

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Secure Flight Program**

- 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 is establishing this information collection in accordance with Sec. 4012(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458, 118 Stat. 3638, Dec. 17, 2004), which requires the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) to assume from aircraft operators the function of conducting pre-flight comparisons of airline passenger information to the Federal Government watch list. TSA is developing the Secure Flight program to implement this Congressional mandate.

Under the Secure Flight program, TSA will receive passenger and non-traveler information from certain U.S. aircraft operators and foreign air carriers (collectively, “covered aircraft operators”) for covered flights.<sup>1</sup> After receiving the information, TSA will conduct watch list matching and transmit watch list matching results back to covered aircraft operators for domestic and international flights. TSA will match identifying information of aviation passengers and certain non-travelers against the watch list maintained by the Federal Government in a consistent and accurate manner, while minimizing false matches and protecting personally identifiable information. TSA is also requiring covered aircraft operators to transmit information on non-traveling individuals seeking authorization to enter a U.S. airport sterile area for watch list matching purposes.

For non-traveling individuals, covered aircraft operators must transmit to TSA the full name, date of birth, and gender and, to the extent available, the Redress Number or known traveler number, as well as the airport code for the airport sterile area the non-traveling individual seeks to enter. For passengers, covered aircraft operators must transmit Secure Flight Passenger Data (SFPD) for each passenger which consists of the passenger’s full name, date of birth, and gender and, to the extent available, Redress Number or known traveler number, information from the passenger’s passport (full name, passport number, country of issuance, and expiration date), as well as certain non-personally identifiable information used to manage messages, including itinerary information. The non-personally identifiable information is necessary to allow TSA to effectively prioritize watch list matching efforts and communicate with the covered aircraft operator.

In the vast majority of cases, this information will be sufficient to eliminate the possibility that the passenger is a person on the Federal Government watch list. In the event TSA is unable to distinguish the passenger from an individual on the list with the information initially transmitted, TSA may request that the covered aircraft operator provide additional information, such as a physical description, to continue the watch list screening process.

At a future date, TSA may also collect full name, date of birth, and TSA Redress Number, if available, for non-traveling individuals that an airport operator seeks to authorize to enter a

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<sup>1</sup> “Covered flights” means flights operated by covered U.S. aircraft operators under 49 CFR 1544.101(a) and flights to, from, and overflying the United States operated by covered foreign air carriers.

sterile area for a purpose approved by TSA. TSA is not able to estimate the information collection burden for this future aspect of the Secure Flight program and therefore, has not included them in the burden estimates.

TSA will provide an Aircraft Operator Implementation Plan (AOIP) to covered aircraft operators that outlines the specific requirements for implementing Secure Flight. These requirements include the specific compliance dates each covered aircraft operator must begin testing and providing SFPD to TSA. TSA will provide an AOIP to each covered aircraft operator after the Secure Flight Final Rule is published. The AOIP is a recordkeeping requirement, and as such the covered aircraft operators must adopt the AOIP into their Aircraft Operator Standard Security Plan (AOSSP) upon finalization of the AOIP.

**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 will use the information to enhance the security of air travel and support the Federal Government's counterterrorism efforts by enabling TSA to conduct watch list matching through the Secure Flight program and to identify individuals who warrant further scrutiny prior to entering an airport sterile area or boarding an aircraft, or who warrant denial of boarding or access to an airport sterile area on security grounds. To identify those individuals, TSA will compare individuals' identifying data to information about individuals identified on the watch list.

Partial names, which some covered aircraft operators currently collect, would increase the likelihood of false positive matches, because partial names are more likely to match a number of different entries on the watch list. As a result, TSA is requiring individuals seeking a reservation on a covered flight or authorization to enter a U.S. airport's sterile area to provide their full names as they appear on an individual's Verifying Identity Document<sup>2</sup> (VID), their dates of birth, and their gender. TSA is prohibiting covered aircraft operators from issuing a boarding pass to a passenger on a covered flight or authorization to enter a sterile area to a non-traveler who does not provide a full name, date of birth, and gender.

Many names do not indicate gender, because they can be used by either gender. Additionally, names not derived from the Latin alphabet, when transliterated into English, often do not denote gender. Providing information on gender will reduce the number of false positive watch list matches, because the information will distinguish persons who have the same or similar names but who are of different gender. Date of birth is also helpful in distinguishing a passenger from an individual on the watch list with the same or similar name, thereby reducing the number of false positive watch list matches.

Individuals who have used the redress process provided by DHS will be assigned a unique Redress Number and may use it while making a reservation. Passport information will also

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<sup>2</sup> A VID is one that has been issued by a U.S. Federal, State, or tribal government that: (1) contains the individual's full name, photo, and date of birth; and (2) has not expired. The VID may also be an unexpired passport issued by a foreign government.

assist TSA analysts in resolving possible false positive matches and make the watch list screening process more accurate. Covered aircraft operators are not required to request passport information from passengers, and TSA recognizes that this information will not be available for all passengers. However, covered aircraft operators must transmit this information to TSA, if it was previously collected during the normal course of business and stored in a passenger profile. Finally, TSA will also receive certain non-personally identifiable information, including itinerary information, in order to effectively prioritize watch list matching efforts, communicate with the covered aircraft operator, and facilitate an operational response, if necessary, to an individual who is on the Federal Government watch list.

