard in 49 CFR 1544.219, TSA will electronically send a non-disclosure agreement to the requesting agency for the agency's LEOFA instructor to sign. Once TSA receives the signed non-disclosure agreement, TSA will electronically send the LEOFA Training course materials to the requesting agency. TSA keeps an electronic record of each agency that has received the LEOFA Training course material, including a point of contact for that agency.

Usability Testing Requirement:

Pursuant to a new DHS requirement, all Information Collection requests must undergo usability testing (UX) prior to submission to OMB. *See* DHS Fiscal Year 2024 Burden Reduction Plan Memorandum dated, September 22, 2023. On November 12, 2024, TSA completed UX of the LEOFA Training Materials Request site form. The purpose of the testing was to determine whether the site form used plain language and was easy to use. The UX included four participants, one of which was a TSA employee; and the three remaining testers were from law enforcement agencies currently participating in the program. The following observations were made by the participants, regarding overall use of plain language and ease of use: (1) the link site was easy to access; (2) no additional help or guidance was needed to address the questions being asked; and (3) the LEOFA Training Materials page interface was easy to read and understand.

One participant recommended a correction to the form, having found that TSA used "Full Name" in error instead of "First Name." Other participants also recommended changes; however, not to the site form, but to the LEOFA site landing page. TSA corrected the form, changing "Full Name" to "First Name," and is currently working with information technology developers on implementing the recommendations for the landing page.

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 other 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 LEOFA 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 two notices, with a 60-day and a 30-day comment period, soliciting comments on this collection of information request. *See* 89 FR 71919 (September 4, 2024) and 89 FR 92959 (November 25, 2024), respectively. The agency did not receive any comments on either notice related to this 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 System of Records Notice, DHS/TSA-001 Transportation Security Enforcement Records System. *See* 79 FR 6609 (February 4, 2014) and Privacy Impact Assessments (PIAs), DHS/TSA/PIA-025 e-Law Enforcement Officer Logbook Program (August 31, 2009), and DHS/ALL/PIA-006 DHS General Contact Lists (June 15, 2007).

11. Provide additional justification for any questions of a 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 receives approximately 2,000 annual requests for the LEOFA training materials from Federal, State, County, Municipal, Territorial, Tribal, 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.

The law enforcement agency 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 wage[1] of $54.41[2] 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 $9,068 (166.67 hours x $54.41) 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.

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 $75.34.[5] TSA estimates a total average annual cost of $113,011 to the Federal Government to process requests for LEOFA Training.

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[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 $33.66. Bureau of Labor Statistics, Occupational Employment and Wages, May 2020. https://www.bls.gov/oes/2020/may/oes333051.htm. The fully loaded wage rate is calculated by multiplying the mean hourly wage of police and sheriff patrol officers ($33.66) by a compensation factor. The compensation factor accounts for the difference between employer's total compensation costs ($53.47) and the employer's wage costs ($33.08). Therefore, the compensation factor is 1.61638 (1.61638 = $53.47/$33.08). Therefore, the fully loaded wage rate is $54.41 ($54.41 = $33.66 x 1.61638). BLS, News Release, Employer Costs for Employee Compensation -December 2020. Table 3. 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, December 2020. Release date March 18, 2021, retrieved May 12, 2021. https://www.bls.gov/news.release/archives/ecec_03182021.pdf.

[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 5 TSA employees who review and verify the applications. Four of the employees are I-band employees (fully loaded hourly wage of $72.73) and one J-band employee (fully loaded hourly wage of $85.80). 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 ($75.34 = [(4 x $72.73) + (1 x $85.80)] ÷ 5).

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.