

INFORMATION COLLECTION SUPPORTING STATEMENT

Imposition and Collection of Passenger Civil Aviation Security Service Fee OMB Control Number 1652-0001

- 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 government costs including the cost of providing civil aviation security services, the Transportation Security Administration (TSA) is required, to impose the September 11th Security Fee on passengers of direct air carriers and foreign air carriers (collectively referred to as “carriers”). See 49 U.S.C. 44940. This requirement is implemented under TSA regulations at 49 CFR part 1510. Consistent with the statutory authorization in 49 U.S.C. 44940(a), the regulations require that the fee be imposed on passengers with air transportation departing from an airport within the United States. See 49 CFR 1510.5(a). Carriers are required to collect the fees from passengers and remit collections to TSA on a monthly basis. See 49 CFR 1510.9 and 49 CFR 1510.13. 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. See 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 carriers. See 49 CFR. 1510.11.

In conjunction with the issuance of 49 CFR 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 air carrier. OMB approved the collection and assigned OMB control number 1652-0001. TSA has subsequently requested renewal of the ICR and has been approved through August 31, 2015.

This collection is necessary as a result of the requirements of 49 CFR part 1510 for carriers to submit quarterly reports to TSA and to retain the information for three fiscal years prior to the current fiscal year. 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, including (1) the accountant’s working papers, notes, worksheets, and other relevant documentation used in the audit and (2) 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 carriers, and therefore, requires carriers to retain and provide the same information as required for the quarterly reports and independent audits.

TSA is revising its ICR in conjunction with an Interim Final Rule (IFR) published on [insert date (include *Federal Register* citation)], and notice of the collection is provided in the IFR.

- 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 air 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.]**

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 air carrier data reporting portal website- <https://pfdps.tsa.dhs.gov/xml/tsa/>. Alternatively, carriers may print out and submit a written form (TSA-Form 2052), available at <https://pfdps.tsa.dhs.gov/xml/tsa/>. Thus, this collection is in compliance with the Government Paperwork Elimination Act. Electronic signatures are not applicable to this program. TSA estimates that 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.***

The fee is established under 49 U.S.C. 44940 to help defray Federal government costs including the cost of providing aviation security through TSA programs. TSA uses the collected information to ensure that carriers 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).***

Air carriers are to continue submitting the quarterly reports to TSA, and to retain the information for three fiscal years prior to the current fiscal year. This requirement includes retaining the source information for the quarterly reports remitted to TSA.

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 is submitting this ICR in conjunction with its IFR, and provides notice in the IFR that is it revising this collection.

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.

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.

TSA does not ask questions of a sensitive nature.

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

TSA has estimated that 173 total respondent carriers will spend approximately 1 hour on quarterly reports, for a total of 692 hours per year. Should the audit requirement be reinstated, TSA estimates that 105 carriers, of the 173 total respondent 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 2,792 hours. TSA estimates the total annual responses to be 797 (692 plus 105, should the annual audit requirement be reinstated).

Number of Air Carriers	Hours per Response	Yearly Response	Total Hours of Burden
173 (Reporting)	1 hour	4 (Quarterly)	692
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 the total annual cost burden to respondents at \$339. This total reflects the cost of postage to mail the reports. (173 air carriers will use 4 stamps at 49 cents each.)

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 hosts the air carrier data portal and has already incurred the development costs for creating the air carrier data portal. As such, the costs TSA would incur on an ongoing basis are limited to operations and maintenance of the system and renewing the authority to operate with the DHS Chief Information Security Officer. The estimated the cost to the Federal government of collecting this information through the data portal is \$90,000 annually. Presently the air carrier data portal is hosted and maintained by a third party. TSA expects that the average annual cost of maintaining this system will remain approximately \$90,000 annually for future fiscal years.

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

Information collection requirements associated with the security service fee requirements of 49 CFR part 1510 have been approved by OMB through August 31, 2015. TSA is seeking revision of this collection based on amendments to 49 U.S.C. 44940 which restructure the fee. See section 601, Title A of the Bipartisan Budget Act of 2013 (Pub.L. 113-67 (Dec. 26, 2013)) (Budget Act). Changes to the underlying statute require changes to TSA's regulations at 49 CFR part 1510, which are being addressed through an Interim Final Rule (IFR) published on [insert date and cite for publication in the Federal Register.] The only difference between the current information collection requirements and those necessary as a result of the IFR is that the fee amounts reported will be based on one-way trips rather than enplanements. The remaining requirements of the currently approved information collection are unchanged. For example, air carriers are to continue submitting the quarterly reports to TSA, and to retain the information for three fiscal years prior to the current fiscal year. 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.

Although the changes to the fee structure required by the Budget Act are effective beginning July 1, 2014, the related changes to the associated information collection will be effective August 1, 2014. This is because security service fee reporting requirements occur on a quarterly basis.

TSA has adjusted the costs to industry to be consistent with the estimated number of air carriers subject to the regulation as indicated in the IFR. Previously, TSA estimated 196 respondents and based its cost estimates on that number. In the IFR, TSA estimates the regulation would affect 173 affected air carriers and has made adjustments to the calculations to be consistent with that estimate.

TSA hosts the air carrier data portal and has already incurred the development costs for creating the air carrier data portal. As such, the costs TSA would incur on an ongoing basis are limited to operations and maintenance of the system and renewing the authority to operate with the DHS Chief Information Security Officer. The estimated annual cost to the Federal government of maintaining this system will be \$90,000 for future periods.

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 is not seeking approval to not 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.