Use of the information will be governed by stringent privacy protections, including data security mechanisms and limitations on use, strict firewalls, and data access limitations.

- 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, TSA has considered technology to reduce the burden of this collection. Covered aircraft operators will submit data required under this collection will be collected entirely through electronic means. Covered aircraft operators will submit passenger information to TSA electronically through the transmission system developed by TSA and the covered aircraft operators or through a web-based application for transmitting the passenger information.

- 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 in passenger reservation data maintained by covered aircraft operators is the primary source of recorded information about the more than 2.5 million passenger enplanements on covered flights each day. Therefore, passenger reservation data are a unique source of passenger and flight information and serve as the best information source for use in screening domestic airline passengers against the Federal watch list on an operational and real-time basis. Consequently, there is no available substitute for passenger reservation data in carrying out the watch list screening process.

Similarly, information about non-traveling individuals that is collected by covered aircraft operators and may, at a future date, be collected by airport operators is a unique source of information about non-traveling individuals who seek authorization to enter a sterile area.

- 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.**

Domestic airlines with fewer than 1,500 employees are defined as small businesses, and twenty-four of the affected U.S. airlines meet this definition. Those airlines may deem this impact to be significant for them. However, TSA is committed to reducing the impact to those airlines by using alternative submission capabilities, including a web-based alternative data submission mechanism, and by working collaboratively to develop an acceptable implementation plan.

- 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.**

TSA is collecting this information in order to implement a screening program that shifts responsibility for pre-flight screening of passengers and certain non-traveling individuals against the Federal Government watch list from the private sector to the Federal Government, as required by section 4012(a) of the Intelligence Reform and Terrorism Prevention Act, and consolidation of the aviation passenger watch list matching function within one agency of the Federal Government. If TSA were not to conduct this information collection, it would not be able to comply with the Congressional mandate to assume operation of watch list matching from aircraft operators.

With regard to technical and legal obstacles to reducing burden, TSA believes that because collection of information from covered aircraft operators calls for electronic transmission of information, the burden has been reduced as much as possible. TSA has taken reasonable steps to ensure that the proposed collection is the least burdensome necessary to achieve program objectives.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**
- a) requiring respondents to report information to the agency more often than quarterly;**
  - b) requiring respondents to prepare a written response to a collection of information in fewer than thirty days after receipt of it;**
  - c) requiring respondents to submit more than an original and two copies of any document;**
  - d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
  - e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
  - f) requiring the use of a statistical classification that has not been reviewed and approved by OMB;**
  - g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential uses; or**

***h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency has demonstrated that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

***a) Requiring respondents to report information to the agency more often than quarterly***

Covered aircraft operators provide air transport to more than 2.5 million passenger enplanements per day, and covered aircraft operators accept reservations for transport on a continuous basis. Therefore, in order to be effective as a security measure, watch list matching of passengers must be carried out on a near real-time basis. Collecting passenger information from respondents less frequently than daily would not allow TSA to complete watch list matching of every passenger prior to their arrival at an airport security checkpoint. TSA's collection of information from respondents must occur on at least a daily basis, if not more frequently, in order to take into account new or changed reservations for air travel.

- 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 has consulted with covered aircraft operators or their representatives to obtain their views on issues related to compliance with the proposed collection during the testing phase of Secure Flight.

TSA has provided notice of this information collection in its Secure Flight Notice of Proposed Rulemaking, published in the Federal Register on Aug. 23, 2007 (72 FR 48356). TSA received comments on the hour and cost burden estimates and responded to the comments in the PRA section of the Preamble to the Secure Flight final rule.

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

No payment or gift will be provided to respondents.

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

No specific assurances of confidentiality will be provided to respondents. Information provided by respondent aircraft operators will be protected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, the Privacy Act of 1974, and, as applicable, 49 U.S.C. 114(s), as implemented by 49 CFR part 1520, which

limits the disclosure of Sensitive Security Information. Data will be collected and transmitted in accordance with the Privacy Act System of Records notice published for the Secure Flight program: Secure Flight Records DHS/TSA019.

**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.**

The proposed collection will not include any questions of a sensitive nature.

**12. Provide estimates of hour burden of the collection of information.**

Covered Aircraft Operator Hour Burden Estimates:

TSA is requiring covered aircraft operators to submit passenger information for covered flights and certain non-traveling individuals to TSA for the purpose of watch list matching. This information includes data elements that are already a part of the routine collection by the covered aircraft operators (i.e., name, itinerary info), as well as the additional information required in the Secure Flight Final Rule.

