INFORMATION COLLECTION SUPPORTING STATEMENT

Imposition and Collection of Passenger Civil Aviation Security Service Fee

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).***

   To help defray TSA's costs of providing civil aviation security services, and as authorized by the Aviation and Transportation Security Act (ATSA), 49 U.S.C. 44940, TSA imposed a fee known as the September 11th Security Fee on passengers of domestic air carriers and foreign air carriers. 49 CFR § 1510. The amount of the fee collected by air carriers is $2.50 per passenger enplanement originating within the United States. Passengers may not be charged for more than two enplanements per one-way trip or four enplanements per round trip. 49 CFR. § 1510.5(a). Air carriers are required to submit quarterly reports to TSA, which provide an accounting of the fees imposed, collected, refunded to passengers, and remitted to TSA. 49 CFR § 1510.17. Each air carrier that collects security service fees from more than 50,000 passengers annually is also required under 49 CFR § 1510.15 to submit to TSA an annual independent audit, performed by an independent certified public accountant, of its security service fee activities and accounts. Although, the annual independent audit requirements were suspended on January 23, 2003 (68 FR 3192), TSA conducts its own audits of the air carriers. 49 CFR. § 1510.11.

   In conjunction with the issuance of part 1510, TSA requested OMB approval to collect information necessary for the agency to establish the September 11th Security Fee, including quarterly reports regarding the fees imposed, collected, refunded, and remitted by each carrier.

   TSA is seeking renewal of this collection to require air carriers to continue submitting the quarterly reports to TSA, and to retain the information for a six-year rolling period. This requirement includes retaining the source information for the quarterly reports remitted to TSA, and the calculations and allocations performed to remit reports to TSA. Should the auditing requirement be reinstated, the requirement would include information and documents reviewed and prepared for the independent audit: the accountant's working papers, notes, worksheets, and other relevant documentation used in the audit; and, if applicable, the specific information leading to the accountant's opinion, including any determination that the accountant could not provide an audit opinion. Although TSA suspended the independent audits, TSA conducts audits of the air carriers, and therefore, requires air carriers to retain and provide the same information as required for the quarterly reports and independent audits.

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 collects the information related to the September 11th Security Fee to monitor carrier compliance with the fee requirements, for auditing purposes, and to track performance measures.

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.]***

   Air carriers have the latitude and flexibility to maintain the required information in a manner that best meets their particular needs, which includes electronic maintenance and submission of this information. Reports may be submitted electronically through the U.S. Bureau of Transportation Statistics website at www.bts.gov/programs/airline_information/tsa. Alternatively, airlines may print out and submit a written form, available at http://www.bts.gov/programs/airline_information/tsa/TSA_Report_Form.pdf. This collection is in compliance with the Government Paperwork Elimination Act for record keeping. Electronic signatures are not applicable to this program. TSA estimates that air carriers maintain approximately 75 to 80 percent of the records electronically.

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 form, therefore is not duplicated elsewhere.

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 collection does not have an impact on small business 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.***

   Under ATSA, the fee is established to help the Federal Government defray the costs of providing aviation security through TSA programs. TSA uses the collected information to ensure that airlines are properly charging and collecting the fee from each passenger and submitting the fee to TSA in a timely manner. The lack of this information could result in incomplete audit results and the inability to manage air carrier compliance. The loss of revenue from such incomplete results would prevent TSA from defraying security costs as required by ATSA.

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).***

   Because of the circumstances surrounding the origination of the fee, TSA is requesting that carriers retain their data for six years and continue to audit for the early years of the fee program, while TSA's auditing capabilities continue to improve. TSA estimates that this six-year retention requirement should only be needed for the next OMB control number renewal cycle.

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.***

   As required by 5 CFR 1320.8(d), TSA published a 60-day notice requesting comments, in the Federal Register on July 2, 2008 (73 CFR 37981). TSA did not receive any comments or objections to this notice.

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

   TSA does not provide payments or gifts to the respondents in exchange for a benefit sought.

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.

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 sensitive nature.

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

TSA has estimated that 196 total respondent air carriers will spend approximately 1 hour on quarterly reports, for a total of 784 hours per year. Should the audit requirement be reinstated, TSA estimates that 105 air carriers, of the 196 total respondent air carriers, collect fees from more than 50,000 passengers annually, and will be required to submit annual audits. These carriers will spend approximately 20 hours on audit preparation, for a total of 2,100 hours annually. The total annual hour burden for quarterly reports and annual audits is estimated at 2,884 hours. TSA estimates the total annual responses to be 889 (784 plus 105, should the annual audit requirement be reinstated).

Number or Air Carriers	Hours per Response	Yearly Response	Total Hours of Burden
196 (Reporting)	1 hour	4 (Quarterly)	784
105 (Audit)	20 hours	1	2,100

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

TSA estimates that the 196 total air carriers and foreign air carriers will each incur an average cost of $462.88 annually. This estimate includes $100 in staff time for preparation of the reports (at $25 per hour, each quarterly report is estimated to take 1 hour to prepare), $361.20 in annual records storage related costs, and $1.68 for postage for the report (4 stamps at 42 cents each). The aggregate annual cost, including staff time, for each airline to submit quarter reports and data retention is estimated to be $90,724.48. The aggregate annual cost, excluding staff time, for each airline is estimated to be $71,124.48.

Should the annual audit requirement be reinstated, at an estimated rate of $150 per hour at 20 hours per report for 105 air carriers, the total estimated cost is $315,000. For the three-year period of the renewal, the total aggregate cost is estimated to be $945,000. The total cost for the three-year extension of both quarterly reports and annual audits is estimated to be $1,217,173.44.

Number or Air Carriers	Yearly Cost per Air Carrier	Total Yearly Cost	Total Cost Over Three Years
196 (Reporting)	$ 462.88	$90,724.48	$272,173.44
105 (Audit)	$ 3,000.00	$315,000.00	$945,000.00
		TOTAL Cost	$1,217.173.44

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 has an interagency agreement with the Bureau of Transportation Statistics, U.S. Department of Transportation to collect the data from the air carriers through the end of fiscal year 2008 at which point TSA will commence hosting the data collection website. The estimated the cost to the Federal Government of collecting this information and performing over four years (three years plus an option year) is $459,517.92 annually.

Startup Cost Total for 4 Years	$124,435.04/4= (approx. $31,000 per year)
Certification and Accreditation	$34,860.80
Year 1 System Operation	$68,000.00 + star-up cost and C&A
Year 2 of System Operation	$73,324.00 + start-up Cost and C&A
Year 3 of System Operation	$76, 867.83 + start-up cost and C&A
Year 4 System Operation	$86,029.36 + Start-up cost and C&A
Total	$ 459,571.92

Total approximate cost per Year= $115,000

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

There were no actual changes or adjustments in total burden hours or cost. There has been an adjustment made to hours and cost associated with each information collection instrument. There has been a decrease of 105 Annual IC responses and 2100 Annual Burden Hours from the Air Carrier Reporting Information Collection Instrument. There has been an increase of 105 Annual IC responses and 2100 Annual Burden hours for the Air Carriers Audit. The reason for this adjustment is to assure that each IC is respectfully accounting for its share of burden placed on the public.

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.