TSA has determined that the additional information covered aircraft must collect from passengers (e.g., date of birth, gender, Redress Number (if available)) will take no more than 20 seconds per transaction to collect. TSA estimates that the annual hour burden for this activity is 439,074 hours.

79.03 million transactions x 20 seconds per transaction = 439,074 hours

This estimate is based on data contained in tables 1.6.3.a, 1.6.3.b and 1.6.3.c of the Regulatory Analysis and the assumption of no more than 20 seconds required to collect the information at each transaction.

Transmission of Passenger Information

Covered aircraft operators provide air transport to more than 2.5 million passenger enplanements per day, and covered aircraft operators accept reservations for transport on a continuous basis. Therefore, in order to be effective as a security measure, watch list matching of passengers must be carried out on a near real-time basis. Collecting passenger information from respondents less frequently than daily would not allow TSA to complete watch list matching of every passenger prior to their arrival at an airport security checkpoint. TSA's collection of information from respondents must occur on at least a daily basis, if not more frequently, in order to take into account new or changed reservations for air travel.

TSA assumes that the great majority of covered aircraft operators will use an automated transmission process. The transmission time for an automated system is instantaneous and, as such, TSA believes the additional hour burden of transmission is too small to be significant.

For the remaining 16 covered aircraft operators (see table 1.4.1.e of the Regulatory Analysis) who will potentially leverage the web-based alternative data transfer mechanism, TSA has made an assumption that there will be a 4,013 total annual hour burden to transmit data to TSA. The total annual hour burden on these covered aircraft operators is calculated as follows:

TSA used Bureau of Transportation Statistics (BTS) to estimate that the 16 covered aircraft operators who will use the web-based alternative data transfer method will have 3.7 million passenger enplanements annually. TSA believes that these covered aircraft operators will use one of two methods to build the message for transmission to Secure Flight.

The first is an automated transfer from the repository where the collected data is stored. The transmission time from one automated system to another is electronic and, similar to the larger covered aircraft operators, will not incur labor hours to transmit.

The second method is a manual process. Because the web-based alternative for Secure Flight does not currently exist and there is no historical data available, TSA has made a general assumption that most of the covered aircraft operators in this category will opt for the automated transfer, leaving an assumption that the smallest 25 percent of these covered aircraft operators, representing approximately 3.2 percent of the annual passenger enplanements (3.2 percent of 3.7M = 118,400), will use the manual process for data transmission to TSA. TSA believes that it will take no longer than two minutes to build and transmit each message: (118,400 x 2 minutes = 3,947 hours).

TSA assumes that approximately 10 percent of records will be updated sometime before departure, requiring a second transmission to TSA. For the manual method, TSA believes that the update and second transmission will take approximately 20 seconds: (118,400 x .10 = 11,840 x 20 seconds = 66 hours).

TSA has made a general assumption that the time required to build and transmit initial messages and updated messages to TSA represents a 4,013 total annual hour burden on covered aircraft operators leveraging the web-based alternative data transfer mechanism (3,947 hours + 66 hours = 4,013 hours).

Thus, TSA estimates the total annual hour burden to be 443,087 hours [439,074 + 3,947 + 66].

Table A.12 Estimated Annualized Burden Hours and Costs

Type of Respondents	No. of Respondents	No. or Responses per Respondent	Ave. Burden per Response	Total Burden Hours
AIR CRAFT OPERATORS	163	484,663	20 seconds	438,889

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

In addition to the hour burden reported in Question 12, it may cost respondents \$129.2 million in the first three years to modify and maintain systems to accommodate the new communication requirements. This breaks down to \$125,200,000 in the first two years for capital startup costs and \$4,000,000 in the second and third years for operations and maintenance, for an annual average of \$43,000,000. The capital startup costs encompass the cost for additional bandwidth that covered aircraft operators may require to transmit data from reservations booked online, as well as extensive system modifications to enable two-way communication between respondents and the Secure Flight system.

**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 the Federal Government for the Secure Flight program are described in the chart below. The cost estimation took into account the need to obtain, format, and compare passenger and non-traveler information against data maintained by the Terrorist Screening Center.

**Table 3: Projected Secure Flight Transmission, Storage, and Retention Costs**

	FY 2008	FY 2009	FY 2010
U.S. Customs and Border Protection/Communications lines and Charges	\$3,352,397	\$7,649,089	\$7,878,562
Secure Flight Implementation Expenses	\$31,516,397	\$54,239,292	\$55,222,018
Hardware/Software Procurement and Maintenance	\$13,310,196	\$8,270,897	\$7,341,958
<b>Total</b>	<b>\$48,178,990</b>	<b>\$70,159,278</b>	<b>\$70,442,538</b>

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

No changes or adjustments were reported because 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.**

The results of the proposed collection will 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 is seeking approval not to display the OMB control number and expiration date for the data transmission by covered aircraft operators of passenger information to TSA. As this collection likely will be an automatic transmission of the passenger data to TSA's system and will not use a collection instrument, display would be inappropriate.

***18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.***

No exceptions are claimed.